

**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

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

**ORDER APPROVING 2025
STIPULATION AS COMPLIANCE
WITH APPROVED MITIGATION
PLAN**

The Director (“Director”) of the Idaho Department of Water Resources (“Department”) finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On December 27, 2023, A&B Irrigation District (“A&B”) and the other members of the Surface Water Coalition (“SWC”)¹ filed a *Stipulation Regarding A&B Irrigation District’s Amended Rule 43 Mitigation Plan* (“*Stipulated Mitigation Plan*”) with the Department, pursuant to Rule 43 of the Rules for Conjunctive Management of Surface and Ground Water Resources (“CM Rules”), IDAPA 37.03.11.043.

2. On January 10, 2025, the Director issued a *Final Order Approving Amended Mitigation Plan*.

3. On April 16, 2025, the Director issued a *Final Order Regarding April 2025 Forecast Supply (Methodology Steps 1 – 3)* (“*As-Applied Order*”) predicting a demand shortfall for Twin Falls Canal Company (“TFCC”) in the amount of 63,000 acre-feet. In that order, the Director concluded A&B’s proportionate share of that predicted injury was 384 acre-feet. *As-Applied Order*, at 5 n.8. A&B filed a petition requesting a hearing on the *As-Applied Order* on April 29, 2025. A&B contests the Department’s calculation of A&B’s proportionate share of the 2025 predicted demand shortfall. *A&B Irrigation District’s Request for Hearing*, at 1–2. No hearing has been held regarding A&B’s request for hearing.

4. On July 10, 2025, the Director issued an *Order Revising April 2025 Forecast Supply and Continuing May 16, 2025 Curtailment Order (Methodology Steps 5 & 6)* (“*Steps 5/6 Order*”). In that order, the Director predicted a demand shortfall for TFCC in the amount of 75,300 acre-feet and

¹ The other members of the SWC are American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company.

concluded that A&B's proportionate share of that predicted injury was 5,039 acre-feet. *Steps 5/6 Order*, at 11 n.6. The *Steps 5/6 Order* stated that by July 24, 2025, ground water users with consumptive water rights "junior to October 11, 1900, within the [ESPA ACGWS]" had to "establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted IDS of 75,300 acre-feet in accordance with an approved mitigation plan." *Id.* at 12.

5. On July 24, 2025, A&B filed a request for hearing on the *Steps 5/6 Order*, again contesting the Department's calculation of A&B's proportionate share of the 2025 predicted demand shortfall. *A&B Irrigation District's Request for Hearing*, at 1–2.

6. Also on July 24, 2025, A&B and the other members of the SWC submitted a *Joint Motion for Order Approving 2025 Stipulation* ("Joint Motion"). The motion explains that A&B and the other members of the SWC entered into a stipulation, referred to as the "2025 Stipulation," to "define A&B's mitigation obligation for the 2025 irrigation season." *Joint Motion*, at 2. In the stipulation, which is included as Attachment A to the *Joint Motion*, A&B proposes to continue its ground water conversions projects and deliver 1,252 acre-feet of storage water to TFCC (the injured SWC member) in accordance with its approved mitigation plan. *2025 Stipulation*, at 2. A&B and the other members of the SWC request the Director approve the *2025 Stipulation* as "stipulated compliance with [A&B's] approved mitigation plan for the 2025 irrigation season." *Joint Motion*, at 2.

CONCLUSIONS OF LAW

1. Idaho Code § 42-602, addressing the authority of the Director over the supervision of water distribution within water districts, provides:

The director of the department of water resources shall have direction and control of the distribution of water from all natural water sources within a water district to the canals, ditches, pumps and other facilities diverting therefrom. Distribution of water within water districts created pursuant to section 42-604, Idaho Code, shall be accomplished by watermasters as provided in this chapter and supervised by the director. The director of the department of water resources shall distribute water in water districts in accordance with the prior appropriation doctrine. The provisions of chapter 6, title 42, Idaho Code, shall apply only to distribution of water within a water district.

2. CM Rule 42.02 states: "The holder of a senior-priority surface or ground water right will be prevented from making a delivery call for curtailment of pumping of any well used by the holder of a junior-priority ground water right where use of water under the junior-priority right is covered by an approved and effectively operating mitigation plan." IDAPA 37.03.11.042.02.

3. As explained above, by July 24, 2025, ground water users with consumptive water rights "junior to October 11, 1900, within the [ESPA ACGWS]" had to "establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted

IDS of 75,300 acre-feet in accordance with an approved mitigation plan.” *Steps 5/6 Order*, at 12. If a junior ground water user does not establish that they can mitigate for their proportionate share of the predicted July IDS “in accordance with an approved mitigation plan,” the ground water user will be subject to the “order curtailing the junior-priority ground water user.” *Id.*

4. The *2025 Stipulation* between A&B and the other members of the SWC is consistent with A&B’s approved *Stipulated Mitigation Plan* in Docket No. CM-MP-2015-003. The mitigation plan calls for A&B to undertake ground water conversions projects and deliver storage water to any SWC member found to be injured. *Stipulated Mitigation Plan*, at 2. In the *2025 Stipulation*, A&B proposes to continue its ground water conversions projects and deliver 1,252 acre-feet of storage water to TFCC (the injured SWC member). *2025 Stipulation*, at 2. While the amount of storage water to be delivered to TFCC this year is less than what TFCC may otherwise be entitled to, the Director recognizes that there are pending requests for hearing on how the Department calculates A&B’s proportionate share of the demand shortfall. The Director has previously accepted single-year stipulations that are consistent with approved mitigation plans. *See Order Approving 2024 Stipulation as Compliance with Approved Mitigation Plan*, Docket No. CM-DC-2010-001 (June 20, 2024). Accordingly, the Director will approve this single-year stipulation.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the *Joint Motion for Order Approving 2025 Stipulation* is GRANTED.

DATED this 25th day of July 2025.



MATHEW WEAVER
Director

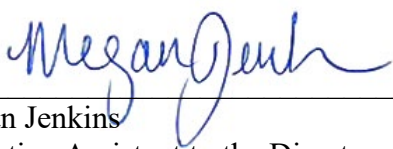
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July 2025, the above and foregoing, was served by the method indicated below, and addressed to the following:

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Megan Jenkins
Executive Assistant to the Director

**EXPLANATORY INFORMATION TO ACCOMPANY A
FINAL ORDER**

(To be used in connection with actions when a hearing was **not** held)

The accompanying document is a "Final Order" issued by the Idaho Department of Water Resources ("Department") pursuant to Idaho Code § 67-5246.

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5246(4))

Any party may file a petition for reconsideration of this final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director, and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to Idaho Code § 42-1701A(3). A written petition to the Director contesting this final order and requesting a hearing must be filed with the Department by any aggrieved person **within fifteen (15) days after service of this final order.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration or a request for hearing of this final order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 53 and 202.