

RAÚL R. LABRADOR
ATTORNEY GENERAL

JOY M. VEGA, ISB No. 7887
Deputy Attorney General
Chief, Energy and Natural Resources Division

MICHAEL C. ORR, ISB No. 6720
Deputy Attorney General
Energy and Natural Resources Division
700 W. State St, 2nd Floor
Boise, ID 83720-0010
Telephone: (208) 334-2400
Facsimile: (208) 854-8072
Email: joy.vega@ag.idaho.gov
michael.orr@ag.idaho.gov

Attorneys for the State of Idaho

**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

Subcase No. 34-10901

**DECLARATION OF COUNSEL
IN SUPPORT OF STATE OF IDAHO'S
MOTION FOR DECLARATORY
JUDGMENT RE ADMINISTRATION OF
WATER RIGHT 34-10901**

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho JUL 24 2026 By <u>12:17pm MT</u> _____ Deputy Clerk

RECEIVED

JUL 29 2026

DEPT. OF WATER RESOURCES

SCANNED

JUL 29 2026

I, Michael C. Orr, declare and state as follows:

1. My name is Michael C. Orr. I am over eighteen years of age and the following statements are based on my personal knowledge.

2. I am a licensed attorney admitted to practice law before this court and all courts of the State of Idaho. I am a Deputy Attorney General in the Office of the Attorney General for the State of Idaho. I am one of the attorneys of record in this matter for the State of Idaho (“State”).

3. Attached hereto as **Exhibit A** is a true and correct copy of the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 34-10901* that this Court issued *nunc pro tunc* in the above-captioned matter on June 20, 2003;

4. Attached hereto as **Exhibit B** is a true and correct copy of the “Water Rights Agreement Between the State of Idaho and the United State, for the United States Department of Energy,” excluding the attached Notices of Claims to Water Right Nos. A25-07263, A35-12693, A36-13983 and A86-10673, as included in “Attachment 4” of the *Final Unified Decree* that this Court issued in the above-captioned matter on August 26, 2014 (*see Exhibit E hereto*);

5. Attached hereto as **Exhibit C** are true and correct copies of pages 1 and 13 of the *Petition* to commence the Snake River Basin Adjudication (“SRBA”) that the State of Idaho *ex rel.* A. Kenneth Dunn in his official capacity as Director of the Idaho Department of Water Resources, filed in the above-captioned matter on June 19, 1987;

6. Attached hereto as **Exhibit D** are true and correct copies of pages 1 and 8 of the *Commencement Order* that this Court issued in the above-captioned matter on November 19, 1987;

7. Attached hereto as **Exhibit E** is a true and correct copy of the *Final Unified Decree* that this Court issued in the above-captioned matter on August 26, 2014, excluding the voluminous attachments thereto;

8. Attached hereto as **Exhibit F** is a true and correct copy of the *Final Order Regarding April 2026 Forecast Supply (Methodology Steps 1-3)*, including attachments, that Mathew Weaver, Director of the Idaho Department of Water Resources (“Director”) issued on April 16, 2026, in the administrative matter pending before the Idaho Department of Water Resources under Docket No. CM-DC-2010-001;

9. Attached hereto as **Exhibit G** is a true and correct copy of the *Final Order Curtailing Ground Water Rights Junior to October 11, 1900*, including attachments, that the Director issued on May 14, 2026, in the administrative matter pending before the Idaho Department of Water Resources under Docket No. CM-DC-2010-001;

10. Attached hereto as **Exhibit H** is a true and correct copy of the *U.S. Department of Energy Amended Petition for Reconsideration and Request for Hearing* that the United States Department of Energy filed with the Idaho Department of Water Resources under Docket No. CM-DC-2010-001 on June 3, 2026, excluding the attached “Exhibits”;

11. Attached hereto as **Exhibit I** is a true and correct copy of a copy of an email that DOE Chief Counsel Tanner Crowther sent to Deputy Attorneys General Garrick Baxter and Joy Vega, dated July 14, 2026;

12. Attached hereto as **Exhibit J** is a true and correct copy of the *Order Rescinding 2026 Curtailment of DOE Water Right No. 34-10901; Order Denying Request for Hearing* that the Director issued on July 24, 2026, in the administrative matter pending before the Idaho Department of Water Resources under Docket No. CM-DC-2010-001, excluding the attachments to the Order;

13. Attached hereto as **Exhibit K** are true and correct copies of pages 1 and 30 of the *Memorandum Opinion on Commencement of Adjudication* that this Court issued in the above-captioned matter on October 15, 1987.

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Dated this 24th day of July, 2026.



MICHAEL C. ORR
Deputy Attorney General
Office of the Attorney General
State of Idaho

CERTIFICATE OF FILING & SERVICE

The undersigned hereby certifies that on July 24, 2026, the original of foregoing was filed with the Court, and copies and served on the parties, by the methods indicated below:

1. ORIGINAL – filed by hand:

Clerk of the Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box
Twin Falls, ID 83303-2707

2. COPIES – served by U.S. mail:

- a. United States of America
Department of Energy
785 DOE Place
Idaho Falls, ID 83402
- b. United States Department of Justice
Environment and Natural Resources Division
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
- c. Tanner F. Crowther
Chief Counsel
Office of the Chief Counsel
U.S. Department of Energy – Idaho Operations Office
1955 Fremont Ave.
Idaho Falls, ID 83402
Mailstop 1209
Additional copy sent via email to: crowthtf@id.doe.gov
- d. IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098



Michael C. Orr
Deputy Attorney General
Energy and Natural Resources Division
Office of the Attorney General, State of Idaho

EXHIBIT A

**Declaration of Counsel in Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576

Water Right 34-10901

2003 JUN 20 PM 3 26

NAME AND ADDRESS: UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
785 DOE PLACE
IDAHO FALLS, ID 83402

SOURCE: GROUNDWATER

THE MAXIMUM RATE OF DIVERSION FROM ANY AND ALL WELLS SHALL NOT
EXCEED 80.0 CFS, AND THE MAXIMUM ANNUAL DIVERSION SHALL NOT
EXCEED 35,000 ACRE-FEET PER YEAR.

PRIORITY DATE: 04/07/1950

POINT OF DIVERSION:

ANY POINT WITHIN THE BOUNDARIES OF THE IDAHO NATIONAL ENGINEERING
AND ENERGY LABORATORY ("INEEL") (FORMERLY IDAHO NATIONAL
ENGINEERING LABORATORY OR "INEL"), AS DEFINED IN "PLACE OF USE."

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY

01-01 TO 12-31

THE PRIMARY PURPOSES AUTHORIZED BY CONGRESS FOR INEEL.

PLACE OF USE:

ANY PLACE WITHIN THE BOUNDARIES OF THE INEEL, AN AREA OF LAND
APPROXIMATELY 890 SQUARE MILES WHICH WAS ACQUIRED OR RESERVED IN
THE FOLLOWING PUBLIC LAND ORDERS OR CONDEMNATION CASES:
PUBLIC LAND ORDER 318, DATED MAY 13, 1946
PUBLIC LAND ORDER 545, DATED JANUARY 7, 1949
PUBLIC LAND ORDER 637, DATED APRIL 7, 1950
PUBLIC LAND ORDER 691, DATED DECEMBER 5, 1950
PUBLIC LAND ORDER 1770, DATED DECEMBER 19, 1958
UNITED STATES V. 18,217.58 ACRES OF LAND, MORE OR LESS, IN
BUTTE AND JEFFERSON COUNTIES, IDAHO, NO. 1227E (D.IDAHO
OCTOBER 29, 1945) (PRELIMINARY ORDER OF CONDEMNATION)
UNITED STATES V. 15,357.16 ACRES OF LAND, MORE OR LESS, IN
BUTTE, BINGHAM AND JEFFERSON COUNTIES, STATE OF IDAHO, NO. 1624
(D.IDAHO SEPTEMBER 19, 1951) (FINAL ORDER OF CONDEMNATION)
UNITED STATES V. 8,617.87 ACRES OF LAND, MORE OR LESS, IN THE
COUNTIES OF CLARK, BUTTE, JEFFERSON, BONNEVILLE, AND BINGHAM,
STATE OF IDAHO, NO. 2160 (D.IDAHO APRIL 27, 1959) (JUDGMENT)

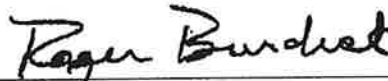
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT. THIS WATER
RIGHT INCORPORATES AND IS SUBJECT TO THE TERMS OF THE WATER
RIGHTS AGREEMENT BETWEEN THE STATE OF IDAHO AND THE UNITED STATES
FOR THE UNITED STATES DEPARTMENT OF ENERGY, DATED JULY 20, 1990
("AGREEMENT").

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

EXHIBIT B

**Declaration of Counsel in Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

WATER RIGHTS AGREEMENT

* * * *

**Between The State Of Idaho
And The United States,
For The United States
Department of Energy**

WATER RIGHTS AGREEMENT
BETWEEN THE STATE OF IDAHO AND
THE UNITED STATES,
FOR THE UNITED STATES DEPARTMENT OF ENERGY

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APPENDIX

Notice of Claim to Water Right No. A25-07263
Notice of Claim to Water Right No. A35-12693
Notice of Claim to Water Right No. A36-13983
Notice of Claim to Water Right No. A86-10673

WATER RIGHTS AGREEMENT BETWEEN THE STATE OF IDAHO
AND THE UNITED STATES, FOR THE UNITED STATES DEPARTMENT OF ENERGY

The State of Idaho and the United States agree as follows:

1. Preamble

- 1.1 The State of Idaho, pursuant to Idaho Code § 42-1406A (Supp. 1989) has commenced a general adjudication of the rights to the use of the water from that portion of the Snake River Basin located in the State of Idaho.
- 1.2 Idaho Code § 42-1409(3) (Supp. 1989) provides that a claimant of a water right reserved under federal law may submit a negotiated agreement between the State of Idaho and the claimant in lieu of a notice of claim.
- 1.3 Executive Order Nos. 85-9 and 87-9 provide that it is in the interest of the State of Idaho to quantify Federal Reserved Water Rights through negotiations.
- 1.4 The State of Idaho and the United States desire to exercise the right to submit a negotiated agreement quantifying, in part, the rights of the United States to the use of water, pursuant to both federal and Idaho law for the Department of Energy within the Snake River Basin in Idaho.

2. Definitions

- 2.1 The following definitions apply for the purpose of this Agreement:

- .1 "Acre foot" or "AF" means the amount of water necessary to cover one acre of land to a depth of one

foot and is equivalent to 43,560 cubic feet or 325,851 gallons.

- .2 "Acre feet per year" or "AFY" means the number of acre feet of water used in a calendar year commencing January 1 and ending December 31.
- .3 "Aquifer" means a geologic formation, group of formations, or part of a formation or other body of earth material capable of transmitting water at a rate sufficient for water supply purposes.
- .4 "Cubic feet per second" or "CFS" is a unit expressing the rate of discharge. One CFS is equivalent to 448.83 gallons per minute.
- .5 "Consumptive use" means the amount of water that is used by any action or process and is not returned to the water system.
- .6 "Director" means the Director of the Idaho Department of Water Resources and his successors.
- .7 "Diversion" means the removal of water from its natural course or location by means of a ditch, canal, flume, bypass, pipeline, conduit, well, pump, or other act of man, or the impoundment of water in a reservoir.
- .8 "Department of Energy" means the United States Department of Energy, which was created by the Department of Energy Organization Act of August 4, 1977, Pub. L. 95-91, 91 Stat. 565, and its successors.

- .9 "IDWR" means the Idaho Department of Water Resources and its successors.
- .10 "Idaho National Engineering Laboratory" or "INEL" refers to an area of land approximately 890 square miles in size and 50 miles west of Idaho Falls, which was originally acquired or reserved in the following public land orders or condemnation cases:
- .i Public Land Order 318 dated May 13, 1946, withdrew and reserved public lands for the use of the Department of Navy as part of a Naval Proving Ground. The public and nonpublic lands aggregate 156,832.75 acres.
 - .ii Public Land Order 545 dated January 7, 1949. This public land order withdrew and reserved 640 acres of public lands for the use of the Department of Navy as part of a Naval Proving Ground.
 - .iii Public Land Order 637 dated April 7, 1950, withdrew and reserved public lands for the use of the United States Atomic Energy Commission as a Reactor Testing Station. The public and nonpublic lands aggregate 259,549.8 acres.
 - .iv Public Land Order 691 dated December 5, 1950, transferred from the Department of Navy to the Atomic Energy Commission the lands reserved by

Public Land Order Nos. 318 and 545 for use in the atomic-energy program.

- .v Public Land Order 1770 dated December 19, 1958, withdrew and reserved 123,648 acres of public lands for use of the Atomic Energy Commission in connection with the National Reactor Testing Station in the vicinity of Arco, Idaho.
- .vi United States v. 18,217.58 Acres of Land, More or Less, in Butte and Jefferson Counties, Idaho, No. 1227E (D. Idaho October 29, 1945) (preliminary order of condemnation).
- .vii United States v. 15,357.16 Acres of Land in Butte, Bingham, and Jefferson Counties, State of Idaho, No. 1624 (D. Idaho September 19, 1951) (final order of condemnation).
- .viii United States v. 8617.87 Acres of Land, More or Less, in the Counties of Clark, Butte, Jefferson, Bonneville, and Bingham, State of Idaho, No. 2160 (D. Idaho April 27, 1959) (judgment).
- .11 "Parties" means the United States and the State of Idaho.
- .12 "Person" means an individual, a partnership, a trust, an estate, a corporation, a municipal corporation, the State of Idaho or any political subdivision, the United States, an Indian tribe, or any other public or

private entity. Idaho Code § 42-1401A(8) (Supp. 1989).

.13 "Snake River Basin Adjudication" or "SRBA" means Civil Case No. 39576 filed in the Fifth Judicial District Court of the State of Idaho in and for Twin Falls County on June 17, 1987, entitled In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, which was commenced pursuant to Idaho Code § 42-1406A (Supp. 1989).

.14 "State" means the State of Idaho.

3. Scope of Agreement

- 3.1 The purpose of this Agreement is to quantify all existing water rights and claims to water rights of the United States under state and federal law for the use by the Department of Energy in the Snake River Basin in the State, except for the following claims to water rights: Claim Nos. A25-07263, A35-12693, A36-13983 and A86-10673, which have been lodged in the SRBA. Copies of the claims are attached hereto and incorporated herein by reference.
- 3.2 This Agreement relates to all waters on, under, adjacent to, or otherwise appurtenant to the Department of Energy facilities or lands in the State, except as noted in Article 3.1.

4. Parties and Authority

- 4.1 The Governor has authority to negotiate and execute this Agreement pursuant to Idaho Code § 67-802 (1989) and 1990 Idaho Sess. L., ch. 259.
- 4.2 The Idaho Water Resource Board has authority to negotiate and execute this Agreement pursuant to Idaho Constitution, art. XV, § 7, Idaho Code § 42-1734(3) (Supp. 1989) and Executive Order Nos. 85-9 and 87-9.
- 4.3 The Idaho Attorney General has authority to negotiate and execute this Agreement pursuant to his authority to settle litigation as provided for in Idaho Constitution, art. IV, § 1, and Idaho Code § 67-1401 (Supp. 1989) and 1990 Idaho Sess. L., ch. 259.
- 4.4 The United States Attorney General and any duly designated official of the Department of Justice have authority to execute this Agreement pursuant to the authority to settle litigation contained in 28 U.S.C. § 516-517.
- 4.5 The Secretary of the Department of Energy and any duly designated official of the Department of Energy have authority to execute this Agreement pursuant to The Department of Energy Organization Act of August 4, 1977, Pub. L. 95-91, 91 Stat. 565.

5. Water Right of the United States

- 5.1 The name and address of the claimant for the water right negotiated and settled by this Agreement is as follows:

United States of America
c/o Department of Energy
Idaho Operations Office
785 DOE Place
Idaho Falls, Idaho 83402

5.2 Water right for consumptive use at the INEL:

.1 Right No. A34-10901

- .i Source: Ground water
- .ii Amount of Water: The maximum rate of diversion from any and all wells shall not exceed 80 CFS, and the maximum annual diversion shall not exceed 35,000 AFY.
- .iii Date of Priority: April 7, 1950
- .iv Points of Diversion: Any point within the boundaries of the INEL. Existing and new points of diversion will be reported as described in Article 6.2.
- .v Purpose of Use: The primary purposes authorized by Congress for INEL.
- .vi Period of Use: January 1 - December 31.
- .vii Annual Volume of Consumptive Use: Not to exceed 35,000 AFY.
- .viii Place of Use/Legal Description of Reservation: Any place within the boundaries of the INEL.
- .ix Basis of Right: Federal Reserved Water Right.
- .x Comments: None.

5.3 The United States may also divert water for fire suppression at INEL in accordance with the following

paragraph proposed to be included in the final decree in this matter:

"The use of water for fire suppression benefits the public. Water diverted for fire suppression may be taken randomly, without a definition of the specific elements of a recordable water right, and if so diverted for fire suppression, existing water rights shall not be diminished."

- 5.4 The right described in this Agreement is a Federal Reserved Water Right with all the characteristics appertaining thereto. Non-use of all or any part of the Federal Reserved Water Right shall not constitute a relinquishment, forfeiture or abandonment of the right.

6. Administration of Water Rights

- 6.1 Administration. The parties are unable to agree upon whether the issue of administration is ripe or otherwise appropriate for decision in the SRBA, and if so, whether and to what extent the Director has authority to administer federal water rights. Accordingly, this Agreement does not address this issue except as expressly provided in Article 6.2. Each party reserves the right to litigate the issue of administration, if and when the need arises.

6.2 Access to and Monitoring of Measuring Devices

- .1 The State and the United States mutually assure and agree to provide access and cooperation for

installation and utilization of measuring devices needed for management of the water resources on INEL; provided, however, that access to the INEL will be in accordance with all federal laws and regulations governing access to the INEL.

- .2 The Department of Energy voluntarily agrees to provide the State with a comprehensive inventory of all wells (monitoring, production and disposal) at or relating to activities at the INEL. This inventory will include information on the total depth of each well and depth to water, detailed well construction information, well logs, usage information, including detailed information on quantity and quality of fluids discharged, and dates of installation and retooling. Department of Energy will update such information to reflect any plans to construct and actual construction of new wells. As long as paragraph C.4. of Attachment A of the Environmental Oversight and Monitoring Agreement between the Department of Energy and the State of Idaho dated May 21, 1990 remains in effect as originally written, the report provided to the State pursuant to that paragraph will constitute compliance with this paragraph. If paragraph C.4. of Attachment A of the Environmental Oversight and Monitoring Agreement is amended or no longer effective, then the

Department of Energy will separately comply with this paragraph unless otherwise mutually agreed.

.3 The Department of Energy will continue to maintain the water measuring devices it has installed on each existing well used to deliver its water right described in Article 5. The Department of Energy may develop new points of diversion for the water right described in Article 5 and agrees to install a water measuring device on each new point of diversion. The Department of Energy shall monitor each measuring device used to deliver the water right described in Article 5 and report the results each year to the IDWR by March 1st of the year after the reporting year or at such other time as requested, upon reasonable notice. Results reported to IDWR shall include annual volume of water diverted, maximum and average diversion rates and pumping level (water depth).

.4 IDWR shall provide the Department of Energy, at its request, any water district or water measurement report prepared by or for IDWR and any other requested nonprivileged public information in the possession of the State concerning the use of water by other persons.

7. Water Transfer

7.1 The United States shall not transfer the Federal Reserved Water Right described in Article 5.2.1.

8. Finality of Settlement Agreement

- 8.1 The parties understand that this Agreement will be submitted to the Director in lieu of a notice of claim in the SRBA, that the Director will submit this Agreement and an abstract of the Agreement to the Fifth Judicial District Court of the State of Idaho in and for the County of Twin Falls as part of a Director's Report, and that state law allows other persons not signatory to this Agreement to file objections to the approval of this Agreement by the Fifth Judicial District Court of the State of Idaho in and for the County of Twin Falls.
- 8.2 The United States agrees that License Nos. 34-2292 [old no. 21253] and 34-2278 [old no. 19993] will be superseded by the water right identified herein, only upon completion of all judicial proceedings, including appeals if any, together with entry of a final decree containing the water right described in this Agreement. The parties agree that water right claim nos. A25-07263, A35-12693, A36-13983, and A86-10673 shall not be affected by the execution of this Agreement and that water right claim nos. A25-07263, A35-12693, A36-13983, and A86-10673 will be adjudicated in accordance with Chapter 14 of Title 42 of Idaho Code to the extent it is applicable.
- 8.3 The parties agree to jointly support and defend this Agreement against any and all objections or other

challenges that may arise in any phase of the SRBA, including any appeals, and in securing any necessary ratification of the Agreement.

- 8.4 The United States' water right for the INEL confirmed in Article 5 shall be final and conclusive as to all parties to the SRBA upon the completion of all judicial proceedings, including any appeals, relative to this Agreement.

9. Disclaimers and Reservation of Rights

- 9.1 This Agreement contains a complete statement of all water rights held by the United States on behalf of the Department of Energy. The United States claims no other existing water rights, under either state or federal law, to the use of water for the Department of Energy within the Snake River Basin in Idaho.
- 9.2 The United States on behalf of the Department of Energy disclaims any right to seek the maintenance of any specific pumping level for the water right described in Article 5.2.
- 9.3 The United States on behalf of the Department of Energy disclaims any interest in or claim to water for the Department of Energy from the Snake River Basin Water System as defined in the SRBA other than as expressly set forth in this Agreement.
- 9.4 This Agreement represents a settlement of a water right that is unique to the INEL. The parties are unable to

agree on whether the Federal Reserved Water Rights doctrine extends to ground water. In order to avoid litigation, however, this Agreement recognizes a Federal Reserved Water Right, as described in Article 5. Because this Agreement is a resolution of a disputed claim, it is not and shall not be used as precedent for any other Federal Reserved Water Right claim in the SRBA.

9.5 This Agreement has been reached in the process of good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding other than one for approval, confirmation, interpretation, or enforcement of this Agreement.

9.6 Entry of judgment as set forth above has been consented to by the parties without trial or adjudication of fact or law herein and without the judgment constituting evidence or an admission by any party, with respect to any such issue, which is, will be, or could be litigated in any proceeding other than the SRBA. See McShan v. Omega Louis Brandt et Frere, S.A., 536 F.2d 516, 519 (2d Cir. 1976). Once this Agreement becomes effective as provided by Article 15.1, the water right described in Article 5 of this Agreement shall be binding upon all parties to the SRBA, whether signatory to the Agreement or not.

9.7 Nothing in this Agreement shall be construed or interpreted:

- .1 To establish any standard to be used for the quantification of Federal Reserved Water Rights in any judicial or administrative proceeding;
- .2 To restrict the acquisition by the United States of any appropriative water right under State law; provided, however, that prior to applying for a permit to appropriate water for use at the INEL, the United States must demonstrate that the water right described in Article 5 is fully used at the time the application is made;
- .3 To restrict the United States' power to reserve land or water rights in the future, in accordance with applicable law;
- .4 To restrict the United States' power to acquire land in the future, in accordance with applicable law;
- .5 To determine the relative rights inter sese of persons using water under the authority of the State or to authorize the taking of a water right which is vested under state or federal law;
- .6 To limit in any way the rights of the parties or any person to litigate any issue or question not resolved by this Agreement;
- .7 To limit the authority of the United States to manage its lands or water rights in accordance with the

Constitution, statutes, regulations, and procedures of the United States;

- .8 To preclude the State or the United States from exercising whatever authority each sovereign government may have to regulate water quality;
- .9 To apply to any water rights of the United States other than its water rights for use by the Department of Energy in Idaho;
- .10 To commit or obligate the United States to expend funds that have not been appropriated and budgeted;
- .11 To restrict, enlarge, or otherwise determine the jurisdiction of any court, state or federal; and
- .12 To constitute an admission by the State of the validity of Water Right Claim Nos. A25-07263, A35-12693, A36-13983 and A86-10673.

10. Severability

- 10.1 This Agreement is not severable.

11. Successors

- 11.1 This Agreement shall bind and inure to the benefit of the respective successors of the parties.

12. Entire Agreement

- 12.1 This Agreement sets forth all the covenants, promises, provisions, agreements, conditions, and understandings between the parties and there are no covenants, provisions, promises, agreements, conditions, or understandings, either

oral or written between them other than are herein set forth.

13. Effect of Headings

- 13.1 Headings appearing in this Agreement are inserted for convenience and reference and shall not be construed as interpretations of the text.

14. Multiple Originals

- 14.1 This Agreement is executed in quadruplicate. Each of the four (4) Agreements with an original signature of each party shall be an original.

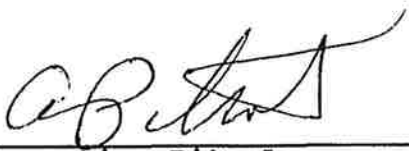
15. Effective Date

- 15.1 This Agreement shall be effective when all of the following events have occurred:
- .1 This Agreement is executed; and
 - .2 The right described in Article 5 of this Agreement has been confirmed in a decree in the SRBA and such decree has become final and nonappealable.

The parties have executed this Agreement the date following their respective signatures.


Cecil Andrus
Governor, State of Idaho

Date


Augustine Pitrolo
Manager, Idaho Operations Office
U.S. Department of Energy

Date

JUL 1 1990


Jim Jones
Attorney General,
State of Idaho

Date


Richard B. Stewart
for Assistant Attorney General
Land and Natural Resources
Division
U.S. Department of Justice

Date

7/20/90


Gene Gray, Chair
Idaho Water Resource Board

Date

EXHIBIT C

**Declaration of Counsel In Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

JIM JONES
ATTORNEY GENERAL
STATE OF IDAHO
Statehouse Room 210
Boise, Idaho 83720
(208) 334-2400

Copies of documents filed
with the court in this
matter should be served
on the above address and
on the Director of the
Idaho Department
of Water Resources,
Statehouse Mail,
Boise, Idaho 83720

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

The State of Idaho, ex rel.
A. Kenneth Dunn in his official
capacity as director of the
Idaho Department of Water
Resources,

Petitioner,

vs.

the United States;
the State of Idaho;
and all claimants
to the use of water from
the Snake River Basin
Water System,

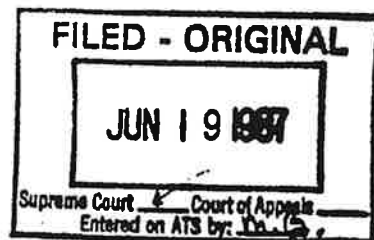
Defendants.

Case No. 39576

PETITION

Category: A-1
Fee: Exempt

Supreme Court No 99143



The State of Idaho, ex rel. A. Kenneth Dunn in his official
capacity as Director of the Idaho Department of Water Resources,

on or prior to the date of entry of the commencement order, to file a notice of claim or a negotiated agreement with the director as provided in Idaho Code § 42-1409 (Supp. 1986);

f. Approves the method of ascertaining and serving claimants not disclosed following the completion of the service required by Idaho Code § 42-1408A(2) (a)-(d) (Supp. 1986) as set forth in paragraph 26;

g. Authorizes the director to investigate all uses of water from the system in accordance with Idaho Code § 42-1410 (Supp. 1986) and to file a report in accordance with Idaho Code § 42-1411 (Supp. 1986); and

h. Contains a statement that the district court files will contain affidavits of service and other documents stating the persons served with a copy of the notice of commencement order.

2. To determine all rights to the use of water within the water system, including those of the United States.

3. To make all determinations necessary and proper for the administration of the water rights determined in the general adjudication.

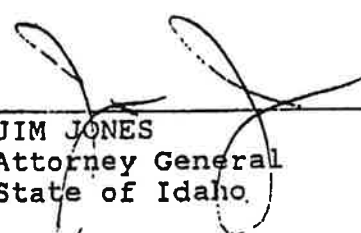
4. For such other and further relief as the court deems just and proper.

DATED this 17th day of June, 1987.

State of Idaho, }
County of Twin Falls, } ss.

I hereby certify the foregoing to be a full, true and correct copy of the original on file in the above entitled action.

RICHARD A. PENCE


JIM JONES
Attorney General
State of Idaho

Clerk of the District Court

EXHIBIT D

**Declaration of Counsel in Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

DISTRICT COURT
TWIN FALLS, IDAHO

Lodged

97 NOV 19 AM 11 24 '87 NOV 5 AM 9:23

BY _____ BY _____
DEPUTY CLERK DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 39576

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as director
of the Idaho Department of
Water Resources,

COMMENCEMENT ORDER

Petitioner,

vs.

United States; State of Idaho;
and all claimants to the use
of water from the Snake River
Basin Water System,

Defendants.

The State of Idaho, ex rel. R. Keith Higginson having initiated the above-entitled cause by the filing of a petition on June 17, 1987, the commencement hearing having come on regularly for hearing on September 8, 1987, the Court having issued a Memorandum Opinion on Commencement of Adjudication, the Court makes the following findings of fact and conclusions of law based on the record of the commencement hearing and enters its Order as follows:

order commencing the adjudication. The affidavits shall contain the address used for service for each person served.

12. The Clerk of the District Court shall send a certified copy of this order to the director, and shall send a conformed copy to all persons appearing before the Court at the commencement hearing in accordance with the Idaho Rules of Civil Procedure.

DATED this 19 day of November, 1987.


DANIEL C. HURLBUTT, JR.
District Judge

EXHIBIT E

**Declaration of Counsel in Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

ORIGINAL

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 26 2014	
By _____	Clerk
_____	Deputy Clerk

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

FINAL UNIFIED DECREE

I. PROCEDURE

On June 17, 1987, the State of Idaho, ex rel. A. Kenneth Dunn in his official capacity as Director of the Idaho Department of Water Resources, filed a petition in the above-entitled Court seeking commencement of a "general adjudication inter se of all rights arising under state or federal law to the use of surface and ground waters from the Snake River basin water system and for the administration of such rights." *Petition* at 2. On November 19, 1987, this Court issued its *Commencement Order* thereby initiating the above-entitled general stream adjudication of all rights to the use of the waters of the Snake River Basin within the State of

Idaho pursuant to Idaho Code § 42-1406A (Supp. 1987).¹ The *Commencement Order* adopted by reference this Court's October 14, 1987, *Memorandum Opinion on Commencement of Adjudication* as "further findings of fact and further conclusions of law as permitted by I.R.C.P. 52(a)." *Commencement Order* at 4.

As set forth in the *Memorandum Opinion on Commencement of Adjudication*, Idaho Code § 42-1406A (Supp. 1987) required that the adjudication be commenced within the terms of the McCarran Amendment, 43 U.S.C. § 666. This Court determined that for the adjudication to come within the terms of the McCarran Amendment the entire Snake River Basin water system within the State of Idaho had to be adjudicated. This Court defined the entire Snake River Basin water system within Idaho as follows:

Beginning at the point where the southern boundary line of the state of Idaho meets the western boundary line of the state of Idaho, then following the western boundary of the state north to the northern boundary of the Clearwater Basin, in Idaho, in section 36, T. 36 N., R. 6 W., B.M., then following the northern watershed divide of the Clearwater River Basin north and east to the eastern boundary of the state of Idaho in section 4, T. 42 N., R. 11 E., B.M., then following the eastern boundary of the state southeast to the northern boundary of the Bear River Basin in section 35, T. 10 S., R. 46 E., B.M., then following the northern watershed divide of the Bear River Basin, in Idaho, southwest to the southern boundary of the state of Idaho in section 26, T. 16 S., R. 28 E., B.M., then following the southern boundary line of the state of Idaho west to the point of beginning.

Commencement Order at 5. A map showing the boundaries of the Snake River Basin water system is attached for illustrative purposes as Attachment 1, as required by Idaho Code § 42-1413 (2003). The following counties are wholly located within the boundaries of the Snake River Basin water system:

Ada	Canyon	Idaho	Owyhee
Adams	Clark	Jefferson	Payette

¹ Idaho Code § 42-1406A was added by section 1 of chapter 18, 1985 Idaho Sess. L. at 28. Section 42-1406A was subsequently amended by section 11 of chapter 454, 1994 Idaho Sess. L. at 1452-53, and now appears as an uncodified law in the 1994 Idaho Session Laws.

Bingham	Clearwater	Jerome	Teton
Blaine	Custer	Lemhi	Twin Falls
Boise	Elmore	Lewis	Valley
Bonneville	Fremont	Lincoln	Washington
Butte	Gem	Madison	
Camas	Gooding	Minidoka	

Commencement Order at 5. The following counties are partly located within the boundaries of the Snake River Basin water system:

Bannock	Nez Perce
Caribou	Oneida
Cassia	Power
Latah	Shoshone

Id. at 6.

The *Commencement Order* also determined that “all classes of water uses . . . within the water system [must] be adjudicated as part of the Snake River Basin adjudication.” *Id.* At 6. On January 17, 1989, however, this Court entered its *Findings of Fact, Conclusions of Law, and Order Establishing Procedures for Adjudication of Domestic and Stock Water Uses* that allowed claimants of *de minimis* domestic and stock water rights, as defined in Idaho Code § 42-1401A(5) and (12) (Supp. 1988), to elect to defer adjudication of their claims; provided, all such claimants “shall be joined as parties in this proceeding and will be bound by all decrees entered in this case, including the final decree.” *Findings of Fact* at 3.

The *Commencement Order* directed the Director of the Idaho Department of Water Resources (“Director”): 1) to investigate the water system as provided in Idaho Code § 42-1410 (Supp. 1987); 2) to prepare the notice of order commencing a general adjudication containing that information required by Idaho Code § 42-1408A(1) (Supp. 1987); 3) to serve notice of the order commencing a general adjudication in accordance with chapter 14, title 42, Idaho Code; and 4) to file with this Court affidavits and other documents stating the

persons served with a notice of order commencing the adjudication. *Commencement Order* at 7-8.

Based upon the claims submitted; the files and records of the Idaho Department of Water Resources and the Court; the examination of the ditches, diversions, lands irrigated, and other uses of water within the water system; the Director's Reports and evidence herein, this Court enters the following findings of fact and conclusions of law:

II. FINDINGS OF FACT

1. All requirements for joinder of the United States as a party under state and federal law, including but not limited to 43 U.S.C. § 666, have been satisfied.
2. The Nez Perce Tribe participated in this proceeding by filing notices of claim for water rights reserved under federal law and by filing a general notice of appearance with the Court. *Notice of Claim to a Water Right Reserved Under Federal Law* (filed with Dept. of Water Res. March 25, 1993); *Notice of Appearance* (March 18, 1993).
3. The Northwestern Band of the Shoshoni Nation participated in this proceeding by filing notices of claim for water rights reserved under federal law and by filing a general notice of appearance with the Court. *Partial Protective Filing by the Northwestern Band of the Shoshoni Nation of Notices of Claim for Water Rights Reserved Under Federal Law* (filed with Dept. of Water Res. March 25, 1993); *Notice of Appearance on Behalf of the Northwestern Band of the Shoshoni Nation* (March 22, 1993).
4. The Shoshone-Bannock Tribes sought and were granted intervention in this proceeding. *Order Granting Permissive Intervention by the Shoshone-Bannock Tribes* (April 12, 1993).

5. The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation sought and were granted intervention in this proceeding. *Motion to Intervene and Request for Expedited Hearing* (SRBA Consolidated Subcase No. 51-12756, Jan. 12, 1999); *Order Granting Tribes' Motion to Intervene, Order Requiring Written Status Reports and Order for Scheduling Conference Reports* (SRBA Subcases Nos. 51-12756 et al., Dec. 6, 1999).

6. The Director served notice of the commencement of the Snake River Basin Adjudication ("SRBA") in accordance with chapter 14, title 42, Idaho Code and the orders of this Court. This included service of the notice of commencement on the State of Idaho and the United States; service of the notice of commencement on all other persons by publication; service of the notice of commencement by posting in each county courthouse, county recorder's office and county assessor's office in which any part of the water system is located; service of the notice of commencement by mail on each person listed as owning real property on the real property assessment roll within the boundaries of the Snake River Basin water system; and filing of a copy of the notice of commencement in the office of the county recorder in each county in which any part of the water system is located.

7. In addition to the steps taken in paragraph 6, the Idaho Department of Water Resources also served notices of commencement on persons who may have used water within the water system, but were not listed as owners of real property. The sources of information the Idaho Department of Water Resources reviewed for this purpose were: 1) water right records of the Idaho Department of Water Resources for each basin wholly or partly within the water system; 2) cooperating farm/ranch operator records of the United States Department of Agriculture, Agricultural Stabilization and Conservation Service for each basin wholly or partly within the water system; and 3) mining claim records on federal

land of the United States Department of Interior, Bureau of Land Management for each basin wholly or partly within the water system.

8. The Director has completed an examination of the Snake River Basin water system and submitted Director's Reports to this Court in conformance with the requirements of chapter 14, title 42, Idaho Code and the orders of this Court.

9. As required by title 42, chapter 14, Idaho Code and this Court's orders, claims to water rights arising under state or federal law to the use of the surface and ground waters from the Snake River Basin water system have been adjudicated resulting in the issuance of partial decrees that have been certified as final pursuant to I.R.C.P. 54(b).²

10. Idaho Code § 42-1412(8) (2003) provides that: "Upon resolution of all objections to water rights acquired under state law, to water rights established under federal law, and to general provisions, and after entry of partial decree(s), the district court shall combine all partial decrees and the general provisions into a final decree." The Court finds that the conditions of Idaho Code § 42-1412(8) (2003) have been met with respect to the water rights identified in Attachments 2, 4, 5 and 6 and the general provisions in Attachment 3, enabling the Court to issue this Final Unified Decree.

III. CONCLUSIONS OF LAW

1. The SRBA is a general stream adjudication *inter se* of all water rights arising under state or federal law to the use of surface and ground waters from the Snake River Basin water system and for the administration of such rights.

2. The State of Idaho is a party to this proceeding.

² At the time of entry of this Final Unified Decree there are a total of 103 subcases pending final resolution. A separate *Order Regarding Subcases Pending Upon Entry of Final Unified Decree* is being entered contemporaneously herewith, which provides for the continued processing of the subcases listed therein.

3. The Director was withdrawn as a party to this proceeding in 1994. Idaho Code § 42-1401B (2003); *State of Idaho, ex rel. Higginson v. United States*, 128 Idaho 246, 256-57, 912 P.2d 614, 624-25 (1995).

4. The United States is a party to this proceeding under 43 U.S.C. § 666.

5. This Final Unified Decree is conclusive as to the nature and extent of all rights of the United States to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987, including, but not limited to, water rights held by the United States in trust for any Indian tribe, except for those water rights expressly exempted by Idaho Code § 42-1420 (2003) or by order of this Court.

6. The Nez Perce Tribe, the Northwestern Band of the Shoshoni Nation, the Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation are parties to this proceeding.

7. The *Consent Decree Approving Entry of Partial Final Decrees Determining the Rights of the United States as Trustee for the Benefit of the Nez Perce Tribe and the Nez Perce Tribe to the Use of Water in the Snake River Basin within Idaho and Partial Final Decrees Determining Minimum Stream Flow Water Rights Held by the Idaho Water Resources Board* with its six attachments dated January 30, 2007 ("*Nez Perce Consent Decree*"), is included in Attachment 4 and is hereby incorporated into this Final Unified Decree by reference. The *Nez Perce Consent Decree* is conclusive as to the nature and extent of all rights of the Nez Perce Tribe to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987, except for those water rights expressly exempted by Idaho Code § 42-1420 (2003) or by order of this Court.

8. The *Revised Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin*, dated August 13, 2014 (“*Shoshone-Bannock Consent Decree*”), is included in Attachment 4 and is hereby incorporated into this Final Unified Decree by reference. The *Shoshone-Bannock Consent Decree* is conclusive as to the nature and extent of all rights of the Shoshone-Bannock Tribes to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987, except for those water rights expressly exempted by Idaho Code § 42-1420 (2003) or by order of this Court.

9. The *Revised Consent Decree Approving Entry of Partial Decrees Determining the Rights of the United States as Trustee for the benefit of the Shoshone-Paiute Tribes to the Use of Water in the Snake River Basin within Idaho* with its three attachments, dated December 12, 2006 (“*Shoshone-Paiute Consent Decree*”), is included in Attachment 4 and is hereby incorporated into this Final Unified Decree by reference. The *Shoshone-Paiute Consent Decree* is conclusive as to the nature and extent of all rights of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987, except for those water rights expressly exempted by Idaho Code § 42-1420 (2003) or by order of this Court.

10. This Final Unified Decree is conclusive as to the nature and extent of all rights of the Northwestern Band of the Shoshoni Nation to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987, except for those water rights expressly exempted by Idaho Code § 42-1420 (2003) or by order of this Court.

11. Claimants in each of the SRBA basins received notice of the commencement of the SRBA in accordance with chapter 14, title 42, Idaho Code and orders of this Court. These notice procedures satisfy constitutional due process requirements. *LU Ranching Co. v. U.S.*, 138 Idaho 606 (2003).

IV. ORDER

NOW THEREFORE this Court ORDERS, ADJUDGES AND DECREES as follows:

1. This Final Unified Decree is conclusive as to the nature and extent of all water rights within the Snake River Basin within the State of Idaho with a priority date prior to November 19, 1987, except the following described water rights shall not be lost by failure to file a notice of claim, as provided in Idaho Code § 42-1420 (2003):

- a. Any domestic and stock water right, as defined in Idaho Code § 42-111 (1990), Idaho Code § 42-1401A(5) (1990), and Idaho Code § 42-1401A(12) (1990), the adjudication of which was deferred in accordance with this Court's June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*;
- b. A water right application for permit filed under chapters 2 or 15, title 42, Idaho Code;
- c. A water right permit issued under chapters 2 or 15, title 42, Idaho Code, unless the Director required the permit holder to file a notice of claim in accordance with subsection (7) of section 42-1409, Idaho Code;
- d. A water right license issued under chapters 2 or 15, title 42, Idaho Code, if proof of beneficial use was not filed with the Department of Water Resources

before November 19, 1987, unless the Director required the license holder to file a notice of claim in accordance with subsection (7) of section 42-1409, Idaho Code; and

- e. A claim to a water right under federal law, if the priority of the right claimed is later than November 18, 1987.

All other water rights with a priority before November 19, 1987, not expressly set forth in this Final Unified Decree are hereby decreed as disallowed.³ Any water rights with a priority date subsequent to November 18, 1987, were not required to be claimed in the SRBA, but to the extent any such water rights were claimed in the SRBA and a partial decree issued, the partial decree is conclusive as to the nature and extent of the right.

2. All partial decrees issued by this Court are set forth in Attachments 2 and 4 to this Final Unified Decree and are incorporated herein by reference.

3. Attachment 2 consists of a name index and a copy of all partial decrees issued by this Court.

4. General provisions decreed by this Court are set forth in Attachment 3 to this Final Unified Decree and are incorporated herein by reference.

5. Attachment 4 consists of the federal and tribal reserved water rights partially decreed and/or otherwise memorialized in a consent decree issued in conjunction with the approval of a federal reserved water right settlement, including all consent decrees and all attachments thereto; all partial decrees issued by this Court as part of the respective settlements; and all Federal, State and/or Tribal legislation necessary to enact and approve the water right settlements. In the case of any conflict between this Final Unified Decree and the partial

³ Excepting those claim numbers listed in the *Order Regarding Subcases Pending Upon Entry of Final Unified Decree* entered contemporaneously herewith.

consent decrees approving reserved water right settlements, the partial consent decrees approving the reserved water right settlements as set forth in Attachment 4 shall control.

6. All claims to water rights filed in this proceeding that were decreed disallowed by this Court are set forth in Attachment 5 to this Final Unified Decree and are incorporated herein by reference.

7. The water right numbers for those water rights of record with the Idaho Department of Water Resources that were required to be claimed but were not claimed in this proceeding and therefore were decreed disallowed by this Court are set forth in Attachment 6 and are incorporated herein by reference. The portion of any disallowed water right that was deferrable pursuant to this Court's June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims* is not affected by this paragraph.

8. This Final Unified Decree is binding against all persons including any persons that deferred filing of domestic and/or stock water claims pursuant to this Court's June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, which is set forth in Attachment 7 to this Final Unified Decree and is incorporated herein by reference.

9. The adjudication of deferred domestic and stock water claims and the administration of such rights prior to their adjudication shall be governed by this Court's June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims* and applicable state law.

10. All water rights based on beneficial uses, licenses, permits, posted notices, and statutory claims required to be claimed in this proceeding are superseded by this Final

Unified Decree. Provided, however, this Final Unified Decree does not supercede the third-party beneficiary contractual rights conferred on certain classes of water rights pursuant to the "Contract to Implement Chapter 259, Sess. Law 1983" as authorized by 1983 Idaho Sess. Laws 689 and codified as Idaho Code § 61-540 (2002). The scope of third-party beneficiaries and contract rights are defined in this Court's *Order on State of Idaho's Motion for Partial Summary Judgment on Issue No. 2*. Subcase No. 00-91013 (Basin-Wide Issue 13) (July 12, 2011) included as Attachment 9.

11. All prior water right decrees and general provisions within the Snake River Basin water system are superseded by this Final Unified Decree except as expressly provided otherwise by partial decree or general provisions of this Court.

12. This Final Unified Decree shall not be construed to define, limit or otherwise affect the apportionment of benefits to lands within an irrigation district pursuant to chapter 7, title 43, Idaho Code.

13. This Final Unified Decree shall not be construed to supersede or affect otherwise the following: 1) any administrative changes to the elements of a water right completed after the entry of a partial decree but prior to the entry of this Final Unified Decree; or 2) elements of a water right defined by a license where, in accordance with Idaho Code § 42-1421(3) (2003), a partial decree was issued based on a permit prior to the issuance of the license.

14. The time period for determining forfeiture of a partial decree based upon state law shall be measured from the date of issuance of the partial decree by this Court and not from the date of this Final Unified Decree. State law regarding forfeiture does not apply to partial decrees based upon federal law.

15. The decreed water rights shall be administered in the Snake River Basin water system in accordance with this Final Unified Decree and applicable federal, state and tribal law, including the administrative provisions set forth in the federal reserved water right settlement agreements in Attachment 4.

16. Nothing in this Final Unified Decree shall be interpreted or construed as exempting the holder of a decreed water right based on state law from exercising or changing such right in compliance with applicable Idaho law.

17. This Court retains jurisdiction of this proceeding to: a) resolve any issues related to the Final Unified Decree that are not reviewable under the Idaho Administrative Procedures Act and/or the rules of the Idaho Department of Water Resources; b) adjudicate any domestic or stock water rights deferred under this Court's June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*; and c) enter partial decrees, orders of disallowance, or other final determination for the pending subcases listed in the *Order Regarding Subcases Pending Upon Entry of Final Unified Decree* entered contemporaneously herewith. Any order amending or modifying this Final Unified Decree, including the attachments hereto, will be entered on the register of action for Civil Case No. 39576 in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, and will be filed with the Idaho Department of Water Resources in lieu of issuing an Amended Final Unified Decree. Attachment 8 contains instructions on how to access any orders amending this Final Unified Decree.

18. The incorporation by reference of partial decrees and orders of this Court contained in the Attachments to this Final Unified Decree does not constitute a reissuance of such partial decrees and orders.

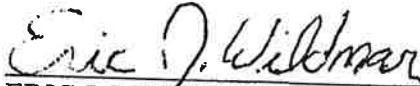
19. This Final Unified Decree, including the entirety of Attachments 1 through 10 listed below, shall be entered in the records of the clerk of the District Court for the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls.

Attachment 1	Snake River Basin Water System Map.
Attachment 2	Partially Decreed Water Rights, including a name index, consisting of 770 pages.
Attachment 3	General Provisions, consisting of 113 pages.
Attachment 4	Federal and Tribal Reserved Water Right Settlements, including all Consent Decrees and all Attachments thereto, all Partial Decrees issued by this Court as part of the Respective Settlements, and all Federal, State and/or Tribal Legislation Necessary to Enact and Approve the Water Right Settlements consisting of 2,857 pages.
Attachment 5	List of Water Right Numbers for Filed Water Right Claims Decreed as Disallowed consisting of 66 pages.
Attachment 6	List of Water Right Numbers for Unclaimed Water Rights Decreed as Disallowed consisting of 24 pages.
Attachment 7	June 28, 2012, <i>Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims</i> consisting of 6 pages.
Attachment 8	Instructions on Searching the Final Unified Decree consisting of 5 pages.
Attachment 9	<i>Order on State of Idaho's Motion for Partial Summary Judgment on Issue No. 2.</i> Subcase No. 00-91013 (Basin-Wide Issue 13) (July 12, 2011).
Attachment 10	<i>Register of Actions</i> , Twin Falls County Case No. 39576 (i.e., SRBA Main Case).

20. A certified paper and electronic copy of the entire Final Unified Decree shall be provided to the Director. The Director shall record the Final Unified Decree excluding all

Attachments other than Attachments 7 and 8 in the office of the county recorder of each county in which the place of use or point of diversion of any individual decreed water right in the Final Unified Decree is located. The Director shall maintain a copy of the Final Unified Decree for public inspection.

DATED this 25th day of August, 2014.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

ATTACHMENT 1

SNAKE RIVER BASIN WATER
SYSTEM MAP consisting of 1 page.

ATTACHMENT 2

PARTIALLY DECREED WATER RIGHTS, INCLUDING A NAME INDEX AND A WATER RIGHT NUMBER INDEX

(water right number index in electronic
copy only).

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ATTACHMENT 3

GENERAL PROVISIONS
consisting of 113 pages.

ATTACHMENT 4

FEDERAL AND TRIBAL
RESERVED WATER RIGHT
SETTLEMENTS, INCLUDING
ALL CONSENT DECREES AND
ALL ATTACHMENTS THERETO,
ALL PARTIAL DECREES
ISSUED BY THIS COURT AS
PART OF THE RESPECTIVE
SETTLEMENTS, AND ALL
FEDERAL, STATE AND/OR
TRIBAL LEGISLATION
NECESSARY TO ENACT AND
APPROVE THE WATER RIGHT
SETTLEMENTS CONSISTING OF
2,857 PAGES.

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<i>Nez Perce Tribal Resolution No. 05-210 (March 29, 2005).</i>	2541

<i>Water Rights Agreement Between the State of Idaho and the United States for the Craters of the Moon National Monument</i> (May 13, 1992); <i>Orders of Partial Decree</i> entered Dec. 1, 1998 (Subcase Nos. 34-12383, 34-12384, 34-12385, 34-12386, 34-12387, 34-12388, and 34-12389).	2545
<i>Water Rights Agreement Between the State of Idaho and the United States for the United States Department of Energy</i> (July 20, 1990); <i>Order of Partial Decree</i> entered <i>nunc pro tunc</i> June 20, 2003 (Subcase No. 34-10901).	2600
<i>Order Approving Stipulation and Entry of Basin 79 Partial Decrees</i> (Subcase No. 79-13597, Hells Canyon National Recreation Area Act Claims, Nov. 16, 2004).	2643
<i>Order Approving Entry of Basin 78 Partial Decrees</i> , dated May 2, 2005 (Consolidated Subcase No. 79-13597 Hells Canyon National Recreation Area Act Claims (Encompassing Subcases 79-14054 through 79-14079 and Subcases 78-12200 through 78-12205).	2753
<i>Amended Order Approving Stipulation and Entry of Partial Decrees</i> (Consolidated Subcase No. 75-13316 (Wild & Scenic Rivers Act Claims, Nov. 17, 2004).	2781
<i>Order of Partial Decree on Uncontested Federal Water Right Claims</i> , dated February 28, 2012 (Water Rights Agreement Between the State of Idaho and the United States for Yellowstone National Park).	2822

ATTACHMENT 5

LIST OF WATER RIGHT NUMBERS FOR FILED WATER RIGHT CLAIMS DECREED AS DISALLOWED consisting of 66 pages.

The disallowed water right numbers listed in Attachment 5 fall into two categories: (1) water right numbers where the actual claimed use of water was adjudicated to be disallowed; and (2) water right numbers where the water right was split subsequent to the filing of the director's report, with the claimed use of water being decreed under the water right numbers for the "children" rights, and the number for the "parent" right having been decreed disallowed for purposes of closing the subcase number in the court's register of action. Please consult the Idaho Department of Water Resources for further inquiry regarding any of the disallowed water right numbers listed in Attachment 5.

ATTACHMENT 6

LIST OF WATER RIGHT
NUMBERS FOR UNCLAIMED
WATER RIGHTS DECREED AS
DISALLOWED consisting of
24 pages.

ATTACHMENT 7

June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims* consisting of 6 pages.

ATTACHMENT 8

INSTRUCTIONS ON
SEARCHING THE FINAL
UNIFIED DECREE consisting of
5 pages.

ATTACHMENT 9

*Order on State of Idaho's Motion for
Partial Summary Judgment on Issue
No. 2. Subcase No. 00-91013 (Basin-
Wide Issue 13) (July 12, 2011)*

ATTACHMENT 10

*Register of Actions, Twin Falls Case
No. 39576 (i.e., SRBA Main Case)*

EXHIBIT F

**Declaration of Counsel in Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

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

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

Docket No. CM-DC-2010-001

**FINAL ORDER REGARDING
APRIL 2026 FORECAST
SUPPLY**

(METHODOLOGY STEPS 1–3)

FINDINGS OF FACT

1. On July 19, 2023, the Idaho Department of Water Resources (“Department”) issued its *Sixth 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”). This order applies steps 1, 2, and 3 of the *Methodology Order*.¹

A. Step 1

2. By April 1 of each year, Step 1 requires members of the SWC to submit to the Department electronic shapefiles delineating the total anticipated irrigated acres for the upcoming year “or confirm in writing that the existing electronic shape file submitted by SWC has not varied by more than five percent.” *Methodology Order* ¶ 1, at 41.

3. On February 17, 2026, Minidoka Irrigation District (“Minidoka”) submitted its electronic shapefile delineating its total irrigated acres to the Department.

4. On March 27, 2026, the Department received a letter from A&B Irrigation District (“A&B”), Burley Irrigation District (“BID”), Milner Irrigation District (“Milner”), North Side Canal Company (“NSCC”), and Twin Falls Canal Company (“TFCC”). In the letter, A&B, BID, Milner, and NSCC confirmed that their total number of irrigated acres for 2026 will not vary by more than five percent from the electronic shapefiles submitted in prior years. With the letter, TFCC submitted an electronic shapefile delineating its total irrigated acres.

¹ Shortly after the *Methodology Order* was issued, the City of Pocatello, the City of Idaho Falls, and the Coalition of Cities (collectively “Cities”) and the Idaho Ground Water Appropriators, Inc. (“IGWA”) filed petitions for judicial review in Ada County (Nos. CV01-23-13238 and CV01-23-13173). IGWA’s petition for judicial review is stayed until December 31, 2027. The Idaho Supreme Court dismissed the Cities’ petition for lack of jurisdiction, but the matter is still pending on a petition for rehearing. The filing of a petition for judicial review does not stay the effectiveness of an order. I.C. § 67-5274. No party to the judicial review proceedings has requested a stay of the *Methodology Order*. Accordingly, the Director will apply the *Methodology Order* in this order.

5. On April 8th, 2026, the Department received a letter from American Falls Reservoir District #2 (“AFRD2”), stating that its total number of irrigated acres has not varied by more than five percent.

6. Based on the information submitted by the SWC, the Department will use the following total irrigated acres:

	Total Irrigated Acres ²	Data Source
A&B	14,749 ³	SRBA Partial Decree
AFRD2	62,361	SRBA Partial Decree
BID	46,035	2013 shapefile submitted by BID, reduced by the Department for overlapping acres and acres outside of service area.
Milner	13,264	2010 service area shapefile, reduced by the Department for overlapping acres and acres outside of service area.
Minidoka	73,825	2026 shapefile submitted by Minidoka, reduced by the Department for overlapping acres and acres outside of the service area.
NSCC	154,067	SRBA Partial Decree
TFCC	193,638	2026 shapefile submitted by TFCC, reduced by the Department for overlapping acres and acres outside of service area. ⁴

B. Step 2

7. Step 2 states that, within fourteen days of the issuance of the joint forecast prepared by the United States Bureau of Reclamation (“USBR”) and the United States Army Corps of Engineers (“USACE”), the Director “will issue a final order predicting the April [Forecast Supply] for the water year for each SWC entity. The Director will compare the April [Forecast Supply] for each SWC entity to the [Baseline Demand] for each SWC entity to determine if an in-season demand shortfall (“IDS”) is anticipated for the upcoming irrigation season.” *Methodology Order* ¶ 3, at 42.

² “The number of irrigated acres used in this methodology order is the number of reported acres unless that number is larger than the decreed irrigated acres, and if so, then the decreed acres are used.” *Methodology Order* ¶ 22, at 11.

³ The Department has modified the total A&B irrigated acreage count to 14,749 acres. Based on Judge Wildman’s district court decision, the new acreage count removes A&B’s enlargement acres. *Mem. Decision & Order*, at 8, *City of Idaho Falls v. Idaho Dep’t of Water Res.*, No. CV01-23-13238 (Ada Cnty. Dist. Ct. Idaho May 31, 2024).

⁴ On April 10, 2026, the Cities filed *Cities’ Motion to Consider Information When Determining Surface Water Coalition’s Irrigated Acres Under Methodology Step 1* (“*Motion*”). In that motion, they ask the Director to consider the information contained in a technical memorandum prepared by the Cities’ consultants when determining TFCC’s total irrigated acres in this order. *Motion*, at 2. The motion was filed only days before the deadline for this order, leaving the Department insufficient time to evaluate its merits. The Director may revisit, and if appropriate, modify TFCC’s total irrigated acres in orders issued later this irrigation season.

8. On April 2, 2026, the USBR and USACE issued their joint forecast (“Joint Forecast”), predicting an unregulated inflow of 2,300,000 acre-feet at the Snake River near Heise gage for the period of April through July. The forecasted flow volume equates to 70% percent of the average.⁵ The Joint Forecast “is generally as accurate a forecast as is possible using current data gathering and forecasting techniques.” *Id.* ¶ 49, at 19 (citation omitted).

9. The April–July Heise natural flow data from the years 1990–2025 were data inputs for the development of regression equations for A&B and Milner to predict the natural flow supply.⁶ Data greater or less than two standard deviations from the average were excluded from the regression development.

10. The April–July Heise natural flow data from the years 1990–2025 and Box Canyon November–March total discharge data for the period 1989–2025, were data inputs for the development of multiple linear regression equations to predict the natural flow supplies for AFRD2, BID, Minidoka, NSCC, and TFCC. *Methodology Order* ¶ 49, at 19. The U.S. Geological Survey measures and monitors the flow at the Box Canyon stream flow measurement gage. The Box Canyon November–March total discharge used by the Director in the 2026 regression models totaled 93,824 acre-feet.

11. The storage allocations were predicted for each SWC member. As of April 6, 2026, Water District No. 1’s preliminary water right accounting indicates water rights for Jackson Lake 1906, Lake Walcott, Jackson Lake 1910, Palisades Winter Water Savings, Island Park 1921, American Falls Winter Water Savings, and Henrys Lake 1965 are satisfied. The remaining reservoir rights are 838,546 acre-feet short of satisfaction. Based on a comparison of the current Heise natural flow forecast to the analog years of 2002, 2004, 2013, and 2021, the Director anticipates the remaining reservoir water rights for Jackson Lake and Palisades will be 48-87% satisfied, and each SWC member will receive 90-100% of their allocation. The storage allocations are based on the anticipated allocations minus evaporation charges.

⁵ The average is based on the years 1991–2020. The Joint Forecast relies on a “30-Year Climate Normal” to calculate an average April through July runoff volume.

⁶ Attached hereto, as Attachment A, are the regression analyses for each SWC entity used to predict natural flow supply.

12. Based on the above, the Director projects the following shortfalls:

	Predicted Natural Flow Supply	Predicted Storage Allocation	Minidoka Credit Adjustment	Total Forecast Supply	Baseline Demand (BLY 2018)	In-Season Demand Shortfall
A&B	1,693	120,313		122,006	64,192	0
AFRD2	31,003	383,024	1,000	415,027	458,890	43,900
BID	72,555	217,257	5,130	294,942	262,211	0
Milner	4,568	79,513		84,081	58,417	0
Minidoka	98,553	341,646	8,370	448,569	354,851	0
NSCC	279,289	821,048	-7,750	1,092,587	1,026,661	0
TFCC	757,715	233,029	-6,750	983,994	1,121,717	137,700
Total Predicted April In-Season Demand Shortfall (AF)						181,600

C. Step 3

13. Step 3 requires the following:

Step 3: By May 1, or within fourteen (14) days from issuance of the final order predicting the April [Forecast Supply], whichever is later in time, junior ground water users with approved mitigation plans for delivery of water must secure, to the satisfaction of the Director, a volume of water equal to their proportionate share of the April IDS unless the April IDS is revised as explained below in paragraph 6. If junior ground water users secured water for a reasonable carryover shortfall to an individual SWC member in the previous year, the current-year mitigation obligation to the individual SWC member will be reduced by the quantity of water secured for the reasonable carryover shortfall. The secured water will not be required to be delivered to the injured members of the SWC until the Time of Need.

Methodology Order ¶ 4, at 42.

14. The predicted April IDS for AFRD2 is 43,900 acre-feet and TFCC is 137,700 acre-feet. The total predicted April IDS is 181,600 acre-feet.

15. The Eastern Snake Plain Aquifer Model (“ESPAM”) is used to predict the junior priority water rights that must be curtailed to produce the volume of water equal to the predicted April IDS in the near Blackfoot to Minidoka reach. The ESPAM is updated periodically as new field measurements and advancements in modeling technology become available. ESPAM Version 2.2 (“ESPAM2.2”) is the latest model version.⁷

⁷ The Department finalized ESPAM2.2 model documentation reports (including a model calibration report, a predictive uncertainty analysis, a superposition model scenario, and a curtailment scenario) on May 27, 2021. See Idaho Dep’t of Water Res., *ESPAM2.2 Reports* (2021), [https:// research.idwr.idaho.gov/files/projects/espam/browse/ESPAM22_Reports/](https://research.idwr.idaho.gov/files/projects/espam/browse/ESPAM22_Reports/).

16. The Department ran ESPAM2.2 to predict the junior priority water rights within the area of common ground water supply (“ACGWS”) that must be curtailed to produce the volume of water equal to the predicted April IDS between May 1 and September 30 of this irrigation season pursuant to the *Methodology Order*. The ESPAM2.2 simulation calculated the curtailment of ground water rights bearing priority dates junior to October 11, 1900, will produce a volume of water of 94,000 acre-feet in the near Blackfoot to Minidoka reach between May 1 and September 30 of this irrigation season. The predicted benefit of the curtailment is less than the April IDS of 181,600 acre-feet. Curtailing ground water rights bearing priority dates junior to October 11, 1900, will offset as much of the April IDS as possible.

CONCLUSIONS OF LAW

1. The Fifth Judicial District Court, in and for the County of Minidoka, held that the evidentiary standard of proof to apply in conjunctive administration of hydraulically connected water rights is clear and convincing. *See Mem. Decision & Order on Pets. for Jud. Rev., A&B Irr. Dist., Inc. v. Idaho Dep’t of Water Res.*, No. CV-2009-647 (Minidoka Cnty. Dist. Ct. Idaho May 4, 2010); *Mem. Decision & Order on Pets. for Reh’g, A&B Irr. Dist., Inc. v. Idaho Dep’t of Water Res.*, No. CV-2009-647 (Minidoka Cnty. Dist. Ct. Idaho Nov. 2, 2010).

2. “Clear and convincing evidence refers to a degree of proof greater than a mere preponderance.” *Idaho State Bar v. Topp*, 129 Idaho 414, 416, 925 P.2d 1113, 1115 (1996) (internal quotations omitted). “Clear and convincing evidence is generally understood to be ‘[e]vidence indicating that the thing to be proved is highly probable or reasonably certain.’” *State v. Kimball*, 145 Idaho 542, 546, 181 P.3d 468, 472 (2008) (citing *In re Adoption of Doe*, 143 Idaho 188, 191, 141 P.3d 1057, 1060 (2006)); *see also Idaho Dep’t of Health & Welfare v. Doe*, 150 Idaho 36, 41, 244 P.3d 180, 185 (2010).

3. The Director must utilize the best available technology for determining the impact of junior ground water diversions. *See Clear Springs Foods, Inc. v. Spackman*, 150 Idaho 790, 814, 252 P.3d 71, 95 (2011). ESPAM 1.1 and 2.1 are the model versions utilized previously in the SWC delivery call proceedings. Previously, the Director determined that ESPAM 2.1 was the best available scientific tool for predicting the effects of ground water pumping. *See Idaho Ground Water Assoc. v. Idaho Dep’t of Water Res.*, 160 Idaho 119, 124, 369 P.3d 897, 902 (2016). ESPAM 2.2 is the latest version of the ESPAM model. The improvements incorporated into ESPAM 2.2, as discussed in Finding of Fact 15, make it the best available scientific tool for predicting the effects of ground water pumping in this proceeding.

4. In 2026, the Director has sufficient information to quantify the irrigated areas for each of the SWC members as required by Step 1.

5. The USBR-USACE April Joint Forecast predicts an unregulated inflow of 2,300,000 acre-feet at the Snake River near Heise gage from April to July. The forecasted volume equates to 70% of the average.

6. The predicted April IDS is 181,600 acre-feet. Junior ground water users holding consumptive water rights bearing priority dates junior to October 11, 1900, within the Eastern Snake Plain Aquifer ACGWS must mitigate for their proportionate share of the predicted April IDS in accordance with an approved mitigation plan.⁸ Junior ground water users mitigating for their proportionate share of the predicted April IDS with a secured volume of water pursuant to an approved mitigation plan must, to the satisfaction of the Director, secure their proportionate share for delivery to the injured members of the SWC on or before May 1, 2026. There was a reasonable carryover shortfall of 86,756 acre-feet in the fall of 2025. However, because junior ground water users did not secure any mitigation water for a carryover shortfall, there is no adjustment to the mitigation obligation.

7. If, on or before May 1, 2026, ground water users holding consumptive water rights bearing priority dates junior to October 11, 1900, within the Eastern Snake Plain Aquifer ACGWS⁹ fail to establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted April IDS of 181,600 acre-feet in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water user. Junior ground water users who are mitigating with a secured volume of water are not required to assign the secured volume of water until after the Director issues a subsequent order requiring the assignment of the water.

8. If, at any time prior to the Director's final determination of the April Forecast Supply, the Director can determine with certainty that any member of the SWC has diverted more natural flow than predicted, or has accrued more storage than predicted, the Director will revise his initial, predicted IDS determination.

⁸ There are five approved mitigation plans responding to the SWC delivery call, each is stipulated to by the SWC: (1) No. CM-MP-2015-003 for the benefit of A&B; (2) No. CM-MP-2010-001 for the benefit of Southwest Irrigation District and Goose Creek Irrigation District (collectively, "SWID"); (3) No. CM-MP-2024-003 for the benefit of the Ground Water Districts; (4) No. CM-MP-2019-001 for the benefit of the Coalition of Cities; and (5) No. CM-MP-2007-001 for the benefit of the Water Mitigation Coalition. Given the nature of certain plans, the Department must calculate the proportionate share of the predicted IDS. With regard to A&B's mitigation plan, A&B's proportionate share of the predicted April IDS of 181,600 acre-feet is 10,800 acre-feet. Due to the nature of the mitigation plans for SWID, the Ground Water Districts, the Coalition of Cities, and the Water Mitigation Coalition, these entities do not need to establish that they can mitigate for their proportionate share of the predicted IDS.

⁹ On June 28, 2024, the Director issued an order declaring that ground water rights that were to be newly included in the ESPA ACGWS starting July 1, 2024, due to the passage of Senate Bill 1341, would not be subject to administration until November 1, 2025. *Order Re. Mid-Season Change to Area of Common Ground Water Supply for E. Snake Plain Aquifer*; 3d Order Am. Curtailment List, at 4; see S.B. 1341, 67th Leg., 2d Reg. Sess. (Idaho 2024) (enacted as I.C. § 42-233c). Accordingly, ground water users holding consumptive water rights bearing priority dates junior to October 11, 1900, that were included in the ESPA ACGWS due to the passage of Senate Bill 1341 are subject to administration at this time continuing indefinitely into the future and are required to establish that they can mitigate for their proportionate share of the predicted April IDS. In late 2025 and early 2026, the Director expanded the ESPA ACGWS to include the Raft River tributary basin and the remainder of the Little Lost River and Big Lost River tributary basins not already included in the ACGWS. On February 2, 2026, the Director issued an order declaring that ground water users included in the ESPA ACGWS in late 2025 and early 2026 would not be subject to administration before April 1, 2027. *Order Phasing in Administration of Ground Water Rights Recently Included in the ESPA ACGWS*, at 2. Accordingly, at this time, ground water users in the Raft River tributary basin and the remainder of the Little Lost River and Big Lost River tributary basins who were newly included into the ESPA ACGWS and hold consumptive water rights bearing priority dates junior to October 11, 1900, are not subject to administration.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

The Director predicts an April IDS of 181,600 acre-feet. On or before May 1, 2026, ground water users holding consumptive water rights bearing priority dates junior to October 11, 1900, within the Eastern Snake Plain Aquifer ACGWS shall establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted April IDS of 181,600 acre-feet in accordance with an approved mitigation plan. If a junior ground water user cannot establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted April IDS in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water user.

Dated this 16th day of April 2026.



MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April 2026, the above and foregoing, was served by the method indicated below, and addressed to the following:

John K. Simpson IdaH20, PLLC PO Box 152 Boise, ID 83701-0152 jks@idahowaters.com	☒ U.S. Mail, postage prepaid ☒ Email
Travis L. Thompson Abby R. Bitzenburg PARSONS BEHLE & LATIMER PO Box 63 Twin Falls, ID 83303-0063 tthompson@parsonsbehle.com abitzenburg@parsonsbehle.com	☒ U.S. Mail, postage prepaid ☒ Email
Norman M. Semanko Garrett M. Kitamura PARSONS BEHLE & LATIMER 800 W. Main Street, Suite 1300 Boise, Idaho 83702 nsemanko@parsonsbehle.com gkitamura@parsonsbehle.com	☒ U.S. Mail, postage prepaid ☒ Email
Thomas J. Budge RACINE OLSON PO Box 1391 Pocatello, ID 83204-1391 tj@racineolson.com	☒ U.S. Mail, postage prepaid ☒ Email
David W. Gehlert Natural Resources Section U.S. DOJ, Environment and Natural Resources Div. 999 18 th St., South Terrace, Suite 370 Denver, CO 80202 david.gehlert@usdoj.gov	☒ U.S. Mail, postage prepaid ☒ Email
Matt Howard US Bureau of Reclamation 1150 N Curtis Road Boise, ID 83706-1234 mhoward@usbr.gov	☒ U.S. Mail, postage prepaid ☒ Email
Sarah A Klahn Maximilian C. Bricker Somach Simmons & Dunn 1155 Canyon Blvd, Ste. 110 Boulder, CO 80302 sklahn@somachlaw.com mbricker@somachlaw.com	☒ U.S. Mail, postage prepaid ☒ Email
Rich Diehl City of Pocatello PO Box 4169 Pocatello, ID 83205 rdiehl@pocatello.us	☒ U.S. Mail, postage prepaid ☒ Email

Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC PO Box 107 Boise, ID 83701 cmchugh@mchughbromley.com cbromley@mchughbromley.com	☒ U.S. Mail, postage prepaid ☒ Email
Robert E. Williams WILLIAMS, MESERVY, & LOTHSPEICH, LLP PO Box 168 Jerome, ID 83338 rewilliams@wmlattys.com	☒ U.S. Mail, postage prepaid ☒ Email
Robert L. Harris HOLDEN, KIDWELL, HAHN & CRAPO, PLLC PO Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com	☒ U.S. Mail, postage prepaid ☒ Email
Zachary H. Jones City Attorney, City of Idaho Falls PO Box 50220 Idaho Falls, ID 83405 zjones@idahofalls.gov	☒ U.S. Mail, postage prepaid ☒ Email
Skyler C. Johns Nathan M. Olsen Steven L. Taggart OLSEN TAGGART PLLC PO Box 3005 Idaho Falls, ID 83403 sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com	☒ U.S. Mail, postage prepaid ☒ Email
Dylan Anderson DYLAN ANDERSON LAW PLLC PO Box 35 Rexburg, Idaho 83440 dvlan@dylanandersonlaw.com	☒ U.S. Mail, postage prepaid ☒ Email

COURTESY COPIES VIA EMAIL TO:

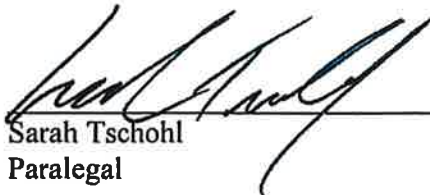
Craig Chandler
IDWR—Eastern Region
craig.chandler@idwr.idaho.gov

Corey Skinner
IDWR—Southern Region
corey.skinner@idwr.idaho.gov

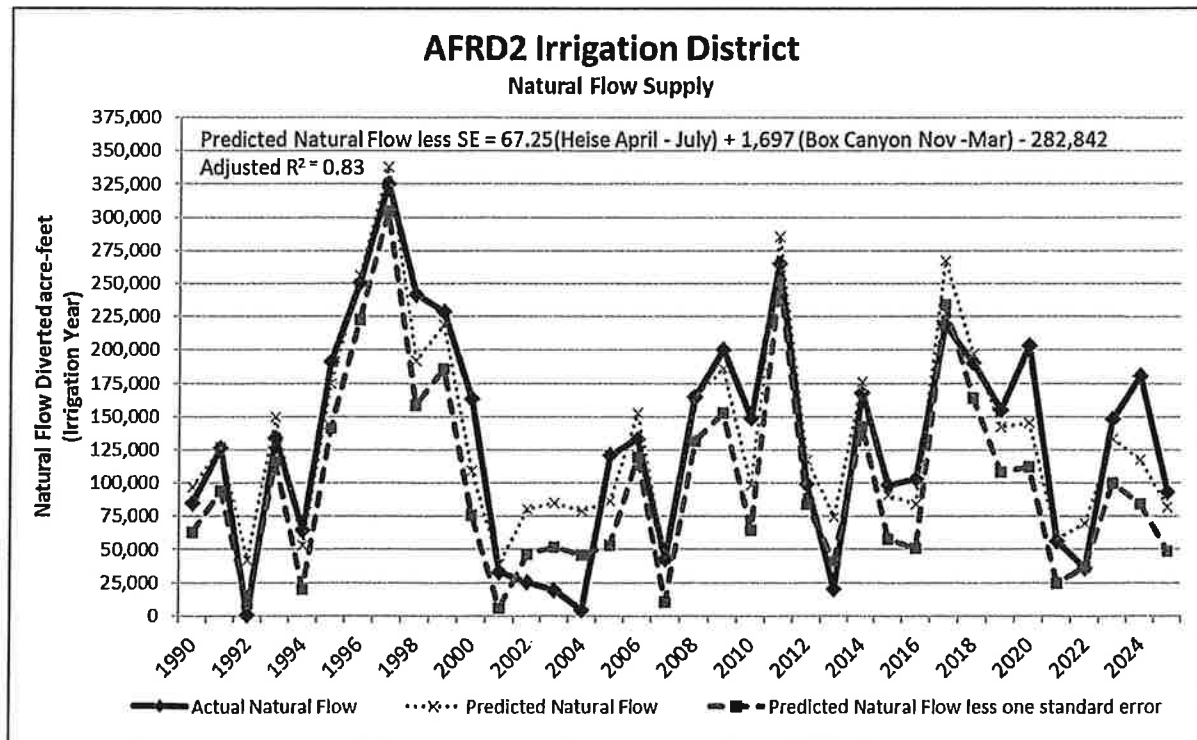
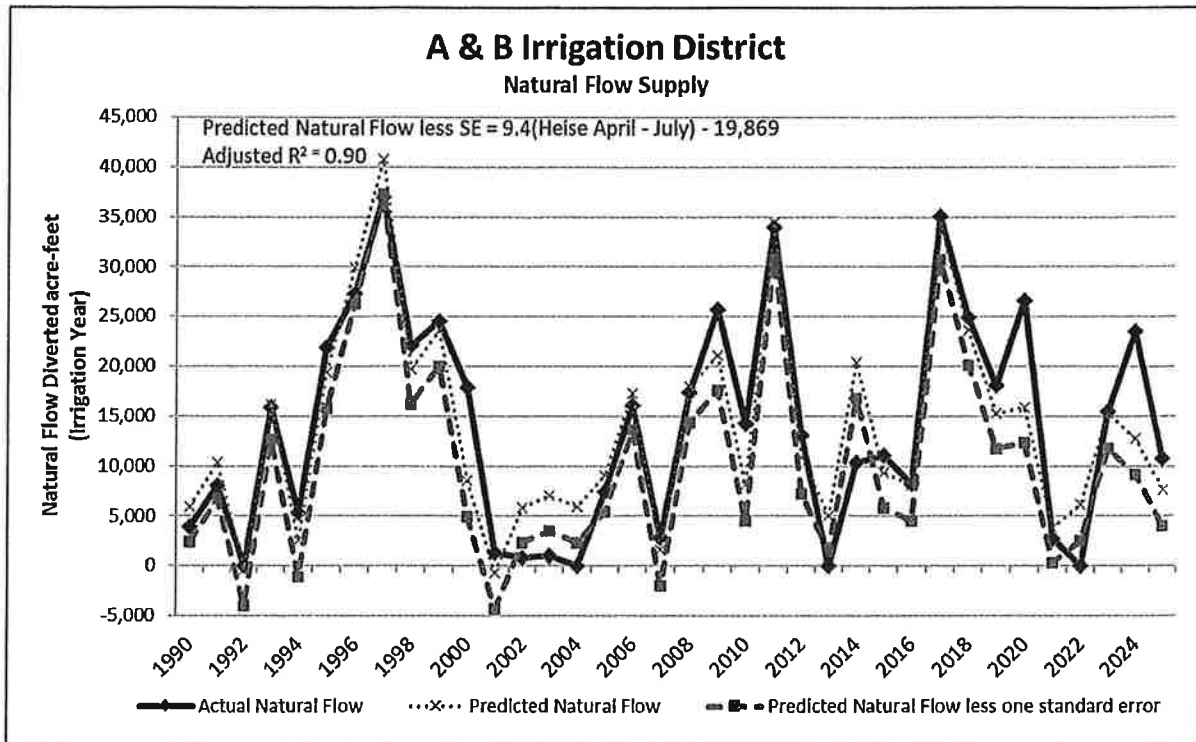
William A. Parsons
PARSONS, LOVELAND, SHIRLEY & MILLER, LLP
wparsons@pmt.org
wparsons@magicvalley.law

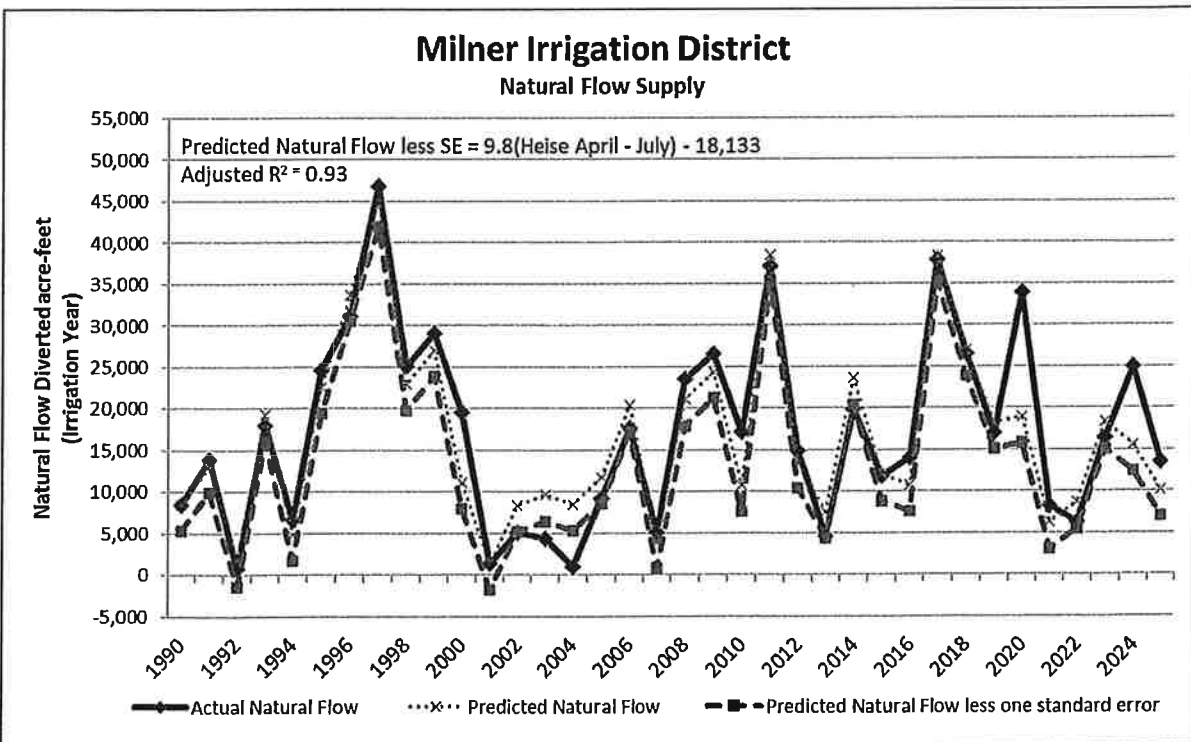
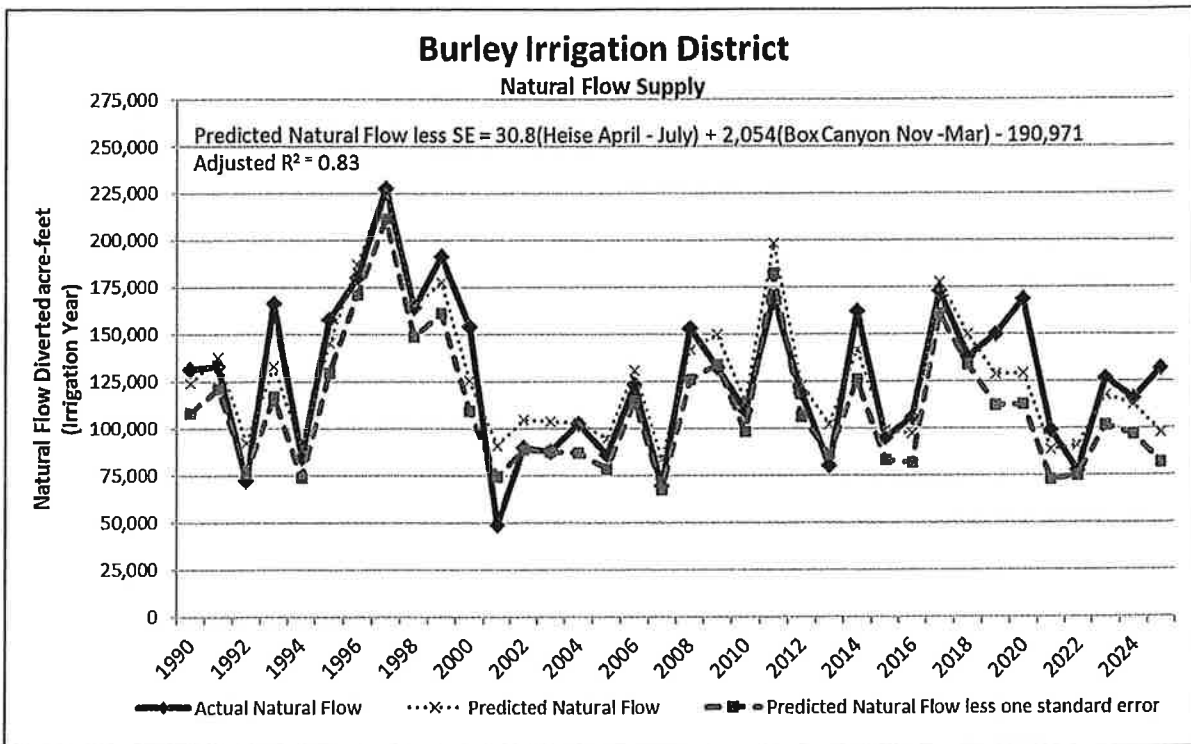
Jerry R. Rigby
Michelle Mortimer
RIGBY, ANDRUS & RIGBY LAW, PLLC
PO Box 250
Rexburg, ID 83440
jrigby@rex-law.com
mmortimer@rex-law.com

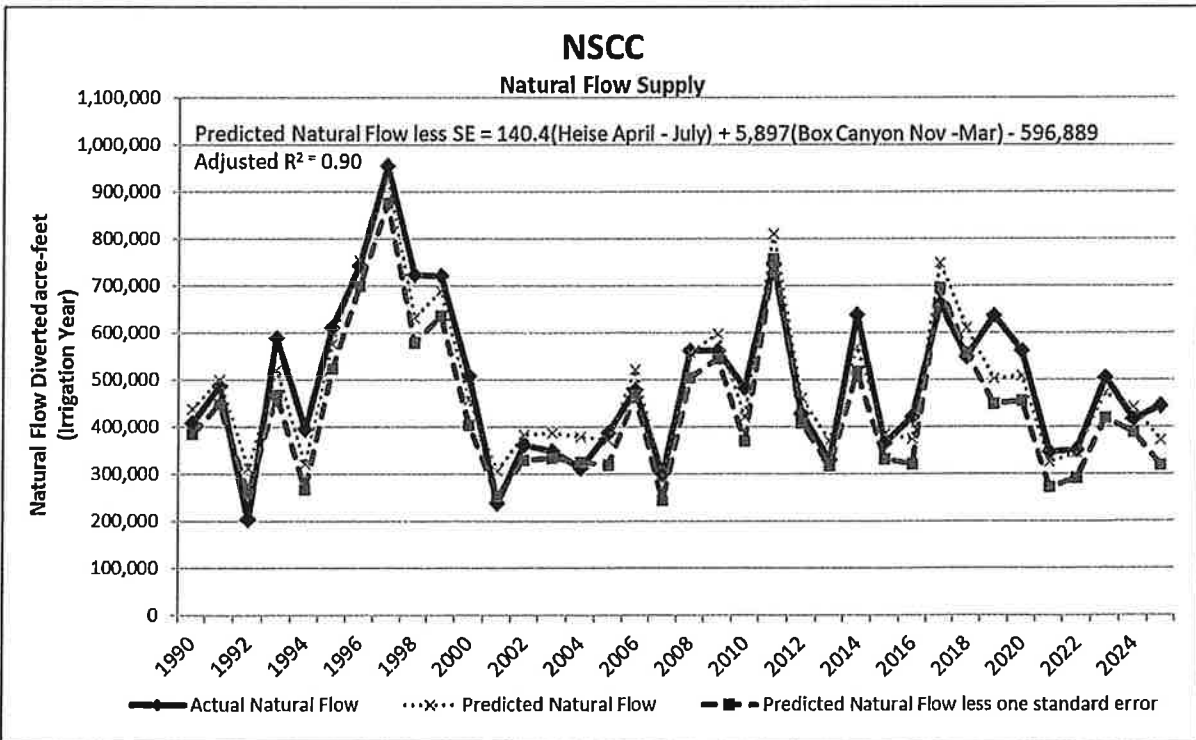
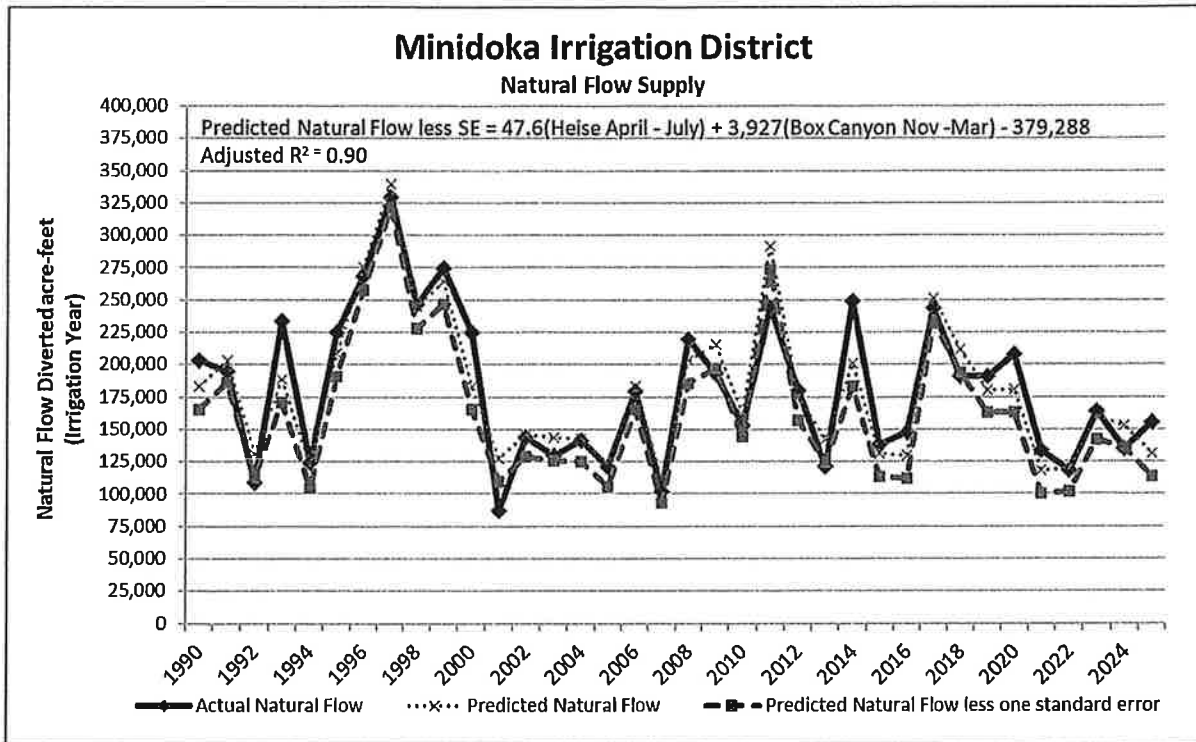
Andrew J. Waldera
SAWTOOTH LAW OFFICES, PLLC
1101 W. River Street, Suite 110
Boise, Idaho 83702
andy@sawtoothlaw.com

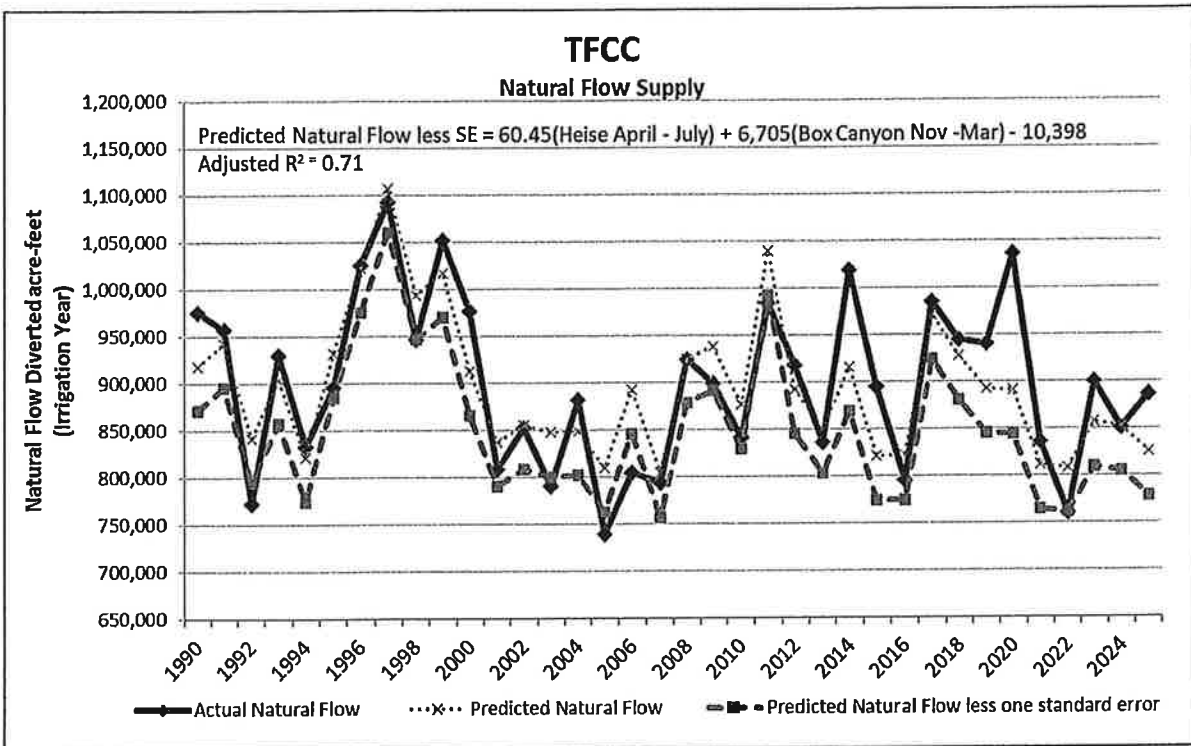

Sarah Tschohl
Paralegal

ATTACHMENT A









EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

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

The accompanying document is a “**Final Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5246. The following statements describe the procedures and time limits for seeking reconsideration or other administrative relief as required by Idaho Code § 67-5248.

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5246(4))

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

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order, or action of the Director of the Department 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. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

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

EXHIBIT G

**Declaration of Counsel in Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

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

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

Docket No. CM-DC-2010-001

**FINAL ORDER CURTAILING
GROUND WATER RIGHTS
JUNIOR TO OCTOBER 11, 1900**

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

FINDINGS OF FACT

1. On July 19, 2023, the Director issued the *Sixth Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“*Methodology Order*”).¹ The *Methodology Order* established nine steps for determining material injury to members of the Surface Water Coalition (“SWC”).²

2. On April 16, 2026, the Director issued the *Final Order Regarding April 2026 Forecast Supply (Methodology Steps 1–3)* (“*As-Applied Order*”), which applied steps 1, 2, and 3 of the *Methodology Order*. The Director predicted an April in-season demand shortfall (“IDS”) of 181,600 acre-feet. *As-Applied Order*, at 4. The Director ordered that, by May 1, 2026, ground water users with consumptive water rights “bearing priority dates junior to October 11, 1900, within the Eastern Snake Plain Aquifer area of common ground water supply [(“ESPA ACGWS”)] shall establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted April IDS of 181,600 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 that they can mitigate for their proportionate share of the predicted IDS “in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water user.” *Id.*

¹ Shortly after the *Methodology Order* was issued, the City of Pocatello, the City of Idaho Falls, and the Coalition of Cities (collectively “Cities”) and the Idaho Ground Water Appropriators, Inc. (“IGWA”) filed petitions for judicial review in Ada County (Nos. CV01-23-13238 and CV01-23-13173). IGWA’s petition for judicial review is stayed until December 31, 2027. The Idaho Supreme Court dismissed the Cities’ petition for lack of jurisdiction. The filing of a petition for judicial review does not stay the effectiveness of an order. I.C. § 67-5274. No party to the judicial review proceedings has requested a stay of the *Methodology Order*. Accordingly, the Director will apply the *Methodology Order* in this order.

² 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. Prior to May 1, 2026, there were five approved mitigation plans in place responding to the SWC delivery call, each is stipulated to by the SWC:

- (1) Docket No. CM-MP-2010-001 for the benefit of the Southwest Irrigation District and Goose Creek Irrigation District (collectively, “SWID”);
- (2) Docket No. CM-MP-2019-001 for the benefit of certain cities commonly referred to as the “Coalition of Cities”;
- (3) Docket No. CM-MP-2015-003 for the benefit of the A&B Irrigation District (“A&B”);
- (4) Docket No. CM-MP-2007-001 for the benefit of certain entities commonly referred to as the “Water Mitigation Coalition”; and
- (5) Docket No. CM-MP-2024-003 for the benefit of certain ground water districts commonly referred to as the “Ground Water Districts.”

4. In the 2026 *As-Applied Order*, the Director found that due to the nature of the approved mitigation plans for SWID, the Coalition of Cities, the Water Mitigation Coalition and the Ground Water Districts, these entities do not need to establish they can mitigate for their proportionate share of the predicted April IDS. *As-Applied Order*, at 6 n.8. However, the Director found that A&B must mitigate for its proportionate share of the predicted IDS of 181,600 acre-feet and determined that A&B’s proportionate share is 10,800 acre-feet. *Id.*

5. On May 1, 2026, A&B, the other members of the SWC, IGWA, and American Falls-Aberdeen Ground Water District filed a *Joint Motion for Order Approving Amended 2026-2027 Interim Stipulation* (“*Amended Joint Motion*”) requesting approval of A&B’s previously filed *Interim Stipulation* with an amendment to the storage volume of water to be delivered. *Amended Joint Motion*, at 3, No. CM-MP-2026-003. On May 14, 2026, the Director issued an *Order Approving A&B Irrigation District’s Interim Stipulated Plan for 2026 & 2027*. Due to the nature of A&B’s new mitigation plan, it does not need to mitigate for its full proportional share of the predicted IDS.

6. Also on May 1, 2026, the SWC, the Ground Water Districts, the Big Lost River Ground Water District, the Upper Big Lost River Ground Water District, and the Little Lost River Ground Water District filed a *Joint Motion for Approval of First Addendum to 2024 Stipulated Mitigation Plan and for Related Relief* (“*Motion to Approve First Addendum*”). The *Motion to Approve First Addendum* requested the Director approve the First Addendum, which allows the Big Lost River Ground Water District, Upper Big Lost River Ground Water District, and Little Lost River Ground Water District to join the *2024 Stipulated Mitigation Plan* in No. CM-MP-2024-003. On May 7, 2026, the Director issued an *Order Approving First Addendum and Granting Related Relief*.

7. Also on May 1, 2026, Hearing Officer Gerald Schroeder issued a *Preliminary Order Approving Falls Water’s Stipulated Mitigation Plan* in Department Docket No. CM-MP-2026-

002. A petition for reconsideration is pending so the order has not become final yet pursuant to Idaho Code § 67-5245 and IDAPA 37.01.01.730.

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, 2026, ground water users with consumptive water rights “junior to October 11, 1900, within the [ESPA ACGWS]” are required to “establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted April IDS of 181,600 acre-feet in accordance with an approved mitigation plan.” *As-Applied Order*, at 7. If a junior ground water user does not establish that they can mitigate for their proportionate share of the predicted April IDS “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, the Coalition of Cities, the Water Mitigation Coalition, A&B, and the Ground Water Districts, these entities do not need to establish that they can mitigate for their proportionate share of the predicted April IDS. Junior ground water users entitled to the protection of SWID, the Coalition of Cities, the Water Mitigation Coalition, A&B, and the Ground Water Districts mitigation plans will not be subject to curtailment during the 2026 irrigation season.

4. Consistent with the *As-Applied Order*, Idaho Code § 42-602, and decisions of the courts, the Director must order curtailment of junior-priority ground water users that have not established they can mitigate in accordance with an approved mitigation plan. Junior-priority ground water users subject to curtailment are listed in Attachments A to this order.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that effective May 14, 2026, ground water users holding water rights bearing priority dates junior to October 11, 1900, within the ESPA ACGWS, and 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.

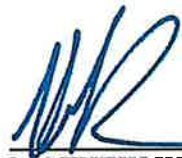
FINAL ORDER CURTAILING GROUND WATER RIGHTS JUNIOR TO OCTOBER 11, 1900—Page 3

IT IS FURTHER ORDERED that holders of ground water rights identified by the highlighted rows in Attachment A to this order may seek to participate in an approved mitigation plan through a ground water district and shall have fifteen days from the date of this order to join, solely for mitigation purposes, the ground water district situated nearest the lands to which the water rights are appurtenant. *See H.B. 737a, 58th Leg., 2d Reg. Sess. (Idaho 2006) (Act Relating to the Administration of Ground Water Rights Within the Eastern Snake River Plain); see also I.C. § 42-5259.*

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 begin the curtailment process.

IT IS FURTHER ORDERED that 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.

Dated this 14th day of May 2026.



MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of May 2026, the above and foregoing, was served by the method indicated below, and addressed to the following:

John K. Simpson IdaH20, PLLC PO Box 152 Boise, ID 83701-0152 jks@idahowaters.com	☒ U.S. Mail, postage prepaid ☒ Email
Travis L. Thompson Abby R. Bitzenburg PARSONS BEHLE & LATIMER PO Box 63 Twin Falls, ID 83303-0063 tthompson@parsonsbehle.com abitzenburg@parsonsbehle.com	☒ U.S. Mail, postage prepaid ☒ Email
Norman M. Semanko Garrett M. Kitamura PARSONS BEHLE & LATIMER 800 W. Main Street, Suite 1300 Boise, Idaho 83702 nsemanko@parsonsbehle.com gkitamura@parsonsbehle.com	☒ U.S. Mail, postage prepaid ☒ Email
Thomas J. Budge RACINE OLSON PO Box 1391 Pocatello, ID 83204-1391 tj@racineolson.com	☒ U.S. Mail, postage prepaid ☒ Email
David W. Gehlert Natural Resources Section U.S. DOJ, Environment and Natural Resources Div. 999 18 th St., South Terrace, Suite 370 Denver, CO 80202 david.gehlert@usdoj.gov	☒ U.S. Mail, postage prepaid ☒ Email
Matt Howard US Bureau of Reclamation 1150 N Curtis Road Boise, ID 83706-1234 mhoward@usbr.gov	☒ U.S. Mail, postage prepaid ☒ Email
Sarah A Klahn Maximilian C. Bricker Somach Simmons & Dunn 1155 Canyon Blvd, Ste. 110 Boulder, CO 80302 sklahn@somachlaw.com mbricker@somachlaw.com	☒ U.S. Mail, postage prepaid ☒ Email
Rich Diehl City of Pocatello PO Box 4169 Pocatello, ID 83205 rdiehl@pocatello.us	☒ U.S. Mail, postage prepaid ☒ Email

Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC PO Box 107 Boise, ID 83701 cmchugh@mchughbromley.com cbromlev@mchughbromley.com	☒ U.S. Mail, postage prepaid ☒ Email
Robert E. Williams WILLIAMS, MESERVY, & LOTHSPREICH, LLP PO Box 168 Jerome, ID 83338 rewilliams@vmlattys.com	☒ U.S. Mail, postage prepaid ☒ Email
Robert L. Harris HOLDEN, KIDWELL, HAHN & CRAPO, PLLC PO Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com	☒ U.S. Mail, postage prepaid ☒ Email
Zachary H. Jones City Attorney, City of Idaho Falls PO Box 50220 Idaho Falls, ID 83405 zjones@idahofalls.gov	☒ U.S. Mail, postage prepaid ☒ Email
Skyler C. Johns Nathan M. Olsen Steven L. Taggart OLSEN TAGGART PLLC PO Box 3005 Idaho Falls, ID 83403 sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com	☒ U.S. Mail, postage prepaid ☒ Email
Dylan Anderson DYLAN ANDERSON LAW PLLC PO Box 35 Rexburg, Idaho 83440 dylan@dylanandersonlaw.com	☒ U.S. Mail, postage prepaid ☒ Email

COURTESY COPIES VIA EMAIL TO:

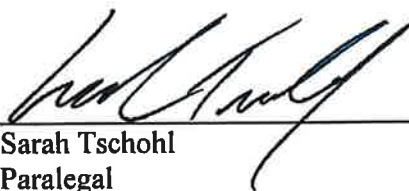
Craig Chandler
IDWR—Eastern Region
craig_chandler@idwr.idaho.gov

Corey Skinner
IDWR—Southern Region
corey.skinner@idwr.idaho.gov

William A. Parsons
PARSONS, LOVELAND, SHIRLEY & MILLER, LLP
wparsons@pmt.org
wparsons@magicvalley.law

Jerry R. Rigby
Michelle Mortimer
RIGBY, ANDRUS & RIGBY LAW, PLLC
jrigby@rex-law.com
mmortimer@rex-law.com

Andrew J. Waldera
SAWTOOTH LAW OFFICES, PLLC
andy@sawtoothlaw.com



Sarah Tschohl
Paralegal

Attachment A -Sorted by Owner
List of Ground Water Rights Junior to October 11, 1900
(highlighted rights have 15-days to join a ground water district)

Owner	Water Right No.	Basis	Priority Date	Water Use List	Diversion Rate (cfs)	Total Acres	Enlargement
1523 LLC	35-14566	Decreed	11/3/1972	IRRIGATION	0.05	2.6	
288S 500W LLC	36-17158	Decreed	2/1/1961	DOMESTIC, IRRIGATION, STOCKWATER	0.03	1.0	
3 STRING CATTLE OF IDAHO LLC	37-23203	Decreed	7/24/1973	COMMERCIAL, STOCKWATER	0.16	0.0	
A W HARDY FAMILY INVESTMENTS LTD	29-14198	Decreed	6/23/1977	IRRIGATION	0.01	0.9	
A W HARDY FAMILY INVESTMENTS LTD	29-14427	Decreed	6/23/1977	IRRIGATION	0.01	0.3	
A W HARDY FAMILY INVESTMENTS LTD	29-14435	Decreed	6/23/1977	IRRIGATION	0.03	3.4	
ADAMS, CHERYL L; ADAMS, H LYLE; ADAMS, RODDY L	37-7078	Decreed	10/12/1970	COMMERCIAL, STOCKWATER	0.06	0.0	
ADAMS, MARY J	25-14316	Decreed	8/10/1966	IRRIGATION	0.02	1.0	
AEI CORP	29-8037	License	11/13/1990	DOMESTIC, INDUSTRIAL	0.06	0.0	
AIKELE, DON A	34-14179	Decreed	4/20/1961	IRRIGATION	0.02	2.0	
AIKELE, PEGGY; AIKELE, STEVEN J	34-14693	Decreed	4/20/1961	IRRIGATION	0.01	1.2	
AKERS, DONNA E; AKERS, SHERMAN L	29-10649	Decreed	8/1/1961	IRRIGATION, STOCKWATER	0.13	6.4	
AMERICAN FALLS RESERVOIR DISTRICT #2	36-11120	Decreed	11/27/1962	DOMESTIC, IRRIGATION	0.07	1.5	
ANDERSON, CHAD ALLEN; ANDERSON, JASHELLE HEATHER	45-7650	License	6/21/1989	DOMESTIC, IRRIGATION	0.06	1.0	
ANDERSON, CLARK E; ANDERSON, TRACY	29-14453	Decreed	10/28/1953	IRRIGATION	0.02	2.9	
ANDERSON, CLARK E; ANDERSON, TRACY	29-14433	Decreed	6/23/1977	IRRIGATION	0.03	2.9	
ANDERSON, RENAE; ANDERSON, RICHARD	29-2393A	Decreed	9/25/1957	IRRIGATION	0.04	2.5	
ANGIELEN LLC	32-13403	Decreed	11/12/1974	STOCKWATER	0.22	0.0	
AQUA PURA INC	35-7907	License	2/7/1980	DOMESTIC	0.04	0.0	
ARMENTA, JUAN; SANCHEZ, BLANCA	37-23654	Decreed	9/20/1974	IRRIGATION	0.07	5.0	
ATKINSON, ANDREW ; ATKINSON, MARY	29-13736	License	2/21/2006	DOMESTIC	0.08	0.0	
BABEL, PAUL; HAMPTON, WALLACE; PARKS, FRED A	25-7083	License	1/28/1976	DOMESTIC	0.06	0.0	
BAGBY, JESSICA; BAGBY, NASH	45-14561	Decreed	6/1/1939	IRRIGATION	0.09	7.0	
BAH REXBURG AC PROPERTY LLC	22-11451	Decreed	8/31/1960	IRRIGATION	0.04	2.0	
BAILEY, JULIE A; BAILEY, STEVEN E	35-8619	License	9/24/1985	IRRIGATION, STOCKWATER	0.04	0.5	
BAISCH, ROBERT L	35-7481	License	2/21/1975	DOMESTIC	0.08	0.0	
BAM PROPERTIES LLC	29-2495	Decreed	8/12/1964	IRRIGATION	0.61	28.5	
BANDY, BONNIE; BANDY, BRADLEY W	36-7473	Decreed	5/14/1974	IRRIGATION	0.02	1.0	
BANNOCK COUNTY	29-7329	Decreed	5/12/1976	IRRIGATION	0.82	61.1	
BANNOCK COUNTY	29-7972	License	5/5/1990	DIVERSION TO STORAGE, IRRIGATION, RECREATION STORAGE	0.48	61.1	
BARBEN, GORDON E; SAMPSON, KEN	27-7025	License	4/2/1973	DOMESTIC	0.08	0.0	
BARKDULL, CARL; BARKDULL, KATHLEEN	29-7619	Decreed	1/5/1982	DOMESTIC, IRRIGATION	0.02	1.2	
BARNA, BASIL; SNARR, DELMAR; SNARR, MARGARET; SNARR, MERLAND E; SNARR, ROBERT B; SUMMERS, RON	35-12291	Decreed	6/1/1945	DOMESTIC	0.11	0.0	
BARRUS, KEITH; MINKS, ROY; PLOCK, STEPHEN R; SCHNEIDER, SCOT L	25-7080	Decreed	1/28/1976	DOMESTIC	0.11	0.0	
BARTAUSKY, TOM	27-7404	License	4/8/1985	IRRIGATION	1	50.0	
BARTAUSKY, TOM	27-7432	License	7/10/1987	IRRIGATION	0.7	35.0	
BARTAUSKY, TOM; BLEAZARD, ELCY	27-12209	License	8/22/1991	IRRIGATION	0.11	5.3	
BARTLETT, ERWIN; BARTLETT, JANICE	45-7653	License	6/6/1989	COMMERCIAL	0.04	0.0	
BASIC AMERICAN INC	22-13806	Decreed	6/30/1945	COMMERCIAL, DOMESTIC, STOCKWATER	0.38	0.0	
BATES, ROBERT W; BATES, SHARON H; WILKINS, ELMA; WILKINS, LLOYD	25-7357	Decreed	6/16/1983	DOMESTIC	0.06	0.0	
BATT, ALAN C; BATT, MILLIE	25-7109	Decreed	5/2/1977	IRRIGATION	3.03	229.0	
BEAN, BRENT	45-14562	Decreed	6/1/1939	IRRIGATION	0.03	2.0	
BEAR ISLAND WATER ASSN INC	35-8672	License	9/6/1988	DOMESTIC	0.2	0.0	
BELL, JAMIE; BELL, TROY	29-14451	Decreed	10/28/1953	IRRIGATION	0.06	6.9	

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List of Ground Water Rights Junior to October 11, 1900
(highlighted rights have 15-days to join a ground water district)

Owner	Water Right No.	Basis	Priority Date	Water Use List	Diverslon Rate (cfs)	Total Acres	Enlargement
BELL, JAMIE; BELL, TROY	29-14424	Decreed	6/23/1977	IRRIGATION	0.06	6.9	
BENSON, CLIFFORD; BENSON, LADAWN C	35-8124	Permit	3/25/1983	IRRIGATION	6.4	320.0	
BEORCHIA, MICHAEL; BEORCHIA, REVA	35-14830	Decreed	1/26/1962	IRRIGATION	0.02	2.3	
BEVAN, DONNA; BEVAN, THOMAS	35-14773	Decreed	4/27/1964	IRRIGATION	0.08	2.0	
BEVAN, JOHN; BEVAN, LOU; BEVAN, STEVE; COSSABOOM, JUDY; WALTERS, DEANNA	29-4325	Decreed	5/30/1939	IRRIGATION	0.13	5.0	
BEVAN, JOHN; BEVAN, LOU; BEVAN, STEVE; COSSABOOM, JUDY; WALTERS, DEANNA	29-4326	Decreed	4/20/1952	IRRIGATION	1.78	150.0	
BEYER, PATRICK	25-7313	Decreed	4/11/1983	DOMESTIC, IRRIGATION	0.05	0.7	
BIG FIVE WATER ASSN	25-7199	Decreed	7/24/1980	DOMESTIC	0.11	0.0	
BIG J FARMS LLC; JAG FARMS LLC	35-14950	Decreed	9/12/1955	IRRIGATION	0.56	345.6	
BIG J FARMS LLC; JAG FARMS LLC	35-14951	Decreed	5/26/1958	IRRIGATION	0.59	345.6	
BIG J FARMS LLC; JAG FARMS LLC	35-14945	Decreed	12/1/1969	IRRIGATION	1.88	345.6	
BIG J FARMS LLC; JAG FARMS LLC	35-14946	License	11/30/1982	IRRIGATION	1.28	345.6	
BIG J FARMS LLC; JAG FARMS LLC	35-14948	License	11/30/1982	IRRIGATION	0.27	345.6	
BIG J FARMS LLC; JAG FARMS LLC	35-14947	License	6/1/1989	IRRIGATION	0.08	345.6	
BIG J FARMS LLC; JAG FARMS LLC	35-14949	License	6/1/1989	IRRIGATION	0.21	345.6	
BIGGS, DONALD; BIGGS, HELEN ; BUSH, ROBERT; EATON, BENJAMIN; EATON, KENDRA; OCKERMAN, JOY	25-7082	Decreed	1/28/1976	DOMESTIC	0.16	0.0	
BINGHAM COUNTY	35-14757	License	9/21/1989	COMMERCIAL	0.13	0.0	
BINGHAM, BOYD A; BINGHAM, SHERRY R	36-8425	License	6/23/1989	IRRIGATION	0.88	105.0	
BINGHAM, CHERYL J; BINGHAM, MAX J	34-14528	Decreed	9/13/1961	IRRIGATION	0.07	4.0	
BINGHAM, CHERYL J; BINGHAM, MAX J	34-14529	Decreed	4/1/1977	IRRIGATION	0.01	4.0	Yes
BINGHAM, JERRY D; BINGHAM, VALERIE H	35-2183D	Decreed	9/5/1950	IRRIGATION	1.728	156.0	
BINGHAM, JERRY D; BINGHAM, VALERIE H	35-2202B	Decreed	8/9/1951	DOMESTIC, IRRIGATION	4.8	285.0	
BINGHAM, JERRY D; BINGHAM, VALERIE H	35-2266	Decreed	10/9/1952	IRRIGATION	3.1	391.0	
BINGHAM, JERRY D; BINGHAM, VALERIE H	35-2269G	Decreed	10/23/1952	IRRIGATION	4.35	391.0	
BINGHAM, JERRY D; BINGHAM, VALERIE H	35-12226	Decreed	4/1/1987	IRRIGATION	0.59	285.0	Yes
BINGHAM, LARRY	35-2205E	Decreed	11/9/1951	IRRIGATION	2.44	207.0	
BLACK HAWK HOMEOWNERS ASSN INC	25-14305	Decreed	8/10/1966	IRRIGATION	0.02	353.9	
BLACK HAWK HOMEOWNERS ASSN INC	25-14307	Decreed	8/10/1966	IRRIGATION	0.02	353.9	
BLACK HAWK HOMEOWNERS ASSN INC	25-14308	Decreed	8/10/1966	IRRIGATION	0.02	353.9	
BLACK HAWK HOMEOWNERS ASSN INC	25-14312	Decreed	8/10/1966	IRRIGATION	0.02	353.9	
BLACK HAWK HOMEOWNERS ASSN INC	25-14315	Decreed	8/10/1966	IRRIGATION	0.02	353.9	
BLACK HAWK HOMEOWNERS ASSN INC	25-7669	License	2/23/1999	DOMESTIC	1.05	0.0	
BLACK HAWK HOMEOWNERS ASSN INC	25-14395	License	8/28/2013	DOMESTIC	0.4	0.0	
BLAINE COUNTY SCHOOL DISTRICT #61	37-22205	Decreed	7/21/1961	MITIGATION	0.3	0.0	
BLAINE COUNTY SCHOOL DISTRICT #61	37-21742	License	4/17/2006	IRRIGATION	0.7	8.7	
BLAINE COUNTY SCHOOL DISTRICT #61	37-23102	Permlt	2/20/2018	IRRIGATION	0.38	4.8	
BLAKE, AMANDA	35-14013	License	2/19/2010	RECREATION STORAGE	0	0.0	
BLEDSE, HELEN M; HACKMAN, ERNEST A	35-7916	License	9/16/1980	DOMESTIC	0.08	0.0	
BLISS LLC	37-7761A	Decreed	5/8/1980	DOMESTIC, STOCKWATER	0.07	0.0	
BLUE SPRUCE RANCH LP	34-13941	Decreed	12/19/1950	IRRIGATION	0.83	41.4	
BLUE SPRUCE RANCH LP	34-10579	Decreed	8/2/1961	IRRIGATION	0.92	194.0	
BLUE SPRUCE RANCH LP	34-2433	Decreed	8/2/1961	IRRIGATION	2.34	194.0	
BOHMAN, JON MARC; BOHMAN, REBECCA S	25-14271	Decreed	8/10/1966	IRRIGATION	0.02	1.1	

Attachment A - Sorted by Owner
List of Ground Water Rights Junior to October 11, 1900
(highlighted rights have 15-days to join a ground water district)

Owner	Water Right No.	Basis	Priority Date	Water Use List	Diversion Rate (cfs)	Total Acres	Enlargement
BOISE PACKAGING & NEWSPRINT LLC	45-2568	Decreed	4/1/1958	DOMESTIC, FIRE PROTECTION FROM STORAGE, FIRE PROTECTION STORAGE, FIRE PROTECTION	0.09	0.0	
BOLINDER, CATHERINE L	27-7322	License	6/8/1982	DOMESTIC	0.06	0.0	
BONAWITZ, DANI; BONAWITZ, DUKE	36-8065	Decreed	2/17/1982	DOMESTIC, IRRIGATION	0.12	5.0	
BONNIE BARTON BANDY IRREVOCABLE TRUST	36-17287	Decreed	5/14/1974	IRRIGATION	0.08	4.0	
BORAH PEAK FARMS LLC	33-10080	Decreed	12/31/1927	DOMESTIC, STOCKWATER	0.14	0.0	
BORAN, MICHAEL J	35-11390	Decreed	6/1/1941	FISH PROPAGATION	20	0.0	
BORAN, MICHAEL J	35-42718	Decreed	6/1/1945	FISH PROPAGATION	50	0.0	
BORAN, MICHAEL J	35-8635B	Decreed	12/17/1986	FISH PROPAGATION	0.72	0.0	
BORAN, MICHAEL J	35-8782	License	5/23/1989	FISH PROPAGATION	4.64	0.0	
BOWEN, BRAD	25-12253	Decreed	12/17/1951	DOMESTIC, IRRIGATION	0.07	1.0	
BRADY, LANCE; BRADY, SHANNON; HAGAN, DANNY D; HAGAN, MARILYNN J	25-7330	Decreed	6/14/1983	DOMESTIC, IRRIGATION	0.08	0.4	
BRAY, CLAUDETTE; CAREY, JUNE G	45-11902	Decreed	3/15/1934	IRRIGATION	0.08	2.7	
BROWER, AMANDA; BROWER, JASON	29-14460	Decreed	10/28/1953	IRRIGATION	0.04	4.6	
BROWER, AMANDA; BROWER, JASON	29-14440	Decreed	6/23/1977	IRRIGATION	0.04	4.6	
BROWN ADELAIDE IV LLC	36-17362	Decreed	10/15/1968	IRRIGATION	3.9	240.0	
BROWN, BERTHA; BROWN, ROBERT L	29-2521	Decreed	5/27/1966	DOMESTIC, IRRIGATION	0.033	1.6	
BROWN, BERTHA; BROWN, ROBERT L	29-7428	Decreed	12/8/1977	DOMESTIC, IRRIGATION	0.29	8.8	
BROWN, GORDON; LAMCZYK, DANNY; LAMCZYK, JANE	27-7342	Decreed	2/16/1983	DOMESTIC, IRRIGATION	0.06	0.5	
BROWN, JAN A; BROWN, SID E; MOMBERGER, JESSE C	31-7510	License	11/14/1988	DOMESTIC, IRRIGATION, STOCKWATER	0.11	2.0	
BROWN, MELANIE E; BROWN, TOMMY H	29-12246	Decreed	1/31/1948	DOMESTIC	0.04	0.0	
BRP INC	25-7622	License	9/23/1998	DOMESTIC	0.23	0.0	
BRP INC	25-14504	Permit	10/12/2021	DOMESTIC	0.26	0.0	
BUNCE, MICHAEL F	29-7914	License	4/9/1990	DOMESTIC, IRRIGATION	0.09	6.0	
BURCHAM JR, J E; BURCHAM, BURVA J; BURCHAM, WESLEY E	29-7663A	Decreed	10/26/1982	DOMESTIC	0.1	0.0	
BURGESS SUBDIVISION WATER ASSN INC	25-7457	License	10/27/1988	DOMESTIC	0.11	0.0	
BURLEY HEALTHCARE HOLDING LLC	45-11194	Decreed	6/1/1960	DOMESTIC, IRRIGATION	0.15	5.5	
BURLEY IRRIGATION DISTRICT	45-10390	Decreed	6/19/1909	DOMESTIC	0.05	0.0	
BURLEY IRRIGATION DISTRICT	45-7720	License	9/27/1993	DOMESTIC	0.09	0.0	
BURNS CONCRETE INC	25-13982	License	12/18/2002	COMMERCIAL	3.53	0.0	
BURNS, KIRK E; SZIMHARDT, LINDA J	25-7426	License	6/6/1988	IRRIGATION	0.08	5.6	
BURRELL, GEORGE W; BURRELL, LURANA J; KEETCH, SHYANN; KEETCH, STETSON	29-13900	License	4/3/2009	DOMESTIC	0.08	0.0	
BURRUP, JOHN R; BURRUP, JON R	25-13085	Decreed	7/6/1958	COMMERCIAL, STOCKWATER	0.12	0.0	
CALDWELL, TED L	27-7117	Decreed	10/21/1977	IRRIGATION	0.21	20.0	
CALLEN JR, JERRY R; CALLEN, PATRICIA	36-14326	Decreed	7/15/1919	DOMESTIC, STOCKWATER	0.04	0.0	
CALLEN JR, JERRY R; CALLEN, PATRICIA	36-15514	Decreed	9/30/1919	STOCKWATER	0.03	0.0	
CARLSON, BRENT J	29-14446	Decreed	10/28/1953	IRRIGATION	0.01	1.3	
CARLSON, BRENT J	29-14426	Decreed	6/23/1977	IRRIGATION	0.01	1.3	
CARPENTER, BARBARA; CARPENTER, MAURICE	25-7193B	Decreed	4/30/1980	DOMESTIC, IRRIGATION, STOCKWATER	0.02	2.5	
CARROZZA, JACQUELYN; MATKIN, JEFFERY L	29-13974	Decreed	1/25/1962	IRRIGATION	0.09	46.7	
CARROZZA, JACQUELYN; MATKIN, JEFFERY L	29-2459B	Decreed	1/25/1962	IRRIGATION	0.12	46.7	
CARROZZA, JACQUELYN; MATKIN, JEFFERY L	29-13980	Decreed	1/27/1976	IRRIGATION	0.3	46.7	
CARROZZA, JACQUELYN; MATKIN, JEFFERY L	29-7386	Decreed	4/7/1977	IRRIGATION	0.21	46.7	
CARROZZA, JACQUELYN; MATKIN, JEFFERY L	29-13979	Decreed	10/31/1986	IRRIGATION	0.08	46.7	Yes
CARSTENS, JULIUS M J	25-7481	License	12/22/1988	IRRIGATION	0.04	1.4	

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CARTER, A LADD; CARTER, JANE M	35-13284	Decreed	2/23/1972	COMMERCIAL, STOCKWATER	0.3	0.0	
CARTER, HEATHER I; CARTER, VAL C	34-13901	Decreed	10/25/1965	IRRIGATION	4.27	239.0	
CARTER, TIERRA CANDICE; CARTER, WILSON ENGLAND	35-14932	Decreed	2/5/1981	IRRIGATION	0.65	36.0	
CASA DEL NORTE LP	37-7081	Decreed	12/8/1970	IRRIGATION	1.67	840.0	
CASSIA JOINT SCHOOL DISTRICT #151	45-14512	Decreed	3/15/1956	IRRIGATION	0.03	7.6	
CASSIA JOINT SCHOOL DISTRICT #151	45-14510	Decreed	12/19/1974	IRRIGATION	0.05	7.6	
CASSIA JOINT SCHOOL DISTRICT #151	45-14509	Decreed	3/22/1975	IRRIGATION	0.05	7.6	
CASSIA JOINT SCHOOL DISTRICT #151	45-14511	Decreed	4/28/1975	IRRIGATION	0.02	7.6	
CASSIDY, FRANCIS J; HANSEN, BARRY A; HANSEN, MARIAN; LINDLEY, ASHLEY M; LINDLEY, KEVIN I; RIJH INVESTMENTS LLC	25-7638	License	4/25/1995	DOMESTIC	0.1	0.0	
CASTRO JR, VICENTE; CASTRO, PATRICIA	36-17297	Decreed	2/4/1976	IRRIGATION	0.06	3.1	
CEYNAR, MARCENE; FANN, LAVEDA A; FANN, R E; FARNSWORTH, BETH; FARNSWORTH, JAY; PICKERING, CRAIG; PICKERING, VICKY	25-7272	Decreed	2/4/1982	DOMESTIC	0.1	0.0	
CHALCO LLC	25-14168	Decreed	12/10/1954	IRRIGATION	0.11	1876.1	
CHAMBERS, BOYD; HARRIS, JAMES; HARRIS, MARI; LOREN, RICHAN; STUEVE, KENNETH; SWEARINGER, ALDON; WADE, BILL	25-4210	Decreed	3/21/1960	DOMESTIC, IRRIGATION	0.19	2.4	
CHAMBERS, RALEIGH R	25-7343	License	6/27/1983	DOMESTIC	0.06	0.0	
CHAPMAN, GARY RAY; CHAPMAN, REBECCA LYNN	22-14405	Decreed	4/22/1979	IRRIGATION	0.04	2.0	
CHERRY, GLEN; CHERRY, ILA	29-12075	Decreed	4/20/1937	DOMESTIC	0.04	0.0	
CHERRY, MARY ANN; CHERRY, ROBERT	25-14402	Decreed	7/19/1973	IRRIGATION	0.02	1.2	
CHERYL LYNN BLOUNT & STEVEN GUY HERICKS LIVING TRUST	37-23115	Decreed	9/20/1974	IRRIGATION	0.02	1.7	
CHILDERS, LINDA MARIE; CHILDERS, RODNEY DEAN	37-23116	Decreed	9/20/1974	IRRIGATION	0.03	2.7	
CHILDERS, LINDA MARIE; CHILDERS, RODNEY DEAN	37-23209	Decreed	9/20/1974	IRRIGATION	0.02	1.8	
CHILDERS, LINDA MARIE; CHILDERS, RODNEY DEAN	37-23133	Decreed	9/20/1974	IRRIGATION	0.02	0.8	
CHRISTENSEN, ADAM W; NELSON, DIANE K	29-7706	License	5/21/1983	IRRIGATION	0.1	5.0	
CHRISTENSEN, BRAD LEE	29-14568	Decreed	8/3/1971	DOMESTIC, IRRIGATION, STOCKWATER	0.08	3.8	
CHRISTENSEN, BRAD LEE; CHRISTENSEN, KRISTI	29-7273	Decreed	7/3/1975	IRRIGATION	0.15	7.3	
CHRISTENSEN, BRAD LEE; CHRISTENSEN, KRISTI	25-7431	License	7/6/1988	DOMESTIC, IRRIGATION	0.09	1.6	
CHRISTENSEN, LANCE ISAAC	25-14621	Decreed	5/9/1977	IRRIGATION	0.98	49.0	
CIRCLE C LAND & CATTLE LLC	29-14012	Decreed	8/19/1952	MUNICIPAL	1.83	0.0	
CITY OF CHUBBUCK	29-14013	Decreed	8/19/1952	MUNICIPAL	2.25	0.0	
CITY OF CHUBBUCK	29-14058	Decreed	8/19/1952	MUNICIPAL	0.05	0.0	
CITY OF CHUBBUCK	29-14106	Decreed	8/18/1953	MUNICIPAL	0.93	0.0	
CITY OF CHUBBUCK	29-2385	Decreed	1/11/1957	MUNICIPAL	0.78	0.0	
CITY OF CHUBBUCK	29-2413	Decreed	6/25/1959	MUNICIPAL	1.1	0.0	
CITY OF CHUBBUCK	29-14055	Decreed	6/20/1961	MUNICIPAL	0.13	0.0	
CITY OF CHUBBUCK	29-14081	Decreed	6/20/1961	MUNICIPAL	0.025	0.0	
CITY OF CHUBBUCK	29-2469	Decreed	3/10/1963	MUNICIPAL	1.11	0.0	
CITY OF CHUBBUCK	29-14016	Decreed	1/17/1966	MITIGATION, MUNICIPAL	1.89	0.0	
CITY OF CHUBBUCK	29-14099	Decreed	5/2/1966	MUNICIPAL	2.52	0.0	
CITY OF CHUBBUCK	29-14056	Decreed	10/26/1966	MUNICIPAL	0.09	0.0	
CITY OF CHUBBUCK	29-14082	Decreed	10/26/1966	MUNICIPAL	0.018	0.0	
CITY OF CHUBBUCK	29-14096	Decreed	11/29/1971	MUNICIPAL	0.21	0.0	
CITY OF CHUBBUCK	29-14097	Decreed	11/29/1971	MUNICIPAL	0.02	0.0	
CITY OF CHUBBUCK	29-14054	Decreed	12/31/1974	MUNICIPAL	1.47	0.0	
CITY OF CHUBBUCK	29-14080	Decreed	12/31/1974	MUNICIPAL	0.266	0.0	

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CITY OF CHUBBUCK	29-14107	Decreed	12/3/1980	MUNICIPAL	0.61	0.0	
CITY OF OAKLEY	45-10803	Decreed	1/1/1930	MUNICIPAL	0.45	0.0	
CITY OF OAKLEY	45-2323B	Decreed	2/19/1950	DOMESTIC, STOCKWATER	0.5	0.0	
CLAYSON, CASEY; CLAYSON, SHANE	45-7496	Decreed	1/27/1982	DOMESTIC, IRRIGATION	0.06	0.7	
CLINGER, IIA; CLINGER, LELAND	29-2267A	Decreed	10/16/1949	DOMESTIC	0.08	0.0	
CLOSE, ROBERT; CLOSE, SALLY	25-11547	Decreed	1/31/1959	DOMESTIC, IRRIGATION	0.07	1.0	
COLLINS JR, FLOYD I; COLLINS, LINDA M	34-7072	Decreed	5/22/1974	IRRIGATION	0.68	34.0	
COMORE DEVELOPMENT INC	25-14240	License	6/1/1989	IRRIGATION	1.95	2634.0	
COMORE DEVELOPMENT INC	25-14488	License	8/5/2020	DOMESTIC	0.27	0.0	
COMORE LOMA WATER CO INC	25-7040	Decreed	9/17/1973	DOMESTIC	0.2	0.0	
COMORE LOMA WATER CO INC	25-7042	Decreed	10/26/1973	DOMESTIC	0.08	0.0	
COMORE LOMA WATER CO INC	25-7161	Decreed	9/29/1978	DOMESTIC	0.98	0.0	
COMORE LOMA WATER CORP	25-14243	Decreed	5/6/1957	IRRIGATION	0.53	2634.0	
COMORE LOMA WATER CORP	25-12706	Decreed	7/1/1960	DOMESTIC, IRRIGATION	0.13	2634.0	
COMORE LOMA WATER CORP	25-14340	Decreed	3/20/1961	IRRIGATION	0.56	2634.0	
COMORE LOMA WATER CORP	25-14242	Decreed	5/1/1980	IRRIGATION	0.29	2634.0	Yes
COMORE LOMA WATER CORP	25-14487	License	6/1/1989	IRRIGATION	1.31	2634.0	
COMORE LOMA WATER CORP	25-14505	License	6/1/1989	IRRIGATION	0.57	2634.0	
COMORE LOMA WATER CORP	25-7578	Decreed	8/29/1990	DOMESTIC	0.3	0.0	
COMORE LOMA WATER CORP	25-7652	Decreed	12/11/1996	DOMESTIC	1.33	0.0	
COMORE LOMA WATER CORP	25-14166	License	3/28/2005	DOMESTIC	0.58	0.0	
COMORE LOMA WATER CORP	25-14167	License	4/12/2005	DOMESTIC	0.21	0.0	
COMORE LOMA WATER CORP	25-14183	License	4/29/2006	DOMESTIC	0.5	0.0	
COMORE LOMA WATER CORP	25-14484	License	4/17/2020	DOMESTIC	0.38	0.0	
COMORE LOMA WATER CORP	25-14506	License	8/5/2020	DOMESTIC	0.18	0.0	
CONSOLIDATED AG PROPERTIES LLC	45-24488	Decreed	6/1/1953	STOCKWATER	0.17	0.0	
COOK, CHARLES S; COOK, JUDITH; SORESENSEN, BARRY	35-10512	Decreed	6/15/1952	COMMERCIAL, DOMESTIC, STOCKWATER	0.11	0.0	
COOK, DANNY; COOK, DARRELL L	35-7979	License	5/5/1981	DOMESTIC	0.06	0.0	
COOK, DONALD J	35-7362	License	12/27/1973	DOMESTIC, STOCKWATER	0.05	0.0	
COOK, JESSICA; COOK, STEVEN MATTHEW	45-14570	Decreed	6/1/1939	IRRIGATION	0.09	7.5	
COOK, KARL T; COOK, MOLLY M	35-14944	Decreed	2/13/1956	IRRIGATION	1.29	161.8	
COOK, KARL T; COOK, MOLLY M	35-14942	Decreed	4/1/1962	IRRIGATION	0.77	161.8	
COOK, KARL T; COOK, MOLLY M	35-14943	Decreed	1/24/1978	IRRIGATION	1.96	161.8	
COOK, STEVEN MATTHEW; COOK, TRISTA	45-14571	Decreed	6/1/1939	IRRIGATION	0.06	4.5	
CORDES, RONALD A	25-7488	License	2/14/1989	DOMESTIC, IRRIGATION	0.1	3.0	
CORDON TRAILER COURT	25-10195	Decreed	3/11/1960	COMMERCIAL	0.13	0.0	
CORP OF THE PRESIDING BISHOP	31-10340	Decreed	5/1/1932	DOMESTIC	0.04	0.0	
CORP OF THE PRESIDING BISHOP	25-4237	Decreed	5/8/1935	DOMESTIC	0.16	0.0	
CORP OF THE PRESIDING BISHOP	45-13877	Decreed	10/1/1952	IRRIGATION	0.04	2.0	
CORP OF THE PRESIDING BISHOP	45-13878	Decreed	10/1/1952	IRRIGATION	0.04	2.0	
CORP OF THE PRESIDING BISHOP	22-7438	Decreed	7/20/1983	DOMESTIC	0.28	0.0	
COUNTRY CLUB WATER	25-14447	Decreed	1/27/1976	IRRIGATION	0.03	18.7	
COUNTRY CLUB WATER	25-14448	Decreed	10/31/1986	IRRIGATION	0.01	18.7	Yes
COUNTY OF BANNOCK	29-13466	License	1/14/2003	COMMERCIAL	1.78	0.0	
COUNTY OF JEFFERSON	25-13985	License	5/13/2003	RECREATION STORAGE	0	0.0	

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COX, ED; COX, PATRICIA	29-7903	License	4/17/1990	IRRIGATION	0.04	2.0	
CRANDALL, JEFF; CRANDALL, SUSAN	35-8658	License	11/2/1985	DOMESTIC	0.06	0.0	
CRANE CROPS LLC	45-7303	Decreed	5/10/1977	IRRIGATION, STOCKWATER	1.28	62.0	
CRANE, KARI L; CRANE, TROY W	45-4067B	Decreed	8/1/1962	IRRIGATION	1.46	73.0	
CRANER, DAVID A; CRANER, HELEN B	45-7442	Decreed	4/4/1980	IRRIGATION	0.12	4.0	
CRANNEY LAND COMPANY LLC	45-2639	Decreed	2/20/1961	IRRIGATION	3.48	196.0	
CRARY INDUSTRIES INC	36-11369	Decreed	8/20/1959	COMMERCIAL	0.03	0.0	
CRAWFORD, GAYLE; CRAWFORD, JOHN S	36-17138	Decreed	3/7/1978	IRRIGATION	0.04	2.3	
CROMWELL, VERNAL D	25-7446	License	10/21/1988	DOMESTIC	0.06	0.0	
CROP PRODUCTION SERVICES	25-4250	Decreed	3/8/1963	COMMERCIAL	0.1	0.0	
CROTTS, RICHARD S; MC CONNELL, FRANCES L	37-23627	Decreed	9/20/1974	IRRIGATION	0.08	6.4	
CRYSTAL POND ANGLERS ASSN INC	22-7577	License	8/24/1988	RECREATION STORAGE	0	0.0	
CUNDICK, LARRY; CUNDICK, ROSALYNN	37-23213	Decreed	9/20/1974	IRRIGATION	0.02	1.6	
D & C PROPERTIES LLC	25-14596	Permit	8/4/2010	INDUSTRIAL	2	0.0	
D & M WATER ASSN	29-7281	Decreed	8/4/1975	DOMESTIC	0.26	0.0	
D & M WATER ASSN	29-7367	Decreed	2/7/1977	DOMESTIC	0.4	0.0	
D & M WATER ASSN	29-7912	License	4/2/1990	DOMESTIC	0.04	0.0	
DANCING DRAGONFLY LLC	25-4165	Decreed	6/19/1959	DOMESTIC, IRRIGATION	0.16	2.0	
DANIEL, BRENDA	25-7447	License	10/25/1988	IRRIGATION	0.02	1.0	
DANIEL, BRENDA; DANIEL, DAVID S	25-7261	Decreed	10/8/1981	DOMESTIC, IRRIGATION, STOCKWATER	0.04	2.0	
DANIEL, MELVIN R JR	25-7538	License	9/19/1989	COMMERCIAL	0.07	0.0	
DARCEL L HULSE TRUST	25-14185	Decreed	4/1/1903	IRRIGATION	0.06	2.0	
DASCANIO, ELIZABETH; DASCANIO, JUSTIN	35-14588	Decreed	12/31/1940	IRRIGATION	0.16	15.0	
DASCANIO, ELIZABETH; DASCANIO, JUSTIN	35-14587	Decreed	3/5/1948	IRRIGATION	0.11	15.0	
DASCANIO, ELIZABETH; DASCANIO, JUSTIN	35-14589	Decreed	9/28/1981	IRRIGATION	0.01	15.0	
DAVENPORT, KENDALL E; DAVENPORT, YOLANDA L	22-10395	Decreed	4/1/1947	DOMESTIC, IRRIGATION	0.06	1.1	
DAVID GREENE LIVING TRUST	37-23211	Decreed	9/20/1974	IRRIGATION	0.04	3.4	
DAVIS, BRIAN L	29-14462	Decreed	10/28/1953	IRRIGATION	0.01	1.5	
DAVIS, BRIAN L	29-14442	Decreed	6/23/1977	IRRIGATION	0.01	1.5	
DAVISON, NANCY; DAVISON, RANDY LEE	25-7017A	Decreed	3/20/1972	IRRIGATION	0.42	21.0	
DAW, ADELE S; DAW, TERRELL B	25-14255	Decreed	8/10/1966	IRRIGATION	0.02	1.2	
DE GIULIO RANCHES INC	35-10346	Decreed	6/1/1901	DOMESTIC, STOCKWATER	0.09	0.0	
DE MOSS, GARY A; DE MOSS, HELEN	37-22168	Decreed	9/20/1974	IRRIGATION, STOCKWATER	1.61	802.0	
DEES, ELDON G; DEES, KATHALINE; DEES, RONALD K; DEES, SHIRLEY	25-7351	Decreed	6/24/1983	DOMESTIC, STOCKWATER	0.06	0.0	
DERBYHAWK LLC	25-7553	License	9/27/1989	DOMESTIC	0.11	0.0	
DIETRICH SCHOOL DISTRICT #314	37-4317	Decreed	8/1/1935	DOMESTIC	0.09	0.0	
DIRKS, SHANE LEE; DIRKS, TANYA MARIE	34-14960	Decreed	9/13/1961	IRRIGATION	1.88	109.0	
DIRKS, SHANE LEE; DIRKS, TANYA MARIE	34-14961	Decreed	4/1/1977	IRRIGATION	0.3	109.0	Yes
DIXON, ANNIE; JAHN, ROBERT	35-7823	License	11/22/1978	DOMESTIC, STOCKWATER	0.05	0.0	
DOBSON RANCH	31-11429	Decreed	6/21/1957	DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	13.45	1561.6	
DOUBLE EAGLE PROPERTIES LLLP	45-14459	Decreed	10/11/1929	IRRIGATION	0.1	21.8	
DOUBLE EAGLE PROPERTIES LLLP	45-14460	Decreed	5/10/1946	IRRIGATION	0.12	21.8	
DOUBLE EAGLE PROPERTIES LLLP	45-14461	Decreed	2/20/1952	IRRIGATION	0.08	21.8	
DOUBLE EAGLE PROPERTIES LLLP	45-14462	Decreed	6/30/1985	IRRIGATION	0.08	21.8	

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DOUG ANDRUS DISTRIBUTING INC	35-12529	Decreed	1/1/1950	COMMERCIAL	0.18	0.0	
DREW, STAN	29-8237	License	4/17/2000	DOMESTIC	0.11	0.0	
DUNCAN, PATRICIA MCCARDELL; MC CARDELL, PETER D; MC CARDELL, RICHARD KEITH	29-10844	Decreed	1/4/1943	DOMESTIC, IRRIGATION, STOCKWATER	0.06	4.0	
EAMES, LINDA J	25-7643	License	12/4/1995	DOMESTIC	0.18	0.0	
EAST FAIRVIEW WATER WELL CO	25-12791	Decreed	4/1/1961	DOMESTIC	0.11	0.0	
EDEN, GARY T; EDEN, GLENNA R	37-8363	License	8/6/1988	COMMERCIAL, DOMESTIC, STOCKWATER	0.05	0.0	
EDSTROM CONSTRUCTION PROPERTIES LLP	22-14542	Permit	3/27/2023	INDUSTRIAL STORAGE, INDUSTRIAL, RECREATION STORAGE	4	0.0	
EDWARDS, LA DONNA; EDWARDS, SAMUEL	35-8793	License	6/13/1989	DOMESTIC	0.04	0.0	
ELDER, GLEN O; ELDER, JUNE R	29-4000	Decreed	6/1/1947	DOMESTIC, IRRIGATION, STOCKWATER	0.08	4.0	
ELDRIDGE, DALE C; ELDRIDGE, RENEE J	37-10142	Decreed	5/1/1951	COMMERCIAL, DOMESTIC, STOCKWATER	0.08	0.0	
ELK RIDGE RV LLC	36-17282	Decreed	2/2/1954	COMMERCIAL	0.11	0.0	
ELK RIDGE RV LLC	36-17283	Decreed	3/1/1975	COMMERCIAL	0.03	0.0	Yes
ELLIOTT, DAVID S; ELLIOTT, JANICE	25-14314	Decreed	8/10/1966	IRRIGATION	0.02	1.0	
ELIIS, RANDY; HAINES, KENNETH; SIMMONS, LARRY W; SMITH, RICKY; SMITH, ROGER; WHEELER, BLISS	35-8821	License	9/13/1989	DOMESTIC	0.04	0.0	
EMPEY, BRUCE; EMPEY, JEANETTE C	25-7098	Decreed	8/5/1976	DOMESTIC, IRRIGATION	0.05	6.0	
EVANS, LOIS C; EVANS, MYRON C	31-10061	Decreed	12/31/1976	DOMESTIC	0.04	0.0	
F & C TRUCKING LLC	36-17067	Decreed	9/8/1962	COMMERCIAL, STOCKWATER	0.09	0.0	
FALCON RIDGE HOA	25-14181	License	1/27/2006	DOMESTIC	0.31	0.0	
FALLING TREE WELL CO	35-8815	License	9/20/1989	DOMESTIC	0.04	0.0	
FALLS IRRIGATION DISTRICT / US BUREAU OF RECLAMATION	29-2267	Decreed	10/16/1949	IRRIGATION	0.44	0.0	
FALLS IRRIGATION DISTRICT / US BUREAU OF RECLAMATION	29-2288	Decreed	5/19/1950	IRRIGATION	2	0.0	
FALLS IRRIGATION DISTRICT / US BUREAU OF RECLAMATION	29-13388	Decreed	6/18/1950	IRRIGATION	2.3	0.0	
FALLS IRRIGATION DISTRICT / US BUREAU OF RECLAMATION	29-13389	Decreed	6/18/1950	IRRIGATION	0.21	0.0	
FALLS IRRIGATION DISTRICT / US BUREAU OF RECLAMATION	29-2306	Decreed	7/2/1951	IRRIGATION	2.8	0.0	
FALLS IRRIGATION DISTRICT / US BUREAU OF RECLAMATION	29-2307	Decreed	7/2/1951	IRRIGATION	2	0.0	
FALLS IRRIGATION DISTRICT / US BUREAU OF RECLAMATION	29-2310	Decreed	12/22/1951	IRRIGATION	1.6	0.0	
FALLS IRRIGATION DISTRICT / US BUREAU OF RECLAMATION	29-13426	Decreed	1/15/1952	IRRIGATION	2.02	0.0	
FALLS IRRIGATION DISTRICT / US BUREAU OF RECLAMATION	29-13427	Decreed	1/15/1952	IRRIGATION	0.73	0.0	
FALLS IRRIGATION DISTRICT / US BUREAU OF RECLAMATION	29-2614	Decreed	2/16/1953	IRRIGATION	1.52	0.0	
FARMS LLC	29-14051	Decreed	2/23/1966	IRRIGATION	0.02	1.5	
FAULKNER LAND & LIVESTOCK CO INC	37-10597	Decreed	12/31/1949	DOMESTIC, STOCKWATER	0.17	0.0	
FEATHERSTON, SHIRLEY K	35-10999	Decreed	12/31/1927	DOMESTIC, IRRIGATION, STOCKWATER	0.1	1.3	
FERGUSON, JEANINE; FERGUSON, LARRY G	25-10022	Decreed	12/31/1937	DOMESTIC, IRRIGATION, STOCKWATER	0.14	1.0	
FERRERA, ANGELA; FERRERA, DAVID	29-14459	Decreed	10/28/1953	IRRIGATION	0.01	1.8	
FERRERA, ANGELA; FERRERA, DAVID	29-14439	Decreed	6/23/1977	IRRIGATION	0.02	1.8	
FIELDS, KAREN C; FIELDS, VIRGIL	37-7699	Decreed	2/23/1978	DOMESTIC, STOCKWATER	0.2	0.0	
FINK, CONNIE LEE; FINK, DAN ROBERT	25-14260	Decreed	8/10/1966	IRRIGATION	0.03	1.4	
FOSTER COMPANY	25-14292	Decreed	2/15/1951	IRRIGATION	0.51	65.9	
FOSTER LAND AND CATTLE	22-14749	Decreed	2/24/1953	IRRIGATION	0.01	16.0	
FOSTER LAND AND CATTLE	22-14750	Decreed	6/7/1957	IRRIGATION	0.01	16.0	
FOSTER LAND AND CATTLE	22-14748	Decreed	8/4/1979	IRRIGATION	0.02	16.0	
FOUR SEASONS WATER CO	27-7351	License	4/20/1983	DOMESTIC	0.29	0.0	
FOUR SQUARE WATER WELL CORP	25-7327	Decreed	2/4/1985	DOMESTIC, IRRIGATION	0.16	3.0	
FRANKLIN DON WIXOM & ZOE FAR WIXOM FAMILY TRUST	45-10575	Decreed	3/15/1939	IRRIGATION, STOCKWATER	0.1	5.0	

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FREEMAN, DIANE WALKER; FREEMAN, DONALD WALTER	35-14952	Decreed	1/26/1962	IRRIGATION	0.04	3.3	
FREEMAN, MARK E	25-14306	Decreed	8/10/1966	IRRIGATION	0.02	2.0	
FREEMAN, MARK E	25-14311	Decreed	8/10/1966	IRRIGATION	0.02	2.0	
FULLMER JR, ALBERT W; FULLMER, ELEANOR	34-2437A	Decreed	9/5/1961	IRRIGATION	0.02	1.5	
FULLMER, APRIL; FULLMER, NICHOLAS	25-4106	Decreed	4/1/1959	IRRIGATION	0.05	1.7	
FUNK, BRENT; FUNK, CHALET	36-17181	Decreed	11/28/1977	IRRIGATION, MITIGATION BY NON-USE	2.14	104.7	
FUNK, LEROY; FUNK, RONDA	45-2672	Decreed	10/26/1961	IRRIGATION	1	71.0	
G5 LAND COMPANY LLC	45-2688B	Decreed	10/17/1962	COMMERCIAL	0.04	0.0	
GAIL E TOLMAN & J THOMAS PARKER TRUST	29-4440	Decreed	5/1/1933	DOMESTIC, IRRIGATION	0.04	1.0	
GALKA, MAGDALENA B; WAS, ALEKSANDER P; WAS, PIOTR B	34-14622	Decreed	12/17/1961	IRRIGATION	0.03	1.7	
GAMETT, CHANDOS; GAMETT, WESTON	34-14972	Decreed	12/31/1962	IRRIGATION	0.04	2.0	
GENERAL MILLS OPERATIONS INC	35-2857B	Decreed	1/16/1967	INDUSTRIAL	0.23	0.0	
GERRATT, LARRY	45-2180	Decreed	10/13/1934	IRRIGATION	2	151.0	
GERRATT, LARRY	45-11613	Decreed	7/22/1955	IRRIGATION	0.6	151.0	
GERRATT, LARRY; GERRATT, REX	45-11441	Decreed	4/1/1960	COMMERCIAL, DOMESTIC, STOCKWATER	0.07	0.0	
GIBBY, REED	45-13990	Ucense	2/10/2006	DOMESTIC	0.09	0.0	
GILLEN, NORMAN	27-7585	Ucense	4/20/1999	DOMESTIC	0.14	0.0	
GLANBIA FOODS INC	36-16213	Decreed	11/11/1959	MITIGATION	2.6	400.0	
GLANBIA FOODS INC	36-16215	Decreed	11/15/1970	MITIGATION	3.9	410.0	
GLANBIA FOODS INC	36-16219	Decreed	5/26/1971	MITIGATION	0.33	400.0	Yes
GLANBIA FOODS INC	36-16217	Decreed	5/16/1980	MITIGATION	0.96	400.0	
GO LLC	27-12180	Decreed	9/30/1905	COMMERCIAL, INDUSTRIAL	0.76	0.0	
GONZALES, FERNANDO B; GONZALES, IRENE H	29-7238	Decreed	10/31/1974	DOMESTIC, IRRIGATION	0.11	8.0	
GONZALES, FERNANDO B; GONZALES, IRENE H	29-7984	Decreed	4/23/1990	IRRIGATION	0.03	8.0	
GONZALEZ, LAURA; ORTIZ, JULIO	29-14346	Decreed	12/16/1963	IRRIGATION	0.03	2.0	
GOODLIFFE, ARNOLD J; GOODLIFFE, BECKY B	29-8044	Ucense	4/2/1990	IRRIGATION	0.06	2.0	
GOODWIN EXCAVATING LLC; POCATELLO READY MIX	35-14326	Decreed	5/2/1977	INDUSTRIAL	0.1	0.0	
GOUGH, JONATHAN; GOUGH, MEMORI DEANN	37-23212	Decreed	9/20/1974	IRRIGATION	0.03	2.7	
GOUGH, SHAUN	37-23373	Ucense	8/22/1988	IRRIGATION	0.03	1.5	
GRAFF, MICHAEL R	36-4206	Decreed	1/1/1952	DOMESTIC, IRRIGATION	0.04	2.0	
GRAVES, FRANCES M; GRAVES, RICHARD L	37-7371	Permit	7/31/1974	DOMESTIC, IRRIGATION, STOCKWATER	6.49	320.0	
GRAY, F SCOTT; HENRY, JOHN M; RODRIGUEZ, JAVIER P	25-7439	Ucense	8/15/1988	DOMESTIC, IRRIGATION	0.09	1.0	
GRAYBEAL, EMILY; GRAYBEAL, JASON	37-4052	Decreed	4/1/1962	DOMESTIC, IRRIGATION	0.08	1.4	
GRIMMETT, GARY D	35-8179	Decreed	8/2/1983	DOMESTIC, IRRIGATION	0.1	3.0	
GRISENTI, CHEYANNA; GRISENTI, TYSON	36-17209	Decreed	6/21/1960	IRRIGATION	0.08	4.0	
GROVER, ALICE MAE; GROVER, MELVIN G	25-7480	Ucense	1/9/1989	DOMESTIC, IRRIGATION, STOCKWATER	0.07	3.0	
GROVER, JACK H; GROVER, ROBERTA CAROL	35-10496	Decreed	4/1/1948	COMMERCIAL	0.02	0.0	
GUMMERSON, CHARLES E; GUMMERSON, REBECCA M	45-4033A	Decreed	8/1/1935	DOMESTIC, IRRIGATION, STOCKWATER	0.08	1.8	
GUNDERSON, ADEN	35-14176	Decreed	12/31/1940	IRRIGATION	0.21	20.0	
GUNDERSON, ADEN	35-14174	Decreed	3/5/1948	IRRIGATION	0.15	20.0	
GUNDERSON, ADEN	35-14178	Decreed	9/28/1981	IRRIGATION	0.01	20.0	
HALBERT, GILBERT I; HALBERT, KIM M	36-2371B	Decreed	12/31/1958	IRRIGATION	0.08	2.5	
HALE, LAUREN; HALE, NIC	29-14445	Decreed	10/28/1953	IRRIGATION	0.01	1.3	
HALE, LAUREN; HALE, NIC	29-14425	Decreed	6/23/1977	IRRIGATION	0.01	1.3	
HALL, BRIANNE; HALL, STEVEN	29-7628	Decreed	1/19/1982	IRRIGATION	0.12	7.6	

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HALL, DOUG; HALL, TAMARA	25-14289	Decreed	8/10/1966	IRRIGATION	0.04	2.0	
HALLINAN, KAYE; JENSEN, GARY L; JENSEN, GORDON L; JENSEN, J LYLE; JENSEN, M LEROY; JENSEN, TERRY L	29-2419	Decreed	10/26/1959	IRRIGATION	1.32	104.6	
HAMILTON LAND & LIVESTOCK LTD	25-4022	Decreed	2/7/1957	IRRIGATION	0.09	4.5	
HAMMOND, LORNA O; THE SHELTERED TRUST	35-8016	License	1/18/1982	DOMESTIC, STOCKWATER	0.06	0.0	
HANCOCK, DEAN	25-14496	Decreed	4/22/1979	IRRIGATION	0.02	1.0	
HANSEN, VIRGINIA E	45-4125	Decreed	3/20/1962	DOMESTIC, IRRIGATION	0.04	0.7	
HANSEN, WILLIAM KORBY	25-7458	License	11/8/1988	DOMESTIC, IRRIGATION	0.09	1.7	
HAROLDSEN, G ERIC; HAROLDSEN, GRANT O	25-7300	Decreed	1/5/1983	DOMESTIC, STOCKWATER	0.06	0.0	
HARRIS, BILL B	25-7489	License	2/23/1989	DOMESTIC, STOCKWATER	0.06	0.0	
HARRY, KIMBERLY A; HARRY, RICHARD C	34-2435A	Decreed	7/26/1961	IRRIGATION	1.54	71.0	
HART, DAVID J; HART, JAMES W	29-2395	Decreed	2/28/1958	IRRIGATION	2.11	215.2	
HART, ROBERT E	29-14263	Decreed	2/28/1958	IRRIGATION	0.7	71.8	
HASLAM, LAVORE	35-8629	License	4/8/1986	DOMESTIC, STOCKWATER	0.06	0.0	
HAWKINS, PENNY R; JONES, PHYLLIS J	34-2409A	Decreed	4/6/1961	IRRIGATION	2.2	132.0	
HAWKINS, PENNY R; JONES, PHYLLIS J	34-12034A	Decreed	6/20/1972	IRRIGATION	0.37	132.0	Yes
HAYES, AMY; HAYES, DESTRY	35-14638	Decreed	6/1/1938	IRRIGATION	0.04	3.3	
HAYES, AMY; HAYES, DESTRY	35-14639	Decreed	9/28/1981	IRRIGATION	0.02	3.3	
HEISE HOT SPRINGS INC	23-7016	Decreed	2/3/1976	IRRIGATION	0.36	14.5	
HELSLEY HENDRIX, JEANINE P; HELSLEY, BRIAN T	36-16561	Decreed	2/8/1971	IRRIGATION	0.03	3.0	
HENRIE, JAREM	25-7302	Decreed	1/25/1983	DOMESTIC, IRRIGATION, STOCKWATER	0.05	2.0	
HENSLEY, DEBORAH; HENSLEY, FLOYD EARL; LOCKES, BERNICE; REYNOLDS, LYNN; WESSEL, TERESA	25-7084	Decreed	1/28/1976	DOMESTIC	0.06	0.0	
HERITAGE DEVELOPMENT	29-8173	License	7/19/1996	DOMESTIC	0.27	0.0	
HERMELIA GONZALEZ FAMILY TRUST	29-14559	Decreed	2/4/1972	IRRIGATION	0.04	2.5	
HIGHWAY ESTATES WATER USERS INC	25-7038	Decreed	9/20/1973	DOMESTIC	0.2	0.0	
HIGLEY DEVELOPMENTS LLC	25-14444	Decreed	10/28/1953	IRRIGATION	0.05	2.8	
HILL, BARBARA; WRIGHT, LE ROY C; WRIGHT, MARILYN	25-14615	Decreed	5/12/1981	IRRIGATION	0.05	0.7	
HILL, BRENT; LLOYD, LINDA; MC GARY, DEBRA; MC GARY, STEPHEN	22-7584	License	8/30/1988	DOMESTIC, IRRIGATION	0.1	2.0	
HINCKLEY, LA PREAL	25-14005	License	10/12/2003	IRRIGATION	0.06	3.0	
HINTZE FARMS	34-10696	Decreed	4/26/1955	COMMERCIAL	0.04	0.0	
HINTZE, LIN F; HINTZE, S K	34-10702	Decreed	7/1/1955	COMMERCIAL	0.04	0.0	
HOFFBUHR INVESTMENT CO LLC	45-13668	Decreed	4/28/1951	IRRIGATION	0.02	1.0	
HOLDAWAY, CHAD	31-4069	Decreed	12/31/1961	DOMESTIC, STOCKWATER	0.16	0.0	
HOLLADAY, JAYSON C; HOLLADAY, RUTH R	29-2336	Decreed	7/1/1953	DOMESTIC, IRRIGATION	0.04	3.0	
HOLLAND, JOHN H; HOLLAND, JUDITH A	36-7112	Decreed	1/22/1970	IRRIGATION, STOCKWATER	0.84	40.0	
HOLMES, JENNIFER A; HOLMES, MARK E	34-7562	License	11/14/1994	DOMESTIC	0.1	0.0	
HOME ACRES WATER ASSN	29-4269	Decreed	9/1/1945	DOMESTIC, STOCKWATER	0.1	0.0	
HONDO, AKIYE I; HONDO, DANIEL A	45-2664	Decreed	8/30/1961	IRRIGATION	2	157.0	
HUETTIG, BRIAN J; HUETTIG, LARRY; HUETTIG, NANCY	36-16866	Decreed	1/8/1951	COMMERCIAL	0.03	0.0	
HUNSTMANS PROPERTIES	27-7511	License	4/20/1990	COMMERCIAL	0.33	0.0	
HUNTING, AUDREY	25-7453	License	10/28/1988	IRRIGATION	0.03	1.0	
HUTCHISON, JA NEAL; HUTCHISON, WINSTON	45-4218	Decreed	7/1/1958	IRRIGATION	0.05	1.5	
HYMAS, KIMBERLY; HYMAS, TORREY ERIC	29-14454	Decreed	10/28/1953	IRRIGATION	0.05	6.4	
HYMAS, KIMBERLY; HYMAS, TORREY ERIC	29-14434	Decreed	6/23/1977	IRRIGATION	0.06	6.4	

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ID DEPT OF FISH & GAME	29-13997	Decreed	1/21/1964	DIVERSION TO STORAGE, RECREATION STORAGE	0.12	0.0	
ID DEPT OF FISH & GAME	29-13998	License	2/10/2011	RECREATION STORAGE	0	0.0	
ID DEPT OF PARKS & RECREATION	36-17147	Decreed	8/7/1973	IRRIGATION	0.06	5.0	
ID DEPT OF TRANSPORTATION	37-20852	Decreed	9/20/1974	IRRIGATION	0.09	0.0	
ID DEPT OF TRANSPORTATION	22-7317	Decreed	1/31/1980	COMMERCIAL, DOMESTIC	0.04	0.0	
ID DEPT OF TRANSPORTATION	31-7372	Decreed	1/28/1982	INDUSTRIAL	0.05	0.0	
ID FISH & GAME COMMISSION	35-4271A	Decreed	6/1/1945	FISH PROPAGATION	50	0.0	
ID FISH & GAME COMMISSION	35-8635A	Decreed	12/17/1986	FISH PROPAGATION	0.72	0.0	
ID FISH & GAME COMMISSION	35-8679	License	12/26/1988	COMMERCIAL	1	0.0	
IDAHO AG CREDIT FLCA; SCHWENDIMAN, VAL E	22-13293	License	1/5/1992	IRRIGATION	7.11	528.0	
IDAHO AGRI INVESTMENTS LLC	45-14533	Decreed	9/6/1967	COMMERCIAL, STOCKWATER	3.01	0.0	
IDAHO AGRI INVESTMENTS LLC	45-7237	License	5/2/1975	DOMESTIC, STOCKWATER	0.08	0.0	
IDAHO DAIRY HOLDINGS LLC	45-14463	Decreed	6/17/1929	COMMERCIAL, STOCKWATER	0.3	0.0	
IDAHO FALLS COUNTRY CLUB INC	25-13372	Decreed	12/31/1961	COMMERCIAL, IRRIGATION	0.67	132.0	
IDAHO POWER COMPANY	29-8126	Decreed	1/26/1959	INDUSTRIAL	2.68	0.0	
IDAHO POWER COMPANY	45-7669	License	1/9/1990	DOMESTIC	0.06	0.0	
IDAHO RAIL INVESTMENT LLC	29-11027	Decreed	12/14/1917	INDUSTRIAL, IRRIGATION	0.11	1.4	
IDAHO STATE UNIVERSITY	29-7289	Decreed	9/22/1975	HEATING	1.12	0.0	
IDAHO WATER CO LLC	36-16909	Decreed	9/12/1973	IRRIGATION	0.06	485.0	
IDAHO WATER CO LLC	36-16911	Decreed	9/12/1973	IRRIGATION	0.1	485.0	
IDAHO WATER COMPANY LLC	29-14365	Decreed	12/24/1948	IRRIGATION	0.19	20.0	
IDAHO WATER COMPANY LLC	29-14366	Decreed	5/27/1974	IRRIGATION	0.1	20.0	
INFANGER, DEBRA A; INFANGER, JOHN N	37-23224	License	3/17/2020	DOMESTIC	0.15	0.0	
ISAAK, LAMAR	29-14319	Decreed	2/28/1977	IRRIGATION	0.56	38.0	
J R SIMPLOT CO	33-10092	Decreed	11/1/1961	DOMESTIC, STOCKWATER	0.15	0.0	
J R SIMPLOT CO	29-2515	Decreed	1/5/1966	IRRIGATION	2	196.0	
J R SIMPLOT CO	29-7036	Decreed	9/10/1969	DOMESTIC, INDUSTRIAL	0.03	0.0	
J R SIMPLOT CO	29-7089	Decreed	6/9/1972	IRRIGATION	1.08	195.0	
JACK C BROWN LIVING TRUST; PATRICIA BROWN LIVING TRUST	35-9072	License	12/7/1998	DOMESTIC	0.18	0.0	
JACOB, JANET; JACOB, PAUL	34-14814	Decreed	5/14/1977	IRRIGATION	0.21	10.7	
JACOBS, GEORGE J	25-7321	License	5/9/1983	DOMESTIC, STOCKWATER	0.08	0.0	
JANSS FARMS	37-7351	Decreed	4/12/1974	STOCKWATER	0.14	0.0	
JARVIS, WADE DEE	29-14360	Decreed	2/10/1987	IRRIGATION	0.02	1.5	
JEFFERSON SCHOOL DISTRICT #251	35-8683	License	12/2/1988	INDUSTRIAL	0.02	0.0	
JEFFERSON SCHOOL DISTRICT #251	25-7472	License	1/23/1989	DOMESTIC	0.07	0.0	
JEFFRIES, DAVID A; JEFFRIES, SARA E	37-23214	Decreed	9/20/1974	IRRIGATION	0.02	2.0	
JENSEN, CHRIS L	35-2092B	Decreed	3/30/1948	IRRIGATION	0.01	1.0	
JENSEN, CHRIS L	35-7411B	Decreed	4/3/1974	IRRIGATION	0.01	1.0	
JENSEN, GARY; JENSEN, LARRY	34-2409B	Decreed	4/6/1961	IRRIGATION	2.2	172.0	
JENSEN, GARY; JENSEN, LARRY	34-12034B	Decreed	6/20/1972	IRRIGATION	0.53	172.0	Yes
JENSON, RONALD; JENSON, SHARON	25-10156	Decreed	10/1/1959	DOMESTIC, IRRIGATION, STOCKWATER	0.09	1.5	
JEROME CHEESE CO	35-14253	Decreed	8/19/1952	MITIGATION	0.06	0.0	
JEROME CHEESE CO	36-16380	Decreed	9/12/1973	MITIGATION	0.11	0.0	
JOHN LEZAMIZ FAMILY LTD PARTNERSHIP	34-14808	Decreed	8/29/1960	DIVERSION TO STORAGE, IRRIGATION	0.27	13.5	
JOHN LEZAMIZ FAMILY LTD PARTNERSHIP	34-13890	Decreed	4/14/1961	IRRIGATION	2.31	248.1	

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JOHNSON, DON A; JOHNSON, LAURIE	25-7493	License	3/8/1989	DOMESTIC	0.06	0.0	
JOHNSON, E BUD	25-4227	Decreed	10/31/1956	DOMESTIC, IRRIGATION	0.11	1.2	
JOHNSON, MELISSA	25-7455	License	10/21/1988	DOMESTIC, IRRIGATION	0.07	1.0	
JOHNSON, RODNEY M; JOHNSON, SHERRY L	36-17277	Decreed	11/28/1977	IRRIGATION	0.04	2.0	
JOLLEY, BRYAN D; JOLLEY, TAMERA	35-4227B	Decreed	5/1/1959	IRRIGATION	0.02	1.0	
JONES, CLYDE R; JONES, HELEN	25-12037	Decreed	12/31/1948	IRRIGATION	0.108	5.4	
JONES, HEATHER; JONES, JUSTIN	29-14452	Decreed	10/28/1953	IRRIGATION	0.06	8.0	
JONES, HEATHER; JONES, JUSTIN	29-14432	Decreed	6/23/1977	IRRIGATION	0.07	8.0	
JONES, JACOB; JONES, REBECCA	29-14457	Decreed	10/28/1953	IRRIGATION	0.02	2.0	
JONES, JACOB; JONES, REBECCA	29-14437	Decreed	6/23/1977	IRRIGATION	0.02	2.0	
JONES, ROSA GAY	29-7913	License	4/3/1990	DOMESTIC, IRRIGATION	0.06	5.0	
JORY, GRACE; JORY, GRIFFIN WHEELER	29-14140	Decreed	9/25/1957	DOMESTIC, IRRIGATION	0.02	0.5	
JOURNEYS END HOMEOWNERS ASSN	35-13612	License	11/24/2003	DOMESTIC	0.4	0.0	
JOURNEYS END HOMEOWNERS ASSN	35-13611	License	1/13/2007	COMMERCIAL, DOMESTIC	0.11	0.0	
JUNIPER HILLS COUNTRY CLUB INC	29-13827	Decreed	1/29/1960	IRRIGATION	0.3	15.0	
JUNIPER HILLS COUNTRY CLUB INC	29-4433	Decreed	4/1/1960	IRRIGATION	2.27	113.3	
JUNIPER VIEW LLC	22-14339	License	4/10/2017	IRRIGATION	0.12	24.5	
K & J HOLDING LLC	31-10737	Decreed	12/12/1948	COMMERCIAL, DOMESTIC, STOCKWATER	0.04	0.0	
KAREY LANE WELL ASSN	35-7698	Decreed	8/11/1983	DOMESTIC	0.14	0.0	
KAREY LANE WELL ASSN	35-8943	License	5/3/1991	DOMESTIC	0.09	0.0	
KENNY AND CHELSIE HILL LIVING TRUST	29-14456	Decreed	10/28/1953	IRRIGATION	0.02	2.1	
KENNY AND CHELSIE HILL LIVING TRUST	29-14436	Decreed	6/23/1977	IRRIGATION	0.02	2.1	
KEYBANK NATIONAL ASSOC	25-7517	License	8/24/1989	COMMERCIAL	0.5	0.0	
KINGHORN, KARL	25-14338	Decreed	2/18/1958	IRRIGATION	1.37	47.9	
KIRBY, DORIS F; KIRBY, ELWOOD	35-7860	License	6/20/1979	DOMESTIC	0.08	0.0	
KIRKHAM JR, DALE B; KIRKHAM, DALE B	29-7941	License	3/31/1990	COMMERCIAL	0.08	0.0	
KLOEPFER INC	45-13665	Decreed	4/28/1951	IRRIGATION	0.42	24.0	
KNIFE RIVER CORPORATION MOUNTAIN WEST	25-14552	Permit	7/8/2024	DIVERSION TO STORAGE, INDUSTRIAL FROM STORAGE, INDUSTRIAL STORAGE, INDUSTRIAL	0.78	0.0	
KNOWLES, CHARLOTTE LUANN	45-14589	Decreed	9/27/1972	IRRIGATION	0.03	4.5	
KOCH MATERIALS CO	35-12087	Decreed	5/1/1962	COMMERCIAL, FIRE PROTECTION, INDUSTRIAL	0.11	0.0	
KOCH, DENNIS W; KOCH, DIANA E	45-13621	Decreed	7/14/1983	IRRIGATION	0.04	3.4	
KOON, JACK E	22-7751	License	9/18/1992	DOMESTIC	0.06	0.0	
KOPP, GWENDOLYN	25-7522	License	9/1/1989	DOMESTIC	0.04	0.0	
KROGSTAD, RYAN	25-11545	Decreed	4/1/1927	DOMESTIC, IRRIGATION, STOCKWATER	0.06	0.7	
KRUCKEBERG, ALEISHA; KRUCKEBERG, MATTHEW	35-14727	Decreed	12/31/1940	IRRIGATION	0.02	2.4	
KRUCKEBERG, ALEISHA; KRUCKEBERG, MATTHEW	35-14724	Decreed	3/5/1948	IRRIGATION	0.02	2.4	
KRUCKEBERG, ALEISHA; KRUCKEBERG, MATTHEW	35-14730	Decreed	9/28/1981	IRRIGATION	0.01	2.4	
KUBIAK, VERNON ROBERT	34-2366B	Decreed	5/12/1960	IRRIGATION	0.09	7.0	
KUGLER, DIANE K; KUGLER, JOHN B	35-8359	Permit	11/28/1984	IRRIGATION	6	313.0	
KULHANEK, DENNIS; KULHANEK, MAXINE	36-8503	License	2/21/1990	IRRIGATION	0.04	2.0	
KUNZLER, KAREN; KUNZLER, WILLIAM JUNIOR	45-2375E	Decreed	4/28/1951	IRRIGATION	0.03	1.5	
KURPUJWEIT, ALBERT J; KURPUJWEIT, NINA	29-12132	Decreed	5/1/1965	DOMESTIC, STOCKWATER	0.06	0.0	
L & S LAND HOLDINGS LLC	36-10098	Decreed	1/1/1935	DOMESTIC, STOCKWATER	0.05	0.0	
L & S LAND HOLDINGS LLC	36-17189	Decreed	11/26/1956	COMMERCIAL, STOCKWATER	0.13	0.0	

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L & S LAND HOLDINGS LLC	36-17188	Decreed	1/23/1973	COMMERCIAL, STOCKWATER	0.09	0.0	
L & S LAND HOLDINGS LLC	36-17242	Decreed	1/23/1973	COMMERCIAL, STOCKWATER	0.08	0.0	
L & S LAND HOLDINGS LLC	36-17190	Decreed	10/27/1973	COMMERCIAL, STOCKWATER	0.08	0.0	
L2 LTD PARTNERSHIP; L3 LTD PARTNERSHIP	36-17187	License	9/24/1979	COMMERCIAL, STOCKWATER	0.08	0.0	
LACEY, AKILAH; LACEY, HOLLY	32-4058	Decreed	7/1/1953	DOMESTIC, STOCKWATER	0.2	0.0	
LACEY, AKILAH; LACEY, HOLLY	29-14444	Decreed	10/28/1953	IRRIGATION	0.16	0.0	
LAIRD, WILLIAM G	29-14431	Decreed	6/23/1977	IRRIGATION	0.01	1.3	
LAMB WESTON INC	36-15071	Decreed	12/31/1947	COMMERCIAL, DOMESTIC	0.01	1.3	
LAMB, CORY W; LAMB, TERI G	35-14786	Permit	4/29/2022	INDUSTRIAL	0.11	0.0	
LAMBERT, LYLE; LAMBERT, NADINE	29-10645	Decreed	5/15/1960	IRRIGATION	15	0.0	
LONDON, JESSICA; LONDON, PAUL	29-7640	Decreed	5/17/1982	DOMESTIC, IRRIGATION, STOCKWATER	0.03	1.0	
LONDON, JULIE; LONDON, KELLY	25-14521	License	1/14/1983	IRRIGATION	0.04	1.0	
LANE JR, DALLAS R; LANE, CRYSTAL L KANDERIS	25-14475	Decreed	8/10/1966	IRRIGATION	0.11	10.0	
LANE JR, DALLAS R; LANE, CRYSTAL L KANDERIS	29-14450	Decreed	10/28/1953	IRRIGATION	0.04	2.0	
LARSEN, BLAINE L; LARSEN, CONNIE L	29-14430	Decreed	6/23/1977	IRRIGATION	0.02	2.8	
LARSEN, HELEN	31-12200	Decreed	2/17/1969	DOMESTIC	0.03	2.8	
LARSEN, JO ANN B	35-8127	License	4/28/1983	DOMESTIC, STOCKWATER	0.04	0.0	
LARSEN, PEGGY A; LARSEN, RICHARD J	25-7315	Decreed	4/12/1983	COMMERCIAL, DOMESTIC, IRRIGATION	0.08	0.0	
LARSON, BECKY J; LARSON, CHARLES W	31-7129	License	7/30/1974	DOMESTIC, STOCKWATER	0.19	1.0	
LAZY EIGHT ESTATES DIVISION 2 HOMEOWNERS ASSN INC	45-4160	Decreed	3/15/1962	IRRIGATION	0.08	0.0	
LAZY P FARMS; PAULS, DEBBRAH; PAULS, EMIL V; PAULS, RONALD	25-14189	License	10/26/2006	DOMESTIC	1.7	173.0	
LCSC ENTERPRISES LLC	37-8147	License	6/27/1983	DOMESTIC, IRRIGATION, STOCKWATER	0.5	0.0	
LEAVELL, ALONZO B	36-17359	Decreed	6/21/1955	COMMERCIAL	0.04	1.8	
LEE, CAROLYN C; LEE, LARRY O	37-11199	Decreed	4/1/1960	DOMESTIC	0.07	0.0	
LEHMAN, CLAUDIA; LEHMAN, MORRIS	31-7166A	Permit	6/27/1975	IRRIGATION	0.03	0.0	
LEMMON, JOYCE; LEMMON, MELVIN C	29-7333	Decreed	6/24/1976	DOMESTIC, IRRIGATION	3.2	160.0	
LES SCHWAB TIRE CENTERS OF IDAHO	34-10836	Decreed	6/1/1953	IRRIGATION	0.16	4.0	
LEZAMIZ, ROBIN J; TABER, LYNDA LU LEZAMIZ	36-11803	Decreed	11/15/1958	COMMERCIAL	0.04	1.9	
LIGHTHOUSE PROPERTIES LLC	37-10363	Decreed	9/1/1959	COMMERCIAL	0.38	0.0	
LIMA, GUADALUPE	25-7547	License	8/25/1989	IRRIGATION	0.11	0.0	
LINCOLN LAND CO LLC	36-17128	Decreed	9/20/1973	IRRIGATION	0.15	15.0	
LINTON, ROSE M; LINTON, WILLIAM D	25-2119	Decreed	6/10/1955	DOMESTIC	0.02	1.2	
LITTLE SKY FARMS LLP	29-12031	Decreed	4/20/1937	DOMESTIC, STOCKWATER	5.56	0.0	
LOFT 745 LLC C/O JOSH FOSTER	37-2526A	Decreed	11/28/1951	IRRIGATION	0.04	0.0	
LOJA LLC	25-14545	License	5/15/2024	COMMERCIAL	3.59	208.0	
LOJA LLC	25-13579	Decreed	9/1/1945	COMMERCIAL, DOMESTIC	0.04	0.0	
LONE STAR WATER USERS COOP ASSN INC	25-7424	License	4/1/1988	IRRIGATION	0.27	0.0	
LONG, DAVID JESSE; LONG, SYLVIA M	37-4344	Decreed	4/1/1940	COMMERCIAL, DOMESTIC, STOCKWATER	0.09	3.0	
LOOP, JACQUELINE	35-14908	Decreed	8/19/1977	IRRIGATION	0.07	0.0	
LORD, DONALD; LORD, JUDY	25-14486	License	9/19/1989	DOMESTIC, IRRIGATION	0.11	6.5	
LORD, DONALD; LORD, JUDY	34-13723	Decreed	6/18/1948	IRRIGATION	0.06	0.7	
LORDS, DARRELL M	34-13719	Decreed	4/19/1960	IRRIGATION	0.21	16.0	
LOVELAND, ANN; LOVELAND, KEVIN	35-8778	License	5/31/1989	IRRIGATION	0.1	16.0	
LOVELL, HOPE; LOVELL, JAMES R	29-14295	Decreed	10/26/1959	IRRIGATION	0.1	4.5	
	25-7598	License	9/25/1991	IRRIGATION	1.63	128.4	
					0.03	1.9	

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LYNCH, LESLIE R	36-7154	Decreed	1/25/1971	INDUSTRIAL	0.02	0.0	
M & N LAND LLC	45-14568	Decreed	2/1/1954	IRRIGATION	0.44	101.0	
M & N LAND LLC	45-14567	Decreed	12/10/1956	IRRIGATION	0.92	101.0	
MACY, CHANTELE L; MACY, SEAN C	27-12363	Decreed	10/21/1977	DOMESTIC, IRRIGATION	0.04	4.0	
MADISON SCHOOL DISTRICT #321	22-14474	Permit	5/13/2022	DOMESTIC	0.26	0.0	
MAEBE, RICHARD	36-10527	Decreed	5/1/1948	DOMESTIC, IRRIGATION	0.08	2.6	
MAGEE FAMILY TRUST	34-2294	Decreed	6/24/1950	IRRIGATION	0.12	197.4	
MAGEE FAMILY TRUST	34-13762	Decreed	11/28/1952	IRRIGATION	0.99	197.4	
MAGEE FAMILY TRUST	34-2399	Decreed	2/24/1961	IRRIGATION	1.52	197.4	
MAGEE FAMILY TRUST	34-14343	Decreed	4/1/1987	IRRIGATION	0.12	197.4	Yes
MAGIC VALLEY GROWERS LTD	37-20612	Decreed	6/1/1956	INDUSTRIAL	0.1	0.0	
MAGNIFY LAND CONSULTING LLC	36-17208	Decreed	4/13/1976	IRRIGATION	0.2	10.0	
MARLOWE, MARK; MARLOWE, MICHELLE	25-14319	Decreed	8/10/1966	IRRIGATION	0.02	1.0	
MARSHALL, BYRON GUY; MARSHALL, LORI ANN	29-14138	Decreed	2/10/1987	IRRIGATION	0.11	7.0	
MARSHALL, DON W	25-7462	License	11/10/1988	DOMESTIC, IRRIGATION	0.07	1.0	
MARTIAN, ERICA; MARTIAN, PETER	35-7855	Decreed	5/1/1979	COMMERCIAL, HEATING	0.04	0.0	
MARTIN, HAROLD D	35-13621	License	12/27/1989	DOMESTIC, IRRIGATION	0.04	0.8	
MATHESON, KATHLEEN; MATHESON, RICHARD F	27-12362	License	5/31/1983	COMMERCIAL, DOMESTIC, IRRIGATION	0.17	11.8	
MAXMILLION FARMS; SHRAMER, MAXINE R	35-8224	Decreed	6/30/1983	DOMESTIC, IRRIGATION	0.04	1.0	
MC ALISTER, G P; MC ALISTER, JEN	36-11921	Decreed	4/23/1947	DOMESTIC	0.14	0.0	
MC CALL OIL & CHEMICAL	25-7045	Decreed	2/25/1974	DOMESTIC, INDUSTRIAL	0.08	0.0	
MC DANIEL, KELLY; MC DANIEL, KIM	34-14240	Decreed	6/13/1968	IRRIGATION	0.05	3.0	
MC DANIEL, WENDY M	25-14299	Decreed	8/10/1966	IRRIGATION	0.03	1.5	
MC DANIEL, ZEE M	25-14330	Decreed	8/10/1966	IRRIGATION	0.8	39.7	
MC DANIEL, ZEE M	25-14332	Decreed	7/27/1972	IRRIGATION	0.4	26.9	
MC GARRY, THERON R; MC GARRY, TIM R	22-4150	Decreed	9/1/1948	DOMESTIC, STOCKWATER	0.23	0.0	
MC HAN, CRYSTAL	45-14515	Decreed	7/15/1974	IRRIGATION	0.02	1.5	
MC KELVEY, JOHN Q; MC KELVEY, MARGARET E	34-14861	Decreed	5/16/1977	IRRIGATION	0.06	3.5	
MC KELVEY, JOHN Q; MC KELVEY, MARGARET E	34-14863	Decreed	4/1/1987	IRRIGATION	0.01	3.5	Yes
MC KINNEY, MONICA; MC KINNEY, WILLIAM	37-23208	Decreed	9/20/1974	IRRIGATION	0.02	1.0	
MC KINNEY, MONICA; MC KINNEY, WILLIAM	37-23210	Decreed	9/20/1974	IRRIGATION	0.03	1.5	
MC KINNEY, MONICA; MC KINNEY, WILLIAM	37-23215	Decreed	9/20/1974	IRRIGATION	0.01	0.8	
MCINTOSH, JOSHUA	25-12184	Decreed	6/1/1950	DOMESTIC, IRRIGATION, STOCKWATER	0.09	1.9	
MEMMOTT, JENNIFER; MEMMOTT, JOHN C	25-7556	License	9/18/1989	DOMESTIC, IRRIGATION	0.08	1.2	
MENAN PRODUCE INC	25-12178	Decreed	11/1/1953	DOMESTIC, INDUSTRIAL	0.1	0.0	
MERLIN HOLDINGS LLC	25-14265	Decreed	8/10/1966	IRRIGATION	0.03	1.3	
MERRILL, CINDY	25-13580	Decreed	1/1/1963	DOMESTIC, IRRIGATION	0.14	5.0	
MERRILL, KENT	25-14364	License	2/28/1992	IRRIGATION	0.19	12.2	
MEYER LAND COMPANY LLC	25-11617	Decreed	12/31/1950	COMMERCIAL	0.166	0.0	
MIKESSELL, ELEANOR	31-10268	Decreed	5/1/1957	COMMERCIAL, DOMESTIC	0.04	0.0	
MIKKOLA, ARTHUR; MIKKOLA, MARK	25-7389	Decreed	11/2/1983	DOMESTIC, STOCKWATER	0.06	0.0	
MILES, MICHAEL D	45-14587	Decreed	6/1/1939	IRRIGATION	0.02	1.8	
MILLER, LYNETTE R; MILLER, MARVIN G	25-4194	Decreed	11/1/1960	IRRIGATION	0.13	7.0	
MILLERCOORS USA LLC	45-7641	License	6/8/1989	COMMERCIAL	0.04	0.0	
MILNER IRRIGATION DISTRICT	45-4171	Decreed	1/1/1941	COMMERCIAL, DOMESTIC	0.06	0.0	

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MILNER IRRIGATION DISTRICT	45-463	Decreed	7/12/1952	IRRIGATION	2.5	0.0	
MINIDOKA IRRIGATION DISTRICT	36-13480	Decreed	5/31/1962	COMMERCIAL	0.04	0.0	
MINOR, JOSEPH W; MINOR, KATHLEEN D	34-14737	Decreed	9/29/1966	IRRIGATION	0.01	0.5	
MINOR, JOSEPH W; MINOR, KATHLEEN D	34-14738	Decreed	5/20/1984	IRRIGATION	0.01	0.5	Yes
MITCHELL, RALPH M	45-7640	License	5/23/1989	DOMESTIC, IRRIGATION	0.07	1.5	
MIX, GUY; MIX, MARGARET	29-12076	Decreed	4/20/1937	DOMESTIC	0.04	0.0	
MODEL WATER USERS ASSN INC	35-7986	Decreed	6/1/1981	DOMESTIC	0.1	0.0	
MONK, AUBRIE; MONK, STEVEN	35-14753	Decreed	2/2/1952	IRRIGATION	0.06	6.0	
MONK, AUBRIE; MONK, STEVEN	35-14754	Decreed	4/23/1961	IRRIGATION	0.04	6.0	
MONTAGUE, FANNYE FLORENCE; MONTAGUE, JACK MICHAEL	29-7483	Decreed	2/10/1987	DOMESTIC, IRRIGATION	0.02	1.0	
MONTIERTH, GARY; MONTIERTH, NETTIE	34-13891	Decreed	4/14/1961	IRRIGATION	0.09	9.9	
MOO VIEW COW PALACE	45-13905	Decreed	11/16/1974	COMMERCIAL, STOCKWATER	0.3	0.0	
MOORE, AARON R	37-23132	Decreed	9/23/1977	IRRIGATION	0.1	5.0	
MORE LAND PROPERTIES LLC	35-14940	Decreed	10/1/1962	IRRIGATION	0.1	5.0	
MORE LAND PROPERTIES LLC	35-14941	License	8/4/1983	IRRIGATION	0.06	5.0	
MORGAN, CHASE D; MORGAN, JENNY L	29-14449	Decreed	10/28/1953	IRRIGATION	0.01	1.8	
MORGAN, CHASE D; MORGAN, JENNY L	29-14429	Decreed	6/23/1977	IRRIGATION	0.02	1.8	
MORGAN, CODY G; MORGAN, KATHY	36-17092	Decreed	3/11/1954	COMMERCIAL, STOCKWATER	0.04	0.0	
MORGAN, CODY G; MORGAN, KATHY	36-17091	Decreed	2/6/1961	COMMERCIAL, STOCKWATER	0.02	0.0	
MORRIS, JUDITH L; MORRIS, VIRGIL R	25-7483	License	12/22/1988	DOMESTIC, IRRIGATION, STOCKWATER	0.04	3.0	
MOSS FARMS INC	34-2379F	Decreed	8/8/1960	IRRIGATION	2.11	112.0	
MOSS, DENNIS K	34-14525	Decreed	6/6/1961	IRRIGATION	0.64	32.0	
MOUNT MC CALEB INC	34-7512	Decreed	5/22/1989	DOMESTIC	0.04	0.0	
MOUNTAIN RIVER SPORTSMANS RV PARK & CAMP	25-14229	License	9/2/2008	COMMERCIAL	0.2	0.0	
MOUNTAIN VIEW LAND LLC	36-17319	Decreed	9/24/1976	COMMERCIAL, STOCKWATER	0.2	0.0	
MOUNTAIN WEST BARK PRODUCTS INC	22-7573	License	8/8/1988	COMMERCIAL	0.08	0.0	
MOWREY, KRISTIE; MOWREY, RICK	29-7009	Decreed	3/22/1968	DOMESTIC, IRRIGATION, STOCKWATER	0.11	4.5	
MOYLE, KEVIN A; MOYLE, TAYLOR N	36-17240	License	3/16/1989	COMMERCIAL, DOMESTIC, STOCKWATER	0.33	0.0	
MULLINS, CODY; MULLINS, KRISTY TADDONIO	45-14569	Decreed	6/1/1939	IRRIGATION	0.06	4.5	
MURRI BUILDERS LLC	25-14920	Decreed	8/10/1966	IRRIGATION	0.02	1.0	
MURRI BUILDERS LLC	25-14322	Decreed	7/27/1972	IRRIGATION	0.01	0.7	
NATION, DUANE; NATION, LEAH	34-13783	Decreed	4/2/1980	IRRIGATION	0.04	2.6	
NAYLOR, AUDREY; NAYLOR, LEIGH	25-7582	License	2/4/1991	DOMESTIC, IRRIGATION	0.09	3.0	
NEIBAUR, RYAN	25-7561	License	3/2/1990	IRRIGATION	0.27	24.0	
NELSEN DAIRY	36-8745	License	11/7/1995	COMMERCIAL, STOCKWATER	0.11	0.0	
NELSON, ERIC B; NELSON, SUAZANNE Y	25-7363	License	6/24/1983	DOMESTIC	0.04	0.0	
NELSON, LAURENCE	29-7868	License	9/11/1989	DOMESTIC, IRRIGATION	0.17	15.0	
NEW PHASE INVESTMENTS LLC	25-14186	License	9/18/2006	COMMERCIAL	0.05	0.0	
NICHOLS LAND LLC; NICHOLS, ANGELA; NICHOLS, DEREK A; NICHOLS, PATRICK J	34-13904	Decreed	12/17/1961	IRRIGATION	0.3	426.6	
NICKELSON, DALENE C	25-7193A	Decreed	4/30/1980	DOMESTIC, IRRIGATION, STOCKWATER	0.02	2.9	
NICKISCH, CRAIG W; NICKISCH, MARJORIE I	29-10731	Decreed	3/23/1959	IRRIGATION, STOCKWATER	0.1	4.1	
NIELSON, BENITA G; NIELSON, JACK W	29-7885	License	12/27/1989	IRRIGATION	0.11	5.0	
NO VIEW CALF RANCH LLC	36-7460AD	Decreed	3/25/1974	COMMERCIAL, STOCKWATER	0.06	0.0	
NO VIEW CALF RANCH LLC	36-8774	License	3/10/1998	DOMESTIC, STOCKWATER	0.13	0.0	
NOEL, DE ANN B; NOEL, WRIGHT R	22-7372	License	7/14/1981	DOMESTIC, STOCKWATER	0.07	0.0	

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Owner	Water Right No.	Basis	Priority Date	Water Use List	Diversion Rate (cfs)	Total Acres	Enlargement
NORMAN E NEF & SONS INC	35-7962	Permit	6/1/1981	IRRIGATION	12.2	610.0	
NORMAN E NEF & SONS INC	35-7963	Permit	6/1/1981	IRRIGATION	6.4	320.0	
NORTH FORTY FOUR LLC	25-13026	Decreed	12/31/1957	COMMERCIAL	0.04	0.0	
NORTH RIM FAIRWAYS OWNERS ASSN INC	36-16406	License	2/24/2006	DOMESTIC	0.23	0.0	
NORTHSIDE RANCH CO LLC	36-23188	Decreed	2/28/1957	STOCKWATER	0.05	0.0	
NORTHWEST FARM CREDIT SERVICES FLCA; ROTH INVESTMENTS LLC	37-23157	License	9/20/1990	COMMERCIAL	0.5	0.0	
NORTHWEST PIPELINE CORP	29-2376	Decreed	7/6/1956	COMMERCIAL, IRRIGATION	0.08	4.1	
NORTHWEST PIPELINE CORP	45-2531	Decreed	7/6/1956	DOMESTIC, INDUSTRIAL	0.04	0.0	
NUTTALL, ALIESHA DAWN; NUTTALL, JEFFREY DOUGLAS	25-7275	Decreed	2/8/1982	DOMESTIC, IRRIGATION, STOCKWATER	0.03	1.0	
OAKLEY VALLEY WATER CO	45-4273	Decreed	2/12/1954	MUNICIPAL	0.45	0.0	
OKELBERRY, TODD L	36-17355	Decreed	2/6/1953	IRRIGATION	0.07	10.0	
OKELBERRY, TODD L	36-17356	Decreed	2/6/1953	IRRIGATION	0.06	10.0	
OKELBERRY, TODD L	36-17357	Decreed	5/29/1956	IRRIGATION	0.07	10.0	
OKELBERRY, TODD L	36-17358	Decreed	6/24/1960	IRRIGATION	0.01	10.0	
OLSEN, GARY; OLSEN, PATRICIA	25-12353	Decreed	10/7/1953	COMMERCIAL, DOMESTIC	0.16	0.0	
ON TIME FINANCIAL LLC	22-14478	Permit	7/14/2022	COMMERCIAL, DOMESTIC	0.21	0.0	
OSTERHOUT, DANA; OSTERHOUT, GAYLEN; OSTERHOUT, LORRIE; OSTERHOUT, VIRGINIA M	45-10587	Decreed	6/30/1958	COMMERCIAL, DOMESTIC, IRRIGATION	0.08	0.5	
OSWALD, BRITTNEY; OSWALD, MATT	29-14171	Decreed	2/3/1961	IRRIGATION	0.06	3.0	
P U RANCH LTD C/O SCOTT SLOCUM	34-12396	Decreed	10/15/1984	STOCKWATER	0.36	0.0	Yes
PACIFICORP	25-7403	License	6/14/1985	WATER QUALITY IMPROVEMENT	0.45	0.0	
PACIFICORP	25-14431	License	2/19/2016	WATER QUALITY IMPROVEMENT	0.47	0.0	
PALACIO, WILLIAM M	37-19847	Decreed	3/15/1952	IRRIGATION	0.44	22.0	
PARKER, BRENT E; PARKER, KRISTINE	25-7073E	Decreed	8/1/1975	IRRIGATION	0.2	10.0	
PARKINSON FARMS	34-10393	Decreed	5/1/1976	IRRIGATION	0.26	306.0	Yes
PATTCO LLLP	45-7603	License	7/9/1986	IRRIGATION	1.26	447.0	
PAUL, LILAH; PAUL, WALTER T	45-2259	Decreed	5/24/1948	IRRIGATION	0.12	4.1	
PAULS, DEBBRAH; PAULS, RONALD	37-4390	Decreed	7/1/1916	DOMESTIC, IRRIGATION, STOCKWATER	0.04	1.2	
PAULS, DEBBRAH; PAULS, RONALD	37-4391	Decreed	7/1/1941	DOMESTIC, IRRIGATION, STOCKWATER	0.04	1.2	
PEARSON, CHELSEA	34-2323C	Decreed	2/11/1955	IRRIGATION	0.04	2.0	
PEARSON, JAY F; PEARSON, SUSAN	34-2412A	Decreed	4/13/1961	IRRIGATION	0.04	2.0	
PEHRSON, BYRON; PEHRSON, LOY G	34-10581	Decreed	5/1/1920	DOMESTIC, STOCKWATER	0.65	0.0	
PEHRSON, JOSH	34-2403	Decreed	3/31/1961	IRRIGATION	3.2	190.0	
PERFORMIX NUTRITION SYSTEMS LLC	36-17195	Decreed	12/24/1948	COMMERCIAL	0.09	0.0	
PERFORMIX NUTRITION SYSTEMS LLC	36-17196	Decreed	5/27/1974	COMMERCIAL	0.06	0.0	
PETTET, TERRY	34-4086	Decreed	6/9/1962	DOMESTIC, IRRIGATION, STOCKWATER	0.06	5.0	
PHILLIPS BROTHERS FARM & LIVESTOCK	25-14610	Decreed	10/15/1974	INDUSTRIAL	0.09	0.0	
PHINNEY, DAVID; RICHARDS, DEBORA	35-14870	Decreed	6/27/1983	DOMESTIC, IRRIGATION	0.02	0.5	
PILKINTON, C R; PILKINTON, THOMAS R	36-7650B	Decreed	7/30/1976	IRRIGATION	0.08	4.0	
PKD PROPERTIES LC; TLD PROPERTIES LLC	45-10761	Decreed	6/24/1957	COMMERCIAL, COOLING	0.02	0.0	
POCATELLO CHUBBUCK SCHOOL DISTRICT #25	29-11688	Decreed	8/10/1914	DOMESTIC, IRRIGATION	0.12	5.7	
POCATELLO READY MIX INC	27-10010	Decreed	6/20/1952	INDUSTRIAL	0.08	0.0	
POLO CLUB ESTATES WATER ASSN	25-7705	License	6/28/2000	DOMESTIC, FIRE PROTECTION	0.68	0.0	
PONY ACRES WATER ASSN	29-7625	Decreed	12/15/1981	DOMESTIC, IRRIGATION	0.16	2.0	
PORT OF ENTRY TRAVEL CENTER LLC	31-11787	Decreed	9/7/1971	COMMERCIAL	0.12	0.0	

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POVEY, ANDREW E	36-16625	Decreed	11/11/1959	MITIGATION	0.11	0.0	
POVEY, ANDREW E	36-16627	Decreed	11/15/1970	MITIGATION	0.16	0.0	
POVEY, ANDREW E	36-16631	Decreed	5/26/1971	MITIGATION	0.01	0.0	
POVEY, ANDREW E	36-16629	Decreed	5/16/1980	MITIGATION	0.04	0.0	
POWERS, ANDREW; POWERS, KARA	25-14267	Decreed	8/10/1966	IRRIGATION	0.02	1.1	
PRICE, MARJORIE	22-14447	Permlt	2/16/2022	COMMERCIAL	0.02	0.0	
PRINCE, CARI L; PRINCE, JAMES J	36-16101	License	5/9/1988	DOMESTIC	0.04	0.0	
PROBART, LEWIS L	29-7067	Decreed	8/3/1971	DOMESTIC, IRRIGATION, STOCKWATER	0.06	3.2	
PUTNAM, JANET D; PUTNAM, LAWRENCE D	27-12280	License	5/31/1989	DOMESTIC, IRRIGATION	0.04	1.0	
R C WILLEY HOME FURNISHINGS	35-14596	Permlt	5/25/2018	COMMERCIAL	0.78	0.0	
RABURN, JAYNEE N; RABURN, LENARD H	29-71438	Decreed	7/2/1973	DOMESTIC, IRRIGATION	0.03	1.0	
RANCH PROPERTIES LLC	45-11969	Decreed	6/1/1939	IRRIGATION	0.84	63.5	
RANCHO VIA WELL USERS ASSN	25-7404	License	6/28/1985	DOMESTIC, IRRIGATION	0.31	6.0	
RANDALL, JULIA; RANDALL, SCOTT	25-10298	Decreed	12/31/1949	DOMESTIC	0.08	0.0	
RANSOM, ELLEN; RANSOM, KARL	25-14262	Decreed	8/10/1966	IRRIGATION	0.02	1.1	
RANSTROM, GENE M	45-13667	Decreed	4/28/1951	IRRIGATION	0.21	13.0	
RASMUSSEN, JEFFREY R; RASMUSSEN, SHAWNA L	45-14534	Decreed	1/19/1978	IRRIGATION	0.01	1.5	
RASMUSSEN, JEFFREY R; RASMUSSEN, SHAWNA L	45-14535	License	2/12/1996	IRRIGATION	0.02	1.5	
RAYMOND, W CRAIG	25-13401	Decreed	6/28/1954	IRRIGATION, STOCKWATER	0.09	3.5	
REED, CHARLES LE ROY	35-12258	Decreed	6/1/1955	COMMERCIAL, DOMESTIC, STOCKWATER	0.09	0.0	
REES, CARL C; REES, PATRICIA	29-7240	Decreed	11/29/1974	DOMESTIC, IRRIGATION, STOCKWATER	0.085	1.3	
REYNOLDS, ALISA; REYNOLDS, NICOLAS	34-14928	Decreed	9/30/1966	IRRIGATION	0.04	4.0	
RHODEHOUSE, KEVIN	35-2924	Decreed	7/21/1965	INDUSTRIAL, STOCKWATER	1.11	0.0	
RHODEHOUSE, KEVIN	35-8659	License	10/15/1987	COMMERCIAL, STOCKWATER	0.15	0.0	
RICHARDS, DENICE	27-7343	Decreed	3/2/1983	DOMESTIC, IRRIGATION	0.08	5.0	
RICKS, CONNIE	25-7183	Decreed	1/14/1980	DOMESTIC, STOCKWATER	0.06	0.0	
RIDDLE, CATHERINE; RIDDLE, GLEN	25-14317	Decreed	8/10/1966	IRRIGATION	0.02	1.0	
RIGBY AIR VILLAGE LLC	25-14182	License	3/24/2006	COMMERCIAL	0.2	0.0	
RINDFLEISCH, JAMES A	34-7511	Permlt	6/12/1989	IRRIGATION	1.85	92.4	
RINGEL, LORI; RINGEL, MERLYN R	35-14629	Decreed	12/31/1940	IRRIGATION	0.05	4.7	
RINGEL, LORI; RINGEL, MERLYN R	35-14628	Decreed	3/5/1948	IRRIGATION	0.03	4.7	
RINGEL, LORI; RINGEL, MERLYN R	35-14630	Decreed	9/28/1981	IRRIGATION	0.01	4.7	
RITCHIE, JOHN M	35-13657	Decreed	3/13/1948	IRRIGATION	0.08	4.0	
RITCHIE, JOHN M; RITCHIE, KAYE	35-13997	Decreed	5/11/1949	IRRIGATION	0.55	48.4	
RITCHIE, JOHN M; RITCHIE, KAYE	35-13993	Decreed	7/13/1954	IRRIGATION	0.2	34.4	
RITCHIE, JOHN M; RITCHIE, KAYE	35-13999	Decreed	4/1/1966	IRRIGATION	0.15	48.4	Yes
RITCHIE, JOHN M; RITCHIE, KAYE	35-13995	Decreed	11/12/1975	IRRIGATION	0.42	34.4	
RIVERBEND ESTATES	29-8015	License	6/22/1990	DOMESTIC	0.25	0.0	
RIVERSIDE DAIRY INC	36-4235	Decreed	1/1/1954	COMMERCIAL, DOMESTIC, STOCKWATER	0.21	0.0	
ROBCO LLC	31-10665	Decreed	12/31/1925	DOMESTIC	0.1	0.0	
ROBCO LLC	31-12562	Decreed	12/27/1977	IRRIGATION	1.17	127.0	
ROBCO LLC	31-12563	Decreed	2/28/1979	IRRIGATION	1.36	127.0	
ROBINSON BROS LAND LLC	45-129098	Decreed	4/1/1961	COMMERCIAL, STOCKWATER	0.04	0.0	
ROBINSON WATER ASSN INC	25-4064	Decreed	6/1/1942	DOMESTIC	0.1	0.0	
ROBINSON, LOGAN D; ROBINSON, RICKY	29-4393	Decreed	3/1/1963	DOMESTIC, IRRIGATION	0.07	3.3	

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ROBINSON, PAXTON	45-14566	Decreed	2/1/1954	IRRIGATION	0.14	33.0	
ROBINSON, PAXTON	45-14591	Decreed	2/1/1954	IRRIGATION	0.02	37.0	
ROBINSON, PAXTON	45-14565	Decreed	12/10/1956	IRRIGATION	0.3	33.0	
ROBINSON, PAXTON	45-14590	Decreed	12/10/1956	IRRIGATION	0.04	37.0	
ROCKY HILLS ENTERPRISES LLC	25-14600	Permit	6/5/2025	DOMESTIC	0.18	0.0	
ROEDER, JAMES L; ROEDER, JOHN	29-7177	License	3/4/1974	DOMESTIC, STOCKWATER	0.08	0.0	
ROMRIEL, ELMER; ROMRIEL, LOUISE	29-12074	Decreed	4/20/1937	DOMESTIC	0.04	0.0	
ROSE, JUSTIN ALLEN; ROSE, KELSEY BEAL	34-14932	Decreed	2/20/1961	IRRIGATION	0.04	2.0	
ROSENBERG RANCH & FARMS LLC	25-11823	Decreed	7/16/1927	DOMESTIC, STOCKWATER	0.74	0.0	
ROSENKRANCE, LESTER K; ROSENKRANCE, LOWAYNE K	34-4035F	Decreed	8/1/1960	IRRIGATION	0.16	8.0	
ROWLAN, BRIAN; ROWLAN, JESSICA	25-14608	Decreed	11/3/1952	MUNICIPAL	0.05	0.0	
ROWLAN, BRIAN; ROWLAN, JESSICA	35-14923	Decreed	11/3/1952	IRRIGATION	1.36	128.1	
ROWLAND, ROBERT	29-13892	Decreed	10/28/1953	IRRIGATION, STOCKWATER	2.12	117.6	
ROWLAND, ROBERT	29-14443	Decreed	10/28/1953	IRRIGATION	0.01	0.9	
ROWLAND, ROBERT	29-14447	Decreed	10/28/1953	IRRIGATION	0.01	0.3	
ROWLAND, ROBERT	29-14455	Decreed	10/28/1953	IRRIGATION	0.03	3.4	
RR WOMENS REAL ESTATE LLC	36-17360	Decreed	1/21/1957	IRRIGATION	0.07	58.9	
RUDDELL, DANIEL A; RUDDELL, VICKI L	25-14318	Decreed	8/10/1966	IRRIGATION	0.02	1.2	
RUDY, THOMAS A; TREVINO, KRISTIN; TREVINO, LUKE	45-7278	Decreed	12/6/1976	DOMESTIC	0.24	0.0	
RUFF, DOUGLAS L; RUFF, JENNIFER	25-7382	License	6/29/1983	IRRIGATION	0.1	5.0	
RUNHARD LLC	22-7293	Decreed	5/24/1979	COOLING, HEATING	0.15	0.0	
SAGE HOLLOW WATER USERS ASSOC	29-2438A	Decreed	2/3/1961	IRRIGATION	2.24	112.0	
SAND BOX RV LLC	21-13334	Decreed	2/24/1953	COMMERCIAL	0.03	0.0	
SAND BOX RV LLC	21-13335	Decreed	6/7/1957	COMMERCIAL	0.02	0.0	
SAND BOX RV LLC	21-13333	Decreed	8/4/1979	COMMERCIAL	0.03	0.0	
SAND SPRINGS LP	36-17052	License	7/15/2015	DIVERSION TO STORAGE, WILDLIFE STORAGE	2.43	0.0	
SANT, CARMA; SANT, WILLIAM L	29-11015	Decreed	3/1/1956	COMMERCIAL, DOMESTIC, STOCKWATER	0.08	0.0	
SCC PROPERTIES LLC	37-23469	Decreed	11/25/1962	IRRIGATION	0.38	19.0	
SCENIC FALLS FEDERAL CREDIT UNION	25-14276	Decreed	8/10/1966	IRRIGATION	0.03	1.3	
SCHNEIDER, ARLYNN; SCHNEIDER, FRED	35-11852	Decreed	4/1/1934	COMMERCIAL, DOMESTIC	0.08	0.0	
SCHOLZ-ALVAREZ, INGRID K	34-7253	Decreed	9/22/1980	DOMESTIC, IRRIGATION	0.15	15.0	
SCHREINER FARMS IDAHO LLC	35-2488	Decreed	1/10/1957	IRRIGATION	0.02	2.0	
SCHREINER FARMS IDAHO LLC	35-2922	Decreed	4/7/1958	IRRIGATION	0.01	2.0	
SCHREINER FARMS IDAHO LLC	35-8951	License	7/29/1991	IRRIGATION	0.88	44.0	
SCHROEDER, MICHELLE; SCHROEDER, NATHAN	29-4104	Decreed	7/28/1955	IRRIGATION	3	150.0	
SCHULTZ, ROBYN	29-14183	Decreed	2/3/1961	IRRIGATION	0.06	3.0	
SCHWENDIMAN, DAVID; SCHWENDIMAN, DIANE P; SCHWENDIMAN, VAL E	22-14746	License	3/25/1991	IRRIGATION	0.38	471.0	
SCHWENDIMAN, DAVID; SCHWENDIMAN, DIANE P; SCHWENDIMAN, VAL E	22-14747	License	3/25/1991	IRRIGATION	0.02	471.0	
SCHWENDIMAN, DAVID; SCHWENDIMAN, DIANE P; SCHWENDIMAN, VAL E	22-7703	License	3/25/1991	IRRIGATION	6.77	2050.5	
SCHWENDIMAN, DAVID; SCHWENDIMAN, DIANE P; SCHWENDIMAN, VAL E	22-7704	License	3/25/1991	IRRIGATION	7.3	608.0	
SCHWENDIMAN, DAVID; SCHWENDIMAN, VAL E	22-13292	License	1/5/1992	IRRIGATION	4.41	471.0	
SCOTT, LAMOND; SCOTT, RUTH	35-10855	Decreed	1/4/1954	COMMERCIAL, DOMESTIC	0.04	0.0	
SCOTT, STANLEY K	31-7512	License	11/30/1988	DOMESTIC, STOCKWATER	0.19	0.0	
SCOTT, STANLEY K	31-7514	License	11/30/1988	DOMESTIC	0.04	0.0	
SEARLE BROTHERS LAND & LIVESTOCK LLC	45-13986	Decreed	11/11/1959	COMMERCIAL, STOCKWATER	0.08	0.0	

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SEARLE BROTHERS LAND & LIVESTOCK LLC	45-13987	Decreed	11/15/1970	COMMERCIAL, STOCKWATER	0.13	0.0	
SEARLE BROTHERS LAND & LIVESTOCK LLC	45-13989	Decreed	5/26/1971	COMMERCIAL, STOCKWATER	0.01	0.0	Yes
SEARLE BROTHERS LAND & LIVESTOCK LLC	45-13988	Decreed	5/16/1980	COMMERCIAL, STOCKWATER	0.03	0.0	
SEATON, RICHARD	29-12073	Decreed	4/20/1937	DOMESTIC	0.04	0.0	
SECRIST, DREW; SECRIST, KAYLA	35-14865	Decreed	9/8/1961	IRRIGATION	0.16	4.0	
SERR, DALLAS	36-2730	Decreed	7/30/1954	IRRIGATION	1	50.0	
SHAW, SHELLEE	37-23207	Decreed	9/20/1974	IRRIGATION	0.03	2.2	
SHOSHONE BANNOCK AGRI BUSINESS CORPORTION	29-13940	Decreed	10/3/1977	IRRIGATION	0.13	7.5	
SHOSHONE BANNOCK TRIBES	29-13779	Decreed	11/22/1919	IRRIGATION, STOCKWATER	0.58	29.2	
SHOSHONE BANNOCK TRIBES	27-7000	Decreed	7/27/1967	MUNICIPAL	0.5	0.0	
SHOSHONE BANNOCK TRIBES	29-7326	Decreed	4/28/1976	IRRIGATION	2.53	160.0	
SHOSHONE BANNOCK TRIBES	29-13941	Decreed	10/3/1977	IRRIGATION	0.18	10.5	
SHURTLIFF, MERLENE; SHURTLIFF, RODNEY	35-8855	License	9/7/1989	DOMESTIC, STOCKWATER	0.08	0.0	
SIEVERS, GERALD J; SIEVERS, WANDA L	45-2216A	Decreed	1/5/1946	IRRIGATION	3	160.0	
SIMPER, HAIZER ONEAL; SIMPER, JENSEN BRYN	35-14901	Decreed	8/19/1977	IRRIGATION	0.11	6.0	
SIX FLAGS INC	34-13900	Decreed	10/25/1965	IRRIGATION	0.29	16.0	
SLAGOWSKI, JOE; SLAGOWSKI, NICOLE	31-12232	Decreed	12/31/1943	STOCKWATER	0.12	0.0	
SMITH, DALE E	34-2404	Decreed	3/1/1961	IRRIGATION, STOCKWATER	1.4	66.0	
SMITH, NORBERT DARRELL	29-7171	Decreed	2/4/1974	DOMESTIC	0.16	0.0	
SMITH, RANDY L; SMITH, SALLY R	29-8004	License	4/13/1990	DOMESTIC, IRRIGATION	0.04	3.0	
SMITH, RICHARD F	22-14612	Decreed	7/5/1973	MUNICIPAL	0.25	0.0	
SMITH, STANLEY P	25-14169	Decreed	12/10/1954	IRRIGATION	0.03	1.7	
SNAKE RIVER BUSINESS PARK BLDG #1 LLC	35-14787	Permit	8/19/2022	COMMERCIAL	0.2	0.0	
SNELL, MARK	29-7696	License	3/16/1983	DOMESTIC, IRRIGATION	0.08	2.0	
SOHN, EDNA G; SOHN, HERBERT F; SOHNS INC	35-8333	Decreed	12/12/1983	COMMERCIAL, DOMESTIC	0.08	0.0	
SORENSEN, MITCHELL D	34-2428	Decreed	4/1/1979	IRRIGATION	3.85	2478.0	
SOUTH INTERCHANGE PROPERTIES LLC	35-14700	Decreed	12/24/1948	IRRIGATION	0.13	23.8	
SOUTH INTERCHANGE PROPERTIES LLC	35-14701	Decreed	5/27/1974	IRRIGATION	0.07	23.8	
SOUTH RIDGE LAND LLC	45-14061	Decreed	12/3/1971	COMMERCIAL, DOMESTIC, STOCKWATER	1.01	0.0	
SOUTH, BARRY; SOUTH, ELINOR	35-14616	Decreed	12/31/1940	IRRIGATION	0.04	3.3	
SOUTH, BARRY; SOUTH, ELINOR	35-14614	Decreed	3/5/1948	IRRIGATION	0.02	3.3	
SOUTH, BARRY; SOUTH, ELINOR	35-14618	Decreed	9/28/1981	IRRIGATION	0.01	3.3	
SOUTHFIELD LAND & LIVESTOCK LLC	36-7295C	Decreed	12/11/1973	COMMERCIAL, STOCKWATER	0.32	0.0	
SPENCER, DAVID RANDY; SPENCER, MICHELLE	31-11946	Decreed	6/22/1953	COMMERCIAL, STOCKWATER	0.12	0.0	
SPENCER, DAVID RANDY; SPENCER, MICHELLE	31-11942	Decreed	7/25/1955	COMMERCIAL, STOCKWATER	0.03	0.0	
SPENCER, DAVID RANDY; SPENCER, MICHELLE	31-11944	Decreed	7/26/1961	COMMERCIAL, STOCKWATER	0.02	0.0	
STANDLEY LAND & INVESTMENTS LLC	36-17148	Decreed	4/13/1976	IRRIGATION	0.15	7.7	
STANGER, KARA; STANGER, SPENCER	35-14726	Decreed	12/31/1940	IRRIGATION	0.06	5.2	
STANGER, KARA; STANGER, SPENCER	35-14723	Decreed	3/5/1948	IRRIGATION	0.04	5.2	
STANGER, KARA; STANGER, SPENCER	35-14729	Decreed	9/28/1981	IRRIGATION	0.01	5.2	
STARMARC LLC	36-12462	Decreed	12/31/1958	COMMERCIAL	0.07	0.0	
STAVAST, CHATELAINE FMS; STAVAST, LANSON J	34-14710	Decreed	11/28/1952	IRRIGATION	0.01	6.0	
STAVAST, CHATELAINE FMS; STAVAST, LANSON J	34-14708	Decreed	5/16/1977	IRRIGATION	0.11	6.0	
STAVAST, CHATELAINE FMS; STAVAST, LANSON J	34-14711	Decreed	4/1/1987	IRRIGATION	0.01	6.0	Yes
STEELE LAND HOLDINGS LLC	35-14927	Decreed	2/6/1963	IRRIGATION	0.21	12.0	

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Owner	Water Right No.	Basls	Priority Date	Water Use List	Diversion Rate (cfs)	Total Acres	Enlargement
SUMMIT TRUSTEES PLLC	25-14310	Decreed	8/10/1966	IRRIGATION	0.02	0.9	
SUNDOWN CORP INC	35-10256	Decreed	5/1/1920	COMMERCIAL, STOCKWATER	0.07	0.0	
SUNROC CORPORATION	29-13891	Decreed	10/28/1953	IRRIGATION, STOCKWATER	0.9	48.0	
SUNROC CORPORATION	29-7754	License	6/17/1983	COMMERCIAL	0.81	0.0	
TABER, DONALD E	37-10161	Decreed	4/1/1955	COMMERCIAL	0.04	0.0	
TABLE ROCK HOLDINGS	35-13320	License	8/7/2001	DOMESTIC	0.1	0.0	
TANNER, KATHY; TANNER, REYNOLD	25-2139	Decreed	10/30/1961	IRRIGATION	1.54	38.0	
TAYLOR, LOIS; TAYLOR, LYLE D	25-7110	Decreed	5/9/1977	IRRIGATION	0.32	16.0	
TAYLOR, RODNEY R; TAYLOR, STEPHANIE A	37-25268	Decreed	11/28/1951	IRRIGATION	0.06	3.0	
TERNUS, BRENDA; TERNUS, GARY A	35-13858	Decreed	4/27/1964	IRRIGATION	0.32	8.0	
TERRETON TRACTOR INC	31-7346	Decreed	12/2/1980	COMMERCIAL, DOMESTIC	0.04	0.0	
TEUSCHER, DENNIS	29-7853	License	8/3/1988	IRRIGATION	0.09	3.0	
THE LAVRADOR BOERSIG TRUST	25-14617	License	3/2/1990	IRRIGATION	0.12	11.0	
THE LOVELAND FAMILY TRUST	27-11205	Decreed	1/31/1939	DOMESTIC, STOCKWATER	0.44	0.0	
THE LOVELAND FAMILY TRUST	27-7069	Decreed	12/3/1976	IRRIGATION	3.42	171.0	
THOMAS, CATHERINE F; THOMAS, KEVIN E	25-14303	Decreed	8/10/1966	IRRIGATION	0.02	0.9	
THOMPSON, BETTY L; THOMPSON, LYNN	29-7075A	Decreed	2/4/1972	IRRIGATION	0.06	3.1	
THOMPSON, HOWARD M	25-7508	License	6/19/1989	DOMESTIC, STOCKWATER	0.11	0.0	
THOMPSON, JAMES R	22-7453	License	6/24/1983	DOMESTIC	0.04	0.0	
THOMPSON, KRISTEN R	34-14887	Decreed	5/16/1977	IRRIGATION	0.04	2.3	
THOMPSON, KRISTEN R	34-14889	Decreed	4/1/1987	IRRIGATION	0.01	2.3	Yes
TOMLIN, STEPHEN	29-13730	License	6/7/1983	IRRIGATION	0.01	0.5	
TOWN & COUNTRY MOBILE HOME PARK LLC	35-4258	Decreed	6/1/1962	DOMESTIC	0.22	0.0	
TRACY, JACOB	34-13761	Decreed	11/28/1952	DIVERSION TO STORAGE, FISH PROPAGATION STORAGE, IRRIGATION, RECREATION STORAGE	0.03	5.2	
TRACY, JACOB	34-7194	Decreed	5/16/1977	IRRIGATION	0.1	5.2	
TRACY, JACOB	34-14342	Decreed	4/1/1987	IRRIGATION	0.01	5.2	Yes
TRAINOR, LISA; TRAINOR, MARK	25-7392A	License	12/16/1983	IRRIGATION	0.14	7.0	
TURNER LAND & LIVESTOCK LLC	45-4033	Decreed	8/1/1935	IRRIGATION	1.67	80.0	
TURNER WELL ASSN	29-7700	License	4/27/1983	IRRIGATION	0.4	19.9	
UNION PACIFIC RAILROAD CO	36-4204	Decreed	8/18/1903	COMMERCIAL, DOMESTIC, MUNICIPAL	0.33	0.0	
UNION PACIFIC RAILROAD CO	36-4201	Decreed	3/24/1913	INDUSTRIAL, STOCKWATER	0.22	0.0	
UNION PACIFIC RAILROAD CO	36-4205	Decreed	5/4/1918	STOCKWATER	0.06	0.0	
UNION PACIFIC RAILROAD CO	36-4202	Decreed	6/5/1925	INDUSTRIAL	0.04	0.0	
UNION PACIFIC RAILROAD CO	36-4203	Decreed	9/13/1957	COMMERCIAL, DOMESTIC, MUNICIPAL	0.22	0.0	
UNITED ALLIANCE & FIDELITY CORP	25-7387	Decreed	12/4/1983	IRRIGATION	0.1	5.0	
US BUREAU OF INDIAN AFFAIRS	29-12560	Decreed	8/23/1954	IRRIGATION	3.75	187.9	
US BUREAU OF INDIAN AFFAIRS	29-12565	Decreed	8/23/1954	COOLING	0.04	0.0	
US BUREAU OF LAND MANAGEMENT	34-2373B	Decreed	7/5/1960	IRRIGATION	0.1	5.0	
US BUREAU OF LAND MANAGEMENT	35-7685	Decreed	3/22/1977	IRRIGATION	2.48	124.0	
US BUREAU OF LAND MANAGEMENT	35-7534B	Decreed	8/4/1979	IRRIGATION	1.09	57.0	
US BUREAU OF LAND MANAGEMENT	36-16583	Decreed	3/15/1987	IRRIGATION	0.03	4.0	Yes
US BUREAU OF LAND MANAGEMENT	36-8726	Permit	4/28/1994	STOCKWATER, WILDLIFE	0.12	0.0	
US BUREAU OF LAND MANAGEMENT	21-13032	License	2/24/2006	STOCKWATER, WILDLIFE	0.02	0.0	
US BUREAU OF LAND MANAGEMENT	34-14459	Permit	8/26/2014	STOCKWATER, WILDLIFE	0.15	0.0	

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Owner	Water Right No.	Basis	Priority Date	Water Use List	Diversion Rate (cfs)	Total Acres	Enlargement
US BUREAU OF RECLAMATION	25-7201	Decreed	8/11/1980	DOMESTIC, IRRIGATION	0.14	4.0	
US DEPT OF ENERGY	34-10901	Decreed	4/7/1950	SEE REMARKS	80	0.0	
US DEPT OF ENERGY	35-7098	Decreed	8/2/1969	FISH PROPAGATION	20	0.0	
US DEPT OF ENERGY	35-7097	Decreed	9/30/1969	DOMESTIC, FISH PROPAGATION	4	0.0	
US DEPT OF INTERIOR	21-7517	License	2/27/1992	STOCKWATER, WILDLIFE	0.07	0.0	
US FISH & WILDLIFE SERVICE	31-4066	Decreed	11/12/1936	DOMESTIC, IRRIGATION	0.06	1.0	
US NATIONAL PARK SERVICE	34-12383	Decreed	5/2/1924	COMMERCIAL, DOMESTIC, IRRIGATION	0	0.0	
US NATIONAL PARK SERVICE	34-12385	Decreed	7/23/1928	COMMERCIAL, DOMESTIC, IRRIGATION	0	0.0	
USDA ARS SHEEP EXPERIMENT STATION	31-11201	Decreed	10/30/1915	ADMINISTRATIVE	0.27	0.0	
USDA ARS SHEEP EXPERIMENT STATION	31-11200	Decreed	11/21/1916	ADMINISTRATIVE	0.231	0.0	
V L NEIBAUR FARMS LLC	25-14616	License	3/2/1990	IRRIGATION	3.61	325.5	
VALLEY MOBILE HOME COURT	25-12489	Decreed	3/31/1958	DOMESTIC	0.23	0.0	
VALLEY SCHOOL DISTRICT #262	35-15190	Decreed	9/1/1954	DOMESTIC, IRRIGATION	0.15	0.2	
VALLEY SCHOOL DISTRICT #262	36-16299	License	9/22/2004	DOMESTIC, FIRE PROTECTION	1.52	0.0	
VALLEY VIEW HEIGHTS SUBDIVISION WATER CO	25-7344	Decreed	7/29/1983	DOMESTIC, STOCKWATER	0.11	0.0	
VALLEY VIEW HEIGHTS SUBDIVISION WATER CO	25-13986	License	6/16/2003	DOMESTIC	0.08	0.0	
VAN DYKE, VIRGINIA	37-10019	Decreed	2/1/1961	COMMERCIAL, STOCKWATER	0.06	0.0	
VAN OVER, MARY; VAN OVER, RAYMOND	25-7650	License	12/29/1982	DOMESTIC, IRRIGATION, STOCKWATER	0.05	1.0	
VEENSTRA, FRANK W	36-17233	Decreed	1/31/1961	STOCKWATER	0.38	0.0	
VERBREE LAND HOLDINGS LLC	36-8609	License	10/21/1991	DOMESTIC, IRRIGATION, STOCKWATER	0.02	2.5	
VERDEGAAL LIVING TRUST	37-2676	Decreed	12/11/1961	IRRIGATION	1.85	450.4	
VH PROPERTIES LLC	25-14595	Decreed	10/9/1961	COMMERCIAL, STOCKWATER	0.84	0.0	
WADDOUPS, LE ANNE; WADDOUPS, WADE	34-2426A	Decreed	12/7/1961	IRRIGATION	0.833	37.0	
WADE, NANCY; WADE, RONALD	25-7425	License	6/6/1988	DOMESTIC, IRRIGATION	0.05	1.0	
WAGNER JR, EDWARD P; WAGNER, KRISTIE L	35-8856	Decreed	8/11/1989	DOMESTIC, STOCKWATER	0.1	0.0	
WAITMAN, DAVID B; WAITMAN, MARGARET	29-11435	Decreed	4/20/1945	IRRIGATION	0.05	1.8	
WALKER, ROLAND L	25-11822	Decreed	5/15/1935	DOMESTIC, STOCKWATER	0.7	0.0	
WALKER, ROLAND L	25-11821	Decreed	6/19/1962	DOMESTIC, STOCKWATER	1.32	0.0	
WALTERS PRODUCE INC	22-12520	Decreed	12/31/1951	COMMERCIAL	0.23	0.0	
WALTERS READY MIX INC	22-11666	Decreed	6/1/1947	INDUSTRIAL, RECREATION	0.04	0.0	
WALTERS, BRUCE A; WALTERS, MARCEY L	25-7596	License	6/26/1991	DOMESTIC, IRRIGATION	0.15	10.0	
WANSTROM, DAVID E; WANSTROM, NANCY W	34-2435B	Decreed	7/26/1961	IRRIGATION	0.08	4.5	
WARD, ALLAN	45-14476	Decreed	9/15/1971	COMMERCIAL, IRRIGATION, STOCKWATER	0.3	1.0	
WARD, BRADLEY; WARD, BRITTANY	35-14934	Decreed	2/24/1953	IRRIGATION	3.2	441.7	
WARD, BRADLEY; WARD, BRITTANY	35-14935	Decreed	6/7/1957	IRRIGATION	1.57	441.7	
WARD, BRADLEY; WARD, BRITTANY	35-14933	Decreed	8/4/1979	IRRIGATION	3.69	441.7	
WARD, DANIEL G; WARD, KARLA	45-14422	Decreed	12/11/1953	COMMERCIAL, STOCKWATER	0.06	0.0	
WARD, DELORA; WARD, REED I	25-14309	Decreed	8/10/1966	IRRIGATION	0.02	1.0	
WARNER, KAREN; WARNER, VAN H	25-14072	Decreed	10/31/1938	IRRIGATION, STOCKWATER	0.11	3.0	
WASSERLEIN, WILLIAM	45-14563	Decreed	6/1/1939	IRRIGATION	0.02	1.8	
WAYNE PROPERTIES LLC	25-14460	Decreed	2/19/1982	IRRIGATION	0.1	353.9	
WAYNE PROPERTIES LLC	25-14461	Decreed	2/19/1982	IRRIGATION	0.1	353.9	
WAYNE PROPERTIES LLC	25-14463	Decreed	2/19/1982	IRRIGATION	0.1	353.9	
WAYNE PROPERTIES LLC	25-14473	Decreed	2/19/1982	IRRIGATION	0.1	353.9	
WAYNE PROPERTIES LLC	25-14476	Decreed	2/19/1982	IRRIGATION	0.1	353.9	

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WAYNE PROPERTIES LLC	25-14489	Decreed	2/19/1982	IRRIGATION	0.1	353.9	
WAYNE PROPERTIES LLC	25-14519	Decreed	2/19/1982	IRRIGATION	0.03	1.3	
WAYNE PROPERTIES LLC	25-14520	Decreed	2/19/1982	IRRIGATION	0.01	353.9	
WAYNE PROPERTIES LLC	25-14495	License	1/14/1983	IRRIGATION	0.07	285.4	
WAYNE PROPERTIES LLC	25-14503	License	1/14/1983	IRRIGATION	0.07	285.4	
WELLS, DELOS H	35-8220	License	8/4/1983	DOMESTIC, IRRIGATION	0.05	4.5	
WELLS, DELOS H; WELLS, LUELLA	35-10874	Decreed	10/1/1962	DOMESTIC, IRRIGATION	0.1	3.0	
WENDLING, JACOB; WENDLING, JAIME	29-14458	Decreed	10/28/1953	IRRIGATION	0.02	3.2	
WENDLING, JACOB; WENDLING, JAIME	29-14438	Decreed	6/23/1977	IRRIGATION	0.03	3.2	
WESTERN AG PRODUCTS LLC	45-10305	Decreed	6/15/1949	DOMESTIC, INDUSTRIAL	0.04	0.0	
WHEATLEY, SCHAUNEE; WHEATLEY, SCOTT	29-14461	Decreed	10/28/1953	IRRIGATION	0.02	2.0	
WHEATLEY, SCHAUNEE; WHEATLEY, SCOTT	29-14441	Decreed	6/23/1977	IRRIGATION	0.02	2.0	
WHEELOCK, MICHAEL T; WHEELOCK, TINA J	29-14448	Decreed	10/28/1953	IRRIGATION	0.02	2.1	
WHEELOCK, MICHAEL T; WHEELOCK, TINA J	29-14428	Decreed	6/23/1977	IRRIGATION	0.02	2.1	
WHITEWATER WATER USERS ASSN	29-24388	Decreed	2/3/1961	IRRIGATION	0.74	37.0	
WHITEWATER WATER USERS ASSN	29-7819	Decreed	9/20/1979	DOMESTIC	2	0.0	
WILDE, CECIL; WILDE, NANCY JO	25-11653	Decreed	5/1/1942	IRRIGATION	0.09	4.5	
WILKINSON, LAUREL; WILKINSON, LORENZO H	29-12077	Decreed	4/20/1937	DOMESTIC	0.04	0.0	
WILLIAMS, CLAUDIA; WILLIAMS, JOHN	25-7528	License	9/19/1989	IRRIGATION	0.04	1.3	
WILLIAMS, LYNETTE D; WILLIAMS, ROBERT E	35-12733	Decreed	4/1/1945	DOMESTIC	0.17	0.0	
WILLIE, DANIEL L	36-16113	Decreed	11/11/1959	MITIGATION	0.2	30.2	
WILSON, HARLEM E; WILSON, SONDRAL	29-13474	Decreed	10/26/1948	COMMERCIAL	0.04	0.0	
WILSON, JOHN CHARLES	29-7916	License	3/20/1990	IRRIGATION	0.09	4.5	
WILSON, KINDEE	29-7294	Decreed	11/4/1975	DOMESTIC, IRRIGATION	0.12	8.0	
WOOD, HEIDI; WOOD, J ADAM	29-8009	License	7/26/1990	IRRIGATION, STOCKWATER	0.04	1.5	
WOODBURY, BRYCE; WOODBURY, STEPHANIE	34-13878	Decreed	1/30/1961	IRRIGATION	0.01	1.0	
WOODMAN, ERIC; WOODMAN, MICHELLE	34-14237	Decreed	9/29/1966	IRRIGATION	0.04	2.2	
WOODMAN, ERIC; WOODMAN, MICHELLE	34-14239	Decreed	5/20/1984	IRRIGATION	0.01	2.2	Yes
WOODVILLE WATER & SEWER DISTRICT	35-11318	Decreed	5/1/1939	COMMERCIAL, DOMESTIC	0.35	0.0	
WRIDE FARMS	35-8949	Permit	8/26/1991	IRRIGATION	3	150.0	
WRIGHT, LE ROY C; WRIGHT, MARILYN	25-7256	Decreed	5/12/1981	IRRIGATION	0.05	0.7	
YANCEY, CLEM R	35-7955	License	3/10/1981	DOMESTIC, STOCKWATER	0.06	0.0	
YOUNG & YOUNG LIVESTOCK LLC	25-14494	Permit	8/3/2021	DOMESTIC	0.23	0.0	
YOUNG, DE VONA; YOUNG, WILLIAM N	25-7437	License	8/26/1988	DOMESTIC, STOCKWATER	0.07	0.0	
YOUNG, JUDY D; YOUNG, KENNETH A	25-7436	License	9/14/1988	IRRIGATION	0.03	1.5	
ZIRKELBACH, NANCY; ZIRKELBACH, RICHARD	25-7440	License	8/25/1988	DOMESTIC, IRRIGATION	0.04	1.2	
ZWEIFEL PROPERTIES LLC	32-10031	Decreed	5/1/1968	DOMESTIC, STOCKWATER	0.12	0.0	

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

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

The accompanying document is a “**Final Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5246. The following statements describe the procedures and time limits for seeking reconsideration or other administrative relief as required by Idaho Code § 67-5248.

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5246(4))

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

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order, or action of the Director of the Department 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. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

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

EXHIBIT H

**Declaration of Counsel in Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

Tanner F. Crowther, ISB# 8715
Chief Counsel
Office of the Chief Counsel
U.S. Department of Energy – Idaho Operations Office
1955 Fremont Ave.
Idaho Falls, ID 83402
Mailstop 1209
Telephone: (208) 360-3478
Email: crowthtf@id.doe.gov

Attorney for U.S. Department of Energy

**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, NORTH SIDE CANAL
COMPANY, AND TWIN FALLS CANAL
COMPANY

Docket No. CM-DC-2010-001

**U.S. DEPARTMENT OF ENERGY
AMENDED PETITION FOR
RECONSIDERATION AND
REQUEST FOR HEARING**

**UNITED STATES DEPARTMENT OF ENERGY'S SPECIAL APPEARANCE AND
OPPOSITION TO THE IDAHO DEPARTMENT OF WATER RESOURCES FINAL
ORDER CURTAILING GROUND WATER RIGHTS JUNIOR TO OCTOBER 11, 1900,
DATED MAY 14, 2026.**

The United States Department of Energy (hereinafter "DOE"), by and through counsel, hereby makes this special appearance for the limited purpose of contesting IDWR's ability to exercise jurisdiction over DOE and seeking reconsideration pursuant to Idaho Code § 67-5246(4) and rule 740.02.b of the Department's rules of procedure in response to the Director's *Final Order Curtailing Ground Water Rights Junior to October 11, 1900*, dated May 14, 2026. This

petition requests that the Director withdraw those parts of the Final Order that seek to curtail DOE's federally reserved Water Right No. 34-10901. If the Director declines to amend the Final Order as requested, then DOE requests a hearing pursuant to Idaho Code § 67-5242 and/or § 42-1701A(3) and rule 740.02.c of the Department's rules of procedure.

ARGUMENT

I. IDWR Has No Authority to Curtail DOE's Adjudicated Water Rights.

The 1990 *Water Rights Agreement Between the State of Idaho and the United States, for the United States Department of Energy* (hereinafter the "DOE Agreement," attached hereto as Exhibit 1) is binding upon the State of Idaho and conclusive as to the nature and extent of Water Right No. 34-10901 held by DOE in the State of Idaho. The Agreement does not confer upon the Idaho Department of Water Resources (IDWR) any right to curtail or otherwise administer DOE's adjudicated water rights.

Under the McCarran Amendment, when properly joined as a party to a suit for the adjudication or administration of water rights, the United States is "subject to the judgments, orders, and decrees of the *court* having jurisdiction." 43 U.S.C. § 666 (emphasis added). In 1985, the Idaho legislature enacted Idaho Code § 42-1406A(1), which read, in part:

Effective management in the public interest of the waters of the Snake River basin requires that a comprehensive determination of the nature, extent and priority of the rights of all users of surface and ground water from that system be determined. Therefore, the director of the department of water resources shall petition the district court to commence an adjudication within the terms of the McCarran amendment, 43 U.S.C. section 666, of the water rights of the Snake River basin either through initiation of a new proceeding or the enlargement of an ongoing adjudication proceeding.

Idaho Code § 42-1406A(1) (uncodified and amended by S.L. 1994, ch. 454, § 11, effective April 12, 1994.)

In 1986, Idaho's adjudication statutes were amended "to provide a statutory procedure for incorporating a negotiated agreement between a federal reserved water right claimant and the State of Idaho into an adjudication . . ." Ann Y. Vonde *et al.*, *Understanding The Snake River Basin Adjudication*, 52 IDAHO L. REV. 53, 59 (2016). Consistent with this authority, in 1990 DOE and the state entered into the DOE Agreement, which quantified "all existing water rights and claims to water rights of the United States under state and federal law for the use by the Department of Energy in the Snake River Basin in the State . . ." DOE Agreement at 5. Under that Agreement, DOE is entitled to use up to 35,000 acre-feet of water per calendar year and a maximum diversion rate not to exceed 80 cubic feet per second. The terms of that agreement were fully incorporated in the district court's Final Unified Decree, dated August 25, 2014, which is "conclusive as to the nature and extent of all rights of the United States to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987." *Final Unified Decree, In re SRBA, Case No. 39576* (5th Jud. Dist. Idaho Aug. 25, 2014), at 7. (Exhibit 2). IDWR has no authority to unilaterally interfere with DOE's properly adjudicated right.

While IDWR possesses general authority under Idaho law to administer adjudicated water rights within the Snake River Basin in accordance with the prior appropriation doctrine (*see* Idaho Code § 42-237a(g)), this general authority does not extend to DOE's adjudicated water rights because (i) IDWR's administrative process falls outside the limited waiver of sovereign immunity granted by the McCarran Amendment; and (ii) the United States did not consent to routine state curtailment or administration of its quantified rights.

- i. *IDWR's administrative process falls outside the limited waiver of sovereign immunity granted by the McCarran Amendment.*

Through the McCarran Amendment, the United States consented only to “join the United States as a defendant in any suit ... (2) for the administration of such rights.” 43 U.S.C. § 666. “Any waiver of sovereign immunity is to be strictly construed in favor of the sovereign and must be expressed unequivocally.” *Nielson v. United States, Bureau of Land Mgmt.*, 247 F. Supp. 3d 1152, 1158 (D. Idaho 2017).

The United States’ consent to be sued under the McCarran Amendment applies only to “suits,” a term that the Ninth Circuit indicated refers “not only traditional suits in equity but also hybrid adjudications¹ taking advantage of the expertise of nonjudicial officials.” *United States v. Oregon, Water Resources Dep’t*, 44 F.3d 758, 766 (9th Cir. 1994). However, IDWR’s Order is not a “hybrid adjudication” as contemplated by the Ninth Circuit. Instead, it is a purely administrative action with no seamless or automatic integration with the court. Instead, it parallels a structure that the First Circuit found non-compliant with the McCarran Amendment in *United States v. Puerto Rico*. As the First Circuit explained:

The statutory scheme considered in *Oregon* was a unitary scheme that contained two interconnecting tracks. Although it envisioned that an action would be commenced administratively by the agency . . . that action automatically would proceed to a judicial forum upon completion of the administrative process. In other words, the Oregon statute constructs a seamless proceeding, possessing both administrative and judicial components. These two components “are not independent or unrelated, but parts of a single statutory proceeding, the earlier stages of which are before the [agency] and the later stages before the court.” *Pacific Live Stock Co. v. Or. Water Bd.*, 241 U.S. 440, 451, 60 L. Ed. 1084, 36 S. Ct. 637 (1915) (commenting upon Oregon’s statutory scheme for the administration of water rights). In other words, the agency “merely paves the way for an adjudication by the court of all the rights involved.” *Id.*

United States v. Puerto Rico, 287 F.3d 212, 219 (1st Cir. 2002) (emphasis added).

¹ References to adjudication cases are cited herein due to the lack of caselaw directly addressing administration of federal reserved water rights under the McCarran Amendment; however, the McCarran Amendment uses the same language concerning suits for adjudication and administration, indicating that the same principles can apply to administration matters.

The administrative process initiated by IDWR's delivery call and curtailment order under Idaho Code Title 42, Chapter 2 stands in stark contrast to the "seamless proceeding" described in *Oregon*. Like the Puerto Rican system, Idaho's administrative framework does not automatically flow into a judicial forum. The Director's Order is final agency action. It does not "pave the way for an adjudication by the court;" it is the administrative end of the road.

The only path to a court is for an aggrieved party to initiate an entirely separate action by filing a petition for judicial review under the Idaho Administrative Procedure Act (IDAPA). *See* I.C. §§ 42-1701A(4), 67-5270. This is the opposite of a unitary scheme. Moreover, the court's role in an IDAPA review is not to conduct a new trial or act as the primary adjudicator. Instead, its review is limited and deferential, confined to the agency record and focused on whether the agency's action was lawful and supported by substantial evidence. *See* I.C. § 67-5279. This is precisely the type of separate, non-integrated judicial oversight that the First Circuit found insufficient to qualify as a "suit" as the term is used in 43 U.S.C. § 666.

Because the delivery call process is purely administrative and not an integrated "suit," the McCarran Amendment's waiver of sovereign immunity does not apply. IDWR cannot compel the United States to participate in this non-judicial administrative framework to defend a right that has already been decreed in a proper McCarran suit—the Snake River Basin Adjudication.

- ii. *The United States did not consent to routine state curtailment or administration of its quantified rights—nor did the Court's Final Decree subject DOE to such actions.*

Article 6.1 of the DOE Agreement states:

The parties are unable to agree upon whether the issue of administration is ripe or otherwise appropriate for decision in the SRBA, and if so, whether and to what extent the Director has authority to administer federal water rights. Accordingly, this Agreement does not address this issue except as expressly provided in article 6.2. Each party reserves the right to litigate the issue of administration, if and when the need arises.

DOE Agreement, art. 6.1.²

The Agreement further states: “Nothing in this Agreement shall be construed or interpreted: To limit the authority of the United States to manage its lands or water rights in accordance with the Constitution, statutes, regulations, and procedures of the United States.” DOE Agreement, art. 9.7.7. Clearly, at the time the DOE Agreement was executed, the United States did not agree or consent to IDWR administering federal water rights. The Idaho Supreme Court has acknowledged federal rights to administration in other contexts. *See United States v. State*, 131 Idaho 468, 472, 959 P.2d 449, 453 (1998) (“We agree with the United States and the observation by the Colorado Supreme Court that the purpose of PWR 107 includes a federal reserved water right and that the United States *has the right to administer those water rights.*” (emphasis added)).

The language of Article 6.1 demonstrates that the fundamental question of IDWR's authority to administer DOE's rights was never settled by the agreement. Because the parties could not agree, the issue was carved out from the settlement and was therefore never submitted to the SRBA court for adjudication. Consequently, IDWR cannot now act as if this authority was granted or decreed. By issuing a curtailment order, IDWR is attempting to unilaterally exercise a power that the United States explicitly refused to concede, and that the district court's Final Unified Decree never granted. The purpose of reserving the right to “litigate . . . if and when the need arises” was not to green-light future unilateral administrative action, but to require that the

² Article 6.2.2 of the DOE Agreement states that DOE “*voluntarily* agrees to provide the State with a comprehensive inventory of all wells . . . at or relating to activities at the INEL.” DOE Agreement, art. 6.2.2 (emphasis added).

assertion of such authority be tested first in a proper judicial forum where the United States' sovereign immunity could be properly addressed.

DOE does not dispute that the United States was properly joined as a party to the SRBA action. Nor does DOE dispute the validity of the Final Unified Decree or the 1990 DOE Agreement. But nothing in those sources permits IDWR to curtail DOE's properly adjudicated rights or otherwise grants IDWR authority to administer DOE's adjudicated water rights. Likewise, nothing in the McCarran Amendment subjects the United States to such unilateral interference by a state agency. As stated by the Idaho Supreme Court quoting Senator McCarran: "the McCarran Amendment is 'not intended to be used for any other purpose than to allow the United States to be joined in a suit wherein it is necessary to adjudicate all of the rights of various owners on a given stream.'" *In re Snake River Basin Water Sys.*, 115 Idaho 1, 7 (1988). Moreover, even where the McCarran Amendment allows the federal government to be joined as a defendant in a suit, the Supremacy Clause of the United States Constitution still constrains the substantive application of state law where it would defeat the purpose of the federal reservation. *See Avondale Irrigation Dist. v. North Idaho Properties*, 99 Idaho 30, 40, n15 (1978) ("[A]n Idaho statute may not be applied to a federal reserved water right if such application changes the nature and scope of that federal water right."); *see also In re General Adjudication of All Rights*, 195 Ariz. 411, 423 (1999) ("Holders of federal reserved rights enjoy greater protection from groundwater pumping than do holders of state law rights to the extent that greater protection may be necessary to maintain sufficient water to accomplish the purpose of a reservation.").

The district court's Final Unified Decree clarified that "in the case of any conflict between this Final Unified Decree and the partial consent decrees approving reserved water right settlements, the partial consent decrees approving the reserved water right settlements . . . shall

control.” *Final Decree* at 10-11. Thus, for purposes of determining the parties’ respective rights and obligations, the DOE Agreement is of paramount importance. While DOE is not aware of anything within the district court’s Final Unified Decree purporting to grant IDWR the power to curtail or otherwise administer DOE’s water right, any such language would yield to Article 6.1 of the DOE Agreement.

By explicitly leaving the issue of administration unresolved and preserving each party’s right to litigate the Director’s authority “if and when the need arises” (DOE Agreement, art. 6.1), the United States did not consent to routine state curtailment or administration of its quantified rights—nor did the Court’s Final Decree subject DOE to such actions.

Accordingly, IDWR’s ordinary post-adjudication administrative authority yields in this instance to the United States’ sovereign immunity, as well as to the specific, bargained-for limitation contained in the DOE Agreement. IDWR appears to have previously recognized and applied these limitations, as reflected in its July 2025 curtailment orders, which curtailed groundwater rights junior to October 11, 1900, but did not include DOE’s water right at the INL. *See Final Order Curtailing Ground Water Rights Junior to October 11, 1900* (July 25, 2025) (Exhibit 3). This final order was issued in accordance with the limitations bargained for in DOE’s Agreement with the state as it curtailed water use junior to DOE’s Water Right No. 34-10901 but did not assert curtailment authority over this right. In contrast, IDWR now asserts administrative authority over DOE’s water rights in its May 14, 2026, curtailment order, without explanation for this departure from its prior approach or explanation as to why it drastically changed course.

The Director’s *Final Order Curtailing Ground Water Rights Junior to October 11, 1900*, dated May 14, 2026, exceeds IDWR’s authority as applied to DOE Water Right No. 34-10901

and is unenforceable against DOE. IDWR must amend the Final Order as requested by DOE to correct this error. DOE reserves its right to pursue all legal avenues to manage its water rights and seek legal relief from IDWR's unlawful order.

II. IDWR's Attempt to Compel DOE to Participate in an Approved Mitigation Plan is Improper and Impractical.

IDWR's order states that curtailed users "may seek to participate in an approved mitigation plan through a ground water district." Order at 4. While use of the word "may" gives the illusion that this is simply an option to consider, this is a Hobson's choice for DOE: either participate in an approved mitigation plan or face immediate and unlawful curtailment of a federal reserved water right.

By conditioning the use of DOE's water right on participation in a third-party mitigation plan, IDWR is attempting to indirectly achieve what it cannot do directly: force a re-adjudication of priorities between the United States and private water users. This turns the McCarran Amendment on its head. The amendment allows the U.S. to be brought into a *comprehensive* public adjudication to settle all rights at once, or a suit for administration of such rights. This limited waiver of sovereign immunity was not perpetual consent to unilateral state administrative actions that seek to compel the United States to negotiate or settle with private parties outside of a comprehensive adjudicatory process. As the Ninth Circuit and Idaho Supreme Court have recognized:

There can be little doubt as to the type of suit congress had in mind [when passing the McCarran Amendment]. It was not a private dispute between certain water users as to their conflicting rights to the use of waters of a stream system; rather, it was the quasi-public proceeding which in the law of western waters is known as a "general adjudication" of a stream system: one in which the rights of all claimants on a stream system, as between themselves, are ascertained and officially stated.

Snake River Basin Water Sys., 115 Idaho at 7-8 (quoting *State of California v. Rank*, 293 F.2d 340, 347 (9th Cir.1961)).

Despite the clear limits Congress placed on this waiver of sovereign immunity, IDWR seeks to compel DOE to the negotiating table with private parties simply to enjoy a water right that was already “ascertained and officially stated” in the SRBA. Such action finds no basis in the McCarran Amendment or the final SRBA decree as applied to DOE.

Moreover, even if IDWR had the authority to unilaterally administer DOE’s water rights—which it doesn’t—its proposed solution that DOE “seek to participate in an approved mitigation plan through a ground water district” presents several problems for DOE. As an agency of the federal government, DOE may face challenges agreeing to the terms and conditions of existing mitigation plans. Federal law prevents DOE from agreeing to terms that would violate the Anti-Deficiency Act, that would constitute a tax, or that lack language indicating that all commitments of funds are subject to appropriations from Congress. The difficulty of joining existing agreements places DOE at a disadvantage relative to other water users, including those with water rights that are junior to DOE’s.

These difficulties are compounded by IDWR’s own inconsistent actions. In its *Final Order Curtailing Ground Water Rights Junior to October 11, 1900*, dated July 25, 2025, IDWR correctly accounted for the unique status of DOE’s water rights and did not include them on the curtailment list. (Exhibit 3). Having established this correct legal application, IDWR’s unexplained reversal in its May 14, 2026, order places DOE at a significant procedural disadvantage with no reasonable amount of time to address the complex issues associated with joining a mitigation plan.

This is fundamentally unfair to DOE, which has already demonstrated extraordinary water use mitigation through its own actions, achieving a reduction of approximately 96% relative to its consumptive use allotment and made significant recent investments in water conservation infrastructure.

III. DOE Has Significantly Mitigated its Water Use Relative to its Federal Reserved Water Right Allocation.

Even if DOE's water rights were subject to IDWR administration, DOE has sufficiently mitigated its use through responsible water usage practices and curtailment presents an unjustifiable departure from IDWR precedent.

DOE has a Federal Reserved Water Right 34-10901 (Right) for the Snake River Basin in the State of Idaho. *See* DOE Agreement at 7. The Right was adjudicated in 1990 and has a date of priority of 4/7/1950. *Id.* The purpose of use is the "primary purposes authorized by Congress" for DOE's Idaho National Laboratory (INL) Site, as well as water for fire suppression, diverted within the boundaries of the INL Site. *Id.* at 7-8. The Right is consumptive use not to exceed 35,000 acre-feet per calendar year and a maximum diversion rate not to exceed 80 cubic feet per second. *Id.* at 7. DOE reports to IDWR annually on water use and comprehensive well inventory in accordance with Article 6.2 of the Agreement.

DOE uses only a small fraction of its allocation. Annual total diversion measurements for the last fifteen years (2025 – 2010) have ranged from 6.38% to 7.95% of the allotted 35,000 acre-feet per year. The total volume of water diverted at the INL Site for 2025 was approximately 2,262 acre-feet or approximately 6.46% of the annual water right, and the maximum diversion rate was 4.19 cubic feet per second of the allotted 80 cubic feet per second. Not included in this reporting is the quantity of water recycled in accordance with permitted Idaho Department of

Environmental Quality (IDEQ) wastewater reuse facilities on the INL Site (Reuse Permits I-161-03, I-160-02, and M-130-07).

Approximately 43% of the water used at the INL is returned to the aquifer through these reuse permits. In reporting year 2025, approximately 974 acre-feet of total water diverted was returned to the aquifer. Given this, DOE consumptively used only 1,288 acre-feet of water in 2025 or approximately 3.68% of the annual consumptive water right. This water reuse is not required by the DOE Agreement, making it a significant voluntary mitigation of consumptive water use in all years.

DOE has made significant investments in water sustainability goals to reduce potable water-use intensity and to reduce non-potable freshwater consumption for industrial, landscaping, and agricultural purposes. In 2024, the INL completed a water assessment of the INL facilities. The nuclear reactor at the Advanced Test Reactor Complex (ATR) remains the major water user and was responsible for approximately 48% of the total water diverted at the INL Site. The ATR reactor uses water to flow through the heat exchanger for cooling the storage canal and for the reactor cooling tower evaporation and make-up. A key water mitigation accomplishment in 2024 was infrastructure improvements repairing leaking fixtures and equipment at the ATR Complex that will save substantial water annually. This example further demonstrates DOE's voluntary reduction in water use.

IV. Existing Legal Agreements with the State of Idaho Require Continued Use of Water at the INL Site.

The state of Idaho and DOE are parties to agreements including the 1995 Idaho Settlement Agreement (ISA)³ and Supplement Agreements, 1991 Federal Facility Agreement and Consent Order (FFA/CO), the 1992 Non-Consent Order, and the Idaho National Laboratory Site Treatment Plan (STP). These negotiated settlements and regulatory compliance agreements with the State of Idaho guide the management and response obligations (such as treatment, shipment, and cleanup) of wastes at the INL Site. These agreements do not contemplate IDWR curtailment of DOE's water rights. Curtailment of DOE's federal reserved water right would halt operations and excuse DOE performance under these agreements.

V. Physical Safety and National Security Concerns Mandate Continuity of Water Use and Operations at the INL.

Established in 1949, INL is part of the DOE's complex of national laboratories. INL performs work in each of the strategic goal areas of the department: energy, national security, science, and environment, and is the nation's center for nuclear energy research and development. INL also performs work for the U.S. military, including the Naval Nuclear Propulsion Program. Water diverted on the INL Site is used for potable and non-potable purposes including most notably nuclear reactor cooling. Non-use of the DOE Federal Reserved Water Right at the Idaho National Laboratory Site would cause significant national security risk. Additionally, on January 20, 2025, in Executive Order 14156 the White House declared a National Energy Emergency. On May 23, 2025, the White House issued Executive Order (EO) 14301—Reforming Nuclear Reactor Testing at the Department of Energy. EO 14301 ordered

³ The Naval Nuclear Propulsion Program (NNPP, also known as Naval Reactors) is also a party to the ISA in its Department of the Navy capacity. The May 14, 2026 curtailment order does not contemplate the NNPP's ISA commitments.

bringing advanced nuclear technologies into domestic production as soon as possible, and specifically named the Idaho National Laboratory for their principal responsibility for constructing and testing new reactor designs.

The single largest use of water at the INL is nuclear reactor cooling. Curtailment of the DOE Federal Reserved Water Right at the INL Site would cause significant physical safety and national security concerns. Even if IDWR were to properly join DOE to a suit to establish administration under the McCarran Amendment, application of state laws for administration would still be constrained under the Supremacy Clause by federal statutes governing safety and security procedures for federal facilities.

i. The Naval Nuclear Propulsion Program (NNPP)

The NNPP, a joint DOE and Department of the Navy entity also known as Naval Reactors, powers maritime dominance for the U.S. Navy and the Nation. The NNPP organic statute, at 10 U.S.C. § 6102 and 50 U.S.C. § 2511, codifying Presidential Executive Order 12344, sets forth the total responsibility of the NNPP for all aspects of the Navy's nuclear propulsion, including research, design, construction, testing, operation, maintenance, and ultimate disposition of naval nuclear propulsion plants. The Program's responsibility includes all related facilities, radiological controls, environmental safety, and health matters, as well as selection, training, and assignment of personnel. This work is accomplished by a network of dedicated research laboratories, nuclear-capable shipyards, equipment contractors and suppliers, and training facilities.

The Naval Reactors Facility (NRF), located on the INL Site, plays a vital role in supporting the nation's ability to design, build, and operate the Navy's submarines and aircraft carriers. The

NNPP's primary activities at NRF include examining, processing and preparing the Navy's spent nuclear fuel for disposal in a permanent geologic repository and conducting detailed examination of irradiated fuel, materials and test specimens to support development of new naval reactor technologies. This is the only facility where the NNPP conducts these activities. The data derived from these examinations is also used to support the current fleet of 66 submarines and 11 aircraft carriers, providing crucial data to support maximum operational capabilities.

Curtailment of the DOE Federal Reserved Water Right at the INL Site would cause physical safety and significant national security concern, including:

- Naval Reactors is a major user of the ATR. A shut down of the ATR would prevent Naval Reactors from receiving irradiation testing data, and therefore has the potential to impact operational capabilities in the active fleet and delay deployment of new technologies that are critical to maintaining the U.S. Navy's warfighting advantage.
- Among other recapitalization projects underway at NRF, a new Spent Fuel Handling Facility is being constructed with concrete as a major building material, which requires water to produce. If NRF's water usage is curtailed, construction delays are likely. Delaying construction would delay the operational capability of this facility, which is needed to support U.S. Navy aircraft carrier refueling in the 2030s. It also will delay decommissioning of the current facility which became operational in 1957, prolonging the amount of time the NNPP continues to conduct operations in a spent fuel water pool that does not meet modern design standards.
- NRF maintains a sewage lagoon, and in accordance with Idaho Administrative Code, IDAPA 58.01.16, Department of Environmental Quality Wastewater Rules, water is necessary to meet the state requirement that pond depth does not drop below two (2) feet.

Curtailment would prevent NRF from maintaining the IDEQ-approved water level in the sewage lagoon, reduce or stop its sewage treatment function, and lead to odors that could be detected by site workers under some wind conditions.

- Personnel, with daily domestic water needs, are required on site at NRF to perform labor for spent nuclear fuel management and examination duties, and emergency response.

Any disruption to the availability of potable water could delay execution of work that directly supports the naval nuclear fleet and shipyards. Extended loss of potable water for domestic uses for the 1500 people on site could create personnel safety (e.g., heat stress) and sanitation concerns.

VI. Request for Hearing

If the Director grants DOE's petition for reconsideration by withdrawing those parts of the Final Order that curtail DOE's lawful water use, then the Director need not grant DOE's request for a hearing. However, if the Director declines to withdraw those parts from the Final Order based upon this petition, then DOE requests a hearing pursuant to Idaho Code § 42-1701A(3). DOE is an aggrieved person under the statute and has not been afforded an opportunity for a hearing on the Director's final order and is entitled to an administrative hearing on the matter pursuant to Idaho law.

VII. Request for Stay

DOE requests a stay of enforcement of agency action pursuant to Idaho Code § 67-5274 and rule 780 of IDWR's rules of procedure, until such time as the matter is finally resolved.

VIII. Conclusion

For the reasons set forth above, DOE requests that the Director withdraw those parts of the final order that curtail DOE's lawful water use and issue an amended order to that effect. If the

Director withdraws those parts of the Final Order, they need not grant DOE's request for hearing. However, if the Director declines to grant DOE's petition for reconsideration as requested above, DOE respectfully requests a hearing to address the merits of the Director's decisions and the issues raised above.

DATED this 3rd day of June 2026.

TANNER
CROWTHER

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TANNER F. CROWTHER
Chief Counsel
U.S. Department of Energy
Idaho Operations Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June 2026, I caused a true and correct copy of the foregoing Petition for Reconsideration and Request for Hearing to be served upon the following individuals by the designated method:

Idaho Department of Water Resources Director Matthew Weaver P.O. Box 83720 Boise, ID 83720-0098 file@idwr.idaho.gov	☒ By Electronic Mail
Travis L. Thompson Abby R. Bitzenburg PARSONS BEHLE & LATIMER PO Box 63 Twin Falls, ID 83303-0063 tthompson@parsonsbehle.com abitzenburg@parsonsbehle.com	☒ By Electronic Mail
Norman M. Semanko Garrett M. Kitamura PARSONS BEHLE & LATIMER 800 W. Main Street, Suite 1300 Boise, Idaho 83702 nsemanko@parsonsbehle.com gkitamura@parsonsbehle.com	☒ By Electronic Mail
Thomas J. Budge RACINE OLSON PO Box 1391 Pocatello, ID 83204-1391 tj@racineolson.com	☒ By Electronic Mail
David W. Gehlert Natural Resources Section U.S. DOJ, Environment and Natural Resources Div. 999 18th St., South Terrace, Suite 370 Denver, CO 80202 david.gehlert@usdoj.gov	☒ By Electronic Mail
Matt Howard US Bureau of Reclamation 1150 N Curtis Road Boise, ID 83706-1234 mhoward@usbr.gov	☒ By Electronic Mail

Sarah A Klahn Maximilian C. Bricker Somach Simmons & Dunn 1155 Canyon Blvd, Ste. 110 Boulder, CO 80302 sklahn@somachlaw.com mbricker@somachlaw.com	☒ By Electronic Mail
Rich Diehl City of Pocatello PO Box 4169 Pocatello, ID 83205 rdiehl@pocatello.us	☒ By Electronic Mail
Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC PO Box 107 Boise, ID 83701 cmchugh@mchughbromley.com cbromley@mchughbromley.com	☒ By Electronic Mail
Robert E. Williams WILLIAMS, MESERVY, & LOTHSPREICH, LLP PO Box 168 Jerome, ID 83338 rewilliams@wmlattys.com	☒ By Electronic Mail
Robert L. Harris HOLDEN, KIDWELL, HAHN & CRAPO, PLLC PO Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com	☒ By Electronic Mail
Zachary H. Jones City Attorney, City of Idaho Falls PO Box 50220 Idaho Falls, ID 83405 zjones@idahofalls.gov	☒ By Electronic Mail
Skyler C. Johns Nathan M. Olsen Steven L. Taggart OLSEN TAGGART PLLC PO Box 3005 Idaho Falls, ID 83403 sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com	☒ By Electronic Mail
Dylan Anderson DYLAN ANDERSON LAW PLLC PO Box 35 Rexburg, Idaho 83440 dylan@dylanandersonlaw.com	

Anna M.
Christensen

Digitally signed by Anna M.
Christensen
Date: 2026.06.03 13:19:15
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Anna M. Christensen
Paralegal Specialist
Department of Energy Idaho Operations

EXHIBIT I

**Declaration of Counsel in Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

From: [Crowther, Tanner F](#)
To: [Baxter, Garrick](#)
Cc: [Joy Vega](#)
Subject: DOE Water Right at the INL Update
Date: Tuesday, July 14, 2026 3:39:40 PM
Attachments: [image001.png](#)

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Garrick,

The Department of Energy (DOE) has voluntarily elected to join the Big Lost River Ground Water District (BLRGWD) for purposes of mitigation only for the 2026 water year. This step was taken after discussion with Attorney General Labrador and Joy Vega on June 16, 2026.

DOE has elected to voluntarily join the BLRGWD solely to preserve DOE's ability to fully exercise and enjoy its water right at the Idaho National Laboratory (INL) without any claim of curtailment or interruption.

In taking this action DOE expressly preserves all legal positions and defenses related to federal reserved water rights, sovereign immunity, federal preemption, and the limits of state administrative authority. No estoppel shall arise from DOE's voluntary participation in the BLRGWD for mitigation purposes.

Further, DOE has not withdrawn its petition for reconsideration and maintains its full ability to pursue any and all claims concerning the Idaho Department of Water Resources' authority to administer DOE's water right in any forum. This course of action was discussed with AG Labrador and Ms. Vega on June 16, 2026 including DOE's intent to retain all legal rights and ability to challenge IDWR curtailment authority in any forum.

Respectfully,



**U.S. DEPARTMENT
of ENERGY**

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Tanner Crowther
Chief Counsel

Office of the Chief Counsel
Idaho Operations Office
MOBILE 208.360.3478

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EXHIBIT J

**Declaration of Counsel in Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

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

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

Docket No. CM-DC-2010-001

**ORDER RESCINDING 2026
CURTAILMENT OF DOE
WATER RIGHT NO. 34-10901;
ORDER DENYING REQUEST
FOR HEARING**

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

FINDINGS OF FACT

1. On May 14, 2026, the Director issued a *Final Order Curtailing Ground Water Rights Junior to October 11, 1900* (“*May Curtailment Order*”) in the SWC delivery call proceeding, Docket No. CM-DC-2010-001. The *May Curtailment Order* required holders of ground water rights within the Eastern Snake Plain Aquifer area of common ground water supply (“ESPA ACGWS”) bearing priority dates junior to October 11, 1900, and listed in Attachment A, to “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.” *May Curtailment Order*, at 3.
2. Attachment A to the *May Curtailment Order* included Water Right No. 34-10901, held in the name of the United States of America, Department of Energy (“DOE”), with a priority date of April 7, 1950. *Id.* Attach. A, at 20.
3. On May 28, 2026, the DOE filed *U.S. Department of Energy Petition for Reconsideration and Request for Hearing* in response to the *May Curtailment Order*.
4. On June 3, 2026, the DOE filed *U.S. Department of Energy Motion to File Amended Petition for Reconsideration* along with *U.S. Department of Energy Amended Petition for Reconsideration and Request for Hearing*.
5. On July 14, 2026, the DOE notified the Department by email that it had joined the Big Lost River Ground Water District (“BLRGWD”) for purposes of mitigation for the 2026 water year. Email from Tanner Crowther, Chief Counsel, Department of Energy, to Garrick Baxter, Lead Deputy Attorney General, Idaho Department of Water Resources (July 14, 2026, at 3:39 PM MDT) [hereinafter DOE Email] (on file with recipient). The Department independently confirmed that DOE joined the BLRGWD.

CONCLUSIONS OF LAW

1. “[W]hen it is found that junior-priority ground water pumping is causing a senior right holder material injury, the Director must either: (1) curtail junior-priority ground water pumping to satisfy the senior’s right, or (2) ‘[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.’” *Rangen, Inc. v. Idaho Dep’t of Water Res.*, 160 Idaho 251, 256, 371 P.3d 305, 310 (2016) (quoting IDAPA 37.03.11.040.01), *abrogated in part on other grounds by 3G AG LLC v. Idaho Dep’t of Water Res.*, 170 Idaho 251, 509 P.3d 1180 (2022).

2. BLRGWD is one of the ground water districts that has joined and participates in the *2024 Stipulated Mitigation Plan*, which is an approved mitigation plan for the SWC delivery call proceeding. *See Order Approving First Addendum and Granting Related Relief*, No. CM-MP-2024-003 (May 7, 2026). The DOE has joined BLRGWD for the 2026 water year “to preserve DOE’s ability to fully exercise and enjoy its water right at the Idaho National Laboratory (INL) without any claim of curtailment or interruption.” DOE Email. Because the DOE has joined a ground water district that is protected by an approved mitigation plan, DOE Water Right No. 34-10901 is no longer subject to curtailment during the 2026 water year.

3. The DOE’s request for reconsideration of the *May Curtailment Order* has been denied by operation of law pursuant to Idaho Code § 67-5246(4). The Director will take no further action on the DOE’s request for reconsideration.

4. The DOE’s request for a hearing on the *May Curtailment Order* should also be denied. The DOE’s enrollment in the BLRGWD for purposes of mitigation during the 2026 water year “preserve[s] DOE’s ability to fully exercise and enjoy” Water Right No. 34-10901 during the 2026 water year “without any claim of curtailment or interruption.” DOE Email. Because DOE Water Right No. 34-10901 is no longer subject to curtailment during the 2026 water year, the DOE is not a “person aggrieved” by the *May Curtailment Order*. I.C. § 42-1701A(3). The DOE, therefore, is not entitled to a hearing on the *May Curtailment Order*. *Id.*

5. Moreover, in its filings, the DOE asserts that the Director lacks authority to administer Water Right No. 34-10901. The question of whether, and to what extent, the Director has the authority to administer Water Right No. 34-10901 was identified and specifically reserved by the Snake River Basin Adjudication (“SRBA”) District Court. In 1990, the State of Idaho and the DOE entered into a settlement titled *Water Rights Agreement* (“*Agreement*”), which quantified all existing water rights and claims to water rights of the DOE at the Idaho National Laboratory.¹ The *Agreement* states that “[t]he parties are unable to agree upon whether the issue of administration is ripe or otherwise appropriate for decision in the SRBA, and if so, whether and to what extent the Director has authority to administer federal water rights.” *Agreement*, at 8.² Accordingly, each party “reserve[d] the right to litigate the issue of administration, if and when the need arises.” *Id.* In 2003, the SRBA Court entered a partial

¹ The *Agreement* is available at: <http://www.srba.idaho.gov/Images/federal/Energy.pdf>

² The page reference corresponds to the page number shown in the agreement itself, not the PDF page number.

decree defining the elements of Water Right No. 34-10901 consistent with the *Agreement*.³ The “Other Provisions” section of the partial decree recognizes that Water Right No. 34-10901 “incorporates and is subject to the terms of the [*Agreement*].” *Id.* The partial decree was ultimately incorporated into the SRBA *Final Unified Decree* that the SRBA District Court issued in 2014. *Final Unified Decree* ¶ 2, at 10.⁴ Because the SRBA District Court reserved the administration issue for future determination, the issues raised by the DOE are more appropriately raised before the SRBA District Court.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the May 14, 2026 *Final Order Curtailing Ground Water Rights Junior to October 11, 1900* is RESCINDED IN PART to the extent that it orders curtailment of the U.S. Department of Energy’s Water Right No. 34-10901. The order otherwise remains in effect.

IT IS FURTHER ORDERED that the U.S. Department of Energy’s request for hearing on the May 14, 2026 *Final Order Curtailing Ground Water Rights Junior to October 11, 1900* is DENIED.

Dated this 24th day of July 2026.



MATHEW WEAVER
Director

³ The partial decree is available at: <http://www.srba.idaho.gov/Images/2011-09/3410901xx00016.TIF>

⁴ The *Final Unified Decree* can be found at <http://www.srba.idaho.gov/Images/2014-08/0039576XX09020.pdf>

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July 2026, the above and foregoing was served by the method indicated below and addressed to the following:

Tanner F. Crowther Chief Counsel, Office of Chief Counsel US Dept. of Energy – Idaho Operations Office 1955 Fremont Ave. Idaho Falls, ID 83402 Mailstop 1209 crowthtf@id.doe.gov	☒ U.S. Mail, postage prepaid ☒ Email
John K. Simpson IdaH2O, PLLC PO Box 152 Boise, ID 83701-0152 jks@idahowaters.com	☒ U.S. Mail, postage prepaid ☒ Email
Travis L. Thompson Abby R. Bitzenburg PARSONS BEHLE & LATIMER PO Box 63 Twin Falls, ID 83303-0063 tthompson@parsonsbehle.com abitzenburg@parsonsbehle.com	☒ U.S. Mail, postage prepaid ☒ Email
Norman M. Semanko Garrett M. Kitamura PARSONS BEHLE & LATIMER 800 W. Main Street, Suite 1300 Boise, Idaho 83702 nsemanko@parsonsbehle.com gkitamura@parsonsbehle.com	☒ U.S. Mail, postage prepaid ☒ Email
Thomas J. Budge RACINE OLSON PO Box 1391 Pocatello, ID 83204-1391 tj@racineolson.com	☒ U.S. Mail, postage prepaid ☒ Email
David W. Gehlert Natural Resources Section U.S. DOJ, Environment and Natural Resources Div. 999 18 th St., South Terrace, Suite 370 Denver, CO 80202 david.gehlert@usdoj.gov	☒ U.S. Mail, postage prepaid ☒ Email
Matt Howard US Bureau of Reclamation 1150 N Curtis Road Boise, ID 83706-1234 mhoward@usbr.gov	☒ U.S. Mail, postage prepaid ☒ Email
Sarah A Klahn Maximilian C. Bricker Somach Simmons & Dunn 1155 Canyon Blvd, Ste. 110 Boulder, CO 80302 sklahn@somachlaw.com mbricker@somachlaw.com	☒ U.S. Mail, postage prepaid ☒ Email

Rich Diehl City of Pocatello PO Box 4169 Pocatello, ID 83205 rdiehl@pocatello.us	☒ U.S. Mail, postage prepaid ☒ Email
Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC PO Box 107 Boise, ID 83701 cmchugh@mchughbromley.com cbromley@mchughbromley.com	☒ U.S. Mail, postage prepaid ☒ Email
Robert E. Williams WILLIAMS, MESERVY, & LOTHSPREICH, LLP PO Box 168 Jerome, ID 83338 rewilliams@wmlattys.com	☒ U.S. Mail, postage prepaid ☒ Email
Robert L. Harris HOLDEN, KIDWELL, HAHN & CRAPO, PLLC PO Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com	☒ U.S. Mail, postage prepaid ☒ Email
Zachary H. Jones City Attorney, City of Idaho Falls PO Box 50220 Idaho Falls, ID 83405 zjones@idahofalls.gov	☒ U.S. Mail, postage prepaid ☒ Email
Skyler C. Johns Nathan M. Olsen Steven L. Taggart OLSEN TAGGART PLLC PO Box 3005 Idaho Falls, ID 83403 sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com	☒ U.S. Mail, postage prepaid ☒ Email
Dylan Anderson DYLAN ANDERSON LAW PLLC PO Box 35 Rexburg, Idaho 83440 dylan@dylanandersonlaw.com	☒ U.S. Mail, postage prepaid ☒ Email

COURTESY COPIES VIA EMAIL TO:

Craig Chandler
IDWR—Eastern Region
craig.chandler@idwr.idaho.gov

Corey Skinner
IDWR—Southern Region
corey.skinner@idwr.idaho.gov

William A. Parsons
PARSONS, LOVELAND, SHIRLEY & MILLER, LLP
wparsons@pml.org
wparsons@magicvalley.law

Jerry R. Rigby
Michelle Mortimer
RIGBY, ANDRUS & RIGBY LAW, PLLC
jrigby@rex-law.com
mmortimer@rex-law.com

Andrew J. Waldera
SAWTOOTH LAW OFFICES, PLLC
andy@sawtoothlaw.com


Sarah Tschohl, Paralegal

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

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

The accompanying document is a “**Final Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5246. The following statements describe the procedures and time limits for seeking reconsideration or other administrative relief as required by Idaho Code § 67-5248.

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5246(4))

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

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order, or action of the Director of the Department 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. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

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

EXHIBIT K

**Declaration of Counsel in Support of the State of Idaho's Motion
for Declaratory Judgment re Administration of Water Right 34-10901**

87 OCT 15 AM 9 03

BY _____
DEPUTY CLERK

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

In Re the General Adjudication	)	Case No. 39576
of Rights to the Use of Water	)	
from the Snake River Basin Water	)	
System	)	
The State of Idaho, <u>ex rel.</u>	)	MEMORANDUM OPINION
R. Keith Higginson in his official	)	ON COMMENCEMENT OF
capacity as director of the	)	ADJUDICATION
Idaho Department of Water	)	
Resources,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
The United States; the State of	)	
Idaho; and all claimants to the	)	
use of water from the Snake River	)	
Basin Water System,	)	
	)	
Defendants.	)	

I.C. Sec. 42-1406A (Supp. 1987)¹ requires the
director of the Idaho Department of Water Resources (the

¹I.C. Sec. 42-1406A (Supp. 1987) reads as follows:

Snake River basin adjudication -- Commencement.--
(1) Effective management in the public interest of the
(Footnote Continued)

refused to consent pursuant to the McCarran amendment, this court so finds nonetheless. As stated earlier, the McCarran amendment, cases interpreting it and the legislative history to it require that an adjudication be a general adjudication of all rights inter se of a river system or other source in order to obtain jurisdiction over the United States. The United States cannot lawfully be required to consent to the jurisdiction of this court unless every effort is made to include each and every party claiming a water right to the Snake River basin. The purpose of the McCarran amendment was to obtain jurisdiction over the federal government in order that states may manage their respective waters in an efficient and practical manner. Excluding the Boise, Payette, Weiser and Lemhi tributary sub-basins from the Snake River basin adjudication can only result in duplication and confusion. This court finds that inclusion of these sub-basins is necessary in order to obtain lawful jurisdiction over the United States. While this finding is not necessary to a determination of the issue presently before this court, it is nonetheless important.

II. CLASSES OF WATER USERS WITHIN THE SYSTEM AND THE BOUNDARIES OF ANY HYDROLOGIC SUB-BASINS WITHIN THE SYSTEM FOR WHICH PROCEEDINGS MAY ADVANCE SEPARATELY.

The commencement order must define the classes of water users within the system and the boundaries of any hydrologic sub-basins within the system for which