

**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

**FINAL ORDER ESTABLISHING
2025 REASONABLE CARRYOVER
(*METHODOLOGY STEP 9*)**

FINDINGS OF FACT

1. On July 19, 2023, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued the *Sixth Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“*Methodology Order*”). The *Methodology Order* establishes nine steps for determining material injury to members of the Surface Water Coalition (“SWC”). This order applies step nine, the final step of the *Methodology Order*, for the 2025 water year.

2. The *Methodology Order* describes step 9 as follows:

Step 9: Following the end of the irrigation season (on or before November 30), the Department will determine the total actual volumetric demand and total actual [crop water need] for the entire irrigation season. This information will be used for the analysis of reasonable carryover shortfall, selection of future [base line years], and for the refinement and continuing improvement of the method for future use.

On or before November 30, the Department will issue estimates of actual carryover and reasonable carryover shortfall volumes for all members of SWC. These estimates will be based on, but not limited to, the consideration of the best available water diversion and storage data from Water District 01, return flow monitoring, comparative years, and [reasonable in-season demand]. These estimates will establish the obligation of junior ground water users in providing water to the SWC for reasonable carryover shortfall. Fourteen (14) days following the issuance by the Department of reasonable carryover shortfall obligations, junior ground water users will be required to establish, to the satisfaction of the Director, their ability to supply a volume of storage water or to conduct other approved mitigation activities that will provide water to the injured members of the SWC equal to the reasonable carryover shortfall for all injured members of the SWC. If junior ground water users cannot provide this information, the Director will issue an order curtailing junior ground water rights. A transient ESPAM simulation will be run to determine the priority date of water rights that must be curtailed to produce the reasonable

carryover shortfall volume by September 30 of the following year. Curtailment will be simulated within the area of common ground water supply, as described by [Rule 50.01 of the Department's Rules for Conjunctive Management of Surface and Ground Water Resources].¹

Methodology Order, at 45 (footnote added).

3. The following table summarizes the 2025 irrigation season diversions and crop water need for each SWC entity. All values are reported in acre-feet ("AF"). These values are used to determine entity-specific season-ending reasonable in-season demand ("RISD") values for the in-season demand shortfall table.

Entity	Demand ²	Crop Water Need
A&B	66,772	33,341
AFRD2	478,369	152,966
BID	282,546	101,624
Milner	68,320	31,448
Minidoka	362,365	188,837
NSCC	1,053,354	353,302
TFCC	1,135,302	462,347

4. The following table summarizes the final calculated 2025 in-season demand shortfall values in AF, if any, for each member of the SWC. The values in this table are different from those in the April 16, 2025 *Final Order Regarding April 2025 Forecast Supply (Methodology Steps 1–3)* ("April Forecast Supply Order"), the July 10, 2025 *Order Revising April 2025 Forecast Supply and Continuing May 16, 2025 Curtailment Order (Methodology Steps 5 & 6)* ("July Order"), and the September 11, 2025 *Order Revising July 2025 Forecast Supply (Methodology Steps 7–8)* ("September Order"). The differences are due to changes in total supply and RISD that reflect diversion and ET data not available when the *April Forecast Supply Order*, the *July Order*, and the *September Order* were issued. The second column of the summary table contains the total natural flow diversions from April 1 to October 31 for each SWC member.³ The third column summarizes the natural flow adjustments, which include natural flow delivered for recharge⁴ and natural flow delivered to Southwest Irrigation District

¹ In 2024, the Idaho Legislature established a new area of common ground water supply boundary for the Eastern Snake Plain Aquifer in Idaho Code § 42-233c. The new boundary is currently the ESPAM2.2 model boundary, but the boundary may be expanded by the Director in the future. I.C. § 42-233c(1)–(2). The Department used the ESPAM2.2 model boundary in the model simulation for this order.

² The "Demand" for each SWC entity is equal to each entity's 2025 April–October diversions.

³ The natural flow diverted was calculated from the preliminary daily water right accounting records located here: <https://research.idwr.idaho.gov/apps/Hydrologic/Accounting/>.

⁴ Natural flow recharge values represent accomplished recharge through the Idaho Water Resource Board's recharge water rights as of October 31, 2025.

(“SWID”).⁵ The fourth column contains the preliminary storage allocations reported from the July 15, 2025 Water District 01 storage report.⁶ The fifth column summarizes storage adjustments due to the application of the Minidoka Credit.⁷ The sixth column contains the total supply available to each SWC member and is calculated by summing columns two through five. The seventh column contains the calculated RISD. RISD is calculated for each SWC entity using demand, crop water need, and project efficiency. The demand shortfall in the last column is calculated by subtracting the RISD from the total supply. The demand shortfall is zero when the total supply exceeds the RISD. The completed application of the methodology order results in a final net in-season demand shortfall volume of 49,100 AF to TFCC for the 2025 irrigation season.

Entity	Natural Flow Diverted through 10/31	Natural Flow Adjustment	Preliminary Storage Allocation	In-Season Storage Allocation Adjustment	Total Supply	RISD	Demand Shortfall
A&B	9,547	-	120,473	-	130,020	56,868	0
AFRD2	90,666	(1,441)	383,912	1,000	474,137	443,825	0
BID	128,387	(2,197)	214,990	5,130	346,310	240,938	0
Milner	14,687	(1,111)	81,420	-	94,996	57,470	0
Minidoka	162,476	-	338,930	8,370	509,776	376,548	0
NSCC	448,541	(12,466)	798,776	(7,750)	1,227,101	968,232	0
TFCC	880,736	(988)	233,880	(6,750)	1,106,878	1,155,974	49,100

5. The following table summarizes the end of season reasonable carryover shortfall calculation for 2025. All values are reported in AF. The second column of the table contains the preliminary storage allocations reported from the July 15, 2025 Water District 01 storage report. The third column summarizes adjustments for storage water due to the application of the Minidoka Credit. The fourth column contains the total storage water use reported from the October 31, 2025 Water District 01 water right accounting report.⁸ The fifth column summarizes adjustments for water delivered through the SWC member’s canals for use by non-SWC members.⁹ The sixth column contains the actual carryover volumes as defined by the *Methodology Order*, see *Methodology Order*, at 45, and is calculated by subtracting the sum of columns four and five from the sum of columns two and three. The seventh column contains the

⁵ Further information regarding these adjustments is provided in Attachment A. See “Natural Flow Adjustment” column *infra* Attachment A.

⁶ The preliminary storage allocations can be found on Water District 01’s website: <https://www.waterdistrict1.com/current-data/>.

⁷ The Minidoka Credit is a long existing exchange of stored water among AFRD2, BID, MID, NSCC, and TFCC that has been incorporated into an agreement of those entities and accepted by the SRBA district court. Further information regarding these adjustments is provided in Attachment A. See “In-Season Storage Adjustment” column *infra* Attachment A.

⁸ Data retrieved from the preliminary daily water right accounting database between November 5–10, 2025.

⁹ Further information regarding these adjustments is provided in Attachment A. See “Storage Use Adjustment” column *infra* Attachment A (Storage Use Adjustment values include storage assignments reported on the Water District 01 Rental Pool and Adjustment Worksheet as of November 5, 2025).

reasonable carryover volumes established in the *Methodology Order*. *Methodology Order*, at 31. The reasonable carryover shortfall in the last column is zero when the actual carryover is greater than the reasonable carryover, otherwise it is calculated as the difference between reasonable carryover and the actual carryover volume for each member of the SWC. Completed application of the Methodology determines AFRD2 has a reasonable carryover shortfall of 20,932 AF and TFCC has a reasonable carryover shortfall of 65,824 AF. No other members of the SWC have a reasonable carryover shortfall.

Entity	In-Season		Storage Use	Storage Use Adjustment	Actual Carryover	Reasonable	
	Preliminary Storage Allocation	Storage Allocation Adjustment				Carryover	Carryover Shortfall
A&B	120,473	-	57,225	0	63,248	22,700	0
AFRD2	383,912	1,000	395,244	(6,100)	(4,232)	16,700	20,932
BID	214,990	5,130	157,262	0	62,858	0	0
Milner	81,420	-	55,878	(1,134)	26,676	16,100	0
Minidoka	338,930	8,370	199,017	(35)	148,318	0	0
NSCC	798,776	(7,750)	630,279	(13,000)	173,747	113,300	0
TFCC	233,880	(6,750)	257,166	(1,612)	(28,424)	37,400	65,824

6. The above determinations are based on water diversion and storage data from Water District 01. Although these preliminary numbers are subject to revision by Water District 01 during its final accounting for 2025, revisions will not become available until after issuance of this order. For this reason, these estimates establish the final obligation of junior ground water users in supplying water to the SWC for reasonable carryover shortfall. The above determination of reasonable carryover shortfall is carried forward from the *Methodology Order* and considers the best available water diversion and storage data, comparative water years, and RISD. *Methodology Order*, at 45.

CONCLUSIONS OF LAW

1. The *Methodology Order* states that, on or before November 30, the Director will estimate the SWC’s reasonable carryover shortfall, if any, for 2025. *Id.* If a reasonable carryover shortfall is established, junior-priority ground water users shall have fourteen days to demonstrate, to the satisfaction of the Director, “their ability to supply a volume of storage water or to conduct other approved mitigation activities that will provide water to the injured members of the SWC equal to the reasonable carryover shortfall for all injured members of the SWC.” *Id.*

2. The evidentiary standard to apply in conjunctive administration of hydraulically connected water rights is clear and convincing. *A&B Irr. Dist. v. Idaho Dept. of Water Resources*, 153 Idaho 500, 524, 284 P.3d 225, 249 (2012).

3. “Clear and convincing evidence refers to a degree of proof greater than a mere preponderance.” *Idaho State Bar v. Topp*, 129 Idaho 414, 416, 925 P.2d 1113, 1115 (1996) (internal quotations removed). “Clear and convincing evidence is generally understood to be ‘[e]vidence indicating that the thing to be proved is highly probable or reasonably certain.’” *State*

v. Kimball, 145 Idaho 542, 546, 181 P.3d 468, 472 (2008) (citing *In re Adoption of Doe*, 143 Idaho 188, 191, 141 P.3d 1057, 1060 (2006)); see also *Idaho Dept. of Health & Welfare v. Doe*, 150 Idaho 36, 41, 244 P.3d 180, 185 (2010).

4. Consistent with Finding of Fact 5, the Director concludes by clear and convincing evidence there is a 20,932 AF volume of material injury to AFRD2's reasonable carryover and a 65,824 AF volume of material injury to TFCC's reasonable carryover. No other members of the SWC have a reasonable carryover shortfall.

5. Because not all junior ground water users are participants in an approved mitigation plan, the Director must determine a priority date for curtailment that will result in an accumulation of water to the reaches of the Snake River from which the SWC members divert, in an amount equal to the established reasonable carryover shortfall. The water must accrue to the near Blackfoot to Minidoka reach by September 30 of the following year. Using the Eastern Snake Plain Aquifer Model ("ESPAM") Version 2.2, the Director determines curtailment of ground water rights junior to August 15, 1952, is predicted to produce a volume of at least 86,756 AF in the near Blackfoot to Minidoka reach by September 30, 2026.

6. According to the *Methodology Order*, fourteen days following issuance of this order, which establishes the reasonable carryover shortfall obligation, junior ground water users must "establish, to the satisfaction of the Director, their ability to supply a volume of storage water or to conduct other approved mitigation activities that will provide water to the injured members of the SWC equal to the reasonable carryover shortfall for all injured members of the SWC." *Methodology Order*, at 45. Otherwise, "the Director will issue an order curtailing junior ground water rights." *Id.*

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED that, junior ground water users holding consumptive ground water rights within the Eastern Snake Plain Aquifer area of common ground water supply bearing priority dates junior to August 15, 1952, must mitigate for the reasonable carryover shortfall of 86,756 AF in accordance with an approved mitigation plan.¹⁰ If, within fourteen days following issuance of this order, a junior ground water user fails to establish, to the satisfaction of the Director, their ability to mitigate for the reasonable carryover shortfall of 86,756 AF in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water use.

¹⁰ Participants in the mitigation plans approved for the Ground Water Districts, SWID, the Coalition of Cities, and the Water Mitigation Coalition do not need to establish their ability to mitigate for their proportionate share of the reasonable carryover shortfall. However, due to the nature of A&B Irrigation District's approved mitigation plan, A&B must establish to the satisfaction of the Director its ability to mitigate for its proportionate share of the reasonable carryover shortfall, which is 457 AF.

IT IS FURTHER ORDERED that this final order concludes the application of the *Methodology Order* to the climatic, hydrologic, and agronomic facts of the 2025 irrigation season.

DATED this 21st day of November 2025.



MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of November 2025, the above and foregoing was served by the method indicated below, and addressed to the following:

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¹¹ The Department has been made aware that John Simpson is no longer associated with the firm on record for him in this matter: Marten Law LLP. To ensure Mr. Simpson receives a copy of this order, the Department has included his IdaH2O, PLLC email address in the service list. However, this inclusion does not remove any duty that counsel may have to formally notify the Department and the parties in this matter of his change of firm or representation in this matter.

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Sarah Tschohl, Paralegal

Attachment A

2025 SWC Adjustments

Entity	Adjustment Volume (AF)	Description	Natural Flow Adjustment	In-Season Storage Adjustment	Storage Use Adjustment
A&B	(164)	Twin Falls Canal Company (A&B Irrigation District)	No	No	No
		Total A&B	0	0	0
AFRD2	2,000	Minidoka Irrigation District (Conservation Infrastructure)	No	No	Yes
	3,500	Minidoka Irrigation District (North Snake GWD)	No	No	Yes
	833	Minidoka Irrigation District (Water Mitigation Coalition)	No	No	No
	1,000	Minidoka Credit	No	Yes	No
	600	Shoshone-Bannock Tribes (American Beef Ranch)	No	No	Yes
	16,439	IGWA	No	No	No
AFRD2	1,465	City of Pocatello (City of Pocatello)	No	No	No
	2,846	City of Pocatello (Signatory Cities)	No	No	No
	1,441	IWRB Recharge	Yes	No	No
		Total AFRD	1,441	1,000	6,100
BID	638	Minidoka Irrigation District (Water Mitigation Coalition)	No	No	No
	5,130	Minidoka Credit	No	Yes	No
	1,797	SWID Natural Flow	Yes	No	No
	400	IWRB Recharge	Yes	No	No
		Total BID	2,197	5,130	0
Milner	1,134	Artesian	No	No	Yes
	170	Minidoka Irrigation District (Water Mitigation Coalition)	No	No	No
	1,111	SWID Natural Flow	Yes	No	No
		Total Milner	1,111	0	1,134
MID	18	Sundt Construction	No	No	Yes
	3	Lucky Lake	No	No	Yes
	14	Whitaker Construction	No	No	Yes
	(2,000)	AFRD2 (Conservation Infrastructure)	No	No	No
	(5,000)	Magic Valley GWD	No	No	No
	(11,500)	Northside Canal (North Snake GWD)	No	No	No
	(3,500)	AFRD2 (North Snake GWD)	No	No	No
	(5,000)	Southwest Irrigation District	No	No	No
	(10,000)	Water Mitigation Coalition	No	No	No
	1,029	Minidoka Irrigation District (Water Mitigation Coalition)	No	No	No
	8,370	Minidoka Credit	No	Yes	No
	(5,000)	Magic Valley GWD	No	No	No
		Total MID	0	8,370	35
NSCC	11,500	Minidoka Irrigation District (Northsnake GWD)	No	No	Yes
	1,500	Minidoka Irrigation District (Water Mitigation Coalition)	No	No	Yes
	2,065	Minidoka Irrigation District (Water Mitigation Coalition)	No	No	No
	(7,750)	Minidoka Credit	No	Yes	No
	12,466	IWRB Recharge	Yes	No	No
		Total NSCC	12,466	(7,750)	13,000
TFCC	1,612	Artesian	No	No	Yes
	164	A&B Irrigation District	No	No	No
	1,088	Minidoka Irrigation District (Water Mitigation Coalition)	No	No	No
	2,678	Minidoka Irrigation District (Water Mitigation Coalition)	No	No	No
	704	Simplot	No	No	No
	(6,750)	Minidoka Credit	No	Yes	No
	58,561	IGWA	No	No	No
	988	IWRB Recharge	Yes	No	No
		Total TFCC	988	(6,750)	1,612

**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.