

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

IN THE MATTER OF DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY OR FOR THE BENEFIT OF A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY	CM-DC-2010-001 FINAL ORDER CURTAILING GROUND WATER RIGHTS JUNIOR TO MAY 30, 1989
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The Director of the Idaho Department of Water Resources (“Department”) finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On April 19, 2016, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued his *Fourth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“Methodology Order”). The Methodology Order established nine steps for determining material injury to members of the Surface Water Coalition (“SWC”).¹

2. On April 19, 2021, the Director issued the *Final Order Regarding April 2021 Forecast Supply (Methodology Steps 1-3)* (“As-Applied Order”), which applied steps 1, 2, and 3 of the Methodology Order. The Director predicted an in-season demand shortfall (“DS”) of 40,500 acre-feet. *As-Applied Order* at 3-4. The Director ordered that, by May 1, 2021, ground water users with consumptive water rights “bearing priority dates junior to May 30, 1989, within the Eastern Snake Plain Aquifer area of common ground water supply shall establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted DS of 40,500 acre-feet in accordance with an approved mitigation plan.” *Id.* at 6. The Director also ordered that, if such a junior ground water user cannot establish they can mitigate for their proportionate share of the predicted DS “in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water user.” *Id.*

¹ The SWC is comprised of A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company.

3. There are currently six approved mitigation plans in place responding to the SWC delivery call:

- (1) Docket No. CM-MP-2009-007 for the benefit of the Idaho Ground Water Appropriators, Inc. (“IGWA”) (delivery of stored water);
- (2) Docket No. CM-MP-2009-006 for the benefit of IGWA (conversions, dry ups and recharge);
- (3) Docket No. CM-MP-2016-001 for the benefit of IGWA (the IGWA and SWC stipulated mitigation plan);
- (4) Docket No. CM-MP-2010-001 for the benefit of the Southwest Irrigation District and Goose Creek Irrigation District (collectively, “SWID”);
- (5) Docket No. CM-MP-2019-001 for the benefit of certain cities commonly referred to as the “Coalition of Cities”; and
- (6) Docket No. CM-MP-2015-003 for the benefit of the A&B Irrigation District (“A&B”).

4. In the 2021 As-Applied Order, the Director found that due to the nature of the approved mitigation plans for SWID, IGWA and the Coalition of Cities, these entities do not need to establish they can mitigate for their proportionate share of the predicted DS. *See As-Applied Order* at 5, note 5. However, the Director concluded that A&B must mitigate for its proportionate share of the predicted DS of 40,500 acre-feet and determined that A&B’s proportionate share is 2,121 acre-feet. *Id.*

5. On May 12, 2021, A & B sent a letter to the Director stating “A & B will not divert or delivery any groundwater pursuant to its enlargement water rights (36-15127B et al.) (2,063.1 acres) in 2021 that are presently subject to the [As-Applied Order]” *Letter from Travis Thompson to Gary Spackman* (May 12, 2021) (“A&B Letter”). As a result, A & B concludes it “does not have a mitigation obligation subject to the [As-Applied Order].” *Id.* at 2.

CONCLUSIONS OF LAW

1. Idaho Code § 42-602 authorizes the Director to supervise water distribution within water districts:

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. As explained above, by May 1, 2021, ground water users with consumptive water rights “junior to May 30, 1989, within the Eastern Snake Plain Aquifer area of common ground water supply” had to “establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted DS of 40,500 acre-feet in accordance with an approved mitigation plan.” *As-Applied Order* at 6. If a junior ground water user does not establish that they can mitigate for their proportionate share of the predicted DS “in accordance with an approved mitigation plan” the ground water user will be subject to this “order curtailing the junior-priority ground water user.” *Id.*

3. Due to the nature of the approved mitigation plans for SWID, IGWA and the Coalition of Cities, these entities do not need to establish that they can mitigate for their proportionate share of the predicted DS. Junior ground water users entitled to the protection of the SWID, IGWA and Coalition of Cities mitigation plans will not be subject to curtailment during the 2021 irrigation season.

4. As discussed above, A&B notified the Director that it will not deliver groundwater pursuant to its enlargement water rights (36-15127B et al.) in 2021 that are subject to the As-Applied Order. *A & B Letter* at 1. Consistent with the Director’s June 30, 2016, letter concerning this same issue, A & B requests the Director confirm it does not have a mitigation obligation subject to the As-Applied Order. *Id.* at 2. However, in 2016, A&B similarly stated that it would voluntarily curtail its enlargement water rights but then exercised its enlargement water rights. *Final Order Denying A&B Irrigation District's Petition for Reconsideration* at 2 (Dec. 20, 2016).

5. To ensure A&B’s enlargement water rights are curtailed for 2021, the Director will place the enlargement water rights on the curtailment list. The Director will instruct the Watermaster to confirm A&B is not diverting ground water pursuant to its enlargement water rights. A&B will not have a mitigation obligation for this year if A&B curtails the enlargement ground water rights and if the priority date for curtailment for 2021 remains junior to A&B’s other ground water rights.

6. Consistent with the As-Applied Order, the Director will order curtailment of junior-priority ground water users that have not established they can mitigate for their proportionate share of the predicted DS in accordance with an approved mitigation plan. Junior-priority ground water users subject to curtailment are listed in Attachment A to this order.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that, at 12:01 a.m. on or before June 3, 2019, ground water users holding water rights bearing priority dates junior to May 30, 1989, within the ESPA ACGWS listed in Attachment A to this order 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 consumptive ground water rights, including but not limited to, agricultural, commercial, industrial, and municipal uses. This order excludes 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 watermasters for the water districts within the ESPA ACGWS who regulate ground water are directed to review the water rights listed in Attachment A to this order and subject to curtailment and begin contacting the water right holders in their respective districts to evaluate and determine how the water rights will be curtailed.

IT IS FURTHER ORDERED that holders of ground water rights affected by this order may participate in an approved mitigation plan through a ground water district and shall have fifteen days to join, solely for mitigation purposes, the ground water district situated nearest the lands to which the water rights are appurtenant. See 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. Holders of ground water rights affected by this order may also submit a proposed mitigation plan to the Director in accordance with CM Rule 43. See IDAPA 37.03.11.043. Upon receipt of a proposed mitigation plan, the Director will publish notice of the proposed mitigation plan for two successive weeks, after which ten days will be allowed for the filing of protests. The Director will then hold a hearing as necessary to determine whether a proposed mitigation plan will mitigate injury to the SWC caused by the ground water rights at issue. If holders of ground water rights affected by this order do not participate in an approved mitigation plan by June 3, 2021, the Director will curtail the junior priority ground water use.

Dated this 20th day of May 2021.



GARY SPACKMAN
Director

Attachment A
List of Ground Water Rights Subject to Curtailment
Sorted by Owner

Owner	Water Right No.	Basis	Priority Date	Diversion Rate (cfs)	Usage	Total Acres	Enlargement
4 CREEKS LAND & LIVESTOCK LLC	31-7648	License	6/5/1997	0.05	STOCKWATER		
7N RANCH	23-7143	License	4/2/1990	0.14	IRRIGATION, COMMERCIAL	5	
ABC AGRA LLC	36-8484	License	12/11/1989	0.08	COMMERCIAL, DOMESTIC		
ADKINS, GINA; ADKINS, RICK	36-8525	License	3/2/1990	0.06	IRRIGATION, DOMESTIC	1	
AEI CORP	29-8037	License	11/13/1990	0.06	INDUSTRIAL, DOMESTIC		
ATKINSON, ANDREW ; ATKINSON, MARY	29-13736	License	2/21/2006	0.08	DOMESTIC		
BINGHAM, BOYD A; BINGHAM, SHERRY R	36-8425	License	6/23/1989	0.88	IRRIGATION	105	
BRESHEARS JR, ROY D; BRESHEARS, WANDA K	34-14313	License	7/8/1992	0.01	IRRIGATION	1	
BRP INC	25-7622	License	9/23/1998	0.23	DOMESTIC		
BRUMFIELD, DALE	35-13320	License	8/7/2001	0.1	DOMESTIC		
BURNS CONCRETE INC	25-13982		12/18/2002	4.5	COMMERCIAL		
BURRELL, GEORGE W; BURRELL, LURANA J; RODRIQUEZ, FABIAN	29-13900	License	4/3/2009	0.08	DOMESTIC		
CANNON SHELLEY PROPERTY LTD PARTNERSHIP	35-8825	License	8/31/1989	0.04	COMMERCIAL, DOMESTIC		
CARTER, CHASE; CARTER, MERRICK	35-14491	License	9/12/1989	0.18	IRRIGATION	9.5	
CASSIDY, FRANCIS J; HOFFMAN, RICHARD P; MEYER, DAVID DANIEL; MEYER, JENNY CLUFF; TANNER, TOMMY C	25-7638	License	4/25/1995	0.1	DOMESTIC		
CENTRAL CEMETERY	25-7595	License	5/16/1991	0.15	IRRIGATION	5	
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS	22-13745	License	7/23/2007	0.11	DOMESTIC		
CITY OF RIGBY	25-7523	License	6/9/1989	2.51	MUNICIPAL		
CITY OF SUGAR CITY	22-7662	License	12/26/1989	1.4	MUNICIPAL		
COOMBS, MICHAEL R	36-15565	License	2/5/2001	0.08	DOMESTIC		
CORP OF THE PRESIDING BISHOP	25-7571	License	7/10/1989	0.2	COMMERCIAL		
CORP OF THE PRESIDING BISHOP	35-8902	License	7/10/1989	0.19	IRRIGATION, DOMESTIC	5.5	
CORP OF THE PRESIDING BISHOP	25-7568	License	4/10/1990	0.09	IRRIGATION, DOMESTIC	1	
COUNTRY CLUB ESTATES WATER ASSN INC	36-8607	License	11/18/1991	0.5	STOCKWATER, DOMESTIC, FIRE PROTECTION		
COUNTRY CLUB WATER	25-14448	Decreed	10/31/1986	0.01	IRRIGATION	18.7	Y
COUNTY OF JEFFERSON	25-13985	License	5/13/2003	0	RECREATION STORAGE		
COVERED BRIDGE LLC	23-11371	License	11/12/2007	0.2	COMMERCIAL		
DANIEL, MELVIN R JR	25-7538	License	9/19/1989	0.07	COMMERCIAL		
DE JONG, RENEE E; DE JONG, WILLIAM J	36-17016	License	11/7/1989	0.05	IRRIGATION	1.6	
DE MOTT, WILLIAM J; GROVER, LA VAR; RIGBY, WILLIAM F	25-7537	License	9/20/1989	0.08	COMMERCIAL		
DERBYHAWK LLC	25-7553	License	9/27/1989	0.11	DOMESTIC		
DOME TECHNOLOGY LLC C/O JOHN PALMER	25-14414		8/5/2014	0.19	COOLING		
DOME TECHNOLOGY LLC C/O JOHN PALMER	25-14414	License	8/5/2014	0.19	COOLING		
DREW, STAN	29-8237	License	4/17/2000	0.11	DOMESTIC		
DRISCOLL, MICHAEL A	35-8875	License	2/27/1990	0.06	COMMERCIAL, DOMESTIC		
EAMES, LINDA J	25-7643	License	12/4/1995	0.18	DOMESTIC		
ELLIS, RANDY; HAINES, KENNETH; SIMMONS, LARRY W; SMITH, RICKY; SMITH, ROGER; WHEELER, BLISS	35-8821	License	9/13/1989	0.04	DOMESTIC		
EVANS, MARK C; SANDERS, ROBERT D; SAWYER, KENT H; TAYLOR, BRIAN W	25-7639	License	4/25/1995	0.1	DOMESTIC		
FALLING TREE WELL CO	35-8815	License	9/20/1989	0.04	DOMESTIC		
FIELDING, KENNETH; FIELDING, RAY	25-7577	License	6/28/1990	1.34	IRRIGATION	67	
GALLEGOS, MARCELINO; PEREZ, MARIA; PEREZ, MARIO	36-8638	License	1/7/1992	0.04	IRRIGATION, DOMESTIC	1	
GILLEN, NORMAN	27-7585	License	4/20/1999	0.14	DOMESTIC		
GOEDHART, HUGO; GOEDHART, MARY	36-8774	License	3/10/1998	0.13	STOCKWATER, DOMESTIC		

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GOLDEN VALLEY DEVELOPMENTS	22-7805	License	2/16/1999	0.39	DOMESTIC		
GONZALES, FERNANDO B; GONZALES, IRENE H	29-7984	Decreed	4/23/1990	0.03	IRRIGATION	8	
HENDRICKS, TERRY	22-13913	License	1/20/2009	0.17	DOMESTIC		
HERITAGE DEVELOPMENT	29-8173	License	7/19/1996	0.27	DOMESTIC		
HIGH STONE GRAVEL LLC	25-14325		11/29/2010	1	INDUSTRIAL, COMMERCIAL		
HINCKLEY, LA PREAL	25-14005	License	10/12/2003	0.06	IRRIGATION	3	
HOBBS, LAURA LEE	25-7540	License	8/18/1989	0.1	DOMESTIC		
HOPE, DENNIS K	22-7764	License	11/3/1993	0.15	DOMESTIC		
HOPE, DENNIS K	22-7784	License	5/24/1995	0.11	DOMESTIC		
HUNSTMANS PROPERTIES	27-7511	License	4/20/1990	0.33	COMMERCIAL		
IDAHO FALLS SCHOOL DISTRICT #91	35-14139	License	6/9/2011	1.34	HEATING, COOLING		
IDAHO FALLS SCHOOL DISTRICT #91	25-14378	License	7/17/2012	1.07	HEATING, COOLING		
IDAHO FALLS SCHOOL DISTRICT #91	35-14283	License	8/29/2012	1.23	HEATING, COOLING		
IDAHO FALLS SCHOOL DISTRICT #91	25-14387	License	12/17/2012	1.11	HEATING, COOLING		
IDAHO FALLS SCHOOL DISTRICT #91	25-14388	License	12/17/2012	1.28	HEATING, COOLING		
J & MS PARKS LLC	36-8233	License	12/17/1991	0.06	HEATING, RECREATION		
J R SIMPLOT CO	36-8471	License	10/4/1989	0.18	COMMERCIAL		
JACKSON, JAMES EARL	36-8605	License	5/23/1991	0.04	IRRIGATION	1.4	
JEFFERSON COUNTY	25-14281	License	9/9/2010	0.65	COMMERCIAL		
JEROME COUNTY ROD & GUN CLUB	36-8620	License	11/14/1991	0.02	IRRIGATION, COMMERCIAL	0.5	
JOURNEYS END HOMEOWNERS ASSN	35-13612	License	11/24/2003	0.4	DOMESTIC		
JOURNEYS END HOMEOWNERS ASSN	35-13611	License	1/13/2007	0.11	COMMERCIAL, DOMESTIC		
KAREY LANE WELL ASSN	35-8943	License	5/3/1991	0.09	DOMESTIC		
KEYBANK NATIONAL ASSOC	25-7517	License	8/24/1989	0.5	COMMERCIAL		
KOON, JACK E	22-7751	License	9/18/1992	0.06	DOMESTIC		
KULHANEK, DENNIS; KULHANEK, MAXINE	36-8503	License	2/21/1990	0.04	IRRIGATION	2	
LAZY EIGHT ESTATES DIVISION 2 HOMEOWNERS ASSN INC	25-14189	License	10/26/2006	0.5	DOMESTIC		
LIDDIL, AUDREY; LIDDIL, THOMAS; LOUDEN, JUDY; LOUDEN, MIKE	29-8139	License	3/2/1994	0.06	DOMESTIC		
LORDS, DARRELL M	35-8778	License	5/31/1989	0.1	IRRIGATION	4.5	
LOVELAND, ANN; LOVELAND, KEVIN	29-10054	Decreed	7/28/1968	0.1	IRRIGATION	41.4	Y
LOVELL, HOPE; LOVELL, JAMES R	25-7598	License	9/25/1991	0.03	IRRIGATION	1.9	
LUNAR STREET WATER USERS ASSN INC	29-7970	License	5/1/1990	0.17	IRRIGATION, DOMESTIC	4	
M & B INVESTMENTS LLC	25-14163	License	12/9/2004	0.3	DOMESTIC		
M & B INVESTMENTS LLC	25-14379	License	8/13/2012	0.39	DOMESTIC		
MC COWIN, BRENDA	25-7544	License	8/16/1989	0.07	DOMESTIC		
MC GARRY, LOGAN PHILLIPS; MC GARRY, WHITNEY DAWN	35-14685	License	7/29/1991	0.58	IRRIGATION	29.0	
MERRILL, KENT	25-14364	License	2/28/1992	0.19	IRRIGATION	12.2	
MEYERS, ROBERT J	37-8801	License	10/20/1992	0.1	DOMESTIC		
MORNINGVIEW WATER CO INC	25-14236	License	7/6/2009	0.25	DOMESTIC		
MOUNTAIN RIVER SPORTSMANS RV PARK & CAMP	25-14229	License	9/2/2008	0.2	COMMERCIAL		
MUD LAKE WATER USERS INC	31-12447	License	11/2/2018	0.04	COMMERCIAL		
NAPIER, DIANNA K	36-8521	License	12/19/1991	0.03	IRRIGATION, DOMESTIC	1	
NEIBAUR, RYAN	25-7561	License	3/2/1990	4	IRRIGATION	360.5	
NEST EGG INVESTMENTS LLC	25-14417	License	2/28/1992	0.019	IRRIGATION	1	
NEST EGG INVESTMENTS LLC	25-14419		10/23/2014	0.25	IRRIGATION, DOMESTIC	1	

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NEW PHASE INVESTMENTS LLC	25-14186	License	9/18/2006	0.05	COMMERCIAL		
NORTH FORK WATER WORKS	22-7722	License	8/22/1991	0.2	DOMESTIC		
OLIVER, JIMMY R	45-7650	License	6/21/1989	0.06	IRRIGATION, DOMESTIC	1	
PACIFICORP	25-14431	License	2/19/2016	0.47	WATER QUALITY IMPROVEMENT		
PARKINSON FARMS	34-10393	Decreed	5/1/1976	0.26	IRRIGATION	306	Y
PINSON, JANICE	25-14182	License	3/24/2006	0.2	COMMERCIAL		
RICHARDSON, BRIAN	35-8769	License	5/31/1989	0.07	COMMERCIAL, DOMESTIC		
RIVERBEND ESTATES	29-8015	License	6/22/1990	0.25	DOMESTIC		
ROWLANDS INC	29-14000	Decreed	12/31/1976	0.11	INDUSTRIAL		Y
ROWLANDS INC	29-14027	Licensed	1/31/2012	0.08	IRRIGATION, COMMERCIAL	1	
ROYCE, DAN; ROYCE, JO ANNE	36-8609	License	10/21/1991	0.02	IRRIGATION, STOCKWATER, DOMESTIC	2.5	
SCHREINER FARMS IDAHO LLC	35-8951	License	7/29/1991	1.46	IRRIGATION	73	
SKAAR, CHERIE; SKAAR, KEITH	25-7526	License	9/27/1989	0.1	STOCKWATER		
SMITH SR, MERLIN	35-14489	Decreed	4/1/1966	0.02	IRRIGATION	5.3	Y
SOUTH PARK ESTATES WATER & SEWER	27-7581	License	10/21/1997	0.69	DOMESTIC, FIRE PROTECTION		
SPACE ACRES WATER USERS	29-13555	License	4/24/2003	0.08	DOMESTIC		
SPENCER, GLEN D	36-8536	License	4/12/1990	0.03	IRRIGATION, DOMESTIC	1	
STATE OF IDAHO	35-9041	License	2/8/1994	0.06	IRRIGATION	1.9	
STEELE, JAMES; STEELE, TRACY	35-14672	License	1/23/1992	0.22	IRRIGATION	11.0	
SUMMERS, RICHARD K; SUMMERS, STELLA F	25-7518	License	8/24/1989	0.08	COMMERCIAL, DOMESTIC		
SUNROC PARK WATER ASSN INC	25-14170	License	6/20/2005	0.05	DOMESTIC		
TAYLOR MOUNTAIN WATER AND SEWER DISTRICT	25-14440		6/8/2016	0.5	DOMESTIC		
TETON RETINAL INSTITUTE	25-14239	License	11/10/2009	0.09	HEATING, COOLING		
TYLER, ALDON	25-7542	License	7/14/1989	0.06	DOMESTIC		
UNITED STATES OF AMERICA ACTING THROUGH	35-8948	License	7/2/1991	0.07	STOCKWATER, WILDLIFE		
UNITED STATES OF AMERICA ACTING THROUGH	35-9051	License	8/19/1991	0.14	STOCKWATER, WILDLIFE		
UNITED STATES OF AMERICA ACTING THROUGH	21-13032	License	2/24/2006	0.02	STOCKWATER, WILDLIFE		
UNITED STATES OF AMERICA ACTING THROUGH	34-14459		8/26/2014	0.15	STOCKWATER, WILDLIFE		
US DEPT OF INTERIOR	21-7517	License	2/27/1992	0.07	STOCKWATER, WILDLIFE		
US DEPT OF INTERIOR	35-9059	License	1/28/1997	0.08	STOCKWATER, WILDLIFE		
USA FERTILIZER	35-8907	License	7/25/1990	0.46	COMMERCIAL		
VALLEY VIEW HEIGHTS SUBDIVISION WATER CO	25-13986	License	6/16/2003	0.08	DOMESTIC		
WAGNER JR, EDWARD P; WAGNER, KRISTIE L	35-8856	Decreed	8/11/1989	0.1	STOCKWATER, DOMESTIC		
WALKER, YOUNG HARVEY	34-10473	Decreed	8/10/1977	0.36	IRRIGATION	190	Y
WALTERS, BRUCE A; WALTERS, JEANETTE	25-7596	License	6/26/1991	0.15	IRRIGATION, DOMESTIC	10	
WARD, OPAL M; WARD, OWEN K	35-8892	License	3/28/1990	0.18	DOMESTIC		
WILD WEST INC	37-21719	License	3/22/2006	0.11	DOMESTIC		
WILD WEST PROPERTIES LLC	35-13955		7/22/2009	0.69	MUNICIPAL		
WILSON, JOHN CHARLES	29-7916	License	3/20/1990	0.09	IRRIGATION	4.5	
WOODVILLE WATER & SEWER DISTRICT	35-14562		12/11/2017	0.37	DOMESTIC		
WRIDE FARMS	35-8949		8/26/1991	3	IRRIGATION	150	
YANCEY, CLEM R	35-14239	License	3/14/2012	0.12	DOMESTIC		
YANCEY, LYLE	35-13540	License	2/14/2005	0.09	DOMESTIC		
YANCEY, LYLE	35-14379	License	1/16/2014	0.12	DOMESTIC		
YANCEY, RACHEL; YANCEY, RYAN	35-14409	License	12/26/2014	0.12	DOMESTIC		

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YOUNG, FRANK	27-12143	License	1/3/2006	0.05	DOMESTIC		
ZUNDEL, JACOB; ZUNDEL, SHALIECE	25-14457	License	2/28/1992	0.02	IRRIGATION	1.1	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May 2021, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

<p>John K. Simpson Travis L. Thompson BARKER ROSHOLT & SIMPSON, LLP P. O. Box 63 Twin Falls, ID 83303-0063 jks@idahowaters.com; tlt@idahowaters.com nls@idahowaters.com; jf@idahowaters.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>Randall C. Budge Thomas J. Budge RACINE OLSON P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net tjb@racinelaw.net</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>Kathleen Marion Carr US Dept. Interior 960 Broadway Ste 400 Boise, ID 83706 kathleenmarion.carr@sol.doi.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. Department of Justice 999 18th St., South Terrace, Suite 370 Denver, CO 80202 david.gehlert@usdoj.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>Matt Howard US Bureau of Reclamation 1150 N Curtis Road Boise, ID 83706-1234 mhoward@usbr.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>Sarah A Klahn Somach Simmons & Dunn 2033 11th Street, Ste 5 Boulder, Co 80302 sklahn@somachlaw.com dthompson@somachlaw.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>

<p>Kirk Bybee City of Pocatello P.O. Box 4169 Pocatello, ID 83205 kibybee@pocatello.us</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC 380 South 4th Street, Suite 103 Boise, ID 83702 cbromley@mchughbromley.com cmchugh@mchughbromley.com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Robert E. Williams WILLIAMS, MESERVY, & LOTHSPREICH, LLP P.O. Box 168 Jerome, ID 83338 rewilliams@wmlattys.com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Robert L. Harris HOLDEN, KIDWELL, HAHN & CRAPO, PLLC P.O. Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Randall D. Fife City Attorney, City of Idaho Falls P.O. Box 50220 Idaho Falls, ID 83405 rfife@idahofallsidaho.gov</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Tony Olenichak IDWR—Eastern Region 900 N. Skyline Drive, Ste. A Idaho Falls, ID 83402 Tony.Olenichak@idwr.idaho.gov</p>	<input checked="" type="checkbox"/> Email
<p>Corey Skinner Nathan Erickson IDWR—Southern Region 1341 Fillmore St., Ste. 200 Twin Falls, ID 83301-3033 corey.skinner@idwr.idaho.gov nathan.erickson@idwr.idaho.gov</p>	<input checked="" type="checkbox"/> Email
<p>COURTESY COPY TO: William A. Parsons PARSONS SMITH & STONE P.O. Box 910 Burley, ID 83318 wparsons@pmt.org</p>	<input checked="" type="checkbox"/> Email



Kensie Thorneycroft

I FURTHER CERTIFY that on this 20th day of May 2021, a true and correct copy of the foregoing was served on the following by U.S. mail only:

4 CREEKS LAND & LIVESTOCK
LLC
3916 E JUNE ST
MESA, AZ 85205

7N RANCH
C/O GEORGE NEWBY
45 N NEWBY RD
RIRIE, ID 83443

ABC AGRA LLC
C/O BLAIR CROUCH
PO BOX 378
JEROME, ID 83338-0378

GINA AND RICK ADKINS
144 W 25 S
JEROME, ID 83338

AEI CORP
1297 E COUNTY RD
POCATELLO, ID 83202

CHAD ALLEN AND JASHELLE
HEATHER ANDERSON
466 E 200 S
BURLEY, ID 83318-5404

ANDREW AND MARY ATKINSON
RT 2 NORTH BOX 33
POCATELLO, ID 83202

KIRK W BATEMAN AND WENDY J
TRUAX-BATEMAN
9819 N 27TH E
IDAHO FALLS, ID 83401-6431

BOYD & SHERRY BINGHAM
1003 N MERIDIAN
RUPERT, ID 83350-8540

ROY D BRESHEARS JR AND
WANDA K BRESHEARS
22 W 120 N
BLACKFOOT, ID 83221-5991

BRP INC
PO BOX 1768
IDAHO FALLS, ID 83403-1768

DALE BRUMFIELD
125 N 800 W
BLACKFOOT, ID 83221

BURNS CONCRETE INC
PO BOX 1864
IDAHO FALLS, ID 83403

GEORGE W AND LURANA J
BURRELL
1852 TRUCKERVILLE RD
POCATELLO, ID 83204

CANNON SHELLEY PROPERTY
LTD PARTNERSHIP
1470 N 750 E
SHELLEY, ID 83274-5011

CHASE AND MERRICK CARTER
776 SOUTH 1500 WEST
PINGREE, ID 83262

FRANCIS J CASSIDY
2621 E 97TH N
IDAHO FALLS, ID 83401

CENTRAL CEMETERY
13836 N 5TH E
IDAHO FALLS, ID 83401

CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS
50 E NORTH TEMPLE 12TH FLOOR
REAL ESTATE DIVISION
SALT LAKE CITY, UT 84150-6320

CITY OF RIGBY
158 W FREMONT AVE
RIGBY, ID 83442

CITY OF SUGAR CITY
PO BOX 56
SUGAR CITY, ID 83448-0056

CORP OF THE PRESIDING BISHOP
REAL ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY, UT 84150-6320

COUNTRY CLUB ESTATES WATER
ASSN INC
PO BOX 771
JEROME, ID 83338

COUNTRY CLUB WATER
1075 E 1465 N
SHELLEY, ID 83274

COUNTY OF JEFFERSON
210 COURTHOUSE WAY STE 100
RIGBY, ID 83442

COVERED BRIDGE LLC
45 N NEWBY LN
RIRIE, ID 83443

MELVIN R JR DANIEL
945 DIXON
IDAHO FALLS, ID 83402

RENEE E AND WILLIAM J DE
JONG
PO BOX 200
WENDELL, ID 83355

WILLIAM J DE MOTT
2105 INDUSTRIAL BLVD
IDAHO FALLS, ID 83401

DERBYHAWK LLC
C/O LAYNE MCCORD
534 E KINSWOOD ST
IDAHO FALLS, ID 83404-7936

DOME TECHNOLOGY LLC C/O
JOHN PALMER
4946 N 2900 E
IDAHO FALLS, ID 83401

STAN DREW
PO BOX 5566
POCATELLO, ID 83202

MICHAEL A DRISCOLL
1260 W 300 S
PINGREE, ID 83262

LINDA J EAMES
4105 E 605 N
RIGBY, ID 83442

RANDY ELLIS
380 N KAREY LN
IDAHO FALLS, ID 83402

FALLING TREE WELL CO
C/O SUSAN WOOD
6127 S 45 W
IDAHO FALLS, ID 83402

FALLS WATER CO INC
2180 N DEBORAH DR
IDAHO FALLS, ID 83401-6223

CASTULO FARFAN-CEJA
2459 HWY 25
HAZELTON, ID 83335

KENNETH AND RAY FIELDING
12144 S 1ST E
IDAHO FALLS, ID 83404

MARCELINO GALLEGOS AND
MARIA AND MARIO PEREZ
56 N 200 W
JEROME, ID 83338

NORMAN GILLEN
449 S MAIN
TOOELE, UT 84074

GOLDEN VALLEY
DEVELOPMENTS
C/O BOYD WITHERS
266 NEZ PERCE
REXBURG, ID 83440

FERNANDO B AND IRENE H
GONZALES
2002 BIG SKY.RD
POCATELLO, ID 83204

LA VAR GROVER
671 E 1275 N
SHELLEY, ID 83274

TERRY HENDRICKS
340 NORTH 12TH WEST
REXBURG, ID 83440

HERITAGE DEVELOPMENT
C/O MIKE BIRD
609 W MAPLE
POCATELLO, ID 83201

HIGH STONE GRAVEL LLC
497 N CAPITAL AVE
IDAHO FALLS, ID 83402

LA PREAL HINCKLEY
685 N 3837 E
RIGBY, ID 83442

LAURA LEE HOBBS
611 AMY LN
IDAHO FALLS, ID 83406

RICHARD P HOFFMAN
2566 E 98TH N
IDAHO FALLS, ID 83401

DENNIS K HOPE
5148 S 2000 W
REXBURG, ID 83440

HUNSTMANS PROPERTIES
7440 S 45TH W
IDAHO FALLS, ID 83402

IDAHO FALLS SCHOOL DISTRICT
#91
690 JOHN ADAMS PARKWAY
IDAHO FALLS, ID 83401

J & MS PARKS LLC
1188 E 990 S
EDEN, ID 83325

J R SIMPLOT CO
C/O JAMES B ALDERMAN
PO BOX 27
BOISE, ID 83707-0027

JAMES EARL JACKSON
491 E 250 S
JEROME, ID 83338

JEFFERSON COUNTY
210 COURTHOUSE WAY STE 130
RIGBY, ID 83442

JEROME COUNTY ROD & GUN
CLUB
PO BOX 6057
TWIN FALLS, ID 83303

JOURNEYS END HOMEOWNERS
ASSN
PO BOX 184
SHELLEY, ID 83274

ARTEMIO AND GUADALUPE
JUAREZ
472 E KAMALA ST
OXNARD, CA 93033-3846

KAREY LANE WELL ASSN
C/O WAYNE GEORGESON
305 KAREY LN
IDAHO FALLS, ID 83402

KEYBANK NATIONAL ASSOC
127 PUBLIC SQUARE
CLEVELAND, OH 44114-1306

JACK E KOON
4172 S 7067 W
REXBURG, ID 83440

DENNIS AND MAXINE KULHANEK
645 CANYON DR
TWIN FALLS, ID 83301

LAZY EIGHT ESTATES DIVISION 2
HOMEOWNERS ASSN INC
8893 SADDLE HORN DR
IDAHO FALLS, ID 83404

AUDREY AND THOMAS LIDDIL
13885 N DEKAY RD
POCATELLO, ID 83202

DARRELL M LORDS
272 BRISCOE RD
CHUBBUCK, ID 83202

JUDY AND MIKE LOUDEN
13847 N DEKAY RD
POCATELLO, ID 83202

HOPE AND JAMES R LOVELL
PO BOX 295
RIRIE, ID 83443

LUNAR STREET WATER USERS
ASSN INC
12534 N LUNAR ST
CHUBBUCK, ID 83202

M & B INVESTMENTS LLC
6549 SOUTH 5TH WEST
IDAHO FALLS, ID 83404

BRENDA MC COWIN
4912 E 113TH N
IDAHO FALLS, ID 83401

LOGAN PHILLIPS AND WHITNEY
DAWN MC GARRY
1038 E BUTTE RD
MENAN, ID 83434-5122

KENT MERRILL
532 N 3825 E
RIGBY, ID 83442

DAVID DANIEL AND JENNY
CLUFF MEYER
2599 E 97TH N
IDAHO FALLS, ID 83401

ROBERT J MEYERS
3921 N 3300 E
TWIN FALLS, ID 83301-0348

MOUNTAIN RIVER SPORTSMANS
RV PARK & CAMP
64 N 5050 E
RIRIE, ID 83443

MUD LAKE WATER USERS INC
1400 E 1500 N
PO BOX 68
TERRETON, ID 83450

DIANNA K NAPIER
131 W 550 S
JEROME, ID 83338

RYAN NEIBAUR
1650 CLAREMONT LN
IDAHO FALLS, ID 83404

NEST EGG INVESTMENTS LLC
C/O AARON MC CRACKEN
1665 DELMAR DR
IDAHO FALLS, ID 83404

NEW PHASE INVESTMENTS LLC
PO BOX 756
RIGBY, ID 83442

NORTH FORK WATER WORKS
1826 TETON VIEW DR
REXBURG, ID 83440

PACIFICORP
1407 W NORTH TEMPLE STE 110
SALT LAKE CTY, UT 84116-3187

PARKINSON FARMS
2253 N 3100 W
ARCO, ID 83213-8729

JANICE PINSON
PO BOX 1854
EUREKA, MT 59917

BRIAN RICHARDSON
740 W 395 N
BLACKFOOT, ID 83221

WILLIAM F RIGBY
2105 E INDUSTRIAL BLVD
IDAHO FALLS, ID 83401

RIVERBEND ESTATES
C/O SHEILA FUNK SEC
3140 WILLOW
AMERICAN FALLS, ID 83211

FABIAN RODRIQUEZ
1850 TRUCKERVILLE RD
POCATELLO, ID 83204

ROWLANDS INC
1141 ROWLAND RD
POCATELLO, ID 83204-7416

DAN AND JO ANNE ROYCE
2812C S 1600 E
WENDELL, ID 83355

SCHREINER FARMS IDAHO LLC
105 E 8TH
OLYMPIA, WA 98501

SHOSHONE-BANNOCK AGRI-
BUSINESS CORPORATION
PO BOX 368
FORT HALL, ID 83203-0368

LARRY W SIMMONS
8536 N 25 E
IDAHO FALLS, ID 83401

MERLIN SMITH SR
833 S STOUT AVE
BLACKFOOT, ID 83221

SOUTH PARK ESTATES WATER &
SEWER
C/O BOB MORRISON
1460 N 1180 E
SHELLEY, ID 83274

SPACE ACRES WATER USERS
C/O DENNIS HOWELL
12566 N NEPTUNE ST
POCATELLO, ID 83202

GLEN D SPENCER
450 POLELINE RD
SPC 11
TWIN FALLS, ID 83301-3021

STATE OF IDAHO
DEPT OF TRANSPORTATION
DIVISION OF HWYS
PO BOX 97
RIGBY, ID 83442

JAMES AND TRACY STEELE
1524 W 800 S
PINGREE, ID 83262-1222

STEELE LAND HOLDINGS LLC
C/O H SCOTT STEELE
6130 1ST ST
IDAHO FALLS, ID 83401-5865

RICHARD K AND STELLA F
SUMMERS
3310 LEROY DR
IDAHO FALLS, ID 83406

SUNROC PARK WATER ASSN INC
2695 W OMNI DR
IDAHO FALLS, ID 83402

TOMMY C TANNER
2549 E 97TH N
IDAHO FALLS, ID 83401

TETON RETINAL INSTITUTE
3544 E 17TH ST STE 105
AMMON, ID 83406-6913

MARIA AND VICENTE TREYES
309 W 100 N
JEROME, ID 83338-5261

ALDON TYLER
2933 E 113 N
IDAHO FALLS, ID 83401

USDI BLM
1387 S VINNELL WAY
BOISE, ID 83709-1657

USDI BLM
15 E 200 S
BURLEY, ID 83318

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS, ID 83401

USA FERTILIZER
120 N 12TH ST
POCATELLO, ID 83201

VALLEY VIEW HEIGHTS
SUBDIVISION WATER CO
4995 S 5200 E
IDAHO FALLS, ID 83406

EDWARD P WAGNER JR AND
KRISTIE L WAGNER
331 N 55 W
IDAHO FALLS, ID 83402

YOUNG HARVEY WALKER
2338 N 2930 W
ARCO, ID 83213-8723

BRUCE A AND MARCEY L
WALTERS
111 N 4160 E
RIGBY, ID 83442-5990

OPAL M AND OWEN K WARD
4880 BUFFALO RD
POCATELLO, ID 83202

BLISS WHEELER
355 N KARREY LN
IDAHO FALLS, ID 83402

WILD WEST INC
525 RIVERSIDE AVE
LYNDHURST, NJ 07071

WILD WEST PROPERTIES LLC
4554 W 17TH S
IDAHO FALLS, ID 83402

JOHN CHARLES WILSON
14334 PROMISE LN
POCATELLO, ID 83202-5328

WOODVILLE WATER & SEWER
DISTRICT
C/O MIKE ANDERSON
705 E 1550 N
SHELLEY, ID 83274

WRIDE FARMS
3139 WILLOW
AMERICAN FALLS, ID 83211

CLEM R YANCEY
368 W 135 N
BLACKFOOT, ID 83221-4710

LYLE YANCEY
143 N 360 W
BLACKFOOT, ID 83221-5654

RACHEL AND RYAN YANCEY
131 N 365 W
BLACKFOOT, ID 83221-5682

FRANK YOUNG
1149 HWY 91
SHELLEY, ID 83274

JACOB AND SHALIECE ZUNDEL
105 N 3918 E
RIGBY, ID 83442



Kensie Thorneycroft

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

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

(Required by Rule of Procedure 740.02)

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

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

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 of: a) 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.