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Attorneys for Rangen, Inc.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

RANGEN, INC., an Idaho corporation,

Petitioner,

vs.

GARY R. SPACKMAN, in his official capacity as Director of the Idaho Department of Water Resources, and THE IDAHO DEPARTMENT OF WATER RESOURCES,

Respondents.

Case No. CV 2014-272

RANGEN, INC.'S AMENDED COMPLAINT FOR DECLARATORY JUDGMENT REGARDING CONSTITUTIONALITY OF CONJUNCTIVE MANAGEMENT RULES AND PETITION FOR WRIT OF MANDATE

Petitioner Rangen, Inc. ("Rangen"), by and through its attorneys of record, hereby petitions the Court for a Declaratory Judgment pursuant to Idaho Code § 67-5278 and § 10-1201, *et seq.*, regarding the validity and constitutionality of the Rules of Conjunctive Management of Surface and Ground Water Resources, IDAPA 37.03.11, *et. seq.* (the "CM Rules"). Rangen

further petitions the Court to issue a Writ of Mandate commanding Director Gary R. Spackman in his official capacity as Director of the Idaho Department of Water Resources (the "Director") and the Idaho Department of Water Resources ("IDWR" or "Department") to comply with the clear legal duty to distribute water under the prior appropriation doctrine and conjunctively manage water rights on the ESPA in accordance with their relative priorities. As grounds, Rangen states the following:

I. PARTIES, JURISDICTION AND VENUE

1. Rangen, Inc. is an Idaho corporation with its principal place of business in Twin Falls County, Idaho. Rangen owns and operates a research and fish propagation facility in Gooding County, Idaho ("Research Hatchery").

2. Respondent Gary R. Spackman is the Director of the Idaho Department of Water Resources and a resident of Ada County, Idaho.

3. Respondent Idaho Department of Water Resources is an executive department existing under the laws of the State of Idaho pursuant to I.C. § 42-1701, et seq., with its principal state office located in Ada County, Idaho.

4. The director has a clear legal duty to distribute water in accordance with the prior appropriation doctrine.

5. IDWR is an administrative agency of the State of Idaho. The Director of IDWR is authorized, pursuant to Idaho Code § 42-603, to adopt rules and regulations for the distribution of water from all sources as shall be necessary to carry out the laws in accordance with the priorities of the rights of the users thereof.

6. On or about October 7, 1994, the Director of IDWR promulgated the CM Rules, a true copy of which is attached hereto as Exhibit 1.

7. Pursuant to Idaho Code § 67-5201(15), plaintiff is a "person" entitled to seek declaratory relief in accordance with Idaho Code § 67-5278.

8. Jurisdiction is proper in this Court pursuant to I.C. §§ 1-705 and 7-302.

9. Gooding County is the proper venue for this matter pursuant to I.C. § 5-402 because the Respondents' failure to act as set forth herein affects Rangen's property interests in the Research Hatchery located in Gooding County.

II. STATEMENT OF CLAIM FOR RELIEF

A. GENERAL ALLEGATIONS

10. As part of its aquaculture business, Rangen owns and operates a research and fish propagation facility ("Research Hatchery") near Hagerman, Idaho. A sketch of Rangen's Research Hatchery is attached hereto as Exhibit 2A and an aerial photograph is attached as Exhibit 2B.

11. The water that sustains Rangen's Research Hatchery is spring water from springs that form the headwaters of Billingsley Creek, which are commonly referred to as the Martin-Curren Tunnel or Curren Tunnel.

12. The ground water in the Eastern Snake Plain Aquifer ("ESPA") is hydraulically connected to the springs that feed the Research Hatchery and the Snake River.

13. Rangen has five (5) water rights for the Research Hatchery that have been decreed through the Snake River Basin Adjudication. Rangen's decreed water rights are summarized as follows:

Water Right No.:	36-00134B	36-00135A	36-15501	36-02551	36-07694
Priority Date:	October 9, 1884	April 1, 1908	July 1, 1957	July 13, 1962	April 12, 1977

Beneficial Use:	Irrigation (0.09 cfs) and Domestic (0.07 cfs)	Irrigation (0.05 cfs) and Domestic (0.05 cfs)	Fish Propagation	Domestic (0.10 cfs) and Fish Propagation (48.54)	Fish Propagation
Diversion Rate:	0.09 cfs	0.05 cfs	1.46 cfs	48.54 cfs	26.0 cfs
Period of Use:	Jan. 1 - Dec. 31 (Domestic) Feb. 15 - Nov 30 (Irrigation)	Jan. 1 - Dec. 31 (Domestic) Feb. 15 - Nov. 30 (Irrigation)	Jan. 1 - Dec. 31	Jan. 1 - Dec. 31	Jan. 1 - Dec. 31

Copies of the partial decrees associated with these rights are attached hereto as Exhibit 3.

14. Each of the water rights described above has the same designated source, "Martin-Curren Tunnel," and point of diversion, "T07S R14E S32."

15. The water flowing from the Curren Tunnel has been declining for several years due in substantial part to ground water pumping on the ESPA pursuant to water rights junior in priority to Rangen's water rights.

16. Rangen's water rights are not the only water rights to take water from the Curren Tunnel. In the Spring of 1993, the declining flows prompted the owners of some of these other water rights to make a water delivery call. IDWR denied the call even though there was no dispute that "[t]he springs which supply the Mussers' water are tributary to the Snake River and hydrologically interconnected to the [ESPA]." The Mussers filed suit against IDWR, asking the Court to issue a Writ of Mandate compelling the Department to conjunctively manage their rights. The District Court issued the Writ and the Idaho Supreme Court affirmed. *Musser v. Higginson*, 125 Idaho 392, 871 P.2d 809 (1994).

17. On or about October 7, 1994, the Director of IDWR promulgated the CM Rules.

18. Since the adoption of the CM Rules, the flows in the Curren Tunnel and the Thousand Springs Area in general have continued to decline. Nevertheless, junior ground water pumpers have continued to pump.

19. In September/October 2003 Rangen filed its first call pursuant to the CM Rules.

20. In August 2005, American Falls Reservoir District #2 together with four other irrigation districts and canal companies (collectively "AFRD #2") filed a declaratory judgment regarding the validity of the CM Rules. Several other surface water users some of whom had calls pending under the CM Rules, including Rangen, intervened. Idaho Ground Water Appropriators, Inc. ("IGWA") also intervened.

21. AFRD #2, Rangen and the other surface water users argued that the CM Rules violate Idaho's Constitution and water distribution statutes. The Plaintiffs challenged both the facial and as applied validity of rules. At the time, administrative proceedings had not yet been completed. Consequently, the Courts' ability to consider an as applied challenge was limited.

22. In AFRD #2 District Judge Barry Wood engaged in a thorough historical constitutional analysis. After detailing the importance of timeliness of administration for the prior appropriation doctrine, Judge Wood set forth a limited as applied analysis of the CM Rules as they had been applied to calls at that point:

> In the final analysis, one only need to step back from the trees and look generally at the process currently in place. In the Director's effort to satisfy all users on a given source, seniors are put in the position of re-defending the elements of their adjudicated water right every time a call is made for water. The call is the process and means by which effect is given to a water user's priority, which is the essence of the right under a prior appropriation system. The mechanism now in place also creates a process that cannot be completed within the attendant time frame exigencies associated with water usage for a crop in progress. In practice, an untimely decision effectively becomes the decision; i.e. "no decision is the decision." Finally, the Director is put in the expanded role of re-defining the elements of water rights in order to strategize how to satisfy all water users as opposed to objectively administering water rights in accordance with the decrees. While full economic development of the state's water resources may be consistent with prior appropriation, even to satisfy prior appropriation, it must be a policy that cuts both ways.

> . . . [T]o the extent the Director's application of the CMR's diminish proper administration of the senior's water right, they are unconstitutional. In other words, and assuming the water would otherwise be available, inherent in the senior's water right is the right to use the water. While some minimal due process is required, setting up a procedural labyrinth of requiring a senior water right holder to initiate a contested case proceeding (CMR 30.02) in accordance with the administrative proceedings which cannot be completed during the irrigation season prevents timely administration to a growing crop, and is not what either the framers of the constitution had in mind or what the legislature had in mind in adopting I.C. § 42-607.

Order On Plaintiffs' Motion for Summary Judgment, p. 97-8.

23. Ultimately, the Idaho Supreme Court declined to engage in this type of limited as applied analysis. Instead the Supreme Court applied the strict standard of review for a facial challenge.

> American Falls claims the process provided by the CM Rules does not allow for timely administration of its water rights. However, as noted above with respect to the burdens of proof and evidentiary standards, it is not necessary that every procedural requirement be recited in the CM Rules, when the Rules clearly have incorporated the provisions of the Idaho Constitution, statutes and case law. We agree with the district court's exhaustive analysis of Idaho's Constitutional Convention and the court's conclusion that the drafters intended that there be no unnecessary delays in the delivery of water pursuant to a valid water right. Clearly a timely response is required when a delivery call is made and water is necessary to respond to that call. There is nothing in the Rules which would prohibit that from occurring, however. In other words, we cannot say there are no conceivable sets of circumstances under which the Rules could be constitutionally applied to provide for the timely delivery of water.

American Falls Reservoir District No. 2 v. Idaho Department of Water Resources, 143 Idaho 862, 875, 154 P.3d 433, 446 (2007).

24. Despite the Supreme Court's optimism that the CM Rules could conceivably be applied constitutionally, in practice, the Director has created the "procedural labyrinth" foreshadowed by Judge Wood. The Director continues to "strategize how to satisfy all water users" rather than administer water rights according to the doctrine of prior appropriation.

25. The connection between ground water pumping on the ESPA and spring flows in the Thousand Springs, the Hagerman area generally, and the Curren Tunnel is well established.

There is no serious dispute that ground water pumping is one of the primary causes of declining spring flows.

26. The Department with the assistance of the Eastern Snake Hydrologic Modeling Committee has developed a ground water model for the purpose of quantifying this relationship between ground water and surface on the ESPA.

27. On December 13, 2011, Rangen filed its third *Petition for Delivery Call* with IDWR pursuant to the CM Rules seeking priority administration of Rangen's Water. Rangen's Petition included not only information about Rangen's water rights and water flows in the Curren Tunnel, but also a detailed analysis of the impact of junior ground water pumping utilizing the Department's own model. A true and correct copy of Rangen's *Petition for Delivery Call* is attached hereto as Exhibit 4.

28. Nearly a year and a half after Rangen filed its call, from May 6, 2013 to May 16, 2013, Director Spackman held a hearing on Rangen's *Petition for Delivery Call*. IGWA and the City of Pocatello ("Pocatello") were allowed to intervene in the matter and defend against Rangen's *Petition for Delivery Call.*

29. More than two years after Rangen filed its petition for call, and more than eight months after completion of the hearing, on January 29, 2014, Director Spackman entered a *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962 ("Final Order")*. A true and correct copy of the *Final Order* is attached hereto as Exhibit 5. In his *Final Order*, Director Spackman found that junior-priority groundwater pumping in the ESPA is materially injuring Rangen's Water Rights. The *Final Order* also specified the quantity of water that would be required for any mitigation plan and

alternatively provided that the required mitigation be phased-in over five years in the event of direct delivery of mitigation water.

30. Despite the finding of material injury, there has been no priority administration of ground water rights pursuant to Rangen's call. Initially, the Director refused to administer water rights on the basis that a mitigation plan might be approved. Before a hearing to approve IGWA's First Mitigation Plan was held, Director Spackman granted *IGWA's Petition to Stay Curtailment*. A true and correct copy of the *Order Granting IGWA's Petition to Stay Curtailment* ("*Stay Order*") is attached hereto as Exhibit 6. Director Spackman granted the stay, holding that:

> ***Given that IGWA has submitted a mitigation plan, which appears on its face to satisfy the criteria for a mitigation plan*** pursuant to the Conjunctive Management Rules and the requirements of the Director's Curtailment Order, and because of the disproportional harm to IGWA members when compared with the harm to Rangen if a temporary stay is granted, the Director will approve the temporary stay pending a decision on the mitigation plan. The Director will conduct an expedited hearing for the mitigation plan and to [sic] issue a decision shortly thereafter. ***Ground water users are advised that in the event the mitigation plan is not approved, the curtailment order will go into effect immediately.***

Stay Order, p. 5 (emphasis added).

31. On March 17-19, Director Spackman held a hearing on IGWA's First Mitigation Plan. Contrary to Director Spackman's initial impression, he found after the hearing that IGWA's First Mitigation Plan was insufficient. *See Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order* ("*First Mitigation Plan Order*") entered on April 11, 2014. A true and correct copy of the *First Mitigation Plan Order* is attached hereto as Exhibit 7.

32. Director Spackman granted *IGWA's Second Stay Petition* on April 28, 2014. *See Order Granting IGWA's Second Petition to Stay Curtailment* ("*Second Stay Order*"). A true and correct copy of the *Second Stay Order* is attached hereto as Exhibit 8.

33. In the *Second Stay Order*, Director Spackman held that:

> Curtailment of diversions of ground water for irrigation in April and May would provide little benefit to Rangen because significant irrigation with ground water does not normally intensify until late May or June. In contrast, curtailment of the irrigation of 25,000 acres during the period of reduced ground water use is significant. IGWA's Second Mitigation Plan has been published and a pre-hearing status conference is scheduled for April 30, 2014. The Second Mitigation Plan proposes direct delivery of water from Tucker Springs to Rangen. The plan is conceptually viable, and given the disparity in impact to the ground water users if curtailment is enforced versus the impact to Rangen if curtailment is stayed, the ground water users should have an opportunity to present evidence at an expedited hearing for their second mitigation plan. All of the standards of the conjunctive management rules will apply at the hearing.

Second Stay Order, p. 4.

34. On June 20, 2014, the Director approved IGWA's Second Mitigation Plan. IGWA's Second Mitigation Plan does not propose to provide any water to Rangen this year. The earliest that any water could be available under this approved plan is January 2015. Nevertheless, in conjunction with the First Mitigation Plan, the Director extended the stay through January 18, 2015. A copy of the *Order Approving IGWA's Second Mitigation Plan; Order Lifiting Stay Issued April 28, 2014, Second Amended Curtailment Order* is attached as Exhibit 9.

35. Two and a half years after Rangen filed its call, the water available to Rangen's water rights has declined. Nevertheless, under the CM Rules the Director has approved mitigation plans allowing ground water pumping on the ESPA to continue unabated while senior water rights such as Rangen's continue to be injured.

36. On June 27, 2014 Rangen filed its fourth delivery call with IDWR pursuant to the CM Rules due in part to continually declining spring flows. A true and correct copy of this delivery call is attached hereto as Exhibit 10. The Director has scheduled a hearing for November 17-21, 2014. It appears that once again the Director is prepared to conduct a lengthy hearing regarding the minutia of Rangen's use of water prior to responding to its delivery call.

37. Status conferences were held on July 22, 2014 in four other delivery calls made by surface water users in the Hagerman area. The Director indicated at each of those conferences that he intends to utilize the same cumbersome procedure prior to responding to each of those calls as well. As in Rangen's calls, each senior surface water user will be required at great expense to precisely quantify the impact of ground water pumping through expert opinion. The Director continues to refuse to utilize its ground water model to simply evaluate impact and administer water rights.

B. DECLARATORY JUDGMENT

38. The application of the CM Rules to Rangen's requests for delivery of water is contrary to law, unconstitutional and does impair, and threatens to interfere with or impair, Rangen's legal rights and privileges.

39. In order to give any meaningful protection to senior water rights, the delivery call procedure must be completed timely. The procedure followed by the Director pursuant to the CM Rules results in unreasonable delay in the distribution of water to senior water rights, including Rangen's water rights, and is contrary to Rangen's rights, Idaho law, the prior appropriation doctrine, and Idaho Code § 42-602, *et seq*.

40. The procedure followed by the Director pursuant to the CM Rules does not properly allocate the burdens of proof and is contrary to Idaho law.

41. The process of holding serial hearings on incomplete mitigation plans pursuant to CM Rule 43 while staying the enforcement of curtailment results in unreasonable delay in the distribution of water to senior water rights, including Rangen's water rights, and is contrary to Rangen's rights, Idaho law, the prior appropriation doctrine, and Idaho Code § 42-602, *et seq*.

42. The application of CM Rule 43 to allow the approval of mitigation plans that do not mitigate for the depletion caused by junior groundwater pumping or require the delivery of any actual water and is contrary to Rangen's rights, Idaho law, the prior appropriation doctrine, and Idaho Code § 42-602, *et seq*.

43. The CM Rules as applied to Rangen contravene Idaho Code § 42-603, which requires that the rules be in accordance with the priorities of the rights of the water users.

44. CM Rule 40.01(a), which allows the phasing in of mitigation over time, is contrary to the doctrine of prior appropriation.

C. WRIT OF MANDATE

45. Rangen realleges the allegations set forth in paragraphs 1-44 above.

46. Director Spackman found in the *Final Order* entered on January 29, 2014, that Rangen is being materially injured by junior-priority groundwater pumping in an area of common groundwater supply in an organized water district.

47. Pursuant to I.C. §§ 42-602, 42-231 and 42-237a et seq., Director Spackman and IDWR have a legal duty to administer junior-priority groundwater rights in a manner that delivers water pursuant to Rangen's water rights.

48. The Director continues to allow out of priority diversions despite material injury to Rangen.

49. There is no legal justification for the refusal and failure of Director Spackman and IDWR to distribute water under the prior appropriation doctrine and conjunctively manage water rights on the ESPA in accordance with their relative priorities.

50. Administration of water rights pursuant to the prior appropriation doctrine is a ministerial act.

51. Rangen is being materially and irreparably harmed as a direct and proximate result of the refusal and failure of Director Spackman and IDWR to distribute water under the prior appropriation doctrine and conjunctively manage water rights on the ESPA in accordance with their relative priorities.

52. Rangen does not have a plain, speedy or adequate remedy to address the refusal and failure of Director Spackman and IDWR to comply with the clear legal duty to distribute water under the prior appropriation doctrine and conjunctively manage water rights on the ESPA in accordance with their relative priorities.

53. Rangen is entitled to the issuance of a writ of mandate pursuant to I.C. § 7-302 mandating Director Spackman and IDWR to comply with the clear legal duty to distribute water under the prior appropriation doctrine and conjunctively manage water rights on the ESPA in accordance with their relative priorities.

D. REQUEST FOR ATTORNEY'S FEES

54. As a further direct and proximate result of the refusal and failure of Director Spackman and IDWR to administer Rangen's Water Rights and enforce the curtailment order that has been issued in response to Rangen's *Petition for Delivery Call*, Rangen has been required to employ the services of the attorneys listed above and has also incurred various costs and attorney's fees. Director Spackman in his official capacity as the Director of IDWR and

IDWR should be required to pay Rangen's reasonable costs and attorney's fees as required by I.C. §§ 12-117 and 12-121.

E. REQUEST FOR RELIEF

WHEREFORE, RANGEN, INC. prays for the issuance of the following:

1. A Peremptory Writ of Mandamus, after a trial on the merits, by which Director Spackman and IDWR are commanded to comply with the clear legal duty to distribute water under the prior appropriation doctrine and conjunctively manage water rights on the ESPA in accordance with their relative priorities; and

2. For an order declaring the Defendants' application of the CM Rules is unconstitutional, contrary to law, and violated Rangen's water rights and constitutional rights; and

3. For an order awarding Rangen reasonable costs and attorney's fees in accordance with I.C. §§ 12-117 and 12-121; and

4. For such other and further relief as the Court deems just and equitable.

DATED THIS 5th day of August, 2014.

BRODY LAW OFFICE, PLLC

By: _____
Robyn M. Brody

HAEMMERLE AND HAEMMERLE, PLLC

By: _____
Fritz X. Haemmerle

MAY, BROWNING & MAY, PLLC

By: _____
J. Justin May

VERIFICATION

STATE OF IDAHO)
) ss.
County of Twin Falls)

J. Wayne Courtney, Executive Vice President of Rangen, Inc., being first duly sworn upon oath, deposes and states:

That he is the Executive Vice President of Rangen, Inc., the petitioner in the above-captioned matter, that he has read the foregoing document, knows the contents thereof and the facts stated he believes to be true.

J. Wayne Courtney, Executive Vice President, Rangen, Inc.

SUBSCRIBED AND SWORN to before this 5th day of August, 2014.

Notary Public for Idaho
Residing at: Filer Id.
My Commission Expires: 9-5-15

CINDY KOEPPLIN
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT 1

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37.03.11 - Rules for Conjunctive Management of Surface and Ground Water Resources

IDAPA 37
TITLE 03
CHAPTER 11

37.03.11 - RULES FOR CONJUNCTIVE MANAGEMENT OF SURFACE AND GROUND WATER RESOURCES

000. LEGAL AUTHORITY (RULE 0).

These rules are promulgated pursuant to Chapter 52, Title 67, Idaho Code, the Idaho Administrative Procedure Act, and Section 42-603, Idaho Code, which provides that the Director of the Department of Water Resources is authorized to adopt rules and regulations for the distribution of water from the streams, rivers, lakes, ground water and other natural water sources as shall be necessary to carry out the laws in accordance with the priorities of the rights of the users thereof. These rules are also issued pursuant to Section 42-1805(8), Idaho Code, which provides the Director with authority to promulgate rules implementing or effectuating the powers and duties of the department. (10-7-94)

001. TITLE AND SCOPE (RULE 1).

These rules may be cited as "Rules for Conjunctive Management of Surface and Ground Water Resources." The rules prescribe procedures for responding to a delivery call made by the holder of a senior-priority surface or ground water right against the holder of a junior-priority ground water right in an area having a common ground water supply. It is intended that these rules be incorporated into general rules governing water distribution in Idaho when such rules are adopted subsequently. (10-7-94)

002. WRITTEN INTERPRETATIONS (RULE 2).

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Department of Water Resources does not have written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. (10-7-94)

003. ADMINISTRATIVE APPEALS (RULE 3).

Appeals may be taken pursuant to Section 42-1701A, Idaho Code, and the department's Rules of Procedure, IDAPA 37.01.01. (10-7-94)

004. SEVERABILITY (RULE 4).

The rules governing this chapter are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (10-7-94)

005. OTHER AUTHORITIES REMAIN APPLICABLE (RULE 5).

Nothing in these rules shall limit the Director's authority to take alternative or additional actions relating to the management of water resources as provided by Idaho law. (10-7-94)

006. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

For the purposes of these rules, the following terms will be used as defined below. (10-7-94)

01. Area Having a Common Ground Water Supply. A ground water source within which the diversion and use of ground water or changes in ground water recharge affect the flow of water in a surface water source or within which the diversion and use of water by a holder of a ground water right affects the ground water supply available to the holders of other ground water rights. (Section 42-237a.g., Idaho Code) (10-7-94)

02. Artificial Ground Water Recharge. A deliberate and purposeful activity or project that is performed in accordance with Section 42-234(2), Idaho Code, and that diverts, distributes, injects, stores or spreads water to areas from which such water will enter into and recharge a ground water source in an area having a common ground water supply. (10-7-94)

03. Conjunctive Management. Legal and hydrologic integration of administration of the diversion and use of water under water rights from surface and ground water sources, including areas having a common ground

water supply. (10-7-94)

04. **Delivery Call**. A request from the holder of a water right for administration of water rights under the prior appropriation doctrine. (10-7-94)

05. **Department**. The Department of Water Resources created by Section 42-1701, Idaho Code. (10-7-94)

06. **Director**. The Director of the Department of Water Resources appointed as provided by Section 42-1801, Idaho Code, or an employee, hearing officer or other appointee of the Department who has been delegated to act for the Director as provided by Section 42-1701, Idaho Code. (10-7-94)

07. **Full Economic Development of Underground Water Resources**. The diversion and use of water from a ground water source for beneficial uses in the public interest at a rate that does not exceed the reasonably anticipated average rate of future natural recharge, in a manner that does not result in material injury to senior-priority surface or ground water rights, and that furthers the principle of reasonable use of surface and ground water as set forth in Rule 42. (10-7-94)

08. **Futile Call**. A delivery call made by the holder of a senior-priority surface or ground water right that, for physical and hydrologic reasons, cannot be satisfied within a reasonable time of the call by immediately curtailing diversions under junior-priority ground water rights or that would result in waste of the water resource. (10-7-94)

09. **Ground Water Management Area**. Any ground water basin or designated part thereof as designated by the Director pursuant to Section 42-233(b), Idaho Code. (10-7-94)

10. **Ground Water**. Water under the surface of the ground whatever may be the geological structure in which it is standing or moving as provided in Section 42-230(a), Idaho Code. (10-7-94)

11. **Holder of a Water Right**. The legal or beneficial owner or user pursuant to lease or contract of a right to divert or to protect in place surface or ground water of the state for a beneficial use or purpose. (10-7-94)

12. **Idaho Law**. The constitution, statutes, administrative rules and case law of Idaho. (10-7-94)

13. **Junior-Priority**. A water right priority date later in time than the priority date of other water rights being considered. (10-7-94)

14. **Material Injury**. Hindrance to or impact upon the exercise of a water right caused by the use of water by another person as determined in accordance with Idaho Law, as set forth in Rule 42. (10-7-94)

15. **Mitigation Plan**. A document submitted by the holder(s) of a junior-priority ground water right and approved by the Director as provided in Rule 043 that identifies actions and measures to prevent, or compensate holders of senior-priority water rights for, material injury caused by the diversion and use of water by the holders of junior-priority ground water rights within an area having a common ground water supply. (10-7-94)

16. **Person**. Any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character. (10-7-94)

17. **Petitioner**. Person who asks the Department to initiate a contested case or to otherwise take action that will result in the issuance of an order or rule. (10-7-94)

18. **Reasonable Ground Water Pumping Level**. A level established by the Director pursuant to Sections 42-226, and 42-237a.g., Idaho Code, either generally for an area or aquifer or for individual water rights on a case-by-case basis, for the purpose of protecting the holders of senior-priority ground water rights against unreasonable lowering of ground water levels caused by diversion and use of surface or ground water by the holders of junior-priority surface or ground water rights under Idaho law. (10-7-94)

19. Reasonably Anticipated Average Rate of Future Natural Recharge. The estimated average annual volume of water recharged to an area having a common ground water supply from precipitation, underflow from tributary sources, and stream losses and also water incidentally recharged to an area having a common ground water supply as a result of the diversion and use of water for irrigation and other purposes. The estimate will be based on available data regarding conditions of diversion and use of water existing at the time the estimate is made and may vary as these conditions and available information change. (10-7-94)

20. Respondent. Persons against whom complaints or petitions are filed or about whom investigations are initiated. (10-7-94)

21. Senior-Priority. A water right priority date earlier in time than the priority dates of other water rights being considered. (10-7-94)

22. Surface Water. Rivers, streams, lakes and springs when flowing in their natural channels as provided in Sections 42-101 and 42-103, Idaho Code. (10-7-94)

23. Water District. An instrumentality of the state of Idaho created by the Director as provided in Section 42-604, Idaho Code, for the purpose of performing the essential governmental function of distribution of water among appropriators under Idaho law. (10-7-94)

24. Watermaster. A person elected and appointed as provided in Section 42-605, and Section 42-801, Idaho Code, to distribute water within a water district. (10-7-94)

25. Water Right. The legal right to divert and use or to protect in place the public waters of the state of Idaho where such right is evidenced by a decree, a permit or license issued by the Department, a beneficial or constitutional use right or a right based on federal law. (10-7-94)

011. -- 019. (RESERVED)

020. GENERAL STATEMENTS OF PURPOSE AND POLICIES FOR CONJUNCTIVE MANAGEMENT OF SURFACE AND GROUND WATER RESOURCES (RULE 20).

01. Distribution of Water Among the Holders of Senior and Junior-Priority Rights. These rules apply to all situations in the state where the diversion and use of water under junior-priority ground water rights either individually or collectively causes material injury to uses of water under senior-priority water rights. The rules govern the distribution of water from ground water sources and areas having a common ground water supply. (10-7-94)

02. Prior Appropriation Doctrine. These rules acknowledge all elements of the prior appropriation doctrine as established by Idaho law. (10-7-94)

03. Reasonable Use of Surface and Ground Water. These rules integrate the administration and use of surface and ground water in a manner consistent with the traditional policy of reasonable use of both surface and ground water. The policy of reasonable use includes the concepts of priority in time and superiority in right being subject to conditions of reasonable use as the legislature may by law prescribe as provided in Article XV, Section 5, Idaho Constitution, optimum development of water resources in the public interest prescribed in Article XV, Section 7, Idaho Constitution, and full economic development as defined by Idaho law. An appropriator is not entitled to command the entirety of large volumes of water in a surface or ground water source to support his appropriation contrary to the public policy of reasonable use of water as described in this rule. (10-7-94)

04. Delivery Calls. These rules provide the basis and procedure for responding to delivery calls made by the holder of a senior-priority surface or ground water right against the holder of a junior-priority ground water right. The principle of the futile call applies to the distribution of water under these rules. Although a call may be denied under the futile call doctrine, these rules may require mitigation or staged or phased curtailment of a junior-priority use if diversion and use of water by the holder of the junior-priority water right causes material injury, even though not immediately measurable, to the holder of a senior-priority surface or ground water right in instances where the hydrologic connection may be remote, the resource is large and no direct immediate relief would be achieved if the junior-priority water use was discontinued. (10-7-94)

05. Exercise of Water Rights. These rules provide the basis for determining the reasonableness of the diversion and use of water by both the holder of a senior-priority water right who requests priority delivery and the holder of a junior-priority water right against whom the call is made. (10-7-94)

06. Areas Having a Common Ground Water Supply. These rules provide the basis for the designation of areas of the state that have a common ground water supply and the procedures that will be followed in incorporating the water rights within such areas into existing water districts or creating new districts as provided in Section 42-237a.g., and Section 42-604, Idaho Code, or designating such areas as ground water management areas as provided in Section 42-233(b), Idaho Code. (10-7-94)

07. Sequence of Actions for Responding to Delivery Calls. Rule 30 provides procedures for responding to delivery calls within areas having a common ground water supply that have not been incorporated into an existing or new water district or designated a ground water management area. Rule 40 provides procedures for responding to delivery calls within water districts where areas having a common ground water supply have been incorporated into the district or a new district has been created. Rule 41 provides procedures for responding to delivery calls within areas that have been designated as ground water management areas. Rule 50 designates specific known areas having a common ground water supply within the state. (10-7-94)

08. Reasonably Anticipated Average Rate of Future Natural Recharge. These rules provide for administration of the use of ground water resources to achieve the goal that withdrawals of ground water not exceed the reasonably anticipated average rate of future natural recharge. (Section 42-237a.g., Idaho Code) (10-7-94)

09. Saving of Defenses. Nothing in these rules shall affect or in any way limit any person's entitlement to assert any defense or claim based upon fact or law in any contested case or other proceeding. (10-7-94)

10. Wells as Alternate or Changed Points of Diversion for Water Rights from a Surface Water Source. Nothing in these rules shall prohibit any holder of a water right from a surface water source from seeking, pursuant to Idaho law, to change the point of diversion of the water to an inter-connected area having a common ground water supply. (10-7-94)

11. Domestic and Stock Watering Ground Water Rights Exempt. A delivery call shall not be effective against any ground water right used for domestic purposes regardless of priority date where such domestic use is within the limits of the definition set forth in Section 42-111, Idaho Code, nor against any ground water right used for stock watering where such stock watering use is within the limits of the definition set forth in Section 42-1401A(12), Idaho Code; provided, however, this exemption shall not prohibit the holder of a water right for domestic or stock watering uses from making a delivery call, including a delivery call against the holders of other domestic or stockwatering rights, where the holder of such right is suffering material injury. (10-7-94)

021. -- 029. (RESERVED)

030. RESPONSES TO CALLS FOR WATER DELIVERY MADE BY THE HOLDERS OF SENIOR-PRIORITY SURFACE OR GROUND WATER RIGHTS AGAINST THE HOLDERS OF JUNIOR-PRIORITY GROUND WATER RIGHTS WITHIN AREAS OF THE STATE NOT IN ORGANIZED WATER DISTRICTS OR WITHIN WATER DISTRICTS WHERE GROUND WATER REGULATION HAS NOT BEEN INCLUDED IN THE FUNCTIONS OF SUCH DISTRICTS OR WITHIN AREAS THAT HAVE NOT BEEN DESIGNATED GROUND WATER MANAGEMENT AREAS (RULE 30).

01. Delivery Call (Petition). When a delivery call is made by the holder of a surface or ground water right (petitioner) alleging that by reason of diversion of water by the holders of one (1) or more junior-priority ground water rights (respondents) the petitioner is suffering material injury, the petitioner shall file with the Director a petition in writing containing, at least, the following in addition to the information required by IDAPA 37.01.01, "Rules of Procedure of the Department of Water Resources," Rule 230: (10-7-94)

a. A description of the water rights of the petitioner including a listing of the decree, license, permit, claim or other documentation of such right, the water diversion and delivery system being used by petitioner and the beneficial use being made of the water. (10-7-94)

b. The names, addresses and description of the water rights of the ground water users (respondents) who are alleged to be causing material injury to the rights of the petitioner in so far as such information is known by the petitioner or can be reasonably determined by a search of public records. (10-7-94)

c. All information, measurements, data or study results available to the petitioner to support the claim of material injury. (10-7-94)

d. A description of the area having a common ground water supply within which petitioner desires junior-priority ground water diversion and use to be regulated. (10-7-94)

02. **Contested Case.** The Department will consider the matter as a petition for contested case under the Department's Rules of Procedure, IDAPA 37.01.01. The petitioner shall serve the petition upon all known respondents as required by IDAPA 37.01.01, "Rules of Procedure of the Department of Water Resources," Rule 203. In addition to such direct service by petitioner, the Department will give such general notice by publication or news release as will advise ground water users within the petitioned area of the matter. (10-7-94)

03. **Informal Resolution**. The Department may initially consider the contested case for informal resolution under the provisions of Section 67-5241, Idaho Code, if doing so will expedite the case without prejudicing the interests of any party. (10-7-94)

04. **Petition for Modification of an Existing Water District.** In the event the petition proposes regulation of ground water rights conjunctively with surface water rights in an organized water district, and the water rights have been adjudicated, the Department may consider such to be a petition for modification of the organized water district and notice of proposed modification of the water district shall be provided by the Director pursuant to Section 42-604, Idaho Code. The Department will proceed to consider the matter addressed by the petition under the Department's Rules of Procedure. (10-7-94)

05. **Petition for Creation of a New Water District.** In the event the petition proposes regulation of ground water rights from a ground water source or conjunctively with surface water rights within an area having a common ground water supply which is not in an existing water district, and the water rights have been adjudicated, the Department may consider such to be a petition for creation of a new water district and notice of proposed creation of a water district shall be provided by the Director pursuant to Section 42-604, Idaho Code. The Department will proceed to consider the matter under the Department's Rules of Procedure. (10-7-94)

06. **Petition for Designation of a Ground Water Management Area**. In the event the petition proposes regulation of ground water rights from an area having a common ground water supply within which the water rights have not been adjudicated, the Department may consider such to be a petition for designation of a ground water management area pursuant to Section 42-233(b), Idaho Code. The Department will proceed to consider the matter under the Department's Rules of Procedure. (10-7-94)

07. **Order.** Following consideration of the contested case under the Department's Rules of Procedure, the Director may, by order, take any or all of the following actions: (10-7-94)

a. Deny the petition in whole or in part; (10-7-94)

b. Grant the petition in whole or in part or upon conditions; (10-7-94)

c. Determine an area having a common ground water supply which affects the flow of water in a surface water source in an organized water district; (10-7-94)

d. Incorporate an area having a common ground water supply into an organized water district following the procedures of Section 42-604, Idaho Code, provided that the ground water rights that would be incorporated into the water district have been adjudicated relative to the rights already encompassed within the district; (10-7-94)

e. Create a new water district following the procedures of Section 42-604, Idaho Code, provided that

the water rights to be included in the new water district have been adjudicated; (10-7-94)

f. Determine the need for an adjudication of the priorities and permissible rates and volumes of diversion and consumptive use under the surface and ground water rights of the petitioner and respondents and initiate such adjudication pursuant to Section 42-1406, Idaho Code; (10-7-94)

g. By summary order as provided in Section 42-237 a.g., Idaho Code, prohibit or limit the withdrawal of water from any well during any period it is determined that water to fill any water right is not there available without causing ground water levels to be drawn below the reasonable ground water pumping level, or would affect the present or future use of any prior surface or ground water right or result in the withdrawing of the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge. The Director will take into consideration the existence of any approved mitigation plan before issuing any order prohibiting or limiting withdrawal of water from any well; or (10-7-94)

h. Designate a ground water management area under the provisions of Section 42-233(b), Idaho Code, if it appears that administration of the diversion and use of water from an area having a common ground water supply is required because the ground water supply is insufficient to meet the demands of water rights or the diversion and use of water is at a rate beyond the reasonably anticipated average rate of future natural recharge and modification of an existing water district or creation of a new water district cannot be readily accomplished due to the need to first obtain an adjudication of the water rights. (10-7-94)

08. Orders for Interim Administration. For the purposes of Rule Subsections 030.07.d. and 030.07.e., an outstanding order for interim administration of water rights issued by the court pursuant to Section 42-1417, Idaho Code, in a general adjudication proceeding shall be considered as an adjudication of the water rights involved. (10-7-94)

09. Administration Pursuant to Rule 40. Upon a finding of an area of common ground water supply and upon the incorporation of such area into an organized water district, or the creation of a new water district, the use of water shall be administered in accordance with the priorities of the various water rights as provided in Rule 40. (10-7-94)

10. Administration Pursuant to Rule 41. Upon the designation of a ground water management area, the diversion and use of water within such area shall be administered in accordance with the priorities of the various water rights as provided in Rule 41. (10-7-94)

031. DETERMINING AREAS HAVING A COMMON GROUND WATER SUPPLY (RULE 31).

01. Director to Consider Information. The Director will consider all available data and information that describes the relationship between ground water and surface water in making a finding of an area of common ground water supply. (10-7-94)

02. Kinds of Information. The information considered may include, but is not limited to, any or all of the following: (10-7-94)

a. Water level measurements, studies, reports, computer simulations, pumping tests, hydrographs of stream flow and ground water levels and other such data; and (10-7-94)

b. The testimony and opinion of expert witnesses at a hearing on a petition for expansion of a water district or organization of a new water district or designation of a ground water management area. (10-7-94)

03. Criteria for Findings. A ground water source will be determined to be an area having a common ground water supply if: (10-7-94)

a. The ground water source supplies water to or receives water from a surface water source; or (10-7-94)

b. Diversion and use of water from the ground water source will cause water to move from the surface

water source to the ground water source. (10-7-94)

c. Diversion and use of water from the ground water source has an impact upon the ground water supply available to other persons who divert and use water from the same ground water source. (10-7-94)

04. **Reasonably Anticipated Average Rate of Future Natural Recharge.** The Director will estimate the reasonably anticipated average rate of future natural recharge for an area having a common ground water supply. Such estimates will be made and updated periodically as new data and information are available and conditions of diversion and use change. (10-7-94)

05. **Findings.** The findings of the Director shall be included in the Order issued pursuant to Rule Subsection 030.07. (10-7-94)

032. -- 039. (RESERVED)

040. RESPONSES TO CALLS FOR WATER DELIVERY MADE BY THE HOLDERS OF SENIOR-PRIORITY SURFACE OR GROUND WATER RIGHTS AGAINST THE HOLDERS OF JUNIOR-PRIORITY GROUND WATER RIGHTS FROM AREAS HAVING A COMMON GROUND WATER SUPPLY IN AN ORGANIZED WATER DISTRICT (RULE 40).

01. **Responding to a Delivery Call.** When a delivery call is made by the holder of a senior-priority water right (petitioner) alleging that by reason of diversion of water by the holders of one (1) or more junior-priority ground water rights (respondents) from an area having a common ground water supply in an organized water district the petitioner is suffering material injury, and upon a finding by the Director as provided in Rule 42 that material injury is occurring, the Director, through the watermaster, shall: (10-7-94)

a. Regulate the diversion and use of water in accordance with the priorities of rights of the various surface or ground water users whose rights are included within the district, provided, that regulation of junior-priority ground water diversion and use where the material injury is delayed or long range may, by order of the Director, be phased-in over not more than a five-year (5) period to lessen the economic impact of immediate and complete curtailment; or (10-7-94)

b. Allow out-of-priority diversion of water by junior-priority ground water users pursuant to a mitigation plan that has been approved by the Director. (10-7-94)

02. **Regulation of Uses of Water by Watermaster.** The Director, through the watermaster, shall regulate use of water within the water district pursuant to Idaho law and the priorities of water rights as provided in Section 42-604, Idaho Code, and under the following procedures: (10-7-94)

a. The watermaster shall determine the quantity of surface water of any stream included within the water district which is available for diversion and shall shut the headgates of the holders of junior-priority surface water rights as necessary to assure that water is being diverted and used in accordance with the priorities of the respective water rights from the surface water source. (10-7-94)

b. The watermaster shall regulate the diversion and use of ground water in accordance with the rights thereto, approved mitigation plans and orders issued by the Director. (10-7-94)

c. Where a call is made by the holder of a senior-priority water right against the holder of a junior-priority ground water right in the water district the watermaster shall first determine whether a mitigation plan has been approved by the Director whereby diversion of ground water may be allowed to continue out of priority order. If the holder of a junior-priority ground water right is a participant in such approved mitigation plan, and is operating in conformance therewith, the watermaster shall allow the ground water use to continue out of priority. (10-7-94)

d. The watermaster shall maintain records of the diversions of water by surface and ground water users within the water district and records of water provided and other compensation supplied under the approved mitigation plan which shall be compiled into the annual report which is required by Section 42-606, Idaho Code. (10-7-94)

e. Under the direction of the Department, watermasters of separate water districts shall cooperate and reciprocate in assisting each other in assuring that diversion and use of water under water rights is administered in a manner to assure protection of senior-priority water rights provided the relative priorities of the water rights within the separate water districts have been adjudicated. (10-7-94)

03. **Reasonable Exercise of Rights**. In determining whether diversion and use of water under rights will be regulated under Rule Subsection 040.01.a. or 040.01.b., the Director shall consider whether the petitioner making the delivery call is suffering material injury to a senior-priority water right and is diverting and using water efficiently and without waste, and in a manner consistent with the goal of reasonable use of surface and ground waters as described in Rule 42. The Director will also consider whether the respondent junior-priority water right holder is using water efficiently and without waste. (10-7-94)

04. **Actions of the Watermaster Under a Mitigation Plan**. Where a mitigation plan has been approved as provided in Rule 42, the watermaster may permit the diversion and use of ground water to continue out of priority order within the water district provided the holder of the junior-priority ground water right operates in accordance with such approved mitigation plan. (10-7-94)

05. **Curtailment of Use Where Diversions Not in Accord With Mitigation Plan or Mitigation Plan Is Not Effective**. Where a mitigation plan has been approved and the junior-priority ground water user fails to operate in accordance with such approved plan or the plan fails to mitigate the material injury resulting from diversion and use of water by holders of junior-priority water rights, the watermaster will notify the Director who will immediately issue cease and desist orders and direct the watermaster to terminate the out-of-priority use of ground water rights otherwise benefiting from such plan or take such other actions as provided in the mitigation plan to ensure protection of senior-priority water rights. (10-7-94)

06. **Collection of Assessments Within Water District**. Where a mitigation plan has been approved, the watermaster of the water district shall include the costs of administration of the plan within the proposed annual operation budget of the district; and, upon approval by the water users at the annual water district meeting, the water district shall provide for the collection of assessment of ground water users as provided by the plan, collect the assessments and expend funds for the operation of the plan; and the watermaster shall maintain records of the volumes of water or other compensation made available by the plan and the disposition of such water or other compensation. (10-7-94)

041. ADMINISTRATION OF DIVERSION AND USE OF WATER WITHIN A GROUND WATER MANAGEMENT AREA (RULE 41).

01. **Responding to a Delivery Call**. When a delivery call is made by the holder of a senior-priority ground water right against holders of junior-priority ground water rights in a designated ground water management area alleging that the ground water supply is insufficient to meet the demands of water rights within all or portions of the ground water management area and requesting the Director to order water right holders, on a time priority basis, to cease or reduce withdrawal of water, the Director shall proceed as follows: (10-7-94)

a. The petitioner shall be required to submit all information available to petitioner on which the claim is based that the water supply is insufficient. (10-7-94)

b. The Director shall conduct a fact-finding hearing on the petition at which the petitioner and respondents may present evidence on the water supply, and the diversion and use of water from the ground water management area. (10-7-94)

02. **Order**. Following the hearing, the Director may take any or all of the following actions: (10-7-94)

a. Deny the petition in whole or in part; (10-7-94)

b. Grant the petition in whole or in part or upon conditions; (10-7-94)

c. Find that the water supply of the ground water management area is insufficient to meet the

demands of water rights within all or portions of the ground water management area and order water right holders on a time priority basis to cease or reduce withdrawal of water, provided that the Director shall consider the expected benefits of an approved mitigation plan in making such finding. (10-7-94)

d. Require the installation of measuring devices and the reporting of water diversions pursuant to Section 42-701, Idaho Code. (10-7-94)

03. **Date and Effect of Order**. Any order to cease or reduce withdrawal of water will be issued prior to September 1 and shall be effective for the growing season during the year following the date the order is given and until such order is revoked or modified by further order of the Director. (10-7-94)

04. **Preparation of Water Right Priority Schedule**. For the purposes of the Order provided in Rule Subsections 041.02 and 041.03, the Director will utilize all available water right records, claims, permits, licenses and decrees to prepare a water right priority schedule. (10-7-94)

042. DETERMINING MATERIAL INJURY AND REASONABLENESS OF WATER DIVERSIONS (RULE 42).

01. **Factors**. Factors the Director may consider in determining whether the holders of water rights are suffering material injury and using water efficiently and without waste include, but are not limited to, the following: (10-7-94)

a. The amount of water available in the source from which the water right is diverted. (10-7-94)

b. The effort or expense of the holder of the water right to divert water from the source. (10-7-94)

c. Whether the exercise of junior-priority ground water rights individually or collectively affects the quantity and timing of when water is available to, and the cost of exercising, a senior-priority surface or ground water right. This may include the seasonal as well as the multi-year and cumulative impacts of all ground water withdrawals from the area having a common ground water supply. (10-7-94)

d. If for irrigation, the rate of diversion compared to the acreage of land served, the annual volume of water diverted, the system diversion and conveyance efficiency, and the method of irrigation water application. (10-7-94)

e. The amount of water being diverted and used compared to the water rights. (10-7-94)

f. The existence of water measuring and recording devices. (10-7-94)

g. The extent to which the requirements of the holder of a senior-priority water right could be met with the user's existing facilities and water supplies by employing reasonable diversion and conveyance efficiency and conservation practices; provided, however, the holder of a surface water storage right shall be entitled to maintain a reasonable amount of carry-over storage to assure water supplies for future dry years. In determining a reasonable amount of carry-over storage water, the Director shall consider the average annual rate of fill of storage reservoirs and the average annual carry-over for prior comparable water conditions and the projected water supply for the system. (10-7-94)

h. The extent to which the requirements of the senior-priority surface water right could be met using alternate reasonable means of diversion or alternate points of diversion, including the construction of wells or the use of existing wells to divert and use water from the area having a common ground water supply under the petitioner's surface water right priority. (10-7-94)

02. **Delivery Call for Curtailment of Pumping**. 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. (10-7-94)

043. MITIGATION PLANS (RULE 43).

01. Submission of Mitigation Plans. A proposed mitigation plan shall be submitted to the Director in writing and shall contain the following information: (10-7-94)

a. The name and mailing address of the person or persons submitting the plan. (10-7-94)

b. Identification of the water rights for which benefit the mitigation plan is proposed. (10-7-94)

c. A description of the plan setting forth the water supplies proposed to be used for mitigation and any circumstances or limitations on the availability of such supplies. (10-7-94)

d. Such information as shall allow the Director to evaluate the factors set forth in Rule Subsection 043.03. (10-7-94)

02. Notice and Hearing. Upon receipt of a proposed mitigation plan the Director will provide notice, hold a hearing as determined necessary, and consider the plan under the procedural provisions of Section 42-222, Idaho Code, in the same manner as applications to transfer water rights. (10-7-94)

03. Factors to Be Considered. Factors that may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights include, but are not limited to, the following: (10-7-94)

a. Whether delivery, storage and use of water pursuant to the mitigation plan is in compliance with Idaho law. (10-7-94)

b. Whether the mitigation plan will provide replacement water, at the time and place required by the senior-priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy the rights of diversion from the surface or ground water source. Consideration will be given to the history and seasonal availability of water for diversion so as not to require replacement water at times when the surface right historically has not received a full supply, such as during annual low-flow periods and extended drought periods. (10-7-94)

c. Whether the mitigation plan provides replacement water supplies or other appropriate compensation to the senior-priority water right when needed during a time of shortage even if the effect of pumping is spread over many years and will continue for years after pumping is curtailed. A mitigation plan may allow for multi-season accounting of ground water withdrawals and provide for replacement water to take advantage of variability in seasonal water supply. The mitigation plan must include contingency provisions to assure protection of the senior-priority right in the event the mitigation water source becomes unavailable. (10-7-94)

d. Whether the mitigation plan proposes artificial recharge of an area of common ground water supply as a means of protecting ground water pumping levels, compensating senior-priority water rights, or providing aquifer storage for exchange or other purposes related to the mitigation plan. (10-7-94)

e. Where a mitigation plan is based upon computer simulations and calculations, whether such plan uses generally accepted and appropriate engineering and hydrogeologic formulae for calculating the depletive effect of the ground water withdrawal. (10-7-94)

f. Whether the mitigation plan uses generally accepted and appropriate values for aquifer characteristics such as transmissivity, specific yield, and other relevant factors. (10-7-94)

g. Whether the mitigation plan reasonably calculates the consumptive use component of ground water diversion and use. (10-7-94)

h. The reliability of the source of replacement water over the term in which it is proposed to be used under the mitigation plan. (10-7-94)

i. Whether the mitigation plan proposes enlargement of the rate of diversion, seasonal quantity or

time of diversion under any water right being proposed for use in the mitigation plan. (10-7-94)

j. Whether the mitigation plan is consistent with the conservation of water resources, the public interest or injures other water rights, or would result in the diversion and use of ground water at a rate beyond the reasonably anticipated average rate of future natural recharge. (10-7-94)

k. Whether the mitigation plan provides for monitoring and adjustment as necessary to protect senior-priority water rights from material injury. (10-7-94)

l. Whether the plan provides for mitigation of the effects of pumping of existing wells and the effects of pumping of any new wells which may be proposed to take water from the areas of common ground water supply. (10-7-94)

m. Whether the mitigation plan provides for future participation on an equitable basis by ground water pumpers who divert water under junior-priority rights but who do not initially participate in such mitigation plan. (10-7-94)

n. A mitigation plan may propose division of the area of common ground water supply into zones or segments for the purpose of consideration of local impacts, timing of depletions, and replacement supplies. (10-7-94)

o. Whether the petitioners and respondents have entered into an agreement on an acceptable mitigation plan even though such plan may not otherwise be fully in compliance with these provisions. (10-7-94)

044. -- 049. (RESERVED)

050. AREAS DETERMINED TO HAVE A COMMON GROUND WATER SUPPLY (RULE 50).

01. **Eastern Snake Plain Aquifer.** The area of coverage of this rule is the aquifer underlying the Eastern Snake River Plain as the aquifer is defined in the report, Hydrology and Digital Simulation of the Regional Aquifer System, Eastern Snake River Plain, Idaho, USGS Professional Paper 1408-F, 1992 excluding areas south of the Snake River and west of the line separating Sections 34 and 35, Township 10 South, Range 20 East, Boise Meridian. (10-7-94)

a. The Eastern Snake Plain Aquifer supplies water to and receives water from the Snake River. (10-7-94)

b. The Eastern Snake Plain Aquifer is found to be an area having a common ground water supply. (10-7-94)

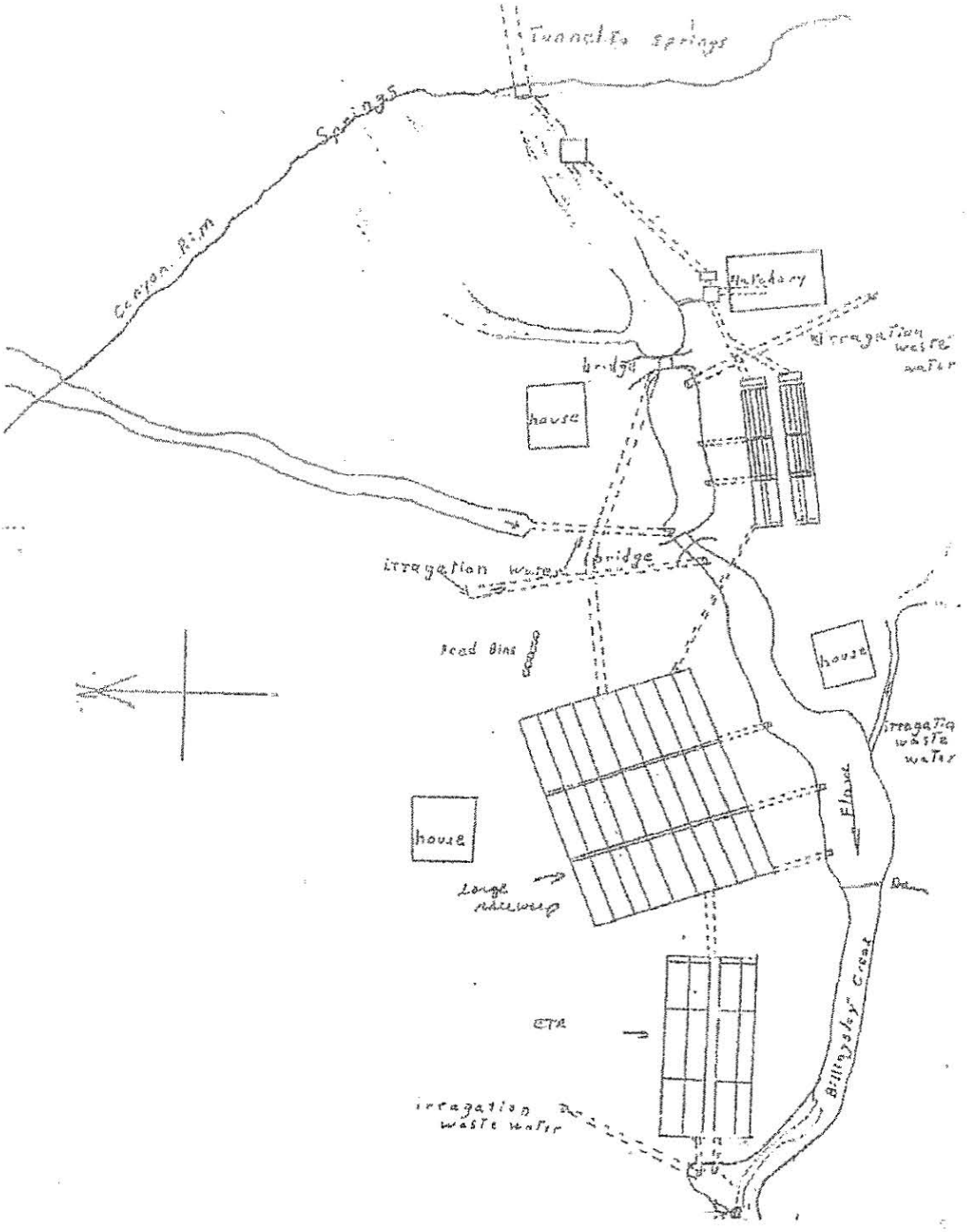
c. The reasonably anticipated average rate of future natural recharge of the Eastern Snake Plain Aquifer will be estimated in any order issued pursuant to Rule 30. (10-7-94)

d. The Eastern Snake Plain Aquifer area of common ground water supply will be created as a new water district or incorporated into an existing or expanded water district as provided in Section 42-604, Idaho Code, when the rights to the diversion and use of water from the aquifer have been adjudicated, or will be designated a ground water management area. (10-7-94)

051. -- 999. (RESERVED)

Subject Index

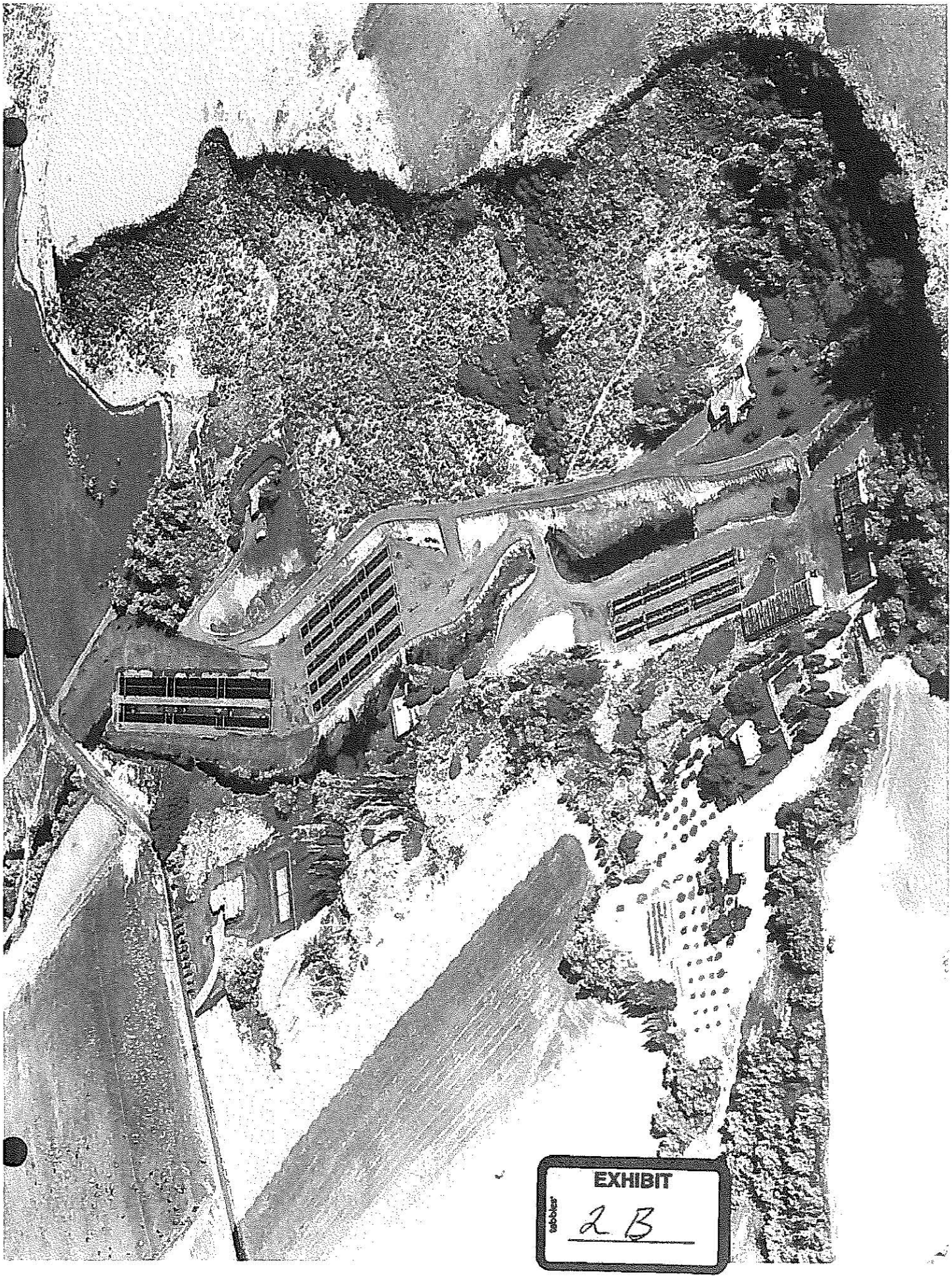
EXHIBIT 2A



Rangen Hatchery Facilities
Hagerman, Idaho

EXHIBIT
2A

EXHIBIT 2B



EXHIBIT
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2B

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EXHIBIT 3

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

1990 JAN 30 PM 4:18

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 36-001348

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.09 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/09/1884

POINT OF DIVERSION: T07S R14E S32 SESWW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	0.09 CFS
DOMESTIC 3 HOMES AND 2 OFFICES	01-01 12-31	0.07 CFS

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R14E S31 SWNE 2 SENE 4
S32 SWNW 1
7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00135A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE IRRIGATION SEASON.

DOMESTIC Within GOODING County
T07S R14E S31 SENE
S32 SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

EXHIBIT 3

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-00135A

1998 JAN -6 AM 11:44

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T07S R14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	0.05 CFS
DOMESTIC 3 HOMES AND 2 OFFICES	01-01 12-31	0.05 CFS

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R14E S31 SWNE 2 SENE 4
S32 SWNW 1
7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-001348 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE IRRIGATION SEASON.

DOMESTIC Within GOODING County
T07S R14E S31 SENE
S32 SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 36-15501

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 1.46 CFS

THIS RIGHT AND RIGHT NO. 36-02551 ARE LIMITED TO A TOTAL COMBINED FACILITY VOLUME OF 123,272 CU. FT.

PRIORITY DATE: 07/01/1957

POINT OF DIVERSION: T07S R14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01-01 12-31	1.46 CFS

PLACE OF USE:

FISH PROPAGATION	Within GOODING County	
T07S R14E S31	SENE	
S32	SWNW	

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 36-02551

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 48.54 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THIS RIGHT AND RIGHT NO. 36-15501 ARE LIMITED TO A TOTAL COMBINED FACILITY VOLUME OF 123,272 CU. FT.

PRIORITY DATE: 07/13/1962

POINT OF DIVERSION: T07S R14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01-01 12-31	48.54 CFS
DOMESTIC 3 HOMES AND 2 OFFICES	01-01 12-31	0.1 CFS

PLACE OF USE:

FISH PROPAGATION	Within GOODING County	
T07S R14E S31	SENE	
S32	SWNW	
DOMESTIC	Within GOODING County	
T07S R14E S31	SENE	
S32	SWNW	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
Case No. 39576	)	Water Right 36-07694
	)	

1997 DEC 30 AM 9:46
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 26.00 CFS

FACILITY VOLUME=287,640 CU. FT.

PRIORITY DATE: 04/12/1977

POINT OF DIVERSION: T07S R14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01-01 12-31	26.00 CFS

PLACE OF USE:

FISH PROPAGATION	Within GOODING County	
T07S R14E S31	SENE	
S32	SWNW	

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

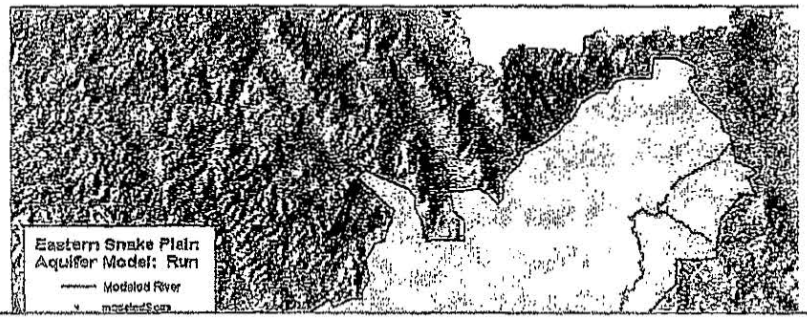
EXHIBIT 4

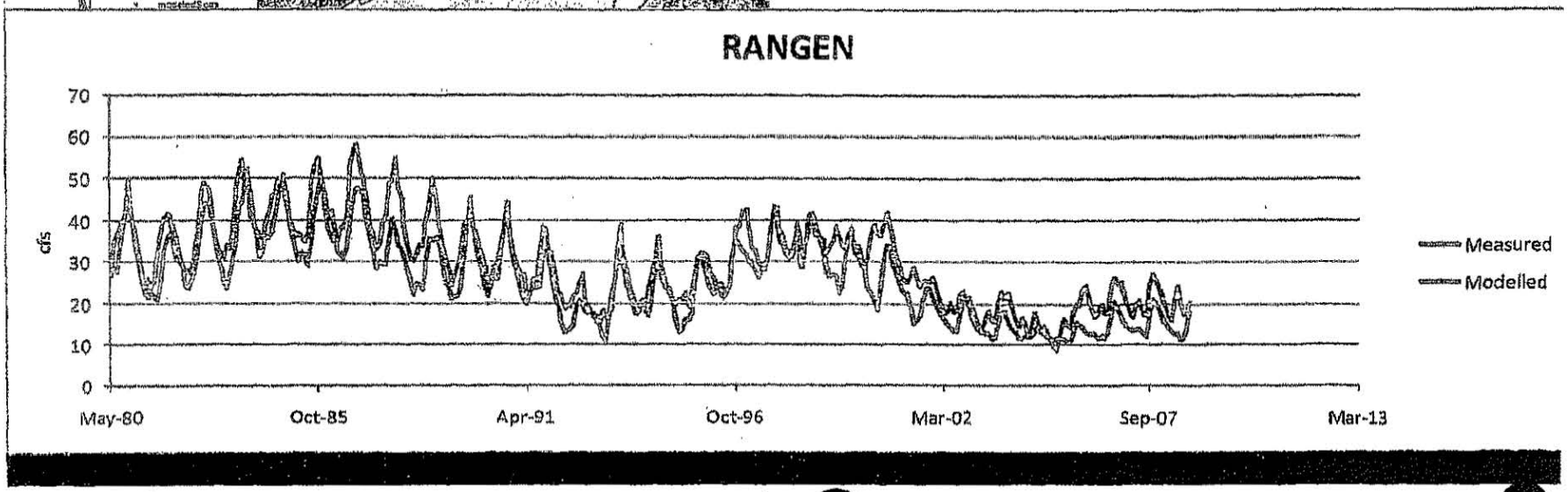
IDAHO Department of Water Resources

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO RANGEN, INC.'s WATER RIGHT NOS. 36-02551 AND 36-07694	**DOCKET NO.:_____** **PETITION FOR DELIVERY CALL**





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[illegible]
Attorneys for Rangen, Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO RANGEN, INC.'s WATER RIGHT NOS. 36-02551 AND 36-07694	**DOCKET NO.: _____** **PETITION FOR DELIVERY CALL**

Rangen, Inc., by and through its attorneys, submits the following Petition for Delivery Call in accordance with Art. XV, § 3 Idaho Const., I.C. §§ 42-101, 226, 602, 607 and IDAPA 37.03.11.040 or as otherwise provided for by the laws of the State of Idaho:

I. BACKGROUND

1. Rangen, Inc. ("Rangen") is a family corporation that has been in business since 1925. Its headquarters is located in Buhl, Idaho.

2. Rangen, among other things, is a leading feed manufacturer in the US aquaculture markets.

3. As part of its aquaculture business, Rangen owns and operates a research and fish propagation facility ("Research Hatchery") near Hagerman, Idaho. A sketch of Rangen's

Research Hatchery is attached hereto as Exhibit 1A and an aerial photograph taken on August 29, 1986 is attached hereto as Exhibit 1B.

4. The water that sustains Rangen's Research Hatchery is spring water from an area commonly referred to as the Thousand Springs area of the Thousand Springs Reach of the Snake River within Water District 130. The Thousand Springs area is characterized by many flowing springs of high quality water that is well suited to aquaculture and fish propagation.

5. Rangen's water comes from a spring through the Martin-Curran Tunnel. The Martin-Curran Tunnel is tributary to Billingsley Creek, a tributary of the Snake River in Gooding County.

6. Rangen has five (5) water rights for the Research Hatchery that have been decreed through the Snake River Basin Adjudication. Rangen's decreed water rights are summarized as follows:

Water Right No.:	36-00134B	36-00135A	36-15501	36-02551	36-07694
Priority Date:	October 9, 1884	April 1, 1908	July 1, 1957	July 13, 1962	April 12, 1977
Beneficial Use:	Irrigation (0.09 cfs) and Domestic (0.07 cfs)	Irrigation (0.05 cfs) and Domestic (0.05 cfs)	Fish Propagation	Domestic (0.10 cfs) and Fish Propagation (48.54)	Fish Propagation
Diversion Rate:	0.09 cfs	0.05 cfs	1.46 cfs	48.54 cfs	26.0 cfs
Period of Use:	Jan. 1 - Dec. 31 (Domestic) Feb. 15 - Nov 30 (Irrigation)	Jan. 1 - Dec. 31 (Domestic) Feb. 15 - Nov. 30 (Irrigation)	Jan. 1 - Dec. 31	Jan. 1 - Dec. 31	Jan. 1 - Dec. 31

Copies of the partial decrees associated with these rights are attached hereto as Exhibit 2.

II. RANGEN HAS SUFFERED, AND CONTINUES TO SUFFER, MATERIAL INJURY FROM JUNIOR-PRIORITY GROUND WATER PUMPING IN THE AREAS ENCOMPASSED BY ESPAM2

7. Rangen has expended reasonable efforts to divert water for right nos. 36-02551 and 36-07694. See IDAPA 37.03.11.042.01.b.

8. Rangen can beneficially use all of the water to which it is entitled pursuant to its decreed water rights if it is available.

9. Rangen is not wasting water.

10. Rangen has been measuring and tracking the water delivered to its Research Hatchery since 1966. Rangen's flow measurements represent the total supply of water available to the Research Hatchery and consist of measurements taken at the Western end of the facility below the CTR raceways (see sketch attached as Exhibit 1) plus measurements taken at the dam on Billingsley Creek (see also sketch attached as Exhibit 1). The monthly average flow measurements from 1966 to October, 2011 are attached hereto as Exhibit 3A. The weekly average flow measurements from 1996 to October, 2011 are attached hereto as Exhibit 3B.

11. Based on the flow data attached as Exhibits 3A-B, the amount of water available for Rangen's Research Hatchery has declined significantly over the years.

12. The only water rights which have been, and are currently being, satisfied are 36-00134B (0.09 cfs), 36-00135A (0.05 cfs) and 36-15501 (1.46 cfs).

13. Rangen is not receiving all of the water to which it is entitled pursuant to decreed water rights nos. 36-02551 and 36-07694.

14. The quantity of water available in the Martin-Curran tunnel, the source of Rangen's water rights, is expected to continue to be insufficient during 2012 and beyond. See IDAPA 37.03.11.042.01.a.

15. Rangen has been, and is currently being, materially injured by junior-priority ground water pumping in the areas encompassed by the Eastern Snake Plain Aquifer Model Version 2.0 ("ESPAM2").

16. Curtailment of junior-priority ground water pumping in the areas encompassed by ESPAM2, would result in a usable amount of water reaching Rangen's point of diversion in a time of need. Rangen is aware of the following facts and information to support its allegation of material injury:

A. The Idaho Supreme Court previously affirmed the issuance of a writ of mandate ordering the Department to administer water from Martin-Curran Tunnel (the same source as Rangen's water) in accordance with the doctrine of prior appropriation after the Department failed to deliver water to property owned by Alvin and Tim Musser. See Musser v. Higginson, 125 Idaho, 392, 871 P.2d 809 (1994).

B. Rangen made a delivery call in September/October 2003. The Department used its Enhanced Snake Plain Aquifer Model (ESPA1) to evaluate the call. See ¶¶ 3-5, 65, 1-77 of Order dated February 25, 2004. A copy of the February 25, 2004 Order is attached hereto as Exhibit 4.

C. Based on computer-simulated curtailment scenarios at that time, the Department determined that Rangen was, in fact, suffering some material injury and ordered curtailment of some junior-priority ground water pumping. See, p. 26 of Exhibit 4.

D. The Department pointed out in its February 25, 2004 Order that a new ground water model was expected to be ready for use in making water management decisions in late 2004. See ¶ 76, p. 22 of Exhibit 4.

E. The Department amended the Order on March 10, 2004 (see Exhibit 5 attached hereto) and rescinded it on March 14, 2005.

F. After the Department's model was reformulated and recalibrated ("ESPAM1.1"), the Department issued a Second Amended Order dated May 19, 2005 in which it determined that Rangen was not being materially injured by junior-priority ground water pumping and that its call was futile. See ¶ 25, p. 28 of Second Amended Order dated May 19, 2005. A copy of the Second Amended Order is attached hereto as Exhibit 6. The Department used the newer version of the model (ESPAM1.1) to reverse its prior determination concerning Rangen's call.

G. On June 3, 2005, Rangen timely requested a hearing on all aspects of the Second Amended Order and requested the appointment of an independent hearing officer. The Department did not convene a hearing. A copy of the June 3, 2005 request is attached hereto as Exhibit 7.

H. On March 31, 2009, Rangen filed another delivery call with the Department and requested a hearing. The Department did not convene a hearing. A copy of the March 31, 2009 delivery call is attached hereto as Exhibit 8.

I. Since the issuance of the May 1, 2005 Second Amended Order, the Department's model has been further refined and Version 2.0 of the Eastern Snake Plain Aquifer Model has been developed. Specifically, a priority of the refinements has been the

"development of a more scientifically based error factor." See Letter from Director David Tuthill dated February 25, 2009. A copy of Director Tuthill's letter is attached hereto as Exhibit 9.

J. ESPAM2 is well calibrated to regional observations and Rangen's actual observed and documented spring flows. See Exhibit 10 attached hereto for a graph generated by the Department comparing Rangen's modeled spring flows with actual observed and documented spring flows.

K. ESPAM2 is currently the best available science and any administrative modeling scenarios to evaluate the impacts of junior-priority ground water pumping should be implemented using ESPAM2 with a "difference" modeling approach.

L. Attached hereto as Exhibit 11 is a Memorandum from Leonard Rice Engineering outlining a computer-generated curtailment scenario using ESPAM2 with a "difference" modeling approach. This curtailment scenario demonstrates that Rangen has been, and is presently being, materially injured by junior-priority ground water pumping in areas encompassed by ESPAM2.

17. To date, the Department has not evaluated Rangen's rights using ESPAM2. Rangen's call under this Petition presents issues that are different than those raised previously, and therefore, this Petition necessarily raises issues that were not actually decided by the Department previously.

III. RELIEF REQUESTED

18. Pursuant to the Department's constitutional and statutory duty to supervise the distribution of water under Art. XV, § 3 Idaho Const., I.C. §§ 42-101, 226, 602, 607 and IDAPA

37.03.11.040 or as otherwise provided for by the laws of the State of Idaho, Rangen respectfully requests that the Director:

A. find that Rangen has suffered, and will suffer, material injury as a result of junior-priority ground water pumping in the areas encompassed by ESPAM2;

B. administer and distribute water in the areas encompassed by ESPAM2 in accordance with the prior appropriation doctrine as required by I.C. § 42-602;

C. order the water masters of the areas encompassed by ESPAM2 to curtail junior-priority ground water pumping as necessary to deliver Rangen's water in accordance with the prior appropriation doctrine. See I.C. § 42-607.

D. order immediate curtailment before any hearing is held because: (I) immediate curtailment is necessary to secure an important government or public interest, to-wit, the guaranteed delivery of water rights obtained under the laws of the State of Idaho; (ii) there is a need for prompt action in that junior diversions continue to prevent Rangen's ability to obtain all its decreed water flows; and (iii) the State of Idaho, by and through its Department of Water Resources and Director, has a duty to supervise the allotment of both surface and ground water to those diverting water for any beneficial purpose; and

E. if the Department does not order immediate curtailment, then convene a timely hearing of this matter before further damage is done by junior-priority ground water pumping

DATED this 13th day of December, 2011.

BRODY LAW OFFICE, PLLC

By: _____
Robyn M. Brody

HAEMMERLE & HAEMMERLE, PLLC

By: _____
Fritz X. Haemmerle

MAY, BROWNING & MAY, PLLC

By: _____
J. Justin May

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of December, 2011, the above and foregoing document was served in the following manner:

Gary Spackman Interim Director IDAHO DEPARTMENT OF WATER RESOURCES PO Box 83720 Boise, ID 83720	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☑ Hand Delivery ☐ E-mail
Randall C. Budge Candice M. McHugh Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED 101 South Capitol Blvd., Suite 300 Boise, ID 83702	☑ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☐ E-mail
Michael C. Creamer GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83702	☑ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☐ E-mail

Robyn M. Brody

INDEX OF EXHIBITS

EXHIBIT 5

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-02551 AND 36-07694	)	**CM-DC-2011-004**
(RANGEN, INC.)	)	**FINAL ORDER REGARDING RANGEN, INC.'S PETITION FOR DELIVERY CALL; CURTAILING GROUND WATER RIGHTS JUNIOR TO JULY 13, 1962**

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

FINDINGS OF FACT

I. Procedural Background

1. On December 13, 2011, Rangen, Inc. ("Rangen") filed a *Petition for Delivery Call* ("Petition") with the Department alleging that it is not receiving all of the water it is entitled to pursuant to water right nos. 36-02551 and 36-07694, and is being materially injured by junior-priority ground water pumping in the areas encompassed by the Enhanced Snake Plain Aquifer Model Version 2.0 ("ESPAM 2.0"). *Petition* at 3-4. The Petition requested the Director administer and distribute water in the areas encompassed by ESPAM 2.0 in accordance with the prior appropriation doctrine and to curtail junior-priority ground water pumping as necessary to deliver Rangen's water. *Id.* at 7.

2. In response to the Petition, the Department assigned the contested case proceeding docket number CM-DC-2011-004.

3. On January 4, 2012, the Idaho Ground Water Appropriators, Inc. ("IGWA") petitioned to be designated as a respondent or alternatively to intervene in the proceeding. IGWA represents ground water districts whose members consist of irrigators, municipalities, and commercial and industrial entities with ground water rights. Many of the ground water districts' member's water rights are junior to Rangen's water rights and could be curtailed if Rangen is successful in its delivery call. The Director granted IGWA's petition to intervene on January 13, 2012.

4. On May 21, 2012, the City of Pocatello ("Pocatello") petitioned to be designated as a respondent or alternatively to intervene in the proceeding. Pocatello is a municipality with ground water rights junior to Rangen's water rights and could be curtailed if Rangen is successful in its delivery call. The Director granted Pocatello's petition to be designated as a respondent on May 29, 2012.

5. On July 24, 2012, 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 (collectively, the "Surface Water Coalition" or "SWC") petitioned for limited intervention in the proceeding for the purpose of addressing the application of ESPAM 2.0 in the Rangen delivery call. The water delivery entities comprising the SWC hold senior surface water rights on the Snake River and filed a separate delivery call against junior ground water users. The Department employed a previous version of ESPAM to determine the effects of ground water pumping on the SWC's senior priority water rights. The Director granted the SWC's petition for limited intervention on August 14, 2012.

6. On August 14, 2012, Buckeye Farms, Inc. ("Buckeye") petitioned for limited intervention in the Rangen proceeding for the purpose of addressing the application of ESPAM 2.0. Buckeye argued that it has several surface water rights downstream from Rangen and should be allowed to participate in the proceeding because "[f]uture conjunctive administration involving Buckeye's senior surface water rights will involve ESPAM 2.0." *Buckeye Farms, Inc Petition for Limited Intervention* at 3. On August 21, 2012, both IGWA and Pocatello filed responses in opposition to Buckeye's petition. The Director denied Buckeye's petition on September 11, 2012, stating Buckeye's petition was untimely and that Buckeye's limited interests are adequately represented by existing parties. *Order Denying Buckeye Farms, Inc.'s Petition for Limited Intervention* at 2-3.

7. On August 21, 2012, Fremont-Madison Irrigation District ("Fremont-Madison") petitioned to be designated as a respondent or alternatively to intervene in the proceeding. The Director granted Fremont-Madison's petition to be designated as a respondent on September 11, 2012, concluding Fremont-Madison meets the definition of a respondent according to the Department's rules of procedure because Fremont-Madison is an irrigation district that diverts ground water from the Eastern Snake Plain Aquifer ("ESPA") and could be curtailed if Rangen is successful in its delivery call. *Order Designating Freemont-Madison a Respondent* at 1.

8. Several dispositive motions were filed prior to the hearing. Rangen filed a *Motion for Partial Summary Judgment Re: Material Injury* on January 9, 2013. The motion was disposed of by an *Order Denying Rangen, Inc.'s Motion for Partial Summary Judgment Re: Material Injury* issued April 24, 2013.

9. Rangen filed a *Motion for Partial Summary Judgment Re: Source* on March 8, 2013, which was disposed of by an *Order Granting In Part and Denying in Part Rangen, Inc's Motion for Partial Summary Judgment Re: Source* issued on April 22, 2013.

10. Pocatello filed a *Motion for Declaratory Order Regarding Rangen's Legal Obligation to Interconnect* on March 8, 2013. The motion was disposed of by an *Order Denying*

City of Pocatello's Motion for Declaratory Order Re: Rangen's Legal Obligation to Interconnect issued on April 23, 2013.

11. The hearing on Rangen's delivery call commenced on May 1, 2013, at the Department's State Office in Boise, Idaho. The hearing concluded on May 16, 2013. The hearing was bifurcated. The first part of the hearing focused on issues of material injury and beneficial use and the second part of the hearing focused on issues related to ESPAM 2.1.[1]

II. History of the Rangen Facility

12. Rangen started business in 1925. Courtney, Vol. I, p. 53. The company was formally incorporated in 1935 and has been in business for over 88 years. *Id.* Aquaculture is one of the company's business enterprises. *Id.*

13. Rangen owns and operates a fish research and propagation facility ("Rangen Facility") in the Thousands Springs area near Hagerman, Idaho. Courtney, Vol. I, p. 55. Rangen Exhibit 1005[2] is a schematic diagram of the Rangen Facility and is attached as Attachment A. The Rangen Facility is situated below a canyon rim at the headwaters of Billingsley Creek. *Id.* Torlief Rangen began construction of the Rangen Facility in 1962. *Id.* at 62.

14. The Rangen Facility was developed in stages. Courtney, Vol. I, p. 61. The facility started with a series of concrete channels for fish rearing, now commonly referred to as the "small raceways" and the "large raceways," and a hatch house for incubation of fish eggs. Rangen Ex. 1014; Courtney, Vol. I, pp. 60, 66. Rangen also constructed some earthen ponds for fish rearing and holding. The facility was expanded in 1976, when additional raceways, now referred to as the "CTR raceways," were constructed. Courtney, Vol. I, p. 61. In approximately 1992, the greenhouse was added to the back of the hatch house to expand Rangen's hatching and research capabilities. *Id.* Other buildings were added over time, but their addition is not relevant to this proceeding.

15. Rangen first filed a delivery call in September of 2003, seeking to curtail junior-priority ground water users. In February of 2004, a previous Director of the Department, Karl Dreher, ordered curtailment of all ground water rights in Water District 130 with priority dates junior to July 13, 1962 (the priority date of Rangen's water right no. 36-02551). *Order* at 26 (Feb. 25, 2004). However, ESPAM model version 1.0 was released shortly thereafter. Based on the curtailment predictions of ESPAM 1.0, Director Dreher withdrew his curtailment order, concluding instead that the Rangen delivery call was futile. *Second Amended Order* at 28 (May 19, 2005).

[1] As described later in this order, ESPAM 2.0 was updated shortly before the hearing commenced. The latest version is referred to as ESPAM 2.1.

[2] All references to "Exhibit" or "Ex." in this order refer to exhibits from the administrative hearing in this matter.

III. Source of Water and Diversions

16. Immediately east of the Rangen Facility, water emanates from numerous springs on the talus slopes just below the canyon rim. Water also emanates from what is called the "Martin-Curren Tunnel" or "Curren Tunnel." The tunnel is a large, excavated conduit constructed high on the canyon rim and extends approximately 300 feet into the canyon wall. Tate, Vol. IV, p. 911. The first 50 feet of the tunnel is supported by a corrugated metal pipe approximately 6 feet in diameter. Brendecke, Vol. IX, p. 2039. The remaining 250 feet of the excavation is an open tunnel unsupported by any structure. *Id.* The main tunnel bifurcates into two tunnels approximately 150-200 feet into the tunnel from its mouth. *Id.*; IGWA Ex. 2328. The record does not clearly establish when the tunnel was built, but the tunnel predates the construction of the Rangen Facility.

17. A concrete collection box located near the mouth of the Curren Tunnel collects water for delivery to Rangen and holders of early priority irrigation water rights via pipelines. Pocatello Ex. 3651. The concrete box is commonly referred to as the "Farmers' Box." Since 2002, the water historically diverted by the senior-priority irrigation water right holders has been replaced with surface water delivered by the Sandy Pipeline. Sullivan, Vol. VI, p. 1345; Brendecke, Vol. IX, p. 2081. Currently, only Rangen diverts from the Farmers' Box, but senior priority irrigation water right holders may call for delivery of water from Curren Tunnel in the future.

18. Further down the talus slope is a second concrete water collection box with an open top, commonly referred to as the "Rangen Box." Rangen rediverts the water from the Farmers' box through two plastic pipes down to the Rangen Box. Sullivan, Vol. VII, p. 1661. Water is then delivered from the Rangen Box via a 12-inch diameter steel pipe to the small raceways. *Id.* The water diverted by Rangen can then be routed from the small raceways down through the large and CTR raceways. *Id.* Rangen Exhibit 1292, a picture showing the two collection boxes and the distribution piping, is attached as Attachment B. Water can also be spilled out the side of the Rangen Box and returned to the talus slope.

19. In the early 1980's, Rangen built a 6-inch white PVC pipeline to divert water from inside the Curren Tunnel and deliver the water to the hatch house and greenhouse buildings. The water is used in the hatch house and/or greenhouse and then can be discharged either back into Billingsley Creek or discharged directly into the small raceways and used in the large and CTR raceways. Sullivan, Vol. VI, p. 1336.

20. The main diversion for the large raceways is located downstream from the talus slope, where the defined channel for Billingsley Creek begins. Sullivan, Vol. VI, p. 1336. This Rangen diversion is commonly referred to as the "Large Raceway Diversion" or "Bridge Diversion." The Bridge Diversion collects and diverts the spring flows that arise on the talus slope below the Curren Tunnel and water spilled from the Rangen Box. *Id.*

IV. Rangen Water Rights

21. Rangen holds five water rights for the Rangen Facility. The five water rights have been decreed through the Snake River Basin Adjudication ("SRBA"). Rangen's decreed water rights are summarized as follows:

ELEMENTS OF RANGEN, INC.'S WATER RIGHTS					
WATER RIGHT NO.:	36-00134B	36-00135A	36-15501	36-02551	36-07694
PRIORITY DATE:	Oct. 9, 1884	Apr. 1, 1908	July 1, 1957	July 13, 1962	Apr. 12, 1977
SOURCE:	Martin-Curren Tunnel Tributary: Billingsley Creek	Martin-Curren Tunnel Tributary: Billingsley Creek	Martin-Curren Tunnel Tributary: Billingsley Creek	Martin-Curren Tunnel Tributary: Billingsley Creek	Martin-Curren Tunnel Tributary: Billingsley Creek
QUANTITY:	0.09 cfs[3]	0.05 cfs	1.46 cfs	48.54 cfs	26.0 cfs
DIVERSION POINT:	T07S R14E S32 SESWNW	T07S R14E S32 SESWNW	T07S R14E S32 SESWNW	T07S R14E S32 SESWNW	T07S R14E S32 SESWNW
PURPOSE AND PERIOD OF USE:	Domestic (0.07 cfs) 01-01 to 12-31 Irrigation (0.09 cfs) 03-15 to 11-15	Domestic (0.05 cfs) 01-01 to 12-31 Irrigation (0.05 cfs) 03-15 to 11-15	Fish Propagation (1.46 cfs) 01-01 to 12-31	Domestic (0.10 cfs) 01-01 to 12-31 Fish Propagation (48.54 cfs) 01-01 to 12-31	Fish Propagation (26.0 cfs) 01-01 to 12-31
PLACE OF USE:	Domestic T07S R14E S31 SENE S32 SWNW Irrigation T07S R14E S31 SWNE 2 SENE 4 S32 SWNW1 (7 acres total)	Domestic T07S R14E S31 SENE S32 SWNW Irrigation T07S R14E S31 SWNE 2 SENE 4 S32 SWNW 1	Fish Propagation T07S R14 E S31 SENE S32 SWNW	Domestic T07S R14E S31 SENE S32 SWNW Fish Propagation T07S R14E S31 SENE S32 SWNW	Fish Propagation T07S R14E S31 SENE S32 SWNW

[3] Cubic feet per second.

22. Water right nos. 36-00134B and 36-00135A are for irrigation and domestic purposes. They are not for fish propagation.

23. Water right nos. 36-15501, 36-02551, and 36-07694 authorize a total, cumulative diversion of 76.0 cfs for fish propagation. The priority dates associated with the three fish propagation water rights are July 1, 1957, July 13, 1962 and April 12, 1977, respectively.

24. Rangen alleges that it "is not receiving all of the water to which it is entitled pursuant to decreed water rights nos. 36-02551 and 36-07694." *Petition* at 3. Rangen does not allege injury to water right nos. 36-00134B, 36-00135A, and 36-15501. *Id.*

25. The source for water right nos. 36-02551 and 36-07694 is the Martin-Curren Tunnel, which is commonly referred to as the Curren Tunnel. Rangen Ex. 1026; Rangen Ex. 1028. The point of diversion for both water rights is described as the 10 acre tract: SESWNW T07S R14E S32. *Id.*

26. On March 8, 2013, Rangen filed a *Motion* and *Brief in Support of Motion for Partial Summary Judgment Re: Source* ("Source Brief"). Rangen sought a ruling that it is entitled to judgment as a matter of law as follows: (1) the source for water rights 36-02551, 36-07694, and 36-15501 is surface water, not ground water; and (2) its delivery call "is not limited only to water from the mouth of the Martin-Curren Tunnel itself." *Source Brief* at 2. Rangen stated that IGWA and Pocatello "contend that Rangen's water rights at issue are ground water rights (as opposed to surface water) and that Rangen can only call for water discharging from the mouth of the Martin-Curren Tunnel itself and not the entire spring complex that supplies Rangen's Research Hatchery." *Id.* at 2-3.

27. On the issue of source, the Director reviewed the SRBA decrees and concluded the decrees were not ambiguous:

> Water right nos. 36-2551, 36-7694, and 36-15501 were decreed in the SRBA with the following Source element: Martin-Curren Tunnel, tributary to Billingsley Creek. ... The fact that the source and tributary are named demonstrate that the rights were decreed from a surface water source. *See* [IDAPA 37.03.01.060] ("For surface water sources, the source of water shall be identified .... The first named downstream water source to which the source is tributary shall also be listed. For ground water sources, the source shall be listed as 'ground water.'"). Consistent with [IDAPA 37.03.01.060], listing a source and tributary for surface water rights, and only "ground water" for ground water rights, was the custom and practice in the SRBA. In 1997, Rangen's Martin-Curren Tunnel water rights were partially decreed. The partial decrees were entered pursuant to Idaho Rule of Civil Procedure 54(b). No appeal has ever been taken. The plain language of Rangen's partial decrees from the SRBA show that Martin-Curren Tunnel is unambiguously surface water.

Order Granting in Part and Denying in Part Rangen, Inc.'s Motion For Partial Summary Judgment Re: Source ("Order on Summary Judgment") at 4 (April 22, 2013).

28. The Director also concluded that previous Idaho Supreme Court decisions already decided that the source of the Martin-Curren Tunnel is surface water. *Order on Summary Judgment* at 4. The Idaho Supreme Court case *Musser v. Higginson*, 125 Idaho 392, 871 P.2d 809 (1994), involved a delivery call by water users other than Rangen with water rights from the Martin-Curren Tunnel. The Court in *Musser* specifically described the source as "springs." *Musser* at 394, 871 P.2d at 811. Spring water users are considered surface water users, not ground water users. *Clear Springs Foods, Inc. v. Spackman*, 150 Idaho 790, 804, 252 P.3d 71, 85 (2011) ("The Spring Users are not appropriators of ground water . . . [t]hey are appropriators of surface water flowing from springs."). The Court in *A&B Irr. Dist. v. Idaho Dept. of Water Res.*, had cause to discuss the *Musser* Court's characterization of the source and recognized that the Martin-Curren Tunnel is considered surface water. *A&B Irr. Dist. v. Idaho Dept. of Water Res.*, 153 Idaho 500, 509, 284 P.3d 225, 234 (2012)(Concluding that the Court in *Musser* could not have opined on the application of the Ground Water Act because the call was "between senior spring users and junior ground water users.")

29. Based on the above conclusions, the Director granted summary judgment to Rangen on the issue of source. *Order on Summary Judgment* at 7.

30. On the second issue, the Director again started with the SRBA decrees:

> The point of diversion element decreed by the SRBA district court unambiguously limits diversion to T07S R14E S32 SESWNW. Therefore, by the unambiguous terms of its SRBA partial decrees, Rangen is not authorized to divert water from sources outside T07S R14E S32 SESWNW. Without a water right that authorizes diversion outside T07S R14E S32 SESWNW, Rangen cannot call for delivery of water from sources located outside its decreed point of diversion. IDAPA 37.03.11.001 ("rules prescribe procedures for responding to a delivery call made by the holder of a senior-priority surface or ground water right) (emphasis added); 37.03.11.010.25 (defining "water right" to mean "[t]he legal right to divert and use . . . the public waters of the state of Idaho where such right is evidenced by a decree . . . .").

Order on Summary Judgment at 6 (emphasis in original).

31. However, summary judgment was not granted to any party on the issue of the point of diversion because questions of material fact remained related to how water is diverted by Rangen from the Curren Tunnel. *Id.* 6-7.

V. Water Measurements

32. Rangen has measured the flows through the Rangen Facility since 1966. Ramsey, Vol. III, p. 617; Rangen Ex. 1075. Since 1995, Rangen has been required by the Department to measure the flows through the Rangen Facility and report the measurements annually to the watermaster. IDWR Staff Memorandum, Ex. 3203, p. 13.

33. The water that flows through the Rangen Facility is measured at two different locations, the CTR raceways and the lodge pond dam.[4] Maxwell, Vol. I, p. 269; Rangen Ex. 1074. Rangen's measurements at the CTR raceways and the lodge pond dam, summed together, quantify all inflow that is tributary to Billingsley Creek upstream from those measurement locations, except for diversions to the senior irrigation rights from the Farmers' Box. Courtney, Vol. I, p. 142. Irrigation return flows sporadically discharge into Billingsley Creek above the lodge dam measurement point. Rangen is not able to beneficially use these irrigation return flows, but the irrigation return flows are included in Rangen's measurements. *Id.*, pp. 142-143. Rangen measures the flows weekly. *Id.*, p. 270. The weekly measurements from the CTR raceways and the lodge pond dam are summed for reporting purposes. Maxwell, Vol. I. p. 281; Rangen Ex. 1094. Rangen also measures flows weekly at the large raceways, but the large raceways measurement data are not reported to the watermaster. Maxwell, Vol. I., p. 278.

34. To determine the flow of water in the CTR raceways, Rangen employees measure the depth of water (head) flowing over wooden check board dams in each raceway using a ruler placed on top of the board. Maxwell, Vol. I, pp. 270-273. This method of measuring head with a ruler on top of the board is commonly referred to as "sticking the weir." Sullivan, Vol. XI, p. 1387. Rangen employees clean the upper board in each multi-board dam prior to measuring the head to prevent error from moss accumulation. Erwin, Vol. I, p. 249. Rangen also inspects the upper dam board to ensure that the board is centered and flush. Maxwell, Vol. I, pp. 273-274. Rangen uses the same procedure to measure head at the lodge pond dam.

35. Frank Erwin, who has been watermaster for Water District 36 for more than 16 years, observed Rangen employee Dan Maxwell measuring water three or four times. Erwin, Vol. I, p. 249. Erwin stated Maxwell did "a good job" and that Maxwell "probably does a little better job at it than I would be able to do." *Id.*, p. 245. He stated that Rangen sends him annual reports of their water measurements and that he has never had an issue with any of Rangen's measurements. *Id.*

36. Wooden check board dams are considered nonstandard measurement devices and are not listed as an acceptable measuring device in the Department's *Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices*. Yenter, Vol. III, p. 557; IDWR Staff Memorandum, Ex. 3203, p. 59; Luke, Vol. V, pp. 1134-1135. Roughness, rounding, and sagging in wooden check boards can cause measurement error. Sullivan, Vol. VI, pp. 1408-1409.

37. Although wooden check board dams are considered nonstandard measuring devices, the Department historically accepted measurements using these structures because the Department's standards allow an accuracy of +/- 10% for open channel measuring devices when compared to measurements using standard portable measuring devices. The Department's experience is that flows rates derived by treating wooden check board dams as weirs generally

[4] The Department has measured the flow from the mouth of Curren Tunnel since 1993. The Curren Tunnel flow data are not used by the watermaster to determine the overall flows through the Rangen Facility, as most water that emanates from the Curren Tunnel is counted either at the measurement in the CTR raceways or at the lodge pond dam.

provide an accuracy of +/- 10%. Yenter, Vol. III, p. 567; IDWR Staff Memorandum, Ex. 3203, p. 13; Luke, Vol. V, pp. 1139,1140, 1168.

38. Two questions were raised related to Rangen's measurements. The first question is whether Rangen historically under-measured its flows because Rangen was using an incorrect rating table. The second question is whether United States Geological Survey ("USGS") flow measurements downstream from the Rangen Facility are a more accurate representation of historic flows through the Rangen Facility and should be relied upon in this proceeding.

39. The Francis equation for a standard suppressed rectangular weir with full bottom contraction is $Q=CLH^{3/2}$ where the weir coefficient "C" is 3.33, and:

Q=flow rate in cubic feet per second
L=length of the weir crest in feet
H=head of water over the weir crest in feet

40. Each weir type has a unique weir coefficient and relates the measurement of the head on the weir to the flow rate over the weir. Brockway, Vol. IV, p. 935. A wooden check board dam employed by Rangen is considered a suppressed weir with a nonstandard weir blade. *Id.*

41. After measuring the head over the wooden check board dams, Rangen employees consult a rating table and identify the flow value corresponding to the measured head for each raceway. By referring to a rating table, a water user can determine flow rates based solely upon the head of water over the weir without calculating the flow with a weir equation. The values in a rating table should be derived either from a weir equation or from direct measurements of discharge and head at numerous flow rates.

42. Historically, Rangen has used at least two different rating tables. It is not clear how Rangen's rating tables were derived. The accuracy of Rangen's original and revised rating tables was an issue discussed extensively at the hearing. The parties, including Rangen, agree that there are problems with the original and the revised rating tables.

43. If compared to the Francis equation, the weir coefficient implicit in Rangen's original rating table varied with the depth of water over the weir crest. Pocatello Ex. 3345, p. 18. Prior to December 1998, Rangen's rating table implied a weir coefficient that averaged between 3.27 and 3.40. *Id.*

44. Sometime between December 1998 and July 2003, Rangen revised its rating table. Pocatello Ex. 3345, p. 18. Between December 1998 and July 2003, there are no measured head data available with which to determine the implicit average weir coefficient. *Id.* Starting in July 2003 through the present, the available measurement data suggest that the revised table had an equivalent weir coefficient in the range of 3.05 to 3.09. *Id.*

45. When the head over a wooden dam board exceeds approximately two times the width of the board crest, the nappe, or the sheet of water flowing over the top of the dam board, begins to "spring" from the front edge of the dam board, and simulates the physical "springing"

of water across a sharp crested weir blade. Brockway, Vol. IV, pp. 955-958. The width of Rangen's dam boards is 1 and 5/8 inches. Two times 1 and 5/8 inches is 3 and ¼ inches. The vast majority of Rangen's head measurements exceeded 3 and ¼ inches, more than two times the dam board width. *Id.*, p. 959. Rangen's wooden dam boards act like a standard suppressed sharp-crested weir. *Id.*, p. 959. Without actually calibrating the measurement of flows over the nonstandard dam boards, the best approximation of a correct flow computation for measurements of head at Rangen's wooden check board dams, would be to use the Francis formula with the standard suppressed sharp-crested weir coefficient of 3.33. Brockway, Vol. IV, pp. 959, 962.[5]

46. In 2003, the Department evaluated Rangen's measurements in connection with Rangen's previous delivery call. Department employees measured flows at the large and CTR raceways and the lodge pond dam by "sticking the weir." Department employees measured a combined total discharge of 18.69 cfs for the CTR raceways and the lodge pond dam. Rangen Ex. 1129, p. 3. The day prior to the Department's measurement, Rangen employees measured a combined total discharge of 17.52 cfs for the CTR raceways and the lodge pond dam, a difference of 1.17 cfs, or a difference of approximately -6%. *Id.*, p. 12.

47. The employment of a nonstandard measuring device and the under-reporting of flow rate values due to the uncalibrated rating table is cause to review other available flow rate measurement values. The USGS periodically measures Billingsley Creek flows at a site just downstream of the Rangen Facility. Sullivan, Vol. VI, pp. 1414-1415. The USGS derives flow values by measuring velocities across the creek's flow profile and by multiplying each measured velocity by a cross sectional area to compute the flow rate in each individual cross sectional area using a current meter. The flow rates for each area are summed, resulting in a total flow rate. The method described above is considered a standard method of water measurement, is listed as an acceptable measuring method in the Department's *Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices*, and is employed to calibrate the accuracy of weirs and other measuring devices. USGS flow measurements are widely accepted as accurate and objective measurements.

48. When a USGS hydrographer measures flow rates, the hydrographer assigns a quality rating to the measurement. Sullivan, Vol. VI, p. 1423. This is a quasi-quantitative rating of the quality of the measurement. Various factors are considered in rating the measurement. The USGS quantifies the standard error[6] associated with each rating. The highest rating assigned to measurements in Billingsley Creek below the Rangen Facility is "good," abbreviated by the letter "G." When a measurement is rated "G," the estimated standard error is plus or minus 5%. A lesser rating of "fair" is abbreviated by the letter "F." When a measurement is rated "F," the estimated standard error of the measurement is plus or minus 8%. *Id.* at 1424. The lowest rating is "poor," abbreviated by the letter "P." When a measurement is rated "P," the estimated standard error of the measurement is greater than 8%. *Id.* The abbreviation "U" means the measurement was unrated and means that, for some reason, the hydrographer didn't assign a

[5] Brockway derived a weir coefficient for measuring flows discharging over splash board dams at another fish propagation facility. The other facility's weir coefficient was 3.68. Brockway distinguished the other facility's weir coefficient from the standard 3.33 value by observing that the head measurements over the dam board at the other facility were near or below two times the width of the dam board, resulting in a larger coefficient.

[6] A standard error of 5% means there is a 68% probability that the true measurement is within plus or minus 5% of the true value. Sullivan, Vol. VI, p. 1423.

rating. *Id.* Most of the USGS measurements in Billingsley Creek below the Rangen Facility are rated as "good" or "fair" measurements. The rating of measurement conditions may be "fair" because, as discussed in the IDWR staff memorandum, flow and/or cross-sectional conditions are less than ideal. IDWR Staff Memorandum, Ex. 3203, p. 65.

49. Rangen presented evidence that there is a small drain that discharges into Billingsley Creek between where Rangen measures flows from the Rangen Facility and where the USGS measures flow in Billingsley Creek. This drain sometimes carries irrigation return flows to the creek. Sullivan, Vol. VI, p. 1419. However, the record does not support a finding that these return flows affected the USGS measurements because the USGS generally measures the flow in Billingsley Creek during the non-irrigation season. *Id.*

50. Pocatello compared the USGS measurements taken downstream from Rangen with Rangen's reported flows closest to the date of the USGS measurement. Pocatello's expert, Greg Sullivan, testified that comparison of Rangen's reported flows with flows measured by the USGS below the Rangen Facility show a systematic under-measurement of Rangen's flows, especially since 1980. Sullivan estimated the measurement error to be 15.9% based on the comparison of 45 measurements by the USGS between 1980 and 2012. Sullivan, Vol. VI, pp. 1428-1429; Pocatello Ex., p. 3349.

51. In addition, Sullivan derived a weir coefficient for the Rangen Facility by solving the standard weir equation for the weir coefficient using 14 of the USGS flow measurements and Rangen head measurements made nearest in time. Sullivan derived an average weir coefficient of 3.62. Sullivan, Vol. VI., pp. 1438-1439.

52. The Director finds, based upon clear and convincing evidence, that Rangen's use of a nonstandard measuring device with an inaccurate rating curve has resulted in under-reporting of flows at the CTR raceways and Rangen's lodge pond dam.

VI. Historical Spring Flows

53. Notwithstanding Rangen's use of inaccurate rating tables and under-reporting of its flows, it is clear that spring flows in the area of the Curren Tunnel have declined significantly. IDWR Staff Memorandum, Ex. 3203, p. 2. In 1966, Rangen's reported hatchery flows averaged 50.7 cfs. Rangen Ex. 1075. In 2012, spring complex flows averaged just 14.6 cfs. *Id.* If one redetermines Rangen's reported flows using Pocatello's estimated measurement error of 15.9% since 1980, the declines in flow rate from the Rangen springs have been dramatic. Even if the 15.9% correction is applied to the 2012 spring complex discharge, flows declined by over 33 cfs between 1966 and 2012.

54. Discharge from the mouth of Curren Tunnel has been measured by the Department since 1993. Pocatello, Ex. 3650, p. 5. The measured discharge does not include flow in the 6-inch PVC pipe. The sum of the tunnel discharge and flow in the 6-inch PVC pipe represents the flow available from the Curren Tunnel source. Rangen began submitting flow data for the 6-inch PVC pipe to the Department in 1996. Sullivan used data available from1996 through 2011 to extrapolate Curren Tunnel flows prior to 1996. *Id.* Sullivan estimated the

average annual tunnel flow in 1966 was 32.1 cfs.[7] Pocatello, Ex. 3650, Table A-5. By 2011, the average annual tunnel flow had declined to 4.4 cfs. *Id.*, Table A-1.

55. There is no single reason for the decline in flow. Several anthropogenic activities on the Eastern Snake Plain caused reductions in spring flows near Rangen and throughout the Thousand Springs complex. These activities included diversion of ground water from wells, reduction in incidental recharge because of increased delivery and application efficiencies for surface water irrigation, and reductions in incidental recharge because of an overall reduction in surface water delivered for irrigation of the Eastern Snake Plain. Reduction in natural recharge derived from precipitation has also contributed to declines in spring flow. Because the Rangen spring complex is hydraulically connected to the ESPA, it is clear that ground water pumping has contributed to the decrease in discharge, but other activities have also contributed.

VII. Effects of Declining Flows on Rangen

56. Rangen argues that its ability to conduct research has been hindered because of reduced spring flows. Ramsey, Vol. III, p. 691; Kinyon, Vol. II, pp. 452,460; Rangen Ex. 1161. An important aspect of the Rangen Facility is its research. Rangen conducts experiments at its facility to: (a) improve its commercial fish food, (b) treat or prevent disease, and (c) improve its fish rearing (husbandry) techniques. Because of lower flows, Rangen is not able to conduct all the desired experiments. Ramsey, Vol. III, pp. 692-693. Rangen would conduct more research if the flows were higher. Kinyon, Vol. V, p. 1183.

57. Pocatello argues that, historically, most of Rangen's experiments have been conducted inside the hatchhouse and greenhouse, not outside in the raceways, and that outside experiments in production ponds do not generate reliable data. Woodling, Vol. VI, pp. 1239-1240. Pocatello references a Rangen analysis suggesting that more reliable data could be generated from studies in the greenhouse as opposed to the outside raceways. Woodling, Vol. VI, p. 1246. Rangen's response to this argument is that its clients want experiments in outdoor raceways in a production-type setting, not a laboratory setting, and that Rangen would conduct experiments in the outdoor raceways if more water were available. Ramsey, Vol. III, pp. 697-698. For example, Rangen testified it would experiment with fishmeal replacements. Kinyon, Vol. V, p. 1185; Ramsey, Vol. V, p. 1197. Rangen testified to numerous other studies it would undertake. Kinyon, Vol. V, pp. 1184-1186; Ramsey, Vol. V, pp. 1198-1199.

58. Pocatello also argues that if Rangen wants to undertake outside studies, it should modify the way it conducts raceway studies and initiate fish tagging studies instead. Woodling, Vol. VI, pp. 1249-1250. Pocatello suggests Rangen would then need only two raceways and would gather better data. Pocatello recognizes that its suggested alternative study method would require much more manpower to complete, but suggests Rangen can find volunteers with the Idaho State Fish and Game or Idaho Power Company ("Idaho Power").

[7] Pocatello's Ex. 3650, Table A-5 is based on Rangen's reported values for flow in the CTR raceways and lodge pond dam. The values in Table A-5 do not incorporate Pocatello's correction of Rangen's reported values based on comparison with the USGS data.

59. Rangen also argues that its ability to raise more fish has been hindered because of the reduced flows. Tate, Vol. IV, pp. 867-868. There currently is sufficient water available to the hatchery and the greenhouse to raise more fish should Rangen desire to do so. Tate, Vol. IV, p. 894. The bottleneck for raising more fish is the outside raceways. Rangen has sufficient water to operate the small raceways during some parts of the year but not others. *Id.*, p. 895. Rangen could open up the other raceways and add more fish if it had more water. Tate, Vol. IV, pp. 868, 905-906. Furthermore, while the water may be sufficient to satisfy its existing contractual obligations, Rangen would raise more eggs in the hatchhouse than are currently being raised if it had more water in other parts of the facility to put those fish, when the fish are grown out. Ramsey, Vol. III, p. 719.

60. Rangen argues that it employs many fewer people now than it once did. Kinyon, Vol. II, p. 452. There may be multiple reasons for a reduction in employees, including a slump in the fish hatchery industry. Church, Vol. VIII, pp. 1965, 1974.

VIII. Rangen's Use of Water

61. Rangen currently raises fish for commercial processing, research, and for public sale to fish pond operators and others. Kinyon, Vol. II, p. 474. Since 2004, Rangen has also contracted with Idaho Power to raise trout. Rangen Ex. 1141. Idaho Power stocks the fish in the Middle Snake River and American Falls Reservoir. Kinyon, Vol. II, p. 422. Raising fish for restocking is commonly referred to as raising fish for conservation purposes, and the fish are commonly referred to as conservation fish. The timing and the way Rangen raises the fish for Idaho Power is dictated primarily by the contract with Idaho Power. Kinyon, Vol. II, p. 478; Maxwell, Vol. II, p. 316; Tate, Vol. IV, p. 860.

62. Because the fish for Idaho Power are being raised for conservation purposes (as opposed to being raised for processing), Rangen is contractually required to satisfy specific flow and density indexes when raising the fish. Kinyon, Vol. II, p. 482. A flow index is a measurement of the relationship between the number and size of fish and the flow rate of water in a rearing space. The density index is a measurement of the relationship between the number and size of fish and the available rearing volume of water. Ramsey, Vol. III, p. 721; Smith, Vol. IV, p. 812. The Idaho Power's contract requires that Rangen employ a specific flow index so that the ratio of flow to fish is higher than the ratio of flow to fish when raising fish for processing purposes. Similarly, the Idaho Power contract requires that Rangen employ a specific density index so that the ratio of volume of water to fish is higher than the ratio of volume of water to fish than might be used when raising fish for processing purposes. Requiring higher flow and density indexes is a standard industry practice when raising conservation fish because the goal is to produce fish that are better able to survive in the wild and are more physically attractive to anglers. Kinyon, Vol. II, pp. 482-483. Since contracting with Idaho Power, raising fish for Idaho Power has been the main focus of Rangen's fish production efforts. The Idaho Power contract governs the timing of Rangen's purchases of its fish eggs and Rangen's movement of fish from one rearing location to another through the facility. Rangen raises some extra fish beyond those required by the Idaho Power contract. Rangen sells these extra fish for processing and other purposes.

63. IGWA and Pocatello argue Rangen's use of water is unreasonable. First, they argue Rangen is not efficiently using its water, is not efficiently raising fish at the facility, and could be raising more fish if they would take advantage of peak spring flows. They assert Rangen could be raising more fish for the Idaho Power contract, even under the density index imposed through the Idaho Power contract, Rangen could be raising more fish. Rogers, Vol. VIII, p. 1829. They argue the lack of records related to dissolved oxygen suggests Rangen is not trying to maximize fish production. *Id.*, p. 1839. They suggest that Rangen's failure to maximize the number of fish it raises is unreasonable and constitutes waste. *Id.*, p. 1849. Furthermore, they argue Rangen could be taking steps to further aerate its water, so it could raise even more fish. *Id.*, p. 1840.

64. IGWA and Pocatello also argue that Rangen's use of the water is unreasonable because Rangen is not recycling the water it has already beneficially used to raise more fish. Rogers, Vol. VIII, pp. 1843, 1866. Recycling water would require a pump-back system or reconfiguring the present system for water delivery. *Id.* Prior to filing its delivery call, Rangen considered constructing a pump-back system but ultimately rejected the idea. Courtney, Vol. I, p. 113; Courtney, Vol. II, pp. 400-404; Rangen Ex. 1203. Raceways require continuous replenishment with fresh water. Courtney, Vol. II, p. 401. Interruption of this flow would result in the loss of fish and likely a significant monetary loss. *Id.* A pump-back system would require redundant power sources and pumps to ensure that a loss of power or a pump failure would not deprive fish of water, thereby killing the fish. Courtney, Vol. I, p. 112; Courtney, Vol. II, p. 401. The cost of building the pump-back system, without the redundant power sources and pumps, was estimated to be $116,000. Courtney, Vol. II, p. 403. The annual costs of operating the system run between $22,000 and $46,000. *Id.* Because of the significant costs to build the project, and other concerns about the issues of water quality and water temperature associated with a pump-back system, Rangen ultimately rejected the idea of a pump-back system. Courtney, Vol. I, p. 113. The cost of building redundant systems along with annual operating costs makes a pump-back system cost prohibitive.

65. Water must contain dissolved oxygen for fish to extract the oxygen through their gills. The minimum level of dissolved oxygen in water for rearing fish is approximately 5 to 5.5 parts per million. Smith, Vol. IV, p. 840; Rogers, Vol. VIII, p. 1828. Rangen maintains a dissolved oxygen level of approximately seven parts per million in the CTR raceways, which is at the bottom of its system. Maxwell, Vol. II, p. 320. The solubility of dissolved oxygen in the water varies because of water temperature and other factors, but a typical oxygen saturation level for water at the Rangen springs is nine parts per million. Rogers, Vol. VIII, p. 1828. IGWA and Pocatello suggest, because Rangen does not regularly measure the oxygen levels in its raceways, Rangen is not efficient in its operation. Rogers, Vol. VIII, pp. 1839-1843. They argue, if Rangen wanted to maximize its production, Rangen could further aerate its water as part of a pump-back system. *Id.*

66. Water depleted of dissolved oxygen can be aerated to restore the level of dissolved oxygen. Water can be aerated mechanically by injecting oxygen or by creating a head drop where water is exposed to oxygen in the atmosphere. Rangen does not mechanically inject oxygen. Smith, Vol. IV, p. 840. There are slight vertical drops within the Rangen Facility that provide some aeration. *Id.*

IX. Diversion Works

67. In 2004, Rangen hired SPF Water Engineering, LLC ("SPF") to evaluate a number of projects with the intent of improving Rangen's water supply. IGWA Ex. 2040. The evaluations were supportive technical information for grant funding applications from the Idaho Department of Commerce and Labor. *Id.*

68. SPF evaluated the possible construction of a new vertical ground water well near the upstream end of the Rangen raceways. IGWA Ex. 2040, p. 7. Ground water in a new well would have to be lifted more than 100 feet. *Id.* There were three concerns with this approach. The first concern was the pumping costs associated with lifting the water from the wells to raceways. *Id.*, pp. 7-8. The second concern was that this would require redundant systems to protect against a loss of water from failure of power or pumps. *Id.*, p. 8. The third concern was that, because of the ESPA moratorium on new appropriations, Rangen would not be able to obtain a new water right absent mitigation. *Id.*

69. A second option studied was the construction of a horizontal well at a lower elevation than the Curren Tunnel. IGWA Ex. 2040, p. 8. While SPF believed a horizontal well would increase flow to the Rangen Facility, it also believed that a horizontal well would likely decrease current discharge to the Curren Tunnel, to other springs in the vicinity of the Curren Tunnel and possibly to wells located on the rim above the Curren Tunnel. *Id.*

X. Eastern Snake Plain Aquifer

70. The ESPA is defined as the aquifer underlying an area of the Eastern Snake Plain that is about 170 miles long and 60 miles wide, excluding areas lying both south of the Snake River and west of the line separating sections 34 and 35, Township 10 South, Range 20 East, Boise Meridian. The ESPA is defined as an area having a common ground water supply. IDAPA 37.03.11.050.

71. The ESPA is highly productive and is composed predominately of fractured Quaternary basalt having an aggregate thickness that may, at some locations, exceed several thousand feet and generally decreases in thickness along the margins of the aquifer. The fractured Quaternary basalt is generally characterized by high hydraulic conductivity. The presence of interbedded sediments, a volcanic rift zone, and less permeable basalts result in lower hydraulic conductivity in some areas of the aquifer. Notable areas of lower hydraulic conductivity are in the vicinity of Mud Lake and in the Great Rift zone, which extends north to south across the plain from the Craters of the Moon to just west of American Falls Reservoir. These zones of lower hydraulic conductivity impede the transmission of water through the aquifer.

72. The ground water in the ESPA is hydraulically connected to the Snake River and tributary springs at various places and to varying degrees. One of the locations at which a direct hydraulic connection exists between the ESPA and springs tributary to the Snake River is in the Thousand Springs area. The amount of water that discharges from the aquifer to hydraulically

connected surface water sources is largely dependent on ground water elevations and hydraulic conductance.

73. Based on averages for the time period from October of 1980 through September of 2008[8], the ESPA receives approximately 7.7 million acre feet of recharge on an average annual basis from the following sources: incidental recharge associated with surface water irrigation on the plain (5.3 million acre feet), infiltration of precipitation on non-irrigated lands (0.7 million acre feet), underflow from tributary drainage basins (1.1 million acre feet), and seepage losses from rivers and streams (0.6 million acre feet). Rangen Ex. 1273A, Figure 8.

74. Based on averages for the time period from October of 1980 through September of 2008, the ESPA discharges approximately 8.0 million acre feet on an average annual basis through the Snake River and tributary springs (5.4 million acre feet), evapotranspiration in wetlands (0.1 acre feet), and ground water withdrawals (2.5 million acre feet). *Id.*

75. For the time period from October of 1980 through September of 2008, average annual discharge from the ESPA exceeded annual average recharge by approximately 270,000 acre feet, resulting in declining aquifer water levels and declining discharge to hydraulically connected reaches of the Snake River and tributary springs. *Id.*

XI. History of ESPA Model

76. The Enhanced Snake Plain Aquifer Model ("ESPAM") is a calibrated regional ground water model representing the ESPA. ESPAM version 1.0 ("ESPAM 1.0") was developed by the Department working in collaboration with the Eastern Snake Hydrologic Modeling Committee ("ESHMC"), a technical committee comprised of representatives of water user groups and government agencies. ESPAM 1.0 simulated the effects of ground water pumping from the ESPA on the Snake River and tributary springs.

77. In determining a previous Rangen delivery call to be a futile call using ESPAM 1.0, former Director Dreher determined that curtailment of water rights junior to July 13, 1962 would not result in a meaningful increase in the quantity of water discharging from springs in the vicinity of the Rangen Facility. *Second Amended Order*, p. 28 (May 19, 2005).

78. Following the previous Rangen delivery call, ESPAM 1.0 was superseded by a revised and recalibrated model version 1.1 ("ESPAM 1.1"). In *Clear Springs Foods, Inc. v. Spackman*, a delivery call proceeding instituted by Clear Springs Foods, ESPAM 1.1 was used to estimate the effects of ground water pumping on the springs in the Thousand Springs area, the name for the general geographic location where Rangen diverts water. The Idaho Supreme Court upheld the Director's application of ESPAM 1.1. *Clear Springs Foods, Inc. v. Spackman*, 150 Idaho 790, 814, 252 P.3d 71, 95 (2011).

79. In the Clear Springs Foods delivery call, a trim line was used to limit the area of curtailment simulated with ESPAM 1.1. The trim line was defined by model cells in which 10%

[8] Volumes were calculated from the ESPAM 2.1 water budget, which extended from 1980 to 2008. Rangen Ex. 1273A.

or greater of the curtailed use would result in benefits to the Buhl to Thousand Springs reach (the reach within which Clear Springs Foods diverted water) at steady state. Because much of the benefit to the Buhl to Thousand Springs reach would occur at locations other than Clear Springs Foods' point of diversion, the Department subsequently estimated that Clear Springs Foods would receive 6.9% of the benefit accruing to the Buhl to Thousand Springs reach. Therefore, the trim line applied in Clear Springs Foods limited curtailment to areas where Clear Springs Foods was predicted to receive at least 0.69% (6.9% of 10%) of the total benefits of curtailment at steady state.

80. In the Blue Lakes delivery call, a trim line was used to limit the area of curtailment simulated with ESPAM 1.0. The trim line was defined by model cells in which 10% or greater of the curtailed use would result in benefits to the Devil's Washbowl to Buhl reach (the reach within which Blue Lakes diverted water) at steady state. Because much of the benefit to the Devil's Washbowl to Buhl reach would occur at locations other than Blue Lakes Trout Farms' point of diversion, the Department subsequently estimated that Blue Lakes Trout Farms would receive 20% of the benefit accruing to the reach. Therefore, the trim line applied in the Blue Lakes delivery call limited curtailment to areas where Blue Lakes Trout Farm was predicted to receive at least 2% (20% of 10%) of the total benefits of curtailment at steady state.

81. In 2005, the ESHMC and the Department started working on updates to ESPAM 1.1. The revision to ESPAM 1.1 was referred to as ESPAM 2.0. The model was refined and re-calibrated with additional data. In particular, the model was calibrated using monthly water levels and flow targets, including measured spring discharges within 14 specific model grid cells. The springs captured and used by Rangen were measured throughout the model calibration period, and the monthly average spring discharge in the model cell where spring flows are captured by Rangen was a target for model calibration. The revision of the ESPAM was in progress when Rangen filed its Petition in December of 2011. The parties to this proceeding agreed to wait until the work on the updated model by the ESHMC was complete before going to hearing.

82. "During development of ESPAM 2.0, IDWR discovered that values from Covington and Weaver (1990) that were used to estimate discharge for Thousand Springs and springs in the Thousand Springs to Malad spring reach for calibration of ESPAM1.1 were inaccurate. These values were corrected in the calibration targets for ESPAM2.0. These corrections resulted in a significant decrease in the spring discharge target at Thousand Springs and a significant increase in spring discharge targets in the Billingsley Creek area." IDWR Staff Memorandum, Ex. 3203, p. 32. Because of these adjustments, Rangen challenged the previous determination of a futile call. The update to ESPAM 2.0 was the basis for Rangen's renewed delivery call.

83. The Director concluded that Rangen's request to apply ESPAM 2.0 to the delivery call was premature because the ESHMC had not yet completed its work on the revisions. *Prehearing Conference* (Jan. 19, 2011) (audio recording). The Director explained the remaining steps needed before ESPAM 2.0 would be ready to be applied in the proceeding. *Id.* The Director and the parties agreed to hold regular status conferences to receive reports on the status of ESPAM 2.0. *Order Continuing Prehearing Conference* at 1 (Feb. 1, 2012).

84. In July of 2012, the ESHMC determined that the calibration of ESPAM 2.0 was complete and recommended that the Department begin using ESPAM 2.0 rather than ESPAM 1.1 for ground water modeling. Email from Rick Raymondi to Gary Spackman, *ESPAM Version 2.0* (July 16, 2012). In response, an order was issued adopting ESPAM 2.0 for use in the Rangen delivery call. *Order Re: Eastern Snake Plain Aquifer Model and the Rangen, Inc. Delivery Call* at 1 (July 27, 2012). However, during the preparation of the final project report, data calculation mistakes were discovered in the model input data used for calibration. Email from Rick Raymondi to ESHMC members, *ESPAM Version 2* (Oct. 4, 2012). The model was re-calibrated in November 2012, resulting in the release of ESPAM 2.1. In January of 2013, the ESHMC endorsed the use of ESPAM 2.1 in place of ESPAM 2.0. Email from Rick Raymondi to Gary Spackman, *ESPAM2.1* (Jan. 16, 2013). ESPAM 2.1 was subsequently used by the Department and the parties in this proceeding to simulate the effects of ground water withdrawals on flows available to the Rangen Facility.

XII. ESPAM 2.1 is the Best Available Science

85. "ESPAM 2.1 is a numerical groundwater model that was developed for the purpose of determining the effects of groundwater pumping on discharge to spring and river reaches, such as the Rangen spring cell." IDWR Staff Memorandum, Ex. 3203, p. 2. "Numerical models are . . . the most robust approach for predicting the effects of groundwater pumping on surface-water discharge." *Id.* "ESPAM 2.1 is a regional groundwater model and is suitable to predict the effects of junior groundwater pumping on discharge at the Rangen spring cell because the spring discharge responds to regional aquifer stresses, and junior groundwater pumping is a dispersed, regional aquifer stress." *Id.* "ESPAM 2.1 . . . is an imperfect approximation of a complex physical system, but it is the best available scientific tool for predicting the effects of groundwater pumping on discharge at the Rangen spring cell and other spring and river reaches." *Id.*

86. ESPAM 2.1 was developed in an open, collaborative environment, with guidance from the ESHMC. During development of ESPAM 2.1, decisions regarding the conceptual model, modeling methods, and modeling data were presented to the ESHMC with opportunity for committee members to provide comments and suggest alternative approaches. *Id.*, p. 3. By developing the model in collaboration with the ESHMC, the Department benefitted from the input of a number of individuals with expertise in hydrology, geology, and ground water modeling.

87. The ESHMC is comprised of professionals working on eastern Snake Plain water issues. Regular members include agency representatives (Idaho Department of Water Resources, U.S. Bureau of Reclamation (USBR), U.S. Fish and Wildlife Service, U.S. Geological Survey (USGS)), industry representatives (Idaho Power), researchers (University of Idaho, Idaho Water Resources Research Institute), and private consultants (AMEC; Brockway Engineering, PLLC; HDR, Inc.; Leonard Rice Engineers, Inc.; Principia Mathematica, Inc.; Rocky Mountain Environmental Associates, Inc.; Spronk Water Engineers, Inc.; and others) representing water users on the eastern Snake Plain. Rangen Ex. 1273A, p. 2.

88. ESPAM 2.1 incorporates the spatial distribution of recharge and groundwater pumping, a large number of water level and aquifer discharge observations, regional-scale hydrogeology, and the transient response of aquifer discharge to spatially and temporally distributed recharge and pumping. *Id.*, p. 5.

89. ESPAM 2.1 answers the following questions relevant to the Rangen water call:

a. What is the effect of junior groundwater pumping within the ESPA on discharge at the Rangen spring cell?
b. What portion of curtailed groundwater use will accrue to the Rangen spring cell?
c. What portion of curtailed groundwater use will accrue to other spring cells?

90. During development of ESPAM2.1, model uncertainty was reduced through collaboration with the ESHMC and the use of model calibration tools. The ESHMC provided input on decisions about the conceptual model, calibration targets, and water budget input data. Id, p. 3, Exhibit 1273A.

91. The Department evaluated the predictive uncertainty of ESPAM 2.1 by repeatedly recalibrating the model and comparing predicted impacts from ground water pumping at eight different locations in the Eastern Snake Plain. Impacts were evaluated for two targets: Clear Lakes spring and the near Blackfoot to Minidoka reach of the Snake River. Exhibit 1277, p.5. The predictive uncertainty for Clear Lakes spring was not significant for each of the eight analyses. The largest predictive uncertainty with respect to Clear Lakes spring was noted for ground water pumping in the Big Lost River area. With alternative calibrations of the model, the predicted impact of ground water pumping in the Big Lost River area on spring discharge at Clear Lakes ranged from 3% of the pumping rate to less than 1% of the pumping rate. Id, p. 9. The predictive uncertainty for the near Blackfoot to Minidoka reach was not significant for pumping locations evaluated on the western side of the plain, but higher uncertainty in the near Blackfoot to Minidoka reach was noted for some pumping locations evaluated on the eastern side of the plain. Id, p. 12. Lack of water level data in the Craters of the Moon area and noise in the calibration target for the near Blackfoot to Minidoka reach may contribute to higher predictive uncertainty for pumping locations evaluated on the eastern side of the plain. *Id.* There is lower uncertainty on the western side of the Great Rift. There is generally higher uncertainty on the eastern side of the Great Rift, however impacts from several pumping locations evaluated on the eastern side of the Great Rift had negligible impacts on Clear Lakes.

92. Expert witnesses employed by Rangen testified that the ESPAM 2.1 development process resulted in a very robust model with good calibration results. Colvin, Vol. X, pp. 2403-2404; Brockway, Vol. X, pp. 2296 - 2327.

93. Expert witnesses employed by junior ground water users offered criticisms of using ESPAM 2.1 for administration of water rights. The following is a summary of the criticisms offered.

a. The time-constant transmissivity model does not adequately represent conditions in the ESPA aquifer, which is an unconfined aquifer where transmissivity may vary with time.

b. ESPAM 2.1 does not adequately represent detailed geologic features and groundwater flow direction in the immediate vicinity of the Rangen Facility.

c. Uncertainty in the water budget, particularly uncertainty in the spatial distribution of canal seepage within the North Side Canal Company service area, contributes to uncertainty in model predictions of impacts to spring flows in the Rangen model cell.

d. Interpretation of calibration results indicates that ESPAM 2.1 is biased toward over-predicting impacts to spring flows in the Rangen model cell.

e. It is not appropriate for the Department to use a regional model as a tool for the administration of water rights.

94. The experts criticizing use of ESPAM 2.1 did not offer reasonable alternatives to using ESPAM 2.1. IGWA's experts argued that "any application of ESPAM 2.1 must acknowledge and accept that there is an inherent and unquantifiable level of uncertainty in the predictions generated by the model." Brendecke, Vol. XI, p. 2741. IGWA's experts further argued that uncertainty could be acknowledged by discounting the prediction generated by the model, or by applying a zone of exclusion or trim line. Hinckley, Vol. X, pp. 2489-2498, Brendecke, Vol. XI, 2741-2743. However, IGWA's experts acknowledged that model uncertainty does not provide a definitive location for a trim line. Hinckley, Vol. XI, p. 2551.

95. Department staff and Rangen's expert witnesses responded to the above criticisms in the staff memorandum and testimony. The following is a summary of the responses offered.

a. ESPAM 2.1 uses time-constant transmissivity to approximate conditions in the unconfined ESPA aquifer. Time-constant transmissivity models of unconfined systems are common in practice, because calibrating models with variable transmissivity is generally not feasible with state of the art calibration tools. IDWR Staff Memorandum, Ex. 3203, p. 29. Employment of time-constant transmissivity is an accepted scientific practice for modeling aquifers where drawdown is generally expected to be less than 10% of the total saturated thickness. *Id.*, p. 5.

b. Although ESPAM 2.1 is a regional model that accounts for variation in geologic features within the constraints of a one-square-mile grid cell, ESPAM 2.1 was calibrated to observed monthly spring discharge in the Rangen model cell. These discharge data reflect local and regional geologic controls on hydrologic responses to ground water pumping and other aquifer stresses. IDWR Staff Memorandum, Ex. 3203, pp. 4, 28. Further, Dr. Brendecke explored the effects of changing the model to better represent local geologic detail and ground

water flow direction as discussed by Mr. Hinckley. Dr. Brendecke presented three alternative conceptual models (AMEC Model 1, AMEC Model 2, and the "composite model") that he asserted resulted in a "more realistic representation of the local hydrogeology" near the Rangen Facility. IGWA Ex. 2401, p. 42. The impacts of junior groundwater pumping on the model cell containing the Rangen spring predicted by AMEC Model 1 and AMEC Model 2 were very similar to the impacts predicted by ESPAM 2.1, and do not contradict the Department staff conclusion that ESPAM 2.1 is the best available tool for predicting the impacts of groundwater pumping on the Rangen spring cell. IDWR Staff Memorandum, Ex. 3203, p. 38; Wylie, Vol. XII, p. 2925; Colvin, Vol. X, p. 2412. The calibration method used in AMEC's "composite model" did not follow proper procedures. Wylie, Vol. XII, p. 2923. The quality of the calibration of the composite model was compromised. Colvin, Vol. X, pp. 2418-2419.

c. The ESPAM 2.1 calibration procedure allowed adjustment of several components of the water budget (including evapotranspiration, tributary underflow, recharge on non-irrigated lands, canal seepage, and non-Snake River seepage) within ranges of uncertainty determined by the ESHMC. The IDWR predictive uncertainty analysis incorporated the impact of uncertainty associated with these components of the water budget. IDWR Staff Memorandum, Ex. 3203, p. 10. Not all sources of uncertainty significantly impact every prediction. This is illustrated by the IDWR predictive uncertainty analysis, which incorporated the uncertainty associated with many of the components of the water budget and indicated that predictive uncertainty is low with respect to the response at the Clear Lakes spring cell. *Id.* Regarding the water budget in the North Side Canal Company service area, the ESPAM 2.1 water budget did simulate a reduction in incidental recharge over the calibration period, because the sum of incidental recharge and canal seepage in the North Side Canal Company service area is equal to recorded diversions less crop irrigation requirement and return flows. Canal seepage losses varied with time, because diversions varied with time. *Id.*, p. 33. Information to refine the spatial distribution of the canal seepage was not available to the Department during development of ESPAM 2.1.

d. Department staff disagree with the conclusion that calibration results indicate ESPAM 2.1 is biased to over-predict impacts to spring flows in the Rangen model cell. IDWR Staff Memorandum, Ex. 3203, pp. 39, 57. Mr. Hinckley's and Dr. Brendecke's arguments that the model is biased to over-predict impacts are based largely on comparison of model results with well and spring discharge data collected only after the year 2000. Ignoring data collected before 2000 compromises their interpretation. It is important to consider both older and more recent data to obtain the best representation of the physical system. IDWR staff memorandum, p. 37. The difference between recent low flow values and older historic values is the spring's response to changes in the aquifer water budget and is critical to the prediction of the impacts of ground water pumping. *Id.*, p. 57. Contrary to IGWA's arguments, evaluation of ESPAM2.1's calibration results, which under-predict the difference between

flows in the 1980s and the 2000s, suggests that the model would be more likely to under-predict the impacts of ground water pumping on spring flows in the Rangen cell. *Id.* IGWA's arguments are further contradicted by the results obtained from Dr. Brendecke's alternative model (AMEC Model 2), which he states "*appears to resolve the overprediction problem noted for ESPAM 2.1 in recent years.*" IGWA Ex. 2401, p. 45. AMEC Model 2 predicts a response of 18.0 cfs in response to curtailment within the model domain, which is slightly higher than the ESPAM 2.1-predicted response of 17.9 cfs. IDWR Staff Memorandum, Ex. 3203, p. 57.

e. It is appropriate for the Department to use a regional model as a tool for conjunctive administration of water rights, because the effect of junior ground water pumping within the Eastern Snake Plain, an approximately 11,000 square mile area, on spring discharge and river reaches is a regional-scale question that cannot be addressed with a small-scale, local model. IDWR Staff Memorandum, Ex. 3203, p. 4. ESPAM 2.1 was developed specifically to predict the effect of regional aquifer stresses such as ground water pumping on river reaches and springs, including the model cell containing the Rangen spring. *Id.*, p. 2. ESPAM 2.1 incorporates much more information about the aquifer than can be considered in other predictive methods available to the Department, and incorporates data that specifically reflect how spring discharge in the Rangen cell has responded to regional aquifer stresses in the past. *Id.*, p. 4. This is the reason that numerical models are recognized by the USGS as the most robust approach for predicting the effects of groundwater pumping on surface-water discharge. *Id.*, p. 2.

96. The criticisms raised in Finding of Fact 93 fail to persuade the Director that ESPAM 2.1 should not be used in this proceeding. The Director finds, based upon clear and convincing evidence, that ESPAM 2.1 is the best technical scientific tool currently available to predict the effect of ground water pumping on flows from springs located in the Rangen cell. The Director acknowledges that there is uncertainty in the model predictions, but disagrees with IGWA's conclusion that ESPAM 2.1 is biased toward over-predicting impacts to flows at the Rangen model cell.

XIII. Prediction of Impacts of Ground Water Pumping on Curren Tunnel Flow

97. ESPAM 2.1 predicts the effect of ground water pumping on the aggregate flows from springs located within the Rangen model cell, including but not limited to the Curren Tunnel. ESPAM 2.1 cannot distinguish the water flowing from the Curren Tunnel from water discharging from other springs within the model cell. Because Rangen's water rights only authorize diversion of water from the Curren Tunnel source, the historical relationship between Curren Tunnel discharge and total spring complex discharge must be used to predict the portion of the modeled effects that will accrue to the Curren Tunnel.

98. The Department has measured discharge from the mouth of Curren Tunnel since 1993. Pocatello, Ex. 3650, p. 5. The measured discharge does not include flow in the 6-inch PVC pipe. Rangen submitted flow data for the 6-inch PVC pipe to the Department beginning in

1996. *Id.* The sum of the measured tunnel discharge and flow in the 6-inch PVC pipe represents the flow available from the Curren Tunnel source.

99. Historically, the total spring complex discharge is the sum of the flow in Rangen's CTR raceways, Rangen's lodge pond dam, and irrigation diversions from the Farmers' Box. As described in Section V above, Rangen's use of a nonstandard measuring device with an inadequate rating curve has resulted in under-reporting of flows at the CTR raceways and Rangen's lodge pond dam.

100. In Pocatello Exhibit 3650, Figure 1, Pocatello's expert witness Greg Sullivan plotted data for measured Curren Tunnel flow rates on the "y" axis and data for measured total spring flows on the "x" axis, and performed a linear regression of the data. The resulting regression line represents the historic relationship between Curren Tunnel flow and total flow in the spring complex. The slope of the regression line in Exhibit 3650, Figure 1 is the coefficient 0.7488 associated with the "x" variable and represents the change in flow at Curren Tunnel corresponding to a 1 cfs change in total spring complex flow. The increase in flow at Curren Tunnel resulting from curtailment can be computed by multiplying the predicted increase in total spring flow from ESPAM 2.1 by 0.7488. *Id.*, p. 7. This analysis used flow data reported by Rangen, and predicts that approximately 75% of curtailment benefits accruing to the model cell would accrue to Curren Tunnel. Because this analysis used Rangen's under-reported flow data, the Director finds, based upon clear and convincing evidence, that the slope of the regression line is too high.

101. Sullivan plotted another regression line using adjusted data. Pocatello Ex. 3654, Fig. 1. Data values that were under-reported were "corrected for the historical 15.9% under-measurement of flows by Rangen by multiplying the reported flows by a factor of 1.189 (computed as 1/[1-0.159])." *Id.*, Fn. 2. The slope of Sullivan's alternative regression line is 0.6337, which is the coefficient associated with the "x" variable. This analysis predicts that approximately 63% of curtailment benefits accruing to the model cell would accrue to Curren Tunnel. Because there is uncertainty about the accuracy of the USGS measurements used by Sullivan to adjust the under-reported data, the slope of this regression line may be too low or too high.

102. There are two reasons why the Director should apply the 63% proportion to determine the increase in Curren Tunnel flow from the total simulated increase in flow to the Rangen model cell. First, all parties agree that the data used to calculate the 75% proportion were under-reported. The alternative regression line plotted by Sullivan is a credible method to correct the under-reported data. Second, applying a 75% proportion to determine the increase in the Curren Tunnel flow may result in Rangen benefiting from its own under-reporting of flows if mitigation by direct flow to Rangen is provided in lieu of curtailment.

103. Using ESPAM 2.1, Department staff simulated curtailment of ground water rights for irrigation within the model boundaries bearing priority dates later than July 13, 1962, the priority date of Rangen's water right no. 36-02551. The simulated increase in discharge to the Rangen model cell at steady state is 17.9 cfs. IDWR Staff Memorandum, Ex. 3203, p. 6.

104. Department staff eliminated points of diversion inside the model boundary but outside the boundary of common ground water supply as described in Rule 50 of the Department's Conjunctive Management Rules. After the removal of these points of diversion from the simulation, the model predicted a total of 16.9 cfs of reach gains to the Rangen cell attributable to modeled curtailment of junior ground water diversions within the area of common ground water supply at steady state.

105. In model simulations of curtailment for each model cell, Department staff determined the percentage of water that would ultimately accrue to the Rangen cell and the percentage that would ultimately accrue to other spring cells or river reaches. These percentages will be referred to hereafter as a "depletion percentage" of ground water pumping on the Rangen model cell. For example, if 10 cfs of ground water pumping is modeled within a given model cell and the modeled decrease in discharge at the Rangen cell is 0.1 cfs, the depletion percentage for points of diversion within that model cell is 1%. In this example, the simulated decrease in discharge and depletion percentage for all other springs and river reaches are 9.9 cfs and 99%, respectively. A map of the ESPA showing the depletion percentage for each model cell with respect to spring discharge in the Rangen cell is provided in Figure 1. IDWR Staff Memorandum, Ex. 3203, p. 9.

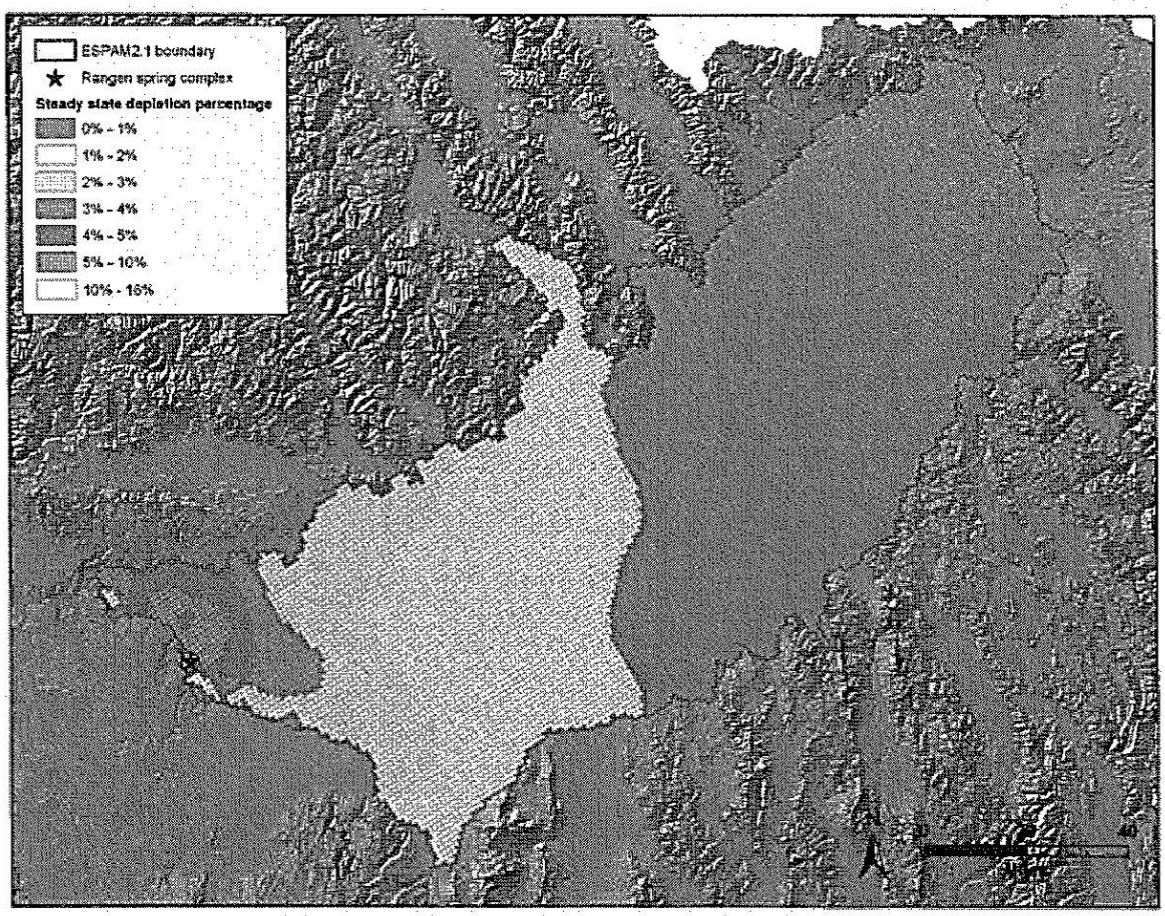

Figure 1. Depletion percentages indicating the portion of curtailed ground water use predicted to accrue to the Rangen model cell.

106. Department staff used ESPAM 2.1 to predict the benefit to discharge in the Rangen model cell resulting from curtailment within areas bounded by various depletion percentages. See Figure 2 below, taken from IDWR Staff Memorandum, Ex. 3203, p. 51. For each depletion percentage, the predicted increase in discharge in the Rangen model cell was plotted against the number of curtailed acres.

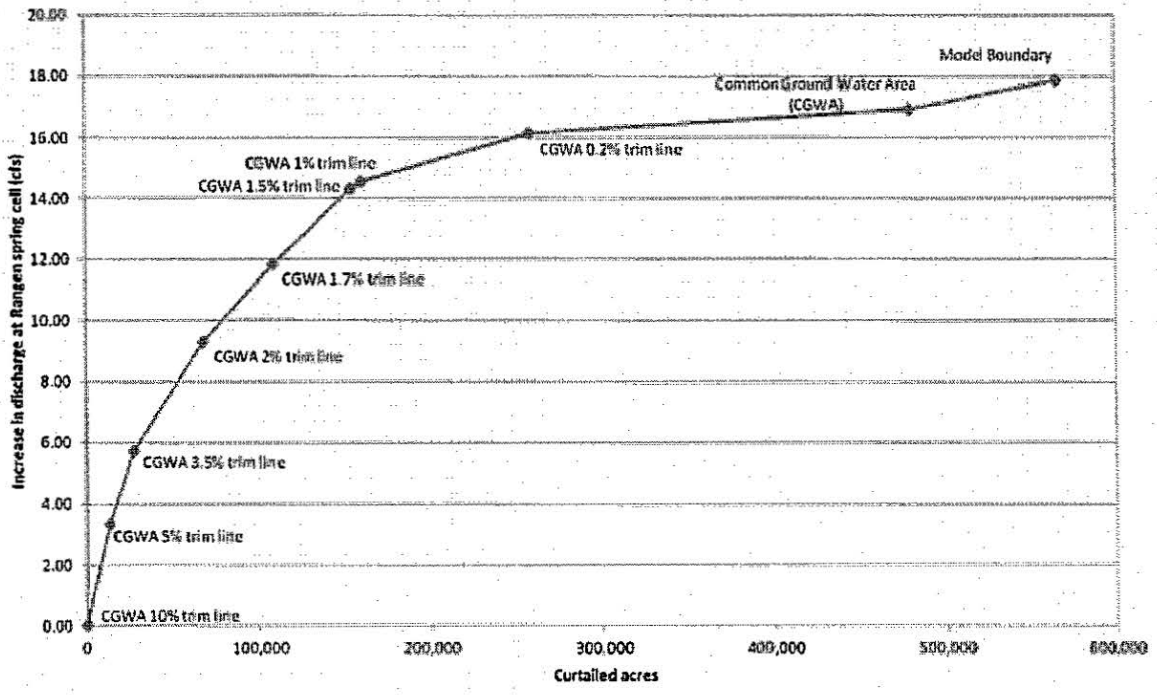

Figure 2. Acres of ground water irrigation curtailed and simulated increase in spring discharge in the model cell.

This chart illustrates that the benefit of curtailment with respect to the number of acres curtailed diminishes significantly where the depletion percentage approaches 1.0 to 1.5% and the benefit approaches approximately 14.3 to 14.6 cfs.

107. Because Rangen is only entitled to the portion of the benefit that is predicted to accrue to Curren Tunnel, a revised chart was prepared (Figure 3). This chart also illustrates that the benefit of curtailment with respect to the number of acres curtailed diminishes significantly where the depletion percentage for the Rangen model cell approaches 1.0 to 1.5% and the corresponding benefit to Curren Tunnel approaches approximately 9.0 to 9.2 cfs.

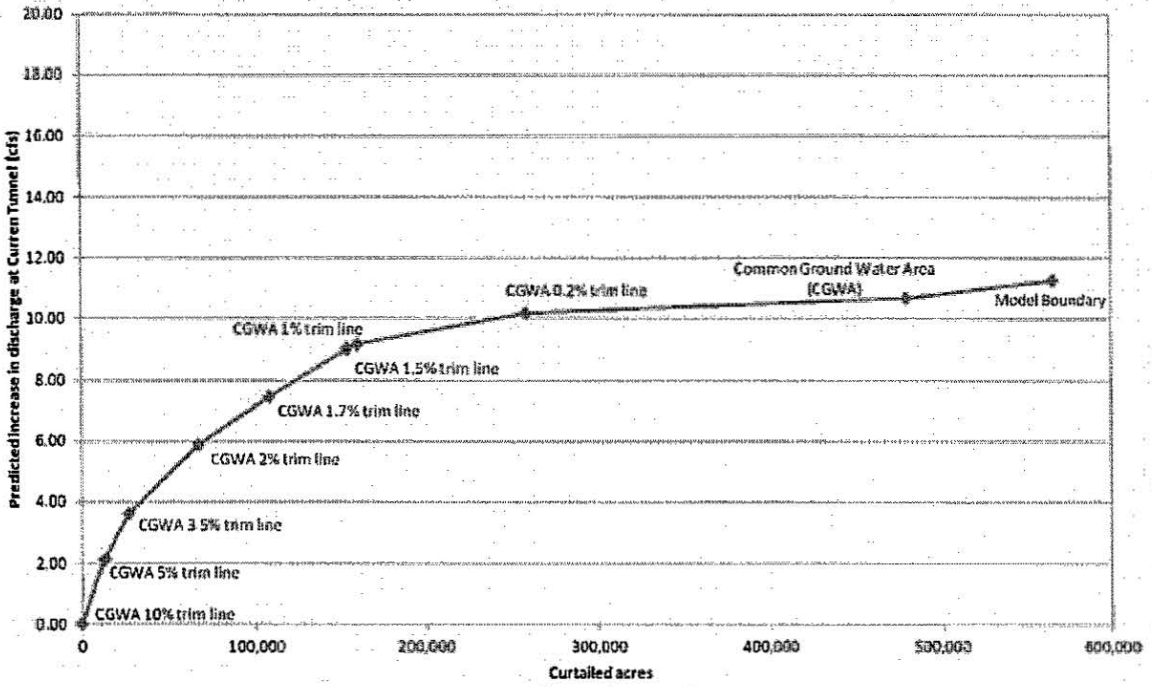

Figure 3. Acres of ground water irrigation curtailed and predicted increase in spring discharge from Curren Tunnel.

108. The diminishing benefits correspond with the location of the Great Rift (Figure 4), where low transmissivity impedes the transmission of water through the aquifer. IDWR Staff Memorandum, Ex. 3203, p. 8.

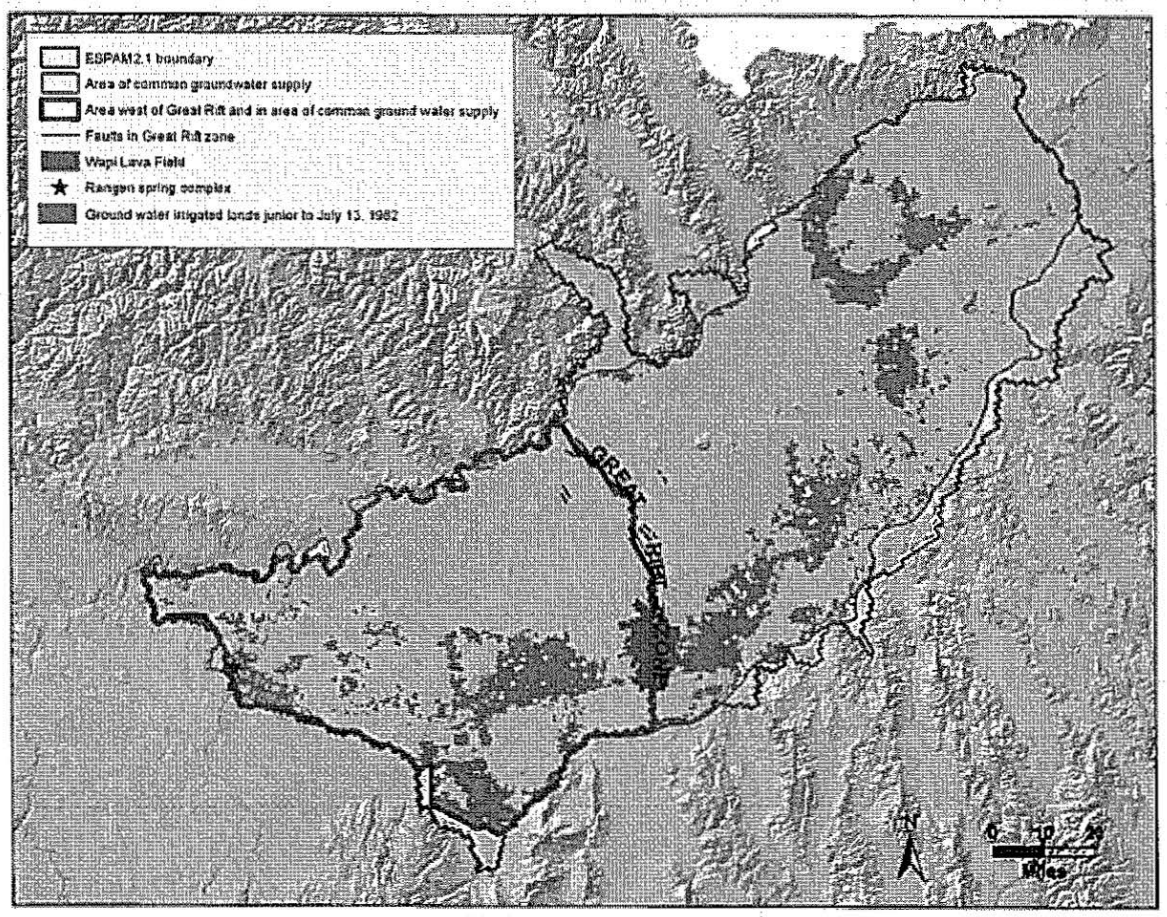

Figure 4. Delineation of area west of the Great Rift.

109. If ground water points of diversion located east of the Great Rift are eliminated from the simulation (Figure 5), ESPAM 2.1 predicts the curtailment of the remaining junior wells in the area of common ground water supply would accrue 14.4 cfs of benefit to the Rangen model cell at steady state. The predicted increase in discharge to Curren Tunnel is 9.1 cfs (63% of 14.4 cfs).

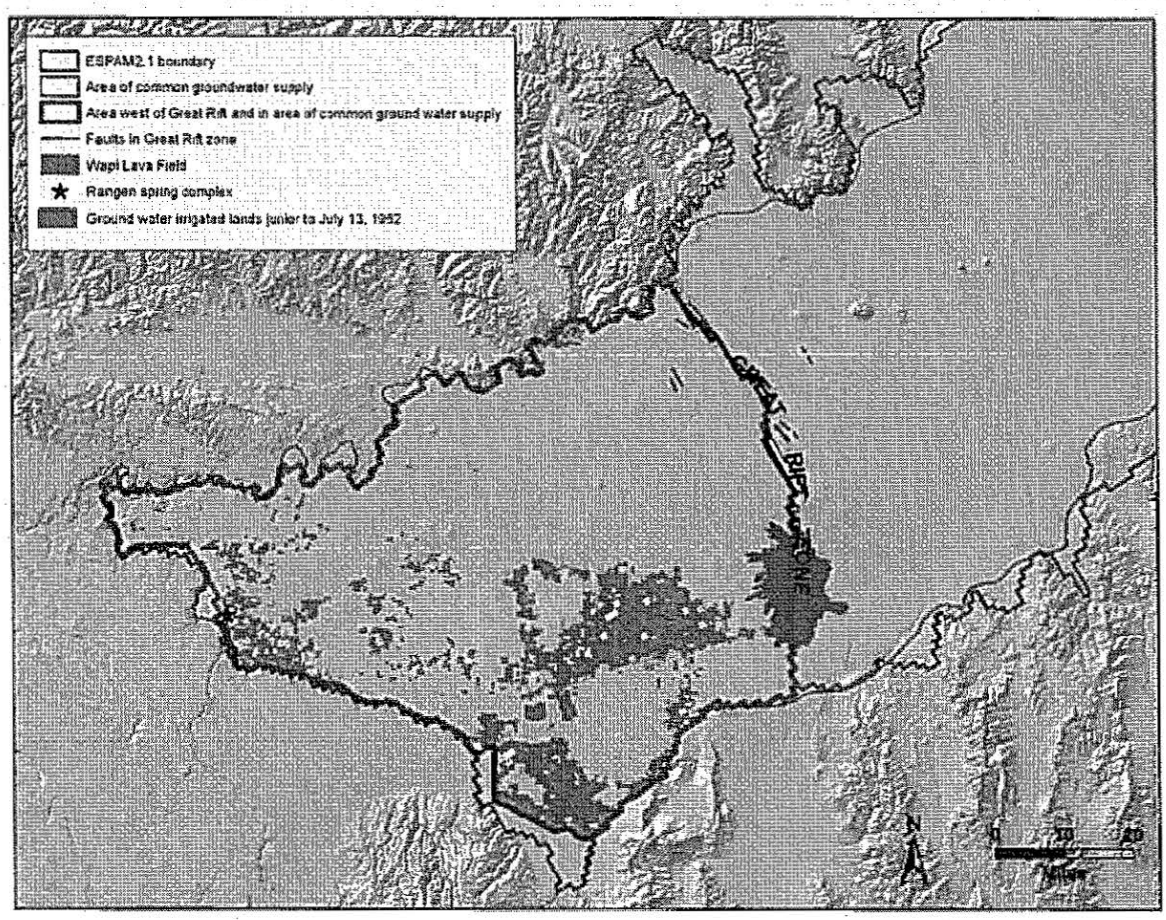

Figure 5. Junior ground water irrigated lands within area of common ground water and west of the Great Rift.

110. Curtailment of junior ground water irrigation west of the Great Rift would curtail irrigation of approximately 157,000 acres, resulting in curtailment of irrigation of approximately 17,000 acres per cfs of predicted benefit to the Curren Tunnel. Curtailment of junior ground water irrigation east of the Great Rift would curtail irrigation of approximately 322,000 additional acres, resulting in curtailment of irrigation of approximately 204,000 acres per cfs of predicted benefit to the Curren Tunnel.

111. While Curren Tunnel discharge will continue to vary with climate and surface water irrigation practices, historic values can be used to evaluate the range of flow rates that can be expected to be available from Curren Tunnel if junior ground water use is curtailed. From the

time the Department began measuring Curren Tunnel discharge in 1993, the maximum annual average discharge measured at the mouth of the tunnel was 18.2 cfs in 1997. Pocatello Ex. 3650, Table A-1. Including the discharge from the 6-inch PVC pipe, the annual average flow available from Curren Tunnel in 1997 was 19.1 cfs. *Id.* The lowest average annual flow available from Curren Tunnel was 3.1 cfs in 2005. *Id.* The average annual flow has not exceeded 7 cfs since 2002. *Id.* Because the predicted increase in Curren Tunnel flow from curtailing ground water rights junior to July 13, 1962 within the area of common ground water supply and west of the Great Rift is 9.1 cfs, the average annual discharge from Curren Tunnel after several years of curtailment within the model boundary is expected to be less than 17 cfs.

CONCLUSIONS OF LAW

I. Idaho Law Applicable to the Distribution of Water Under the Prior Appropriation Doctrine

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. Idaho's Constitution provides that "[p]riority of appropriation shall give the better right as between those using the water" of the State. Idaho Const. Art. XV, § 3. "As between appropriators, the first in time is first in right." Idaho Code § 42-106.

3. Beneficial use plays an equally important role in the prior appropriation doctrine: "The prior appropriation doctrine is comprised of two bedrock principles—that the first appropriator in time is the first in right and that water must be placed to a beneficial use." *In Matter of Distribution of Water to Various Water Rights Held By or For The Benefit of A & B Irrigation Dist.*, Docket Nos. 38191, 38192, 38193, slip op. at 14 (Idaho Dec. 17, 2013). "A prior appropriator is only entitled to the water to the extent that he has use for it when economically and reasonably used. It is the policy of the law of this state to require the highest and greatest possible duty from the waters of the state in the interest of agriculture and for useful and beneficial purposes." *Washington State Sugar Co. v. Goodrich*, 27 Idaho 26, 44, 147 P. 1073, 1079 (1915).

4. Idaho Code § 42-603, which grants the Director authority to adopt rules governing water distribution, provides as follows:

> The director of the department of water resources is authorized to adopt rules and regulations for the distribution of water from the streams, rivers, lakes, ground water and other natural water sources as shall be necessary to carry out the laws in accordance with the priorities of the rights of the users thereof. Promulgation of rules and regulations shall be in accordance with the procedures of chapter 52, title 67, Idaho Code.

In addition, Idaho Code § 42-1805(8) provides the Director with authority to "promulgate, adopt, modify, repeal and enforce rules implementing or effectuating the powers and duties of the department."

5. It is the duty of a watermaster, acting under the supervision of the Director, to distribute water from the public water supplies within a water district among those holding rights to the use of the water in accordance with the respective priority of the rights subject to applicable Idaho law, including applicable rules promulgated pursuant to the Idaho Administrative Procedure Act. *See* Idaho Code §§ 42-602 and 607.

II. Conjunctive Management Rules

6. In accordance with chapter 52, title 65, Idaho Code, rules regarding the conjunctive management of surface and ground water were adopted by the Department, effective October 7, 1994. IDAPA 37.03.11. The Conjunctive Management Rules ("CM Rules") prescribe procedures for responding to a delivery call made by the holder of a senior priority surface or ground water right against junior priority ground water rights in an area having a common ground water supply. IDAPA 37.03.11.001.

7. The CM Rules "give the Director the tools by which to determine 'how the various ground and surface water sources are interconnected, and how, when, where and to what extent the diversion and use of water from one source impacts [others].'" *American Falls Reservoir Dist. No. 2 v. Idaho Dept. of Water Resources,* 143 Idaho 862, 878, 154 P.3d 433, 449 (2007) (citations omitted).

8. Generally, junior-priority ground water users are entitled to a hearing prior to curtailment. *Clear Springs Foods, Inc. v. Spackman*, 150 Idaho 790, 815, 252 P.3d 71, 96 (2011). Any hearing will determine whether the senior-priority water right holder is suffering material injury and whether both the senior-priority and junior-priority water right holders are diverting and using water efficiently without waste. IDAPA 37.03.11.040.03.

9. The burden is not on the senior-priority water right holder to re-prove an adjudicated water right. *American Falls*, 143 Idaho at 878, 154 P.3d at 449. In a delivery call, the Director must give a decree proper legal effect by establishing a presumption that the senior is entitled to his decreed quantity. *Id.* However, there may be some post-adjudication factors which are relevant to the determination of how much water is actually needed by the senior. *Id.* A determination in a delivery call proceeding that less than the decreed amount is needed must

be supported by clear and convincing evidence. *A&B Irr. Dist. v. Idaho Dept. of Water Resources*, 153 Idaho 500, 524, 284 P.3d 225, 249 (2012).

10. Once the initial determination is made that material injury is occurring or will occur, the junior then bears the burden of proving that the call would be futile or to challenge, in some other constitutionally permissible way, the senior's call. *American Falls*, 143 Idaho at 878, 154 P.3d at 449. Any defense raised, such as waste or futile call, must be proven by clear and convincing evidence. *A&B Irr. Dist.*, 153 Idaho at 517, 284 P.3d at 242.

11. Beneficial use acts as a measure and limit upon the extent of a water right. *In Matter of Distribution of Water to Various Water Rights Held By or For The Benefit of A & B Irrigation Dist.*, Docket Nos. 38191, 38192, 38193, slip op. at 14 (Idaho Dec. 17, 2013). A person claiming a right under a decree is not entitled to the use of more water than can be beneficially used. *Id.* The wasting of water is both contrary to Idaho law and is a recognized defense to a delivery call. "Neither the Idaho Constitution, nor statutes, permit...water right holders to waste water or unnecessarily hoard it without putting it to some beneficial use." *American Falls*, 143 Idaho at 880, 154 P.3d at 451. "Simply put, a water user has no right to waste water. If more water is being diverted than can be put to beneficial use, the result is waste. Consequently, Idaho law prohibits a senior from calling for the regulation of juniors for more water than can be put to beneficial use." *In the Matter of the Petition for Delivery Call of A&B Irrigation District for the Delivery of Ground Water and for the Creation of a Ground Water Management Area*, Memorandum Decision and Order on Petition for Judicial Review, Minidoka Dist. Court Case No. 2009-000647 at 31-32 (May 4, 2010) (Hon. E. Wildman).

12. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence. Idaho Code § 67-5251(5); IDAPA 37.01.01.600. "Somewhere between the absolute right to use a decreed water right and an obligation not to waste it and to protect the public's interest in this valuable commodity, lies an area for the exercise of discretion by the Director." *American Falls*, 143 Idaho at 880, 154 P.3d at 451. This discretion is not unfettered, nor is it to be exercised without judicial oversight. *Id.* The courts determine whether the exercise of discretion is being properly carried out. *Id.*

III. Material Injury

13. In considering a petition for delivery call, the Director must first determine whether the holder of a senior water right is suffering material injury and using water efficiently and without waste. Material injury is defined by the Conjunctive Management Rules as "[h]indrance to or impact upon *the exercise of a water right* caused by the use of water by another person as determined in accordance with Idaho Law, as set forth in Rule 42." IDAPA 37.03.11.010.14 (emphasis added). Material injury requires impact upon the exercise of a water right. *Clear Springs Foods*, 150 Idaho at 811, 252 P.3d at 92.

14. CM Rule 42 lists the factors the Director may consider in determining whether Rangen is suffering material injury and using water efficiently and without waste. Factors listed in Rule 42 solely relevant to other beneficial uses, such as irrigation, should not be considered in this delivery call. The factors relevant in this proceeding, using CM Rule 42's lettering

identifiers, include: (a) the amount of water available to Rangen from its decreed source; (b) the effort or expense of Rangen to divert water from the source; (c) whether the junior ground water rights affect the quantity and timing of when water is available; . . . (e) the amount of water being diverted and used compared to the water rights; (f) the existence of water measuring devices; (g) [i]whether Rangen's needs could be satisfied with the user's existing facilities and water supplies and [ii] the reasonableness of Rangen's diversions and activities; and (h) whether the senior water right could be met using alternate reasonable means of diversion or alternate points of diversion.

i. Amount of Water from the Source

15. The source for water right nos. 36-02551 and 36-07694 is the Curren Tunnel. The point of diversion for both water rights is described to the 10 acre tract: SESWNW Sec. 32, T7S, R14E. While Rangen has historically diverted water from Billingsley Creek at the Bridge Diversion located in the SWSWNW Sec. 32, T7S, R14E, Rangen's SRBA decrees do not identify Billingsley Creek as a source of water and do not include a point of diversion in the SWSWNW Sec. 32, T7S, R14E. A decree entered in a general adjudication such as the SRBA is conclusive as to the nature and extent of the water right. Idaho Code § 42-1420. Administration must comport with the unambiguous terms of the SRBA decrees. Because the SRBA decrees identify the source of the water as the Curren Tunnel, Rangen is limited to only that water discharging from the Curren Tunnel. Because the SRBA decrees list the point of diversion as SESWNW Sec. 32, T7S, R14E, Rangen is restricted to diverting water that emits from the Curren Tunnel in that 10-acre tract.

16. Dr. Charles Brockway ("Dr. Brockway") testified that Rangen is entitled to divert water at the Bridge Diversion (which is located outside the SESWNW) because Rangen is legally entitled to all the water that emanates from springs in the talus slope in the SESWNW. Brockway, Vol. V, p. 1074-1075. When questioned about how Rangen can legally divert water at a point not listed as a point of diversion in its SRBA decree, Dr. Brockway stated that springs arising in the SESWNW constitute a legal point of diversion. *Id.* p. 1075-1076. In other words, Dr. Brockway argues that a physical diversion structure at the springs is not necessary to declare the spring water appropriated, and that a spring itself, without any sort of diversion structure, constitutes a diversion of water.

17. First, Dr. Brockway's argument ignores the fact that the source listed on the water rights is the Curren Tunnel. Setting aside that impediment for discussion purposes, Dr. Brockway's suggestion that a spring itself constitutes a point of diversion is contrary to Idaho water law. Idaho water law generally requires an actual physical diversion and beneficial use for the existence of a valid water right. *State v. United States*, 134 Idaho 106, 111, 996 P.2d 806, 811 (2000). The only recognized exception to this rule is for instream beneficial uses of water. *Id.* Taken to its logical conclusion, Dr. Brockway's argument means that any water user could claim as his point of diversion the highest headwater of the state and then argue for protection up to the water source. This troublesome outcome underscores the problem of Dr. Brockway's argument and diminishes the credibility of his testimony.

18. Because Rangen's decreed source and point of diversion limit Rangen to only water discharging from the Curren Tunnel and diverted in the 10 acre tract, the evaluation of material injury must consider this limitation. The Director must determine whether Rangen's ability to divert water that discharges from the Curren Tunnel and is diverted in the 10-acre tract has diminished sufficiently that Rangen has been materially injured.

ii. The Existence of Water Measuring Devices

19. Although Rangen has historically measured water at the bottom of the raceways and not at the Curren Tunnel, the Department has measured the discharge of Curren Tunnel since 1993. Experts testifying on behalf of junior ground water users have established a relationship between the total spring complex discharge and the discharge of the Curren Tunnel.

20. Rangen currently measures the flows through the facility at two different locations, the CTR raceways and the lodge pond dam. While the detailed methods of measuring at these locations are considered a nonstandard measurement method, the Department has historically accepted the measurements and associated flow rates. For purposes of this decision, the Director accepts the use of the dam boards as a substitute for a standard weir, given the measurement conditions of flow over the dam boards.

21. Because Rangen used incorrect rating tables for determining flow rates, Rangen's reported historic flows were lower than actual flows. Sullivan used USGS data to determine the magnitude of error in Rangen's reported flow rates. He concluded the measurement error to be 15.9% based on the comparison of 45 measurements by the USGS between 1980 and 2012. Finding of Fact 50. Sullivan also plotted a regression line to determine the relationship between Curren Tunnel discharge and the corrected historic measurement of total spring complex discharge. Finding of Fact 101. The slope of the regression indicates that the change in discharge of Curren Tunnel is 63% of the corresponding change in total spring complex discharge. If curtailment of ground water pumping results in an increase in the total flow of the spring complex, 63% of that benefit would be realized at the Curren Tunnel. The other 37% of the benefit from curtailment would accrue to the talus slope springs below the Curren Tunnel and would not be available to water rights 36-02551 and 36-07694.

22. Because of Rangen's measurement error, the Director adopts Sullivan's corrected calculation of the proportion of the benefit to total spring flows in the Rangen model cell that would accrue to the Curren Tunnel. The Director concludes, based upon clear and convincing evidence, that a percentage of 63% should be used to compute the quantity of water the ground water users may be required to provide as mitigation to avoid curtailment.

iii. Amount of Water Diverted Compared to the Water Right

23. It is clear that spring flows have declined significantly. One of IGWA's own experts, who first visited the Rangen property back in 1976, described the declines as significant. Rogers, Vol. VIII, pp. 1899-1900. Rangen's reported hatchery flows in 1966 averaged 50.7 cfs. Finding of Fact 53. In 2012, spring complex flows averaged just 14.6 cfs. *Id.* Notwithstanding Rangen's estimated measurement error of 15.9% since 1980, the declines have been dramatic.

Even if the 15.9% correction is applied to the 2012 spring complex discharge, flows declined by over 33 cfs between 1966 and 2012. Based on the relationship between Curren Tunnel flow and total spring complex flow, the corresponding decline in Curren Tunnel discharge between 1966 and 2012 would have been approximately 21 cfs. This decline in flow is substantial, resulting in Rangen diverting significantly less than allowed under its water rights.

24. Rangen is authorized to divert up to 76 cfs pursuant to water rights 36-15501, 36-02551, and 36-07694. Rangen asserts it is not receiving the quantity of water authorized for diversion by water rights 36-02551 and 36-07694. Water rights 36-02551 and 36-07694 authorize a total diversion of 74.54 cfs.

25. An issue was raised at the hearing regarding Rangen's junior fish propagation water right, water right no. 36-07694, and the extent of its beneficial use at the time of licensing. The predicted increase in discharge to the Curren Tunnel from curtailing ground water rights junior to July 13, 1962 (the priority date for water right no. 36-02551) within the ESPAM 2.1 model boundaries, within the area of common ground water supply, and west of the Great Rift is 9.1 cfs. Finding of Fact 109. The average annual discharge from Curren Tunnel after several years of curtailment within the model boundary is expected to be less than 17 cfs. Finding of Fact 111. Because Rangen's two senior fish propagation rights, water right nos. 36-15501 and 36-02551, authorize diversion of a total of 50 cfs from Curren Tunnel, it is not expected that curtailment will ever result in more water than the two additional senior water rights are authorized to divert. Thus, the issue of extent of beneficial use for water right no. 36-07694 is never likely to arise and is moot.

iv. Existing Facilities, Water Supplies, and Needs of Rangen for Water Use

26. As a result of declining spring flows, Rangen has been hindered in its ability to exercise its water rights from the Curren Tunnel. A number of Rangen staff testified regarding the impact of the declining flows and Rangen's ability to raise more fish if Rangen had more water. Finding of Fact 59. The Director finds the testimony of Rangen's staff on this point credible. The reduction in flows from the Curren Tunnel have caused a reduction in the number of fish that Rangen could raise at the Rangen Facility and impeded Rangen's full beneficial use of water that could have been diverted pursuant to its water rights.

27. Rangen's ability to conduct the type of research it would like to conduct also has been hindered. Findings of Fact 56. The Director finds the testimony of Rangen's staff credible and concludes that the reduced flows at the Curren Tunnel have hindered the way Rangen would conduct its research.

28. Pocatello argues that if Rangen wants to undertake outside research studies, it should modify the way it conducts raceway studies and initiate fish tagging studies instead. Finding of Fact 58. Fish tagging studies require less water but requires more manpower to complete. *Id.* Pocatello suggests Rangen can get the required manpower by finding volunteers with the Idaho State Fish and Game or Idaho Power Company. *Id.* The Director finds that Pocatello's suggestion of modification of Rangen's fish study processes, while interesting, is not

required of Rangen. The Director will not dictate in detail how Rangen must conduct its studies. The Director concludes Rangen's plans for research are reasonable.

29. The ground water users argue that Rangen could be producing more fish if Rangen would rotate more fish through the Rangen Facility and if Rangen would take advantage of peak spring flows. Findings of Fact 63. The ground water users also argue Rangen has not maximized the number of fish it raises because it does not oxygenate its water, has not maximized the number of eggs it orders, and has not maximized the number of cycles of fish moving through the facility because of its Idaho Power contract.

30. While beneficial use acts as a measure and limit upon the extent of a water right, *In Matter of Distribution of Water to Various Water Rights Held By or For The Benefit of A & B Irrigation Dist.*, Docket Nos. 38191, 38192, 38193, slip op. at 14 (Idaho Dec. 17, 2013), this does not mean that a water user must maximize his beneficial use, or otherwise risk his water use be deemed inadequate or unreasonable. There could be a circumstance where a water use might be deemed no longer beneficial. "What is a beneficial use at one time may, because of changed conditions, become a waste of water at a later time." *State, Dep't of Parks v. Idaho Dep't of Water Admin.*, 96 Idaho 440, 448, 530 P.2d 924, 932 (1974) (Justice Bakes concurring specially) (citations omitted). This is not such a case. In this case, Rangen is beneficially using water by raising fish to satisfy its contract with Idaho Power and to sell fish on the open market. IGWA and Pocatello have failed to show, by clear and convincing evidence, that Rangen's water use is unreasonable. *A&B Irr. Dist. v. Idaho Dept. of Water Resources*, 153 Idaho 500, 524, 284 P.3d 225, 2249 (2012). The Director concludes Rangen's water use is reasonable.

v. Whether Ground Water Rights Affect the Quantity and Timing of When Water is Available

31. The total average annual discharge of the spring complex in the vicinity of the Rangen Facility declined over 33 cfs between 1966 and 2012 in response to changes in the ESPA water budget. Finding of Fact 53. Decreased incidental recharge associated with surface water irrigation, decreased recharge derived from precipitation, and increased ground water pumping have all contributed to declines in discharge from the spring complex in the vicinity of the Rangen Facility and from Curren Tunnel. Finding of Fact 55. While it is clear that junior-priority ground water pumping is a significant component of the ESPA water budget, quantifying the portion of the declines that is attributable to ground water pumping is complex. ESPAM 2.1 is a numerical ground water model that was developed for the purpose of determining the effects of ground water pumping on discharge to spring and river reaches. ESPAM 2.1 simulations establish that junior-priority ground water pumping is a substantial component of the decline in spring complex discharge. ESPAM 2.1 simulations predict that approximately 14 cfs of the decline to the spring complex can be attributed to junior-priority ground water pumping west of the Great Rift and in the area of common groundwater supply. The relationship between Curren Tunnel flow and total spring complex discharge indicates that approximately 9 cfs of the decline in flow from Curren Tunnel can be attributed to junior-priority ground water pumping west of the Great Rift and in the area of common groundwater supply. Finding of Fact 109.

32. As previously discussed, as a result of declining spring flows, Rangen has been hindered in its ability to exercise its water rights from the Curren Tunnel. The reduction of flows affects the number of fish Rangen raises and the research it is able to undertake. Ground water diversions have reduced the quantity of water available to Rangen for beneficial use of water pursuant to its water rights.

vi. Alternate Reasonable Means of Diversion or Alternate Points of Diversion

33. IGWA and Pocatello argue that Rangen's water needs could be met using alternate means of diversion. Specifically, they point to the report prepared by SPF in 2004 to evaluate a number of projects with the intent of improving Rangen's water supply. IGWA and Pocatello suggest that Rangen should be required to explore and implement these alternative means of diversion prior to making a delivery call. The two proposals they focus on from the SPF report are the proposals to construct a vertical well and a horizontal well at the Rangen Facility.

34. Both proposals were considered and rejected by Rangen. With the vertical well, the three concerns highlighted were: the pumping costs associated with lifting the water from the wells to raceways, the redundant power and pumping systems necessary to protect against a loss of power or pumps, and that Rangen would not be able to obtain a new water right absent mitigation because of the ESPA moratorium on new appropriations. The concern regarding the horizontal well was that such a well would likely decrease current discharge to the Curren Tunnel, decrease discharge of other springs in the vicinity of the Curren Tunnel, and possibly reduce ground water levels in wells located on the rim above the Curren Tunnel. Wayne Courtney, executive vice president for Rangen testified about the concerns with the well proposals. He explained that Rangen did not implement the proposal for alternate points of diversion because Rangen "felt that the risk was too great for any possible outcome." Courtney, Vol. I, p. 111-112. Rangen was concerned that new wells might damage the geohydrology of the area and would actually injure the existing springs and injure water users that rely on the springs for their water. *Id.* at 112. The Director concludes that Rangen's reasons for rejecting the proposals are reasonable. IGWA and Pocatello have failed to show, by clear and convincing evidence, that Rangen's means of diversion is unreasonable. The Director concludes that Rangen employs "reasonable diversion and conveyance efficiency and conservation practices" in diverting water from the Curren Tunnel.

vii. Effort or Expense to Divert Water from the Source

35. Because the method of diversion is reasonable, the effort and expense by Rangen to divert water from the source is also reasonable.

IV. Conclusion Regarding Material Injury

36. The Director concludes that pumping by junior ground water users has materially injured Rangen.

V. ESPAM 2.1 Results and Area of Common Ground Water

37. ESPAM 2.1 is a technical improvement to ESPAM 1.1 in part because ESPAM 2.1 was calibrated to monthly observations of spring discharge within individual model cells and is capable of simulating the impacts of depletions from or accretions to the aquifer on spring discharge within those model cells. ESPAM 1.1 was calibrated to significantly fewer spring discharge data. ESPAM 1.1 was only capable of simulating depletions from or accretions to a group of springs that, in total, contribute water to larger segmented reaches of the Snake River. In ESPAM 2.1, spring discharge in the model cell where Rangen's water is derived was a target used for calibration of the model. The outflow of water in the vicinity of the Rangen Facility was identified as a model calibration target because flows from the Rangen Facility had been measured over a sufficiently long period of time and with enough frequency.

38. Idaho courts previously held that ESPAM 1.1 was the best scientific tool for estimating the impact of pumping on spring flows. Recognizing that every model is an approximation of physical reality, ESPAM 2.1 is a technical improvement to ESPAM 1.1 and is the best available science for simulating the impacts of ground water pumping. There is no other technical instrument as reliable as ESPAM 2.1 that can be used to determine the effects of ground water pumping on the ESPA and hydraulically-connected reaches of the Snake River and its tributaries. Accordingly, the outputs from ESPAM 2.1 simulations will be used to determine impacts to total flow in the Rangen spring complex.

39. ESPAM 2.1 simulations determined that curtailment of ground water diversions authorized by priority dates earlier than July 13, 1962 would result in a total increase in flow in the Rangen model cell of 17.9 cfs.

40. Rule 50 of the CM Rules delineates the boundaries of the ESPA area of common ground water supply. The delineated area is the area within which the Director is currently authorized to administer junior priority ground water rights to satisfy senior priority surface water rights. Any curtailment of junior ground water rights in this matter will be limited to water rights with points of diversion within the delineated area of common ground water supply.

41. IDWR is only authorized to curtail diversions within the area of common ground water supply described by Rule 50 of the CM Rules. Removing water right points of diversion outside of the area of common ground water supply reduces the total simulated increase in flows in the Rangen model cell to 16.9 cfs.

VI. Trim Line

42. The applicability of a trim-line was previously litigated in the Clear Springs delivery call. *Clear Springs*, 150 Idaho 790, 812, 252 P.3d 71, 93 (2011). In *Clear Springs*, the Department used ESPAM 1.1 to determine effects of ground water pumping, just as ESPAM 2.1 is being applied in this proceeding. *Clear Springs*, 150 Idaho at 814, 252 P.3d at 95. With ESPAM 1.1, former Director Dreher found that "the degree of uncertainty associated with application of the [Aquifer] ground water model is 10 percent" and based on that level of

possible uncertainty, he limited the number of junior water right curtailed. *Clear Springs*, 150 Idaho at 812-13, 252 P.3d at 93-94 (bracketed language in original).

43. In the Clear Springs delivery call, the 10% trim line was applied based on accrual of the benefits of curtailment to the Buhl to Thousand Springs reach, which contained multiple ESPAM model cells and several other springs not diverted by the calling party. The calling party was estimated to receive 6.9% of the benefits accruing to the Buhl to Thousand Springs reach. In the Clear Springs delivery call, the trim line limited curtailment to areas where the calling party would receive at least 0.69% (6.9% of 10%) of the benefits of curtailment.

44. Because the 10% trim line applied in Clear Springs delivery call was based on model predictions of impacts to a multi-cell reach containing several springs, applying a 10% trim line based on model predictions of impacts to a single model cell, as proposed by IGWA, would result in a significantly different standard than was applied in the Clear Springs delivery call.

45. Similarly, in the Blue Lakes delivery call, the 10% trim line was applied based on accrual of the benefits of curtailment to the Devil's Washbowl to Buhl reach, which contained multiple ESPAM model cells and several other springs not diverted by the calling party. The calling party was estimated to receive 20% of the benefits accruing to the Devil's Washbowl to Buhl reach. In the Blue Lakes delivery call, the trim line limited curtailment to areas where the calling party would receive at least 2% (20% of 10%) of the benefits of curtailment.

46. The district court in the Clear Springs delivery call affirmed the application of a trim line on appeal: "The evidence also supports the position that the model *must* have a factor for uncertainty as it is only a simulation or prediction of reality... ." *Clear Springs*, 150 Idaho at 816, 252 P.3d at 97 (emphasis added). Because the model is just a "simulation or prediction of reality", the district court held that "it would be inappropriate to apply the [model] results independent of the assigned margin of error." *Id.* The district court concluded "the use of a trim-line for excluding juniors within the margin of error is acceptable simply based on the function and application of a model...the Director did not abuse discretion by apply the 10% margin of error 'trim line.'" *Id.* The Idaho Supreme Court affirmed the Director's application of the trim line, finding that the Director properly exercised discretion in making the trim line determination: "The Director perceived the issue as discretionary, he acted within the outer limits of his discretion and consistently with the legal standards applicable to the available choices, and reached his decision through an exercise of reason. The district court did not err in upholding the Director's decision in this regard." *Id.* at 817, 252 P.3d at 98.

47. Substantial testimony was presented about the approximations and possible inaccuracies of using a regional model to simulate the depletions to Rangen spring complex discharge caused by ground water diversions from the ESPA. Ground water users diverting from the ESPA argued that any application of the model should acknowledge that there is an unquantifiable level of uncertainty in the predictions generated by the model by either discounting the prediction or applying a trim line. Rangen and the SWC argue that regardless of inaccuracies in the model, it is the best estimate of the impacts of junior ground water pumping on flows in the Rangen cell, therefore no trim line should be applied.

48. Because numerical models are approximations of complex physical systems, aquifer modeling is a dynamic process. ESPAM 2.1 is the result of improvements to previous versions of the model, and it will likely be improved upon through future efforts of the Department and the ESHMC. Some of the criticisms of the model have merit, and may be addressed in future versions of the model as data availability and improvements in computing technology allow. While there is the potential to improve the model given additional time and resources, ESPAM 2.1 is currently the best available scientific tool. Imperfections in the model should not preclude the Department from using the model as an administrative tool, and should not be the basis for using other predictive methods that have less scientific basis. The Director concludes that ESPAM 2.1 predicted responses to curtailment are the best available predictions.

49. Because of the complexity of the model, the margin of error associated with model predictions cannot be quantified. The lack of a quantifiable margin of error associated with the model does not mean that the model should be abandoned, but simply that its use should be tempered with the fact that it is a "simulation or prediction of reality." The Director concludes that there is uncertainty in the predicted increase in spring flow resulting from curtailment and that the actual response may be lower or higher than predicted. This variance should be taken into consideration when considering a trim line.

50. The Curren Tunnel and the Rangen spring complex are located west of the Great Rift, a low transmissivity feature that impedes the transmission of water through the aquifer Finding of Fact 108, Figure 4. While there is some predicted depletion of Curren Tunnel discharge attributable to points of diversion east of the Great Rift, the contribution is small. ESPAM 2.1 establishes, by clear and convincing evidence, that the portion of benefits of curtailed ground water use east of the Great Rift that would accrue to the Rangen spring complex is generally less than 1%. Finding of Fact 105, Figure 1. The benefit of curtailment with respect to the number of acres curtailed diminishes significantly if areas east of the Great Rift are included in the curtailment. Finding of Fact 107, Figure 3. The argument that no trim line is appropriate was considered and rejected in *Clear Springs*. The effect of the Great Rift on propagation of impacts to Curren Tunnel should be taken into consideration when deciding on a trim line.

51. Delineating a trim line using the Great Rift will limit curtailment to an area where the Rangen spring cell is predicted to receive at least 1% of the benefits of curtailment, and the calling party is predicted to receive at least 0.63% of the benefits of curtailment. This is similar to the trim lines applied to ESPAM 1.1 in the Clear Springs delivery call and the Blue Lakes delivery call, where the calling parties were predicted to receive 0.69% and 2% of the curtailed benefits, respectively.

52. The Idaho Supreme Court stated, "Given the nature of the decisions which must be made in determining how to respond to a delivery call, there must be some exercise of discretion by the Director." *American Falls*, 143 Idaho at 875, 154 P. 3d at 446. The Director perceives this issue of a trim line as one of limited discretion and applies the legal standards established by Idaho courts. *Clear Springs,* 150 Idaho at 813, 252 P.3d at 94.

53. The Director must consider the diminishing benefits of curtailment beyond the Great Rift. An appropriator is not entitled to command the entirety of large volumes of water in a surface or ground water source to support his appropriation contrary to the public policy of reasonable use of water. CM Rule 20. Demand should be viewed in light of reasonableness and optimum development of water resources in the public interest. CM Rules 20 and 42; *American Falls*, 143 Idaho at 876-80, 154 P.3d at 447-51; *Clear Springs*, 150 Idaho at 807-10; 252 P.3d at 88-91; *In Matter of Distribution of Water to Various Water Rights Held By or For The Benefit of A & B Irrigation Dist., supra*, slip op. at 13-17.

54. "The policy of the law of this State is to secure the maximum use and benefit, and least wasteful use, of its water resources." *Clear Springs*, 150 Idaho at 808, 252 P.3d at 89 (quoting *Poole v. Olaveson*, 82 Idaho 496, 502, 356 P.2d 61, 65 (1960)). The Idaho Constitution enunciates a policy of promoting optimum development of water resources in the public interest. *Baker v. Ore-Ida Foods, Inc.*, 95 Idaho 575, 584, 513 P.2d 627, 636 (1973); Idaho Const. Art. XV, § 7. "There is no difference between securing the maximum use and benefit, and least wasteful use, of this State's water resources and the optimum development of water resources in the public interest. Likewise, there is no material difference between 'full economic development' and the 'optimum development of water resources in the public interest.' They are two sides of the same coin. Full economic development is the result of the optimum development of water resources in the public interest." *Clear Springs*, 150 Idaho at 809, 252 P.3d at 90. "The policy of securing the maximum use and benefit, and least wasteful use, of the State's water resources applies to both surface and ground waters, and it requires that they be managed conjunctively." *Clear Springs*, 150 Idaho at 809, 252 P.3d at 90.

55. Low transmissivity impedes the transmission of water through the aquifer at the Great Rift. Finding of Fact 108. This low transmissivity causes the benefit of curtailment compared to the number of acres curtailed to diminish significantly. As provided in Findings of Fact 105 through 108, generally less than 1% of the benefits of curtailment of water users east of the Great Rift will accrue to the Rangen spring cell. Even less will be expected to accrue to the Curren Tunnel. Curtailment of junior ground water irrigation west of the Great Rift would dry up approximately 157,000 acres, resulting in curtailment of irrigation of approximately 17,000 acres per cfs of predicted benefit to the Curren Tunnel. Finding of Fact 110. Curtailment of junior ground water irrigation east of the Great Rift would dry up approximately 322,000 additional acres, resulting in curtailment of irrigation of approximately 204,000 acres per cfs of predicted benefit to the Curren Tunnel. *Id.* In addition, there is uncertainty in the model. There is lower predictive uncertainty on the western side of the Great Rift. Finding of Fact 91. There is generally higher predictive uncertainty on the eastern side of the Great Rift, however impacts from several pumping locations evaluated on the eastern side of the Great Rift had negligible impacts on the spring cell evaluated in the Department's predictive uncertainty analysis. *Id.* Uncertainty in the model justifies use of a trim line. *Clear Springs*, 150 Idaho at 816, 252 P.3d at 97. The Director concludes curtailment of ground water diversions on the east side of the Great Rift is not justified. To curtail junior ground water users east of the Great Rift would be counter to the optimum development of Idaho's water resources in the public interest and the policy of securing the maximum use and benefit, and least wasteful use, of the State's water resources. This conclusion is consistent with previous conclusions regarding trim lines applied in Clear Springs delivery call and the Blue Lakes delivery call.

56. Eliminating water rights with points of diversion east of the Great Rift results in a simulated curtailment benefit to the Rangen model cell of 14.4 cfs at steady state.

57. The predicted curtailment benefit to the Curren Tunnel, computed as 63% of the simulated curtailment benefit to the Rangen model cell, is 9.1 cfs.[9]

VII. Rule 40 Call Determination

58. Rule 40 of the CM Rules provides in relevant part that upon a determination of material injury:

> [T]he Director, through the watermaster, shall:
> ...
> Regulate the diversion and use of water in accordance with the priorities of rights of the...ground water users whose rights are included within the district, provided, that regulation of junior-priority ground water diversion and use where the material injury is delayed or long range may, by order of the Director, be phased-in over not more than a five-year (5) period to lessen the economic impact of immediate and complete curtailment; or [a]llow out-of-priority diversion of water by junior-priority ground water users pursuant to a mitigation plan that has been approved by the Director.
> ...
> [T]he Director shall consider whether the petitioner making the delivery call is suffering material injury to a senior-priority water right and is diverting and using water efficiently and without waste, and in a manner consistent with the goal of reasonable use of surface and ground waters as described in Rule 42. The Director will also consider whether the respondent junior-priority water right holder is using water efficiently and without waste.

IDAPA 37.03.11.40.

59. In the material injury analysis above, the Director considered whether Rangen is diverting and using water efficiently, without waste, and in a matter consistent with the goal of reasonable use. The Director concludes Rangen is diverting and using water efficiently, without waste and in a matter consistent with the goal of reasonable use. Testimony was presented at hearing regarding respondent junior-priority water right holders' use of water. The Director concludes the junior-priority water right holders are using water efficiently and without waste.

60. Because Rangen has suffered material injury, the Director will curtail ground water rights bearing dates of priority earlier than July 13, 1962, with points of diversion located both within the area of common ground water supply and west of the Great Rift as delineated in Figure 5, Finding of Fact 109.

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[9] Rangen may not be entitled to all of the predicted increase in discharge of the Curren Tunnel if senior water right holders call for delivery of water from the Curren Tunnel.

ORDER

IT IS HEREBY ORDERED that, at 12:01 a.m. on or before March 14, 2014, users of ground water holding consumptive water rights bearing priority dates junior to July 13, 1962, listed in Attachment C to this order, within the area of common ground water, located west of the Great Rift, and within a water district that regulates ground water, shall curtail/refrain from diversion and use of ground water pursuant to those water rights unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights. This order shall apply to all consumptive ground water rights, including agricultural, commercial, industrial, and municipal uses, but excluding ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(11), pursuant to IDAPA 37.03.11.020.11.

IT IS FURTHER ORDERED that the watermasters for the water districts within the area of common ground water, located west of the Great Rift, and who regulate ground water, are directed to issue written notices to the holders of the consumptive ground water rights listed in Attachment C to this order. The water rights on the list bear priority dates junior to July 13, 1962. The written notices are to advise the holders of the identified ground water rights that their rights are subject to curtailment in accordance with the terms of this order.

IT IS FURTHER ORDERED that holders of ground water rights affected by this Order may participate in a mitigation plan through a Ground Water District or Irrigation District if a plan is proposed by a Ground Water District or Irrigation District. The mitigation plan must provide simulated steady state benefits of 9.1 cfs to Curren Tunnel or direct flow of 9.1 cfs to Rangen. If mitigation is provided by direct flow to Rangen, the mitigation may be phased-in over not more than a five-year period pursuant to CM Rule 40 as follows: 3.4 cfs the first year, 5.2 cfs the second year, 6.0 cfs the third year, 6.6 cfs the fourth year, and 9.1 cfs the fifth year. Holders of ground water rights that are not members of a ground water district may be deemed a nonmember participant for mitigation purposes pursuant to H.B. No. 737 (*Act Relating to the Administration of Ground Water Rights within the Eastern Snake River Plain*, ch. 356, 2006 *Idaho Sess. Laws* 1089) and Idaho Code § 42-5259. If a mitigation plan is approved and the holder of such a junior priority ground water right elects not to join a ground water district, the Director will require curtailment.

Dated this 29th day of January, 2014.

GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of January, 2014, the above and foregoing document was served on the following by providing a copy in the manner selected:

J. JUSTIN MAY MAY BROWNING 1419 W. WASHINGTON BOISE, ID 83702 jmay@maybrowning.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail ( ) Hand Delivery
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FRITZ HAEMMERLE HAEMMERLE HAEMMERLE P.O. BOX 1800 HAILEY, ID 83333 fxh@haemlaw.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail ( ) Hand Delivery
RANDY BUDGE THOMAS J. BUDGE RACINE OLSON P.O. BOX 1391 POCATELLO, ID 83204-1391 rcb@racinelaw.net tjb@racinelaw.net	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail ( ) Hand Delivery
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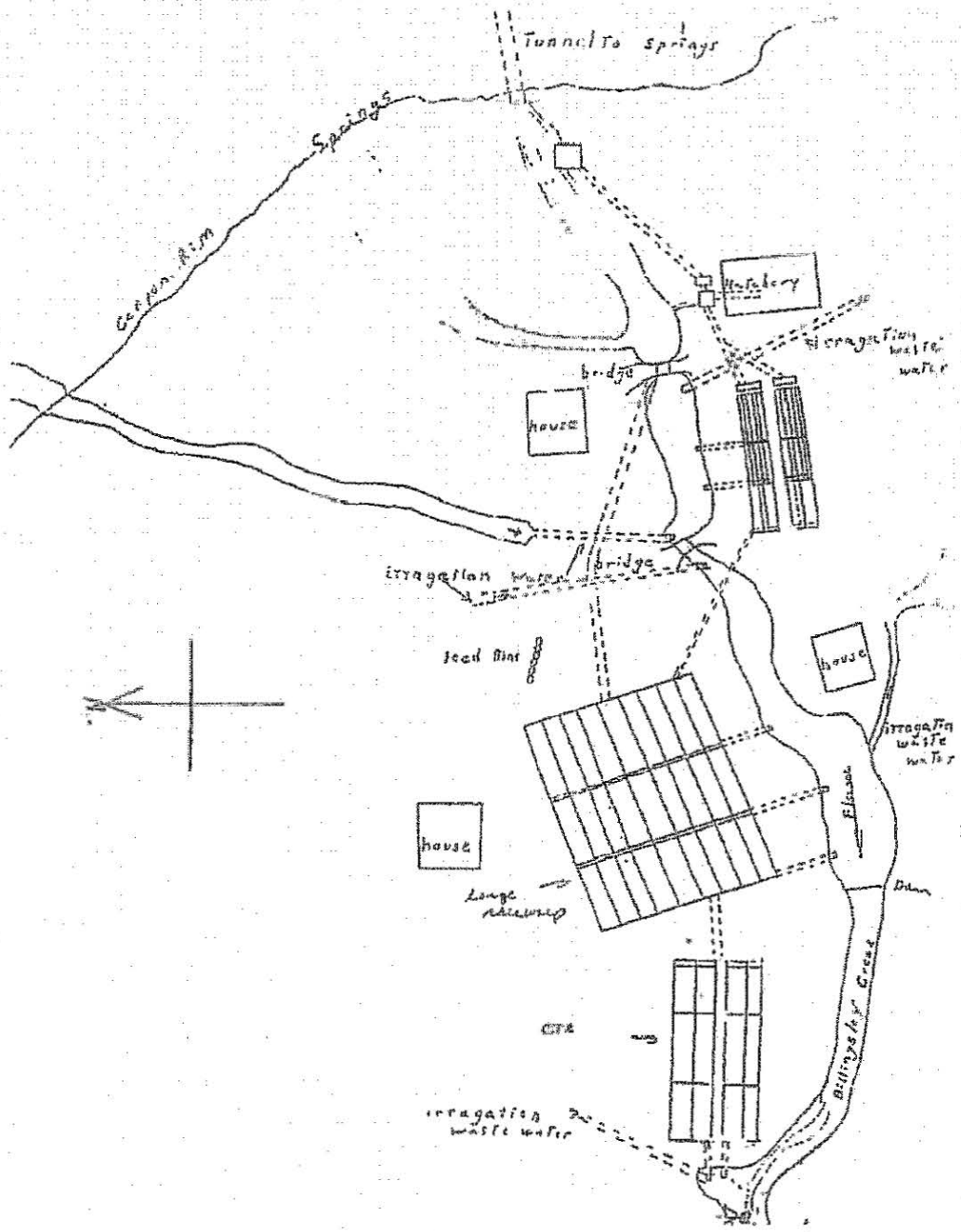
(x) E-mail

Deborah J. Gibson
Assistant to the Director

ATTACHMENT A



Rangen Hatchery Facilities
Hagerman, Idaho

EXHIBIT
1005
CM-DC-2011-004

PLAINTIFF'S EXHIBIT
1A

ATTACHMENT B

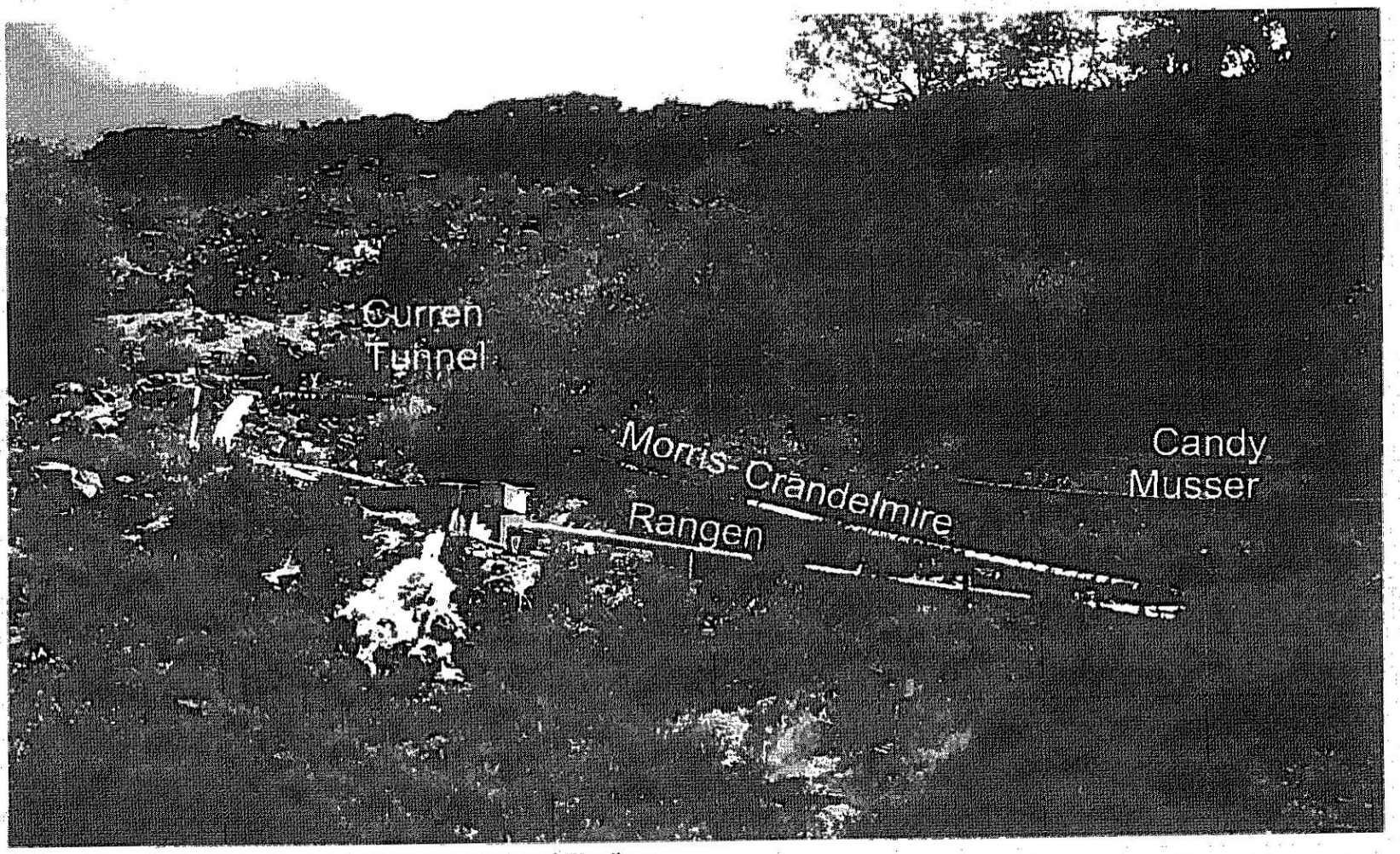


Figure 7. Photo Showing Curren Tunnel and Pipelines

ATTACHMENT C

Attachment C

Water Rights Subject to Curtailment - Rangen Delivery Call

Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
2+RANCH LLC	36-16158	1/24/1972	3.95	IRRIGATION, MITIGATION	346.5
2+RANCH LLC	36-16160	1/24/1972	0.04	MITIGATION	
2+RANCH LLC	36-16161	8/9/1975	2.97	IRRIGATION, MITIGATION	395.5
2+RANCH LLC	36-16163	8/9/1975	0.02	MITIGATION	
4 BROS DAIRY INC	37-20613	12/19/1974	1.12	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-20614	12/19/1974	0.58	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22641	10/18/1968	0.06	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22642	10/18/1968	0.04	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22643	2/18/1971	0.01	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22644	12/3/1966	0.02	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22645	10/18/1968	0.03	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22646	12/3/1966	0.05	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22647	12/3/1966	0.03	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22648	2/18/1971	0.03	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22649	2/18/1971	0.02	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22652	11/15/1970	0.08	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22653	5/16/1980	0.02	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22654	5/26/1971	0.01	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-7033	7/5/1988	2.16	IRRIGATION	211
4 BROS DAIRY INC	37-7278	9/10/1973	6	IRRIGATION	390.9
4 BROS DAIRY INC	37-7575	3/28/1977	2.21	IRRIGATION	349
4 BROS DAIRY INC	37-8813	10/14/1983	0.13	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-8814	7/10/1983	0.1	STOCKWATER, COMMERCIAL	
93 GOLF RANCH	36-7573	10/31/1975	2.92	IRRIGATION	188
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15127B*	4/1/1984	28.89	IRRIGATION	82610
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15193B*	4/1/1965	0.31	IRRIGATION	82610
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15194B*	4/1/1968	2.51	IRRIGATION	82610
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15195B*	4/1/1978	2.24	IRRIGATION	82610
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15196B*	4/1/1981	0.08	IRRIGATION	82610
AARDEMA DIARY LTD PARTNERSHIP	36-7290	1/23/1973	1.6	IRRIGATION	80
AARDEMA FARMS LTD PARTNERSHIP	36-10225F	5/1/1985	0.01	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-14035B	5/26/1976	0.42	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-15169F	12/11/1969	0.05	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-15256C*	3/15/1975	0.92	IRRIGATION	401.6
AARDEMA FARMS LTD PARTNERSHIP	36-15256D	3/15/1975	0.11	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-15561	8/19/1965	2.7	IRRIGATION	608
AARDEMA FARMS LTD PARTNERSHIP	36-15563	2/26/1979	1.91	IRRIGATION	608
AARDEMA FARMS LTD PARTNERSHIP	36-16269	6/7/1965	0.51	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16271	2/26/1973	0.36	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16273	8/2/1973	0.61	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16275	5/28/1974	0.19	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16277	2/4/1976	0.17	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16279	2/22/1978	0.57	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16281	12/11/1978	0.03	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16283*	5/1/1985	0.17	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16285	12/11/1969	1.72	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16447	1/28/1964	0.19	STOCKWATER, COMMERCIAL	

* Enlargement right subordinate to rights earlier than April 12, 1994

Attachment C

Water Rights Subject to Curtailment - Rangen Delivery Call

Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
AARDEMA FARMS LTD PARTNERSHIP	36-16449	5/26/1976	0.19	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-16891	1/10/1997	0.06	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-16893	11/1/1979	0.02	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-16894	1/28/1964	2.67	IRRIGATION	435.1
AARDEMA FARMS LTD PARTNERSHIP	36-16895	1/28/1964	0.1	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-16896	5/26/1976	6.03	IRRIGATION	435.1
AARDEMA FARMS LTD PARTNERSHIP	36-16897	5/26/1976	0.23	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-2575B	8/5/1963	0.05	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-2586B	1/28/1964	0.2	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-2614F	6/7/1965	0.01	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-7049	1/10/1969	2.41	IRRIGATION	126
AARDEMA FARMS LTD PARTNERSHIP	36-7215	1/3/1972	0.84	IRRIGATION	164
AARDEMA FARMS LTD PARTNERSHIP	36-7250	7/21/1972	0.25	STOCKWATER, COMMERCIAL, DOMESTIC	
AARDEMA FARMS LTD PARTNERSHIP	36-7307F	2/26/1973	0.02	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-7329	4/18/1973	0.8	IRRIGATION	40
AARDEMA FARMS LTD PARTNERSHIP	36-7362F	8/2/1973	0.02	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-7477F	5/28/1974	0.01	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-7606F	2/4/1976	0.01	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-7734	3/11/1977	1	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	30
AARDEMA FARMS LTD PARTNERSHIP	36-7779F	2/22/1978	0.02	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-7832F	12/11/1978	0.01	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-8169	4/6/1983	0.26	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-8517	4/3/1990	0.04	STOCKWATER, COMMERCIAL	
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON DAIRY; HEIDA, MARY JANE; HEIDA, THOMAS	36-7363A	8/7/1973	1.23	IRRIGATION	110
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-15181*	3/15/1982	0.23	IRRIGATION	54
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-2610	3/22/1965	2	IRRIGATION	220
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-7387D	10/27/1973	0.15	STOCKWATER, COMMERCIAL	
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-7650A	7/30/1976	1.22	IRRIGATION	220
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-8305	2/14/1986	1.9	IRRIGATION	95
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-8362	6/3/1988	1	STOCKWATER, COMMERCIAL	
AARDEMA, DONALD J	36-8548	5/11/1990	0.06	STOCKWATER	
AARDEMA, DONALD JOHN	36-10225H*	5/1/1985	0.01	IRRIGATION	3
AARDEMA, DONALD JOHN	36-15169H	12/11/1969	0.02	IRRIGATION	3
AARDEMA, DONALD JOHN	36-2614H	6/7/1965	0.01	IRRIGATION	3
AARDEMA, DONALD JOHN	36-7307H	2/26/1973	0.01	IRRIGATION	3
AARDEMA, DONALD JOHN	36-7362H	8/2/1973	0.01	IRRIGATION	3

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AARDEMA, DONALD JOHN	36-7477H	5/28/1974	0.01	IRRIGATION	3
AARDEMA, DONALD JOHN	36-7606H	2/4/1976	0.01	IRRIGATION	3
AARDEMA, DONALD JOHN	36-7779H	2/22/1978	0.01	IRRIGATION	3
AARDEMA, DONALD JOHN	36-7832H	12/11/1978	0.01	IRRIGATION	3
ABC AGRA LLC	36-8484	12/11/1989	0.08	COMMERCIAL, DOMESTIC	
ADAMS, CHERYL L; ADAMS, H LYLE; ADAMS, RODDY L	37-7078	10/12/1970	0.077	STOCKWATER, COMMERCIAL, DOMESTIC	
ADKINS, GINA; ADKINS, RICK	36-8525	3/2/1990	0.06	IRRIGATION, DOMESTIC	1
AKL PROPERTIES LLC	36-16942	2/27/1970	1.65	IRRIGATION	295.7
AKL PROPERTIES LLC	36-16944	12/11/1981	1.72	IRRIGATION	295.7
ALLEN, BETTY; ALLEN, BUD	37-21225	1/29/1974	0.02	IRRIGATION	1
ALLEN, HERB; ALLEN, MARY CHUGG; LLOYD, DANIEL; TIERNEY LLOYD, MONA LISA	36-8523	4/25/1990	1.89	IRRIGATION	115
ALLEN, JANE C; ALLEN, WAYNE R	36-7418	12/11/1973	3.48	IRRIGATION	217
ALLEN, PATRICIA; ALLEN, STEPHEN B	37-21226	1/29/1974	2.72	IRRIGATION	154
ALLEN, REX	36-7649	10/19/1976	0.26	IRRIGATION, DOMESTIC	12
ALLIANCE LAND & LIVESTOCK LLC	45-12769A	9/11/1967	0.31	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-13520*	3/15/1976	0.23	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14054	9/6/1967	1.8	IRRIGATION, STOCKWATER	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14055	9/6/1967	0.93	STOCKWATER, COMMERCIAL	
ALLIANCE LAND & LIVESTOCK LLC	45-14104	6/30/1985	0.09	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14105	6/30/1985	0.01	STOCKWATER, COMMERCIAL	
ALLIANCE LAND & LIVESTOCK LLC	45-14253	11/15/1970	0.3	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14254	5/16/1980	0.08	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14255*	5/26/1971	0.02	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14256	9/12/1973	0.24	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14257	5/4/1978	0.51	STOCKWATER, COMMERCIAL	
ALLIANCE LAND & LIVESTOCK LLC	45-2674B	9/11/1962	0.48	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-7054	4/28/1970	1.34	STOCKWATER	
ALLIANCE LAND & LIVESTOCK LLC	45-7243	7/1/1975	2.19	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-7482A	11/24/1981	2.18	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-7482B	11/24/1981	1.99	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-7513	10/13/1982	0.31	IRRIGATION	3088.3
ALLISON, E R	36-7034	5/27/1968	0.16	IRRIGATION, STOCKWATER	7.1
ALLISON, E R	36-7347A	6/26/1973	0.11	IRRIGATION	5.4
ALLRED, JACKSON W; SMITH, MIRIAM ALLRED	45-11142	6/30/1985	3.11	IRRIGATION	2073
AMBROSE, A N; SOUTHFIELD PROPERTIES LLC	36-7157A	2/16/1971	3.3	IRRIGATION	436
AMERICAN FALLS RESERVOIR DISTRICT #2	36-11120	11/27/1962	0.07	IRRIGATION, DOMESTIC	1.5
ANDERLAND LLC	45-14066	8/17/1972	2.67	IRRIGATION	233.1
ANDERLAND LLC	45-14070	2/6/1979	0.01	IRRIGATION	8.4
ANDERSEN, ALAN H; ANDERSEN, NORMA	45-13394	2/6/1979	0.05	STOCKWATER, COMMERCIAL	
ANDERSEN, ALAN H; ANDERSEN, NORMA	45-14067	8/17/1972	0.12	STOCKWATER, COMMERCIAL	
ANDERSON SR, LARREY; ANDERSON, RETHA	36-8232	9/27/1983	0.09	IRRIGATION, COMMERCIAL, DOMESTIC	1
ANDERSON SR, LARREY; ANDERSON, RETHA; MILLER, GERALD	36-8233	12/17/1991	0.06	HEATING, RECREATION	
ANDERSON, DONALD M; ANDERSON, JOAN	36-8285	6/14/1985	0.04	IRRIGATION	2
ANDERSON, GEORGE; ANDERSON, MARILYN	36-7777	2/7/1978	1.33	IRRIGATION	75

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ANDERSON, GREGORY M; ANDERSON, KENNETH C	36-7214	1/3/1972	2.45	IRRIGATION	144
ANDERSON, LA DELL; ANDERSON, SHERRY HARRIS	36-7272	11/7/1972	1.42	IRRIGATION	71
ANDERSON, SHERRY HARRIS	36-2632	1/8/1966	1.94	IRRIGATION	417.1
ANDERSON, SHERRY HARRIS	36-7022	4/12/1968	4.64	IRRIGATION	417.1
ANDERSON, SHERRY; HARRIS, STEVEN; JENSEN, CINDY	36-7897	2/25/1980	2.84	IRRIGATION	203
ANDRESEN DAIRY LLC	36-16381	9/12/1973	0.08	STOCKWATER, COMMERCIAL	
ANDRESEN DAIRY LLC	36-8215	6/22/1983	0.07	STOCKWATER, COMMERCIAL, DOMESTIC	
ANDRESEN DAIRY LLC	36-8735	1/10/1992	0.04	STOCKWATER, COMMERCIAL	
ANDREWS, GERALD CLINTON; ANDREWS, MARIAN J	36-15227*	8/27/1973	0.7	IRRIGATION	163
ARKOOSH, GEORGE F; ARKOOSH, LIZABETH	37-7160	9/14/1972	0.3	IRRIGATION, STOCKWATER	26
ARKOOSH, KAREN A; ARKOOSH, WILLIAM	37-7570	3/9/1977	4.29	IRRIGATION	277
ASTLE, DOUGLAS D; ASTLE, JANIS L	37-8296	5/11/1987	4.01	IRRIGATION	357.2
ASTLE, GERALDINE; ASTLE, SEM D	37-7538	11/2/1976	4.18	IRRIGATION	285
ASTLE, MICHELE	37-8125	6/23/1983	0.04	STOCKWATER, COMMERCIAL, DOMESTIC	
ASTLE, RICK J; ASTLE, TANYA R	37-7264	8/21/1973	3.42	IRRIGATION	192
ASTORQUIA, FRANK	37-7475	2/12/1976	0.7	IRRIGATION	35
ASTORQUIA, FRANK	37-8338	5/19/1994	0.6	IRRIGATION	72
ASTORQUIA, FRANK; ASTORQUIA, JOSEPHINE	37-7460	7/3/2002	3.33	IRRIGATION	258
ASTORQUIA, JUSTIN	37-7092	4/15/1971	0.8	IRRIGATION	40
B & H FARMING	36-11643*	4/1/1981	1	IRRIGATION	448
B & H FARMING	36-15226*	6/15/1973	0.36	IRRIGATION	658
B & H FARMING	36-16206	4/14/1983	1.91	IRRIGATION	152
B & H FARMING	36-2570	6/20/1963	0.8	IRRIGATION	658
B & H FARMING	36-2587	2/19/1964	5.79	IRRIGATION	455
B & H FARMING	36-4264*	4/1/1974	2	IRRIGATION	455
B 4 DAIRY	36-7732B	10/21/1977	0.4	STOCKWATER, COMMERCIAL	
B 4 DAIRY	36-7732C	10/21/1977	2.64	IRRIGATION	132
B 4 DAIRY	36-7732D	10/21/1977	0.34	STOCKWATER, COMMERCIAL	
BAAR JR, TED	36-10845	1/28/1972	0.24	STOCKWATER, DOMESTIC	
BAAR, ANNA E; BAAR, THEODORE; NORTHWEST FARM CREDIT SERVICES FLCA	36-8478	11/7/1989	0.47	STOCKWATER, COMMERCIAL, DOMESTIC	
BAILEY, CALVIN M; BAILEY, DE ANN W	36-7735	7/25/1977	1.75	IRRIGATION	105
BAILEY, CARL W; BAILEY, STEPHANIE G	36-16981	3/4/1976	1	IRRIGATION	50
BAILEY, CARL W; BAILEY, STEPHANIE G	36-7615	3/4/1976	1.6	IRRIGATION	203
BAILEY, PATSY J; BAILEY, QUINN W	36-7941	9/17/1980	0.13	STOCKWATER, COMMERCIAL	
BAKER, DANIEL C; BAKER, DARRELL JAMES	36-2668	11/18/1966	4.65	IRRIGATION	634.4
BAKER, DARRELL JAMES	36-13065A	3/15/1981	0.66	IRRIGATION	260.7
BAKER, DARRELL JAMES	36-13065B	3/15/1981	0.16	IRRIGATION	634.4
BAKER, DARRELL JAMES	36-15170B	6/29/1971	0.01	IRRIGATION	634.4
BAKER, DARRELL JAMES	36-2565B	2/11/1963	0.38	IRRIGATION	634.4
BAKER, DWAINE D; BAKER, LINDA	45-4216B	6/30/1985	0.01	IRRIGATION	7
BALL, CARMA B; BALL, JERRY R	36-2563	1/28/1963	2.2	IRRIGATION	146

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BANDY, BONNIE; BANDY, BRADLEY W	36-7473	5/14/1974	0.1	IRRIGATION	5
BANNOCK PAVING CO	36-7470	4/26/1974	0.33	INDUSTRIAL	
BARNES, T H; COLLINS, LARRY	36-8780	4/17/1998	0.04	IRRIGATION, DOMESTIC	1
BARRYMORE EST SUBDIVISION WATER USERS	36-8155	3/4/1983	0.07	STOCKWATER, DOMESTIC	
BARRYMORE, BLAKE; BARRYMORE, DEBORAH	37-8145	7/7/1983	0.17	COMMERCIAL	
BARTLETT, ERWIN; BARTLETT, JANICE	45-7653	6/6/1989	0.04	COMMERCIAL	
BAXTER, DAVID W; BAXTER, ELIZABETH R	36-7060	5/12/1969	1.34	IRRIGATION	160
BAXTER, DAVID W; BAXTER, ELIZABETH R	36-7948	11/21/1980	0.87	IRRIGATION	160
BECK, BART L; BECK, DANENE	45-7029	6/4/1968	1.2	IRRIGATION	997.5
BECK, BART L; BECK, DANENE	45-7263	3/30/1976	3	IRRIGATION	997.5
BECK, CLYDETTE G; BECK, ROBERT M	45-7087	12/20/1971	4.64	IRRIGATION	316
BECK, DAVID; BECK, SUSAN K	45-13907*	4/13/1971	0.11	STOCKWATER	
BECK, DAVID; BECK, SUSAN K	45-13909	4/13/1970	0.21	STOCKWATER	
BECK, DAVID; BECK, SUSAN K	45-13994	9/17/1970	12.84	IRRIGATION	1766
BECK, DAVID; BECK, SUSAN K	45-13995	9/17/1970	0.22	STOCKWATER	
BECK, DAVID; BECK, SUSAN K	45-14302	4/13/1970	3.95	IRRIGATION	1766
BECK, DAVID; BECK, SUSAN K	45-14304*	4/13/1971	2.14	IRRIGATION	1766
BECK, PAIGE	45-10679*	4/1/1977	0.22	IRRIGATION	301.8
BECK, PAIGE	45-10777B*	3/15/1976	0.23	IRRIGATION	151
BECK, SCOTT W	45-14448*	4/1/1977	0.3	IRRIGATION	427.7
BECKLEY, BONNIE B; BECKLEY, RON K	37-8138	6/29/1983	0.12	STOCKWATER, COMMERCIAL	
BEEM, DONNA L; BEEM, KENNETH C	36-7695	4/13/1977	1	IRRIGATION	50
BEEM, STEVEN G	36-7609	2/19/1976	3.18	IRRIGATION, STOCKWATER	295
BENNETT, CAROLE R; BENNETT, JOHN D	37-20931	5/5/2003	0.12	IRRIGATION	4.3
BEORCHIA PROPERTIES & HOLDINGS LLC	36-8108	8/16/1982	0.03	IRRIGATION, STOCKWATER, DOMESTIC	5
BETTENCOURT, LUIS M	36-10821A	6/1/1979	2.45	IRRIGATION	138
BETTENCOURT, LUIS M	36-10821B	6/9/1979	10.2	IRRIGATION	626.5
BETTENCOURT, LUIS M	36-15161*	3/15/1977	0.14	IRRIGATION	258
BETTENCOURT, LUIS M	36-15174A	11/21/1973	3.08	IRRIGATION	154
BETTENCOURT, LUIS M	36-15174B	11/21/1973	0.12	IRRIGATION	128
BETTENCOURT, LUIS M	36-15354	1/6/1975	2.3	IRRIGATION	193.4
BETTENCOURT, LUIS M	36-15679	3/26/1969	0.45	STOCKWATER	
BETTENCOURT, LUIS M	36-16480	3/26/1969	0.77	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M	36-7054B	3/26/1969	2.73	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M	36-7103	12/23/1969	1.6	IRRIGATION	80
BETTENCOURT, LUIS M	36-7116C	2/18/1970	3.4	IRRIGATION	170
BETTENCOURT, LUIS M	36-7116D	2/18/1970	0.72	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M	36-7260B	9/15/1972	0.1	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M	36-7324	3/29/1973	3.2	IRRIGATION	160
BETTENCOURT, LUIS M	36-7368B	8/16/1973	0.04	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M	36-7373	8/31/1973	4.46	IRRIGATION	258
BETTENCOURT, LUIS M	36-7499B	9/4/1974	0.12	IRRIGATION	128
BETTENCOURT, LUIS M	36-7605	2/4/1976	1.04	IRRIGATION, MITIGATION	29.6
BETTENCOURT, LUIS M	36-7608	2/24/1976	0.82	IRRIGATION	128
BETTENCOURT, LUIS M	36-8081	3/7/1983	0.42	IRRIGATION	22
BETTENCOURT, LUIS M	36-8135	11/5/1983	0.06	STOCKWATER, DOMESTIC	
BETTENCOURT, LUIS M	36-8302	11/14/1985	0.96	IRRIGATION	193.4
BETTENCOURT, LUIS M	36-8739	5/10/1995	1	IRRIGATION	108.6
BETTENCOURT, LUIS M	36-8740	5/10/1995	0.53	IRRIGATION	126.5

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BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-14595A*	5/1/1978	1.31	IRRIGATION	414.8
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-14595B*	5/1/1978	0.1	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-15672	10/18/1968	0.1	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-15674	12/3/1966	0.07	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-15676	2/18/1971	0.04	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-16159	1/24/1972	0.01	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-16162	8/9/1975	0.01	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-2666	10/11/1966	3	IRRIGATION	168
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-7345B	6/21/1973	0.12	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-7591D	12/29/1975	5.54	IRRIGATION	414.8
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-7591E	12/29/1975	0.52	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-8062	2/9/1982	0.05	STOCKWATER, COMMERCIAL, DOMESTIC	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-8411	4/18/1989	0.5	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	37-8865	3/25/1974	0.24	STOCKWATER, COMMERCIAL	
BHB FARMS INC	36-7494	8/12/1974	3.2	IRRIGATION	160
BHB FARMS INC	36-8144	2/2/1983	0.84	IRRIGATION	42
BICKETT, HARVEY B; BICKETT, MYRNA	37-8366	7/14/1988	0.06	IRRIGATION, DOMESTIC	0.8
BIG SKY DAIRY	36-2671C	1/9/1967	0.06	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-2671G	1/9/1967	0.19	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-2671K	1/9/1967	0.7	IRRIGATION	451.3
BIG SKY DAIRY	36-2671L	1/9/1967	0.72	IRRIGATION	762.6
BIG SKY DAIRY	36-7157D	2/16/1971	0.83	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7366B	8/13/1973	0.11	STOCKWATER	
BIG SKY DAIRY	36-7367C	8/13/1973	0.33	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7367G	8/13/1973	0.66	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7367K	8/13/1973	2.62	IRRIGATION	451.3
BIG SKY DAIRY	36-7367L	8/13/1973	2.52	IRRIGATION	762.6
BIG SKY DAIRY	36-7381C	9/19/1973	0.05	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7381G	9/19/1973	0.11	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7381K	9/19/1973	0.43	IRRIGATION	451.3
BIG SKY DAIRY	36-7381L	9/19/1973	0.42	IRRIGATION	762.6
BIG SKY DAIRY	36-7402	11/8/1973	2.78	IRRIGATION	451.3
BIG SKY DAIRY	36-7445C	2/21/1974	0.1	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7445G	2/21/1974	0.19	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7445K	2/21/1974	0.77	IRRIGATION	451.3
BIG SKY DAIRY	36-7445L	2/21/1974	0.74	IRRIGATION	762.6
BIG SKY DAIRY	36-7480D	5/31/1974	0.21	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7480H	5/31/1974	0.43	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7480L	5/31/1974	1.73	IRRIGATION	451.3

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BIG SKY DAIRY	36-7480M	5/31/1974	1.66	IRRIGATION	762.6
BIG SKY DAIRY	37-20721	1/10/1973	0.44	STOCKWATER	
BIG SKY DAIRY	37-20724	2/16/1971	0.49	IRRIGATION	36
BIG SKY DAIRY	37-20725	2/16/1971	2.81	IRRIGATION	208.8
BIG SKY DAIRY	37-22158	1/10/1973	1.77	IRRIGATION	86.1
BIG SKY DAIRY	37-22159	1/10/1973	0.19	STOCKWATER	
BIG SKY DAIRY	37-2679	9/28/1962	4.78	IRRIGATION	310
BIG SKY DAIRY	37-2687A	3/8/1963	2.13	IRRIGATION	762.6
BIG SKY DAIRY	37-7005	11/22/1967	3.12	IRRIGATION	156
BIG SKY DAIRY	37-7247	7/10/1973	4.18	IRRIGATION	226
BIG SKY DAIRY	37-7388	9/30/1974	0.78	IRRIGATION	39
BIG SKY DAIRY	37-7419B	1/29/1975	0.14	IRRIGATION	7
BIG SKY DAIRY	37-7419C	1/29/1975	2.02	IRRIGATION	762.6
BIG SKY DAIRY	37-7435A	4/22/1975	0.74	IRRIGATION	762.6
BIG SKY DAIRY	37-7440A	5/31/1974	1.47	IRRIGATION	762.6
BIG SKY DAIRY	37-7488	4/15/1976	1.98	IRRIGATION	99
BIG SKY DAIRY	37-7639A	7/8/1977	2.76	IRRIGATION	762.6
BIG SKY DAIRY	37-7805	3/25/1975	0.78	IRRIGATION	39
BIG SKY DAIRY	37-8054	7/1/1983	3.34	IRRIGATION	167
BIG SKY DAIRY	45-13549*	8/21/1978	0.76	IRRIGATION, STOCKWATER, COMMERCIAL	863
BIG SKY DAIRY	45-13853	6/30/1985	2.27	IRRIGATION	2077
BIG SKY DAIRY	45-13854	6/30/1985	1.66	IRRIGATION	2077
BIG SKY DAIRY	45-2685	1/19/1963	5.31	IRRIGATION	2077
BIG SKY DAIRY	45-7012	9/11/1967	6.08	IRRIGATION	2077
BIG SKY DAIRY	45-7147	7/31/1973	4.41	IRRIGATION	2077
BIG SKY DAIRY	45-7148	7/31/1973	3.81	IRRIGATION	2077
BIG SKY DAIRY	45-7258	2/2/1976	4.49	IRRIGATION	880
BIG SKY DAIRY	45-7276	10/13/1976	3	IRRIGATION	880
BIG SKY DAIRY	45-7335	9/19/1978	6.68	IRRIGATION, STOCKWATER, COMMERCIAL	863
BIG SKY DAIRY	45-7340A	2/2/1978	2.93	IRRIGATION	880
BIG SKY DAIRY	45-7355	8/21/1978	6.4	IRRIGATION, STOCKWATER, COMMERCIAL	863
BINGHAM II, WALLACE S; BINGHAM, NANCY L	36-7802B	6/16/1978	1.4	IRRIGATION	522.5
BINGHAM, LAVERLE M	36-8425	6/23/1989	0.88	IRRIGATION	105
BINGHAM, MARJORIE J; BINGHAM, THOMAS O	37-2719	11/30/1965	4.54	IRRIGATION	439
BINGHAM, MARJORIE J; BINGHAM, THOMAS O	37-7473	2/4/1976	3.46	IRRIGATION	439
BINGHAM, THOMAS O	37-7221	4/18/1973	0.17	COMMERCIAL, DOMESTIC	
BLACK BUTTE HILLS LLC	36-15233*	4/6/1980	0.73	IRRIGATION	180
BLAINE COUNTY SCHOOL DISTRICT #61	37-21742	4/17/2006	0.8	IRRIGATION	20
BLAINE COUNTY SCHOOL DISTRICT #61	37-22542	4/30/2010	3.65	HEATING, COOLING	
BLALACK, JOANN K; SCHMIDT, CHESTER A	36-8208	5/20/1985	0.1	IRRIGATION, DOMESTIC	2
BLINCOE FARMS INC	36-15362*	4/1/1981	2.8	IRRIGATION	960
BLINCOE FARMS INC	36-7413	11/30/1973	5.18	IRRIGATION	960
BLISS ACRES LLC; BOSMA, JACOB F	37-8487B	1/25/1989	0.18	STOCKWATER, COMMERCIAL	
BLISS LLC	37-7194	1/12/1973	1.4	IRRIGATION	70
BLISS LLC	37-7381	9/11/1974	0.8	IRRIGATION	40
BLISS LLC	37-7761A	5/8/1980	0.07	STOCKWATER, DOMESTIC	

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Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
BLISS LLC	37-7761B	5/8/1980	1.21	IRRIGATION	146
BLISS, GARY B	36-8459	9/22/1989	0.04	IRRIGATION	2.4
BLUE SKY RANCH; KRUCKER, KATHLEEN; KRUCKER, ROBERT	36-16184	6/30/1983	0.13	STOCKWATER, DOMESTIC	
BLUE SKY RANCH; KRUCKER, KATHLEEN; KRUCKER, ROBERT	36-8482	11/7/1989	0.05	STOCKWATER	
BOER DAIRY LLC	36-16906	7/18/1973	1.14	IRRIGATION	920
BOER DAIRY LLC	36-7617	3/11/1976	10	IRRIGATION	920
BOER JR, ADRIAN K; BOER, LINDA M; NORTHWEST FARM CREDIT SERVICES FLCA	36-8359	6/15/1988	0.29	STOCKWATER, COMMERCIAL	
BOISE PACKAGING & NEWSPRINT LLC	45-2760	7/15/1965	0.2	COMMERCIAL	
BOKMA, FLORA; BOKMA, HARRY B	36-8662	5/26/1992	0.18	STOCKWATER, COMMERCIAL	
BOLDT, LAWRENCE P; BOLDT, MARCY M	45-7370	1/24/1979	0.11	IRRIGATION, STOCKWATER	5.6
BONAWITZ, DANI; BONAWITZ, DUKE	36-8065	2/17/1982	0.12	IRRIGATION, DOMESTIC	5
BOOT JACK DAIRY PARTNERSHIP	37-20395	3/16/1982	2.1	IRRIGATION	277.4
BOOT JACK DAIRY PARTNERSHIP	37-20396	3/16/1982	0.08	STOCKWATER, COMMERCIAL	
BORBA, JOSE; BORBA, MARIA	36-15665	10/18/1968	0.04	STOCKWATER, COMMERCIAL	
BORBA, JOSE; BORBA, MARIA	36-15667	12/3/1966	0.03	STOCKWATER, COMMERCIAL	
BORBA, JOSE; BORBA, MARIA	36-15669	2/18/1971	0.02	STOCKWATER, COMMERCIAL	
BORBA, JOSE; BORBA, MARIA	36-16240	1/7/1974	0.01	STOCKWATER, COMMERCIAL	
BORBA, JOSE; BORBA, MARIA	36-8731	7/13/1994	0.08	STOCKWATER, DOMESTIC	
BORBA, JOSE; BORBA, MARIA	37-21318	1/7/1974	0.13	IRRIGATION, MITIGATION	4.5
BOSMA, JACOB F	37-8487C	1/25/1989	0.48	IRRIGATION	97.9
BOTHOF, GERALDA; BOTHOF, ROGER W	36-8805	10/31/2000	0.03	IRRIGATION	0.8
BOTT, BRIAN; BOTT, KELLI	36-16621	7/3/1974	2.32	IRRIGATION	135
BOWEN THEATRE CO	36-8631	11/7/1991	0.04	DOMESTIC	
BOWMAN, GARY F	37-7465B	12/1/1975	2.22	IRRIGATION	132
BOX CANYON DAIRY	36-8713	8/6/1993	0.04	STOCKWATER	
BOX CANYON LAND HOLDINGS LLC	36-10044*	3/1/1984	0.55	IRRIGATION	124
BOX CANYON LAND HOLDINGS LLC	36-15991	11/29/1973	0.08	STOCKWATER, COMMERCIAL	
BOX CANYON LAND HOLDINGS LLC	36-16268	6/7/1965	0.75	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16270	2/26/1973	0.59	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16272	8/2/1973	0.91	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16274	5/28/1974	0.29	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16276	2/4/1976	0.29	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16278	2/22/1978	0.86	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16280	12/11/1978	0.08	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16282*	5/1/1985	0.26	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16284	12/11/1969	2.54	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16497	11/29/1973	1.24	IRRIGATION	126.2
BOX CANYON LAND HOLDINGS LLC	36-16498	11/29/1973	0.16	STOCKWATER, COMMERCIAL	
BOX CANYON LAND HOLDINGS LLC	36-7291C	1/23/1973	1.04	IRRIGATION	51.8
BOX CANYON LAND HOLDINGS LLC	36-7291D	1/23/1973	0.32	STOCKWATER, COMMERCIAL	
BOX CANYON LAND HOLDINGS LLC	36-7387A	10/27/1973	0.44	IRRIGATION	33.7
BOX CANYON LAND HOLDINGS LLC	36-7387C	10/27/1973	0.17	IRRIGATION	33.7
BOX CANYON LAND HOLDINGS LLC	36-7450A	3/6/1974	5.2	IRRIGATION	261
BOX CANYON LAND HOLDINGS LLC	36-7585	12/9/1975	0.52	IRRIGATION	97
BOX CANYON LAND HOLDINGS LLC	36-7713A	8/13/1977	0.85	IRRIGATION	107
BOX CANYON LAND HOLDINGS LLC	36-7713B	8/13/1977	0.13	STOCKWATER, COMMERCIAL	
BOX CANYON LAND HOLDINGS LLC	36-7871	9/24/1979	1	IRRIGATION, STOCKWATER, COMMERCIAL	40

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BRADLEY, DAWN ANN; BRADLEY, R BRUCE	36-8112	9/7/1982	0.04	IRRIGATION, COMMERCIAL, DOMESTIC	1
BRANCHFLOWER, KATHERINE L; BRANCHFLOWER, MICHAEL G	36-8581	3/13/1991	0.74	IRRIGATION	39
BRANDSMA, ANN; BRANDSMA, HILL A	36-16022	6/7/1965	0.53	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16024	2/26/1973	0.4	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16026	8/2/1973	0.65	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16028	5/28/1974	0.21	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16030	2/4/1976	0.19	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16032	2/22/1978	0.61	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16034	12/11/1978	0.05	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16036*	5/1/1985	0.18	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16038	12/11/1969	1.81	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16083	1/10/1973	2.56	IRRIGATION	198.8
BRANDSMA, ANN; BRANDSMA, HILL A	36-7208	11/10/1971	3.68	IRRIGATION	184
BRANDSMA, ANN; BRANDSMA, HILL A	36-7353	7/18/1973	1.98	IRRIGATION	99
BRANDSMA, ANN; BRANDSMA, HILL A	36-7574	10/30/1975	1.5	IRRIGATION	108
BRANDSMA, ANN; BRANDSMA, HILL A	36-7576	11/17/1975	1.97	IRRIGATION	140
BRANDSMA, ANN; BRANDSMA, HILL A	36-7799	6/27/1978	0.8	IRRIGATION	40
BRANDSMA, ANN; BRANDSMA, HILL A	36-8140	1/21/1983	0.11	STOCKWATER, COMMERCIAL	
BRANDSMA, DEBRA K; BRANDSMA, KENNETH A	36-7513	11/29/1974	1.73	IRRIGATION	152
BRANDSMA, DEBRA K; BRANDSMA, KENNETH A	36-8252D	10/17/1984	0.52	STOCKWATER, COMMERCIAL	
BRANDSMA, DEBRA K; BRANDSMA, KENNETH A	36-8787	1/22/1999	1.05	IRRIGATION	152
BRANDSMA, HILL A	36-8063D	3/18/1982	0.28	STOCKWATER, COMMERCIAL	
BRETZ, WAYNE E	37-7376	8/14/1974	0.09	IRRIGATION, STOCKWATER, DOMESTIC	5
BRINEGEAR, ELVIN E; BRINEGEAR, VIRGINIA K	36-7113	1/30/1970	3.27	IRRIGATION	314
BROUGH, SHERRY K; BROUGH, WILDE F	36-16697	7/12/1964	0.16	IRRIGATION	18
BROWN II, ROBERT BURTON; BROWN, MARIA CHRISTENSEN	45-14187	9/7/1967	0.02	IRRIGATION	3
BROWN II, ROBERT BURTON; BROWN, MARIA CHRISTENSEN	45-14189*	3/15/1968	0.01	IRRIGATION	3
BROWN, AUSTIN; BROWN, REED	36-7484	6/12/1974	0.18	IRRIGATION, DOMESTIC	13
BROWN, HEATHER; BROWN, WAYNE	36-15739	12/3/1966	0.1	STOCKWATER, COMMERCIAL	
BROWN, HEATHER; BROWN, WAYNE	36-15741	10/18/1968	0.13	STOCKWATER, COMMERCIAL	
BROWN, HEATHER; BROWN, WAYNE	36-15743	2/18/1971	0.05	STOCKWATER, COMMERCIAL	
BROWN, JAY A; BROWN, MARIE H	36-2611	4/12/1965	4.43	IRRIGATION	309.8
BROWN, JAY A; BROWN, MARIE H	36-8111	8/20/1982	0.76	IRRIGATION	309.8
BROWNING FAMILY LLC	36-10123*	4/1/1977	1.78	IRRIGATION	429
BROWNING FAMILY LLC	36-7038B	9/24/1968	0.42	IRRIGATION	429
BUERKLE, ARLEN E; BUERKLE, MARY LEE	36-8519	4/10/1990	0.09	IRRIGATION, COMMERCIAL	1.5
BURLEY IRRIGATION DISTRICT	45-7720	9/27/1993	0.09	DOMESTIC	
BURLEY WEST INVESTMENTS LLC	45-13522*	3/15/1976	1.05	IRRIGATION	358.6
BURTON, JERRY; BURTON, SUZANNE	36-8181	4/28/1983	0.09	IRRIGATION, DOMESTIC	1.5
BUSMAN, JOHN R; BUSMAN, SHERRY A	36-10640	6/1/1978	0.04	STOCKWATER, DOMESTIC	
BUSMAN, JOHN R; BUSMAN, SHERRY A	36-15569	2/18/1971	0.07	STOCKWATER, COMMERCIAL	
BUSMAN, JOHN R; BUSMAN, SHERRY A	36-15571	10/18/1968	0.16	STOCKWATER, COMMERCIAL	
BUSMAN, JOHN R; BUSMAN, SHERRY A	36-15573	12/3/1966	0.12	STOCKWATER, COMMERCIAL	

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BUSMAN, JOHN R; BUSMAN, SHERRY A	36-16182	1/7/1974	0.04	STOCKWATER, COMMERCIAL	
BUSMAN, JOHN R; BUSMAN, SHERRY A	37-21134	1/7/1974	0.31	IRRIGATION, MITIGATION	18.9
BUTTARS FAMILY LIMITED PARTNERSHIP	36-8453	9/21/1989	0.04	COMMERCIAL	
BUTTERFIELD, LEE	45-7136	5/14/1973	0.2	IRRIGATION	10
BUTTERFIELD, LEE	45-7200	11/19/1974	0.33	IRRIGATION	29
BUXTON, ANNA LEE; BUXTON, BILL W	36-7496	8/13/1974	0.33	IRRIGATION	27
C DE KRUYF DAIRY PARTNERSHIP	36-15993	7/31/1974	0.52	IRRIGATION	116
C DE KRUYF DAIRY PARTNERSHIP	36-7491	7/31/1974	1.64	IRRIGATION	120
C DE KRUYF DAIRY PARTNERSHIP	36-8539	4/13/1990	0.27	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	1
CALDERON, DAVID	36-8463	9/18/1989	0.02	COMMERCIAL	
CALKINS, LAWRENCE L	37-20382	3/1/2001	0.07	DOMESTIC	
CALKINS, LAWRENCE L	37-20383	3/12/2001	0.07	DOMESTIC	
CALKINS, LAWRENCE L	37-22596	2/15/2011	0.07	DOMESTIC	
CALKINS, LAWRENCE L; CALKINS, SANDRA L	37-21384	12/6/2004	0.07	DOMESTIC	
CALLEN, JERRY; CALLEN, PATRICIA	36-14324	11/15/1962	0.09	IRRIGATION	617
CALLEN, JERRY; CALLEN, PATRICIA	36-7384	10/4/1973	2.26	IRRIGATION	130
CALLEN, JERRY; CALLEN, PATRICIA	36-7975	3/20/1981	0.03	STOCKWATER	
CALVARY BAPTIST CHURCH	45-14172	11/15/1970	0.02	IRRIGATION	
CALVARY BAPTIST CHURCH	45-14173	5/16/1980	0.01	IRRIGATION	
CALVARY BAPTIST CHURCH	45-14174	5/26/1971	0.01	IRRIGATION	
CAMPBELL JR, FRANCIS W	36-2707	1/5/1966	4.58	IRRIGATION	325
CAMPBELL, ANNIE M; CAMPBELL, WILLIAM ROY	36-8535	4/12/1990	0.13	IRRIGATION, DOMESTIC	4
CANYONSIDE DAIRY	36-7947	11/28/1980	0.13	IRRIGATION, STOCKWATER, DOMESTIC	4
CARLQUIST BROTHERS	36-7527	3/26/1975	0.6	IRRIGATION	528.5
CARNEY FARMS	36-16395	12/8/1981	0.62	IRRIGATION	524
CARNEY FARMS	36-2634	2/15/1966	2.2	IRRIGATION	117
CARNEY FARMS	36-7025	11/21/1966	1.88	IRRIGATION	310
CARNEY FARMS	36-7501	9/18/1974	0.8	IRRIGATION	40
CARNEY FARMS	36-7949	2/4/1981	1.41	IRRIGATION	524
CARNEY, BARBARA J; CARNEY, GARY	36-7408	11/21/1973	1.84	IRRIGATION	779
CARNEY, BARBARA J; CARNEY, GARY	36-7560	3/3/1976	5.45	IRRIGATION	779
CARNEY, BARBARA J; CARNEY, GARY	36-7603	1/29/1976	1.76	IRRIGATION	779
CARRELL, F DUANE	36-8342	1/5/1988	0.02	COMMERCIAL	
CARRILLO, CUTBERTO	36-8407	1/19/1989	0.08	IRRIGATION, DOMESTIC	3
CASA DEL NORTE LP	37-7081	12/8/1970	1.67	IRRIGATION	840
CASSIA COUNTY JOINT SCHOOL DISTRICT #151	45-7207	3/22/1975	0.36	IRRIGATION	18
CASSIA COUNTY JOINT SCHOOL DISTRICT #151	45-7208	12/19/1974	0.22	IRRIGATION	11
CASSIA COUNTY JOINT SCHOOL DISTRICT #151	45-7236	4/28/1975	0.13	IRRIGATION	6.6
CASSIA COUNTY JOINT SCHOOL DISTRICT #151	45-7741	11/12/1998	0.45	IRRIGATION	11.7
CASTLE, NICOLE R; CASTLE, SCOTT A	37-7621D	6/7/1977	0.77	IRRIGATION	39
CATMULL, KAY E	36-8496	10/24/1989	0.03	COMMERCIAL	
CENARRUSA, JANICE M; CENARRUSA, JERRY	37-7517	9/7/1976	2.04	IRRIGATION	160

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CENARRUSA, JANICE M; CENARRUSA, JERRY	37-7593A	5/4/1977	2.2	IRRIGATION	110
CENARRUSA, JOHN L	37-7593B	5/4/1977	1.88	IRRIGATION	94
CHAMBERS, DEANNA; CHAMBERS, FERRELL J	36-7715	5/26/1977	3.63	IRRIGATION	257
CHAMBERS, DEANNA; CHAMBERS, FERRELL J	36-7885	12/28/1979	0.74	IRRIGATION	257
CHISHOLM, DONALD J	45-7564	11/20/1984	0.02	HEATING, COOLING	
CHRISTENSEN, PAUL; CHRISTENSEN, PERRY G	45-14186	9/7/1967	2.98	IRRIGATION	389.6
CHRISTENSEN, PAUL; CHRISTENSEN, PERRY G	45-14188*	3/15/1968	0.17	IRRIGATION	389.6
CHRISTIANSON FAMILY REVOCABLE TRUST	45-11180	6/30/1985	0.27	IRRIGATION	307
CHURCH OF LIFE	36-8504	2/20/1990	0.01	STOCKWATER, DOMESTIC	
CIOCCA, ANN A; CIOCCA, EDWARD M	36-7448	2/27/1974	2.23	IRRIGATION	139.1
CIOCCA, ANN A; CIOCCA, EDWARD M	36-8219	6/30/1983	1.72	IRRIGATION	86
CIOCCA, ANN A; CIOCCA, EDWARD M; NORTHWEST FARM CREDIT SERVICES FLCA	36-8672	9/23/1992	0.06	STOCKWATER	
CIOCCA, TONY M; CIOCCA, TRINA A	36-8255	12/7/1984	1.16	IRRIGATION	154
CIRCLE G LAND LLC	36-2672	12/16/1966	1.26	IRRIGATION	120
CITY OF BLISS	37-8886	11/24/1998	0.45	MUNICIPAL	
CITY OF BURLEY	36-2648A	4/6/1966	1.96	INDUSTRIAL	
CITY OF BURLEY	36-2648B	4/6/1966	0.7	INDUSTRIAL	
CITY OF BURLEY	36-2729	3/3/1964	0.56	INDUSTRIAL	
CITY OF BURLEY	36-4180	8/1/1962	0.02	IRRIGATION	0.5
CITY OF BURLEY	36-4181	9/8/1962	0.02	IRRIGATION	0.5
CITY OF BURLEY	36-4182	10/1/1962	0.02	INDUSTRIAL	
CITY OF BURLEY	36-8154	2/24/1983	1.2	INDUSTRIAL	
CITY OF BURLEY	45-13411	10/22/2001	7.8	MUNICIPAL	
CITY OF BURLEY	45-2719	5/9/1966	0.3	INDUSTRIAL	
CITY OF BURLEY	45-7002	8/24/1967	4	IRRIGATION, COMMERCIAL, DOMESTIC	107.6
CITY OF BURLEY	45-7092	3/10/1972	0.44	MUNICIPAL	
CITY OF BURLEY	45-7114	12/7/1972	0.18	MUNICIPAL	
CITY OF BURLEY	45-7269	5/25/1976	3.56	MUNICIPAL	
CITY OF BURLEY	45-7436	2/15/1980	0.69	MUNICIPAL	
CITY OF BURLEY	45-7686	2/11/1991	1.75	MUNICIPAL	
CITY OF BURLEY	45-7735	9/3/1996	4.46	MUNICIPAL	
CITY OF CAREY	37-20384	3/20/2001	0.7	MUNICIPAL	
CITY OF CAREY	37-21243	12/25/2003	0.6	MUNICIPAL	
CITY OF CAREY	37-21355	9/23/2004	1.29	MUNICIPAL	
CITY OF CAREY	37-22661	8/18/2011	1.45	MUNICIPAL	
CITY OF CAREY	37-7766	2/21/1979	0.71	MUNICIPAL	
CITY OF DECLO	45-7726	2/16/1995	2.23	MUNICIPAL	
CITY OF DIETRICH	37-22751	6/1/2012	0.2	MUNICIPAL	
CITY OF GOODING	37-11221	4/20/1977	5.9	MUNICIPAL	
CITY OF GOODING	37-7597	5/5/1977	1.07	IRRIGATION	78
CITY OF HAZELTON	36-7634B	7/23/1976	0.14	IRRIGATION	7
CITY OF HAZELTON	36-7858	6/12/1979	1	MUNICIPAL, DOMESTIC	
CITY OF HEYBURN	36-8550	5/29/1990	6.67	MUNICIPAL	
CITY OF HEYBURN	36-8738	5/22/1995	3.3	MUNICIPAL	

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CITY OF JEROME	36-16937	4/12/1965	0.03	IRRIGATION	2.2
CITY OF JEROME	36-16938	8/20/1982	0.01	IRRIGATION	2.2
CITY OF JEROME	36-8234	1/11/1984	1.23	IRRIGATION, COMMERCIAL, DOMESTIC, RECREATION	14
CITY OF JEROME	36-8237	12/22/1983	2.71	MUNICIPAL	
CITY OF PAUL	36-7206	8/9/1971	1.06	MUNICIPAL	
CITY OF PAUL	36-7899	2/27/1980	0.78	MUNICIPAL	
CITY OF PAUL	36-8763	10/18/1999	2.75	MUNICIPAL	
CITY OF RICHFIELD	37-22431	1/13/2009	1.19	MUNICIPAL	
CITY OF RICHFIELD	37-8402	9/22/1988	1.63	MUNICIPAL	
CITY OF RUPERT	36-7115	3/15/1970	2.4	MUNICIPAL	
CITY OF RUPERT	36-7656	9/18/1962	3.44	MUNICIPAL	
CITY OF RUPERT	36-7862	10/11/1985	1.15	MUNICIPAL	
CITY OF RUPERT	36-7863	6/30/1979	3.83	MUNICIPAL	
CITY OF SHOSHONE	37-7432	5/6/1975	2	MUNICIPAL	
CITY OF SHOSHONE	37-7662	8/30/1977	2.01	MUNICIPAL	
CITY OF WENDELL	36-7440	2/6/1974	0.22	INDUSTRIAL	
CITY OF WENDELL	36-7722	6/20/1977	2.67	MUNICIPAL	
CITY OF WENDELL	36-8421	9/14/1998	2.76	MUNICIPAL	
CITY OF WENDELL	36-8764	3/28/1997	1.27	MUNICIPAL	
CLARK, BETTE L; CLARK, RAYMOND G	36-15253*	3/15/1985	0.34	IRRIGATION	211
CLARK, BETTE L; CLARK, RAYMOND G	36-7644	9/22/1976	3.34	IRRIGATION	211
CLARK, CHERRY A; CLARK, DENNIS D	37-20950	2/18/1971	0.03	COMMERCIAL	
CLARK, CHERRY A; CLARK, DENNIS D	37-21117	10/18/1968	0.06	COMMERCIAL	
CLARK, CHERRY A; CLARK, DENNIS D	37-21118	12/3/1966	0.05	COMMERCIAL	
CLARK, RAYMOND G	36-8286	6/26/1985	0.21	IRRIGATION	225
CLAYSON, CASEY; CLAYSON, SHANE	45-7496	1/27/1982	0.06	IRRIGATION, DOMESTIC	0.7
CLAYTON, CARRIE L; CLAYTON, DOUGLAS M	45-13400	7/7/1986	0.06	IRRIGATION	2
CLIFFORD SEARLE FAMILY TRUST	45-14415	5/4/1978	0.65	IRRIGATION	4389
CLIFFORD SEARLE FAMILY TRUST	45-7118	1/8/1973	2.4	IRRIGATION	4389
CLOYD R SEARLE FAMILY TRUST	45-14412	1/8/1973	2.4	IRRIGATION	4389
CLOYD R SEARLE FAMILY TRUST	45-14416	5/4/1978	0.66	IRRIGATION	4389
CNOSSEN BROTHERS CO INC	36-7109	12/3/1969	0.27	IRRIGATION, STOCKWATER	14
CNOSSEN BROTHERS CO INC	36-7292	1/23/1973	0.28	STOCKWATER	
CNOSSEN BROTHERS CO INC	36-8264	6/30/1969	0.1	STOCKWATER, DOMESTIC	
CNOSSEN BROTHERS CO INC	36-8468	9/26/1989	0.86	COMMERCIAL	
CNOSSEN BROTHERS CO INC; NORTHWEST FARM CREDIT SERVICES FLCA	36-8417	3/1/1989	0.76	STOCKWATER, DOMESTIC	
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-2687B	3/8/1963	0.19	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7191	1/5/1973	4.61	IRRIGATION	351
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7198B	1/29/1973	0.74	STOCKWATER, COMMERCIAL	
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7198C	1/29/1973	0.1	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7315A	11/7/1973	3.05	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7379	9/21/1974	3.96	IRRIGATION	300
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7419D	1/29/1975	0.18	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7420A	1/29/1975	1.48	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7420B	1/29/1975	0.58	STOCKWATER, COMMERCIAL	
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7435B	4/22/1975	0.06	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7438	5/13/1975	3	IRRIGATION	153
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7440B	5/31/1974	0.13	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7470	12/9/1975	3.12	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7476	1/7/1976	1.4	IRRIGATION	300

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COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7545	2/1/1977	0.18	STOCKWATER, COMMERCIAL	
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7639B	7/8/1977	0.13	IRRIGATION	422
COMMONS, RAY L	36-7296	4/11/1973	3.81	IRRIGATION	238
COOK, TYSON; COOK, VALERIE B	36-7927	7/15/1980	0.07	IRRIGATION, DOMESTIC	1
COOMBS, MICHAEL R	36-15565	2/5/2001	0.08	DOMESTIC	
CORP OF THE PRESIDING BISHOP	36-7782	3/10/1978	2.43	IRRIGATION	132
CORP OF THE PRESIDING BISHOP	36-8145	2/14/1983	0.04	IRRIGATION, DOMESTIC	0.5
CORP OF THE PRESIDING BISHOP	36-8428	6/7/1989	0.02	IRRIGATION	0.5
CORP OF THE PRESIDING BISHOP	36-8429	6/7/1989	0.12	IRRIGATION	4
CORP OF THE PRESIDING BISHOP	36-8430	6/7/1989	0.04	IRRIGATION, DOMESTIC	0.8
CORP OF THE PRESIDING BISHOP	37-7076	10/24/1988	0.09	IRRIGATION, DOMESTIC	1
CORP OF THE PRESIDING BISHOP	45-10984	6/30/1985	0.78	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-11867	6/30/1985	0.29	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13471	6/30/1985	0.69	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13472	6/30/1985	0.7	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13781	6/30/1985	2.43	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13782	6/30/1985	1.47	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13798	6/30/1985	0.2	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13811	6/30/1985	0.93	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-2702A	2/17/1964	0.87	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-2702B	2/17/1964	0.99	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-2702C	2/17/1964	0.56	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-4216A	6/30/1985	4.99	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-7130	4/16/1973	0.02	IRRIGATION	1
CORP OF THE PRESIDING BISHOP	45-7535	6/10/1983	0.08	IRRIGATION	2.5
COUNTRY CLUB ESTATES WATER ASSN INC	36-8607	11/18/1991	0.5	STOCKWATER, DOMESTIC, FIRE PROTECTION	
COX FAMILY FARMS LLC	36-7006	10/30/1967	1.4	IRRIGATION	70
CRANE, CALVIN C	45-7303	5/10/1977	1.28	IRRIGATION, STOCKWATER	62
CRANE, DANFORD L; CRANE, LARAE	45-4067B	8/1/1962	1.46	IRRIGATION	73
CRANE, SARA D	36-7011A	11/27/1967	1.01	IRRIGATION	79
CRANE, SARA D	36-7011B	11/27/1967	1.71	IRRIGATION	133
CRANE, SARA D	36-8282	6/13/1985	2	IRRIGATION	108
CRANER, DAVID A; CRANER, HELEN B	45-7442	4/4/1980	0.12	IRRIGATION	4
CRANNEY BROTHERS	45-13550	6/30/1985	8.14	IRRIGATION	3605
CRANNEY BROTHERS	45-13585	9/17/1970	21	IRRIGATION	1693
CRANNEY BROTHERS	45-7055	5/1/1970	6.04	IRRIGATION	3605
CRANNEY BROTHERS	45-7064	5/14/1970	5.44	IRRIGATION	3605
CRANNEY BROTHERS	45-7150	8/17/1973	6.2	IRRIGATION, STOCKWATER	3605
CRANNEY BROTHERS	45-7242	6/27/1975	4.8	IRRIGATION	3605
CRANNEY BROTHERS	45-7307	5/11/1977	4.48	IRRIGATION	3605
CRANNEY FARMS	45-7052	6/5/1970	6.3	IRRIGATION	315
CRANNEY LAND CO LLC	45-13997	2/26/1970	3.38	IRRIGATION	255
CRANNEY LAND CO LLC	45-13999	1/7/1975	1.72	IRRIGATION	255
CRANNEY RANCHES	45-13599*	6/11/1981	0.42	IRRIGATION	344
CRANNEY RANCHES	45-7053	6/22/1970	4.41	IRRIGATION	344
CRESPO TRUCKING INC	37-8355	8/9/1988	0.04	COMMERCIAL, DOMESTIC	
CRESPO, ATILANO	37-7694	1/9/1978	0.1	IRRIGATION	5
CROCKER, BRENT; CROCKER, TONIA	36-8375	7/18/1988	0.04	IRRIGATION, DOMESTIC	2
CULLEY, JUDITH; CULLEY, RYAN D	36-8563	10/18/1990	0.07	IRRIGATION, DOMESTIC	1
D M F INC	36-7222	2/1/1972	4.57	IRRIGATION	296
DALLEY, RICHARD B; DALLEY, SHAUNA H	36-16129	11/8/1973	1.24	IRRIGATION	813.6

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DALLEY, RICHARD B; DALLEY, SHAUNA H	36-4263*	3/15/1974	0.74	IRRIGATION	352
DANSIE, BERTHA D; DANSIE, ELVOY H	37-8363	8/6/1988	0.05	STOCKWATER, COMMERCIAL, DOMESTIC	
DARRINGTON, DENTON C; DARRINGTON, VIRGENE L	45-7124	1/29/1973	1.58	IRRIGATION	79
DARRINGTON, MARK L; DARRINGTON, VERLA	45-7249	10/28/1975	4.54	IRRIGATION	227
DARRINGTON, MARK L; DARRINGTON, VERLA	45-7501	4/7/1982	2	IRRIGATION	108
DARRINGTON, MARK L; DARRINGTON, VERLA	45-7551	7/26/1983	0.6	IRRIGATION	30
DARRINGTON, MARK L; KOEPNICK, KENNY D; KOEPNICK, TAMMERA L	45-7455	10/30/1980	0.11	IRRIGATION	5.8
DARRINGTON, MARK L; KOEPNICK, KENNY D; KOEPNICK, TAMMERA L	45-7552A	7/19/1983	0.19	IRRIGATION, DOMESTIC	10
DARRINGTON, ROBERT	45-7119	1/12/1973	2.56	IRRIGATION	128
DAVIDSON, JOSEPH E	36-8790	4/12/1999	0.05	DOMESTIC	
DAVIS, STACI ; DAVIS, TRENT W	36-7457	3/20/1974	1.18	IRRIGATION	59
DAVIS, STACI ; DAVIS, TRENT W	36-7458	3/20/1974	0.8	IRRIGATION	40
DB V PARTNERSHIP	36-16952	9/26/1963	5.34	IRRIGATION	287.8
DDARK PROPERTIES	36-8441A	9/12/1989	0.04	IRRIGATION	1
DDARK PROPERTIES	36-8441B	9/12/1989	0.02	COMMERCIAL	
DE FILIPPIS, EARL H; DE FILIPPIS, JOAN A	36-7864	6/18/1979	0.03	IRRIGATION	1
DE KRUYF, ALICE RUTH; DE KRUYF, CALVIN	36-10082A*	3/15/1976	0.21	IRRIGATION	162.7
DE KRUYF, ALICE RUTH; DE KRUYF, CALVIN	36-8530	4/5/1990	0.54	STOCKWATER, COMMERCIAL, DOMESTIC	
DE KRUYF, CALVIN; DE KRUYF, MARK A	36-10082B	3/15/1976	0.06	STOCKWATER, COMMERCIAL	
DE KRUYF, CALVIN; DE KRUYF, MARK A	36-8481	12/4/1989	0.34	STOCKWATER	
DE MOSS, GARY A; DE MOSS, HELEN	37-22168	9/20/1974	1.73	IRRIGATION, STOCKWATER	808
DE WIT DAIRY	36-8661	5/21/1992	0.26	STOCKWATER, COMMERCIAL	
DE WIT, MELINDA; DE WIT, NEIL	36-2658	9/3/1966	1.23	IRRIGATION	80
DE WIT, MELINDA; DE WIT, NEIL	36-7714B	5/19/1977	1.44	IRRIGATION	144
DE WIT, NEIL	36-7714A	5/19/1977	2.79	IRRIGATION	188
DE WIT, NEIL	36-8388	5/8/2003	0.17	STOCKWATER, COMMERCIAL	
DE WOLFE, HARRY G; DE WOLFE, LORI	36-2588	2/20/1964	2.02	IRRIGATION	101
DE WOLFE, HARRY G; DE WOLFE, LORI	36-7303	3/16/1973	1.11	IRRIGATION	70
DEL RIO ESTATES HOMEOWNERS ASSN INC	45-7647	6/6/1989	0.2	DOMESTIC	
DELIS FARMS INC	36-2629	10/27/1965	3.82	IRRIGATION	1275
DELIS FARMS INC	36-2716	7/18/1966	4.52	IRRIGATION	1275
DELIS FARMS INC	36-7311	3/5/1973	4.46	IRRIGATION	1275
DELIS FARMS INC	36-7371	8/23/1973	2.9	IRRIGATION	1275
DELIS FARMS INC	36-7652	10/29/1976	5.06	IRRIGATION	283
DELIS FARMS INC	36-8489	10/11/1989	0.02	COMMERCIAL	
DEVELOPMENT WEST CORPORATION	37-8379	8/22/1988	0.36	IRRIGATION, DOMESTIC	17
DEWIT DAIRY PARTNERSHIP	36-8491	10/31/1989	0.33	STOCKWATER, COMMERCIAL	
DIAMOND A LIVESTOCK INC	37-21490	1/29/1965	3.16	IRRIGATION	158
DIAMOND A LIVESTOCK INC	37-21491	1/29/1965	0.04	COMMERCIAL	
DIAMOND A LIVESTOCK INC	37-21492	6/1/1971	0.04	COMMERCIAL	
DICKINSON, DALE; DICKINSON, MARSHA	36-8681	10/16/1992	0.03	IRRIGATION, DOMESTIC	1
DILWORTH, ARLEN S; DILWORTH, CARMENE B	37-22450	11/25/1962	0.78	IRRIGATION	39

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DILWORTH, ARLEN S; DILWORTH, CARMENE B	37-2680B	3/29/1963	1.08	IRRIGATION	73
DILWORTH, PAMLA; DILWORTH, REED W	36-8114	6/16/1982	0.04	IRRIGATION, DOMESTIC	3
DIMOND, CAROLYN T; DIMOND, HAROLD S	36-7401	11/7/1973	3.52	IRRIGATION	343
DIMOND, DEAN T; DIMOND, EDEN C	36-7614	5/8/1976	1.26	IRRIGATION	322
DINIS, MANUEL A; DINIS, MARIA	36-10656	3/1/1981	0.04	STOCKWATER, COMMERCIAL	
DINIS, MANUEL A; DINIS, MARIA	36-7460S	3/25/1974	0.11	STOCKWATER, COMMERCIAL	
DINOS LLC; DINOS LLC	36-8680	10/21/1992	0.1	DOMESTIC	
DOUBLE A DAIRY	37-22613	9/29/1976	0.1	IRRIGATION	335.1
DOUBLE A DAIRY	37-22614	9/29/1976	0.19	STOCKWATER, COMMERCIAL	
DOUBLE A DAIRY	37-7533B	9/29/1976	0.12	STOCKWATER, COMMERCIAL	
DOUBLE V LLC	36-7023	4/15/1968	1.14	IRRIGATION, STOCKWATER	56
DOUBLE V LLC	36-7582	1/1/1976	1.6	IRRIGATION	138
DOUBLE V LLC	36-8247	6/12/1984	0.08	STOCKWATER, COMMERCIAL, DOMESTIC	
DOUBLE V LLC	36-8543	6/15/1990	0.08	STOCKWATER, COMMERCIAL	
DOUBLE V LLC	37-7213	3/28/1973	5.02	IRRIGATION, STOCKWATER	283
DOUBLE V LLC	37-7214	3/28/1973	2.9	IRRIGATION	218
DOUBLE V LLC	37-7453	8/27/1975	2.14	IRRIGATION, STOCKWATER	146
DOUBLE V LLC	37-8756A	2/4/1987	2.41	IRRIGATION	146.5
DOUBLE V LLC	37-8756B	2/4/1987	2.41	IRRIGATION	146.5
DOUBLE V LLC	37-8757	2/4/1987	2.56	IRRIGATION	160
DOUBLE V LLC; VANDERVEGT, RAY	36-7460G	3/25/1974	0.19	IRRIGATION	32
DOUBLE V LLC; VANDERVEGT, RAY	36-7547B	5/13/1975	0.09	STOCKWATER, COMMERCIAL	
DOUBLE V LLC; VANDERVEGT, RAY	36-8047B	12/9/1981	0.17	STOCKWATER, COMMERCIAL	
DOUBLE V LLC; VANDERVEGT, RAY	36-8047D	12/9/1981	0.26	STOCKWATER, COMMERCIAL	
DOUBLE V LLC; VANDERVEGT, RAY	36-8047E	12/9/1981	0.8	IRRIGATION	81
DOUBLE V LLC; VANDERVEGT, RAY	36-8047F	12/9/1981	0.09	STOCKWATER, COMMERCIAL	
DOUBLE V LLC; VANDERVEGT, RAY	36-8313B	8/20/1986	0.32	IRRIGATION	16
DRAKOS, CHRIS	45-13469	6/30/1985	0.16	IRRIGATION	318
DRISCOLL BROTHERS PARTNERSHIP	36-7333	4/27/1973	0.04	INDUSTRIAL	
DRISCOLL BROTHERS PARTNERSHIP	36-8466	10/4/1989	0.03	COMMERCIAL	
DUFFIN, DON D	45-7696	1/3/1992	0.02	IRRIGATION	0.5
DUGAN FAMILY FARMS LLC	36-7704A	5/12/1977	1.58	IRRIGATION	79
DUGAN FAMILY FARMS LLC	36-7704B	5/12/1977	0.18	STOCKWATER, COMMERCIAL	
DUNCAN PARTNERSHIP TRUST	45-7108B	5/11/1972	2.4	IRRIGATION	134.2
DUNCAN PARTNERSHIP TRUST	45-7232C	3/13/1975	0.17	IRRIGATION	274
DUNCAN PARTNERSHIP TRUST; DUNCAN, KATHY F; DUNCAN, PAUL H	36-13531*	4/1/1979	0.42	IRRIGATION	341
DUNCAN PARTNERSHIP TRUST; DUNCAN, KATHY F; DUNCAN, PAUL H	36-15458*	12/31/1978	0.05	IRRIGATION	158
DUNCAN PARTNERSHIP TRUST; DUNCAN, KATHY F; DUNCAN, PAUL H	36-2678	1/11/1967	2.45	IRRIGATION	158
DUNCAN PARTNERSHIP TRUST; DUNCAN, KATHY F; DUNCAN, PAUL H	36-7294	1/30/1973	2.12	IRRIGATION	160
DUNCAN PARTNERSHIP TRUST; DUNCAN, KATHY F; DUNCAN, PAUL H	36-7356A	7/24/1973	0.35	IRRIGATION	35
DUNCAN PARTNERSHIP TRUST; DUNCAN, KATHY F; DUNCAN, PAUL H	36-7356D	7/24/1973	1.81	IRRIGATION	158
DUNCAN PARTNERSHIP TRUST; PKD PROPERTIES LC	36-15200*	3/15/1980	1.01	IRRIGATION	296

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DUNCAN PARTNERSHIP TRUST; PKD PROPERTIES LC	36-15979	3/13/1975	0.02	IRRIGATION	256
DUNCAN PARTNERSHIP TRUST; PKD PROPERTIES LC	36-15980	3/13/1975	0.24	IRRIGATION	256
DUNCAN PARTNERSHIP TRUST; PKD PROPERTIES LC	36-15981	2/10/1981	0.65	IRRIGATION	256
DUNCAN, JACK F; WALTON, DANIEL C	45-7658	7/8/1989	0.02	COMMERCIAL	
DUNCAN, KATHY F; DUNCAN, PAUL H	45-4241B*	8/20/1976	0.3	IRRIGATION	271
DURAND, DANIEL G; DURAND, VICKY S	37-8410	10/4/1988	0.03	STOCKWATER, COMMERCIAL, DOMESTIC	
DURFEE, BRENDA J; DURFEE, JAMES M	36-8367	6/21/1988	0.11	STOCKWATER, COMMERCIAL	
DURFEE, DEWEY D	36-7641	5/19/1983	1.19	IRRIGATION	64
DUTCHMEN MANUFACTURING INC	45-7512	9/28/1982	1.57	COMMERCIAL	
EAGLE CREEK NORTHWEST LLC	45-7111	9/27/1972	6.69	IRRIGATION, STOCKWATER	513
EAGLE CREEK NORTHWEST LLC	45-7134	6/11/1973	1.9	IRRIGATION	128
EAGLE CREEK NORTHWEST LLC	45-7140	6/8/1973	1.93	IRRIGATION	140
EAMES ACRES	36-2683	2/20/1967	0.55	IRRIGATION	36
EAMES ACRES INC	36-2628A	9/30/1965	5.63	IRRIGATION	296
EAMES, CARI H; EAMES, TIMOTHY R	36-7182	6/29/1971	0.15	IRRIGATION	160
EAMES, CARI H; EAMES, TIMOTHY R	36-7460N	3/25/1974	0.2	STOCKWATER, COMMERCIAL	
EAMES, CARI H; EAMES, TIMOTHY R	36-8231	9/27/1983	0.04	RECREATION	
EAST RIDGE MILK LLC	45-14020	2/10/1981	0.04	STOCKWATER	
EAST RIDGE MILK LLC	45-7462B	2/10/1981	0.22	STOCKWATER	
EDDINGS, RE NAE; SPURGEON-EDDINGS, JASON T	45-7615	6/17/1987	0.07	IRRIGATION, DOMESTIC	1
EDWARDS, KENT F	36-8628	11/26/1991	0.18	IRRIGATION, STOCKWATER, DOMESTIC	8
EKINS, CHRIS; EKINS, ERNESTINE	45-7634	4/12/1993	0.06	COMMERCIAL	
ELIASON APARTMENTS; ELIASON, DOROTHY; ELIASON, IVAN L	36-12911	12/31/1962	0.1	COMMERCIAL	
ESTATE OF RAY CHUGG	36-8266	3/18/1985	0.12	STOCKWATER, COMMERCIAL, DOMESTIC	
ESTATE OF TED LENO	36-7607	2/20/1976	4.5	IRRIGATION	289
ETCHEVERRY SHEEP CO	36-7059	5/9/1969	1.06	IRRIGATION	64
EVANS GRAIN & ELEVATOR CO	36-8436	9/8/1989	0.11	COMMERCIAL	
EVANS GRAIN & ELEVATOR CO	37-8573	11/6/1989	0.03	COMMERCIAL	
EVARD LLC	45-13573	5/19/2003	0.11	STOCKWATER, COMMERCIAL	
EVERS BROTHERS PARTNERSHIP; NORTHWEST FARM CREDIT SERVICES FLCA	36-8584	2/26/1991	2.08	IRRIGATION	144
EVERS, DARLENE; EVERS, J RAY	36-2584	12/30/1963	1.5	IRRIGATION	75
EVERS, DARLENE; EVERS, J RAY	36-7668	1/13/1977	1.22	IRRIGATION	76
FARMLAND RESERVE INC	36-11278*	4/1/1977	2.55	IRRIGATION	1610
FARMLAND RESERVE INC	36-15562	8/19/1965	1.37	IRRIGATION	307
FARMLAND RESERVE INC	36-15564	2/26/1979	0.96	IRRIGATION	307
FARMLAND RESERVE INC	36-7097	12/9/1969	6.02	IRRIGATION	505
FARMLAND RESERVE INC	36-8239	1/12/1984	0.88	IRRIGATION	630
FARMLAND RESERVE INC	45-14175	6/30/1985	1.03	IRRIGATION	3832.6
FARMLAND RESERVE INC	45-2674A	9/11/1962	4.22	IRRIGATION	3832.6
FARMLAND RESERVE INC	45-2689	11/9/1962	5.82	IRRIGATION	3832.6
FARMLAND RESERVE INC	45-7020	4/6/1967	3.52	IRRIGATION	3832.6
FARMLAND RESERVE INC	45-7035	2/28/1969	5.79	IRRIGATION	3832.6

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FARMLAND RESERVE INC	45-7110	9/18/1972	4	IRRIGATION, STOCKWATER	3832.6
FARMLAND RESERVE INC	45-7238	5/2/1975	6.4	IRRIGATION	3832.6
FARMLAND RESERVE INC	45-7363	1/8/1979	1.66	IRRIGATION	3832.6
FARMLAND RESERVE INC	45-7374	4/11/1979	3.1	IRRIGATION	3832.6
FASSETT, LYLE A	36-12650	3/15/1979	0.08	IRRIGATION	146
FASSETT, LYLE A	36-2664	9/22/1966	1.46	IRRIGATION	146
FASSETT, LYLE A	36-7268	10/3/1972	1.3	IRRIGATION	146
FASSETT, LYLE A	36-8046	12/11/1981	0.62	IRRIGATION	202.5
FASSETT, LYLE A	36-8446	9/26/1989	0.2	IRRIGATION	10
FATTIG, PATSY; FATTIG, WAYNE	36-7524	3/5/1975	4.36	IRRIGATION	232
FATTIG, PATSY; FATTIG, WAYNE	36-8637	12/6/1991	0.23	IRRIGATION	245
FAULKNER LAND & LIVESTOCK CO INC	37-7242	6/14/1973	4	IRRIGATION	200
FAULKNER LAND & LIVESTOCK CO INC	37-7808	11/16/1979	3.26	IRRIGATION	163
FAULKNER LAND & LIVESTOCK CO INC	37-8005B	3/20/1982	2.02	IRRIGATION	264
FAULKNER LAND & LIVESTOCK CO INC	37-8005C	3/20/1982	1.6	IRRIGATION	264
FAULKNER LAND & LIVESTOCK CO INC	37-8005D	3/20/1982	0.41	IRRIGATION	264
FAULKNER LAND & LIVESTOCK CO INC	37-8487D	1/25/1989	0.86	IRRIGATION	112
FAULKNER LAND & LIVESTOCK CO INC	37-8720	4/23/1991	3.2	IRRIGATION	324
FEARLESS FARRIS STINKER STATIONS	36-8332	10/12/1987	0.04	COMMERCIAL	
FED AGRIBUSINESS LLC	45-10164	6/30/1985	2.47	IRRIGATION	515
FED AGRIBUSINESS LLC	45-7201	11/18/1974	5.72	IRRIGATION	936
FIELDS, KAREN C; FIELDS, VIRGIL	37-7699	2/23/1978	0.2	STOCKWATER, DOMESTIC	
FIRST PRESBYTERIAN CHURCH	45-7529	4/13/1983	0.03	IRRIGATION	1
FLAT TOP SHEEP CO	36-7021D	4/9/1968	2.42	IRRIGATION	447
FLAT TOP SHEEP CO	36-7138	9/24/1970	0.03	STOCKWATER	
FLAT TOP SHEEP CO	36-8273	7/4/1985	0.68	IRRIGATION	447
FLAT TOP SHEEP CO	36-8275A	5/9/1985	2.44	IRRIGATION	447
FLAT TOP SHEEP CO	36-8641	8/25/1983	0.08	STOCKWATER, DOMESTIC	
FORD, JOYCE A; FORD, THOMAS RAY	36-14617*	5/1/1982	0.9	IRRIGATION	378
FORD, JOYCE A; FORD, THOMAS RAY	36-14619*	5/1/1965	1.32	IRRIGATION	311
FORSYTH, DANNY R	36-16639	2/26/1980	1.1	IRRIGATION	59
FORSYTH, DANNY R; FORSYTH, GINGER	36-8531	4/24/1990	0.05	IRRIGATION, DOMESTIC	0.8
FOSTER LAND & CATTLE	45-14453	11/29/1971	0.07	IRRIGATION	849
FOSTER LAND & CATTLE	45-14454	11/29/1971	0.008	IRRIGATION	849
FOUR + RANCH INC	37-8729	6/11/1991	2	IRRIGATION	120
FOWLER, GARY L; SOMSEN, KRISTINE P; SOMSEN-FOWLER, SARA D	45-2743	4/14/1966	0.78	IRRIGATION	39
FOWLER, GARY; SOMSEN, G FRANK; SOMSEN, KRISTINE P	45-7192	10/7/1974	0.36	IRRIGATION, STOCKWATER	18
FRANCIS, MARK	36-8371	7/20/1988	0.06	IRRIGATION, DOMESTIC	2
FRAZIER FAMILY TRUST DTD 6/19/80 4% UNDIVIDED INT; FRAZIER, JAMES F; FRAZIER, JEFFREY W; FRAZIER, JOE K; FRAZIER, JORDAN P	36-7745	8/15/1977	4.5	IRRIGATION	292
FRAZIER FAMILY TRUST DTD 6/19/80 4% UNDIVIDED INT; FRAZIER, JAMES F; FRAZIER, JEFFREY W; FRAZIER, JOE K; FRAZIER, JORDAN P	36-8049	12/21/1981	0.94	IRRIGATION	47
FREDERICKSEN, GENE D; FREDERICKSEN, JUDI K	36-7359	9/27/1973	2.18	IRRIGATION	143
FRENCH III, JAMES A; FRENCH, PATRICIA A	36-16404	11/14/1991	0.02	IRRIGATION, DOMESTIC	0.5
FRENCH JR, JAMES A; FRENCH, KARI D	36-16405	11/14/1991	0.03	IRRIGATION, STOCKWATER	1.5

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Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
FUNDERBURG, DENISE K; FUNDERBURG, GARY L	36-7357	8/26/1973	0.08	IRRIGATION, DOMESTIC	2
FUNK, DARRELL M	45-13657	1/1/1983	0.06	STOCKWATER	
FUNK, DARRELL M	45-4103	6/30/1985	1.6	IRRIGATION	305
FUNK, DARRELL M; FUNK, PATRICIA M	45-10228	5/31/1966	0.06	STOCKWATER	
FUNK, DARRELL M; FUNK, PATRICIA M	45-13910	8/19/1976	5.07	IRRIGATION	277
FUNK, DARRELL M; FUNK, PATRICIA M	45-13911	8/19/1976	0.64	STOCKWATER, COMMERCIAL	
FUNK, DARRELL M; FUNK, PATRICIA M	45-13917	6/8/1982	0.06	STOCKWATER, COMMERCIAL	
G & B FARMS INC	37-2753	11/29/1966	2.95	IRRIGATION	372
G & G DAIRY; GILTNER, BILL; GRIFFITH, MIKE	36-14834	12/12/1979	0.04	DOMESTIC	
G & G DAIRY; GILTNER, BILL; GRIFFITH, MIKE	36-15745	12/3/1966	0.28	STOCKWATER, COMMERCIAL	
G & G DAIRY; GILTNER, BILL; GRIFFITH, MIKE	36-15747	10/18/1968	0.36	STOCKWATER, COMMERCIAL	
G & G DAIRY; GILTNER, BILL; GRIFFITH, MIKE	36-15749	2/18/1971	0.15	STOCKWATER, COMMERCIAL	
G & G DAIRY; GILTNER, BILL; GRIFFITH, MIKE	36-8532	4/10/1990	0.18	STOCKWATER	
G & H DAIRY LLC	36-7409A	11/21/1973	2.19	IRRIGATION	268
G & H DAIRY LLC	36-7631A	6/23/1976	3.17	IRRIGATION	268
G & H DAIRY LLC	36-7847	3/28/1979	0.56	STOCKWATER, COMMERCIAL	
G & H DAIRY LLC	36-8396	10/20/1992	0.2	STOCKWATER, COMMERCIAL	
GALLEGOS, GEORGE	36-8201	5/31/1983	0.12	IRRIGATION, DOMESTIC	5.5
GALOW, MOLLY; GALOW, ROGER A	36-8448	9/28/1989	0.05	IRRIGATION	1.5
GARDNER TRUST	36-16590	2/29/1968	0.05	IRRIGATION	7
GARDNER TRUST	36-16841	3/13/1989	0.05	IRRIGATION	20
GARDNER TRUST	36-16845	3/7/1966	0.06	IRRIGATION	20
GARDNER TRUST	36-16847	7/13/1987	0.01	IRRIGATION	20
GARDNER TRUST	36-16853	9/27/1968	0.04	IRRIGATION	20
GARDNER TRUST	36-16855	4/6/1978	0.01	IRRIGATION	20
GARDNER TRUST	36-2694A	6/17/1967	0.82	IRRIGATION	354
GARDNER TRUST	36-7053	2/20/1969	3.75	IRRIGATION	354
GARDNER TRUST	36-7479	7/8/1974	0.65	IRRIGATION	354
GARDNER TRUST	36-7588	1/12/1976	0.4	IRRIGATION	354
GARNER, BEVERLY; GARNER, GARY B	36-12043*	7/31/1987	0.25	IRRIGATION	308
GARNER, ELDON I; GARNER, MARIE	36-8195	9/1/1989	0.08	IRRIGATION, DOMESTIC	1.5
GARRARD, KATHLEEN; GARRARD, THOMAS E	45-12460A	6/30/1985	0.46	IRRIGATION	149
GARRARD, KATHLEEN; GARRARD, THOMAS E	45-12460B	6/30/1985	0.47	IRRIGATION	151
GBD LLC	36-8467	12/15/1989	0.12	COMMERCIAL	
GERMAN, DONALD H	36-7460X	3/25/1974	0.25	STOCKWATER, COMMERCIAL	
GERRATT, BECKY ANN; GERRATT, DALE WAYNE	36-15995	11/27/1964	0.61	STOCKWATER, COMMERCIAL	
GIBBY, REED	45-13990	2/10/2006	0.09	DOMESTIC	
GILLETTE, CINDY L; GILLETTE, LARRY R	37-2761A	7/14/1967	1.64	IRRIGATION	130.5
GILLETTE, CINDY L; GILLETTE, LARRY R	37-8742	3/28/1991	4.21	IRRIGATION	995.5
GILLETTE, CINDY; GILLETTE, RANDY	36-11412*	4/1/1984	0.84	IRRIGATION	1108
GILLETTE, CINDY; GILLETTE, RANDY	36-2600	1/20/1965	6.55	IRRIGATION	1108
GILLETTE, CINDY; GILLETTE, RANDY	36-7046	12/9/1968	2.98	IRRIGATION	1108
GILLETTE, CINDY; GILLETTE, RANDY	36-7212A	11/29/1971	0.69	IRRIGATION	196

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GILLETTE, CINDY; GILLETTE, RANDY	36-7435	1/25/1974	5.03	IRRIGATION	1108
GILLETTE, JERRY; GILLETTE, ROANNE	36-11413*	4/1/1984	0.13	IRRIGATION	274
GILLETTE, JERRY; GILLETTE, ROANNE	36-2669	1/9/1967	3.53	IRRIGATION	274
GILLETTE, JERRY; GILLETTE, ROANNE	36-7212B	11/29/1971	0.54	IRRIGATION	162
GILLETTE, JERRY; GILLETTE, ROANNE	36-7626	6/3/1976	5.14	IRRIGATION	308
GILLETTE, LARRY R	37-2697	7/2/1964	3.25	IRRIGATION	194
GILLETTE, LARRY R	37-2729	3/13/1966	4.4	IRRIGATION, STOCKWATER	295
GILLETTE, PERRY	36-7340	6/15/1973	2.92	IRRIGATION	146
GILLETTE, PERRY	36-7542	5/7/1975	5.36	IRRIGATION	268
GILLEY, KAREN; GILLEY, PHILLIP N	36-8018	11/12/1981	0.06	IRRIGATION, COMMERCIAL, DOMESTIC	0.5
GILTNER DAIRY LLC	36-4089	1/1/1963	0.06	COMMERCIAL, DOMESTIC	
GILTNER, HOLLY L; GILTNER, SCOTT R; MCCOY, LUKE; MCCOY, TANI; PITTOCK, BRIAN M; PITTOCK, SANDY L	36-14988	12/31/1983	0.07	STOCKWATER, COMMERCIAL, DOMESTIC	
GILTNER, HOLLY L; GILTNER, SCOTT R; MCCOY, LUKE; MCCOY, TANI; PITTOCK, BRIAN M; PITTOCK, SANDY L	36-7460AG	3/25/1974	0.18	STOCKWATER, COMMERCIAL	
GLANBIA FOODS	36-16215	11/15/1970	3.9	MITIGATION	
GLANBIA FOODS	36-16217	5/16/1980	0.96	MITIGATION	
GLANBIA FOODS	36-16219*	5/26/1971	0.33	MITIGATION	
GLANBIA FOODS INC	37-21136	7/24/2003	8	IRRIGATION	1422.7
GLANBIA FOODS INC	37-7051	8/27/1969	1	COMMERCIAL	
GLANBIA FOODS INC	37-7252A	7/24/1973	3.09	IRRIGATION	622
GLANBIA FOODS INC	37-7252B	7/24/1973	0.21	IRRIGATION	622
GLANBIA FOODS INC	37-7260	8/8/1973	5.7	IRRIGATION	983.7
GLANBIA FOODS INC	37-7380A	9/5/1974	3.03	IRRIGATION	983.7
GLANBIA FOODS INC	37-7380C	9/5/1974	4.38	IRRIGATION	983.7
GLANBIA FOODS INC	37-7576	3/29/1977	2.5	IRRIGATION	983.7
GLANBIA FOODS INC	37-7677	9/15/1977	2	IRRIGATION	622
GLANBIA FOODS INC	37-8903	9/17/1999	1.67	COMMERCIAL	
GLEN CAPPS INC	36-8176	3/31/1983	0.04	COMMERCIAL, DOMESTIC	
GLENN DALE RANCHES INC	36-7361	8/2/1973	3	IRRIGATION	150
GLENN WARD DAIRY LLC; WARD LAND & LIVESTOCK LLC	45-7733	8/27/1979	0.33	STOCKWATER, COMMERCIAL	
GLOBAL AG PROPERTIES USA LLC	36-15165*	3/15/1970	2.2	IRRIGATION	2785
GLOBAL AG PROPERTIES USA LLC	36-16417	3/17/1963	0.28	IRRIGATION	2785
GLOBAL AG PROPERTIES USA LLC	36-16419	9/24/1968	0.59	IRRIGATION	2785
GLOBAL AG PROPERTIES USA LLC	36-16421	12/30/1983	0.13	IRRIGATION	2785
GLOBAL AG PROPERTIES USA LLC	36-16425*	5/1/1976	0.15	IRRIGATION	2785
GLOBAL AG PROPERTIES USA LLC	36-4200*	3/15/1974	0.84	IRRIGATION	2785
GLOBAL AG PROPERTIES USA LLC	36-8403	11/28/1988	0.31	IRRIGATION	2785
GOCHNOUR, JIM W; GOCHNOUR, MARILYN A	45-7461	2/5/1981	0.73	IRRIGATION	36.5
GOEDHART, HUGO	36-7276	12/5/1972	0.04	COMMERCIAL	
GOEDHART, HUGO C; GOEDHART, MARY	36-7460AD	3/25/1974	0.06	STOCKWATER, COMMERCIAL	
GOEDHART, HUGO; GOEDHART, MARY	36-8774	3/10/1998	0.13	STOCKWATER, DOMESTIC	
GOLDEN ACRES LLC	37-7458B	10/14/1975	1.23	IRRIGATION	142.5
GOLDEN RAIL MOBILE HOME COURT	45-7458	12/16/1980	0.22	IRRIGATION, DOMESTIC	8.1
GOOCH, BEATRICE; GOOCH, ELLIS	37-21154	12/3/1966	0.03	STOCKWATER, COMMERCIAL	
GOOCH, BEATRICE; GOOCH, ELLIS	37-21155	10/18/1968	0.04	STOCKWATER, COMMERCIAL	
GOOCH, BEATRICE; GOOCH, ELLIS	37-21156	2/18/1971	0.02	STOCKWATER, COMMERCIAL	

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GOOCH, BEATRICE; GOOCH, ELLIS	37-8839	11/22/1994	0.06	STOCKWATER	
GOTT, MIKE	36-8534	4/27/1990	0.1	IRRIGATION, DOMESTIC	2.5
GRANT 4 D FARMS	36-16130	11/8/1973	0.05	IRRIGATION	264
GRANT 4 D FARMS	36-2194	9/10/1984	3.18	IRRIGATION	264
GRANT 4 D FARMS	36-7264	9/21/1972	3.52	IRRIGATION	310
GRANT 4 D FARMS	36-7273A	11/14/1972	2.08	IRRIGATION	104
GRANT 4 D FARMS	36-7850C	3/30/1979	0.39	IRRIGATION	290
GRANT 4 D FARMS	36-8106C	8/10/1982	1.26	IRRIGATION	290
GRANT 4 D FARMS	36-8187	5/27/1983	1.4	IRRIGATION	310
GRANT 4 D FARMS; HONSINGER, EVELYN D; ROY T HONSINGER TESTAMENTARY FAMILY TRUST	36-7850D	3/30/1979	0.04	IRRIGATION	591
GRANT 4 D FARMS; HONSINGER, EVELYN D; ROY T HONSINGER TESTAMENTARY FAMILY TRUST	36-8106D	8/10/1982	0.13	IRRIGATION	591
GRANT JR, DOUGLAS E; GRANT, LAUREL A	36-2684	3/2/1967	5.36	IRRIGATION	320
GRANT JR, ROBERT	36-7516	12/13/1974	5.35	IRRIGATION	420
GRANT, DOUGLAS E	36-2585	4/7/1964	0.78	IRRIGATION	40
GRANT, DUANE R; GRANT, LAURA A	36-16549	4/21/1989	0.16	IRRIGATION	16.1
GRANT, DUANE R; GRANT, LAURA A	36-16800	4/21/1989	1.23	IRRIGATION	126.7
GRANT, DUANE R; GRANT, LAURA A	36-16801	4/21/1989	0.07	IRRIGATION	305
GRANT, DUANE R; GRANT, LAURA A	36-7932	8/14/1980	0.8	IRRIGATION	40
GRAVES, FRANCES M; GRAVES, RICHARD L	37-7371	7/31/1974	6.49	IRRIGATION, STOCKWATER, DOMESTIC	320
GREAVES, ALAN; GREAVES, COLLEEN	36-8479	11/13/1989	0.04	IRRIGATION	1.5
GREEN, DONALD L; GREEN, MARY S	37-7621G	6/7/1977	0.59	IRRIGATION	30
GREENE, DOUGLAS E; GREENE, GLORIA V	36-8438	7/24/1989	0.09	IRRIGATION	4.5
GREENER, BARNEY; GREENER, SHERRIE	45-14352	6/20/2011	0.02	HEATING, COOLING	
GUILLORY, CAMERON; GUILLORY, IDA	36-7382	9/20/1973	0.1	IRRIGATION, DOMESTIC	5
GULICK, LARRY	36-8507	2/1/1990	0.06	STOCKWATER, COMMERCIAL	
GULLEY, JUDY L; GULLEY, WILLIAM F	36-7293	1/24/1973	1.8	IRRIGATION	130
GULLEY, JUDY L; GULLEY, WILLIAM F	36-7425	12/28/1973	0.8	IRRIGATION	130
GULLEY, JUDY L; GULLEY, WILLIAM F	36-8789	3/23/1999	0.39	IRRIGATION	12
GUNNING, F F; GUNNING, G C	36-8063A	2/16/1982	2.14	IRRIGATION	329
H & P FARMS; HUNT, JEFF; PINCOCK, BRUCE	36-2573	4/29/1963	3.96	IRRIGATION	198
H & P FARMS; HUNT, JEFF; PINCOCK, BRUCE	36-2578	10/3/1963	4.71	IRRIGATION	238
H & P FARMS; HUNT, JEFF; PINCOCK, BRUCE	36-2589	2/25/1964	0.34	IRRIGATION	319
HAAGSMA FAMILY TRUST	36-7337B	11/25/1977	1.34	IRRIGATION	138
HANCHETT, AUREL K; HANCHETT, PHYLLIS	36-15355*	3/23/1971	0.4	IRRIGATION	139
HANCHETT, AUREL K; HANCHETT, PHYLLIS	36-7128	3/23/1970	1.4	IRRIGATION	139
HANDY TRUCK LINES INC	36-8510	2/14/1990	0.04	COMMERCIAL	
HANEY SEED CO	36-8416	3/30/1989	0.04	COMMERCIAL	
HANEY SEED CO	45-7639	3/30/1989	0.04	COMMERCIAL	
HANSEN QUALITY JERSEYS LLC	36-16758	9/30/1965	4.79	IRRIGATION	263
HANSEN QUALITY JERSEYS LLC	36-16759	9/30/1965	0.3	STOCKWATER, COMMERCIAL	
HANSEN QUALITY JERSEYS LLC	36-16760*	9/23/1967	0.37	IRRIGATION	263
HANSEN QUALITY JERSEYS LLC	36-16761*	9/23/1967	0.03	STOCKWATER, COMMERCIAL	
HANSEN QUALITY JERSEYS LLC	36-2638	1/27/1966	1.57	IRRIGATION	233
HANSEN, CREG; HANSEN, LETA	37-7621F	6/7/1977	2.53	IRRIGATION	129

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HANSEN, GARY L	36-11508*	3/15/1978	0.31	IRRIGATION	110
HARDY PROPERTIES L P	36-7510	11/7/1974	1.1	IRRIGATION	55
HARMS, BOYD L	36-16904	8/21/1973	0.08	IRRIGATION	3.9
HARPER LAND LLC	36-7108	1/12/1970	1.94	IRRIGATION	152
HARPER, CLINT; HARPER, KEVIN; HARPER, LAYNE R	36-7960A	1/26/1981	0.9	IRRIGATION	1194
HARPER, CLINT; HARPER, KEVIN; HARPER, LAYNE R	36-7960B	1/26/1981	0.9	IRRIGATION	1194
HARPER, CLINT; HARPER, LAYNE R	36-7412	11/30/1973	4.01	IRRIGATION	460
HARPER, LARRY F	36-7020	4/15/1968	1	IRRIGATION	50
HARTLEY, DOUGLAS D; HARTLEY, RENEA N	36-7529E	3/28/1975	0.42	IRRIGATION	312
HARTWELL, JANET L; HARTWELL, JIMMY D	45-14437	10/30/1980	0.01	IRRIGATION	0.6
HATFIELD DAIRY LLC	37-21628	9/25/1979	0.11	STOCKWATER, DOMESTIC	
HAWKER, FRED	45-7339A	2/2/1978	2.3	IRRIGATION	154
HAYDEN, DONALD D; HAYDEN, SHARON A	36-8470	9/12/1989	0.08	IRRIGATION	2.5
HAYES, COLIN L; HAYES, SUE E	36-2679	1/12/1967	1.5	IRRIGATION	135
HEIDA, MARY JANE; HEIDA, THOMAS	36-7597A	1/13/1976	0.7	IRRIGATION	114
HEIDA, MARY JANE; HEIDA, THOMAS	36-7597B	1/13/1976	1.18	IRRIGATION	79
HEIDA, MARY JANE; HEIDA, THOMAS	36-7610	2/27/1976	2.4	IRRIGATION	120
HEIDA, MARY JANE; HEIDA, THOMAS	36-7682	2/14/1977	1.24	IRRIGATION	78
HEIDA, MARY JANE; HEIDA, THOMAS	36-8276	6/6/1985	0.14	IRRIGATION	121
HELSLEY HENDRIX, JEANINE P; HELSLEY, BRIAN T	36-16561	2/8/1971	0.03	IRRIGATION	3
HENRY FARMS	36-15163*	5/1/1981	0.66	IRRIGATION	286
HENRY FARMS	36-7698	4/22/1977	2.36	IRRIGATION	160
HENRY FARMS	36-8568	11/7/1990	0.79	IRRIGATION	240
HENRY, AUDREY; HENRY, ROBERT P	36-14844*	3/15/1983	0.25	IRRIGATION	94
HEPWORTH FAMILY LANDHOLDINGS LLC	45-14243	10/17/1962	5.35	IRRIGATION	1887
HEPWORTH FAMILY LANDHOLDINGS LLC	45-14245	6/30/1985	4.27	IRRIGATION	1887
HEPWORTH FAMILY LANDHOLDINGS LLC	45-2688B	10/17/1962	0.04	COMMERCIAL	
HEPWORTH FAMILY LANDHOLDINGS LLC	45-7032	12/18/1968	1.92	IRRIGATION	601
HEPWORTH FAMILY LANDHOLDINGS LLC	45-7117	1/3/1973	3.41	IRRIGATION	601
HEPWORTH FAMILY LANDHOLDINGS LLC	45-7330	11/30/1977	4	IRRIGATION	601
HEPWORTH, BONNIE B; HEPWORTH, WILLIAM M	45-7160	12/13/1973	3.11	IRRIGATION	229
HEPWORTH, BONNIE B; HEPWORTH, WILLIAM M	45-7187	9/16/1974	0.36	IRRIGATION, STOCKWATER	229
HERNANDO, EDWARD O; HERNANDO, TERESA C	36-16493	8/25/1977	0.11	IRRIGATION, IRRIGATION STORAGE, IRRIGATION FROM STORAGE, STOCKWATER, DIVERSION TO STORAGE	2.5
HETTINGA, ARLENE; HETTINGA, STEVEN	36-2575A	8/5/1963	0.62	IRRIGATION	36
HEWARD LANDS LTD	45-7668	11/7/1989	0.5	IRRIGATION	25
HEWARD, DORA W; HEWARD, GERALD B	45-13564	10/12/1973	1.53	IRRIGATION	185.4
HEWARD, DORA W; HEWARD, GERALD B	45-4067A	8/1/1962	1.54	IRRIGATION	77
HEWARD, DORA W; HEWARD, GERALD B	45-7166A	2/3/1974	1.53	IRRIGATION	185.4
HIBBARD, DONNA G; HIBBARD, GARY J	37-7199	1/30/1973	3.02	IRRIGATION	151
HIDDEN VALLEY LAND CO LLC	36-10174*	3/15/1968	0.74	IRRIGATION	377
HIDDEN VALLEY LAND CO LLC	36-7016	2/27/1968	0.5	IRRIGATION	377
HIDDEN VALLEY LAND CO LLC	36-8528	3/16/1990	0.6	IRRIGATION	421.5
HIGH COUNTRY HOLDINGS LLC	37-2704	3/8/1965	1.18	IRRIGATION	287
HILT, ARIE; HILT, CECIL; HILT, HENRIETTA	36-8265	3/7/1985	0.15	STOCKWATER, COMMERCIAL	

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Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
HILT, DARYL; HILT, ELAINE	37-8055	10/28/1982	0.08	STOCKWATER, COMMERCIAL, DOMESTIC	
HIRAI, GREGORY; HIRAI, JENNIFER	36-7793	6/1/1978	2.26	IRRIGATION	144
HIRAI, GREGORY; HIRAI, JENNIFER	36-7946	1/8/1981	0.05	STOCKWATER, COMMERCIAL	
HIRAI, JACK J; MATTHEWS, J W	36-8585	8/11/1988	0.22	IRRIGATION	171
HITZEMAN, LEONARD W	36-16704	10/11/1966	0.03	IRRIGATION	2
HOBSON, DAVID MARK	45-14434	3/13/1976	0.2	IRRIGATION	84.5
HOBSON, DAVID MARK	45-14435*	3/15/1976	0.21	IRRIGATION	84.5
HOLLAND, JOHN H; HOLLAND, JUDITH A	36-7112	1/22/1970	0.84	IRRIGATION, STOCKWATER	40
HOLT, RONALD; HOLT, SHARON	36-7876	10/26/1979	0.88	IRRIGATION	48
HOLTON, DOROTHY; HOLTON, HAROLD L	36-7067	7/12/1969	1	IRRIGATION, STOCKWATER	147
HOLTON, RONALD	36-12588*	3/1/1974	0.44	IRRIGATION	147
HOLTON, RONALD	36-2561	1/22/1963	2.4	IRRIGATION	147
HOLTZEN FARMS INC	36-8603	6/14/1991	0.14	STOCKWATER	
HONDO FARMS	45-12453	3/15/1963	8.47	IRRIGATION	737.4
HONDO FARMS	45-13602	6/30/1985	2.87	IRRIGATION	737.4
HONDO FARMS	45-7465A	4/15/1981	1.91	IRRIGATION	737.4
HONSINGER, EVELYN D; ROY T HONSINGER TESTAMENTARY FAMILY TRUST	36-2560	12/26/1962	0.72	IRRIGATION	591
HOOPER, CYNTHIA ANN; HOOPER, LAURA KAY; HOOPER, TIMOTHY E	37-7279	9/13/1973	1.23	IRRIGATION, STOCKWATER	74
HOOPER, GRAHAM E; HOOPER, PATTY	37-7205	2/16/1973	5.81	IRRIGATION	321.8
HORIZON ORGANIC DAIRY LLC	36-16045	10/19/1981	1.95	IRRIGATION	1520
HORIZON ORGANIC DAIRY LLC	36-16046	10/19/1981	0.05	STOCKWATER, COMMERCIAL	
HORIZON ORGANIC DAIRY LLC	36-16053	7/16/1973	1.38	IRRIGATION	1520
HORIZON ORGANIC DAIRY LLC	36-16054	7/16/1973	0.21	STOCKWATER, COMMERCIAL	
HORIZON ORGANIC DAIRY LLC	36-16055	12/8/1981	4.12	IRRIGATION	1520
HORIZON ORGANIC DAIRY LLC	36-16056	12/8/1981	0.61	STOCKWATER, COMMERCIAL	
HORIZON ORGANIC DAIRY LLC	36-16396	12/8/1981	0.75	STOCKWATER, COMMERCIAL	
HORIZON ORGANIC DAIRY LLC	36-7351B	7/16/1973	0.09	STOCKWATER, COMMERCIAL	
HORIZON ORGANIC DAIRY LLC	36-7688	4/6/1977	8.36	IRRIGATION	513
HORIZON ORGANIC DAIRY LLC	36-7801	8/24/1978	0.89	STOCKWATER, COMMERCIAL	
HORIZON ORGANIC DAIRY LLC	36-8005B	12/8/1981	0.27	STOCKWATER, COMMERCIAL	
HORIZON ORGANIC DAIRY LLC	36-8008	12/8/1981	0.84	IRRIGATION	1520
HORIZON ORGANIC DAIRY LLC	36-8011A	12/24/1981	0.15	DOMESTIC	
HORIZON ORGANIC DAIRY LLC	36-8011B	12/24/1981	0.14	STOCKWATER	
HORIZON ORGANIC DAIRY LLC	36-8014	11/4/1981	0.26	STOCKWATER, COMMERCIAL, DOMESTIC	
HORIZON ORGANIC DAIRY LLC	36-8015	12/24/1981	0.46	STOCKWATER, COMMERCIAL	
HORIZON ORGANIC DAIRY LLC	36-8401	11/28/1988	0.68	IRRIGATION	520
HORIZON ORGANIC DAIRY LLC	36-8402	11/28/1988	0.84	IRRIGATION	1520
HRUZA, EUGENE	36-8290	6/24/1985	1.88	IRRIGATION	277
HRUZA, EUGENE; HRUZA, SHIRLEY	36-4169	3/15/1963	1.12	IRRIGATION	56
HRUZA, RONALD L	36-7878	10/30/1979	1.43	IRRIGATION	76
HRUZA, RONALD L	36-8183	5/12/1983	0.66	STOCKWATER, COMMERCIAL	
HUBSMITH, IRIS B; HUBSMITH, LOUIS L	37-8093	3/17/1984	0.08	STOCKWATER, COMMERCIAL	
HUETTIG, ANDREA B; HUETTIG, BRIAN J	36-7150	1/6/1971	1.32	IRRIGATION	66
HUETTIG, DOUGLAS	36-15994	11/27/1964	1.49	IRRIGATION	110
HUETTIG, ELLEN M; HUETTIG, MYRON A	36-2594	10/29/1964	1.07	IRRIGATION	511
HUETTIG, ELLEN M; HUETTIG, MYRON A	36-7639	8/24/1976	1.45	IRRIGATION	511
HUETTIG, ELLEN M; HUETTIG, MYRON A	36-8147	3/1/1983	1.6	IRRIGATION	511
HULME, RONALD A	36-15666	10/18/1968	0.2	IRRIGATION	25

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HULME, RONALD A	36-15668	12/3/1966	0.16	IRRIGATION	25
HULME, RONALD A	36-15670	2/18/1971	0.09	IRRIGATION	25
HULME, RONALD A	36-15690	10/18/1968	0.11	IRRIGATION	13.3
HULME, RONALD A	36-15692	12/3/1966	0.08	IRRIGATION	13.3
HULME, RONALD A	36-15694	2/18/1971	0.04	IRRIGATION	13.3
HULME, RONALD A	36-15702	10/18/1968	0.27	STOCKWATER, COMMERCIAL	
HULME, RONALD A	36-15704	12/3/1966	0.21	STOCKWATER, COMMERCIAL	
HULME, RONALD A	36-15706	2/18/1971	0.11	STOCKWATER, COMMERCIAL	
HULTS , JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-16203	8/21/1973	2.6	IRRIGATION	387.5
HULTS , JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-16902	8/21/1973	0.73	IRRIGATION	387.5
HULTS , JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-16903	8/21/1973	3.11	IRRIGATION	307.6
HULTS , JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-2665A	10/11/1966	2.92	IRRIGATION	387.5
HULTS , JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-7817	10/14/1978	1.1	IRRIGATION	307.6
HULTS , JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-7877	12/21/1979	0.83	IRRIGATION	307.6
HULTS , JOSEPH; HULTS, KAY A	36-16399	8/24/1973	0.01	IRRIGATION	9
HULTS, DAVID; HULTS, JOSEPH ; HULTS, KAY; HULTS, NICOLE	36-16318	7/21/1967	0.12	IRRIGATION	12
HULTS, DAVID; HULTS, JOSEPH ; HULTS, KAY; HULTS, NICOLE	36-16319	7/21/1967	0.78	IRRIGATION	120
HULTS, JOSEPH ; HULTS, KAY A	36-10547*	4/1/1980	0.25	IRRIGATION	154
HULTS, JOSEPH ; HULTS, KAY A	36-16400	8/24/1973	0.01	IRRIGATION	142
HULTS, JOSEPH ; HULTS, KAY A	36-8200	5/26/1983	0.28	IRRIGATION	154
HUNT, DUANE W; HUNT, MARGARET	36-11079*	3/15/1973	0.05	IRRIGATION	163
HUNT, DUANE W; HUNT, MARGARET	36-7058	4/9/1969	2.7	IRRIGATION	163
HURTADO, GRICELDA; HURTADO, JESUS	36-16007	6/21/1973	3.12	IRRIGATION	155.7
HURTADO, GRICELDA; HURTADO, JESUS	36-16008	6/21/1973	0.33	STOCKWATER, COMMERCIAL	
HURTADO, GRICELDA; HURTADO, JESUS	36-7508B	11/5/1974	2.42	IRRIGATION	132
HURTADO, GRICELDA; HURTADO, JESUS	36-8736	5/19/1992	0.52	STOCKWATER, COMMERCIAL	
HUTCHISON, W JAY	45-7108A	7/18/1972	0.78	IRRIGATION	39
HUTCHISON, W JAY	45-7158	11/13/1973	1.4	IRRIGATION	70
IDA GOLD FARMS GENERAL PARTNERSHIP; NORTHWEST FARM CREDIT SERVICES FLCA	45-7680	10/15/1990	1.22	STOCKWATER, COMMERCIAL	
IDA GOLD FARMS GENERAL PARTNERSHIP; NORTHWEST FARM CREDIT SERVICES FLCA	45-7684	12/11/1990	0.14	STOCKWATER, DOMESTIC	
IDAHO ACRES DAIRY	36-11110*	3/15/1968	1	IRRIGATION	408
IDAHO ACRES DAIRY	36-2512	11/30/1962	2	IRRIGATION	408
IDAHO ACRES DAIRY	36-8412	3/1/1989	0.95	IRRIGATION	408
IDAHO AG INC	36-7306	2/26/1973	3.9	IRRIGATION	974
IDAHO AG INC	36-7493	8/8/1974	3.84	IRRIGATION	974
IDAHO AG INC	36-7883A	1/15/1980	5.64	IRRIGATION	678
IDAHO FRESH PAK INC	36-15553*	3/15/1974	0.06	COMMERCIAL	
IDAHO FRESH PAK INC	36-8456	9/21/1989	0.27	COMMERCIAL	
IDAHO POWER CO	37-8484	1/17/1989	0.02	COMMERCIAL	
IDAHO SUPREME POTATOES	36-2557	12/13/1962	4.76	IRRIGATION	319

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IDAHO SUPREME POTATOES	36-2568	3/18/1963	2.93	IRRIGATION	160
IDAHO SUPREME POTATOES	36-7015B	2/14/1968	1.92	IRRIGATION	303
IDAHO WATER CO LLC	36-16534	11/15/1970	0.19	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	36-16537	5/16/1980	0.05	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	36-16540*	5/26/1971	0.02	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	36-16627	11/15/1970	0.16	MITIGATION	
IDAHO WATER CO LLC	36-16629	5/16/1980	0.04	MITIGATION	
IDAHO WATER CO LLC	36-16631	5/26/1971	0.01	MITIGATION	
IDAHO WATER CO LLC	36-16766	9/12/1973	0.11	IRRIGATION	160
IDAHO WATER CO LLC	36-16909	9/12/1973	0.06	IRRIGATION	485
IDAHO WATER CO LLC	36-16911	9/12/1973	0.1	IRRIGATION	485
IDAHO WATER CO LLC	37-22446	9/12/1973	0.1	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	37-22452	9/12/1973	0.12	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	45-13987	11/15/1970	0.13	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	45-13988	5/16/1980	0.03	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	45-13989*	5/26/1971	0.01	STOCKWATER, COMMERCIAL	
IDAHO WATER COMPANY, LLC	36-16878*	10/31/1986	0.02	IRRIGATION	4
IDAHO WATER COMPANY, LLC	36-16879	1/27/1976	0.06	IRRIGATION	4
IDAHO YOUTH RANCH INC	36-8256	12/6/1984	0.55	IRRIGATION, STOCKWATER, DOMESTIC	58.9
INFANGER, DEBRA A; INFANGER, JOHN N	37-20800	9/10/2002	0.12	DOMESTIC	
INTERSTATE MFG	36-8454	9/14/1989	0.04	COMMERCIAL	
J D HEISKELL HOLDINGS LLC	37-22665	9/12/1973	0.02	COMMERCIAL	
J D HEISKELL HOLDINGS LLC	37-22666	9/12/1973	0.02	COMMERCIAL	
J D HEISKELL HOLDINGS LLC	37-7380D	9/5/1974	0.05	COMMERCIAL	
J R SIMPLOT CO	36-7636	7/27/1976	0.49	INDUSTRIAL	
J R SIMPLOT CO	36-8469	10/12/1989	0.28	IRRIGATION	16
J R SIMPLOT CO	36-8471	10/4/1989	0.18	COMMERCIAL	
J R SIMPLOT CO	45-2746	5/9/1966	2	IRRIGATION	1874
JACKSON FARMS INC	45-4241A*	8/20/1976	0.3	IRRIGATION	294
JACKSON, IRIS; JACKSON, MICHAEL	45-7353A	8/9/1978	0.02	IRRIGATION, DOMESTIC	1.4
JACKSON, JAMES EARL	36-8605	5/23/1991	0.04	IRRIGATION	1.4
JACKSON, LAVAR R; VEENSTRA, FRANK W; VEENSTRA, MARY JANE	36-8101	7/13/1982	0.8	IRRIGATION	40
JADE INVESTMENTS LTD PARTNERSHIP	45-7232E	3/13/1975	1.36	IRRIGATION	68
JANSS FARMS	36-16705	3/25/1974	5.72	IRRIGATION	321
JANSS FARMS	37-7012	2/12/1968	0.08	HEATING, DOMESTIC	
JANSS FARMS	37-7351	4/12/1974	0.14	STOCKWATER	
JAROLIMEK, LEROY; JAROLIMEK, PEGGY	45-11196*	3/15/1968	2.04	IRRIGATION	884
JAROLIMEK, LEROY; JAROLIMEK, PEGGY	45-14401	9/15/1971	8.19	IRRIGATION, MITIGATION	1035.5
JAROLIMEK, LEROY; JAROLIMEK, PEGGY	45-14403	6/30/1985	0.3	IRRIGATION, MITIGATION	1035.5
JENTZSCH KEARL FARMS	36-16416	3/17/1963	4.38	IRRIGATION	995
JENTZSCH KEARL FARMS	36-16418	9/24/1968	3.45	IRRIGATION	995
JENTZSCH KEARL FARMS	36-16420	12/30/1983	1.95	IRRIGATION	995
JENTZSCH KEARL FARMS	36-16424*	5/1/1976	0.85	IRRIGATION	995
JENTZSCH KEARL FARMS	36-16773	3/13/1989	4.93	IRRIGATION	2508.5
JENTZSCH KEARL FARMS	36-16777	3/7/1966	5.97	IRRIGATION	2508.5
JENTZSCH KEARL FARMS	36-16779*	7/13/1987	1.3	IRRIGATION	2508.5
JENTZSCH KEARL FARMS	36-16785	9/27/1968	4.51	IRRIGATION	2508.5
JENTZSCH KEARL FARMS	36-16787	4/6/1978	0.63	IRRIGATION	2508.5
JENTZSCH KEARL FARMS	36-16827	9/13/1984	0.1	IRRIGATION	15.3
JENTZSCH KEARL FARMS	36-16925	7/25/1987	0.03	COMMERCIAL	

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JENTZSCH KEARL FARMS	36-16980	7/25/1987	0.29	IRRIGATION	995
JENTZSCH KEARL FARMS	36-2593	6/5/1964	3.63	IRRIGATION	2508.5
JENTZSCH KEARL FARMS	36-2693	6/17/1967	0.67	IRRIGATION	2508.5
JENTZSCH KEARL FARMS	36-8622	12/4/1991	0.02	COMMERCIAL	
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-11328	3/19/1963	1.46	IRRIGATION	634
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-15170A	6/29/1971	1.81	IRRIGATION	1201
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-15536*	4/1/1964	3.44	IRRIGATION	1201
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-16554	3/21/1989	0.34	IRRIGATION	1201
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-16622	7/3/1974	2.95	IRRIGATION	172
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-2635	1/27/1966	5.56	IRRIGATION	634
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-7216	1/5/1972	3.58	IRRIGATION	634
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S; KEARL, JOSEPH; KEARL, MELYNDA	36-16826	9/13/1984	2.34	IRRIGATION	1257
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S; KEARL, JOSEPH; KEARL, MELYNDA	36-16924	7/25/1987	2.74	IRRIGATION	1257
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S; KEARL, JOSEPH; KEARL, MELYNDA	36-7193	6/29/1971	0.28	IRRIGATION	1257
JEROME CHEESE CO	36-16380	9/12/1973	0.11	MITIGATION	
JEROME CHEESE CO	36-16907	7/18/1973	0.91	COMMERCIAL, MITIGATION	
JEROME CHEESE CO	36-2554B	8/31/1962	1.88	COMMERCIAL	
JEROME CHEESE CO	36-7337F	11/25/1977	0.66	COMMERCIAL	
JEROME COUNTRY CLUB INC	36-8344	2/12/1988	0.41	IRRIGATION	104
JEROME COUNTY ROD & GUN CLUB	36-8620	11/14/1991	0.02	IRRIGATION, COMMERCIAL	0.5
JEROME HOLDING CO INC	36-7202	8/6/1971	0.06	IRRIGATION, INDUSTRIAL, DOMESTIC, FIRE PROTECTION	1
JEROME JOINT SCHOOL DISTRICT NO 261	36-16440	8/31/2006	1.07	HEATING	
JEROME JOINT SCHOOL DISTRICT NO 261	36-16441	8/31/2006	0.45	HEATING	
JEROME JOINT SCHOOL DISTRICT NO 261	36-16898	6/8/2011	1.1	HEATING, COOLING	
JEROME RECREATION DISTRICT	36-7525	3/20/1975	0.2	DOMESTIC, RECREATION	
JESSE, LYDIA MARIA; JESSE, ROBERT LEE	36-8447	10/10/1989	0.12	IRRIGATION	6
JOHN A STEVENSON & ELAINE G STEVENSON TRUST	36-16872	3/28/1975	0.01	IRRIGATION	3.2
JOHN A STEVENSON & ELAINE G STEVENSON TRUST	36-16873	3/28/1975	0.01	IRRIGATION	3.2
JOHN A STEVENSON & ELAINE G STEVENSON TRUST	36-7529G	3/28/1975	2.18	IRRIGATION	946
JOHN R SEYMOUR & EVELYN LOIS SEYMOUR FAMILY TRUST	45-13542*	3/15/1976	1.28	IRRIGATION	479
JOHN R SEYMOUR & EVELYN LOIS SEYMOUR FAMILY TRUST	45-7005	9/6/1967	5	IRRIGATION	479
JOHN, GLORIA; JOHN, KIT M	37-8346	6/21/1988	0.03	COMMERCIAL	

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JOHNSON JR, ELMER F; JOHNSON, JUDY	36-7342	6/20/1973	2.23	IRRIGATION	151
JOHNSON JR, ELMER F; JOHNSON, JUDY	36-7462	4/3/1974	0.89	IRRIGATION	80
JOHNSON, BECKY; JOHNSON, CHARLES; NELSON, JACK; NELSON, KATHY	37-21644	2/2/2006	0.12	DOMESTIC	
JOHNSON, JODIE; JOHNSON, MITCH	36-7929	8/4/1980	0.06	IRRIGATION, DOMESTIC	1
JOHNSON, WALTER B	45-7632	3/27/1996	1.13	IRRIGATION	79
JOHNSTON, ELDON K; JOHNSTON, KANDIS L	36-7173	4/30/1971	1	IRRIGATION	154
JOLLEY, LARRY	36-16788	11/1/1967	1.88	IRRIGATION	99
JONES, RONALD S ; JONES, TAMMY	36-8056A	1/21/1982	4.79	IRRIGATION	312
JONES, RONALD S ; JONES, TAMMY	36-8110A	8/19/1982	0.8	IRRIGATION	312
JOSEF & RITA EHRLER TRUST	45-7377	5/26/1979	0.15	IRRIGATION	12
JOUGLARD SHEEP CO INC	36-8462	10/11/1989	0.16	STOCKWATER, DOMESTIC	
JUDD, ALENE L; JUDD, GLENN C	45-7536	6/9/1983	0.02	COMMERCIAL, DOMESTIC	
JURGENSMEIER, RALPH	36-7616	3/4/1976	0.22	IRRIGATION	11
K & W DAIRY	36-10225D	5/1/1985	0.06	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-10225K*	5/1/1985	0.58	IRRIGATION	1064.7
K & W DAIRY	36-15169D	12/11/1969	0.56	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-15169K	12/11/1969	5.76	IRRIGATION	1064.7
K & W DAIRY	36-2614D	6/7/1965	0.16	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-2614K	6/7/1965	1.69	IRRIGATION	1064.7
K & W DAIRY	36-7307D	2/26/1973	0.13	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-7307K	2/26/1973	1.27	IRRIGATION	1064.7
K & W DAIRY	36-7362D	8/2/1973	0.2	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-7362K	8/2/1973	2.05	IRRIGATION	1064.7
K & W DAIRY	36-7477D	5/28/1974	0.06	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-7477K	5/28/1974	0.66	IRRIGATION	1064.7
K & W DAIRY	36-7606D	2/4/1976	0.06	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-7606K	2/4/1976	0.61	IRRIGATION	1064.7
K & W DAIRY	36-7779D	2/22/1978	0.19	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-7779K	2/22/1978	1.93	IRRIGATION	1064.7
K & W DAIRY	36-7832D	12/11/1978	0.02	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-7832K	12/11/1978	0.16	IRRIGATION	1064.7
K & W DAIRY	36-8175	4/1/1984	0.17	STOCKWATER, COMMERCIAL	
K L BLACK TRUST	36-7726	6/23/1977	4	IRRIGATION	261
KARRLE, GERALD A ; KARRLE, JOAN K	36-4233	3/1/1963	0.2	IRRIGATION, DOMESTIC	5
KEARL, JOSEPH N; KEARL, MELYNDA	36-2565A	2/11/1963	3.67	IRRIGATION	279
KEARL, JOSEPH; KEARL, MELYNDA	36-16553	3/21/1989	0.48	IRRIGATION	160
KEARL, JOSEPH; KEARL, MELYNDA	36-7171	3/22/1971	1.78	IRRIGATION	95
KEARL, JOSEPH; KEARL, MELYNDA	36-8205	6/15/1983	0.6	IRRIGATION	30
KEARL, JOSEPH; KEARL, MELYNDA	36-8595	7/10/1991	0.11	IRRIGATION	5.3
KEARL, JOSEPH; KEARL, MELYNDA	36-8624	12/10/1991	0.21	IRRIGATION	160
KECHTER, RICHARD L	37-7157	8/21/1972	1.94	IRRIGATION	97.2
KENNEDY, BRENDA; KENNEDY, TRACY S	36-7471	5/3/1974	0.08	IRRIGATION, STOCKWATER	10
KENT SEARLE FAMILY TRUST	45-7317	7/11/1977	3.35	IRRIGATION	4389
KERBS OIL CO INC	45-7643	5/19/1989	0.04	COMMERCIAL	
KERBS OIL CO INC	45-7644	5/22/1989	0.04	COMMERCIAL	
KERBS, WILLIAM	36-16688	5/22/1974	1.52	IRRIGATION	113
KERNER, HERSHEL	37-8361	6/16/1988	0.03	COMMERCIAL	
KING, ALYCE B; KING, VERN W	36-7024	4/16/1968	0.54	IRRIGATION	35
KING, CORY; KING, VICKY	36-16971	1/4/2013	0.12	HEATING, COOLING, DOMESTIC	

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KING, FERRIL; KING, RENE	36-8440	9/7/1989	0.02	COMMERCIAL	
KIRCHER, JAMES; KIRCHER, RACHEL	45-7511	8/27/1982	0.07	IRRIGATION, DOMESTIC	1.1
KLOSTERMAN, KENT L	36-7974	3/25/1981	2.6	IRRIGATION	201
KLOSTERMAN, KENT L	36-8432	6/22/1989	4.01	IRRIGATION	277
KOA KAMPGROUND	36-7048	12/18/1968	0.17	IRRIGATION, COMMERCIAL, DOMESTIC	4
KOCH AGRI SERVICE	36-8476	11/6/1989	0.01	COMMERCIAL	
KOCH AGRI SERVICE	36-8477	11/6/1989	0.06	COMMERCIAL	
KOCH, DENISE K; KOCH, MITCHELL L	37-7755	12/4/1978	0.04	IRRIGATION, DOMESTIC	2
KORB, LONNIE; KORB, LOVENIA	45-7689	2/22/1991	0.14	IRRIGATION	7
KULHANEK, DENNIS; KULHANEK, MAXINE	36-8503	2/21/1990	0.04	IRRIGATION	2
KUNSMAN, SHIRLEY	36-8249	7/12/1984	0.09	IRRIGATION, DOMESTIC	2.5
KUNSMAN, SHIRLEY	36-8306	2/26/1986	0.08	IRRIGATION	2.5
L & S LAND HOLDINGS LLC	36-16479	3/26/1969	1.39	IRRIGATION	449.3
L & S LAND HOLDINGS LLC	36-7539	6/10/1975	7.6	IRRIGATION	449.3
L M DAIRY	36-8224	6/29/1983	0.17	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	2
LAKE MEAD ENTERPRISES	45-2687	8/22/1962	4.78	IRRIGATION	921.3
LAKE MEAD ENTERPRISES	45-7439B	2/29/1980	3.92	IRRIGATION	921.3
LAMBERT PRODUCE CO INC	45-13470	6/30/1985	0.1	IRRIGATION	186
LAMBERT PRODUCE CO INC	45-13777	6/30/1985	11.22	IRRIGATION	4983
LAMBERT PRODUCE INC	45-4041	6/30/1985	0.5	IRRIGATION	749
LAMBERT PRODUCE INC	45-7439A	2/29/1980	1.46	IRRIGATION	118.8
LANIER, BLANCHE; LANIER, MELVIN	36-8501	2/21/1990	0.07	IRRIGATION, DOMESTIC	1.5
LARSON, CRAIG S; LARSON, PAULEE A	45-12931	2/10/1969	3.05	IRRIGATION	299.5
LARSON, CRAIG S; LARSON, PAULEE A	45-12932	2/10/1969	3.41	IRRIGATION	334.6
LAST RANCH LLC	37-21157	5/24/1973	2.48	IRRIGATION	1300
LAST RANCH LLC	37-21158	5/24/1973	0.72	STOCKWATER	
LAST RANCH LLC	37-7232	5/24/1973	4.32	IRRIGATION	1300
LAWTON, WARREN E	36-7012	11/17/1967	1.66	IRRIGATION, STOCKWATER	118
LAZY P FARMS; PAULS, DEBBRAH; PAULS, EMIL V; PAULS, RONALD	37-8147	6/27/1983	0.04	IRRIGATION, STOCKWATER, DOMESTIC	1.8
LCSC ENTERPRISES LLC	45-13776	6/30/1985	1.81	IRRIGATION	449
LCSC ENTERPRISES LLC	45-7189	9/16/1974	3.53	IRRIGATION	476
LCSC ENTERPRISES LLC	45-7277	10/4/1976	1.11	IRRIGATION	476
LEAVELL, ALONZO B	37-22164	9/20/1974	0.05	IRRIGATION	4.1
LEAVELL, ALONZO B	37-22165	9/20/1974	0.05	IRRIGATION	2
LEAVELL, ALONZO B	37-22166	9/20/1974	0.3	IRRIGATION	21.6
LEAVELL, ALONZO B	37-22167	9/20/1974	0.4	IRRIGATION	31
LEDBETTER, GREG; LEDBETTER, JANE F	36-16186	10/28/1977	0.75	IRRIGATION	154
LEDBETTER, GREG; LEDBETTER, JANE F	36-16188	8/10/1973	2.11	IRRIGATION	154
LEDBETTER, GREG; LEDBETTER, JANE F	36-7364A	8/10/1973	2.35	IRRIGATION	125
LEDBETTER, JANE F; MILLER, TED	36-8223	3/11/1984	0.62	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	5
LEDERER, PAUL H; LEDERER, SHARON	36-2545	8/20/1962	0.55	IRRIGATION, STOCKWATER	69.5
LEDERER, PAUL H; LEDERER, SHARON	36-7592	1/6/1976	2.44	IRRIGATION	178
LEDERER, PAUL H; LEDERER, SHARON	36-7939A	11/29/1980	0.84	IRRIGATION	69.5
LEDERER, PAUL H; LEDERER, SHARON	36-7939B	11/29/1980	0.05	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	0.5
LEE, MARTIN R	36-8410	2/10/1989	0.03	COMMERCIAL	
LEED CORP	37-21952	10/11/2006	0.44	DOMESTIC	

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LEGUINECHE, LOUIS J; LEGUINECHE, MICKEY R	37-20799	2/11/1966	2.04	IRRIGATION	102
LEONARD, HAROLD L	36-11631	9/1/1967	0.01	DOMESTIC	
LIND, ELDEN; LIND, MELBA JEAN	36-8583	2/22/1991	3.99	IRRIGATION	238.9
LITTLE SKY FARMS	37-7480	2/24/1977	9.83	IRRIGATION	844.4
LLOYD, JANICE	36-8580	2/19/1991	0.7	IRRIGATION	35
LONG VIEW DAIRY	36-16185	6/30/1983	2.03	IRRIGATION	131
LONG VIEW DAIRY	36-7317A	3/21/1973	2.2	IRRIGATION	110
LONG VIEW DAIRY	36-7317B	3/21/1973	0.2	STOCKWATER, COMMERCIAL	
LONG VIEW DAIRY	36-8061	2/9/1982	0.2	STOCKWATER, COMMERCIAL	
LOPES, JOE S; LOPES, VERNA F	37-21570	2/18/1971	0.1	STOCKWATER, COMMERCIAL	
LOPES, JOE S; LOPES, VERNA F	37-21571	12/3/1966	0.19	STOCKWATER, COMMERCIAL	
LOPES, JOE S; LOPES, VERNA F	37-21572	10/18/1968	0.24	STOCKWATER, COMMERCIAL	
LUND, JEFFREY A	36-15211*	1/30/1970	0.33	IRRIGATION	75
LUND, JEFFREY A	36-8649	1/25/1978	1.47	IRRIGATION	73.5
LUTTMER, SANDI; LUTTMER, SCOTT	37-2733	4/12/1966	0.57	IRRIGATION	32
LUXTON, JORDAN; LUXTON, MARJORIE	36-8078	4/14/1982	0.02	DOMESTIC, FIRE PROTECTION	
LYNCH, LESLIE R	36-7154	1/25/1971	0.02	INDUSTRIAL	
MAGIC VALLEY GROWERS LTD	37-7591	5/30/1979	5.21	IRRIGATION	260.4
MAGIC VIEW CALVES LLC	37-21144	1/7/1974	0.17	IRRIGATION, MITIGATION	4
MAHLER, ALPHA; MAHLER, EDWIN	36-8442	9/14/1989	0.03	IRRIGATION	1
MART PRODUCE CORP	36-8457	9/20/1989	0.16	COMMERCIAL	
MART PRODUCE CORP	36-8458	9/20/1989	0.01	COMMERCIAL	
MARTIN, JAY H	36-7235	4/19/1972	5	IRRIGATION	354
MARTIN, KRISTI	36-16940	9/26/1963	0.09	IRRIGATION	5
MARTIN, KRISTI	36-16951	9/26/1963	0.17	IRRIGATION	9.2
MARTIN, KRISTI	36-2608	2/8/1965	5.2	IRRIGATION	260
MASONER, MRS MERLE	36-11978	1/1/1963	0.02	COMMERCIAL	
MC CABE, LINDA JOY; MC CABE, ROBERT	37-20747*	4/1/1978	0.56	IRRIGATION	300
MC CAIN FOODS USA INC	45-2749	8/13/1965	2.85	INDUSTRIAL	
MC CAIN FOODS USA INC	45-7137	5/24/1973	3.43	INDUSTRIAL	
MC CAIN FOODS USA INC	45-7241	5/27/1975	0.25	COMMERCIAL, FIRE PROTECTION	
MC CAUGHEY, MARGARET; MC CAUGHEY, WALTER L	36-7438	1/31/1974	2	IRRIGATION	100
MC CAUGHEY, MARGARET; MC CAUGHEY, WALTER L	36-8579	2/8/1991	0.68	IRRIGATION	52
MC CLELLAN, TOM	45-7533	4/26/1983	0.09	IRRIGATION	3
MC CLYMONDS, MICHAEL J	36-7873	9/27/1979	0.08	IRRIGATION, DOMESTIC	4.5
MC CORD, HARRIETT	36-16063	1/10/1973	0.11	IRRIGATION	8.2
MC CORD, HARRIETT	36-16064	1/10/1973	0.33	IRRIGATION	28.4
MC DONALD, FRANK F	36-8516	3/2/1990	0.11	IRRIGATION, DOMESTIC	3
MC KAY, BRYAN; MC KAY, SHAWNA	36-7456A	3/20/1974	2.1	IRRIGATION, STOCKWATER	182
MC KAY, BRYAN; MC KAY, SHAWNA	36-7456B	3/20/1974	0.89	IRRIGATION	77.5
MC KNIGHT, SPARR	37-22201	7/5/2007	0.04	DOMESTIC	
MC MANUS, JANINE B; MC MANUS, WILLIAM D	36-8226	7/23/1983	0.74	IRRIGATION	37
MC MANUS, JANINE B; MC MANUS, WILLIAM D	36-8288	7/21/1985	0.58	IRRIGATION	29
MC MANUS, JANINE B; MC MANUS, WILLIAM D	45-7548	7/3/1983	1.44	IRRIGATION	103.8

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MC MANUS, WILLIAM D	45-7264	3/23/1976	3.78	IRRIGATION	189
MC MINN, DALE M	36-16109	11/19/1979	0.06	IRRIGATION, DOMESTIC	2
MC REITS LLC	36-7288A	2/28/1973	4.58	IRRIGATION	229
MC REITS LLC	36-7288C	2/28/1973	4.38	IRRIGATION	219
MC REITS LLC	36-7288D	2/28/1973	2.24	STOCKWATER, COMMERCIAL	
MC REITS LLC	36-8382	8/16/1988	0.67	STOCKWATER, COMMERCIAL, DOMESTIC	
MCKEAN, EDWARD; MCKEAN, LYNETTE	36-8186	5/17/1983	0.04	COMMERCIAL, DOMESTIC	
MEEKS FAMILY LTD PARTNERSHIP	36-7684	3/2/1977	1.41	IRRIGATION	180
MEEKS, DIANE SAWYER; MEEKS, JAMES D	36-7032	9/14/1968	2.56	IRRIGATION	233
MEEKS, DIANE SAWYER; MEEKS, JAMES D	36-7336	8/8/1986	0.88	IRRIGATION	87
MENDOZA, BERTHA; MENDOZA, RICARDO	45-14343	12/29/1989	0.07	IRRIGATION	3.3
MERENZ, MAX H	36-7396	10/29/1973	0.15	IRRIGATION, DOMESTIC	5.5
MERZ, BEATRICE BOLDT; MERZ, VERNON	36-15495	7/1/1969	0.04	DOMESTIC	
MESSNER, ROBERT; MESSNER, SHIRLENE	36-16547	9/12/1973	1.6	IRRIGATION	160
METZ, JOHN B	36-16492	8/25/1977	0.11	IRRIGATION, IRRIGATION STORAGE, IRRIGATION FROM STORAGE, STOCKWATER, DIVERSION TO STORAGE	5
MEYERS, KATHI L; MEYERS, ROBERT J	36-7459	3/20/1974	2.45	IRRIGATION	160
MEYERS, KATHI L; MEYERS, ROBERT J	37-2760	4/6/1967	3	IRRIGATION	150
MEYERS, KATHI L; MEYERS, ROBERT J	37-7611	5/23/1977	2.18	IRRIGATION, STOCKWATER	112
MEYERS, KATHI L; MEYERS, ROBERT J	45-13778	3/1/1963	0.03	IRRIGATION	1
MEYERS, KATHI L; MEYERS, ROBERT J	45-13779	3/1/1963	0.17	DOMESTIC	
MEYERS, ROBERT J	36-7854	2/16/1990	2.71	IRRIGATION	142
MEYERS, ROBERT J	37-8801	10/20/1992	0.1	DOMESTIC	
MICKELSEN, KARMA J; MICKELSEN, MICHAEL B	36-2675	4/24/1966	2.92	IRRIGATION	303
MIDNIGHT SUN INC	36-2662	9/19/1966	1.24	IRRIGATION	62
MIDNIGHT SUN INC	45-13820	10/13/1972	9.24	IRRIGATION	663.2
MIDNIGHT SUN INC VIII	36-2690	5/1/1967	0.94	IRRIGATION	46.86
MILLENKAMP PROPERTIES	36-16927	11/26/1974	1.06	IRRIGATION	217.8
MILLENKAMP PROPERTIES LLC	36-16914	4/24/1990	0.06	IRRIGATION	3
MILLENKAMP PROPERTIES LLC	36-16915	4/24/1990	1.36	STOCKWATER, COMMERCIAL	
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	36-16916	4/24/1990	0.88	IRRIGATION	217.8
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	36-16926	11/26/1974	1.18	IRRIGATION	79
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	45-11912*	11/6/1981	0.71	IRRIGATION	277
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	45-7290	7/26/1977	3.78	IRRIGATION	189
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	45-7331	10/12/1978	4.7	IRRIGATION	277
MILLER, BLAINE E	36-2637C	1/27/1966	0.06	STOCKWATER, COMMERCIAL	
MILLER, BLAINE E	36-7096B	12/1/1969	0.03	STOCKWATER, COMMERCIAL	
MILLER, DIANE M; MILLER, GUS E	37-8373	8/10/1988	0.04	IRRIGATION, STOCKWATER, DOMESTIC	2
MILLER, GARY W; MILLER, TERESA S	37-7491	6/8/1976	0.06	IRRIGATION, DOMESTIC	2
MILLER, GARY; MILLER, SANDRA K	37-22306	7/22/1971	0.06	IRRIGATION	6
MILLER, JOLENE R; MILLER, TERRY D	36-7823A	9/8/1978	1.31	IRRIGATION	331
MILLER, JOLENE R; MILLER, TERRY D	36-7823B	9/8/1978	0.23	IRRIGATION	130

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MILLER, KALVIN W; MILLER, PAMELLA K	36-12953*	3/9/1979	1.25	IRRIGATION	320
MILLER, KALVIN W; MILLER, PAMELLA K	36-2576	8/14/1963	1.85	IRRIGATION	102
MILLERCOORS LLC	45-7641	6/8/1989	0.04	COMMERCIAL	
MINIDOKA COUNTY FIRE PROTECTION DISTRICT	36-16364	8/15/2005	0.04	DOMESTIC, FIRE PROTECTION	
MINIDOKA COUNTY SCHOOL DISTRICT # 331	36-7134	6/24/1970	0.38	IRRIGATION	19
MINIDOKA COUNTY SCHOOL DISTRICT # 331	36-7135	6/24/1970	0.38	IRRIGATION	19
MINIDOKA FARMS LLC	36-7403	11/8/1973	1.35	IRRIGATION	632
MINIDOKA FARMS LLC	36-8133	12/31/1982	0.21	IRRIGATION	632
MINIDOKA LUMBER CO	36-12643*	3/15/1973	1.7	IRRIGATION	793
MINIDOKA LUMBER CO	36-16208	10/29/1973	0.16	COMMERCIAL	
MINIDOKA LUMBER CO	36-16209	10/29/1973	4.36	IRRIGATION	634
MINIDOKA LUMBER CO	36-7015A	2/14/1968	0.97	IRRIGATION	793
MINIDOKA LUMBER CO	36-8493	12/19/1989	2.7	IRRIGATION	793
MIPAD LTD PARTNERSHIP	36-8538	6/1/1990	0.27	STOCKWATER, COMMERCIAL	
MIPAD LTD PARTNERSHIP	37-8867	11/25/1977	0.14	STOCKWATER, COMMERCIAL	
MIRKIN, JON F; MIRKIN, SHANNAN R	36-16634	4/8/1975	0.09	COMMERCIAL	
MITCHELL, DELL N; MITCHELL, LYNN N	45-14334	10/20/1980	0.31	IRRIGATION	23.8
MITCHELL, DELL N; MITCHELL, LYNN N	45-14336	2/14/1991	0.11	IRRIGATION	7
MITCHELL, DELL N; MITCHELL, SUSAN L	45-7454	10/20/1980	1.32	IRRIGATION	102.6
MITCHELL, DELL N; MITCHELL, SUSAN L	45-7688	2/14/1991	0.56	IRRIGATION	35.6
MITCHELL, JAN R; MITCHELL, LYNN N	45-14333	10/20/1980	0.17	IRRIGATION	13.6
MITCHELL, JAN R; MITCHELL, LYNN N	45-14335	2/14/1991	0.15	IRRIGATION	9.4
MITCHELL, JAN R; MITCHELL, LYNN N	45-7044	12/8/1969	5	IRRIGATION	257
MITCHELL, RALPH M	45-7640	5/23/1989	0.07	IRRIGATION, DOMESTIC	1.5
MOLYNEUX, CLYDE L; MOLYNEUX, TERESA L	37-8065	1/14/1983	0.09	IRRIGATION, DOMESTIC	1.5
MONSON, LEO DEAN	36-16205	4/14/1983	0.09	IRRIGATION	7
MONTGOMERY, DARLENE M; MONTGOMERY, LLOYD J	36-12464*	5/1/1981	0.11	IRRIGATION	76.2
MOO VIEW COW PALACE	45-13905	11/16/1974	0.3	STOCKWATER, COMMERCIAL	
MOOSMAN, MARK C; MOOSMAN, SHANILLE H	45-11635	6/26/1978	0.04	DOMESTIC	
MORGAN, CODY G; MORGAN, KATHY J	36-16094	3/10/1992	0.03	STOCKWATER	
MORGAN, CODY G; MORGAN, KATHY J	36-16407	3/10/1992	1.53	IRRIGATION	390.5
MORGAN, CODY G; MORGAN, KATHY J	36-16408	3/10/1992	0.08	STOCKWATER, COMMERCIAL	
MORRIS, AUDREY; MORRIS, HOWARD L; MORRIS, JEREMY; MORRIS, RHONDA K	37-20838	2/6/1974	1.15	IRRIGATION	376
MORRIS, AUDREY; MORRIS, HOWARD L; MORRIS, JEREMY; MORRIS, RHONDA K	37-8500	2/22/1989	0.09	IRRIGATION	3
MORRIS, HOWARD L; MORRIS, RHONDA K	36-2671M	1/9/1967	1	IRRIGATION	421
MORRIS, HOWARD L; MORRIS, RHONDA K	36-7367M	8/13/1973	3.52	IRRIGATION	421
MORRIS, HOWARD L; MORRIS, RHONDA K	36-7381M	9/19/1973	0.59	IRRIGATION	421
MORRIS, HOWARD L; MORRIS, RHONDA K	36-7445M	2/21/1974	1.03	IRRIGATION	421
MORRIS, HOWARD L; MORRIS, RHONDA K	36-7480N	5/31/1974	2.32	IRRIGATION	421
MORRIS, HOWARD L; MORRIS, RHONDA K	37-20854	12/3/1966	0.18	STOCKWATER, COMMERCIAL	
MORRIS, HOWARD L; MORRIS, RHONDA K	37-20855	10/18/1968	0.23	STOCKWATER, COMMERCIAL	
MORRIS, HOWARD L; MORRIS, RHONDA K	37-20856	2/18/1971	0.09	STOCKWATER, COMMERCIAL	
MORRIS, HOWARD L; MORRIS, RHONDA K	37-7001	7/25/1967	0.7	IRRIGATION	117
MORRIS, HOWARD L; MORRIS, RHONDA K	37-7198D	1/29/1973	2.39	IRRIGATION	126.8
MORRIS, HOWARD L; MORRIS, RHONDA K	37-7315B	11/7/1973	0.15	IRRIGATION	126.8
MORRIS, HOWARD L; MORRIS, RHONDA K	37-7316	11/7/1973	3.1	IRRIGATION	155

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MORRIS, HOWARD L; MORRIS, RHONDA K	37-7363	5/31/1974	1.64	IRRIGATION	117
MORRIS, HOWARD L; MORRIS, RHONDA K	37-7531	10/6/1976	0.66	IRRIGATION	33
MOSS GREENHOUSES INC; MOSS, CAROLYN A	36-8298	9/23/1985	0.27	COMMERCIAL	
MOSS LAND CO LLP	36-2566	4/27/1963	3.82	IRRIGATION	472.4
MOSS PRODUCE LLC	36-8426	7/18/1989	0.02	COMMERCIAL	
MOSS, CAROLYN A; MOSS, DE WITT A	36-7898	2/27/1980	0.06	COMMERCIAL, DOMESTIC	
MOSS, DEAN H; MOSS, MARSHA	45-14436	10/30/1980	0.04	IRRIGATION, DOMESTIC	2.2
MOUNTAIN VIEW LAND LP	36-16736	12/1/1972	0.98	IRRIGATION	49
MOUNTAIN VIEW LAND LP	36-7273B	11/14/1972	0.92	STOCKWATER, COMMERCIAL	
MOUNTAIN VIEW LAND LP	36-7460L	3/25/1974	0.55	STOCKWATER, COMMERCIAL	
MOUNTAIN VIEW LAND LP	36-7646	9/24/1976	1.05	STOCKWATER, COMMERCIAL	
MOUNTAIN VIEW LAND LP	36-7945	10/20/1980	0.5	IRRIGATION	25
MOUNTAIN VIEW WATER CORP	37-21278	3/22/2004	0.06	DOMESTIC	
MOUNTAIN VIEW WATER CORP	37-7469	3/14/1976	0.67	DOMESTIC	
MOYLE, ALLEN; MOYLE, KARLA	36-8418	3/16/1989	0.48	DOMESTIC	
MOYLE, ALLEN; MOYLE, KARLA	36-8768	6/16/1997	0.17	STOCKWATER, COMMERCIAL	
MOYLE, LEE	36-8450	9/21/1989	0.02	COMMERCIAL	
MPD HOLDING LLC	37-7259	9/12/1973	3.64	IRRIGATION	182
MPD HOLDING LLC	37-8707	3/26/1991	2	IRRIGATION	100
MPH FARMS	36-2556	10/19/1962	3.9	IRRIGATION	286
MUNSEE, AMY; MUNSEE, MARK W	36-8559	9/4/1990	1.86	IRRIGATION	93
MURPHY, LA VERN A	36-8361	5/31/1988	0.09	IRRIGATION	3
MUSSMANN, MILDRED; MUSSMANN, BERWYN	36-7700	5/2/1977	0.73	IRRIGATION, STOCKWATER	88
MVCP LLC	45-13904	11/16/1974	10.07	IRRIGATION	4389
MVCP LLC	45-13981	5/4/1978	4.6	IRRIGATION	4389
MVCP LLC	45-7004	9/6/1967	6.4	IRRIGATION	4389
MVCP LLC	45-7186A	12/7/1974	6.12	IRRIGATION	4389
NALLEY, TINA L	37-8750	7/12/1991	0.13	IRRIGATION, STOCKWATER, DOMESTIC	6
NAPIER, DIANNA K	36-8521	12/19/1991	0.03	IRRIGATION, DOMESTIC	1
NEIBAUR, MACK W	36-11893*	7/23/1985	0.08	IRRIGATION	79
NEIBAUR, MACK W	36-7529H	3/28/1975	0.35	IRRIGATION	79
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-15212*	3/15/1975	0.33	IRRIGATION	310
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-15213*	3/15/1980	0.13	IRRIGATION	310
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-16955*	7/23/1985	0.07	IRRIGATION	79
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-7490	7/30/1974	4	IRRIGATION	310
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-7529A	3/28/1975	0.9	IRRIGATION	541.8
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-7529B	3/28/1975	1.47	IRRIGATION	541.8
NEIBAUR, STEVE	36-15375*	4/1/1978	1.25	IRRIGATION	427
NEIBAUR, STEVE	36-2661	9/12/1966	2.8	IRRIGATION	140
NEILSON, GLENN	36-8487	9/27/1989	0.22	DOMESTIC	
NEILSON, KAYLEEN; NEILSON, KJEL	37-22451	11/25/1962	0.2	IRRIGATION	10
NELLIS, CARL H; NELLIS, JANE	36-7481	6/4/1974	0.04	IRRIGATION	2
NELSEN DAIRY	36-8745	11/7/1995	0.14	STOCKWATER, COMMERCIAL	

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Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
NELSON, JACK; NELSON, KATHY	37-8717	3/1/1991	0.08	IRRIGATION	2.6
NELSON, JACK; NELSON, KATHY	37-8740	3/14/1991	0.09	IRRIGATION	3
NESBIT, BERVA DAWN; NESBIT, LARRY R	36-8124	9/30/1982	0.16	IRRIGATION, STOCKWATER	7
NEUMANN, DAVID A; NEUMANN, SUZANNE	37-7837	6/24/1980	0.1	IRRIGATION, STOCKWATER	5
NEWCOMB, BRUCE C	45-7083	8/20/1971	2.34	IRRIGATION	614.1
NEWCOMB, BRUCE C	45-7184	8/6/1974	5.57	IRRIGATION	614.1
NEWCOMB, BRUCE C	45-7507	6/16/1982	1.93	IRRIGATION	614.1
NEWCOMB, LONNA; NEWCOMB, MARK T	36-7122	2/26/1970	1.4	IRRIGATION	144
NEWCOMB, LONNA; NEWCOMB, MARK T	36-7170	3/22/1971	1.18	IRRIGATION	144
NEWCOMB, LONNA; NEWCOMB, MARK T	36-7890	1/17/1980	1.48	IRRIGATION	144
NEWCOMB, MARK T	45-12439	7/28/1978	11.15	IRRIGATION, STOCKWATER	629
NEWCOMB, MARK T	45-12440	5/14/1976	4.28	IRRIGATION	237
NEWCOMB, MARK T	45-14069	2/6/1979	0.37	IRRIGATION	269.6
NEWCOMB, MARK T	45-7252	7/2/1976	4.56	IRRIGATION	842
NEWCOMB, MARK T	45-7268B	5/14/1976	0.61	IRRIGATION	842
NEWCOMB, MARK T	45-7318	7/14/1977	3.38	IRRIGATION	200
NEWTON, DENNIS; NEWTON, RANDY	36-7308	3/2/1973	1.62	IRRIGATION	368
NIELSEN, A DIANE; NIELSEN, RICHARD G	36-8474	9/29/1989	0.04	COMMERCIAL	
NORTH RIM FAIRWAYS OWNERS ASSN INC	36-8399	1/5/1995	0.41	DOMESTIC	
NORTHSIDE DAIRY	36-7529F	3/28/1975	0.27	IRRIGATION	312
NORTHSIDE DAIRY	36-8490	11/7/1989	0.27	STOCKWATER, COMMERCIAL, DOMESTIC	
NORTHSIDE DAIRY; VERBREE JR, JACK; VERBREE LAND HOLDINGS LLC	36-16747	8/16/1973	0.38	IRRIGATION	100
NORTHSIDE DAIRY; VERBREE LAND HOLDINGS LLC	36-16633	4/8/1975	2.2	IRRIGATION	211.5
NORTHSIDE FARMS CO; NORTHWEST FARM CREDIT SERVICES FLCA	36-7291A	3/13/1973	1.17	IRRIGATION	69
NORTHSIDE RANCH CO LLC	36-13986	3/1/1978	0.2	STOCKWATER, DOMESTIC	
NORTHWEST FARM CREDIT SERVICES FLCA; ROTH INVESTMENTS LLC	37-8685	9/20/1990	0.84	STOCKWATER, INDUSTRIAL	
NORTHWEST FARM CREDIT SERVICES FLCA; VAN BEEK, JOHN W	36-8165	4/7/1983	0.88	STOCKWATER, COMMERCIAL	
NORTHWEST FARM CREDIT SERVICES FLCA; VAN DYK, MARIE C; VAN DYK, RICHARD B	36-8547	4/25/1990	0.33	STOCKWATER, COMMERCIAL, DOMESTIC	
NORTHWEST FARM CREDIT SERVICES FLCA; VERBREE LAND HOLDINGS LLC	36-8667	7/10/1992	0.27	STOCKWATER, COMMERCIAL, DOMESTIC	
NORTHWEST FARM CREDIT SERVICES PCA; TABER, BEVERLY; TABER, DONALD E	37-8401	9/20/1988	3	IRRIGATION	248
NORTHWEST FARM CREDIT SERVICES PCA; TAYLOR, JACK; VERBREE LAND HOLDINGS LLC	36-7882A	12/7/1979	2.06	IRRIGATION	200
NOTCH BUTTE FARMS LLC	36-16139*	3/15/1974	0.18	IRRIGATION	188
NOTCH BUTTE FARMS LLC	36-7123	2/27/1970	2.25	IRRIGATION	403.3
NOTCH BUTTE FARMS LLC	36-7648	9/29/1976	0.44	IRRIGATION	667
NOTCH BUTTE FARMS LLC	36-8050	12/11/1981	2.34	IRRIGATION	403.3
NOTCH BUTTE FARMS LLC	37-20816	11/12/1981	0.49	IRRIGATION	195.4
NOTCH BUTTE FARMS LLC	37-20817	11/12/1981	0.47	IRRIGATION	187
NOTCH BUTTE FARMS LLC	37-22612	9/29/1976	0.11	IRRIGATION	335.1
NOTCH BUTTE FARMS LLC	37-8909*	3/15/1974	0.02	STOCKWATER	

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NUNES BROTHERS DAIRY	36-8552	6/28/1990	0.12	STOCKWATER, COMMERCIAL, DOMESTIC	
NUNES, DUARTE; NUNES, NELINHA	36-16703	10/11/1966	0.05	IRRIGATION	4
O DONNELL, JOSEPH A; O DONNELL, JOYCE M	36-7662	1/8/1977	0.08	IRRIGATION, DOMESTIC	2
OAK VALLEY LAND CO LLC	45-10777A*	3/15/1976	0.47	IRRIGATION	463
OAK VALLEY LAND CO LLC	45-13591*	3/15/1979	0.26	IRRIGATION	241
OAK VALLEY LAND CO LLC	45-13921	9/11/1967	0.36	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13923	11/24/1981	0.49	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13924	12/16/1970	4.33	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-13925	12/16/1970	0.29	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13926	9/30/1971	6.16	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-13927	9/30/1971	0.41	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13928	6/11/1979	6	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-13929	6/11/1979	0.4	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13930	6/30/1985	1.29	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-13931	6/30/1985	0.08	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13934	6/30/1985	2.3	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-13935	6/30/1985	0.15	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13936	9/11/1967	3.46	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-13937	9/11/1967	0.23	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13938	9/6/1967	4.94	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-13939	9/6/1967	0.33	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13943	9/11/1967	0.92	STOCKWATER, COMMERCIAL	
OAK VALLEY LAND CO LLC	45-13945	11/24/1981	1.24	STOCKWATER, COMMERCIAL	
OAK VALLEY LAND CO LLC	45-13984	9/11/1967	3.17	IRRIGATION	265.1
OAK VALLEY LAND CO LLC	45-13985	9/11/1967	1.03	STOCKWATER, COMMERCIAL	
OAK VALLEY LAND CO LLC	45-14005*	4/1/1978	0.33	IRRIGATION	265.1
OAK VALLEY LAND CO LLC	45-14006*	4/1/1978	0.1	STOCKWATER, COMMERCIAL	
OAK VALLEY LAND CO LLC	45-14308	9/11/1967	3.76	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-14309	9/11/1967	0.75	STOCKWATER, COMMERCIAL	
OAK VALLEY LAND CO LLC	45-14310	11/24/1981	5.07	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-14311	11/24/1981	1.02	STOCKWATER, COMMERCIAL	
OAK VALLEY LAND CO LLC	45-4176*	3/15/1976	0.18	IRRIGATION	463
OAK VALLEY LAND CO LLC	45-7141	6/18/1973	2.25	IRRIGATION	371.7
OAK VALLEY LAND CO LLC	45-7339B	2/2/1978	0.8	IRRIGATION	371.7
OAK VALLEY LAND CO LLC	45-7672	12/29/1989	0.43	IRRIGATION	371.7
OLIVER, DEBBY; OLIVER, ROGER K	45-7545	6/29/1983	0.05	IRRIGATION	1.5
OLIVER, JIMMY R	45-7650	6/21/1989	0.06	IRRIGATION, DOMESTIC	1
OLSON, CHRISTIAN CHAD	37-8377	8/19/1988	0.03	IRRIGATION	1
OPPIO LAND & LIVESTOCK LLC	37-19848*	4/15/1987	0.29	IRRIGATION	142.4
OPPIO LAND & LIVESTOCK LLC	37-8010	12/5/1982	2.52	IRRIGATION	142.4
OPPIO LAND & LIVESTOCK LLC	37-8756C	2/4/1987	1.34	IRRIGATION	67
ORLO H MAUGHAN FAMILY REVOCABLE TRUST	36-7669	1/17/1977	2.36	IRRIGATION	1100
ORLO H MAUGHAN FAMILY REVOCABLE TRUST	36-7883B	1/15/1980	1.49	IRRIGATION	1100
ORLO H MAUGHAN FAMILY REVOCABLE TRUST DTD 02/03/1978	36-15191	6/15/1981	0.45	IRRIGATION	1100
ORLO H MAUGHAN FAMILY REVOCABLE TRUST DTD 02/03/1978	36-7964A	2/9/1981	2	IRRIGATION	1100

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ORLO H MAUGHAN FAMILY REVOCABLE TRUST DTD 02/03/1978	36-7964B	2/9/1981	3.7	IRRIGATION	1100
OVERMAN, ARQUE W; RUBY OVERMAN TRUST	36-2700	4/13/1967	0.97	IRRIGATION	75
OVERMAN, ARQUE W; RUBY OVERMAN TRUST	36-2715	8/22/1966	1.01	IRRIGATION	78
OXARANGO, ROBERT; OXARANGO, ROCHELLE	36-7030	6/7/1968	0.7	IRRIGATION	35
P & C IRRIGATION ASSN INC	37-2740	7/11/1966	4.06	IRRIGATION	1156
PALACIO, THOMAS R	37-7629	6/14/1977	1.3	IRRIGATION	76
PARKINSON, ROBERT J	36-8591	3/6/1991	1	IRRIGATION	66
PARNELL, KEVIN	36-15651	10/18/1968	0.05	STOCKWATER, COMMERCIAL	
PARNELL, KEVIN	36-15653	12/3/1966	0.04	STOCKWATER, COMMERCIAL	
PARNELL, KEVIN	36-15655	2/18/1971	0.02	STOCKWATER, COMMERCIAL	
PARNELL, KEVIN	36-16207	2/27/1979	0.02	STOCKWATER, COMMERCIAL	
PARNELL, KEVIN	37-21266	2/27/1979	0.07	IRRIGATION, MITIGATION	3.6
PARR, LOVELLE L; PARR, ROLLIN	36-7541	5/7/1975	0.19	IRRIGATION	25
PATTCO, LLLP	45-13398*	3/15/1987	0.66	IRRIGATION	133
PATTCO, LLLP	45-13399*	3/15/1976	0.97	IRRIGATION	305
PATTCO, LLLP	45-7164	1/17/1974	1.2	IRRIGATION	133
PATTCO, LLLP	45-7261	3/13/1976	0.7	IRRIGATION	305
PATTCO, LLLP	45-7603	7/9/1986	1.26	IRRIGATION	72
PATTERSON BROTHERS	36-8022B	11/19/1981	0.04	COMMERCIAL	
PATTERSON FARMS OF IDAHO INC	36-7718	6/1/1977	1.68	IRRIGATION	84
PATTERSON LAND & LIVESTOCK CO INC	37-7357	4/25/1974	2.9	IRRIGATION	170
PATTERSON LAND & LIVESTOCK CO INC	37-7952	11/18/1981	0.15	IRRIGATION	10
PATTERSON, ARNOLD F; PATTERSON, CECILIA S	36-7687	4/4/1977	2.8	IRRIGATION	199
PATTERSON, ARNOLD F; PATTERSON, CECILIA S	36-8022A	11/19/1981	0.15	STOCKWATER	
PATTERSON, E F; PATTERSON, PHYLLIS A	36-8449	10/12/1989	0.03	IRRIGATION	1
PATTERSON, LISA E; PATTERSON, RUSSELL V	36-16499*	4/1/1984	0.04	IRRIGATION	466.5
PATTERSON, LISA E; PATTERSON, RUSSELL V	36-16526*	4/1/1955	0.31	IRRIGATION	466.5
PATTERSON, LISA E; PATTERSON, RUSSELL V	36-7101	12/16/1969	1.12	IRRIGATION	307
PAUL CEMETERY MAINTENANCE DISTRICT	36-8586	4/24/1991	0.2	IRRIGATION	10
PAVKOV, JOAN R; PAVKOV, JOSEPH D	37-7255	7/31/1973	4.68	IRRIGATION	280
PAYTON, BROOKE; PAYTON, STEVEN R	36-7483	6/7/1974	0.12	IRRIGATION	6
PEARSON, DONALD N; PEARSON, MARY L	36-16727	3/7/1978	0.07	IRRIGATION	3.6
PELICAN POINT SUBDIVISION ASSN INC	36-8772	1/16/1998	0.73	DOMESTIC	
PERRINE RANCH INVESTMENT GROUP	36-8017	12/24/1981	0.06	STOCKWATER, DOMESTIC	
PERRY GILLETTE FARMS INC	36-15552	3/15/1974	0.86	IRRIGATION	282.6
PETE & JANE REITSMA LIVING TRUST	36-16651	12/17/1974	1.54	IRRIGATION	76.9
PETE & JANE REITSMA LIVING TRUST	36-16652	12/17/1974	0.06	STOCKWATER, COMMERCIAL	
PETE & JANE REITSMA LIVING TRUST	36-8378	7/23/1997	0.07	STOCKWATER, COMMERCIAL	
PETERS, THOMAS R	36-8577	2/28/1991	1.68	IRRIGATION	94
PETTA, DANIEL FREDRICK	36-16144	11/25/1977	0.02	IRRIGATION	1
PETTERSON, REBECCA L; PETTERSON, TIM	36-7460AH	3/25/1974	0.49	STOCKWATER, COMMERCIAL	
PETTERSON, REBECCA L; PETTERSON, TIM	36-8533	4/11/1990	0.1	STOCKWATER, COMMERCIAL, DOMESTIC	

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PICKET, KIRK	45-7635	4/12/1993	0.08	COMMERCIAL	
PICKETT RANCH & SHEEP CO	45-13658	6/30/1985	0.34	IRRIGATION	475
PIERSON, MARGARET A; PIERSON, MARVIN E	37-7649	7/27/1978	2.99	IRRIGATION	181
PIETERS, ALLAN; PIETERS, VIRGINA	36-7431	1/18/1974	0.54	IRRIGATION	122
PILKINTON, C R; PILKINTON, THOMAS R	36-7650B	7/30/1976	0.08	IRRIGATION	4
PIRES, JOHN; PIRES, LUCIA	36-10664	6/23/1976	0.05	IRRIGATION	1.6
PITCHFORK RANCH LLC	61-2242	7/28/1966	0.94	IRRIGATION	861
PITCHFORK RANCH LLC	61-2243	7/26/1966	1.6	IRRIGATION	861
PITCHFORK RANCH LLC	61-7231	10/4/1968	1.2	IRRIGATION	861
PKD PROPERTIES LC	45-14019	2/10/1981	2.05	IRRIGATION	104
PKD PROPERTIES LC	45-2709	1/6/1966	4.72	IRRIGATION	236
PKD PROPERTIES LC	45-7102	4/2/1973	0.7	IRRIGATION	328
PKD PROPERTIES LC	45-7104A	7/5/1972	2.16	IRRIGATION	108
PKD PROPERTIES LC	45-7104B	7/4/1972	0.32	IRRIGATION	328
PKD PROPERTIES LC	45-7109	5/11/1972	0.89	IRRIGATION	140
PKD PROPERTIES LC	45-7159	11/13/1973	2.36	IRRIGATION	118
PKD PROPERTIES LC	45-7292	4/25/1977	2.6	IRRIGATION	180
PKD PROPERTIES LC	45-7299	5/4/1977	3.18	IRRIGATION	165
PKD PROPERTIES LC	45-7433	12/28/1979	0.83	IRRIGATION	140
PKD PROPERTIES LC	45-7508	7/12/1982	1.62	IRRIGATION	112
PKD PROPERTIES LC; THE DUNCAN LTD PARTNERSHIP	45-7037	4/18/1969	0.78	IRRIGATION	60
PKD PROPERTIES LC; TLD PROPERTIES LLC	45-13475	6/30/1985	3.66	IRRIGATION	2040
PKD PROPERTIES LC; TLD PROPERTIES LLC	45-13788	12/3/1971	1.64	STOCKWATER, COMMERCIAL	
PKD PROPERTIES LC; TLD PROPERTIES LLC	45-14060	12/3/1971	21.38	IRRIGATION	2219
PKD PROPERTIES LC; TLD PROPERTIES LLC	45-14061	12/3/1971	1.01	STOCKWATER, COMMERCIAL, DOMESTIC	
PKD PROPERTIES LC; TLD PROPERTIES LLC	45-14101	4/29/1970	0.11	STOCKWATER, COMMERCIAL	
PKD PROPERTIES LC; TLD PROPERTIES LLC	45-7086D	12/3/1971	5.07	IRRIGATION	934
PKD PROPERTIES LC; TLD PROPERTIES LLC	45-7086F	12/3/1971	4.53	IRRIGATION	2040
POPA, DAN; POPA, PAM	36-8197	6/7/1983	0.08	IRRIGATION, DOMESTIC	2.5
POSTMA, LAURA; POSTMA, RAYMOND	37-7447B	7/30/1975	0.31	IRRIGATION	16
POTEET, HERBERT W; POTEET, RICHARD F	36-7600	1/19/1976	3.88	IRRIGATION	308
PRATT, CAMI; PRATT, JARED A	36-2685	2/27/1967	0.35	IRRIGATION	17.5
PRESCOTT, ALICE M; PRESCOTT, GWENNA R; PRESCOTT, MARVIN L; PRESCOTT, WADE L	37-7620	6/2/1977	3.31	IRRIGATION, IRRIGATION STORAGE, IRRIGATION FROM STORAGE, DIVERSION TO STORAGE	450.4
PRICE, BERTHA; PRICE, EUGENE F	45-10000*	4/1/1971	0.74	IRRIGATION	202.1
PRINCE, CARI L; PRINCE, JAMES J	36-15685	10/18/1968	0.17	STOCKWATER, COMMERCIAL	
PRINCE, CARI L; PRINCE, JAMES J	36-15687	12/3/1966	0.13	STOCKWATER, COMMERCIAL	
PRINCE, CARI L; PRINCE, JAMES J	36-15689	2/18/1971	0.07	STOCKWATER, COMMERCIAL	
PRINCE, CARI L; PRINCE, JAMES J	36-16100	5/9/1988	0.09	STOCKWATER, COMMERCIAL	
PRINCE, CARI L; PRINCE, JAMES J	36-8395	9/23/1988	0.11	STOCKWATER, COMMERCIAL	

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PRINCE, CARI L; PRINCE, JAMES J	36-8505	2/23/1990	0.08	STOCKWATER, COMMERCIAL, DOMESTIC	
PRUETT, BRENDA; PRUETT, DAN R	45-13821	10/13/1972	0.05	IRRIGATION	6.1
QUAD CAPITAL LLC	36-8221	7/9/1983	0.02	COMMERCIAL	
R J LLC	36-7523	2/26/1975	2.68	IRRIGATION, DOMESTIC	660
R J LLC	36-7835	12/22/1978	3.13	IRRIGATION	660
R J LLC	36-7934	8/19/1980	2.68	IRRIGATION	660
R J LLC	36-7042	10/15/1968	5.12	IRRIGATION	555
RAFTER J FARM & LIVESTOCK LLC	36-7009	9/18/1967	0.56	IRRIGATION	28
RANGEN INC	36-8048	12/21/1981	0.41	IRRIGATION	20.2
RAVENSCROFT, HARRIETT B; RAVENSCROFT, VERNON F	37-7343	3/3/1974	1.8	IRRIGATION	90
RED BRIDGE FARMS LLC	36-14285*	5/1/1977	0.32	IRRIGATION	274
RED BRIDGE FARMS LLC	36-14394*	6/28/1967	0.16	IRRIGATION	618
RED BRIDGE FARMS LLC	36-2546	8/22/1962	4.9	IRRIGATION	618
RED BRIDGE FARMS LLC	36-2581	11/14/1963	4.4	IRRIGATION	303
REED & LESLIE BROWN FAMILY LTD PARTNERSHIP	36-7102A	12/17/1969	0.07	IRRIGATION	4.5
REED & LESLIE BROWN FAMILY LTD PARTNERSHIP	36-7102B	12/17/1969	4.16	IRRIGATION	306.5
REED, DARLENE; REED, JOHN GLENN	36-16558	2/8/1963	4.79	IRRIGATION	262
REED, GLENN E	36-16557	2/8/1963	0.05	IRRIGATION	3
REITSMA, JOHN; REITSMA, SUSAN	36-16304	12/4/1972	1.81	IRRIGATION	94.7
REITSMA, JOHN; REITSMA, SUSAN	36-16305	12/4/1972	0.03	STOCKWATER, COMMERCIAL	
REITSMA, JOHN; REITSMA, SUSAN	36-7277B	12/4/1972	0.39	STOCKWATER, COMMERCIAL	
REMSBERG, JOHN D; REMSBERG, JUDY	36-16728	3/7/1978	0.71	IRRIGATION	35.4
REMSBERG, JOHN D; REMSBERG, JUDY	36-7730	7/1/1977	4	IRRIGATION	400
RICHAN, CLYDE L; RICHAN, ELVERA L	36-8486	9/19/1989	0.03	COMMERCIAL, DOMESTIC	
RICHARDS, BETH N; RICHARDS, JACKSON H	36-16110	11/19/1979	0.06	IRRIGATION	3
RIDDLE, LEN H; VEENSTRA, FRANK W	36-7376	9/29/1973	2.75	IRRIGATION	185
RIETKERK, GEORGE; RIETKERK, NANCY	36-7888	1/10/1980	0.07	IRRIGATION, STOCKWATER, DOMESTIC	1
RIETKERK, JOHN H; RIETKERK, RHONDA M	36-2692	6/2/1967	2.56	IRRIGATION	220
RIETKERK, JOHN H; RIETKERK, RHONDA M	36-7691	3/22/1977	0.7	IRRIGATION	220
RITCHIE, JAMES M; RITCHIE, KARLYN	36-7394	11/14/1973	4.56	IRRIGATION	330
RITCHIE, JAMES M; RITCHIE, KARLYN	36-7752	9/28/1977	3.58	IRRIGATION	251
RITCHIE, JAMES M; RITCHIE, KARLYN	36-8077	7/12/1984	1.6	IRRIGATION	330
RIVERSIDE CEMETERY DISTRICT	36-15341*	8/20/1976	0.12	IRRIGATION	9
RIVERSIDE CEMETERY DISTRICT	36-7063	5/8/1969	0.08	IRRIGATION	9
RIVERSIDE CEMETERY DISTRICT	36-7227	3/8/1972	0.2	IRRIGATION	9
RIVERSIDE ELECTRIC CO	36-8492	11/13/1989	0.01	COMMERCIAL	
ROBERTSON LAND CO LLC	36-15155	2/3/1966	3.28	IRRIGATION	400
ROBERTSON LAND CO LLC	36-16591	2/29/1968	2.82	IRRIGATION	426
ROBERTSON LAND CO LLC	36-7674	1/28/1977	4.74	IRRIGATION	400
ROBERTSON, COLLETTE; ROBERTSON, LOGAN	36-16840	3/13/1989	0.02	IRRIGATION	7.7
ROBERTSON, COLLETTE; ROBERTSON, LOGAN	36-16844	3/7/1966	0.02	IRRIGATION	7.7
ROBERTSON, COLLETTE; ROBERTSON, LOGAN	36-16846	7/13/1987	0.01	IRRIGATION	7.7

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ROBERTSON, COLLETTE; ROBERTSON, LOGAN	36-16852	9/27/1968	0.02	IRRIGATION	7.7
ROBERTSON, COLLETTE; ROBERTSON, LOGAN	36-16854	4/6/1978	0.01	IRRIGATION	7.7
ROBERTSON, PAUL	36-11124	5/1/1972	0.52	IRRIGATION	1140
ROBERTSON, PAUL	36-7056	5/7/1969	6.4	IRRIGATION	1140
ROBERTSON, PAUL	36-7690A	4/6/1978	2.24	IRRIGATION	1140
ROBINSON, DIANE	36-11109	3/15/1963	0.12	IRRIGATION	6
ROCHA DAIRY	36-7460AB	3/25/1974	0.6	STOCKWATER, COMMERCIAL, DOMESTIC	
ROCHA DAIRY	36-8379	8/19/1988	0.38	STOCKWATER, COMMERCIAL, DOMESTIC	
ROCKY MOUNTAIN AGRONOMICS INC	36-4009	4/16/1963	0.5	IRRIGATION	26.6
RODNEY HANSEN FARMS INC	36-11147*	3/15/1968	0.27	IRRIGATION	500
ROGERS, DOROTHY; ROGERS, WAYNE	36-7428	1/10/1974	0.4	IRRIGATION	30
ROLLER KING TRUST	36-8419	4/4/1989	0.04	COMMERCIAL	
ROLLING ROCK DAIRY FARM LLC	36-8546	5/15/1990	0.08	STOCKWATER, COMMERCIAL	
ROOST POTATO CO INC	36-7000	6/14/1967	0.56	STOCKWATER	
ROSA, EDWARD M	36-15511	3/24/1963	0.19	STOCKWATER, COMMERCIAL	
ROSA, EDWARD M; ROSA, KAREN	37-7009	1/16/1968	3.04	IRRIGATION	151.7
ROSA, EDWARD M; ROSA, KAREN R	37-7447A	7/30/1975	0.29	IRRIGATION	15
ROSS, PAULINE	37-8112	6/2/1983	0.02	COMMERCIAL, COOLING	
ROTH INVESTMENTS LLC	36-16683	2/26/1980	18.39	IRRIGATION	1151.5
ROTH INVESTMENTS LLC	36-16684	2/26/1980	0.37	STOCKWATER, COMMERCIAL	
ROTH INVESTMENTS LLC	36-16859	7/5/1973	0.18	STOCKWATER, COMMERCIAL	
ROTH INVESTMENTS LLC	36-16860	7/5/1973	2.67	IRRIGATION	220
ROTH INVESTMENTS LLC	36-16886*	7/5/1985	0.49	IRRIGATION	220
ROTH INVESTMENTS LLC	36-16887*	7/5/1985	0.03	STOCKWATER, COMMERCIAL	
ROTH INVESTMENTS LLC	36-2612A	5/6/1965	2.74	IRRIGATION	234
ROTH INVESTMENTS LLC	36-2612B	5/6/1965	0.9	STOCKWATER, COMMERCIAL	
ROTH INVESTMENTS LLC	36-7705	5/16/1977	2.09	IRRIGATION	167
ROTH INVESTMENTS LLC	36-7894B	2/26/1980	0.31	STOCKWATER, COMMERCIAL	
ROTH INVESTMENTS LLC	36-7906A	3/26/1980	0.35	IRRIGATION	234
ROTH INVESTMENTS LLC	36-7906B	3/26/1980	0.11	STOCKWATER, COMMERCIAL	
ROTH, JAMES D	36-7395	10/24/1973	3.18	IRRIGATION	314
ROWSER, JUSTIN	45-13519*	3/15/1976	0.01	IRRIGATION	27
ROYCE, DAN; ROYCE, JO ANNE	36-8609	10/21/1991	0.02	DOMESTIC	2.5
RUBY RANCH INC	36-7860	6/20/1979	1.01	IRRIGATION	51
RUBY, HAROLD J; RUBY, LINDA L	36-7508A	11/5/1974	0.61	IRRIGATION	33
RUBY, KENNETH E	36-7207A	10/12/1971	1.28	IRRIGATION	64
RUBY, KENNETH E	36-7794	4/28/1978	0.38	IRRIGATION	19
RUBY, KENNETH E; RUBY, MARY LOU	37-7442	7/11/1975	6.47	IRRIGATION, STOCKWATER, DOMESTIC	320
RUDY, THOMAS A	45-7278	12/6/1976	0.24	DOMESTIC	
RUPERT ANIMAL HOSPITAL	36-8460	10/11/1989	0.05	COMMERCIAL	
RUPERT FIRST CHRISTIAN CHURCH	36-12780	9/1/1962	0.04	IRRIGATION	2
RURAL ELECTRIC CO	36-8435	8/11/1989	0.04	COMMERCIAL	
RYAN, EDWARD G	37-7313	11/2/1973	1.11	IRRIGATION	75
SABALA, JANE M; SABALA, JERRY	36-7515	12/12/1974	0.73	IRRIGATION	38
SACCOMAN, MARK M	36-7380	9/19/1973	0.32	IRRIGATION	16
SAGEBRUSH SPUDS	36-8366	6/15/1988	0.02	COMMERCIAL	
SALMON FALLS LAND & LIVESTOCK CO INC	36-10033*	3/15/1975	1.07	IRRIGATION	370

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SALMON FALLS LAND & LIVESTOCK CO INC	36-10035*	3/15/1981	0.47	IRRIGATION	370
SALMON FALLS LAND & LIVESTOCK CO INC	36-10037*	3/15/1974	1.65	IRRIGATION	404
SAND SPRINGS LP	36-7136	7/10/1970	4.2	IRRIGATION	235
SAND SPRINGS LP	36-7163	3/3/1971	5.49	IRRIGATION	420
SAND SPRINGS LP	36-7452	3/11/1974	0.5	IRRIGATION	235
SAND SPRINGS LP	36-7453	3/11/1974	1.34	IRRIGATION	67
SAND SPRINGS RANCH PARTNERSHIP	36-7499A	9/4/1974	2.26	IRRIGATION	113
SAWTOOTH SHEEP INC	37-8702	1/31/1991	2.5	IRRIGATION	260
SCARROW, JIM D	36-15328	7/6/1974	5.19	IRRIGATION	263
SCARROW, JIM D	36-7110	12/22/1969	4.68	IRRIGATION	313
SCARROW, JIM D	36-7111	12/22/1969	5.13	IRRIGATION	264
SCARROW, JIM D	36-7153	1/20/1971	2.8	IRRIGATION	140
SCARROW, JIM D	36-7337K	11/25/1977	1.3	STOCKWATER, COMMERCIAL	
SCARROW, JIM D	36-7365A	8/10/1973	1.12	IRRIGATION	106
SCARROW, JIM D	36-7365B	8/10/1973	0.33	STOCKWATER, COMMERCIAL	
SCARROW, JIM D	36-7386	10/9/1973	3.2	IRRIGATION	160
SCARROW, JIM D	36-7563	9/26/1974	4.38	IRRIGATION	219
SCARROW, JIM D	36-7572	10/14/1975	2.64	IRRIGATION	132
SCARROW, JIM D	36-8164	6/27/1985	2.08	IRRIGATION	104
SCARROW, JIM D	36-8263	2/3/1985	0.85	IRRIGATION	128
SCARROW, JIM D	37-8152	6/30/1983	0.25	STOCKWATER	
SCARROW, JIM D	37-8901	11/25/1977	0.2	STOCKWATER	
SCHAEFFER, DAN; SCHAEFFER, JAMES K	36-8220B	2/7/1990	1.2	IRRIGATION	162
SCHENK, ROBERT W; STEWART, REID S; ZOLLINGER, C S	36-10030*	4/1/1975	1.3	IRRIGATION	462
SCHMID, JOHN; SCHMID, PATRICIA	36-8434	7/31/1989	0.03	IRRIGATION	1
SCHOTH, PAMELA S	36-8589	5/9/1991	0.13	IRRIGATION, DOMESTIC	2.7
SEARLE, CLIFFORD; SEARLE, CLOYD R; SEARLE, CRAIG; SEARLE, KELLY; SEARLE, KENT R; SEARLE, RAYMOND C	45-13946	5/4/1978	0.35	STOCKWATER, COMMERCIAL	
SEARLE, GERALDINE; SEARLE, ORVAL M	45-7028	3/19/1968	3	IRRIGATION	458
SEARLE, RAYMOND C; SEARLE, SHAROL	45-7125	1/31/1973	3.14	IRRIGATION	4389
SEARLE, SCOTT O	45-7151	8/29/1973	1.38	IRRIGATION	458
SEARLE, SCOTT O	45-7338	1/31/1978	1.54	IRRIGATION	458
SEARLE, SCOTT O	45-7358B	3/20/1979	1.54	IRRIGATION	458
SEARS, CODY J; SEARS, NATALIE N	36-8372	8/3/1988	0.06	IRRIGATION	3
SERR, DARYL J; SERR, ILENE M	36-7026	6/5/1968	4.9	IRRIGATION	291
SERR, KAREN B; SERR, MAX A	36-15364*	4/1/1985	0.06	IRRIGATION	214
SERR, KAREN B; SERR, MAX A	36-7299	2/7/1973	4.22	IRRIGATION	214
SERR, KAREN B; SERR, MAX A	36-7965	12/29/1980	1.18	IRRIGATION	59
SEVERANCE, EULA; SEVERANCE, RICHARD	37-2724	2/11/1966	1.26	IRRIGATION	63
SHADY GROVE DAIRY PROPERTIES LLC	37-7458A	10/14/1975	1.25	IRRIGATION	145
SHADY GROVE DAIRY PROPERTIES LLC	37-8751	6/11/1991	0.11	STOCKWATER, COMMERCIAL, DOMESTIC	
SHAFFER, JOSEPH D	37-22305	7/22/1971	0.08	IRRIGATION	3
SHAW, ACEY RYAN; SHAW, JALYN BELLE; SHAW, RITA S; SHAW, WILLIAM HUBERT	37-21264	2/27/1979	0.63	IRRIGATION	31.5
SHAW, RITA S; SHAW, WILLIAM HUBERT	37-21425	1/7/1974	2.65	IRRIGATION	133
SHAW, DEAN B	36-7702	5/5/1977	2.32	IRRIGATION	116
SHAW, EUGENE L; SHAW, JOYCE	37-7314	11/5/1973	2.8	IRRIGATION	180
SHAW, EUGENE L; SHAW, JOYCE	37-7726	8/10/1978	0.8	IRRIGATION	180
SHAW, RITA S; SHAW, WILLIAM HUBERT	37-7189	12/29/1972	2.45	IRRIGATION	150

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SHAW, RITA S; SHAW, WILLIAM HUBERT	37-7716	5/22/1978	0.78	IRRIGATION	39
SHAW, WILLIAM HUBERT	37-7149	6/26/1972	4.46	IRRIGATION	1892
SHAW, WILLIAM HUBERT	37-7394	12/1/1974	5.94	IRRIGATION, STOCKWATER	1892
SHAW, WILLIAM HUBERT	37-7768	2/28/1979	0.18	STOCKWATER	
SHAW, WILLIAM HUBERT	37-7814	12/12/1979	0.14	IRRIGATION	1892
SHAW, WILLIAM HUBERT	37-8705	2/21/1991	7	IRRIGATION	1892
SHEPARD, JANET C; SHEPARD, ROBERT J	36-14202*	5/1/1975	0.2	IRRIGATION	130
SHEPARD, JANET C; SHEPARD, ROBERT J	36-7737A	7/29/1977	1.42	IRRIGATION	120
SHEPARD, JANET C; SHEPARD, ROBERT J	36-7737B	7/29/1977	0.16	IRRIGATION	142
SHOSHONE JOINT SCHOOL DISTRICT #312	37-7498	6/25/1976	0.3	IRRIGATION	18
SIMPSON, JOYE	45-7333B	1/19/1978	0.08	IRRIGATION	8
SIMPSON, JOYE; TURNER, LOVELL J; TURNER, RONALD J	45-7731	2/12/1996	1.21	IRRIGATION	110.9
SINCLAIR OIL CORP	45-7657	6/30/1989	0.02	COMMERCIAL	
SINNOTT, EDGAR L	37-8869	2/3/1998	0.04	DOMESTIC	
SIRUCEK, MIKE	36-8569	12/10/1990	0.46	IRRIGATION	67
SIX HEPS LTD PARTNERSHIP	45-13775	9/6/1962	0.8	IRRIGATION	308
SKAAR, KELLI JO	36-7434	3/21/1974	0.17	IRRIGATION, STOCKWATER	8.5
SLADE, DELILAH; SLADE, KEVIN L	36-15229*	8/17/1972	0.3	IRRIGATION	153
SLADE, DELILAH; SLADE, KEVIN L	36-7119	2/24/1970	2.41	IRRIGATION	153
SLADE, WILLIAM J; SLADE, WYLENE	36-15228*	3/15/1973	0.1	IRRIGATION	459
SLADE, WILLIAM J; SLADE, WYLENE	36-2598	1/7/1965	0.98	IRRIGATION	459
SLADE, WILLIAM J; SLADE, WYLENE	36-7254	8/9/1972	3.2	IRRIGATION	459
SLADE, WILLIAM J; SLADE, WYLENE	36-7301	2/13/1973	1.12	IRRIGATION	459
SLIGAR, KEITH	36-7619	8/16/1976	4.15	COMMERCIAL, RECREATION, FIRE PROTECTION	
SLIMAN, MICHAEL E; SLIMAN, MIKE G	37-8060	12/9/1982	0.01	COMMERCIAL	
SLIMAN, MICHAEL E; SLIMAN, MIKE G	37-8061	12/9/1982	0.07	IRRIGATION, DOMESTIC	1
SLUDER, GILBERT T; SLUDER, GONDA O; SLUDER, RONALD E	37-8108	6/1/1983	0.08	DOMESTIC	
SMITH, CLIFFORD L	36-8522	4/11/1990	0.14	IRRIGATION, STOCKWATER, DOMESTIC	5
SMITH, DAVID RA	37-7484	3/22/1976	2.88	IRRIGATION	144
SMITH, GEORGE E; SMITH, NANCY L	45-7541	7/29/1983	0.03	IRRIGATION	1
SMITH, JAMES M; SMITH, SHERRI	45-7180	7/15/1974	0.62	IRRIGATION, DOMESTIC	38
SMITH, JEREMY S	36-16967	5/2/1977	0.05	IRRIGATION	26.4
SMITH, JEREMY S	36-16969	3/15/1981	0.02	IRRIGATION	26.4
SMITH, JEREMY S	36-16970	11/18/1966	0.14	IRRIGATION	26.4
SMITH, JEREMY S; SMITH, LISA G; SMITH, RANAE GRIFFIN	36-16658	12/9/1968	0.33	IRRIGATION	51
SMITH, JEREMY S; SMITH, LISA G; SMITH, RANAE GRIFFIN	36-16660	10/10/1969	0.33	IRRIGATION	51
SMITH, JEREMY S; SMITH, LISA G; SMITH, RANAE GRIFFIN	36-16662	1/17/1973	0.08	IRRIGATION	51
SMITH, JEREMY S; SMITH, LISA G; SMITH, RANAE GRIFFIN	36-16664	11/15/1973	0.17	IRRIGATION	51
SMITH, JEREMY S; SMITH, LISA G; SMITH, RANAE GRIFFIN	36-16666*	5/1/1984	0.07	IRRIGATION	51
SMITH, JOHN E	45-7353B	8/9/1978	0.04	IRRIGATION, STOCKWATER, DOMESTIC	2.8
SMITH, RONNIE D; SMITH, SHARLENE M	36-16559	2/8/1971	2.01	IRRIGATION	149
SMITH, RONNIE D; SMITH, SHARLENE M	36-16837	2/8/1971	0.48	IRRIGATION	35.7

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SMITH, RONNIE D; SMITH, SHARLENE M	36-8333	8/25/1987	2.91	IRRIGATION	146
SOARES, JOHN C	36-8803	7/13/2000	0.13	STOCKWATER, COMMERCIAL	
SODERQUIST, CHRISTIE; SODERQUIST, KEITH EDWIN	36-7416C	2/22/1974	4.78	IRRIGATION	310.4
SODERQUIST, CHRISTIE; SODERQUIST, KEITH EDWIN	36-7416D	2/22/1974	4	IRRIGATION	310.4
SOLAR FARMS	36-7266	11/13/1972	1.66	IRRIGATION	133
SORENSON, ESMERALDA J; SORENSON, GREGORY J	37-20361	1/9/2001	0.06	STOCKWATER	
SOUTH IDAHO LEASING INC	36-7768	11/28/1977	3.42	IRRIGATION	171
SOUTH VIEW DAIRY	36-14035D	5/26/1976	0.14	COMMERCIAL	
SOUTH VIEW DAIRY	36-16605	6/7/1965	0.43	IRRIGATION	236.2
SOUTH VIEW DAIRY	36-16606	6/7/1965	0.01	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-16607	2/26/1973	0.33	IRRIGATION	236.2
SOUTH VIEW DAIRY	36-16608	2/26/1973	0.01	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-16609	8/2/1973	0.52	IRRIGATION	236.2
SOUTH VIEW DAIRY	36-16610	8/2/1973	0.02	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-16611	5/28/1974	0.16	IRRIGATION	236.2
SOUTH VIEW DAIRY	36-16612	5/28/1974	0.01	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-16613	2/4/1976	0.15	IRRIGATION	236.2
SOUTH VIEW DAIRY	36-16614	2/4/1976	0.01	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-16615	2/22/1978	0.18	IRRIGATION	236.2
SOUTH VIEW DAIRY	36-16616	2/22/1978	0.01	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-16619	12/11/1969	1.47	IRRIGATION	236.2
SOUTH VIEW DAIRY	36-16620	12/11/1969	0.04	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-2586D	1/28/1964	0.14	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-7681A	2/14/1977	0.9	IRRIGATION	56.7
SOUTH VIEW DAIRY	36-7681B	2/14/1977	0.08	STOCKWATER, COMMERCIAL, DOMESTIC	
SOUTH VIEW DAIRY	36-8578	2/8/1993	0.25	STOCKWATER, COMMERCIAL	
SOUTHERN IDAHO REGIONAL SOLID WASTE DISTRICT	45-7047B	2/26/1970	0.89	IRRIGATION, STOCKWATER, INDUSTRIAL, DOMESTIC	640
SOUTHERN IDAHO REGIONAL SOLID WASTE DISTRICT	45-7221B	1/7/1975	0.46	IRRIGATION, STOCKWATER, INDUSTRIAL, DOMESTIC	640
SOUTHFIELD DAIRY	36-8387	8/31/1988	2.48	IRRIGATION	149
SOUTHFIELD PROPERTIES LLC	36-10666*	5/1/1987	0.19	IRRIGATION	142
SOUTHFIELD PROPERTIES LLC	36-2590	5/19/1964	2.42	IRRIGATION	142
SOUTHFIELD PROPERTIES LLC	36-2907	4/26/1990	0.8	IRRIGATION	436
SOUTHFIELD PROPERTIES LLC	36-7295A	12/11/1973	2.43	IRRIGATION	177
SOUTHFIELD PROPERTIES LLC	36-7295B	12/11/1973	2.8	IRRIGATION	190.9
SOUTHFIELD PROPERTIES LLC	36-7295C	12/11/1973	0.32	STOCKWATER, COMMERCIAL	
SOUTHFIELD PROPERTIES LLC	36-7304A	2/23/1973	5.2	IRRIGATION	322
SOUTHFIELD PROPERTIES LLC	36-7304B	2/23/1973	0.24	STOCKWATER, COMMERCIAL	
SOUTHFIELD PROPERTIES LLC	36-7304C	2/23/1973	0.8	STOCKWATER, COMMERCIAL	
SOUTHFIELD PROPERTIES LLC	36-7325A	4/12/1973	3.6	IRRIGATION	188.5
SOUTHFIELD PROPERTIES LLC	36-7325B	4/12/1973	0.95	IRRIGATION	279
SOUTHFIELD PROPERTIES LLC	36-7326	4/6/1973	0.64	IRRIGATION	36
SOUTHFIELD PROPERTIES LLC	36-7377D	9/7/1973	0.79	STOCKWATER, COMMERCIAL	
SOUTHFIELD PROPERTIES LLC	36-7377F	9/7/1973	0.24	IRRIGATION	141
SOUTHFIELD PROPERTIES LLC	36-7377G	9/7/1973	1.04	IRRIGATION	139
SOUTHFIELD PROPERTIES LLC	36-7377H	9/7/1973	0.05	IRRIGATION	7
SOUTHFIELD PROPERTIES LLC	36-7460B	3/25/1974	1.04	IRRIGATION	99

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SOUTHFIELD PROPERTIES LLC	36-7460E	3/25/1974	0.13	IRRIGATION	8
SOUTHFIELD PROPERTIES LLC	36-7460F	3/25/1974	0.12	IRRIGATION	8
SOUTHFIELD PROPERTIES LLC	36-7533A	3/27/1975	1.13	IRRIGATION	72
SOUTHFIELD PROPERTIES LLC	36-7533B	3/27/1975	1.12	IRRIGATION	81
SOUTHFIELD PROPERTIES LLC	36-7533C	3/27/1975	0.42	IRRIGATION	30
SOUTHFIELD PROPERTIES LLC	36-7547D	5/13/1975	1.14	STOCKWATER, COMMERCIAL	
SOUTHFIELD PROPERTIES LLC	36-7547F	5/13/1975	0.35	IRRIGATION	141
SOUTHFIELD PROPERTIES LLC	36-7547G	5/13/1975	1.51	IRRIGATION	139
SOUTHFIELD PROPERTIES LLC	36-7547H	5/13/1975	0.08	IRRIGATION	7
SOUTHFIELD PROPERTIES LLC	36-7575	10/31/1975	0.43	IRRIGATION, STOCKWATER	37
SOUTHFIELD PROPERTIES LLC	36-7583	12/9/1975	0.22	IRRIGATION	142
SOUTHFIELD PROPERTIES LLC	36-7584	12/9/1975	1.08	IRRIGATION	154
SOUTHFIELD PROPERTIES LLC	36-7672	1/27/1977	1.77	IRRIGATION	103
SOUTHFIELD PROPERTIES LLC	36-8063C	2/21/1982	0.3	IRRIGATION	99
SOUTHFIELD PROPERTIES LLC	36-8252E	10/17/1984	0.1	IRRIGATION	99
SOUTHFIELD PROPERTIES LLC	36-8313A	8/20/1986	1.2	IRRIGATION	60
SOUTHFIELD PROPERTIES LLC	36-8529	4/5/1990	0.66	IRRIGATION	33
SOUTHFIELD PROPERTIES LLC	36-8560A	9/7/1990	1.03	IRRIGATION	135
SOUTHFIELD PROPERTIES LLC	36-8560B	9/7/1990	0.12	IRRIGATION	6
SOUTHFIELD PROPERTIES LLC	36-8582	2/20/1991	0.46	IRRIGATION	23
SOUTHFIELD PROPERTIES LLC	36-8608	9/3/1991	0.86	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	2
SOUTHFIELD PROPERTIES LLC	36-8760	12/4/1990	1.52	IRRIGATION	436
SOUTHFIELD PROPERTIES LLC	37-2761B	7/14/1967	5.04	IRRIGATION	602
SOUTHFIELD PROPERTIES LLC	37-7370	7/22/1974	3.26	IRRIGATION	576
SOUTHFIELD PROPERTIES LLC	37-7572	3/21/1977	2.53	IRRIGATION	576
SOUTHFIELD PROPERTIES LLC	37-7634	5/23/1977	1.31	IRRIGATION	576
SOUTHFIELD PROPERTIES LLC	37-8326	1/6/1988	1.36	IRRIGATION	602
SOUTHFIELD PROPERTIES LLC	37-8732	4/13/1991	3	IRRIGATION	587
SPARKS JR, RULAND G	36-7050	1/10/1969	2.23	IRRIGATION	183
SPENCER, GLEN D	36-8536	4/12/1990	0.03	IRRIGATION, DOMESTIC	1
SPRING CREEK TERRACES INC	45-7100	7/17/1972	0.1	MUNICIPAL	
SPRING CREEK TERRACES INC	45-7286	3/22/1977	0.27	DOMESTIC	
SPRINGDALE ACRES HOMEOWNERS ASSN	45-7697	1/9/1992	0.31	IRRIGATION, DOMESTIC	11
SPRINGDALE ACRES HOMEOWNERS ASSN INC	45-13513	12/6/2002	0.29	HEATING, COOLING	
SPRINGDALE ACRES HOMEOWNERS ASSN INC	45-7375	4/12/1979	0.12	DOMESTIC	
STALLINGS FARMS INC	36-2631	12/15/1965	1.05	IRRIGATION	52
STANDLEE FAMILY LTD PARTNERSHIP	36-15119*	3/1/1975	1.31	IRRIGATION	534
STANDLEE FAMILY LTD PARTNERSHIP	36-15178*	3/1/1975	0.04	IRRIGATION	456
STANDLEE FAMILY LTD PARTNERSHIP	36-16500*	4/1/1984	0.51	IRRIGATION	345
STAR FALLS AG INC	36-7417	12/11/1973	0.51	IRRIGATION	200
STAR FALLS FARMS LLC	36-16947	8/24/1976	0.52	IRRIGATION	511
STAR FALLS FARMS LLC	36-8289	6/26/1985	0.04	IRRIGATION	511
STARGAZER LAND & CATTLE LP	36-15152*	8/30/1984	0.08	IRRIGATION	633
STARGAZER LAND & CATTLE LP	36-7019	4/20/1968	1.78	IRRIGATION	160
STARGAZER LAND & CATTLE LP	36-7554	7/5/1975	5.35	IRRIGATION	633
STARGAZER LAND & CATTLE LP	36-7620	3/15/1976	1.76	IRRIGATION	137
STARGAZER LAND & CATTLE LP	36-7829	11/9/1978	4.8	IRRIGATION	633
STATE OF IDAHO	36-13721	10/2/1962	0.12	COMMERCIAL, DOMESTIC	
STATE OF IDAHO	37-20853	9/20/1974	0.13	MUNICIPAL	

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STATE OF IDAHO	37-22570	5/5/2010	0.06	DOMESTIC	
STATE OF IDAHO	37-7003	8/10/1967	0.13	MUNICIPAL	
STATE OF IDAHO	37-7457	10/1/1975	0.05	DOMESTIC	
STATE OF IDAHO; STATE OF IDAHO	37-7372	6/30/1999	6.54	IRRIGATION, STOCKWATER	320
STATE OF IDAHO; STATE OF IDAHO DEPT OF TRANSPORTATION	37-20852	9/20/1974	0.09	IRRIGATION	4.7
STEVE NEIBAUR FARMS INC	36-15209*	3/15/1970	0.71	IRRIGATION	335
STEVENSON BROTHERS FARMS	36-7495	8/13/1974	4.58	IRRIGATION	320
STEVENSON BROTHERS FARMS	36-7529C	3/28/1975	4.28	IRRIGATION	316
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-2630A	11/1/1965	4.65	IRRIGATION	884
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-2630B	11/1/1965	0.81	IRRIGATION	884
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-7007C	9/11/1967	1.31	IRRIGATION	884
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-7007D	9/11/1967	0.09	IRRIGATION	884
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-7956A	1/16/1981	2.15	IRRIGATION	884
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-7956B	1/16/1981	0.15	IRRIGATION	884
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-8619A	11/13/1991	1.13	IRRIGATION	884
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-8619B	11/13/1991	0.2	IRRIGATION	884
STEVENSON, JOHN A	36-7529Q	3/28/1975	0.69	IRRIGATION	158
STEVENSON, SCOTT A; STEVENSON, TAMARA LYNN	36-16459	9/23/1965	0.04	IRRIGATION	5.1
STEVENSON, SCOTT A; STEVENSON, TAMARA LYNN	36-16461	2/15/1974	0.04	IRRIGATION	5.1
STEVENSON, SCOTT A; STEVENSON, TAMARA LYNN	36-2562	1/24/1963	2.09	IRRIGATION	446
STEVENSON, SCOTT A; STEVENSON, TAMARA LYNN	36-7651	10/28/1976	4.5	IRRIGATION	316
STEVENSON, SCOTT A; STEVENSON, TAMARA LYNN	36-8161	3/31/1983	1.8	IRRIGATION	446
STEWART, CAROLYN L; STEWART, DENNIS G	37-7628	6/16/1977	3.4	IRRIGATION	170
STEWART, FRED R	37-7443	2/29/1968	3.04	IRRIGATION	166
STODDARD, NEIL	36-8744	12/22/1995	0.12	IRRIGATION, DOMESTIC	0.3
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13861	11/3/1970	3.9	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13862	11/3/1970	0.32	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13863	12/26/1972	1.78	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13864	12/26/1972	0.14	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13865	12/26/1973	8.84	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13866	12/26/1973	0.72	STOCKWATER, COMMERCIAL	

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STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13867	7/31/1972	1.34	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13868	7/31/1972	0.11	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13869	1/17/1973	1.32	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13870	1/17/1973	0.11	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13871	3/20/1979	1.54	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13872	3/20/1979	0.13	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13900	10/16/1987	2.09	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13901	10/16/1987	0.17	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-14102	5/4/1978	1.36	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-14250	5/4/1978	1.41	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-7045	12/16/1969	5.47	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-7072D	11/3/1970	0.18	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-7105B	7/31/1972	0.06	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-7116B	12/26/1972	0.08	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-7161B	12/26/1973	0.3	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-7358D	3/20/1979	1.59	IRRIGATION, STOCKWATER	2034.6
STOKES, SHIRLEY W	36-8409	1/23/1989	0.2	IRRIGATION	10
STOUDER HOLSTEINS LLP	36-8225A	11/19/1983	0.54	IRRIGATION, STOCKWATER, COMMERCIAL	1.5
STOUDER HOLSTEINS LLP	36-8225B	11/19/1983	0.18	STOCKWATER	
STOUDER HOLSTEINS LLP	36-8350	4/5/1988	0.31	STOCKWATER, COMMERCIAL	
STRAUB, KATHARINA	36-13629	8/2/1972	0.04	DOMESTIC	
STRAUB, KATHARINA	36-15711	12/8/1981	0.06	STOCKWATER, COMMERCIAL	
STRICKLAND, EVELYN G	36-7450B	3/6/1974	0.76	IRRIGATION	37
STROUD, JAMES L; STROUD, LORIEN E	36-13645	12/31/1978	0.08	STOCKWATER, DOMESTIC	
STROUD, JAMES L; STROUD, LORIEN E	36-16210	5/4/1978	0.11	STOCKWATER, COMMERCIAL	
SUCHAN, CHEYENNE B; SUCHAN, RUSSELL	36-12454*	7/4/1974	0.51	IRRIGATION	800
SUCHAN, CHEYENNE B; SUCHAN, RUSSELL	36-7052	1/14/1969	6.58	IRRIGATION	800
SUCHAN, FRANK J	36-2574	7/22/1963	0.9	IRRIGATION	240
SUCHAN, FRANK J	36-7629	6/24/1976	2	IRRIGATION	240
SUCHAN, FRANK J	36-7828	10/23/1978	2.32	IRRIGATION	156
SUCHAN, FRANK J	36-7839	1/19/1979	0.8	IRRIGATION	156
SUHR, DANIEL A; SUHR, DONNA DEE	36-14317*	3/20/1976	0.67	IRRIGATION	153
SUN VALLEY POTATOES INC	36-8349	7/20/1988	0.29	COMMERCIAL	
SUNDANCE INC	36-15992	7/31/1974	0.42	IRRIGATION	94
SWEET, WILLIAM G	37-7692	12/21/1977	4	IRRIGATION	196

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SWISHER, JERRY S	45-7652	6/5/1989	0.06	IRRIGATION, DOMESTIC	2.1
SYBRANDY, ANNA; SYBRANDY, IDA; SYBRANDY, SIMON	36-8408	1/19/1989	0.31	COMMERCIAL, DOMESTIC	
SYDNOR, CARLA; SYDNOR, CHARLES	45-7661	6/29/1989	0.05	IRRIGATION, DOMESTIC	2
TABER FAMILY LLC	37-7465A	12/1/1975	2.67	IRRIGATION	160
TABER FAMILY LLC	37-7504	7/22/1976	3.3	IRRIGATION, STOCKWATER	178
TABER FAMILY LLC	37-7772	1/11/1980	0.71	IRRIGATION	38
TABER, BEVERLY	37-7877A	2/5/1981	0.02	IRRIGATION	1
TABER, BEVERLY; TABER, DONALD E	37-7617A	6/2/1977	3.64	IRRIGATION	186
TABER, BEVERLY; TABER, DONALD E	37-7617B	6/2/1977	0.14	STOCKWATER, COMMERCIAL	
TABER, DONALD C; TABER, LYNDA L	37-8078	5/15/1983	2	IRRIGATION	116
TABER, DONALD E	37-10158*	4/1/1974	1.78	IRRIGATION	466
TABER, DONALD E	37-7197	1/23/1973	4.46	IRRIGATION	466
TAJO LLC	45-2761	10/18/1962	1.04	IRRIGATION	75
TAJO LLC	45-7214	12/24/1974	1	IRRIGATION	50
TANNER, BARBARA; TANNER, ROBERT	36-8512	2/27/1990	0.02	COMMERCIAL	
TAT FARMS LLC	45-13490	6/30/1985	0.74	IRRIGATION	385
TAT FARMS LLC	45-13491	6/30/1985	4.02	IRRIGATION	1261.1
TATEOKA, JIM; TATEOKA, KO T	36-7522	1/29/1975	2.15	IRRIGATION	307
TED MILLER DAIRY	36-16187	10/28/1977	0.75	IRRIGATION	150
TED MILLER DAIRY	36-16189	8/10/1973	2.11	IRRIGATION	150
TEIXEIRA, HUMBERTO AZEVEDO	36-16732	8/21/1973	0.16	IRRIGATION	8
TELFORD, MICHAEL S	36-10024*	5/31/1976	1.15	IRRIGATION	298.8
TELFORD, MICHAEL S	36-10025*	5/31/1976	0.77	IRRIGATION	238
TELFORD, MICHAEL S	36-15984	12/7/1979	2.91	IRRIGATION	444
TELFORD, MICHAEL S	36-15985	12/7/1979	0.94	IRRIGATION	308
TELFORD, MICHAEL S	36-2552	11/14/1962	4.42	IRRIGATION	298.8
TELFORD, MICHAEL S	36-8189	5/11/1983	0.96	IRRIGATION	48
TELFORD, MICHAEL S	36-8191	5/11/1983	1.97	IRRIGATION	98.3
TELFORD, MICHAEL S	37-7650	9/4/1977	0.17	STOCKWATER, DOMESTIC	
TELFORD, MICHAEL S	37-7949	11/4/1981	0.25	STOCKWATER, COMMERCIAL	
TELFORD, MICHAEL S; TELFORD, ROBERT	37-8212	5/11/1983	0.01	STOCKWATER, COMMERCIAL	
TELFORD, MICHAEL S; TELFORD, SHANNON	36-7002A	8/1/1967	4.36	IRRIGATION	291
TELFORD, MICHAEL S; TELFORD, SHANNON	36-7002B	8/1/1967	2.84	IRRIGATION	257
TERRONEZ, EUGENE THOMAS; TERRONEZ, JUDITH J	36-7924	6/30/1980	0.08	IRRIGATION, STOCKWATER, DOMESTIC	1
TESSENDERLO KERLEY INC	45-7465C	4/15/1981	0.14	IRRIGATION	9
TESSENDERLO KERLEY INC	45-7465D	4/15/1981	0.56	INDUSTRIAL	
TEXAS MUNICIPAL PLAN CONSORTIUM LLC	36-16140*	3/15/1974	0.01	IRRIGATION	11.3
TEXAS MUNICIPAL PLAN CONSORTIUM LLC	36-2554A	8/31/1962	2.52	IRRIGATION	640
THAIN, CORY S	36-16702	3/13/1981	0.86	IRRIGATION	43
THAIN, GREG S	36-16701	3/13/1981	0.3	IRRIGATION	15
THAIN, GREG S; THAIN, JOHN T	36-8413	3/2/1989	1	IRRIGATION	183.5
THE ALTON & PAULA HUYSER TRUST	37-7268	8/23/1973	3.06	IRRIGATION	489
THE ALTON & PAULA HUYSER TRUST	37-7454	9/8/1975	3.94	IRRIGATION	489
THE ALTON & PAULA HUYSER TRUST	37-7602	5/4/1977	2.62	IRRIGATION	489
THE ALTON & PAULA HUYSER TRUST	37-8679	8/23/1990	0.16	IRRIGATION	489
THE AMALGAMATED SUGAR CO	36-8364	6/10/1988	0.22	INDUSTRIAL	
THE BAKER FAMILY TRUST	36-7405	11/8/1973	1.16	IRRIGATION	240
THE BENEDICTINE MONKS OF IDAHO INC	36-7904	3/26/1980	0.38	IRRIGATION	425
THIBAULT, DONALD F; THIBAULT, PHYLLIS N	36-7447	2/21/1974	3.91	IRRIGATION	282

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THOMPSON, CONNIE J; THOMPSON, MICHAEL W	36-16707	4/26/1990	0.03	STOCKWATER, COMMERCIAL	
THOMPSON, CONNIE J; THOMPSON, MICHAEL W	36-16708	4/26/1990	0.06	STOCKWATER, COMMERCIAL	
THOMPSON, CONNIE J; THOMPSON, MICHAEL W	36-16767	9/12/1973	0.16	STOCKWATER, COMMERCIAL	
THOMPSON, CONNIE J; THOMPSON, MICHAEL W	36-7337H	11/25/1977	0.3	STOCKWATER, COMMERCIAL	
THOMPSON, DEBORAH M; THOMPSON, GARY C	36-11839*	3/15/1976	0.25	IRRIGATION	317
THOMPSON, DEBORAH M; THOMPSON, GARY C	36-15171	8/23/1962	4.65	IRRIGATION	317
THOMPSON, KURT; THOMPSON, LINDA B	36-8615	10/30/1991	0.05	IRRIGATION	1.5
THOMSON, JOHN S	36-8675	9/14/1992	0.03	STOCKWATER	
TLD PROPERTIES LLC	36-16657	12/9/1968	6.07	IRRIGATION	929
TLD PROPERTIES LLC	36-16659	10/10/1969	6.07	IRRIGATION	929
TLD PROPERTIES LLC	36-16661	1/17/1973	1.52	IRRIGATION	929
TLD PROPERTIES LLC	36-16663	11/15/1973	3.03	IRRIGATION	929
TLD PROPERTIES LLC	36-16665*	5/1/1984	1.19	IRRIGATION	929
TOLEDO, JOHN B	36-7265	9/25/1972	0.76	IRRIGATION, STOCKWATER, COMMERCIAL	15
TOLEDO, JOHN B; TOLEDO, MARIA R	36-7460AF	3/25/1974	0.2	STOCKWATER, COMMERCIAL	
TOONE, MARK S; TOONE, SALLY J	37-7412	12/18/1974	2.25	IRRIGATION	247
TOONE, MARK S; TOONE, SALLY J	37-7816	12/26/1979	2.25	IRRIGATION	138
TRACY, CHARLES R	36-7733	7/22/1977	0.12	IRRIGATION, DOMESTIC	3.5
TRAU, DONNA; TRAU, JOSEPH P	36-8464B	10/12/1989	0.16	IRRIGATION, STOCKWATER	5
TRAVELERS OASIS TRUCK PLAZA; WILLIE, DANIEL L	36-8766	6/6/1997	0.1	COMMERCIAL	
TRIANGLE P LLC	36-10852	1/1/1968	0.14	IRRIGATION	470.9
TRIPLE ACE INC	36-2558	12/14/1962	3.08	IRRIGATION	459
TRIPLE C CONCRETE INC	36-8791	6/17/1999	1.68	INDUSTRIAL	
TRIPLE C CONCRETE INC	36-8792	6/17/1999	1.68	INDUSTRIAL	
TRIPLE T FARMS	36-7882B	12/7/1979	7.85	IRRIGATION	639.5
TROST, KEN R; TROST, PAM J	36-7996	7/24/1981	0.22	IRRIGATION	11
TURNER, BRUCE B	45-7120A	1/10/1973	1.67	IRRIGATION	146
TURNER, CHARLES K; TURNER, STACEY	37-7415A	1/6/1975	1.39	IRRIGATION	69.4
TURNER, CHARLES K; TURNER, STACEY	37-7415B	1/6/1975	0.21	STOCKWATER, COMMERCIAL	
TURNER, DALE N; TURNER, NILENE M	45-7334	6/7/1978	1.78	IRRIGATION	160
TURNER, LOVELL J	45-13548	1/19/1978	0.03	IRRIGATION	5.6
TURNER, RONALD J	45-7333A	1/19/1978	0.44	IRRIGATION	97.3
TURNEY, JAMES O; TURNEY, VICKIE	45-7674	4/9/1990	0.03	IRRIGATION	0.8
TWIN STOCK LLC	36-7699	5/2/1977	2.15	IRRIGATION	107.5
UNIT 3 WATER ASSN INC	36-8090	6/16/1982	0.51	IRRIGATION, STOCKWATER, DOMESTIC, FIRE PROTECTION	24
UNIT 3 WATER ASSN INC	36-8727	5/5/1994	0.45	DOMESTIC	
UNITED ELECTRIC COOP INC	36-8797	11/5/1999	0.21	HEATING, COOLING	
UNITED STATES OF AMERICA ACTING THROUGH	36-16183	6/18/2003	0.03	STOCKWATER, WILDLIFE	
UNITED STATES OF AMERICA ACTING THROUGH	36-16583*	3/15/1987	0.03	IRRIGATION	4

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UNITED STATES OF AMERICA ACTING THROUGH	36-16691	9/10/1984	2.68	IRRIGATION	133.8
UNITED STATES OF AMERICA ACTING THROUGH	36-16950	5/1/1967	0.22	IRRIGATION	11.14
UNITED STATES OF AMERICA ACTING THROUGH	36-7497	8/21/1974	0.05	STOCKWATER, WILDLIFE	
UNITED STATES OF AMERICA ACTING THROUGH	36-7611A	2/25/1977	1.67	IRRIGATION	119
UNITED STATES OF AMERICA ACTING THROUGH	36-7830A	11/9/1978	0.67	IRRIGATION	119
UNITED STATES OF AMERICA ACTING THROUGH	36-8056B	1/21/1982	0.7	IRRIGATION	46
UNITED STATES OF AMERICA ACTING THROUGH	36-8110B	8/19/1982	0.12	IRRIGATION	46
UNITED STATES OF AMERICA ACTING THROUGH	37-20839	2/6/1974	0.19	IRRIGATION	64
UNITED STATES OF AMERICA ACTING THROUGH	37-20849	10/6/1977	0.42	IRRIGATION	30
UNITED STATES OF AMERICA ACTING THROUGH	37-20851*	3/15/1983	0.02	IRRIGATION	30
UNITED STATES OF AMERICA ACTING THROUGH	43-7007	12/24/1968	0.5	STOCKWATER, WILDLIFE	
UNITED STATES OF AMERICA ACTING THROUGH	45-13446	4/13/1970	0.76	IRRIGATION	38
UNITED STATES OF AMERICA ACTING THROUGH	45-13586	9/17/1970	0.4	IRRIGATION	33
UNITED STATES OF AMERICA ACTING THROUGH	45-13786	9/17/1970	0.54	IRRIGATION	39
UNITED STATES OF AMERICA ACTING THROUGH	45-7340B	2/2/1978	0.97	IRRIGATION	80
JR FARMS LTD PARTNERSHIP	36-15645	10/18/1968	0.15	STOCKWATER, COMMERCIAL	
JR FARMS LTD PARTNERSHIP	36-15647	12/3/1966	0.12	STOCKWATER, COMMERCIAL	
JR FARMS LTD PARTNERSHIP	36-15649	2/18/1971	0.06	STOCKWATER, COMMERCIAL	
JR FARMS LTD PARTNERSHIP	36-16192	1/7/1974	0.03	STOCKWATER, COMMERCIAL	
JR FARMS LTD PARTNERSHIP	36-16378	1/7/1974	0.1	STOCKWATER, COMMERCIAL	
JR FARMS LTD PARTNERSHIP	36-8549	6/28/1990	0.09	STOCKWATER, COMMERCIAL	
JR FARMS LTD PARTNERSHIP	37-21142	1/7/1974	0.08	IRRIGATION, MITIGATION	4.9
JR FARMS LTD PARTNERSHIP	37-21160	2/27/1979	0.12	MITIGATION	
JS DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION	36-16928	2/1/2012	0.2	HEATING, COOLING	
JS DEPARTMENT OF THE INTERIOR	45-14303	4/13/1970	1.28	IRRIGATION	130.5
JS DEPARTMENT OF THE INTERIOR	45-14305*	4/13/1971	0.69	IRRIGATION	130.5
JS DEPT OF INTERIOR	36-16062	8/12/2002	0.02	DOMESTIC, FIRE PROTECTION	
JS DEPT OF INTERIOR	36-8575	12/24/1990	0.07	STOCKWATER, WILDLIFE	
/ & L DAIRY	36-7569	9/24/1975	6.02	IRRIGATION	302
/ & R FARMS LLC	45-13948	7/11/1966	0.81	IRRIGATION	120
/ & R FARMS LLC	45-13950	8/15/1975	1.16	IRRIGATION	120
/ & R FARMS LLC	45-13962	8/29/1991	7.35	IRRIGATION	367.4
/ & R FARMS PARTNERSHIP	45-13963	8/29/1991	0.22	IRRIGATION	120
/ADER, BONNIE; VADER, ORVAL E	36-16836	2/8/1971	0.03	IRRIGATION	2.3
/ALLEY COOPS INC	36-8452	8/22/1989	0.16	COMMERCIAL	

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VALLEY SCHOOL DISTRICT #262	36-16299	9/22/2004	1.52	DOMESTIC, FIRE PROTECTION	
VALLEY VIEW DAIRY LLC	36-14846	12/31/1962	0.12	STOCKWATER, COMMERCIAL, DOMESTIC	
VAN BEEK, DIANNE; VAN BEEK, JACK	36-2580	11/21/1963	1.93	IRRIGATION	369.1
VAN BEEK, DIANNE; VAN BEEK, JACK	36-7958	1/9/1981	5.8	IRRIGATION	290
VAN BEEK, DIANNE; VAN BEEK, JOHN W	36-16719*	3/15/1975	0.08	STOCKWATER, COMMERCIAL	
VAN BEEK, DIANNE; VAN BEEK, JOHN W	36-16720*	3/15/1975	0.05	STOCKWATER, COMMERCIAL	
VAN BEEK, DIANNE; VAN BEEK, JOHN W	36-8021	1/2/1982	0.22	STOCKWATER, COMMERCIAL	
VAN BEEK, DIANNE; VAN BEEK, JOHN W	36-8398	2/14/1995	0.51	STOCKWATER, COMMERCIAL	
VAN DYK & SONS A GENERAL PARTNERSHIP	36-7319	3/22/1973	1.11	IRRIGATION	74
VAN DYK & SONS A GENERAL PARTNERSHIP	36-7454	3/11/1974	0.28	IRRIGATION	74
VAN DYK, MARIE C; VAN DYK, RICHARD B	36-7738	9/7/1977	2.5	IRRIGATION	125
VAN DYK, RICHARD B; VAN DYK, TAMMY D	36-7760	11/7/1977	2.3	IRRIGATION	222
VAN DYK, RICHARD B; VAN DYK, TAMMY D	36-8389	9/1/1988	0.18	STOCKWATER, COMMERCIAL	
VAN STRAALEN, ALICE; VAN STRAALEN, ARIE	36-16506	4/8/1975	0.05	COMMERCIAL	
VAN STRAALEN, ALICE; VAN STRAALEN, ARIE	36-16508	9/15/1972	0.23	STOCKWATER, COMMERCIAL	
VAN STRAALEN, ALICE; VAN STRAALEN, ARIE	36-16510	8/16/1973	0.08	STOCKWATER, COMMERCIAL	
VAN TASSELL, AFTON	36-2569	4/3/1963	0.9	IRRIGATION	45
VAN TASSELL, AFTON; VAN TASSELL, GAIL	36-7512	11/25/1974	9.2	IRRIGATION	837
VAN TASSELL, AFTON; VAN TASSELL, GAIL	36-7966	2/23/1981	0.37	IRRIGATION	837
VAN TASSELL, PERRY	36-7010	9/28/1967	3.79	IRRIGATION	305
VAN TASSELL, PERRY	36-7784A	3/17/1978	3.23	IRRIGATION	272
VAN TASSELL, PERRY	36-7784B	3/17/1978	1.11	IRRIGATION	305
VANDEN BOSCH SR, MARVIN L; VANDEN BOSCH, JEANNETTE	36-7954	12/30/1980	0.07	IRRIGATION, DOMESTIC	2
VANDER VEGT, IRENE	36-7283	1/5/1973	1.16	IRRIGATION	76
VANDER VEGT, IRENE	36-7289	1/22/1973	2.1	IRRIGATION	105
VANDER VEGT, IRENE	36-7363B	8/7/1973	2.56	IRRIGATION	245
VANDERHAM BROTHERS DAIRY	36-7379A	9/18/1973	1.96	IRRIGATION	132
VANDERHAM BROTHERS DAIRY	36-7379B	9/18/1973	0.27	STOCKWATER, COMMERCIAL	
VANDERHAM BROTHERS DAIRY	36-8554	5/13/1990	0.23	DOMESTIC	
VANDERHAM DAIRY	36-16104	10/18/1968	0.49	IRRIGATION	59.4
VANDERHAM DAIRY	36-16106	12/3/1966	0.38	IRRIGATION	59.4
VANDERHAM DAIRY	36-16108	2/18/1971	0.2	IRRIGATION	59.4
VANDERHAM, DANNY C	36-8636	9/23/1997	1	STOCKWATER, COMMERCIAL, DOMESTIC	
VANDERVEGT, RAY	36-7350	7/18/1973	2.34	IRRIGATION	132
VANDERVEGT, RAY	36-7460J	3/25/1974	1.23	IRRIGATION	69
VANDERVEGT-GIBSON, IRENE	36-2673	8/3/1966	2.28	IRRIGATION	114
VANDERVEGT-GIBSON, IRENE	36-7517	12/17/1974	4	IRRIGATION	556
VASQUAZ, DUFIA; VASQUAZ, J REUBEN	36-10243*	5/1/1985	0.4	IRRIGATION	205
VEENHOUWER FAMILY FARMS LLC	36-7255	7/13/1972	2	IRRIGATION	108
VEENHOUWER FAMILY FARMS LLC	36-8060	2/9/1982	0.2	COMMERCIAL	
VEENHOUWER FAMILY FARMS LLC	36-8422	4/20/1989	0.2	STOCKWATER, COMMERCIAL	
VEENSTRA FAMILY LTD PARTNERSHIP	36-16706	3/25/1974	2.34	IRRIGATION	132
VEENSTRA, FRANK W	36-15077*	4/1/1982	0.91	IRRIGATION	198.5

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VEENSTRA, FRANK W	36-16746	9/15/1972	0.16	STOCKWATER, COMMERCIAL	
VEENSTRA, FRANK W	36-16748	8/16/1973	0.05	STOCKWATER, COMMERCIAL	
VEENSTRA, FRANK W	36-7666A	1/5/1977	1.64	IRRIGATION	82
VEENSTRA, FRANK W	36-7666B	1/5/1977	0.66	STOCKWATER, COMMERCIAL	
VEENSTRA, FRANK W; VEENSTRA, MARY JANE	36-15207	7/29/1988	0.04	DOMESTIC	
VEENSTRA, FRANK W; VEENSTRA, MARY JANE	36-7274	11/17/1972	0.8	IRRIGATION	50
VEENSTRA, FRANK W; VEENSTRA, MARY JANE	36-7341	6/18/1973	2.06	IRRIGATION	103
VEENSTRA, FRANK W; VEENSTRA, MARY JANE	36-7472	5/8/1974	2.16	IRRIGATION	157
VEENSTRA, FRANK W; VEENSTRA, MARY JANE	36-7526	3/24/1975	5.08	IRRIGATION	306
VEENSTRA, FRANK W; VEENSTRA, MARY JANE	36-8100	7/13/1982	0.15	IRRIGATION, STOCKWATER, DOMESTIC	5
VEENSTRA, FRANK W; VEENSTRA, MARY JANE	37-20590	7/22/1971	1.74	IRRIGATION	113
VEENSTRA, FRANK; VEENSTRA, MARY JANE	36-15206	7/29/1988	0.24	STOCKWATER	
VERBREE LAND HOLDINGS LLC	36-15998	4/8/1975	0.38	IRRIGATION	211.5
VERBREE LAND HOLDINGS LLC	36-15999	4/8/1975	0.3	STOCKWATER, COMMERCIAL	
VERBREE LAND HOLDINGS LLC	36-16458	9/23/1965	7.3	IRRIGATION	477.7
VERBREE LAND HOLDINGS LLC	36-16460	2/15/1974	7.3	IRRIGATION	471.5
VERBREE LAND HOLDINGS LLC	36-16745	9/15/1972	1.01	IRRIGATION	100
VERBREE LAND HOLDINGS LLC	36-2642	2/11/1966	3.12	IRRIGATION	500
VERBREE LAND HOLDINGS LLC	36-7318A	3/21/1973	0.24	COMMERCIAL	
VERBREE LAND HOLDINGS LLC	36-7318B	3/21/1973	0.1	STOCKWATER, DOMESTIC	
VERBREE LAND HOLDINGS LLC	36-7318C	3/21/1973	0.09	STOCKWATER	
VERBREE LAND HOLDINGS LLC	36-7318D	3/21/1973	0.26	STOCKWATER, COMMERCIAL	
VERBREE LAND HOLDINGS LLC	36-7318E	3/21/1973	0.05	IRRIGATION	2.6
VERBREE LAND HOLDINGS LLC	36-7535	4/9/1975	4.34	IRRIGATION	305
VERBREE LAND HOLDINGS LLC	36-7571	10/14/1975	1.5	IRRIGATION	305
VERBREE LAND HOLDINGS LLC	36-7604	3/11/1976	5.74	IRRIGATION	906
VERBREE LAND HOLDINGS LLC	36-7640	10/8/1976	2.13	IRRIGATION	108
VERBREE LAND HOLDINGS LLC	36-7706	5/25/1977	1.45	IRRIGATION	136
VERBREE LAND HOLDINGS LLC	36-7788A	4/8/1978	1.94	IRRIGATION	889
VERBREE LAND HOLDINGS LLC	36-7788B	4/8/1978	0.28	IRRIGATION	500
VERBREE LAND HOLDINGS LLC	36-8079	4/15/1982	0.06	STOCKWATER, COMMERCIAL, DOMESTIC	
VERBREE LAND HOLDINGS LLC	36-8199	6/15/1983	0.2	STOCKWATER, COMMERCIAL	
VERBREE LAND HOLDINGS LLC	36-8351	6/15/1988	0.19	STOCKWATER, COMMERCIAL, DOMESTIC	
VERBREE LAND HOLDINGS LLC	36-8666	7/10/1992	0.27	STOCKWATER, COMMERCIAL, DOMESTIC	
VICTOR, SALLY; VICTOR, STEVE	36-8128	12/30/1982	0.03	COMMERCIAL	
VILLAGE ENTERPRISES LLC	45-7662A	8/2/1989	0.6	IRRIGATION, COMMERCIAL, DOMESTIC, RECREATION	5
VILLAGE ENTERPRISES LLC	45-7662B	8/2/1989	0.46	IRRIGATION, RECREATION	20
VIRGIL & AMA LEE BROCKMAN FAMILY TRUST	36-7623	4/13/1976	0.64	IRRIGATION, COMMERCIAL	27
VISSER, CAROL; VISSER, TONY	36-7366A	8/13/1973	2.83	IRRIGATION	141.5

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W 4 DAIRY	36-16569	2/8/1977	2.89	IRRIGATION	308
W 4 DAIRY	36-16578	2/20/1990	0.42	IRRIGATION	308
W 4 DAIRY	36-16587*	3/15/1987	0.03	IRRIGATION	308
W 4 DAIRY	36-16737	12/1/1972	1.3	IRRIGATION	320
W 4 DAIRY	36-2650	5/6/1966	2.42	IRRIGATION	320
WACHTEL, BERND; WACHTEL, SHEILA	36-16560	2/8/1971	0.01	IRRIGATION	2
WAHLSTROM, LESLIE; WAHLSTROM, RON	36-8612	10/24/1991	0.03	IRRIGATION	1
WALKER, AUSTIN RAY; WALKER, JONI	45-7043	12/8/1969	1.02	IRRIGATION	170.6
WALKER, AUSTIN RAY; WALKER, JONI	45-7235	4/4/1975	0.83	IRRIGATION	170.6
WALL, DIANA R; WALL, LARRY G	36-8451	9/28/1989	0.02	COMMERCIAL	
WARD, ALLAN	45-14338	9/15/1971	0.21	IRRIGATION	27.9
WARD, ALLAN	45-14339	9/15/1971	0.09	STOCKWATER, COMMERCIAL	
WARD, ALLAN	45-14340	6/30/1985	0.01	IRRIGATION	27.9
WARD, AMY RAE; WARD, STANLEY	37-7695	2/7/1977	2.59	IRRIGATION	198
WARD, DANIEL G; WARD, KARLA	36-16331	11/15/1970	0.21	STOCKWATER, COMMERCIAL	
WARD, DANIEL G; WARD, KARLA	36-16333	5/16/1980	0.05	STOCKWATER, COMMERCIAL	
WARD, DANIEL G; WARD, KARLA	36-16335*	5/26/1971	0.02	STOCKWATER, COMMERCIAL	
WARD, DANIEL G; WARD, KARLA	36-7717	5/26/1977	0.07	STOCKWATER, COMMERCIAL	
WARD, DANIEL G; WARD, KARLA	45-14425	6/30/1985	0.25	IRRIGATION	294.8
WARD, DANIEL G; WARD, KARLA	45-7259	2/9/1976	4.03	IRRIGATION	313
WARNER JR, THOMAS F; WARNER, PAULINE	36-7262	9/19/1972	1.9	IRRIGATION	99
WARNER LAND & LIVESTOCK	36-7263	9/19/1972	0.26	IRRIGATION	128
WARNER, GARALD; WARNER, SARA	37-7679	9/23/1977	0.12	IRRIGATION	6
WARNER, THOMAS	36-7213	12/30/1971	4.8	IRRIGATION	240
WARNER, THOMAS	36-7486	6/27/1974	2.4	IRRIGATION	120
WARNER, THOMAS	36-7498	8/19/1974	0.8	IRRIGATION	40
WARREN, DAVID L; WARREN, SANDRA L	45-13567*	11/14/1983	0.21	IRRIGATION	163
WARREN, DAVID L; WARREN, SANDRA L	45-7023	1/26/1968	1.77	IRRIGATION	163
WARTLUFT, HAROLD; WARTLUFT, LOIS	37-8375	8/11/1988	0.15	IRRIGATION, DOMESTIC	3.5
WATERS, LINDA K; WATERS, TIM H	36-2637B	1/27/1966	1.54	IRRIGATION	701
WATERS, LINDA K; WATERS, TIM H	36-7096A	12/1/1969	0.77	IRRIGATION	701
WATERS, LINDA K; WATERS, TIM H	36-7613	2/26/1976	1.6	IRRIGATION	701
WATERS, LINDA K; WATERS, TIM H	36-7703	5/10/1977	3.57	IRRIGATION	198
WAUNA VISTA PARK HOMEOWNERS ASSN	36-8720	2/4/1994	0.03	IRRIGATION	0.7
WAYMENT FARMS INC	45-13413	6/30/1985	0.75	IRRIGATION	791.8
WAYMENT FARMS INC	45-2691	12/20/1962	3.4	IRRIGATION	791.8
WAYNE C ANDERSEN LLC	45-10310*	5/1/1978	4.04	IRRIGATION	1265
WAYNE C ANDERSEN LLC	45-11728	6/30/1985	1.25	IRRIGATION	465
WAYNE C ANDERSEN LLC	45-14244	10/17/1962	2.67	IRRIGATION	941.5
WAYNE C ANDERSEN LLC	45-14246	6/30/1985	2.13	IRRIGATION	941.5
WAYNE C ANDERSEN LLC	45-7048	3/3/1970	2.5	IRRIGATION	1265
WAYNE C ANDERSEN LLC	45-7347	6/29/1978	4.5	IRRIGATION	1265
WAYSIDE ESTATES INC	36-7970	3/10/1981	0.2	DOMESTIC	
WEBER, JEFF L; WEBER, KERI JO	37-20848	10/6/1977	8.28	IRRIGATION	634
WEBER, JEFF L; WEBER, KERI JO	37-20850*	3/15/1983	0.4	IRRIGATION	634
WEBER, JEFF L; WEBER, KERI JO	37-7089	3/22/1971	4.4	IRRIGATION	288
WEL IDAHO REAL ESTATE LLC	37-8289	2/23/1987	0.11	COMMERCIAL	
WENDELL CEMETERY DISTRICT	36-8242	4/10/1984	0.2	IRRIGATION	10
WERT, LOREN; WERT, RITA	36-8000	9/11/1981	0.8	IRRIGATION	40
WERT, WAYNE K	36-7310	3/2/1973	2.56	IRRIGATION	144
WEST ONE BANK IDAHO	36-15215*	3/15/1972	1.1	IRRIGATION	609

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WEST ONE BANK IDAHO	36-7145	12/10/1970	2.45	IRRIGATION	609
WEST ONE BANK IDAHO	36-7147	12/10/1970	4.03	IRRIGATION	609
WEST ONE BANK IDAHO	36-7528	3/27/1975	1.08	IRRIGATION	609
WEST ONE BANK IDAHO N A	36-7146	12/10/1970	1.94	IRRIGATION	609
WEST SLOPE FARMS INC	45-11022*	5/1/1966	0.37	IRRIGATION	884
WEST SLOPE FARMS INC	45-14402	9/15/1971	0.49	IRRIGATION	884
WEST SLOPE FARMS INC	45-14404	6/30/1985	0.02	IRRIGATION	884
WEST SLOPE FARMS INC	45-7003	9/6/1967	5.32	IRRIGATION	884
WEST, JIM	37-8222	8/5/1985	0.03	STOCKWATER	
WESTERN DAIRYMEN COOPERATIVE INC	36-7492B	7/31/1974	3.96	IRRIGATION	198
WESTERN FARM SERVICE INC	36-8341	11/25/1987	0.08	COMMERCIAL	
WESTERN FARM SERVICE INC	45-7648	6/13/1989	0.2	COMMERCIAL	
WESTERN IDAHO POTATO PROCESSING CO	36-8324	4/3/1987	2	FIRE PROTECTION	
WESTERN MORTGAGE & REALTY CO	36-10863A*	5/1/1970	2.57	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-10863B*	5/1/1970	0.03	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-11290*	5/1/1985	0.06	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-11340*	4/1/1972	0.97	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-13320	9/8/1962	0.11	STOCKWATER	
WESTERN MORTGAGE & REALTY CO	36-15234*	3/15/1971	1.14	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-15264A*	8/24/1966	0.68	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-15264B*	8/4/1979	0.71	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-15567	2/20/1990	1.54	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-15616*	7/13/1971	0.17	IRRIGATION	260
WESTERN MORTGAGE & REALTY CO	36-15617*	7/13/1971	0.03	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-15618	1/11/1966	3.86	IRRIGATION	260
WESTERN MORTGAGE & REALTY CO	36-15619	1/11/1966	0.71	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-15621	2/8/1977	3.34	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-16456*	3/15/1984	0.1	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-16582*	3/15/1987	0.09	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-16585*	3/15/1987	0.96	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-16689	5/22/1974	4.68	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-16690	9/10/1984	5.52	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-16692	9/10/1984	0.11	IRRIGATION	5.4
WESTERN MORTGAGE & REALTY CO	36-16789	11/1/1967	0.15	IRRIGATION	260
WESTERN MORTGAGE & REALTY CO	36-16790	11/1/1967	0.08	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-16814	2/20/1990	11.33	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-16815	2/20/1990	3.9	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-16816	2/20/1990	0.16	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-2582A	11/17/1963	3.52	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-2582B	11/17/1963	0.03	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-2591	6/3/1964	2.9	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-2618	7/28/1965	2.9	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-2619	10/16/1965	12.8	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-2620	8/6/1965	7.13	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-2653B	9/12/1966	0.68	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-2653N	9/12/1966	0.05	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-2653P	9/12/1966	6.75	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-2653Q	9/12/1966	0.09	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-4006*	7/14/1977	1.7	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7007B	9/11/1967	1.32	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7021A	4/9/1968	0.42	IRRIGATION	8627.4

* Enlargement right subordinate to rights earlier than April 12, 1994

Attachment C

Water Rights Subject to Curtailment - Rangen Delivery Call

Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
WESTERN MORTGAGE & REALTY CO	36-7021C	4/9/1968	0.54	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7041	10/15/1968	4.4	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7209	11/17/1971	4.01	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-7246A	5/18/1972	3.81	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-7246B	5/18/1972	0.04	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-7391	10/12/1973	0.11	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7476B	5/22/1974	1.8	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-7580B	11/21/1975	0.07	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7580C	11/21/1975	3.53	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7580D	11/21/1975	0.32	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7611B	2/25/1977	4.29	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7627	6/7/1976	5.57	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-7795A	5/26/1978	1.58	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7795B	5/26/1978	0.06	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7830B	11/9/1978	1.71	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8068B	3/4/1982	0.05	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8068D	3/4/1982	0.04	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8068E	3/4/1982	2.17	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8068F	3/4/1982	0.05	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8069N	3/4/1982	0.03	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8069P	3/4/1982	3.34	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8069Q	3/4/1982	0.05	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8227	6/30/1983	1.91	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-8274A	7/4/1985	0.28	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8274B	7/4/1985	2.04	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8275B	5/9/1985	2.46	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8404	3/1/1989	2.1	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8475	10/31/1989	2.64	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8777	3/4/1982	1.12	IRRIGATION	8627.4
WESTWAY TRADING	36-8765	4/7/1997	0.04	DOMESTIC	
WG FARMS LLC	36-15356A*	6/30/1973	0.22	IRRIGATION	4382.7
WG FARMS LLC	36-15380*	4/1/1974	0.26	IRRIGATION	4382.7
WG FARMS LLC	36-2550	8/27/1962	4.01	IRRIGATION	4382.7
WG FARMS LLC	36-7186	5/19/1972	0.26	IRRIGATION	4382.7
WG FARMS LLC	36-7187	5/19/1972	0.4	IRRIGATION	4382.7
WG FARMS LLC	36-7188	5/19/1972	0.51	IRRIGATION	158
WG FARMS LLC	36-7189	6/29/1971	0.52	IRRIGATION	135
WG FARMS LLC	36-7190	5/19/1972	0.84	IRRIGATION	156
WG FARMS LLC	36-7191	5/19/1972	0.7	IRRIGATION	153
WG FARMS LLC	36-7393	10/12/1973	0.78	IRRIGATION	312
WG FARMS LLC	36-7399	10/30/1973	4.83	IRRIGATION	4382.7
WG FARMS LLC	36-7531	3/31/1975	1.6	IRRIGATION	80
WG FARMS LLC	36-8107	8/10/1982	0.76	IRRIGATION	312
WG FARMS LLC	36-8212	6/22/1983	1.16	IRRIGATION	4382.7
WG FARMS LLC	36-8213	6/22/1983	2.04	IRRIGATION	4382.7
WG FARMS LLC	36-8257	12/6/1984	4.42	IRRIGATION	4382.7
WG FARMS LLC	36-8258	12/6/1984	8.7	IRRIGATION	4382.7
WG FARMS LLC	36-8259	12/6/1984	5.2	IRRIGATION	4382.7
WHEELER, DEE RAY	36-8601	9/5/1991	0.06	IRRIGATION	2
WHEELER, DEE RAY; WHEELER, LINDA	36-8488	10/10/1989	0.03	COMMERCIAL	
WHITBY, BEVERLY A; WHITBY, ROBERT D	37-7581	1/9/1978	5.1	IRRIGATION	460
WHITELEY BROTHERS LLC	45-10414	6/30/1985	3.14	IRRIGATION	1426

* Enlargement right subordinate to rights earlier than April 12, 1994

Attachment C
Water Rights Subject to Curtailment - Rangen Delivery Call

Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
WHITTAKER, JAMES A	37-8063	1/6/1983	2	IRRIGATION	658
WHITTAKER, KEITH	36-8553	7/9/1990	0.13	IRRIGATION	4.3
WHITWORTH, BOYD	45-7638	3/10/1989	0.06	INDUSTRIAL	
WICKEL, ARDEL W; WICKEL, JUDY M	45-13773*	3/15/1968	0.66	IRRIGATION	849
WICKEL, ARDEL W; WICKEL, JUDY M	45-7336	1/24/1978	4.38	IRRIGATION	849
WICKEL, ARDEL W; WICKEL, JUDY M	45-7449	7/15/1980	0.41	IRRIGATION, STOCKWATER	849
WICKEL, ARDEL W; WICKEL, JUDY M	45-7471	5/22/1981	1.36	IRRIGATION	849
WILCOX, FRANCIS; WILCOX, MARGARET	36-8515	3/2/1990	0.03	IRRIGATION	1
WILD WEST INC	37-21719	3/22/2006	0.11	DOMESTIC	
WILFERTH, CONNIE; WILFERTH, DON E	36-7594	12/16/1975	0.14	IRRIGATION	7
WILLIE HUNZEKER ENTERPRISES	36-7045	11/15/1968	0.14	COMMERCIAL, FIRE PROTECTION	
WILLIE, DANIEL L	36-15637	10/18/1968	0.07	COMMERCIAL	
WILLIE, DANIEL L	36-15639	12/3/1966	0.05	COMMERCIAL	
WILLIE, DANIEL L	36-15641	2/18/1971	0.03	COMMERCIAL	
WILLIE, DANIEL L	36-16114	11/15/1970	0.29	MITIGATION	
WILLIE, DANIEL L	36-16116	5/16/1980	0.07	MITIGATION	
WILLIE, DANIEL L	36-16124*	5/26/1971	0.03	MITIGATION	
WILSON, DIANA J; WILSON, ROBERT E	36-7892	2/4/1980	0.06	IRRIGATION, DOMESTIC	1.4
WISE, EARL; WISE, INEZ	36-8638	1/7/1992	0.04	IRRIGATION, DOMESTIC	1
WLR LC	36-16568	2/8/1977	10.14	IRRIGATION	1076
WLR LC	36-16577	2/20/1990	1.5	IRRIGATION	1076
WLR LC	36-16586	3/15/1987	0.09	IRRIGATION	1076
WOOD RIVER RANCH CO INC	36-8312	8/15/1986	0.05	STOCKWATER	
WOODLAND, ALAN; WOODLAND, DEBRA	36-16517*	3/15/1984	0.93	IRRIGATION	307
WOODLAND, ALAN; WOODLAND, DEBRA	36-16518*	3/15/1984	0.12	IRRIGATION	32
WOODLAND, ALAN; WOODLAND, DEBRA	36-16698	7/12/1964	5.02	IRRIGATION	606
WOODLAND, MICHAEL D	36-7930	8/11/1980	3.68	IRRIGATION	200
WOODLAND, MICHAEL D; WOODLAND, PATRICIA	36-15179*	3/15/1975	0.94	IRRIGATION	531
WOODLAND, MICHAEL D; WOODLAND, PATRICIA	36-2567	3/7/1963	3.4	IRRIGATION	531
WOODLAND, MICHAEL D; WOODLAND, PATRICIA	36-2674	8/25/1966	1.04	IRRIGATION	531
WOODLAND, MICHAEL D; WOODLAND, PATRICIA	36-7055	4/7/1969	2.4	IRRIGATION	120
WOODLAND, MICHAEL D; WOODLAND, PATRICIA	36-7461	3/26/1974	8.35	IRRIGATION	548
WOODWARD, ARLEN; WOODWARD, JUDY	36-8194	5/24/1983	0.03	IRRIGATION	1
WOODWARD, RODGER; WOODWARD, RUTH	36-8214	6/27/1983	0.04	IRRIGATION, DOMESTIC	1
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7562C	1/21/1974	0.6	IRRIGATION	30
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7562D	1/21/1974	0.12	STOCKWATER, COMMERCIAL	
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7562E	1/21/1974	0.15	IRRIGATION	30
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7562F	1/21/1974	0.05	STOCKWATER, COMMERCIAL	
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7622A	4/29/1976	0.45	IRRIGATION	30
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7622B	4/29/1976	0.15	STOCKWATER, COMMERCIAL	
WRIGLEY, DON; WRIGLEY, EDITH; WRIGLEY, MAVIS; WRIGLEY, RICK; WRIGLEY, VERLA	45-7155A	10/12/1973	2.29	IRRIGATION	296

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Attachment C

Water Rights Subject to Curtailment - Rangen Delivery Call

Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
WRIGLEY, DON; WRIGLEY, EDITH; WRIGLEY, MAVIS; WRIGLEY, RICK; WRIGLEY, VERLA	45-7166B	2/3/1974	2.29	IRRIGATION	296
WRIGLEY, DON; WRIGLEY, GALE; WRIGLEY, JAYE; WRIGLEY, RICK	45-7166D	2/3/1974	2	IRRIGATION	172.5
WRIGLEY, EDITH; WRIGLEY, RICK	45-13565	10/12/1973	2.18	IRRIGATION	280
WRIGLEY, EDITH; WRIGLEY, RICK	45-7166C	2/3/1974	2.18	IRRIGATION	280
WYATT, GRANT M	45-13541	6/30/1985	2.09	IRRIGATION	479
WYBENGA DAIRY LLC	45-13418	10/31/1974	5.24	IRRIGATION	1223
WYBENGA DAIRY LLC	45-13440	1/4/1975	2.11	IRRIGATION	1223
WYBENGA DAIRY LLC	45-13442	10/31/1974	5.45	IRRIGATION	1223
WYBENGA DAIRY LLC	45-13444	6/30/1978	2.31	IRRIGATION	1223
WYBENGA DAIRY LLC	45-7196B	1/4/1975	2.03	IRRIGATION	1223
WYBENGA DAIRY LLC	45-7345B	6/30/1978	2.22	IRRIGATION	1223
WYBENGA, DARLA; WYBENGA, STEVE C	45-13423	1/4/1975	0.25	STOCKWATER, COMMERCIAL	
WYBENGA, DARLA; WYBENGA, STEVE C	45-13425	10/31/1974	0.63	STOCKWATER, COMMERCIAL	
WYBENGA, DARLA; WYBENGA, STEVE C	45-13427	6/30/1978	0.27	STOCKWATER, COMMERCIAL	
WYBENGA, DARLA; WYBENGA, STEVE C	45-13976	1/4/1975	0.06	STOCKWATER, COMMERCIAL	
WYBENGA, DARLA; WYBENGA, STEVE C	45-13978	10/31/1974	0.16	STOCKWATER, COMMERCIAL	
WYBENGA, DARLA; WYBENGA, STEVE C	45-13980	6/30/1978	0.07	STOCKWATER, COMMERCIAL	
WYNN DEWSNUP FAMILY REVOCABLE TRUST	36-15217*	3/15/1968	0.76	IRRIGATION	176
WYNN DEWSNUP FAMILY REVOCABLE TRUST	36-7356C	7/24/1973	0.78	IRRIGATION	99
YERION, GEORGE A; YERION, SUSAN F	37-20717	4/29/2002	0.1	IRRIGATION	3.3
YOUNG, KAREN W; YOUNG, ROSS M	37-7621E	6/7/1977	0.67	IRRIGATION	34
YOUNG, KAREN W; YOUNG, ROSS M	37-7782	6/5/1979	0.14	IRRIGATION, DOMESTIC	3
ZION LUTHERAN CHURCH	45-7167	2/13/1974	0.06	IRRIGATION	2.1
ZOLLINGER, C S	36-2615	6/11/1965	5.9	IRRIGATION	306
ZOLLINGER, RAY D	45-11806	8/15/1971	0.24	STOCKWATER	

* Enlargement right subordinate to rights earlier than April 12, 1994

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(Required by Rule of Procedure 740.02)

The accompanying order is a "**Final Order**" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the service date of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) The petition for reconsideration is disposed of; or
(b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a 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 department 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. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days: a) of the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

EXHIBIT 6

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-02551 AND 36-07694	**CM-DC-2011-004**
(RANGEN, INC.)	**ORDER GRANTING IGWA'S PETITION TO STAY CURTAILMENT**

BACKGROUND

On January 29, 2014, the Director ("Director") of the Idaho Department of Water Resources ("Department") issued a *Final Order Regarding Rangen, Inc,'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("Final Order") in this proceeding.

On February 11, 2014, the Idaho Ground Water Appropriators, Inc. ("IGWA") filed *IGWA's Mitigation Plan and Request for Hearing* ("Mitigation Plan").

On February 12, 2014, IGWA filed *IGWA's Petition to Stay Curtailment, and Request for Expedited Decision* ("Petition to Stay"). The petition asks the Director to issue a stay of the Final Order "during the 2014 growing season until a decision is made on IGWA's Mitigation Plan...." *Petition to Stay* at 1. That same day the Department issued its *Order Shortening Time to File Responses to IGWA's Petition to Stay Curtailment*, which shortened the time for parties to respond to the Petition to Stay to February 19, 2014.

On February 19, 2014, Rangen, Inc. ("Rangen") filed *Rangen, Inc.'s Response in Opposition to IGWA's Petition to Stay Curtailment* ("Response"). No other parties filed responses to the Petition to Stay.[1]

[1] On February 14, 2014, a *Petition for Limited Intervention* was filed by a number of municipalities located within the curtailment area. In the petition, the municipalities seek to join in IGWA's petition to stay. *Petition for Limited Intervention* at 5. Because the municipalities are not currently parties to this proceeding, the Director will not consider the municipalities' arguments. The Director notes, however, that the arguments raised by the municipalities echo those raised by IGWA in its petition.

LEGAL STANDARD FOR A STAY

The Director has authority to stay a final order pursuant to the Department's rules of procedure:

> Any party or person affected by an order may petition the agency to stay any order, whether interlocutory or final. Interlocutory or final orders may be stayed by the judiciary according to statute. The agency may stay any interlocutory or final order on its own motion.

IDAPA 37.01.01.780 ("Rule 780").

The authority to stay a final order is also reflected in I.C. § 67-5274 and I.R.C.P. 84(m), which provide that an "agency may grant, or the reviewing court may order, a stay upon appropriate terms." The use of the word "may" demonstrates the Director's discretionary authority to stay enforcement of an order. *See Bank of Idaho v. Nesseth*, 104 Idaho 842, 846, 664 P.2d 270, 274 (1983). As both IGWA and Rangen recognize in their briefing, however, neither the statute nor the rule define what constitutes "appropriate terms" or establish a clear test for determining when a stay is appropriate. There are no reported judicial opinions in Idaho discussing what qualifies as "appropriate terms" or that describe when a stay is appropriate pursuant to Rule 780, I.C. § 67-5274 or I.R.C.P. 84(m). Consequently, the Director must look to other authorities to help determine when a stay is appropriate.

The authority of the Director to stay an order in an administrative proceeding is analogous to the authority of a district court to stay the enforcement of a judgment under I.R.C.P 62(a). In both circumstances, an order has been issued deciding the matter and a party can seek to have enforcement of the order stayed pending appeal or pending further action. A stay pursuant to I.R.C.P 62(a) may be granted by a district court "when it would be unjust to permit the execution on the judgment, such as where there are equitable grounds for the stay or where certain other proceedings are pending." *Haley v. Clinton*, 123 Idaho 707, 709, 851 P.2d 1003, 1005 (Ct. App. 1993). A stay is appropriate "[w]here it appears necessary to preserve the status quo ... ." *McHan v. McHan*, 59 Idaho 41, 80 P.2d 29, 31 (1938). Likewise, a stay is appropriate when, "[i]t is entirely possible that the refusal to grant a stay would injuriously affect appellant, and it likewise is apparent that granting such a stay will not be seriously injurious to respondent." *Id.* This standard parallels the standard for issuing a preliminary injunction found in I.R.C.P. 65(e). The relevant sections of I.R.C.P. 65(e) provide:

> A preliminary injunction may be granted in the following cases:
> (1) When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of the acts complained of, either for a limited period or perpetually.
> (2) When it appears by the complaint or affidavit that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury to the plaintiff.
> . . .

(5) A preliminary injunction may also be granted on the motion of the defendant upon filing a counterclaim, praying for affirmative relief upon any of the grounds mentioned above in this section, subject to the same rules and provisions provided for the issuance of injunctions on behalf of the plaintiff.

Based on the foregoing, the Director will consider the following factors when deciding whether a stay should be issued:

1. The likelihood the moving party will prevail on appeal or in another pending proceeding;
2. Whether denial of the stay will result in irreparable harm to the moving party;
3. Whether granting the stay will cause irreparable harm to the respondent.

ANALYSIS

A. There are equitable grounds for the stay as it is likely that IGWA's mitigation plan will be approved for the irrigation season.

Junior ground water users may avoid curtailment by participating in an approved mitigation plan. *Final Order* at 42. IGWA submitted a mitigation plan to the Department and the process of advertising the mitigation plan is occurring. The last day of publication of the plan is February 27, 2014. The deadline for protests to the mitigation plan is March 10, 2014. A hearing on the mitigation plan has been scheduled for March 17 - 18, 2014,. IGWA has represented that it has secured and is ready to supply water directly to Rangen in the amount required by the Rangen Order. Specifically, North Snake Ground Water District ("NSGWD"), a member of IGWA, has reached a five year agreement with Butch Morris to provide Morris surface water through the Sandy Pipeline in return for allowing NSGWD to use certain water rights owned by Morris which have a source of the Curren Tunnel. *Mitigation Plan* at 2-3. The Morris rights are for 6.05 cfs. Because the Morris water rights are senior to Rangen's injured water rights and because the agreement with Morris gives IGWA the right to use the Morris water rights for mitigation purposes, IGWA is likely entitled to mitigation credit related to the exercise of the Morris rights.

In addition, IGWA has implemented a number of mitigation solutions that continue to this day. For example, IGWA has undertaken recharge, conversion of farmland from surface water to ground water irrigation, and voluntary dry-ups. *Mitigation Plan* at 2. The Director has previously approved mitigation credit for these activities in other delivery call proceedings and expects that IGWA will be entitled to approximately 1.5 to 2 cfs of credit for these activities.

Furthermore, NSGWD has proposed additional mitigation actions that it intends to undertake to comply with the Director's Order. Cumulatively, the proposed measures, once implemented, will fully satisfy the requirements of the Director's Order and it appears that IGWA will be able to demonstrate that it has satisfied the requirement for direct delivery of water to Rangen.

B. Denial of the stay will result in irreparable harm to IGWA

If the curtailment order is left in place, it will have significant negative and potentially irreversible effects on the water right holders subject to the curtailment order. Curtailment will result in the drying up of approximately 157,000 acres of irrigated farm land. *Final Order* at 28. It is likely that many, if not most, of the water right holders will suffer significant financial hardship. The financial hardship will not be limited to the affected water right holders but will be shared by all industries with overlapping economic sectors. If the curtailment order is not lifted until IGWA's mitigation plan is approved, the damage to these businesses and communities will have already occurred and will not be able to be undone.

C. Granting IGWA's request to stay the curtailment order will not cause irreparable harm to Rangen.

Granting the stay will not result in irreparable harm to Rangen. As recognized by the Idaho Supreme Court in *Clear Springs*, ground water pumping does not cause a sudden loss of water discharge from the springs. *Clear Springs Foods, Inc. v. Spackman*, 150 Idaho 790, 815, 252 P.3d 71, 96 (2011). The reduction in flows from the springs in the Thousand Springs area has been gradual and immediate curtailment will not quickly restore the Curren Tunnel spring flows. The effects of curtailment may take years to be fully realized. *Final Order* at 42. Furthermore, most of the irrigation in the area of curtailment does not commence until April, so most of the benefits of curtailment will be even further delayed. The Director has already scheduled a hearing for IGWA's mitigation plan and anticipates a decision for the plan in early spring. If the stay only lasts until a decision is issued for the mitigation plan, the amount of water that would have accrued to the Curren Tunnel as a result of curtailment in the time frame for making a decision on the mitigation plan is small.

D. The stay will be in effect until a decision is made on IGWA's pending mitigation plan.

As correctly pointed out by Rangen, IGWA cannot claim surprise that a curtailment order was issued as part of the Final Order. At the start of the Rangen proceeding, the Director advised all parties that curtailment was a possible result of the hearing. *Transcript of May 24, 2012 Hearing*, p. 43-45, attached as Exhibit 3 to *Affidavit of J. Justin May*. Then in a subsequent order, the parties were again directly warned:

> The Director must use the best available science, and at the same time must also protect senior-priority rights by enforcing an order finding material injury. **Therefore, the parties should be fully aware that if material injury is found, the order finding material injury will be enforced, regardless of the time of year in which it is issued.**

Order Suspending Hearing and Setting Status Conference, p. 2 (emphasis added).

Given that IGWA has submitted a mitigation plan, which appears on its face to satisfy the criteria for a mitigation plan pursuant to the Conjunctive Management Rules and the requirements of the Director's curtailment order, and because of the disproportional harm to IGWA members when compared with the harm to Rangen if a temporary stay is granted, the Director will approve a temporary stay pending a decision on the mitigation plan. The Director will conduct an expedited hearing for the mitigation plan and to issue a decision shortly thereafter. Ground water users are advised that in the event the mitigation plan is not approved, the curtailment order will go into effect immediately.

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED that IGWA's Petition to Stay is GRANTED. Enforcement of the curtailment order issued in conjunction with the Final Order is stayed for members of IGWA and the non-member participants in IGWA's mitigation plan until a decision is issued on IGWA's mitigation plan. The stay does not apply to the holders of junior ground water rights identified in Attachment C of the Final Order that are not members of IGWA or are not non-member participants in IGWA's migration plan. Pursuant to Idaho Code § 42-5259, junior ground water right holders may contact their nearest ground water district to become a non-member participant in the mitigation plan.

Dated this 21st day of February, 2014.

GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 2014, I served a true and correct copy of the ORDER DENYING IGWA'S PETITION FOR RECONSIDERATION on the following parties by the methods indicated:

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Deborah J. Gibson

Deborah Gibson
Assistant to the Director

EXHIBIT 7

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE MITIGATION PLAN FILED BY THE IDAHO GROUND WATER APPROPRIATORS FOR THE DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-02551 AND 36-07694 IN THE NAME OF RANGEN, INC.	)	**CM-MP-2014-001** **CM-DC-2011-004**
IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-02551 AND 36-07694 (RANGEN, INC.)	)	**ORDER APPROVING IN PART AND REJECTING IN PART IGWA'S MITIGATION PLAN; ORDER LIFTING STAY ISSUED FEBRUARY 21, 2014; AMENDED CURTAILMENT ORDER**

PROCEDURAL BACKGROUND

On January 29, 2014, the Director ("Director") of the Idaho Department of Water Resources ("Department") issued the *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("Curtailment Order"). The Curtailment Order recognizes that holders of junior-priority ground water rights may avoid curtailment if they participate in a mitigation plan which provides "simulated steady state benefits of 9.1 cfs to Curren Tunnel [sometimes referred to as the "Martin-Curren Tunnel"]or direct flow of 9.1 cfs to Rangen." *Curtailment Order* at 42. The Curtailment Order explains that mitigation provided by direct flow to Rangen "may be phased-in over not more than a five-year period pursuant to CM Rule 40 as follows: 3.4 cfs the first year, 5.2 cfs the second year, 6.0 cfs the third year, 6.6 cfs the fourth year, and 9.1 cfs the fifth year." *Id.*

On February 11, 2014, the Idaho Ground Water Appropriators, Inc. ("IGWA") filed with the Department *IGWA's Mitigation Plan and Request for Hearing* ("Mitigation Plan") to avoid curtailment imposed by the Curtailment Order. The Mitigation Plan sets forth nine proposals for junior-priority ground water pumpers to meet mitigation obligations: 1) credit for current and ongoing mitigation activities; 2) mitigation via the Sandy Pipe; 3) assignment of water right no. 36-16976; 4) fish replacement; 5) monetary compensation; 6) improvements to the Curren Tunnel diversion; 7) drilling a horizontal well in the vicinity of the Curren Tunnel; 8) drilling new groundwater wells or utilizing existing wells with delivery over-the-rim; and 9) construction of a direct pump-back and aeration system within the Rangen facility.

On March 14, 2014, Rangen, Inc. ("Rangen") filed three documents with the Department: *Rangen's Motion in Limine to Exclude Evidence of Tucker Springs Project; Rangen's Motion to Dismiss Proposals 3-9 of IGWA 's Mitigation Plan and Limit Scope of Hearing;* and *Rangen, Inc. 's Petition to Intervene to Become a Party Protestant and Rangen 's Motion for Reconsideration Re: Denial of Participation in Mitigation Plan Hearing.* At the commencement of the hearing on IGWA's Mitigation Plan, which was held on March 17-19, 2014 at the Department's State office in Boise, Idaho, the Director verbally ruled on Rangen's motions and petition to intervene. Specifically, the Director granted Rangen's motion to exclude evidence of the Tucker Springs Project; dismissed proposals four and five of IGWA's Mitigation Plan, and granted Rangen's petition to intervene. On March 26, 2014, the Director issued the following to reflect those verbal rulings: *Order Granting Rangen's Motion in Limine to Exclude Evidence of Tucker Springs Project; Order Granting in Part and Denying in Part Rangen's Motion to Dismiss Proposals 3-9 of IGWA's Mitigation Plan and Limit Scope of Hearing;* and *Order Granting Rangen, Inc.'s Petition to Intervene and Denying Motion for Reconsideration.*

APPLICABLE LAW

Conjunctive Management Rule 43.03 ("Rule 43.03") establishes the following factors that "may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights":

a. Whether delivery, storage and use of water pursuant to the mitigation plan is in compliance with Idaho law.

b. Whether the mitigation plan will provide replacement water, at the time and place required by the senior-priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy the rights of diversion from the surface or ground water source. Consideration will be given to the history and seasonal availability of water for diversion so as not to require replacement water at times when the surface right historically has not received a full supply, such as during annual low-flow periods and extended drought periods.

c. Whether the mitigation plan provides replacement water supplies or other appropriate compensation to the senior-priority water right when needed during a time of shortage even if the effect of pumping is spread over many years and will continue for years after pumping is curtailed. A mitigation plan may allow for multi-season accounting of ground water withdrawals and provide for replacement water to take advantage of variability in seasonal water supply. The mitigation plan must include contingency provisions to assure protection of the senior-priority right in the event the mitigation water source becomes unavailable.

d. Whether the mitigation plan proposes artificial recharge of an area of common ground water supply as a means of protecting ground water pumping levels, compensating senior-priority water rights, or providing aquifer storage for exchange or other purposes related to the mitigation plan.

e. Where a mitigation plan is based upon computer simulations and calculations, whether such plan uses generally accepted and appropriate engineering and hydrogeologic formulae for calculating the depletive effect of the ground water withdrawal.

f. Whether the mitigation plan uses generally accepted and appropriate values for aquifer characteristics such as transmissivity, specific yield, and other relevant factors.

g. Whether the mitigation plan reasonably calculates the consumptive use component of ground water diversion and use.

h. The reliability of the source of replacement water over the term in which it is proposed to be used under the mitigation plan.

i. Whether the mitigation plan proposes enlargement of the rate of diversion, seasonal quantity or time of diversion under any water right being proposed for use in the mitigation plan.

j. Whether the mitigation plan is consistent with the conservation of water resources, the public interest or injures other water rights, or would result in the diversion and use of ground water at a rate beyond the reasonably anticipated average rate of future natural recharge.

k. Whether the mitigation plan provides for monitoring and adjustment as necessary to protect senior-priority water rights from material injury.

l. Whether the plan provides for mitigation of the effects of pumping of existing wells and the effects of pumping of any new wells which may be proposed to take water from the areas of common ground water supply.

m. Whether the mitigation plan provides for future participation on an equitable basis by ground water pumpers who divert water under junior-priority rights but who do not initially participate in such mitigation plan.

n. A mitigation plan may propose division of the area of common ground water supply into zones or segments for the purpose of consideration of local impacts, timing of depletions, and replacement supplies.

o. Whether the petitioners and respondents have entered into an agreement on an acceptable mitigation plan even though such plan may not otherwise be fully in compliance with these provisions.

IDAPA 37.03.11.043.03(a-o).

A proposed mitigation plan must contain information that allows the Director to evaluate these factors. IDAPA 37.03.11.043.01(d).

While Rule 43.03 lists factors that "may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights," factors 43.03(a) through 43.03(c) are necessary components of mitigation plans that call for the direct delivery of mitigation water. A junior water right holder seeking to directly deliver mitigation water bears the burden of proving that (a) the "delivery, storage and use of water pursuant to the mitigation plan is in compliance with Idaho law," (b) "the mitigation plan will provide replacement water, at the time and place required by the senior priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy the rights of diversion from the surface or ground water source," and (c) "the mitigation plan provides replacement water supplies or other appropriate compensation to the senior-priority water right when needed during a time of shortage." IDAPA 37.03.11.043.03(a-c) These three inquiries are threshold factors against which IGWA's mitigation plan proposal must be measured.

To satisfy its burden of proof, IGWA must present sufficient factual evidence at the hearing to prove that (1) the proposal is legal, and will generally provide the quantity of water required by the curtailment order; (2) the components of the proposed mitigation plan can be implemented to timely provide mitigation water as required by the curtailment order; and (3)(a) the proposal has been geographically located and engineered, and (b) necessary agreements or option contracts are executed, or legal proceedings to acquire land or easements have been initiated.

Consideration of the first three factors in Rule 43.03 requires that the water be provided in the season of use.

ANALYSIS

This decision approves portions of IGWA's Mitigation Plan, but determines that the quantities of mitigation water available to Rangen during the time of need are insufficient to fully mitigate as required by the Curtailment Order. As a result, curtailment of the use of water by a segment of the ground water holders whose use was curtailed in the Curtailment Order is required.

This decision recognizes credit for only two components of IGWA's proposed mitigation plan: (1) Aquifer enhancement activities (conversions, recharge, and voluntary curtailments), and (2) Exchange of irrigation water diverted from the Curren Tunnel with operational spill water from the North Side Canal Company. The Director rejects the remaining components (proposals 3, 6- 9) of IGWA's mitigation plan. The primary reason for rejection of the other proposed components of IGWA's mitigation plan is the lack of evidence in the record to determine how the proposal could be implemented, either legally or physically. IGWA did not address and carry its evidentiary burden by: (1) Establishing the legality of the proposal, (2) Presenting details about how the proposed physical infrastructure could be physically located, constructed and operated, and (3) Predicting when the proposal could be completed to provide

the required mitigation. The only evidence that IGWA presented about proposed physical infrastructure was testimony that the proposals requiring infrastructure would be feasible or that there is no reason why IGWA couldn't implement sections its mitigation proposals. Brendeke, Tr., Vol. II, pp. 483-85, 494-95, 501, 504, 511, 515, 519, 522-23, 525-27. Testimony that IGWA has an optimistic vision of successfully completing proposals 3 and 6-9 of its mitigation plan is not a substitute for presenting actual activities or written plans demonstrating that it has initiated and at least completed preliminary tasks in implementing its mitigation plan.

Use of ESPAM 2.1

The Eastern Snake Plain Aquifer Model ("ESPAM") is a calibrated regional ground water model representing the Eastern Snake Plain Aquifer ("ESPA"). In the Curtailment Order the Director adopted ESPAM 2.1 to model the stresses to the ESPA related to Rangen's renewed delivery call. In this decision, the Director uses ESPAM 2.1 to determine the simulated benefits of aquifer enhancement activities conducted by IGWA and other private entities and to determine a curtailment date because of a mitigation deficiency.

Benefits of Aquifer Enhancement Activities

ESPAM 2.1 can simulate the equilibrium, steady-state impacts resulting from a constant stress, or, alternatively, it can simulate the impacts of constant or time-variable stresses during a specific period of time. Model simulations that analyze impacts over a specific time period are called "transient runs." The length of the simulation is dependent on the time period of interest. Curtailment of ground water pumping was simulated over a period of five years representing the five-year curtailment phase-in period from April 2014 through March 2019. Aquifer enhancement activities by IGWA and other private entities were simulated over a period of 14 years representing April 2005 through March 2019. In both simulations, the volume of benefit to the aquifer during each year was averaged over a one-year "stress period." For example, the volume of aquifer enhancement activities during 2005 was input into the model at a constant rate from April 2005 through March 2006.

For purposes of both the Curtailment Order and analyzing the mitigation required in response to a delivery call, the Department employed an annual stress period in ESPAM 2.1, predicted the annual volume accruing to the Curren Tunnel within each year of the five-year phase-in period, and calculated an average annual mitigation flow requirement for each year from the annual volume . The mitigation requirement was calculated by dividing the total volume predicted to accrue over a one year period by 365 days and converting the units to cubic feet per second. The use of the average annual mitigation requirement promotes annual planning and is a reasonable time period for model prediction and analysis.[1]

[1] The Director notes that Rangen also evaluated IGWA's aquifer enhancement activities using an annual stress period approach. *See* Rangen Ex. 2071. Rangen's evaluation neglected aquifer enhancement activities performed by Southwest Irrigation District and the ongoing transient effects of aquifer enhancement activities performed by IGWA in prior years, thus Rangen's evaluation did not include all of the transient benefits predicted to accrue to the Curren Tunnel after April 2014.

Benefits of Mitigation Using Senior Irrigation Water Rights

Ground water pumping for irrigation causes depletions of Curren Tunnel flows during the non-irrigation season after ground water pumping ceases. As stated above, however, predicted accretions to flows in the Curren Tunnel from curtailment were modeled over one year stress periods to determine the obligations of the ground water users to mitigate for their ground water diversions. Predicted accretions to the Curren Tunnel resulting from aquifer enhancement activities were also modeled over one year stress periods.

In this decision, the Director also employs an annual time period to evaluate the average benefit of IGWA's proposal to deliver water to Rangen that would have been diverted pursuant to irrigation water rights held by Howard (Butch) and Rhonda Morris (hereafter referred to in the singular as "Morris"). The Curtailment Order allowed staged mitigation, requiring incremental increases in mitigation for each of the first five years of implementation. Each of the incremental mitigation requirements assumed an average obligation within each year. For each of the first four years, the determination of the annual obligation was computed by applying annual stresses and computing an average annual obligation. Because the conjunctive management rules limit the staged mitigation period to five years, the mitigation obligation for the fifth year increased to the full 9.1 cfs obligation. Similarly, an annual averaging of delivery of irrigation water can be employed determine whether the junior water right holder has satisfied the mitigation obligation. Averaging IGWA's mitigation activities over a period of one year will establish consistent time periods for combining delivery of the Morris water for mitigation and the average annual benefit provided by aquifer enhancement activities, and for direct comparison to the annual mitigation requirement. If the proposed mitigation falls short of the annual mitigation requirement, the deficiency can be calculated at the beginning of the irrigation season. Diversion of water by junior water right holders will be curtailed to address the deficiency. The senior water right holder will be assured of a water supply, particularly during periods of low spring flow, as the low flow periods occur during the irrigation season in recent years. *See* Rangen Ex. 2045, 2073.

Time Period for Mitigation

The first year mitigation requirement of 3.4 cfs will begin on April 1, 2014, and continue through March 31, 2015. On April 1, 2015, the ground water users must have sufficient mitigation in place to deliver 5.2 cfs to Rangen, either by direct delivery or by transient modeled accretions.

FINDINGS OF FACT

Eastern Snake Plain Aquifer Model Version No. 2.1

1. ESPAM is a calibrated regional ground water model representing the ESPA. In the Curtailment Order the Director adopted ESPAM 2.1 to model the stresses to the ESPA related to Rangen's renewed delivery call. IDWR will use ESPAM 2.1 to determine the simulated benefits of aquifer enhancement activities conducted by IGWA and other private

entities, and, if there is a deficiency in the mitigation plan, to determine a curtailment date to provide for the deficiency.

Proposal No. 1: Aquifer Enhancement Activities

2. Proposal No. 1 requests mitigation credit for the following ongoing and future activities by IGWA: (a) conversions from ground water irrigation to surface water irrigation, (b) voluntary "dry-ups" of acreage irrigated with ground water through the Conservation Reserve Enhanced Program ("CREP") or other cessation of irrigation with ground water, and (c) ground water recharge. This order will subsequently refer to these activities as "aquifer enhancement activities."

3. Exhibit 3001 in the hearing record contains data compiled by IDWR that quantifies the aquifer enhancement activities of IGWA and other private entities during the time period beginning in 2005 through 2010. Data for 2011-2013 private aquifer enhancement activities were received into evidence as Exhibits 1022, 1023, 1082 and 1083.

4. In the past, the Department input data for aquifer enhancement activities into ESPAM as a stress in the model to simulate benefits accruing to spring/Snake River reaches from the aquifer enhancement activities that benefit spring/Snake River reaches that supply water to senior surface water right holders who called for delivery of water pursuant to their senior surface water rights against junior ground water right holders. These data have been recognized by the Department in other conjunctive management contested cases as a reliable representation of previous aquifer enhancement activities of IGWA. *See Final Order Approving Mitigation Credits Regarding SWC Delivery Call*, In the Matter of the Idaho Ground Water Appropriators, Inc.'s Mitigation Plan for Conversions, Dry-ups, and Recharge, Doc. No. CM-MP-2009-006 (July 19, 2010), aff'd on appeal in *Memorandum Decision and Order on Petition for Judicial Review,* CV-2010-3822 (Fifth Jud. Dist., Twin Falls County, April 22, 2011).

5. The Curtailment Order stated that, to avoid curtailment, IGWA must either provide mitigation of 9.1 cfs in combined direct flows and steady state simulated flows to Rangen during 2014, or must provide 3.4 cfs of direct flows to Rangen during the first year of the curtailment order. To predict the benefit of aquifer enhancement activities in a steady state and also to predict transient benefits of aquifer enhancement activities in year 2014, ESPAM Model 2.1 must be run (a) once to determine the steady state benefits assuming constant implementation of fixed aquifer enhancement activities; and (b) once in transient mode with a stress period for each year of aquifer enhancement activities (2005 – 2013 plus projected future activities) to determine the benefits of past and projected future activities predicted to accrue to the Curren Tunnel during each year of the five-year phase-in period.

6. Exhibit no. 1025 summarizes model runs predicting benefits to Rangen resulting from steady state simulations of activities in 2011, 2012, and 2013. The predicted flow benefits to Rangen in Exhibit 1025 were accepted and referred to by all parties in the presentation of evidence.

7. For comparison with the phased-in requirement of 3.4 cfs during the first year of the curtailment order, it is necessary to predict the benefits of aquifer enhancement that would accrue during the first year. Rangen used ESPAM 2.1 to evaluate the transient benefits of aquifer enhancement activities beginning in 2014 in Exhibit 2071, but neglected to include ongoing transient benefits of prior IGWA aquifer enhancement projects that occurred between 2005 and 2013 and neglected to include aquifer enhancement activities performed by Southwest Irrigation District. *See* Brockway, Tr. Vol. III, p. 681-685.Using the data entered into evidence at the hearing, the Department input data into the model for each year of private party aquifer enhancement activities from 2005 through 2014. The 2005 through 2013 data were compiled from previously documented activities. IDWR Ex. 3001; IGWA Ex. 1025. For 2014, conversions, CREP, and voluntary curtailment projects were assumed to be identical to 2013, and private party managed recharge was assumed to be zero. The Department determined the average annual benefit from aquifer enhancement activities predicted to accrue to the Curren Tunnel between April 2014 and March 2015 is 871 acre feet, which is equivalent to an average rate of 1.2 cfs for 365 days. The modeling files and a summary table of the model results are included on a CD accompanying this order.

Proposal No. 2: Mitigation Using Senior Irrigation Water Rights Diverted from the Curren Tunnel

8. IGWA proposes to mitigate using water from Morris, who holds certain senior irrigation water rights from the Curren Tunnel. Specifically, IGWA and Morris agreed that IGWA would deliver Snake River water discharging from the North Side Canal Co. system into the Sandy Pond as operational spill to Morris through the Sandy Pipeline, and, in exchange, Morris would forego diversion of water from Curren Tunnel pursuant to water right numbers 36-123D, 36-134E, 36-135D, 36-135E, 36-10141A, and 36-10141B that bear priority dates senior to Rangen's fish propagation water rights. The foregone diversion of water by Morris will result in discharge and capture of water from the Curren Tunnel by Rangen that would have been diverted and used by Morris but for the agreement with IGWA.

9. It is necessary to apply the first three threshold factors of Rule 43.03.

Legality of Use of North Side Canal Company Water Spilled into the Sandy Ponds

10. Morris is presently irrigating approximately 205 acres of his own land with wastewater from the Sandy Ponds. Morris, Tr. Vol. II, p. 371-72. Morris testified that he also irrigates adjacent land owned by Musser and Candy with water from the Sandy Ponds. Morris, Tr. Vol. II, pp. 363, 372.

11. Morris holds a water right to irrigate 125 acres of his own land with water from the Sandy Pond. Department records do not identify any water rights in the name of Musser or Candy to irrigate their lands with water from the Sandy Pond.

12. The lands of Musser, Candy, and Morris are all within the water right place of use service area of the North Side Canal Company. *See* Exhibit 3000. The Sandy Pond was originally constructed by North Side Canal Company to capture its operational spill for water

quality purposes. When North Snake Ground Water District acquired the Sandy Pond, it enlarged the size of the pond. The enlargement of the pond did not change the character or assumed ownership of the water in the pond, however. Until other water rights are established authorizing diversion and use of water from the pond, the Department will presume the water in the pond is North Side Canal Company operational spill water that is being captured and may be applied to North Side Canal Company lands. *Reynolds Irr. Dist. v. Sproat*, 70 Idaho 217, 222, 214 P.2d 880, 883 (1950).

Quantity of Water Delivered to Rangen

13. The quantity of water available for diversion by Morris pursuant to water right numbers 36-123D, 36-134E, 36-135D, 36-135E, 36-10141A, and 36-10141B is limited by the discharge of the Curren Tunnel and by diversions of other water users pursuant to other senior water rights.

14. The Morris water rights authorize a beneficial use of irrigation. The contribution of water to Rangen by leaving water in the Curren Tunnel that normally would have been diverted by Morris only benefits Rangen during the irrigation season. In contrast, as identified in the Curtailment Order, the modeled 2014 **year-round** average Curren Tunnel depletion resulting from junior ground water pumping is 3.4 cfs. *Curtailment Order* at 42. The benefit to Rangen of Morris' nondiversion of water from Curren Tunnel to Rangen must be estimated and then compared to the year-round depletion average. The calculation of the average first year depletion of 3.4 cfs starts April 1. IGWA needs to compensate for depletions of water for the entire 365 days from April 15 to March 31.

15. Morris irrigates crops from approximately April through mid-October. Tr. Vol. II, p 392-93. The number of days he would have irrigated with water from the Curren Tunnel is approximately 184 days (April 15 through October 15). This means that IGWA can claim credit only for that volume of water available to Morris for 184 days between April 15 and October 15.

16. Flows discharging from Curren Tunnel have been measured for approximately 20 years. The Curren Tunnel discharge is the sum of the average monthly flow measured at the mouth of the tunnel by IDWR (Exhibit 2045) and the average monthly flow diverted into Rangen's 6-inch PVC pipe (Exhibit 3000). The magnitude of discharges from the Curren Tunnel varies annually and seasonally depending on hydrologic conditions, related water uses, and other activities on the ESPA.

17. Table 1 lists the average irrigation season (April 15 through October 15) flow from Curren Tunnel for years 1996 through 2013. There is a distinct change in the magnitude of average irrigation season flow values starting in 2002. It is likely that the average discharge from the Curren Tunnel during the 2014 irrigation season will be within the range represented by the 2002-2013 conditions. From 2002 through 2013, the average irrigation season flow has varied between 2.3 cfs and 5.7 cfs. The years of 2002 through 2013 will be used as a historical data set to predict the flows from Curren Tunnel for 2014. The average of the average irrigation season values for each year from 2002 through 2013 is 3.7 cfs.

Year	Average Curren Tunnel discharge, April 15 - October 15
1996	12.4
1997	17.9
1998	17.0
1999	15.2
2000	13.9
2001	8.0
2002	4.5
2003	3.9
2004	4.4
2005	2.3
2006	5.7
2007	4.9
2008	3.2
2009	2.8
2010	2.3
2011	3.4
2012	4.1
2013	2.8
2002-2013 average	3.7

Table 1. Average Curren Tunnel discharge during Morris' irrigation season.

18. Rangen holds water rights for irrigation and domestic purposes that identify Curren Tunnel as the source of water. Water right no. 36-00134B authorizes diversion of 0.09 cfs from Curren Tunnel and bears a priority date of October 9, 1884.

19. Morris holds water rights for irrigation and stockwater purposes that identify Curren Tunnel as the source of water. Water right no. 36-134D authorizes diversion of 1.58 cfs of water from Curren Tunnel. Water right no. 36-134E also authorizes diversion of 0.82 cfs for water from Curren Tunnel. Both water right no. 36-134D and water right no. 36-134E bear a priority date of October 9, 1884 (identical to the priority date for Rangen's water right no. 36-00134B identified above). Morris is entitled to divert a total of 2.4 cfs from Curren Tunnel under water right nos. 36-134D and 36-134E. Morris currently diverts up to 15 miner's inches of water from the Curren Tunnel for maintenance of his irrigation pipe. Morris, Tr. Vol. II, p. 390. Because Morris currently diverts up to 15 miner's inches of water from the Curren Tunnel, the Director will subtract 15 miner's inches (0.3 cfs) from the available supply for mitigation.

20. Walter and Margaret Candy (hereafter referred to in the singular as "Candy") hold water right no. 36-134A, a water right authorizing diversion for domestic use of 0.04 cfs and irrigation of 36 acres with water from the Curren Tunnel. Water right no. 36-134A authorizes a total diversion of 0.49 cfs from the Curren Tunnel for both the domestic and irrigation uses and bears a priority date of October 9, 1884 (identical to the priority date for Rangen's water right

no. 36-00134B identified above). Water right 36-134A authorizes a diversion rate of 0.014 cfs per acre. Candy uses water from the Curren Tunnel for domestic use and to irrigate land around their home. The land irrigated with water from the tunnel is approximately one half acre. Morris, Tr. Vol. II, p. 382. As stated above, the remainder of Candy's land is irrigated from the Sandy Pipeline. Candy domestic water use would be 0.04 cfs. Because irrigation is included in a small domestic use of one-half acre or less, the total use by Candy is limited to 0.04 cfs.

21. Alvin and Hope Musser Living Trust (hereafter referred to in the singular as "Musser") hold water right no. 36-102. Water right no. 36-102 authorizes the diversion of 4.1 cfs for irrigation purposes on Musser's property, and bears a priority date of April 1, 1892. Morris is farming Musser's property but Morris does not irrigate Musser's property with water right no. 36-102. Instead, Morris is irrigating the Musser's property with water from the Sandy Pipeline,

22. Rangen holds water right no. 36-135A. Water right no. 36-135A authorizes diversion of 0.05 cfs for irrigation and domestic purposes, and bears a priority date of April 1, 1908.

23. Candy holds water right no. 36-135B. Water right no. 36-135B authorizes diversion of 0.51 cfs for irrigation purposes and bears a priority date of April 1, 1908. Morris is farming Candy's property but Morris does not irrigate Candy's property with water right no. 36-135B. Instead, Morris is irrigating the land with water from the Sandy Pipeline,

24. Morris holds water right nos. 36-135D and 36-135E. Water right no. 36-135D authorizes the diversion of 1.58 cfs for irrigation and stockwater purposes. Water right no. 36-135E authorizes the diversion of 0.82 cfs for irrigation and stockwater purposes. Both water rights bear a priority date of April 1, 1908.

25. The following spreadsheet quantifies the allocation of water according to the priority dates of water rights offered for mitigation. Water right nos. 36-134A, 36-134B, 36-134D, and 36-134E are the earliest priority date (October 9, 1884) water rights authorizing diversion of water from the Curren Tunnel. The total flow rate authorized for diversion pursuant to these water rights is 2.98 cfs. A flow rate of 3.7 cfs exceeds the 2.98 cfs maximum diversion rate authorized by water rights held by Morris, Candy, and Rangen bearing an 1884 priority date. Morris will divert 0.3 cfs of Curren Tunnel water into his irrigation pipeline. Candy will divert 0.04 cfs, and because his lands are being irrigated with water from the Sandy Pipeline, he will not divert the remaining 0.45 cfs pursuant to water right no. 36-134A. Rangen will divert 0.09 cfs pursuant to water right no. 36-134B.

26. Water right no. 36-102 (Musser) is the next water right in priority bearing a priority date of April 1, 1892 and authorizing diversion of 4.1 cfs.. Because Musser lands are being irrigated by water from the Sandy Pipeline, Musser will not divert water from Curren Tunnel, and the next in line priority holders must be considered until the total quantity of use or mitigation equals 3.7 cfs.

27. Water right nos. 135A (Rangen), 36-135B (Candy), 36-135D (Morris) , and 36-135E (Morris) all bear a priority date of April 1, 1892. Rangen will divert 0.05 cfs. Candy will not divert water authorized by water right no. 36-135B because his lands are being irrigated with water from the Sandy Pipeline. Morris's water right nos. 36-135D and 36-135E are available for additional mitigation.

Water Right Holder	Water Right Number	Water Right Quantity (cfs)	Diverted for beneficial use, not available for mitigation (cfs)	Non-diversion of Morris water, available for mitigation (cfs)
Morris	36-134D & 36-134E	2.4	0.3	2.1
Candy	36-134A	0.49	0.04	
Rangen	36-134B	0.09	0.09	
Musser	36-102	4.1	0.00	
Rangen	36-135A	0.05	0.05	
Candy	36-135B	0.51	0.00	
Morris	36-135D	1.58	0.0	1.12
Morris	36-135E	0.82	0.00	
Total			0.5[2]	3.2

As a result of the above summary, IGWA would be entitled to the following for mitigation:

3.7 cfs - 0.3 cfs (Morris) - 0.14 cfs (Rangen) – 0.04 cfs (Candy) = 3.2 cfs (approximately)

The average annual benefit provided by the Morris water portion mitigation plan for comparison with the annual requirement (3.4 cfs for April 1, 2014 through March 31, 2015, 5.2 cfs for April 1, 2015 through March 31, 2106, etc.) is computed as follows:

$$\frac{184 \text{ days}}{365 \text{ days}} \times 3.2 \text{ cfs} = \text{annual average of } 1.6 \text{ cfs provided}$$

If Morris foregoes diversion of the 0.3 cfs from the Curren Tunnel, additional water would be available for IGWA as follows:

3.7 cfs - 0.14 cfs (Rangen) – 0.04 cfs (Candy) = 3.5 cfs (approximately)

[2] Number reflects rounding to the nearest 1/10 of a cfs.

If Morris foregoes diversion of the 0.3 cfs from the Curren Tunnel, the average annual benefit provided would be as follows:

$$\frac{184 \text{ days}}{365 \text{ys}} \times 3.5 \text{ cfs} = \text{annual average of } 1.8 \text{ cfs provided}$$

Proposal No. 3: Assignment of IGWA's Water Right Application to Rangen

28. IGWA proposes to assign pending application to appropriate water no. 36-16976 to Rangen as mitigation. Application no. 36-16976 proposes to appropriate 12 cfs from Springs and Billingsley Creek at Rangen's existing physical diversion from Billingsley Creek known as the "bridge diversion."

29. IGWA filed application to appropriate water no. 36-16976 on April 3, 2013, shortly after the Director ruled in the contested case for Rangen's delivery call that Rangen's water rights only authorized diversion of water from the Curren Tunnel. This ruling was the basis for a determination in the Director's Curtailment Order that Rangen does not hold a water right authorizing diversion of water from Billingsley Creek at the bridge diversion.

30. IGWA's water right application could be characterized as a preemptive strike against Rangen to establish a prospective priority date earlier than any later prospective priority date borne by a Rangen application.

Legality of Assigning Application to Appropriate Water no. 36-16976 to Rangen

31. Pursuant to Rule 43, the Director can approve proposal no. 3 only if the Director believes that the application can provide water to Rangen in the time of need, i.e. this year. The pending application cannot be prejudged in this proceeding. IGWA essentially asked the Director to prejudge the application. The Director declines to do so. The application seeks authorization to divert 12 cfs from a point of diversion on the Rangen property. IGWA Ex. 1018 at 1. A map attached to the application shows the general area of the planned point of diversion. *Id.* at 4. The Department published notice of the application and the application was protested by Rangen. Rangen also filed a competing application and a transfer to address the point of diversion issue. The facts behind IGWA's application and the competing application and transfer are unique. Given the uncertainty of the application given the specific facts which have developed in this case, the Director concludes that it is too speculative to consider.

Quantity of Water Delivered to Rangen

32. As stated above, the facts behind IGWA's application and the competing application and transfer are unique. Given the uncertainty of the application given the specific facts of this case, the Director concludes that it is too speculative to determine that Rangen will deliver water in its time of need pursuant to this application.

Proposal Nos. 4 and 5: Mitigation with Money or Fish

33. IGWA proposed fish replacement or monetary compensation to mitigate injury caused to Rangen by junior-priority ground water pumpers. These proposals will not be evaluated in this decision because proposal nos. 4 and 5 were dismissed as part of IGWA's Mitigation Plan in the *Order Granting in Part and Denying in Part Rangen's Motion to Dismiss Proposals 3-9 of IGWA's Mitigation Plan and Limit Scope of Hearing* issued March 26, 2014.

Proposal No. 6: Cleaning, Deepening, or Enlarging Curren Tunnel

34. IGWA suggests that cleaning, maintaining, and improving the Curren Tunnel will increase the flows from Curren Tunnel. IGWA implies that the Director should require that Rangen grant IGWA access to the tunnel to remove debris and rock from the tunnel and to assess whether the tunnel can be deepened or enlarged.

Quantity of Water Delivered to Rangen from Proposed Tunnel Cleaning

35. Morris testified that cleaning out fallen rock and dirt that collected at the mouth of the Hoagland Tunnel resulted in additional water discharging from the Hoagland Tunnel. Morris Tr. Vol. II, p. 384-85. However, there is no evidence that the rock-fall in any tunnel changed the hydraulic conditions in the tunnel itself. Morris' testimony suggests the rock at the mouth of the Hoagland tunnel likely blocked collection works and created diffuse flow channels around or underneath the collection works that prevented collection of the water into the associated diversion works.

36. There is no fallen rock at the mouth of Curren Tunnel impeding Rangen's collection of water. Curren Tunnel is lined with a large diameter corrugated pipe from its mouth 50 feet into the tunnel. The remainder of the tunnel is completed in basalt rock. IGWA failed to present evidence demonstrating that cleaning the Curren Tunnel would provide any additional water to Rangen.

Quantity of Water Delivered to Rangen from an Enlargement or Deepening of Curren Tunnel

37. There is evidence in the record that deepening or enlarging the Curren Tunnel could increase flows from the Curren Tunnel. However, there is no evidence quantifying the potential increase. Any physical work to deepen or enlarge the tunnel could not be completed to timely provide water during the 2014 irrigation season.

Proposal No. 7: Construction of a Horizontal Well

38 IGWA proposes to drill a horizontal well in the vicinity of the Curren Tunnel and divert the water from the well to Rangen's facility. IGWA proposes to drill the horizontal well near the Curren Tunnel at an elevation lower than the outlet of the Curren Tunnel.

Legality of Constructing a Horizontal Well

39. Prior to construction of a horizontal well, IGWA would need to obtain a water right to divert and beneficially use water from the horizontal well. IGWA has not filed any applications to appropriate water from a horizontal well. IGWA did not identify a location for construction of the well, and did not present any evidence about land ownership or easements on land where a well could be constructed. The source of water proposed to be diverted is trust water. The Department has issued a moratorium on all appropriations of water from the Eastern Snake Plain Aquifer in the area where the proposed horizontal well would be constructed. Any horizontal well proposal will need to mitigate to address injury to other water users. IGWA failed to satisfy its burden because it failed to present any evidence that it will be able to address the injury to other water users.

Quantity of Water Delivered to Rangen

40. IGWA has failed to present evidence that it could timely deliver water to Rangen when water is needed by Rangen in 2014. No evidence was presented quantifying the available water supply. The lack of information makes the proposal too speculative to approve.

Proposal No. 8: Mitigation With Water from New Wells or Existing Wells

41. IGWA proposes to drill new ground water wells or utilize existing wells to deliver water directly to Rangen. IGWA asserts this plan would be similar to its over-the-rim plan previously approved in the Clear Springs Foods delivery call.

Legality of Diverting Ground Water From New or Existing wells and Delivering the Water to Rangen for Mitigation

42. IGWA has not identified any water rights that could be exercised, through a change in nature of use, to deliver water to Rangen. Because no water rights have been identified, the Director cannot evaluate important components of the water rights such as priority date, flow rate limitations, volume limitations, and periods of use to determine whether water diverted pursuant to the water rights could be delivered for mitigation.

43. IGWA cites the Director's approval of the over-the-rim plan in the Snake River Farms delivery call as support for its argument the Director should conditionally approve Proposal No. 8 and then allow IGWA to provide engineering and other plans at a later date. However, there are important distinctions between the progress IGWA had made in the over-the-rim plan when it was considered by the Department and this plan. At the time the hearing for the over-the-rim plan was heard, IGWA had exerted significant effort to justify the plan, including identifying water rights that would be acquired and wells that could be used, testing of water temperature, quality, and evaluating the reliability and biosecurity of the proposed pumping system. IGWA had also provided preliminary engineering plans. While the Director conditionally approved the over-the-rim plan, IGWA had taken significant steps towards implementation of that plan. Here, IGWA has not taken any steps toward implementation of this proposal.

44. There is no evidence in the record that would allow the Director to recognize mitigation provided through new or existing wells.

Quantity of Water Delivered to Rangen

45. No evidence was presented in the record about how water could physically be delivered to Rangen, and whether IGWA could obtain necessary rights of way. No quantification of available water was presented either. Planning and design for an over the rim project would take at least six months. IGWA could not timely deliver water to Rangen when water is needed in 2014.

Proposal No. 9: Mitigation by Pumping Water in Billingsley Creek Back to Rangen

46. IGWA proposes a direct pump-back and aeration system within the Rangen facility to satisfy mitigation obligations.

Legality of IGWA Providing a direct Pump-Back and Aeration System Within the Rangen Facility

47. There is no evidence in the record that IGWA has the water rights or property access to construct and operate a pump back and aeration system to Rangen. IGWA did not present any evidence about how the water rights or property access would be acquired.

Delivery of Pump-Back Water to Rangen

48. There is no evidence in the record that IGWA could timely deliver water to Rangen when Rangen needs the water in 2014.

Mitigation Shortfall

49. Proposal No. 1 provides an average of 1.2 cfs during the first year (April 1, 2014 through March 31, 2015) through aquifer enhancement activities.

50. Proposal No. 2 provides an average of 1.6 cfs through delivery of water not diverted by Morris. If Morris foregoes diversion of all water from Curren Tunnel, the water available for Proposal No. 2 would increase to an average of 1.8 cfs.

51. There is no evidence in the record establishing that other proposals would provide mitigation during the first year.

52. The mitigation plan provides an average predicted benefit of 2.8 cfs during the first year if Morris continues to divert 0.3 cfs of water from the Curren Tunnel. If Morris foregoes diversion of all water from Curren Tunnel, the average predicted benefit would increase to 3.0 cfs.

53. The mitigation plan fails to provide the required 3.4 cfs during the first year, and the mitigation shortfall is 0.6 cfs if Morris continues to divert 0.3 cfs of water from the Curren Tunnel. If Morris foregoes diversion of all water from Curren Tunnel, the mitigation shortfall would decrease to 0.4 cfs.

54. Curtailment dates coinciding with various priority dates were iteratively entered into ESPAM 2.1 to determine the curtailment date required to provide the mitigation shortfall. A curtailment date of October 13, 1978 is predicted to provide an average benefit of 0.6 cfs to the Curren Tunnel during the first year. A curtailment date of July 1, 1983 is predicted to provide an average benefit of 0.4 cfs during the first year to the Curren Tunnel.

Conclusion

55. IGWA's evidence established that foregone diversion of Curren Tunnel water by Morris is predicted to deliver an average of 1.6 cfs water directly to Rangen from April 1, 2014 through March 31, 2015.I If Morris also foregoes diversion of 15 miner's inches (0.3 cfs) of water diverted from Curren Tunnel through his irrigation pipeline during the 2014 irrigation season, the foregone diversion of Curren Tunnel water by Morris is predicted to deliver an average of 1.8 cfs directly to Rangen from April 1, 2014 through March 31, 2015

56. IGWA's evidence established that it can provide an average of 1.7 cfs water to Rangen through its aquifer enhancement activities, based on steady state ESPAM model runs.

57. IGWA's evidence established that it can provide 1.2 cfs of water from its aquifer enhancement activities, based on transient ESPAM 2.1 model runs, from April 1, 2014 through March 31, 2015.

58. IGWA's evidence established that it can provide a total of 3.3 cfs in steady state benefits to Rangen.

59. Evidence from the hearing establishes that IGWA can provide a total of 2.8 cfs of direct flow benefits to Rangen from April 1, 2014 through March 31, 2015 if Morris continues to divert 15 inches of water (0.3 cfs) from Curren Tunnel through his irrigation pipeline. The mitigation credit of 2.8 cfs is 0.6 cfs less than the 3.4 cfs obligation. ESPAM 2.1 determines that water rights bearing priority dates of October 13, 1978 or later (junior) must be curtailed to provide the 0.6 cfs to Rangen.

60. If Morris discontinues diversion of 15 inches (0.3 cfs) through his irrigation pipeline, IGWA can provide a total of 3.0 cfs of direct flow benefits to Rangen from April 1, 2014 through March 31, 2015. The mitigation credit of 3.0 cfs is 0.4 cfs less than the 3.4 cfs obligation. ESPAM 2.1 determines that water rights bearing priority dates of July 1, 1983 or later (junior) must be curtailed to provide the 0.4 cfs to Rangen.

61. IGWA did not establish that it can provide any steady state benefits or direct delivery of water to Rangen in the current annual period for the following proposals: assignment of a water right application, cleaning and/reconstruction of the Curren Tunnel, drilling a

horizontal well, delivery of water from new or existing wells, or pumping water back through the Rangen facility.

CONCLUSIONS OF LAW

Aquifer Enhancement Activities

1. IGWA is entitled to a mitigation credit of 1.7 cfs toward its steady state obligation of 9.1 cfs because of its aquifer enhancement activities.

2. IGWA is entitled to a mitigation credit of 1.2 cfs toward its from April 1, 2014 through March 31, 2015 direct flow obligation of 3.4 cfs because of its aquifer enhancement activities.

3. The steady state and direct flow obligations are separate alternatives in the Director's Curtailment Order, and the model simulations resulting in the above steady state and direct flow credits are mutually exclusive.

Irrigation Water Not Diverted from the Curren Tunnel

4. IGWA is entitled to a mitigation credit of 1.6 cfs for Curren Tunnel water directly provided to Rangen because of the non diversion of irrigation water from the Curren Tunnel pursuant to water rights held by Morris. Alternatively, if Morris ceases diverting 0.3 cfs from Curren Tunnel through his irrigation pipeline, IGWA is entitled to a mitigation credit of 1.8 cfs for Curren Tunnel water directly provided to Rangen because of the non diversion of irrigation water from the Curren Tunnel pursuant to water rights held by Morris. The quantity of 1.6 cfs or 1.8 cfs counts toward both the steady state and direct flow obligations in the Curtailment Order.

Assignment of IGWA's Water Right Application to Rangen

5. Because all IGWA offered to Rangen at the hearing is assignment of a bare application to appropriate water for mitigation with no supporting evidence about its development and perfection, there is currently no legal basis for the Director to hold that an application to appropriate water can provide mitigation to Rangen. Furthermore, the unique factual situation of this case will likely play an important role in the application proceeding. IGWA is not entitled to any mitigation credit for its proposal to assign application to appropriate water no. 36-16976 to Rangen.

Cleaning, Deepening, or Enlarging Curren Tunnel

6. Rangen is not required to construct a deeper or larger tunnel to enhance the flow of water from the Curren Tunnel. The Director does not have the legal authority to require that Rangen grant access to IGWA to study a proposed enlargement, nor does the Director have the authority to order construction proposed by IGWA after studies are complete.

7. The proposed work is not legally possible without Rangen's consent.

8. Any physical work to deepen or enlarge the tunnel could not be completed to timely provide water during the 2014 irrigation season when the water is needed.

9. There was no evidence presented that IGWA could timely deliver water to Rangen when water is needed by Rangen in 2014.

10. IGWA is not entitled to any mitigation credit for its proposal to clean, deepen, or enlarge the Curren Tunnel.

Construction of a Horizontal Well

11. IGWA did not establish what water rights would be exercised to deliver water to Rangen from a new horizontal well. IGWA did not identify a location for construction of the well, and did not present any evidence about land ownership or easements on land where a well could be constructed. The planning and construction of a delivery system could not be completed in 2014 during the time water is needed by Rangen.

12. IGWA is not entitled to any mitigation credit for its proposal to provide mitigation water directly to Rangen from a newly constructed horizontal well.

Mitigation with Water from New Wells or Existing Wells

13. IGWA did not establish what water rights would be exercised or that there were any commitments by the owners of wells, either by contract or acquisition, authorizing diversion of water to Rangen from new wells or existing wells for mitigation. The planning and construction of a delivery system could not be completed in 2014 during the time water is needed by Rangen.

14. IGWA is not entitled to any mitigation credit for its proposal to provide mitigation water directly to Rangen from new wells or existing wells.

Mitigation by Pumping Water in Billingsley Creek Back to Rangen

15. IGWA did not establish what water rights would be exercised or that IGWA owns, or that there are commitments by an owner of land, authorizing construction of a pump back system and delivery of Billingsley Creek water.

16. IGWA is not entitled to any mitigation credit for its proposal to provide mitigation water from Billingsley Creek directly to Rangen through a pump back system.

Conclusion

17. IGWA is entitled to a total steady state mitigation credit of 3.3 cfs toward its steady state obligation of 9.1 cfs.

18. IGWA is entitled to a total direct credit of 2.8 cfs toward its first annual period direct flow obligation of 3.4 cfs. The mitigation credit of 2.8 cfs is 0.6 cfs less than the 3.4 cfs obligation. ESPAM 2.1 determines that water rights bearing priority dates of October 13, 1978 or later must be curtailed to provide the 0.6 cfs to Rangen.

19. Alternatively, upon agreement by Morris that he will not divert 0.3 cfs directly from Curren Tunnel, IGWA is entitled to a total direct credit of 3.0 cfs toward its first annual period direct flow obligation of 3.4 cfs. The mitigation credit of 3.0 cfs is 0.4 cfs less than the 3.4 cfs obligation. ESPAM 2.1 determines that water rights bearing priority dates of July 1, 1983 or later must be curtailed to provide the 0.4 cfs to Rangen.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the Director APPROVES proposal no. 1 (aquifer enhancement activities) and proposal no. 2 (delivery of Morris Curren Tunnel Water) of IGWA's mitigation plan.

IT IS FURTHER ORDERED that the Director rejects proposals nos. 3 and 6 through 9 of IGWA's mitigation plan.

IT IS FURTHER ORDERED that IGWA is granted 1.2 cfs of transient mitigation credit for the annual period from April 1, 2014 through March 31, 2015, because of its past and ongoing, muti-year aquifer enhancement activities.

IT IS FURTHER ORDERED that IGWA is granted 1.6 cfs of mitigation credit for direct delivery of surface water from Curren Tunnel to Rangen.

IT IS FURTHER ORDERED that IGWA is granted 2.8 cfs of total mitigation credit for the annual period from April 1, 2014 through March 31, 2015.

IT IS FURTHER ORDERED that the 2.8 cfs total annual mitigation credit is 0.6 cfs less that the annual mitigation requirement of 3.4 cfs for the annual period from April 1, 2014 through March 31, 2015.

IT IS FURTHER ORDERED that the stay issued in the February 21, 2014, *Order Granting IGWA's Petition to Stay Curtailment* of the Curtailment Order is hereby lifted.

IT IS FURTHER ORDERED that, at 12:01 a.m. on or before May 5, 2014, users of ground water holding consumptive water rights bearing priority dates junior or equal to October 13, 1978, listed in Attachment A to this order, within the area of common ground water, located west of the Great Rift, and within a water district that regulates ground water, shall curtail/refrain from diversion and use of ground water pursuant to those water rights unless notified by the Department that this amended order of curtailment has been modified or rescinded as to their water rights. This order shall apply to all consumptive ground water rights, including agricultural, commercial, industrial, and municipal uses, but excluding ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition

set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(11), pursuant to IDAPA 37.03.11.020.11.

IT IS FURTHER ORDERED that the watermasters for the water districts within the area of common ground water, located west of the Great Rift, and who regulate ground water, are directed to issue written notices to the holders of the consumptive ground water rights listed in Attachment A to this order. The water rights on the list bear priority dates junior or equal to October 13, 1978. The written notices are to advise the holders of the identified ground water rights that their rights are subject to curtailment in accordance with the terms of this order.

IT IS FURTHER ORDERED that pursuant to Conjunctive Management Rule 37.03.11.040.40, for the water districts within the area of common ground water, located west of the Great Rift, and who regulate ground water, shall permit the diversion and use of ground water by water rights with priority date senior to October 13, 1978 to continue out of priority diversions within the water district provided IGWA's mitigation plan is complied with.

CONTINGENT ALTERNATIVE OBLIGATION

IT IS FURTHER ORDERED that, if Morris agrees to cease diverting 0.3 cfs from Curren Tunnel through his irrigation pipeline, IGWA will be granted 3.0 cfs of total annual mitigation credit for the annual period from April 1, 2014 through March 31, 2015.

IT IS FURTHER ORDERED that the 3.0 cfs total mitigation credit is 0.4 cfs less than the annual mitigation requirement of 3.4 cfs for the annual period from April 1, 2014 through March 31, 2015.

IT IS FURTHER ORDERED that water rights bearing priority dates junior or equal to July 1, 1983 shall be curtailed during the 2014 irrigation season.

IT IS FURTHER ORDERED that, if Morris agrees to cease diverting 0.3 cfs from Curren Tunnel through his irrigation pipeline, at 12:01 a.m. on or before May 5, 2014, users of ground water holding consumptive water rights bearing priority dates junior or equal to July 1, 1983, as may be determined from Attachment A to this order, within the area of common ground water, located west of the Great Rift, and within a water district that regulates ground water, shall curtail/refrain from diversion and use of ground water pursuant to those water rights unless notified by the Department that this amended order of curtailment has been modified or rescinded as to their water rights. This order shall apply to all consumptive ground water rights, including agricultural, commercial, industrial, and municipal uses, but excluding ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(11), pursuant to IDAPA 37.03.11.020.11.

IT IS FURTHER ORDERED that, if Morris agrees to cease diverting 0.3 cfs from Curren Tunnel through his irrigation pipeline, the watermasters for the water districts within the area of

common ground water, located west of the Great Rift, and who regulate ground water, are directed to issue written notices to the holders of the consumptive ground water rights listed in Attachment A to this order with water rights that bear priority dates junior or equal to July 1, 1983. The written notices are to advise the holders of the identified ground water rights that their rights are subject to curtailment in accordance with the terms of this order.

IT IS FURTHER ORDERED that, if Morris agrees to cease diverting 0.3 cfs from Curren Tunnel through his irrigation pipeline, pursuant to Conjunctive Management Rule 37.03.11.040.40, for the water districts within the area of common ground water, located west of the Great Rift, and who regulate ground water, shall permit the diversion and use of ground water by water rights with priority date senior to July 1, 1983 to continue out of priority diversions within the water district provided IGWA's mitigation plan is complied with.

Dated this 11th day of April, 2014.

GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of April, 2014, the above and foregoing document was served on the following by providing a copy of the *ORDER APPROVING IN PART AND REJECTING IN PART IGWA'S MITIGATION PLAN; ORDER LIFTING STAY ISSUED FEBRUARY 21, 2014; AMENDED CURTAILMENT ORDER* in the manner selected:

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Admin. Assistant to the Director

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(Required by Rule of Procedure 740.02)

The accompanying order is a "**Final Order**" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the service date of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) The petition for reconsideration is disposed of; or
(b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate

action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a 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 department 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. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days: a) of the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

EXHIBIT 8

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-02551 AND 36-07694	)	**CM-DC-2011-004**
	)	**ORDER GRANTING IGWA'S SECOND PETITION TO STAY CURTAILMENT**
(RANGEN, INC.)	)	

BACKGROUND

On January 29, 2014, the Director ("Director") of the Idaho Department of Water Resources ("Department") issued a *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("Curtailment Order") in this proceeding. The Curtailment Order recognizes that holders of junior-priority groundwater rights may avoid curtailment if they participate in a mitigation plan which provides "simulated steady state benefits of 9.1 cfs to Curren Tunnel or direct flow of 9.1 cfs to Rangen." *Curtailment Order* at 42. The Curtailment Order explains that mitigation provided by direct flow to Rangen, Inc. ("Rangen") "may be phased-in over not more than a five-year period pursuant to CM Rule 40 as follows: 3.4 cfs the first year, 5.2 cfs the second year, 6.0 cfs the third year, 6.6 cfs the fourth year, and 9.1 cfs the fifth year." *Id.*

On February 11, 2014, the Idaho Ground Water Appropriators, Inc. ("IGWA") filed with the Department *IGWA's Mitigation Plan and Request for Hearing* ("Mitigation Plan") to avoid curtailment imposed by the Curtailment Order. The Mitigation Plan set forth nine proposals for junior-priority groundwater pumpers to meet mitigation obligations: 1) credit for current and ongoing mitigation activities; 2) mitigation via the Sandy Pipe; 3) assignment of water right no. 36-16976; 4) fish replacement; 5) monetary compensation; 6) improvements to the Curren Tunnel diversion; 7) drilling a horizontal well in the vicinity of the Curren Tunnel; 8) drilling new groundwater wells or utilizing existing wells with delivery over-the-rim; and 9) construction of a direct pump-back and aeration system within the Rangen facility.

On February 12, 2014, IGWA filed *IGWA's Petition to Stay Curtailment, and Request for Expedited Decision.*

On February 21, 2014, the Director issued an *Order Granting IGWA's Petition to Stay Curtailment* which stayed enforcement of the Curtailment Order for members of IGWA and the non-member participants in IGWA's Mitigation Plan until a decision was issued on the Mitigation Plan.

On March 10, 2014, IGWA filed *IGWA's Second Mitigation Plan and Request for Hearing* ("Second Mitigation Plan"). IGWA asserts the Second Mitigation Plan, referred to as the "Tucker Springs Project," is capable of meeting the full 9.1 cfs mitigation obligation on a year-round basis. *Second Mitigation Plan* at 2.

A hearing was held on IGWA's Mitigation Plan on March 17-19, 2014 at the Department's State office in Boise, Idaho.

On April 11, 2014, the Director issued an *Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order* ("Mitigation Plan Order"). The Mitigation Plan Order recognized credit for only two components of IGWA's Mitigation Plan: (1) IGWA's ongoing aquifer enhancement activities, and (2) exchange of irrigation water diverted from the Curren Tunnel with operational spill water from the North Side Canal Company. *Mitigation Plan Order* at 4.

On April 17, 2014, IGWA filed *IGWA's Second Petition to Stay Curtailment, and Request for Expedited Decision* ("Petition"). The Petition asks the Director to stay implementation of the Curtailment Order[1], and a *Notice of Violation and Cease and Desist Order* ("Cease & Desist Order") issued to Rangen on January 31, 2014, "until the judiciary completes its review of the Curtailment Order in *IGWA v. IDWR*, Gooding County Case No. CV-2014-179, and *Rangen v. IDWR*, Twin Falls County Case No. CV-2014-1338." *Petition* at 1.

IGWA asserts:

> The Curtailment Order and the Cease & Desist Order should be stayed during judicial review because a stay will (1) provide more water to Rangen than enforcing the Orders, (2) avoid severe and irreparable harm to the curtailed groundwater users and the economies of the Magic Valley and the State of Idaho, (3) allow judicial review of critical issues of first impression, avoiding mistaken curtailment, and (4) serve the public interest.

Petition at 5.

[1] The Department will treat IGWA's request as a petition to stay the Amended Curtailment Order set forth in the April 11, 2014 Mitigation Plan Order.

On April 25, 2014, Rangen filed *Rangen, Inc.'s Response in Opposition to IGWA's Second Petition to Stay Curtailment* ("Response"). Rangen argues that IGWA's request should be denied because:

> (1) an unapproved mitigation plan cannot be used to allow out-of-priority diversions and IGWA is not likely to obtain approval for its Tucker Springs Mitigation Plan; (2) IGWA's application for a permit to use the talus slope water cannot be used as the basis for the issuance of a stay; (3) junior-priority ground water pumpers have had ample opportunity to prepare for this curtailment; (4) the risk of curtailment of a junior –priority ground water right during a time of shortage is a risk that Idaho water users knowingly undertake; and (5) the injury to Rangen caused by junior-priority ground water pumping is ongoing and cumulative and the Director's revised curtailment order has been narrowly crafted to address the amount of water that would accrue to Rangen during the 2014-2015 season.

Response at 3.

No other parties filed responses to the Petition.

LEGAL STANDARD FOR A STAY

The Director has authority to stay a final order pursuant to the Department's rules of procedure:

> Any party or person affected by an order may petition the agency to stay any order, whether interlocutory or final. Interlocutory or final orders may be stayed by the judiciary according to statute. The agency may stay any interlocutory or final order on its own motion.

IDAPA 37.01.01.780 ("Rule 780").

The authority to stay a final order is also reflected in I.C. § 67-5274 and I.R.C.P. 84(m), which provide that an "agency may grant, or the reviewing court may order, a stay upon appropriate terms." The use of the word "may" demonstrates the Director's discretionary authority to stay enforcement of an order. *See Bank of Idaho v. Nesseth*, 104 Idaho 842, 846, 664 P.2d 270, 274 (1983).

Neither the statute nor the rule define what constitutes "appropriate terms" or establish a clear test for determining when a stay is appropriate. There are no reported judicial opinions in Idaho discussing what qualifies as "appropriate terms" or that describe when a stay is appropriate pursuant to Rule 780, I.C. § 67-5274 or I.R.C.P. 84(m). Consequently, the Director must consult other authorities to determine when a stay is appropriate.

The authority of the Director to stay an order in an administrative proceeding is analogous to the authority of a district court to stay the enforcement of a judgment under I.R.C.P 62(a). In both circumstances, an order has been issued deciding the matter and a party can seek to have enforcement of the order stayed pending appeal or pending further action. A stay pursuant to I.R.C.P 62(a) may be granted by a district court "when it would be unjust to permit the execution on the judgment, such as where there are equitable grounds for the stay or where certain other proceedings are pending." *Haley v. Clinton*, 123 Idaho 707, 709, 851 P.2d 1003, 1005 (Ct. App. 1993). A stay is appropriate "[w]here it appears necessary to preserve the status quo ... ." *McHan v. McHan*, 59 Idaho 41, 80 P.2d 29, 31 (1938). Likewise, a stay is appropriate when, "[i]t is entirely possible that the refusal to grant a stay would injuriously affect appellant, and it likewise is apparent that granting such a stay will not be seriously injurious to respondent." *Id.*

ANALYSIS

Equity Justifies a Stay of the Curtailment Order as Amended in the April 11, 2014 Mitigation Plan Order.

A stay may be granted when refusal to grant the stay would injuriously affect one party and when granting the stay would not seriously injure the other party. *McHan v. McHan*, 59 Idaho 41, 46, 80 P.2d 29, 31 (1938). The Eastern Snake Plain Aquifer Model Version 2.1 predicted an average first-year accrual of 3.4 cfs of additional flow to the Curren Tunnel. In the Mitigation Plan Order, the Director clarified that the first annual period would start on April 1, 2014, with each subsequent year starting on the anniversary of the first year. *Mitigation Plan Order* at 5.

Curtailment of diversions of ground water for irrigation in April and May would provide little benefit to Rangen because significant irrigation with ground water does not normally intensify until late May or June. In contrast, curtailment of the irrigation of 25,000 acres during the period of reduced ground water use is significant. IGWA's Second Mitigation Plan has been published and a pre-hearing status conference is scheduled for April 30, 2014. The Second Mitigation Plan proposes direct delivery of water from Tucker Springs to Rangen. The plan is conceptually viable, and given the disparity in impact to the ground water users if curtailment is enforced versus the impact to Rangen if curtailment is stayed, the ground water users should have an opportunity to present evidence at an expedited hearing for their second mitigation plan. All of the standards of the conjunctive management rules will apply at the hearing.

A status conference regarding IGWA's Second Mitigation Plan is set for April 30, 2014. The Director will ensure that the hearing is expedited. The Director will revisit the stay at the time a decision on IGWA's Second Mitigation Plan is issued.

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED that IGWA's Second Petition to Stay Curtailment is GRANTED.

Dated this 28th day of April, 2014.

GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2014, the above and foregoing document was served on the following by providing a copy in the manner selected:

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Deborah J. Gibson

Deborah Gibson
Assistant to the Director
Idaho Department of Water Resources

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(Required by Rule of Procedure 740.02)

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(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate

action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a 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 department 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. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days: a) of the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

EXHIBIT 9

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF THE SECOND MITIGATION PLAN FILED BY THE IDAHO GROUND WATER APPROPRIATORS FOR THE DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-02551 AND 36-07694 IN THE NAME OF RANGEN, INC.	**CM-MP-2014-003** **CM-DC-2011-004** **ORDER APPROVING IGWA'S SECOND MITIGATION PLAN; ORDER LIFTING STAY ISSUED APRIL 28, 2014; SECOND AMENDED CURTAILMENT ORDER**
IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-02551 AND 36-07694 (RANGEN, INC.)	

PROCEDURAL BACKGROUND

On January 29, 2014, the Director ("Director") of the Idaho Department of Water Resources ("Department") issued the *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("Curtailment Order"). The Curtailment Order recognizes that holders of junior-priority ground water rights may avoid curtailment if they participate in a mitigation plan which provides "simulated steady state benefits of 9.1 cfs to Curren Tunnel [sometimes referred to as the "Martin-Curren Tunnel"] or direct flow of 9.1 cfs to Rangen." *Curtailment Order* at 42. The Curtailment Order explains that mitigation provided by direct flow to Rangen "may be phased-in over not more than a five-year period pursuant to CM Rule 40 as follows: 3.4 cfs the first year, 5.2 cfs the second year, 6.0 cfs the third year, 6.6 cfs the fourth year, and 9.1 cfs the fifth year." *Id.*

On February 11, 2014, the Idaho Ground Water Appropriators, Inc. ("IGWA") filed with the Department *IGWA's Mitigation Plan and Request for Hearing* ("First Mitigation Plan") to avoid curtailment imposed by the Curtailment Order. The First Mitigation Plan proposed nine possible mitigation activities for junior-priority ground water pumpers to satisfy mitigation obligations.

On February 12, 2014, IGWA filed *IGWA's Petition to Stay Curtailment, and Request for Expedited Decision.* On February 21, 2014, the Director issued an *Order Granting IGWA's Petition to Stay Curtailment* which stayed enforcement of the Curtailment Order for members of

IGWA and the non-member participants in IGWA's First Mitigation Plan until a decision was issued for the First Mitigation Plan.

On March 17-19, 2014, the Director conducted a hearing for the First Mitigation Plan at the Department's state office in Boise, Idaho. On April 11, 2014, the Director issued an *Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order* ("First Mitigation Plan Order"). In the First Mitigation Plan Order, the Director approved two of the nine proposed components of the First Mitigation Plan: (1) credit for current and ongoing mitigation activities, and (2) delivery of water directly to Rangen, Inc. ("Rangen") from the Curren Tunnel that would have been delivered in priority pursuant to irrigation water rights held by Howard "Butch" Morris ("Morris"), but will not be diverted because surface water is being delivered to Morris through the Sandy Pipeline ("Morris exchange water"). The Director rejected the other seven components of the First Mitigation Plan. The Director recognized 1.2 cfs of mitigation credit for current and ongoing activities (interchangeably referred to as "aquifer enhancement activities"), and also recognized 1.8 cfs of mitigation credit for delivery of the Morris exchange water to Rangen. The Director recognized a total mitigation credit of 3.0 cfs, 0.4 cfs short of the 3.4 cfs mitigation required for the time period from April 1, 2014, to April 1, 2015. Because the 0.4 cfs mitigation deficiency must be satisfied by curtailment of junior water rights, the Director ordered curtailment of ground water rights bearing priority dates junior or equal to July 1, 1983, during the 2014 irrigation season. *First Mitigation Plan Order* at 21.

On March 10, 2014, during the pendency of the First Mitigation Plan proceeding, IGWA filed *IGWA's Second Mitigation Plan and Request for Hearing* ("Second Mitigation Plan") with the Department in response to the Curtailment Order. The Department published notice of the Second Mitigation Plan and the following five entities protested:

Protestant	Represented by:
Rangen, Inc.	Fritz X. Haemmerle, Justin May, and Robyn Brody, Attorneys at Law
Buckeye Farms, Inc.	John Simpson, Attorney at Law
Big Bend Irrigation & Mining Company, Ltd.	Almer Huntley, President
Salmon Falls Land & Livestock Company	Michael Henslee, Vice-President
Big Bend Trout, Inc.	Leo Ray, President

The Second Mitigation Plan proposes delivery of up to 9.1 cfs of water from Tucker Springs, a tributary to Riley Creek, through a 1.3 mile pipeline to the fish research and propagation facility owned by Rangen ("Rangen Facility"). *Second Mitigation Plan* at 2.

On April 17, 2014, IGWA filed *IGWA's Second Petition to Stay Curtailment, and Request for Expedited Decision* ("Second Petition"). The Second Petition asked the Director to "stay implementation of the [Curtailment Order], . . . until the judiciary completes its review of the Curtailment Order in *IGWA v. IDWR*, Gooding County Case No. CV-2014-179, and *Rangen v. IDWR*, Twin Falls County Case No. CV-2014-1338." *Second Petition* at 1.

On April 28, 2014, the Director issued an *Order Granting IGWA's Second Petition to Stay Curtailment* stating the Director will revisit the stay at the time a decision on IGWA's Second Mitigation Plan is issued.

On June 4-5, 2014, the Director conducted a hearing for the Second Mitigation Plan.

APPLICABLE LAW

Conjunctive Management Rule 43.03 ("Rule 43.03") establishes the following factors that "may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights":

a. Whether delivery, storage and use of water pursuant to the mitigation plan is in compliance with Idaho law.

b. Whether the mitigation plan will provide replacement water, at the time and place required by the senior-priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy the rights of diversion from the surface or ground water source. Consideration will be given to the history and seasonal availability of water for diversion so as not to require replacement water at times when the surface right historically has not received a full supply, such as during annual low-flow periods and extended drought periods.

c. Whether the mitigation plan provides replacement water supplies or other appropriate compensation to the senior-priority water right when needed during a time of shortage even if the effect of pumping is spread over many years and will continue for years after pumping is curtailed. A mitigation plan may allow for multi-season accounting of ground water withdrawals and provide for replacement water to take advantage of variability in seasonal water supply. The mitigation plan must include contingency provisions to assure protection of the senior-priority right in the event the mitigation water source becomes unavailable.

d. Whether the mitigation plan proposes artificial recharge of an area of common ground water supply as a means of protecting ground water pumping levels, compensating senior-priority water rights, or providing aquifer storage for exchange or other purposes related to the mitigation plan.

e. Where a mitigation plan is based upon computer simulations and calculations, whether such plan uses generally accepted and appropriate engineering and hydrogeologic formulae for calculating the depletive effect of the ground water withdrawal.

f. Whether the mitigation plan uses generally accepted and appropriate values for aquifer characteristics such as transmissivity, specific yield, and other relevant factors.

g. Whether the mitigation plan reasonably calculates the consumptive use component of ground water diversion and use.

h. The reliability of the source of replacement water over the term in which it is proposed to be used under the mitigation plan.

i. Whether the mitigation plan proposes enlargement of the rate of diversion, seasonal quantity or time of diversion under any water right being proposed for use in the mitigation plan.

j. Whether the mitigation plan is consistent with the conservation of water resources, the public interest or injures other water rights, or would result in the diversion and use of ground water at a rate beyond the reasonably anticipated average rate of future natural recharge.

k. Whether the mitigation plan provides for monitoring and adjustment as necessary to protect senior-priority water rights from material injury.

l. Whether the plan provides for mitigation of the effects of pumping of existing wells and the effects of pumping of any new wells which may be proposed to take water from the areas of common ground water supply.

m. Whether the mitigation plan provides for future participation on an equitable basis by ground water pumpers who divert water under junior-priority rights but who do not initially participate in such mitigation plan.

n. A mitigation plan may propose division of the area of common ground water supply into zones or segments for the purpose of consideration of local impacts, timing of depletions, and replacement supplies.

o. Whether the petitioners and respondents have entered into an agreement on an acceptable mitigation plan even though such plan may not otherwise be fully in compliance with these provisions.

IDAPA 37.03.11.043.03(a-o). A proposed mitigation plan must contain information that allows the Director to evaluate these factors. IDAPA 37.03.11.043.01(d).

While Rule 43.03 lists factors that "may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights," factors 43.03(a) through 43.03(c) are necessary components of mitigation plans that call for the direct delivery of mitigation water. A junior water right holder seeking to directly deliver mitigation water bears the burden of proving that (a) the "delivery, storage and use of water pursuant to the mitigation

plan is in compliance with Idaho law," (b) "the mitigation plan will provide replacement water, at the time and place required by the senior priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy the rights of diversion from the surface or ground water source," and (c) "the mitigation plan provides replacement water supplies or other appropriate compensation to the senior-priority water right when needed during a time of shortage." IDAPA 37.03.11.043.03(a-c) These three inquiries are threshold factors against which IGWA's mitigation plan proposal must be measured.

To satisfy its burden of proof, IGWA must present sufficient factual evidence at the hearing to prove that (1) the proposal is legal, and will generally provide the quantity of water required by the curtailment order; (2) the components of the proposed mitigation plan can be implemented to timely provide mitigation water as required by the curtailment order; and (3)(a) the proposal has been geographically located and engineered, and (b) necessary agreements or option contracts are executed, or legal proceedings to acquire land or easements have been initiated.

ANALYSIS

This decision approves IGWA's Second Mitigation Plan. In approving the Second Mitigation Plan, the Director considered the components of the First Mitigation Plan in determining whether water would be provided in the senior water right holder's time of need.

Rule 43 of the Conjunctive Management Rules is silent about how two mitigation plans should interact, particularly where a final order of the Director has previously approved one mitigation plan, and the consideration of a second mitigation plan might affect the implementation of the already approved mitigation plan.

When the Director considered the First Mitigation Plan, credit for delivery of the Morris exchange water could have been quantified by three possible alternative computations:

1. Full mitigation credit could have been recognized only for the irrigation season when Morris exchange water is delivered to Rangen. A curtailment date could have been established at the end of the irrigation season, but if IGWA did not contribute additional water during the nonirrigation season to mitigate for non-irrigation season depletions to spring flows caused by irrigation season diversions of ground water, IGWA would never fully mitigate for its depletions with the Morris exchange water. This alternative would result in a recurring annual evasion of the ground water users' obligation to supply mitigation water to the senior water right holder.
2. There could have been a determination that no mitigation credit for delivery of the Morris exchange water would be recognized because the First Mitigation Plan would not deliver the full 3.4 cfs for the entire year. Refusal to recognize any mitigation credit for delivery of the Morris exchange water to Rangen would result in full curtailment and a windfall to Rangen because it would have received both the Morris exchange water and the benefits of curtailment.

3. The benefits of providing the Morris exchange water to Rangen could be spread through a time period longer than the irrigation season. This is the alternative adopted in the First Mitigation Plan Order. The benefits of delivering Morris exchange water to Rangen were extended for an entire 365 days because the ground water users did not present any other acceptable mitigation that would have addressed the mitigation deficiency. The spreading of the mitigation credit for the Morris exchange water over 365 days:

    a. Recognized that IGWA delivered water to Rangen, and that Rangen derived value from the water delivered.
    b. Delivered water to Rangen in the most critical time of need.
    c. Established a deficiency in the annual, required mitigation water, resulting in an amended order of curtailment and the filing of subsequent mitigation plans to address the deficiency.

The Director was required to rule on the First Mitigation Plan without considering the merits of any subsequent mitigation plans. In the First Mitigation Plan Order, the Director recognized the annual benefits of transient aquifer enhancement activities (1.2 cfs). The extension of benefits of the Morris exchange water to Rangen through the entire year (April 1, 2014 through March 31, 2015) established the annual expectation of direct delivery of water to Rangen (2.2 cfs) and quantified for the full year the direct delivery of the Morris exchange water to Rangen (1.8 cfs). The Director's adoption of the third alternative described above provided IGWA the opportunity to minimize the number of individuals curtailed absent a second mitigation plan to address the 0.4 cfs shortfall.

In the Second Mitigation Plan hearing, IGWA established April 1, 2015, as the target date for completion of the diversion and delivery works for piping water from Tucker Springs to the Rangen Facility, although IGWA's expert engineer testified that water could possibly be delivered as soon as January 2015. Delivery of Tucker Springs water on April 1, 2015, will not result in the delivery of the required 0.4 cfs deficiency to Rangen during the 2014 time of need. In trying to dovetail the First Mitigation Plan into the Second Mitigation Plan, there are three alternatives:

1. Approve the Second Mitigation Plan anticipating completion on April 1, 2015, but, because the deficiency for 2014 is not addressed, lift the stay issued April 28, 2014, and require immediate curtailment until construction of the Tucker Springs pipeline is complete and water can be delivered to Rangen.
2. Continue to stay the Curtailment Order's first year staged implementation value of 3.4 cfs based on an expectation of the entire mitigation obligation of 9.1 cfs being delivered from Tucker Springs on or after April 1, 2015. The adoption of this alternative would abandon the linkage of staged implementation values to the modeled benefit to Rangen of full curtailment of water rights. While Rule 43 does not require justification for the staged mitigation implementation values adopted by the Director, linkage to the modeled benefits factually justifies the phase-in values.
3. Because there is an expectation of additional water being delivered to Rangen by the Second Mitigation Plan, (a) recalculate the period of time the Morris exchange water is recognized as mitigation to equal the number of days that the water will provide full

mitigation to Rangen, and (b) require curtailment or additional mitigation from IGWA under the Second Mitigation Plan after the time full mitigation under the First Mitigation Plan expires.

The Director adopts this last alternative in coordination with the First Mitigation Plan because it:

a. Recognizes IGWA delivered water to Rangen, and Rangen derived value from the water delivered.
b. Delivers water to Rangen in the most critical time of need.
c. Addresses the immediate 0.4 cfs shortfall from the First Mitigation Plan and establishes a time certain when additional mitigation must be provided by IGWA pursuant to the Second Mitigation Plan or subsequent mitigation plan.

FINDINGS OF FACT

Rangen's Existing System

1. The Rangen Facility is located in the Thousands Springs area near Hagerman, Idaho. Attachment A is a schematic diagram of the Rangen Facility. The Rangen Facility is situated below a canyon rim at the headwaters of Billingsley Creek.

2. Immediately east of the Rangen Facility, water emanates from numerous springs on the talus slopes just below the canyon rim. Water also emanates from the Curren Tunnel. The tunnel is a large, excavated conduit constructed high on the canyon rim and extends approximately 300 feet into the canyon wall.

3. A concrete collection box located near the mouth of the Curren Tunnel collects water for delivery to Rangen and holders of early priority irrigation water rights via pipelines. The concrete box is commonly referred to as the "Farmers' Box."

4. Further down the talus slope is a second concrete water collection box with an open top, commonly referred to as the "Rangen Box." Rangen rediverts the water from the Farmers' box through two plastic pipes down to the Rangen Box. Water is then delivered from the Rangen Box via a steel pipe to the small raceways. The water diverted by Rangen can then be routed from the small raceways down through the large and CTR raceways at the Rangen Facility. Water can also be spilled out the side of the Rangen Box and returned to the talus slope.

5. In the early 1980's, Rangen built a six-inch white PVC pipeline to divert water from inside the Curren Tunnel and deliver the water to the hatch house and greenhouse buildings. The water is used in the hatch house and/or greenhouse and then can be discharged either back into Billingsley Creek or discharged directly into the small raceways and used in the large and CTR raceways.

Tucker Springs Diversion Proposal

6. Tucker Springs are a series of springs that derive water from the Eastern Snake Plain Aquifer ("ESPA"). Tucker Springs are located approximately two miles southwest of the Rangen Facility. Tucker Springs are tributary to Riley Creek, a short spring fed stream which flows in a northwesterly direction towards the Idaho Department of Fish and Game ("Fish & Game") Hagerman State Hatchery before turning south and flowing to the Snake River.

7. Tucker Springs are divided into an Upper Tucker Springs complex and a Lower Tucker Springs complex. IGWA's Second Mitigation Plan proposes to pump up to 9.1 cfs of Fish & Game water right no. 36-2055 from the Upper Tucker Springs complex and deliver the Tucker Springs water via a pipeline to the Rangen Facility located at the head of Billingsley Creek. Water right no. 36-2055 authorizes the diversion of 64 cfs for fish propagation purposes from Upper Tucker Springs and Riley Creek and bears a priority date of September 16, 1947. North Snake Ground Water District, Magic Valley Ground Water District, and Southwest Irrigation District filed an application for water right transfer on behalf of Fish & Game proposing to change the place of use. Ex. 1109.

8. Exhibit 1138 is an aerial photograph of the Upper Tucker Springs complex, and is attached as Attachment B. Within the Upper Tucker Springs complex is an upper pool and a lower pool. Both the upper and lower pools of the Upper Tucker Springs complex are depicted on Attachment B.

9. The location of diversion head works for several water rights are depicted on Attachment B. Idaho Power Company, the Big Bend Irrigation & Mining Company ("Big Bend Ditch"), Salmon Falls Land & Livestock Company ("Salmon Falls"), Fish & Game, and others divert water out of the upper pool. Ex. 1125 at 25, 27, 35. Fish & Game also diverts water out of the lower pool. Fish & Game delivers water from both its points of diversion to a state-run fish rearing facility known as the Hagerman State Hatchery.

10. Protestant Big Bend Trout, Inc. ("Big Bend Trout"), according to its protest, leases water from Big Bend Ditch. The president of Big Bend Trout, Leo Ray, also holds a water right that authorizes diversion of water from the upper pool. Ex. 1125 at 35.

11. Protestant Buckeye Farms, Inc. ("Buckeye"), does not divert water directly from the Upper Tucker Springs complex, but relies on flows from Tucker Springs to satisfy its water rights authorizing diversion from Riley Creek downstream from the Hagerman State Hatchery. Ex. 1125 at 31.

12. In addition to diverting water from the upper pool, protestant Salmon Falls holds a water right authorizing the diversion of water from Riley Creek downstream from the Hagerman State Hatchery. Ex. 1125 at 27, 31.

13. Fish & Game diverts water from the lower pool (of the Upper Tucker Springs complex) through four buried perforated collection pipes and a surface water intake at a collection box. Chapman, Tr. Vol. II, pp. 322, 356. The perforated pipes were placed in the lower pool and covered with rock. The exact depth and location of the pipes was not established at the hearing. The four pipes collect water and deliver it to a collection box located at the south end of the lower pool at a remote location from the upper pool. *Id.* at 323. The four perforated pipes extend from the collection box through the lower pool back toward the upper pool. *Id.*

14. Prior to placement of the perforated water collection pipes, the lower pool may have been a body of water exposed continually to the atmosphere. The rocks over the pipes now cover the water surface for much of the year. *Id.* at 331-32. At times, however, the water level in the pool rises above the top of the covering rocks, creating a shallow, open water pool. *Id.*

15. Some of the water in the open water lower pool not captured by the perforated pipes flows through a surface intake in the Fish & Game collection box. As a result, during high flows of Tucker Springs, the collection box collects both surface and subsurface water from Tucker Springs. *Id.* at 356.

16. Fish & Game's diversion of water from the lower pool does not affect the supply of water to water right holders diverting water from the upper pool. Hardgrove, Tr. Vol. I, p. 195.

17. IGWA executed a letter of intent with Fish & Game providing that Fish & Game will lease to IGWA 10 cfs of its Tucker Springs water rights as needed to meet IGWA's mitigation obligation to Rangen. Ex. 1106 at 1. The agreement is contingent upon (a) IGWA securing an order from IDWR approving a mitigation plan providing for the delivery of 10 cfs from Fish & Game's Tucker Springs water rights to satisfy the mitigation obligation to Rangen; (b) IGWA securing an order from IDWR approving the transfer of the point of diversion and place of use of the 10 cfs to the Rangen facility; (c) IGWA proceeding to implement the plan. *Id.* at 2. In return, Fish & Game will acquire title to a second fish hatchery and IGWA agrees to pay the costs to upgrade the second fish hatchery. *Id.*

18. Currently, Fish & Game diverts over 40 cfs from the lower pool. Since January of 2010, the flows have not dropped below 40 cfs. Ex. 1111 Fig. 4, p. 10. This is well above the flow needed to supply the required 10 cfs.

Engineering Design

19. Engineers for IGWA have completed sixty percent of the engineering design necessary to construct the Tucker Springs project. Ex. 1111 at 4. The engineering design calls for the construction of a second collection box in the lower pool near the Fish & Game collection box. *Id.* at 8. A pumping station will be constructed to pump water

through a buried pipeline to the head of the Rangen Facility. *Id.* at 4. The buried pipeline will be approximately 1.8 miles long. *Id.* IGWA's engineers prepared sixty percent design drawings showing the spring collection box, pump station, pipeline alignment, and tie-in to the Rangen Facility pipeline. Hardgrove, Tr. Vol. I, pp. 147-48.

Spring Intake Design

20. The new collection box will be located just upgradient from the existing Fish & Game collection box. Hardgrove, Tr. Vol. I, p. 165; Ex. 1111 at 9-10. A precast collection box with bar grate and metal cover will be installed. A twenty-four inch diameter gravity pipeline will delivery water from the collection box to a wet well that will house the pumping station. Ex. 1111 at 23.

Pumping Station Design

21. Three line-shaft turbine pumps will be installed in the pumping station. Ex. 1111 at 11. Two of the pumps will be primary pumps and the third will be a redundant pump to serve as a backup should a pump fail or need to be taken out of service for maintenance. Hardgrove, Tr. Vol. I. p. 171. The pump station is designed to deliver a maximum flow of 10 cfs at 243 feet of total dynamic head with two pumps in operation. Each pump will be equipped with a 200 hp motor. Ex. 1111 at 11. The pumps will be controlled by variable frequency drives, which will automatically adjust pump speed to deliver a constant flow to Rangen without manual adjustments. Hardgrove, Tr. Vol. I. p. 173. Electronic control equipment will remotely monitor and control pump operation, auto-restart the pumps if they should power down, and automatically start the third pump if one of the other pumps turns off. *Id.* at 171,176; Ex. 1111 at 11-12.

22. The pumps will be driven with electric motors. Idaho Power Company has a three-phase distribution line that runs adjacent to the proposed pump station location. Idaho Power Company informed IGWA that no upgrades are needed to the line and that the distribution line can adequately supply electricity to the proposed nominal 400-hp pump station. Ex. 1111 at 12.

23. IGWA will install a back-up generator to protect against transmission line electricity outages. The backup electrical generator will be driven by diesel motor that will automatically start when there is an electrical supply outage. Hardgrove,Tr. Vol. I, p. 175. The generator will automatically start within seconds of a power outage. *Id.* While the pumps will need to be slowly ramped up to prevent surging in the pipeline, the full pumping capacity can be restored within two and three minutes. *Id.* Fish can live in a raceway pool for ten to thirty minutes without resumption of flows in the raceway pool. Rogers, Tr. Vol. II, p. 283.

24. The backup diesel run generators and redundant pumps for pumping water proposed by IGWA would adhere to construction requirements for backup mechanics for water pumps and electrical motors used by municipal water systems, semiconductor

facilities, and hospitals. Hardgrove, Tr. Vol. I, p. 176. IGWA obtained confirmation that there are several insurance companies with liability policies that would provide for aquaculture production losses in the event of system failure. Ex. 1113.

25. It is not uncommon for fish hatcheries to rely upon pumped water. Eight Fish & Game hatcheries either partially or fully use pumps to supply water to their raceways. Rogers, Tr. Vol. II, p. 274. Tom Rogers, a fish hatchery expert for IGWA and former Fish & Game supervisor, testified that one of the fish hatcheries he oversaw was the Sawtooth fish hatchery. Because the hatchery is in a remote location, it frequently lost power. *Id.* at 278. He testified that, when the power would go out, the generator would automatically start and the pumps would start up again. *Id.* He also testified that, when pumps at Fish & Game fish hatcheries fail, spare pumps or another well would replace the lost water. In his twenty-four years of working with state fish hatcheries, Rogers did not recall a loss of fish due to pump failure. *Id.* at 280. Rogers testified that the design of the proposed Tucker Springs pumping plant equals or exceeds design requirements of the Fish & Game hatcheries. *Id.* at 282. Rogers testified that pumps are now a common way to deliver water to fish hatcheries in Idaho and throughout the United States. *Id.* at 283.

Pipeline Design and Alignment

26. The pipeline will be HDPE, or high-density polyethylene piping, and will be buried for the entire length between Tucker Springs and the Rangen Facility. Hardgrove, Tr. Vol. I, p. 172, 178. A minimum of 3 feet of cover will be placed over the pipe. *Id.* at 178. Figure 5 of Exhibit 1111 shows the typical trench detail. IGWA studied two possible alignments for the pipeline. Ex. 1111 at 6. The two alignments were evaluated based on construction feasibility, Hagerman Highway District input, existing infrastructure, and topography. *Id.* IGWA's preferred alignment for the pipeline travels through property owned by Fish & Game, Morris, and Walter and Margaret Candy ("Candy"). Ex. 1111 at 8. IGWA executed option agreements with Morris and Candy to purchase easements for the construction/placement of a pipeline through their property to deliver Tucker Springs water to the Rangen Facility. Ex. 1107 & 1108. As part of the letter of intent, Fish & Game have agreed to grant IGWA an easement for the pipeline. Ex. 1106 at 2.

Other Authorizations for Pipeline

27. IGWA presented the proposed pipe alignment plan to the Hagerman Highway District at a highway district board meeting. Ex. 1111 at 8. The highway district granted preliminary approval on May 14, 2014, to allow the pipe to be installed in its right of way. *Id.* at 91. If the Second Mitigation Plan is approved, IGWA will seek final approval. *Id.* at 8.

Tie-in to Rangen's Delivery System

28. The engineering plans propose connection of the buried pipeline from Tucker Springs directly into Rangen's fourteen-inch diameter steel pipe that is physically located on the Rangen Facility between Rangen's small raceway and Rangen's hatchery house. Hardgrove, Tr. Vol. I, p. 178. Figure 6 of Exhibit 1111 shows the tie-in detail. The Tucker Springs water will be used in Rangen's small raceways, or if not needed, will back up into the fourteen-inch steel pipe, into the Rangen Box, and spill out of the Rangen Box onto the talus slope and into Billingsley Creek. *Id.* at 179. The proposed pipeline that will deliver Tucker Springs water will only cross approximately 150 lineal feet of Rangen's property to tie into Rangen's fourteen- inch delivery pipe. Ex. 1111 at 14.

Project Schedule

29. Figure 7 of Exhibit 1111 is IGWA's project schedule. IGWA's design engineer testified that the project can be completed by April 1, 2015. Hardgrove, Tr. Vol. I, p. 181. He testified that the bulk of construction would be wrapped up and water could possibly be delivered in January 2015, but certain areas would need to be revegetated so the project would not be officially complete until April. *Id.* at 182, 214. IGWA's schedule does not take into account the time for processing IGWA's transfer application or any other required permits.

Project Permits and Transfer Approval

30. Rangen raised concerns regarding IGWA's ability to obtain the required permits and authorizations for the project, specifically a 404 Permit and an approved transfer application.

31. IGWA's design engineer testified it is possible that the project would need a 404 permit to build the new intake box in the lower pool. Hardgrove, Tr. Vol. I, p. 188. He testified that, if there are no "hurdles," a 404 permit can usually be approved in 45 to 60 days. *Id.* Identification of threatened or endangered species could extend the time for permitting. *Id.* When asked whether a forty-five to sixty day timeframe for a permit would affect the completion date, he testified that there is "some lag" in the schedule for permitting, and the project could be completed by April 1, 2015. *Id.* at 181, 189. A 404 permit would not delay construction of the pipeline itself but would only affect construction of the spring intake. Hardgrove, Tr. Vol. I, p. 240. He also testified that if 404 permitting becomes "too onerous" a potential option is to tie into Fish and Game's existing pipeline versus installing a new intake structure. *Id.*

32. Rangen and other protestants argue that IGWA's transfer application cannot be approved because the transfer will result in injury to other water users on Tucker Springs and Riley Creek. Big Bend Ditch diverts only from the upper pool. Hardgrove, Tr. Vol. I, p. 195. A gravity based diversion out of the lower pool will not affect the water rights that divert from the upper pool. *Id.* at 196-97; Erwin, Tr. Vol. II,

p. 406. Big Bend Trout diverts water from Lower Tucker Springs, not Upper Tucker Springs. Hardgrove, Tr. Vol. I, p. 192. A diversion from the lower pool of Upper Tucker Springs will not affect the Lower Tucker Springs. Hardgrove, Tr. Vol. I, p. 196-97. If IGWA is able to mitigate any potential injury to Protestant Buckeye, the Buckeye mitigation would likely mitigate injury to all other rights on Riley Creek. Erwin, Tr. Vol. II, p. 415. IGWA and Buckeye are currently discussing possible actions to mitigate any potential injury to Buckeye's water rights. Hardgrove, Tr. Vol. I, p. 190. During the hearing, IGWA and Buckeye stipulated that the Second Mitigation Plan will reduce flows available to Buckeye and that the reductions would need to be mitigated prior to development of the plan, if approved. Simpson, Tr. Vol. II, p. 371. IGWA is still analyzing potential impacts of the transfer on Salmon Falls. Hardgrove, Tr. Vol. I, p. 197. However, IGWA testified it plans to mitigate for any shortage it creates in Riley Creek. Carlquist, Tr. Vol. I, p. 139.

33. Questions were raised at the hearing about the total maximum daily load ("TMDL") for the Hagerman State Hatchery. Reducing the flow through the hatchery would affect the hatchery's ability to comply with its TMDL if production remained the same, but it is anticipated that production would be reduced at the Hagerman State Hatchery and offset at another hatchery. Chapman, Tr. Vol. II, p. 335, 358.

Water Quality Issues

34. Rangen raised water quality concerns in three general areas: (a) water temperature, (b) water chemistry, and (c) pathogens carried by water.

Water Temperature

35. The temperature of Tucker Springs water is very close to the temperature of water flowing from the Curren Tunnel. Ex. 1111, Table 2 at 5. The temperature of Tucker Springs water is suitable for rearing trout in the Rangen Facility. Rogers, Tr. Vol. II, p. 299. Delivery of Tucker Springs water to the Rangen Facility is predicted to raise the water temperature by 0.22 degrees Fahrenheit. Ex. 1111 at 85. The buried pipeline will maintain the temperature of Tucker Springs water delivered to the Rangen Facility within an acceptable range.

Water Chemistry

36. IGWA evaluated existing water quality data received from Fish & Game for the Tucker Springs water source. Ex. 1111 at 4. IGWA also gathered and analyzed limited water quality field data. *Id.* IGWA gathered data about dissolved oxygen in the water, electrical conductivity of the water, and acidity, or pH, of the water.

37. Dissolved oxygen in the Tucker Springs water was 8.0 mg/L and 89% of saturation, which was slightly lower than the 8.3 – 8.6 mg/L and 93 - 96% saturation in the Curren Tunnel water delivered to the Rangen Facility. Ex. 1111, Table 1 at 2. The oxygen saturation levels of Curren Tunnel water likely increased with exposure to the

atmosphere and perhaps aeration from falling water. The difference in oxygen saturation is not a significant factor. The acceptable range of dissolved oxygen for trout is 6.5 to 9 [mg/L]. Rogers, Tr. Vol. II, p. 290.

38. When water is aerated under pressure, the gases in the water can exceed normal saturation levels. The water can become "supersaturated" with atmospheric gases. Supersaturation of nitrogen in water results in the explosion of the gas in the fish as the pressure changes, resulting in a form of "the bends" in fish. Chapman, Tr. Vol. II, p. 333-34. Supersaturation of nitrogen in fish waters can cause serious injury to or death of fish.

39. Pumps created additional pressure in water. Unintentional introduction of air into pressurized water can cause supersaturation. Fish & Game employee Joe Chapman testified about supersaturation of nitrogen in the pipeline delivering Tucker Springs water to the Hagerman State Hatchery. Chapman, Tr. Vol. II, p. 333-34. The supersaturation was caused by a faulty air relief valve that introduced air into the water under pressure. The faulty valve was repaired/replaced, eliminating the problem of supersaturation. *Id.* at 333.

40. The closed water delivery system proposed by IGWA will help prevent air from becoming entrained in the system and causing supersaturation. Hardgrove, Tr. Vol. I, 236. Should supersaturation become an issue, it can be addressed with degassing aeration structures. *Id.* at 258.

41. The pH of Tucker Springs water is very similar to the pH of Curren Tunnel water. Ex. 1111, Table 1 at 2. Small differences will not affect the ability of Rangen to raise fish with Tucker Springs water. Rogers, Tr. Vol. II, p. 288.

Pathology

42. Most hatcheries experience disease and the Fish & Game Hagerman State Hatchery is no exception. Chapman, Tr. Vol. II, p. 359; Rogers, Tr. Vol. II, p. 295. Disease is a normal part of hatchery operations and it is normal practice of hatchery management to treat for diseases. *Id.* Both the Hagerman State Hatchery and the Rangen hatchery have experienced disease. Rogers, Tr. Vol. II, p. 296-97. Fish in the Hagerman State Hatchery suffer from several pathological maladies that have not been detected or have been controlled in the Rangen Facility. An example of one of these fish diseases is proliferative kidney disease ("PKD"). The carrier of PKD is a water-borne parasite that is hosted by bryozoans and then transmitted in the water to the fish. Ramsey, Tr. Vol. II, p. 465-66.

43. Fish & Game has not been able to identify the specific source of PKD in its large raceways or specifically link the disease to the Tucker Springs water source. Chapman, Tr. Vol. II, p. 363. However, circumstantial evidence suggests the parasite that causes PKD could live in the lower pool at Upper Tucker Springs. Fish & Game has treated the lower pool area to kill bryozoans (the intermediate host for the parasite that

causes PKD). Chapman, Tr. Vol. II, p. 348. Fish & Game believes PKD can be remedied through modification of the spring headbox and disinfection of the pipeline supplying water to the Hagerman State Hatchery. *Id.* at 345. Covering springs to limit access by animals can also help limit transmission of disease in general. *Id.* at 353, 356.

44. The common source of water for Upper Tucker Springs and water from the Curren Tunnel is the ESPA. Curren Tunnel water is exposed to birds, land mammals, and other aquatic life in both the Farmer's Box and the Rangen Box. Upper Tucker Springs water is exposed to birds, land mammals, and other aquatic life in the lower pool. Standing water in the lower pool collected by the Fish & Game collection box could be a source of pathogens. Standing water is not a risk at Rangen's Curren Tunnel water collection works. Locating the collection box close to the spring source would reduce the risk of contamination. Ramsey, Tr. Vol. II, p. 507.

Morris Exchange Water From First Mitigation Plan

45. As discussed in the analysis section above, in light of this Second Mitigation Plan, the Director will recalculate how the Morris exchange water is averaged.

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.

In addition, Idaho Code § 42-1805(8) provides the Director with authority to "promulgate, adopt, modify, repeal and enforce rules implementing or effectuating the powers and duties of the department."

2. Idaho Code § 42-603 grants the Director authority to adopt rules governing water distribution. In accordance with chapter 52, title 67, Idaho Code, the Department adopted rules regarding the conjunctive management of surface and ground water effective October 7, 1994, ("CM Rules"). The CM Rules prescribe procedures for responding to a delivery call made by the holder of a senior-priority surface or ground water right against junior-priority ground water rights in an area having a common ground water supply. CM Rule 1.

3. CM Rule 43.01 sets forth the criteria for submission of a mitigation plan to the Director.

4. CM Rule 43.02 states that the Director shall consider the mitigation plan under the procedural provisions of Idaho Code § 42-222. Idaho Code § 42-222 provides that approval may be granted "in whole, or in part, or upon conditions" provided no other water rights are injured.

5. CM Rule 43.03 establishes the factors that may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights.

6. The Director concludes that IGWA's Second Mitigation Plan is an acceptable mitigation plan under the CM Rules and approves the plan. The plan is legal and will provide the quantity of water required by the Curtailment Order. The plan adequately describes the actions that will be taken by IGWA to mitigate material injury to Rangen by pumping water from Tucker Springs to the Rangen Facility for the beneficial purpose of fish propagation. As described below, the approval of the plan is conditional. Nevertheless, the plan, if implemented in tandem with the First Mitigation Plan, will provide water, of sufficient quantity to Rangen "at the time and place required by the senior-priority water right . . . ." CM Rule 43.03.b. The proposal has been geographically located and engineered and necessary agreement or option contracts have been executed or have been initiated.

7. The protestants argue that the Second Mitigation Plan should be rejected because the required administrative transfer to change the place of use of Fish & Game's water right cannot be approved. They argue that, because the transfer would cause injury to other water users who divert from Tucker Springs and from Riley Creek, the transfer will be rejected. The Director will not prejudge the application for transfer in the contested case proceeding but must consider whether there is something in the application that would prevent it from being approved. Extensive testimony was presented about the potential for the transfer to cause injury. The plan will not injure water users diverting from the upper pool nor water users from Lower Tucker Springs. Testimony of IGWA's witnesses recognizes that IGWA must address the injury to water users diverting from Riley Creek and that IGWA is in negotiations with Buckeye, the entity with the water rights most likely to be affected by the transfer. The Director concludes it is possible for IGWA to adequately address the question of injury to other water users in the transfer proceeding. The Director concludes the Second Mitigation Plan should be approved conditioned upon the approval of the transfer application.

8. Rangen also argues that the Second Mitigation Plan should be rejected because the Tucker Springs water may introduce new diseases into the Rangen Facility that were previously not there. Most hatcheries experience disease. It is a normal part of hatchery operations and it is normal practice of hatchery management to treat for diseases. Both the Hagerman State Hatchery and the Rangen Facility have experienced disease. The disease Rangen expressed the most concern about was PKD. While some fish in the Hagerman State Hatchery have been found to have PKD, it has not been detected in the Rangen Facility. It is not clear that the lower pool is the source of PKD at the Hagerman State Hatchery. Regardless of the source, IGWA should initiate preventive measures to address PKD, such as treating the lower

pool to kill the intermediate host, disinfecting pipelines that may contain PKD or the intermediate host, and covering the spring area.

9. Furthermore, the location and depth of the collection box can also help address Rangen's concern regarding transmission of disease. The risk of disease will be reduced by moving the collection box closer to the spring source. IGWA, in its final design plans, shall move the collection box closer to the spring source in addition to the actions required in Conclusion of Law 8. For decades, Rangen has effectively managed disease at its fish rearing facility. By taking the above precautions, there is a reasonable expectation that Rangen can continue to manage disease at its facility while receiving Tucker Springs water.

10. Rangen also argues the Second Mitigation Plan will likely require permits and other approvals which may delay the project and prevent water from being supplied to Rangen this year. Permitting issues would not necessarily delay construction as there is "some lag" in the schedule presented by IGWA. Hardgrove, Tr. Vol. I, p. 181. Furthermore, while agencies may require time for review and analysis of applications for permit, this is not in itself a reason for rejecting the plan.

11. The Director concludes that IGWA's Second Mitigation Plan satisfies the necessary standard of temperature, water chemistry, reliability, and biosecurity. The temperature variance between the water at Tucker Springs and the Rangen Facility is not significant. The pipeline delivering water to the Rangen Facility will be buried, insulating the water in the pipeline from significant change in temperature. The dissolved oxygen levels measured at Tucker Springs and the Rangen Facility are similar. Should the dissolved oxygen levels become an issue once the system is constructed and operating, IGWA will be required to install an aeration system to oxygenate the water. Similarly, should it appear that gas supersaturation is an issue once the system is constructed and operating, IGWA will be required to address the issue.

12. The redundancy built into the pumping and power system are the same type and design as those used by municipalities and hospitals and are of sufficient protection to justify approval of the plan. The system is designed to be as secure as any existing hatchery facility and provides adequate protection.

13. Given Rangen's opposition to the Second Mitigation Plan, IGWA is entitled to know prior to starting construction whether Rangen will refuse the replacement water. While the engineering plans submitted by IGWA at the proceeding were not final, the engineering plans are of sufficient quality to allow Rangen to evaluate the proposal. Within twenty-one days from the date of this order, Rangen must state, in writing, whether it will accept the water delivered through the Tucker Springs Pipeline.

14. The flow rate of water that must be delivered by the Morris exchange water to provide full mitigation is 3.4 cfs minus 1.2 cfs (mitigation credit for ongoing aquifer enhancement activities), resulting in a remainder mitigation requirement of 2.2 cfs. The First Mitigation Plan Order credited the Morris exchange water with providing an average flow of 3.5 cfs for 184 days, or a total volume of 644 24-hour second feet (3.5 cfs x 184 days). This volume

will provide an average rate of 2.2 cfs for 293 days (3.5 cfs x 184 days/2.2 cfs). Two hundred ninety three days from April 1, 2014, is January 18, 2015, a Sunday. Monday, January 19, 2015, is the first working day that the Morris exchange water could not provide full mitigation.

15. On January 19, 2015, the Morris water will no longer supply 2.2 cfs to Rangen. On January 19, 2015, the Director must curtail water rights as if the Morris water is and was not provided. The curtailment priority date is August 12, 1973.

ORDER

Based upon and consistent with the foregoing, the Director hereby orders as follows:

IT IS ORDERED that the Second Mitigation Plan is conditionally approved. The plan, when paired with the First Mitigation Plan, is an acceptable mitigation plan as it provides replacement water of sufficient quantity, quality, and temperature in the time needed by Rangen. IGWA shall initiate preventive measures to address PKD, such as treating the lower pool to kill the intermediate host, disinfecting pipelines that may contain PKD or the intermediate host, and covering the spring area. In completing its design plan for the collection box, IGWA shall also design the box to divert water at a location closer to the spring source to limit potential exposure to disease.

IT IS FURTHER ORDERED that within twenty-one (21) days from the date of this order, Rangen must state, in writing, whether it will accept the water delivered through the Tucker Springs Pipeline. Rangen must submit its written acceptance/rejection to the Department and IGWA. The written acceptance/rejection must state whether Rangen will accept the Tucker Springs water and whether Rangen will allow construction on its land related to placement of the delivery pipe. If the plan is rejected by Rangen or Rangen refuses to allow construction in accordance with an approved plan, IGWA's mitigation obligation is suspended.

IT IS FURTHER ORDERED that, because the Director determines in this order that the Morris exchange water will provide mitigation up to January 19, 2015, the stay issued April 28, 2014, is lifted.

IT IS FURTHER ORDERED that the Tucker Springs project must deliver water to Rangen no later than January 19, 2015. Failure to provide water by January 19, 2015, to Rangen will result in curtailment of water rights junior or equal to August 12, 1973, unless another mitigation plan has been approved and is providing water to Rangen at its time of need. If IGWA fails to satisfy this obligation, at 12:01 a.m. on or before January 19, 2015, users of ground water holding consumptive water rights bearing priority dates junior to August 12, 1973, listed in Attachment C to this order, within the area of common ground water, located west of the Great Rift, and within a water district that regulates ground water, shall curtail/refrain from diversion and use of ground water pursuant to those water rights unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights. This order shall apply to all consumptive ground water rights, including agricultural, commercial, industrial, and municipal uses, but excluding ground water rights used for *de*

minimis domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(11), pursuant to IDAPA 37.03.11.020.11.

IT IS FURTHER ORDERED that the watermasters for the water districts within the area of common ground water, located west of the Great Rift, and who regulate ground water, are directed to issue written notices to the holders of the consumptive ground water rights listed in Attachment C to this order. The water rights on the list bear priority dates equal or junior to August 12, 1973. The written notices are to advise the holders of the identified ground water rights that their rights are subject to curtailment in accordance with the terms of this order.

IT IS FURTHER ORDERED that this is a FINAL ORDER of the agency. Any party may file a petition for reconsideration of this final order within fourteen (14) days of the service of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law pursuant to Idaho Code § 67-5246.

IT IS FURTHER ORDERED that pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by the final order or orders previously issued by the Director in this matter may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which a hearing was held, the final agency action was taken, the party seeking review of the order resides, or the real property or personal property that was the subject of the agency action is located. The appeal must be filed within twenty-eight (28) days: (a) of the service date of the final order; (b) of an order denying petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See* Idaho Code § 67-5273. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Dated this 20th day of June, 2014.

GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of June, 2014, the above and foregoing document was served on the following by providing a copy of the *Order Approving IGWA's Second Mitigation Plan* in the manner(s) selected:

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Deborah Gibson
Administrative Assistant for the Director

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(Required by Rule of Procedure 740.02)

The accompanying order is a "**Final Order**" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the service date of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) The petition for reconsideration is disposed of; or
(b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate

action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a 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 department 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. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days: a) of the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

EXHIBIT 10

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Attorneys for Rangen, Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO RANGEN, INC.'s WATER RIGHT NOS. 36-15501, 36-134B, AND 36-135A	**DOCKET NO.: _____** **RANGEN, INC'S PETITION FOR DELIVERY CALL**

Rangen, Inc., by and through its attorneys, submits the following Petition for Delivery Call in accordance with Art. XV, § 3, Idaho Const., I.C. §§ 42-101, 226, 602, 607 and IDAPA 37.03.11.040 or as otherwise provided for by the laws of the State of Idaho:

I. BACKGROUND

1. Rangen, Inc. ("Rangen") is a family corporation that has been in business since 1925. Its headquarters is located in Buhl, Idaho.

2. Rangen, among other things, is a leading feed manufacturer in the US aquaculture markets.

3. As part of its aquaculture business, Rangen owns and operates a research and fish propagation facility ("Research Hatchery") near Hagerman, Idaho. A sketch of Rangen's Research Hatchery is attached hereto as Exhibit 1A and an aerial photograph is attached as Exhibit 1B.

4. The water that sustains Rangen's Research Hatchery is spring water from an area commonly referred to as the Thousand Springs area of the Thousand Springs Reach of the Snake River within Water District 130. The Thousand Springs area is characterized by many flowing springs of high quality water that is well suited to aquaculture and fish propagation.

5. Rangen has five (5) water rights for the Research Hatchery that have been decreed through the Snake River Basin Adjudication. Rangen's decreed water rights are summarized as follows:

Water Right No.:	36-00134B	36-00135A	36-15501	36-02551	36-07694
Priority Date:	October 9, 1884	April 1, 1908	July 1, 1957	July 13, 1962	April 12, 1977
Beneficial Use:	Irrigation (0.09 cfs) and Domestic (0.07 cfs)	Irrigation (0.05 cfs) and Domestic (0.05 cfs)	Fish Propagation	Domestic (0.10 cfs) and Fish Propagation (48.54)	Fish Propagation
Diversion Rate:	0.09 cfs	0.05 cfs	1.46 cfs	48.54 cfs	26.0 cfs
Period of Use:	Jan. 1 - Dec. 31 (Domestic) Feb. 15 - Nov 30 (Irrigation)	Jan. 1 - Dec. 31 (Domestic) Feb. 15 - Nov. 30 (Irrigation)	Jan. 1 - Dec. 31	Jan. 1 - Dec. 31	Jan. 1 - Dec. 31

Copies of the partial decrees associated with these rights are attached hereto as Exhibit 2.

II. BASIS OF CALL

6. In December, 2011, Rangen filed a Petition for Delivery Call concerning water rights 36-02551 and 36-07694. See *Rangen's Petition for Delivery Call*, CM-DC-2011-004.

7. On January 29, 2014, the Director of the Idaho Department of Water Resources ("Director" and "IDWR"), entered the *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("*Delivery Call Final Order*").

8. In the *Delivery Call Final Order*, the Director found, among other things, that ". . . pumping by junior ground water users has materially injured Rangen." *Delivery Call Final Order*, ¶ 36.

9. The Director ordered curtailment of groundwater rights junior to **July 13, 1962,** the priority date of water right 36-02551. This was the priority date of the earliest right for which Rangen filed its call.

10. Rangen did not call on water right 36-15501 ("1957 Right"), 36-134B ("1884 Right"), or 36-135A ("1908 Right") in December, 2011, because Rangen thought those rights were being satisfied at that time.

11. The continued diminishment of water flow from the Martin-Curren Tunnel coupled with subsequent rulings made by the Director have resulted in all of Rangen's water rights being unsatisfied.

12. Each of the water rights described above in paragraph 5 has the same designated source, "Martin-Curren Tunnel," and point of diversion, "T07S R14E S32." The Director has determined that the term "Martin-Curren Tunnel" refers to the spring water coming from the mouth of the physical tunnel and does not include any spring water from the surrounding talus

slope. Rangen has filed a Petition for Review from the Order regarding the source and point of diversion. Rangen accepts the Director's Order regarding source and point of diversion for the purposes of this call, but reserves the right to continue its appeal.

A. CURRENT WATER FLOW FROM THE MOUTH OF THE MARTIN-CURREN TUNNEL IS INSUFFICIENT TO SATISFY RANGEN'S WATER RIGHTS

13. The most recent measurement of flow from the mouth of the Martin-Curren Tunnel taken by Rangen on June 9, 2014 is 1.33 cfs. The flow from the Martin-Curren Tunnel has continued to decline since Rangen filed its 2011 call.

14. There are multiple water rights that have the Martin-Curren Tunnel as their source. The following table sets forth all of those and allocates the current physical flow of 1.33 cfs to those rights in order of priority:

Water Right Holder	Water Right Number	Water Right Quantity (cfs)	Priority Date	Allocation of 1.33 cfs
Morris	36-134D	1.58	10/9/1884	0.30
Morris	36-134E	0.82	10/9/1884	0.15
Candy	36-134A	0.49	10/9/1884	0.09
Rangen	36-134B	0.09	10/9/1884	0.02
Musser	36-102	4.1	10/9/1884	0.77
Rangen	36-135A	0.05	4/1/1908	-
Candy	36-135B	0.51	4/1/1908	-
Morris	36-135D	1.58	4/1/1908	-
Morris	36-135E	0.82	4/1/1908	-

Rangen	36-15501	1.46	7/1/1957	-
Rangen	36-02551	48.54	7/13/1962	-
Rangen	36-07694	26	4/12/1977	-
				1.33

15. The 1.33 cfs has been allocated on a pro rata basis to the 10/9/1884 rights since they all share the same priority date.

16. The current flow of 1.33 cfs does not satisfy any of the Martin-Curren Tunnel water rights, including, but not limited to, Rangen's 1884, 1908 and 1957 rights.

B. AVERAGE WATER FLOW FROM THE MARTIN-CURREN TUNNEL IS INSUFFICIENT TO SATISFY RANGEN'S WATER RIGHTS

17. On April 11, 2014, the Director issued an *Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order* ("*Order on IGWA's First Mitigation Plan*").

18. Instead of using the actual current flow from the Martin-Curren Tunnel when deciding how much mitigation credit to give IGWA in the *Order on IGWA's First Mitigation Plan*, the Director attempted to project future flows using the average of average flows from the Martin-Curren Tunnel from 2002 to 2013, stated to be 3.7 cfs. *Amended Order*, ¶ 27. The Director then allocated the 3.7 cfs of "paper" water amongst the Martin-Curren Tunnel water rights. No water was allocated to Rangen's 1957 water right.1

19. On April 25, 2014, in response to the Director's *Order on IGWA's First Mitigation Plan*, Rangen filed *Rangen's Motion for Reconsideration of Order Re: IGWA's*

1 Rangen continues to object to the use of projected average flows rather than actual flows. However, it is clear that even when the Director's "paper" water is included there is insufficient water to satisfy Rangen's 1957 Right.

Mitigation Plan; Order Lifting Stay; Amended Curtailment Order ("*Motion for Reconsideration*"). The *Motion for Reconsideration* requested among other things that the Director allocate a portion of the 3.7 cfs paper water to Rangen's 1957 Right for the purpose of determining mitigation credit.

20. The Director instead found that Rangen's 1957 water right is out of priority and therefore not entitled to any water. In his *Final Order on Reconsideration* issued May 16, 2014, the Director found that "Rangen's argument is flawed. Rangen overlooks the fact that water right no. 36-15501 is *junior* to the Morris water rights." *Final Order on Reconsideration*, p.2. "If the Director were to adopt Rangen's suggested computation, the Director would unlawfully allocate water to Rangen's junior water right before allocating water to the senior water rights held by Morris. . . . Because Morris is entitled to the 3.2 cfs before water right no. 36-15501 comes into priority, the Director will not change his computation of the mitigation credit to IGWA for exchange of irrigation water diverted from the Curren Tunnel." *Final Order on Reconsideration*, p.3.

21. The following chart compares the allocation of the 3.7 cfs paper water flow three different ways: (a) in order of priority; (b) as requested by Rangen in its Motion for Reconsideration; and (c) as done by the Director in the *Order on IGWA's First Mitigation Plan*:

Water Right Holder	Water Right Number	Water Right Quantity (cfs)	Priority Date	Allocation of 3.7 cfs based on Priority	Allocation of 3.7 cfs by priority excluding Morris Rights	Allocation of 3.7 cfs in *Order on First Mitigation Plan*
Morris	36-134D	1.58	10/9/1884	0.8	-	-
Morris	36-134E	0.82	10/9/1884	0.4	-	-
Candy	36-134A	0.49	10/9/1884	0.3	0.04	0.04
Rangen	36-134B	0.09	10/9/1884	0.1	0.09	0.09
Musser	36-102	4.1	10/9/1884	2.1	-	-
Rangen	36-135A	0.05	4/1/1908	-	0.05	0.05
Candy	36-135B	0.51	4/1/1908	-	-	-
Morris	36-135D	1.58	4/1/1908	-	-	-
Morris	36-135E	0.82	4/1/1908	-	-	-
Rangen	36-15501	1.46	7/1/1957	-	1.4	-
Rangen	36-02551	48.54	7/13/1962	-	2.1	3.5
Rangen	36-07694	26	4/12/1977	-	-	
				3.7	3.7	3.7

22. By maximizing the mitigation credit to which IGWA is entitled this year, the Director's Order on IGWA's First Mitigation Plan has shorted Rangen's 1957 right. Now there is no water in the Martin-Curren Tunnel – either physically or on paper – to satisfy Rangen's 1957 Right.

C. RANGEN'S 1884, 1908, AND 1957 WATER RIGHTS ARE BEING MATERIALLY INJURED BY JUNIOR-PRIORITY GROUNDWATER PUMPING

23. The current low flows in the Martin-Curren Tunnel, which are substantially a result of junior groundwater pumping, together with the Director's Order allocating all water in the Martin-Curren Tunnel to be used solely as mitigation for injury to Rangen's 1962 Water Right means that **no** water is available to satisfy any of the other water rights on the Martin-Curren Tunnel, including Rangen's 1884, 1908 and 1957 Rights.

24. Based upon the Director's decision not to allocate any water to Rangen's 1957 Right when deciding IGWA's mitigation credit, it is apparent that the Director will not administer water rights by priority without an active Call.

25. As previously determined by the Director in the *Final Order*, Rangen can beneficially use all of the water to which it is entitled pursuant to its water rights.

26. As previously determined by the Director in the *Final Order*, Rangen is not wasting water.

27. As previously determined by the Director in the *Final Order*, Rangen has been, and is currently being, materially injured by junior-priority ground water pumping in the Eastern Snake Plain Aquifer ("ESPA"), including, but not limited to junior-priority ground water pumping in Water Districts 1, 34, 100, 110, 120, 130 and 140.

28. The ESPA is the aquifer underlying an area of the Eastern Snake River Plain which encompasses an area of about 11,000 square miles extending from Ashton, Idaho in the northeast, southwest to King Hill, Idaho.

29. The ESPA is an area having a common ground water supply. See IDAPA 37.03.11.050.

30. A direct hydraulic connection exists between the ESPA and surface water sources tributary to the Snake River (e.g., Billingsley Creek) in the Thousand Springs area.

31. The quantity of water available in the Martin-Curren Tunnel, the source of Rangen's water right, is expected to continue to be insufficient during 2014 and beyond. See IDAPA 37.03.11.042.01.a.

32. As previously determined by the Director in the *Final Order*, Rangen has expended reasonable efforts to divert water for its water rights. See IDAPA 37.03.11.042.01.b. Rangen's means of diversion are reasonable.

33. As previously determined by the Director in the *Final Order*, curtailment of junior-priority ground water pumping in the ESPA, including, but not limited to Districts 1, 34, 100, 110, 120, 130 and 140 to the extent those Districts overlie the ESPA would result in a usable amount of water reaching Rangen's point of diversion in a time of need.

III. RELIEF REQUESTED

Pursuant to the Department's constitutional and statutory duty to supervise the distribution of water under Art. XV, § 3, Idaho Const., I.C. §§ 42-101, 226, 602, 607 and IDAPA 37.03.11.040 or as otherwise provided for by the laws of the State of Idaho, Rangen respectfully requests that the Director:

A. find that Rangen has suffered, and will suffer, material injury to Rangen's 1884, 1908 and 1957 Water Rights as a result of junior-priority ground water pumping in the ESPA, including, but not limited to Water Districts 1, 34, 100, 110, 120, 130 and 140 to the extent those Districts overlie the ESPA;

B. administer and distribute water in the ESPA, including, but not limited to Water Districts 1, 34, 100, 110, 120, 130 and 140 to the extent those Districts overlie the

ESPA in accordance with the prior appropriation doctrine as required by I.C. § 42-602;

C. order the water masters of the ESPA, including, but not limited to Water Districts 1, 34, 100, 110, 120, 130 and 140 to curtail junior-priority ground water pumping as necessary to deliver Rangen's water in accordance with the prior appropriation doctrine. See I.C. § 42-607;

D. order immediate curtailment before any hearing is held because: (1) a determination of material injury has previously been made; (2) IGWA's defenses to Rangen's claim of material injury have been adjudicated; (3) immediate curtailment is necessary to secure an important government or public interest, to-wit, the guaranteed delivery of water rights obtained under the laws of the State of Idaho; (4) there is a need for prompt action in that junior diversions continue to prevent Rangen's ability to obtain all its decreed water flows; and (5) the State of Idaho, by and through its Department of Water Resources and Director, has a duty to supervise the allotment of both surface and ground water to those diverting water for any beneficial purpose; and

E. if the Department does not order immediate curtailment, then convene a timely hearing of this matter before further damage is done by junior-priority ground water pumping.

DATED this 27 day of June, 2014.

MAY, BROWNING & MAY, PLLC

By: _____
J. Justin May

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 27 day of June, 2014 he caused a true and correct copy of the foregoing document to be served upon the following:

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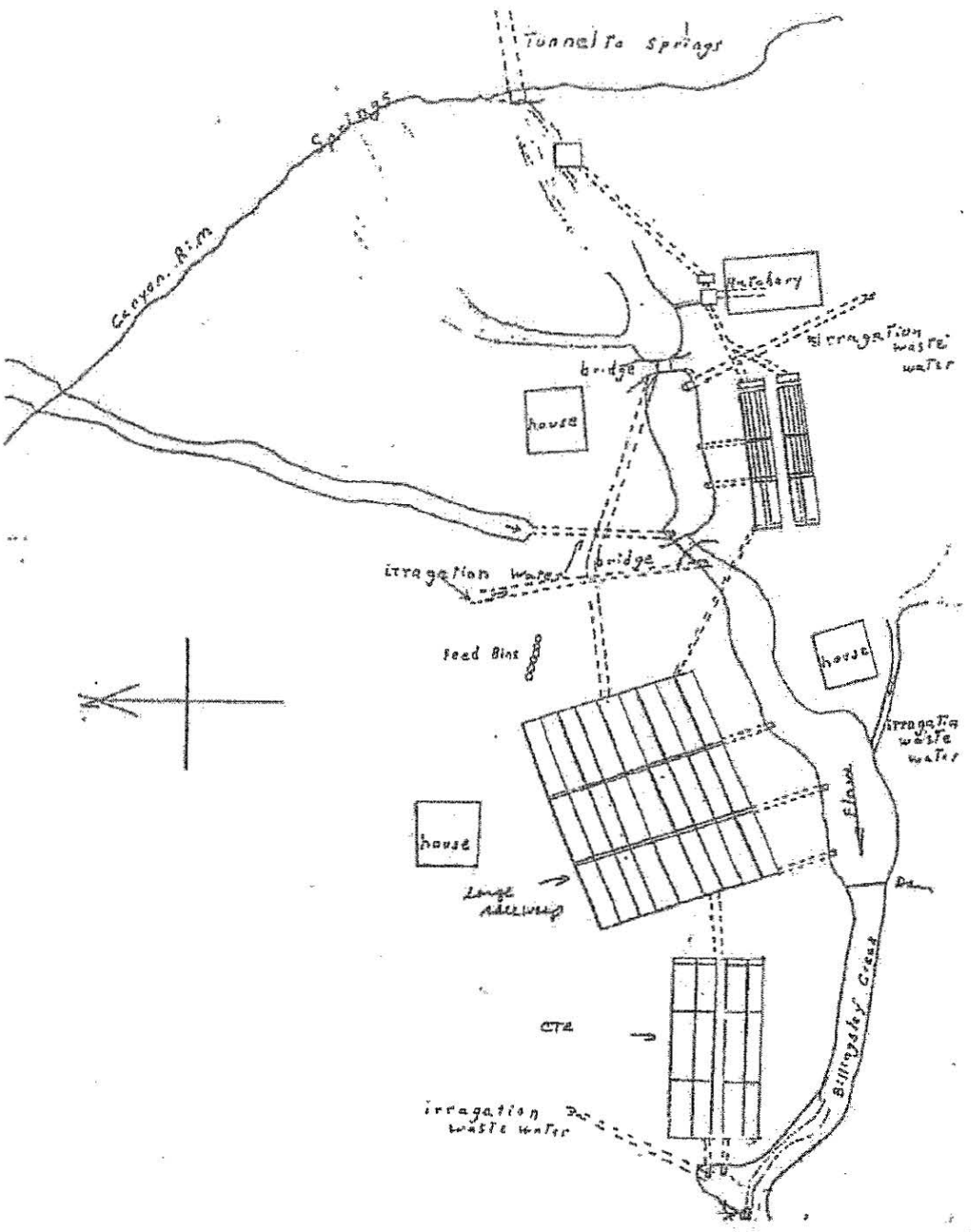
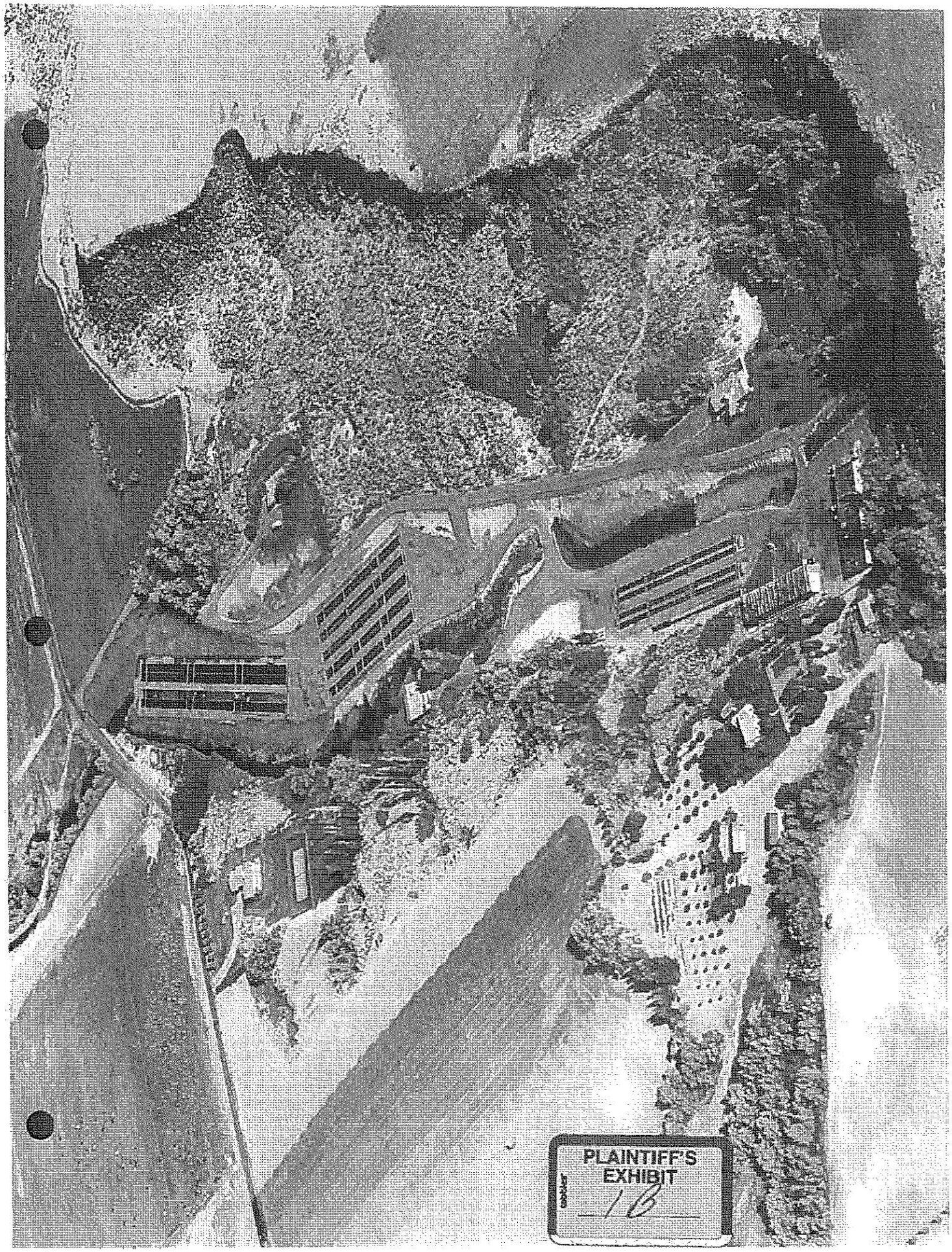
Dean Tranmer CITY OF POCATELLO P.O. Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us	Hand Delivery U.S. Mail Facsimile Federal Express E-Mail	☐ ☐ ☐ ☐ ☐
John K. Simpson Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON, L.L.P. 195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 Facsimile: (208) 735-2444 tlt@idahowaters.com jks@idahowaters.com pla@idahowaters.com	Hand Delivery U.S. Mail Facsimile Federal Express E-Mail	☐ ☐ ☐ ☐ ☐
W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org	Hand Delivery U.S. Mail Facsimile Federal Express E-Mail	☐ ☐ ☐ ☐ ☐
Jerry R. Rigby Hyrum Erickson Robert H. Wood RIGBY, ANDRUS & RIGBY, CHARTERED 25 North Second East Rexburg, ID 83440 jrigby@rex-law.com herickson@rex-law.com rwood@rex-law.com	Hand Delivery U.S. Mail Facsimile Federal Express E-Mail	☐ ☐ ☐ ☐ ☐

J. Justin May



Rangen Hatchery Facilities
Hagerman, Idaho

PLAINTIFF'S EXHIBIT
1A


PLAINTIFF'S
EXHIBIT
16

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

1998 JAN 30 PM 4:18

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-001348

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.09 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/09/1884

POINT OF DIVERSION: T07S R14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	0.09 CFS
DOMESTIC 3 HOMES AND 2 OFFICES	01-01 12-31	0.07 CFS

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R14E S31 SWNE 2 SENE 4
S32 SWNW 1
7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00135A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE IRRIGATION SEASON.

DOMESTIC Within GOODING County
T07S R14E S31 SENE
S32 SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PLAINTIFF'S EXHIBIT 2

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR

Water Right 36-00135A

1998 JAN -6 AM 11: 44

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T07S R16E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	0.05 CFS
DOMESTIC 3 HOMES AND 2 OFFICES	01-01 12-31	0.05 CFS

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R14E S31 SWNE 2 SENE 4
S32 SWNW 1
7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00134B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE IRRIGATION SEASON.

DOMESTIC Within GOODING County
T07S R14E S31 SENE
S32 SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 36-02551

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 48.54 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THIS RIGHT AND RIGHT NO. 36-15501 ARE LIMITED TO A TOTAL COMBINED FACILITY VOLUME OF 123,272 CU. FT.

PRIORITY DATE: 07/13/1962

POINT OF DIVERSION: 7S 14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01-01 12-31	48.54 CFS
DOMESTIC 3 HOMES AND 2 OFFICES	01-01 12-31	0.1 CFS

PLACE OF USE:

FISH PROPAGATION		Within GOODING County
T07S R14E	S31	SENE
	S32	SWNW
DOMESTIC		Within GOODING County
T07S R14E	S31	SENE
	S32	SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 36-02551

NAME & ADDRESS: RANGEN INC
PO BOX 706
BURL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 48.54 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THIS RIGHT AND RIGHT NO. 36-15501 ARE LIMITED TO A TOTAL COMBINED FACILITY VOLUME OF 123,272 CU. FT.

PRIORITY DATE: 07/13/1962

POINT OF DIVERSION: T07S R14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01-01 12-31	48.54 CFS
DOMESTIC 3 HOMES AND 2 OFFICES	01-01 12-31	0.1 CFS

PLACE OF USE:

FISH PROPAGATION		Within GOODING County
T07S R14E	S31	SENE
	S32	SWNW
DOMESTIC		Within GOODING County
T07S R14E	S31	SENE
	S32	SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 36-07694

1997 DEC 30 AM 9:46
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED ... -

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 26.00 CFS

FACILITY VOLUME=287,640 CU. FT.

PRIORITY DATE: 04/12/1977

POINT OF DIVERSION: T07S R14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01-01 12-31	26.00 CFS

PLACE OF USE:

FISH PROPAGATION		Within GOODING County
T07S R14E	S31	SENE
	S32	SWNW

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication