

Jul 24, 2025

DEPARTMENT OF  
WATER RESOURCES

Travis L. Thompson, ISB #6168  
 Abby R. Bitzenburg, ISB #12198  
 PARSONS BEHLE & LATIMER  
 P.O. Box 63  
 Twin Falls, Idaho 83303-0063  
 Telephone: (208) 733-0700  
 Email: [tthompson@parsonsbehle.com](mailto:tthompson@parsonsbehle.com)  
[abitzenburg@parsonsbehle.com](mailto:abitzenburg@parsonsbehle.com)

*Attorneys for A&B Irrigation District,  
 Burley Irrigation District, Milner Irrigation  
 District, North Side Canal Company, and  
 Twin Falls Canal Company*

Norman M. Semanko, ISB #4761  
 Garrett M. Kitamura, ISB #11502  
 PARSONS BEHLE & LATIMER  
 800 W. Main St. Suite 1300  
 Boise, Idaho 83702  
 Telephone: (208) 562-4900  
 Email: [nsemanko@parsonsbehle.com](mailto:nsemanko@parsonsbehle.com)  
[gkitamura@parsonsbehle.com](mailto:gkitamura@parsonsbehle.com)

*Attorneys for American Falls Reservoir  
 District #2 and Minidoka Irrigation District*

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
 OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF  
 WATER TO VARIOUS WATER RIGHTS  
 HELD BY OR FOR THE BENEFIT OF  
 A&B IRRIGATION DISTRICT,  
 AMERICAN FALLS RESERVOIR  
 DISTRICT #2, BURLEY IRRIGATION  
 DISTRICT, MILNER IRRIGATION  
 DISTRICT, MINIDOKA IRRIGATION  
 DISTRICT, NORTH SIDE CANAL  
 COMPANY, AND TWIN FALLS CANAL  
 COMPANY

IN THE MATTER OF THE MITIGATION  
 PLAN FILED BY A&B IRRIGATION  
 DISTRICT FOR THE DISTRIBUTION OF  
 WATER TO WATER RIGHTS HELD BY  
 THE SURFACE WATER COALITION

Docket No. CM-DC-2010-001  
 Docket No. CM-MP-2015-003

**JOINT MOTION FOR ORDER  
 APPROVING 2025 STIPULATION**

COME NOW, A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR  
 DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT,  
 MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, and TWIN  
 FALLS CANAL COMPANY, by and through their undersigned attorneys of record, and jointly

move the Director for an order approving the *2025 Stipulation* attached hereto as Attachment A (the “2025 Stipulation”) as stipulated compliance with the District’s approved mitigation plan for the 2025 irrigation season.

The parties have entered into the 2025 Stipulation to define A&B’s mitigation obligation for the 2025 irrigation season. The stipulated plan complies with CM Rule 43.03.o as the parties have entered into this stipulation for purposes of an acceptable mitigation plan “even though such plan may not otherwise be fully in compliance with these provisions.” The SWC stipulates that, in exchange for the mitigation actions taken by A&B, the District’s junior priority ground water rights will receive safe harbor from the SWC delivery call during the 2025 irrigation season.

The parties jointly request the Director to issue an order accepting the *2025 Stipulation* for the 2025 irrigation season and issue an order amending the curtailment list to protect the ground water rights of the A&B Irrigation District from curtailment during the 2025 irrigation season pursuant to the terms provided in the stipulation.

DATED this 24<sup>th</sup> day of July, 2025.

PARSONS BEHLE & LATIMER



---

Travis L. Thompson  
Abby R. Bitzenburg

*Attorneys for A&B Irrigation District,  
Burley Irrigation District, Milner Irrigation  
District, North Side Canal Company, and  
Twin Falls Canal Company*

PARSONS BEHLE & LATIMER

/S/: *Norman M. Semanko*

---

Norman M. Semanko  
Garrett M. Kitamura

*Attorneys for American Falls Reservoir  
District #2 and Minidoka Irrigation District*

## CERTIFICATE OF SERVICE

I hereby certify that on this 24<sup>th</sup> day of July, 2025, I served a true and correct copy of the foregoing *Joint Motion for Order Approving 2025 Stipulation* on the following by the method indicated:

<p>Director Mat Weaver Garrick Baxter Sarah Tschohl State of Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail</p> <p><a href="mailto:mat.weaver@idwr.idaho.gov">mat.weaver@idwr.idaho.gov</a> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a> <a href="mailto:sarah.tschohl@idwr.idaho.gov">sarah.tschohl@idwr.idaho.gov</a> <a href="mailto:file@idwr.idaho.gov">file@idwr.idaho.gov</a></p>	<p>Gail McGarry U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise, ID 83706-1234 *** service by electronic mail only</p> <p><a href="mailto:emcgarry@usbr.gov">emcgarry@usbr.gov</a></p>	<p>John K. Simpson IdaH20, PLLC 4354 N. Hackberry Way Boise, ID 83702-1667 *** service by electronic mail only</p> <p><a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a></p>
<p>T.J. Budge Elisheva Patterson Racine Olson P.O. Box 1391 Pocatello, ID 83204-1391 *** service by electronic mail only</p> <p><a href="mailto:tjb@racinelaw.net">tjb@racinelaw.net</a> <a href="mailto:elisheva@racineolson.com">elisheva@racineolson.com</a></p>	<p>Sarah A. Klahn Maximillian C. Bricker Somach Simmons &amp; Dunn 1155 Canyon Blvd., Ste. 110 Boulder, CO 80302 *** service by electronic mail only</p> <p><a href="mailto:sklahn@somachlaw.com">sklahn@somachlaw.com</a> <a href="mailto:dthompson@somachlaw.com">dthompson@somachlaw.com</a> <a href="mailto:mbricker@somachlaw.com">mbricker@somachlaw.com</a></p>	<p>David Gehlert ENRD – DOJ 999 18th St. South Terrace, Ste. 370 Denver, CO 80202 *** service by electronic mail only</p> <p><a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p>
<p>Rich Diehl City of Pocatello P.O. Box 4169 Pocatello, ID 83201 *** service by electronic mail only</p> <p><a href="mailto:rdiehl@pocatello.us">rdiehl@pocatello.us</a></p>	<p>Candice McHugh Chris M. Bromley McHugh Bromley, PLLC 380 South 4th Street, Ste. 103 Boise, ID 83702 *** service by electronic mail only</p> <p><a href="mailto:cbromley@mchughbromley.com">cbromley@mchughbromley.com</a> <a href="mailto:cmchugh@mchughbromley.com">cmchugh@mchughbromley.com</a></p>	<p>Robert E. Williams William, Meservy &amp; Lothspeich, LLP P.O. Box 168 Jerome, ID 83338 *** service by electronic mail only</p> <p><a href="mailto:rewilliams@wmlattys.com">rewilliams@wmlattys.com</a></p>
<p>Dylan Anderson Dylan Anderson Law PLLC P.O. Box 35 Rexburg, ID 83440 *** service by electronic mail only</p> <p><a href="mailto:dylan@dylanandersonlaw.com">dylan@dylanandersonlaw.com</a></p>	<p>Robert L. Harris Holden, Kidwell, Hahn &amp; Crapo, PLLC P.O. Box 50130 Idaho Falls, ID 83405 *** service by electronic mail only</p> <p><a href="mailto:rharris@holdenlegal.com">rharris@holdenlegal.com</a></p>	<p>Michael A. Kirkham City Attorney, City of Idaho Falls P.O. Box 50220 Idaho Falls, ID 83405 *** service by electronic mail only</p> <p><a href="mailto:m Kirkham@idahofallsidaho.gov">mkirkham@idahofallsidaho.gov</a></p>

Skyler C. Johns Nathan M. Olsen Steven L. Taggart Olsen Taggart PLLC P.O. Box 3005 Idaho Falls, ID 83403 *** service by electronic mail only  <a href="mailto:sjohns@olsentaggart.com">sjohns@olsentaggart.com</a> <a href="mailto:nolsen@olsentaggart.com">nolsen@olsentaggart.com</a> <a href="mailto:staggart@olsentaggart.com">staggart@olsentaggart.com</a>		
--	--	--

**COURTESY COPY TO:**

William A. Parsons Parsons, Loveland, Shirley & Lindstrom LLP P.O. Box 910 Burley, ID 83318 *** service by electronic mail only  <a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a> <a href="mailto:wparsons@magicvalley.law">wparsons@magicvalley.law</a>	Corey Skinner IDWR – Southern Region 650 Addison Ave W, Ste. 500 Twin Falls, ID 83301-5858 *** service by electronic mail only <a href="mailto:corey.skinner@idwr.idaho.gov">corey.skinner@idwr.idaho.gov</a>	Craig Chandler IDWR – Eastern Region 900 N. Skyline Drive, Ste. A Idaho Falls, ID 83402 *** service by electronic mail only  <a href="mailto:craig.chandler@idwr.idaho.gov">craig.chandler@idwr.idaho.gov</a>
Jerry R. Rigby Rigby, Andrus & Rigby Law, PLLC P.O. Box 250 Rexburg, ID 83440 *** service by electronic mail only  <a href="mailto:jrigby@rex-law.com">jrigby@rex-law.com</a>	Andrew J. Waldera Sawtooth Law Offices, PLLC 1101 W. River Street, Ste. 110 Boise, ID 83702 *** service by electronic mail only  <a href="mailto:andy@sawtoothlaw.com">andy@sawtoothlaw.com</a>	

/s/ Jessica Nielsen  
Jessica Nielsen  
Legal Assistant for Travis L. Thompson &  
Abby Bitzenburg

# Attachment A

## 2025 STIPULATION

This Stipulation (“2025 Stipulation”) is entered into effective July 24, 2025 between A&B Irrigation District (“A&B” or “District”) and American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (hereinafter collectively “Surface Water Coalition,” “SWC,” or “Coalition”). A&B and the Coalition may be referred to herein individually as a “party” and collectively as the “parties.”

## BACKGROUND

A. On December 27, 2023, A&B and the Coalition filed a *Stipulation re: A&B Irrigation District’s Amended Mitigation Plan*. The Director issued a *Final Order Approving Amended Mitigation Plan* on January 10, 2025.

B. On April 16, 2025 the Director issued his *Final Order Regarding April 2025 Forecast Supply (Methodology Steps 1 – 3)* predicting a demand shortfall for TFCC in the amount of 63,000 acre-feet. In that decision, the Director concluded A&B’s proportionate share of that predicted injury was 384 acre-feet.<sup>1</sup> A&B filed a petition requesting a hearing on the order on April 29, 2025. A&B contests the Department’s calculation of A&B’s proportionate share of the 2025 predicted demand shortfall. No hearing has been held regarding A&B’s petition.

C. On July 10, 2025 the Director issued his *Order Revising April 2025 Forecast Supply and Continuing May 16, 2025 Curtailment Order (Methodology Steps 5 & 6)* (“Steps 5/6 Order”). In that decision, the Director predicted a demand shortfall for TFCC in the amount of 75,300 acre-feet and concluded that A&B’s proportionate share of that predicted injury was 5,039 acre-feet. A&B and the SWC have filed petitions requesting a hearing on this order.

D. The parties mutually desire to avoid curtailment of A&B’s water rights in 2025 and work cooperatively and collaboratively to determine appropriate mitigation measures for 2026 and future years pursuant to an amended mitigation plan. The parties further seek to address their respective petitions on the Steps 5/6 Order.

## AGREEMENT

Therefore, and in consideration of the terms, conditions, and obligations set forth below, the parties agree as follows:

**1. Term.** This 2025 Stipulation defines the mitigation obligation of A&B for the 2025 irrigation season only.

**2. Status of 2015 Amended Plan.** The parties acknowledge that there is a pending contested case concerning the Director’s determination of A&B’s proportionate share of the

---

<sup>1</sup> IDWR subsequently corrected the proportionate share number to 164 acre-feet after taking into account A&B’s conversion acres. See Steps 5/6 Order at 11, n. 6.

predicted injury and A&B's mitigation requirement pursuant to its amended mitigation plan, as well as the Director's Steps 5/6 Order and implementation of the continuing curtailment order.

**3. Groundwater Conservation.** For the 2025 irrigation season, A&B will continue to deliver surface water to approximately 3,576 acres previously irrigated with groundwater. The District has implemented a conversion program since the mid-1990s and has delivered surface water to the above-referenced acres for nearly ten years since the construction and use of its second pumping plant on the Snake River (Pumping Plant #2).

**4. Storage Water Delivery.** For the 2025 irrigation season, A&B will deliver and assign 1,252 acre-feet to TFCC in accordance with its Amended Mitigation Plan. The storage water will be assigned on or before August 1<sup>st</sup> from the following sources: 164 acre-feet (private lease from A&B's storage, submitted to Water District 01 on May 28, 205); 1,088 acre-feet (A&B's portion of 7,500 acre-feet of storage assigned to SWC from Water Mitigation Coalition storage). The Coalition expressly stipulates to the above actions by A&B in exchange for A&B receiving safe harbor from the delivery call for its groundwater use pursuant to its water rights for the 2025 irrigation season.

**5. Cooperative Negotiations.** The parties will negotiate cooperatively and in good faith in an effort to determine A&B's mitigation measures for 2026 and future years. Nothing within this 2025 Stipulation shall be construed as an admission against interest or concession of any position a party may take in such future negotiations or in any litigation concerning the SWC delivery call or A&B's Amended Mitigation Plan.

**6. Miscellaneous.**

**6.1 No Third-Party Obligations or Beneficiaries.** The obligations and benefits of this 2025 Stipulation apply only to the parties. There are no third-party beneficiaries.

**6.2 Counterparts.** This 2025 Stipulation may be executed in any number of counterparts (including execution by electronic submission) with the same effect as if all signing parties had signed the same document. All counterparts shall be construed together and constitute the same document. Signature pages may be detached from the counterparts and attached to a single copy of this 2025 Stipulation to physically form one document.

[End of this 2025 Stipulation; signature pages below]

Dated this 23<sup>rd</sup> day of July, 2025.

A&B IRRIGATION DISTRICT

/s/ Harold Mohlman  
Harold Mohlman, Chairman

Dated this 24<sup>th</sup> day of July, 2025.

AMERICAN FALLS RES. DISTRICT #2

/s/ Ellis Gooch  
Ellis Gooch, Chairman

Dated this 24<sup>th</sup> day of July, 2025.

BURLEY IRRIGATION DISTRICT

/s/ Clifford Searle  
Clifford Searle, Chairman

Dated this 23<sup>rd</sup> day of July, 2025.

MILNER IRRIGATION DISTRICT

/s/ Scott Breeding  
Scott Breeding, Chairman

Dated this 23<sup>rd</sup> day of July, 2025.

MINIDOKA IRRIGATION DISTRICT

/s/ Ron Kowitz  
Ron Kowitz, Chairman

Dated this 23<sup>rd</sup> day of July, 2025.

NORTH SIDE CANAL COMPANY

/s/ Mike Elliott  
Mike Elliott, Chairman

Dated this 23<sup>rd</sup> day of July, 2025.

TWIN FALLS CANAL COMPANY

/s/ Roger Blass  
Roger Blass, Chairman