BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHTS NOS. 36-04013A, 36-04013B, AND 36-07148 (SNAKE RIVER FARM) (Water District Nos. 130 and 140)	)	**ORDER CURTAILING GROUND WATER RIGHTS IN WATER DISTRICT NOS. 130 AND 140 JUNIOR TO JANUARY 8, 1981**

FINDINGS OF FACT

Procedural Background

1. This matter was originally commenced in 2005 with the filing of a delivery call for administration of junior ground water rights by Clear Springs Foods, Inc. ("Clear Springs"). On July 8, 2005, the Director of the Department of Water Resources ("Director" or "Department") issued an order in this matter ("July 2005 Order") finding that certain water rights held by Clear Springs were materially injured in accordance with the Department's Rules for Conjunctive Management of Surface and Ground Water Resources, IDAPA 37.03.11 *et seq.* ("CM Rules"). The Director ordered curtailment of ground water rights junior to the most senior of Clear Springs' injured water rights (36-4013B; February 4, 1964), unless those users could replace the depletions that were causing injury to Clear Springs. Consistent with CM Rule 40.01.a, curtailment was phased-in over a period of five years to lessen the economic impact of curtailment.

2. At the time the July 2005 Order was issued, ground water depletions from Water District No. 140 had not yet been taken into account. With the inclusion of Water District No. 140, the Eastern Snake Plain Aquifer ("ESPA") Model simulates that the benefits of curtailing ground water rights junior to February 4, 1964 would increase reach gains in the 11-mile Buhl Gage to Thousand Springs reach by 38.72 cfs. *Final Order Accepting Ground Water Districts' Withdrawal of Amended Mitigation Plan, Denying Motion to Strike, Denying Second Mitigation Plan and Amended Second Mitigation Plan in Part; and Notice of Curtailment* at 6, ¶ 23 (March 5, 2009) ("March 5 Order").

3. Clear Springs diverts from discrete springs located in the Buhl Gage to Thousand Springs reach. The Director has determined that 6.9% of the benefits of curtailment will accrue directly to Clear Springs at its facility. *Id.* at 2, ¶ 2.

4. In 2009, the fifth year of the phased-in period of curtailment, junior ground water users are required to provide 38.72 cfs to the Buhl Gage to Thousand Springs reach, or 2.67 cfs directly to Clear Springs (6.9% of 38.72 cfs). *Id.* at 6, ¶ 24.

5. Since 2005, junior ground water users, represented by the Idaho Ground Water Appropriators, Inc. ("IGWA" or "Ground Water Districts"), have responded to the requirements of the July 2005 Order by submitting replacement plans to offset depletions to the Buhl Gage to Thousand Springs reach. Water has been replaced by conversion of acres irrigated by ground water to surface water, conveyance losses, idling of lands through the Conservation Enhancement Reserve Program ("CREP"), and recharge.

6. In 2009, IGWA proposed to replace its depletions through conversion of approximately 9,300 acres that had been converted in previous years, continued enrollment of acres in CREP, and other activities.[1] In the March 5 Order, the Department determined that the benefits of conversion and CREP would result in a 9.88 cfs benefit to the Buhl Gage to Thousand Springs reach. *Id.* at 6, ¶ 23. The Director accepted those portions of IGWA's 2009 replacement plan in the March 5 Order. *Id.* at 13, ¶ 2. The resulting shortfall at the time of the March 5 Order was 28.84 cfs to the reach (38.72 cfs – 9.88 cfs), or 1.99 cfs directly to Clear Springs (6.9% of 28.84 cfs). *Id.* at 6, ¶ 23.

7. Based on the shortfall, the Director provided notice to holders of ground water rights junior to November 16, 1972, that curtailment would occur if no action was taken by March 16, 2009. The resulting curtailment would have impacted approximately 860 ground water rights that irrigate approximately 41,000 acres in Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls counties.

8. On March 12, 2009, IGWA submitted its *2009 Replacement Water Plan and Third Mitigation Plan (Over-the-Rim) of North Snake Ground Water District and Magic Valley Ground Water District* ("2009 Plan"). The 2009 Plan proposed to eliminate the 1.99 cfs shortfall to Clear Springs by providing "direct delivery of ground water from existing wells to Snake River Farm's intake." *2009 Plan* at 6. The lands that were served by the wells that would comprise the over-the-rim component of direct replacement supply to Clear Springs would be converted from ground water irrigation to surface water irrigation. "The total acres proposed to be converted is approximately 1,060 acres." *Id.* at 7. The over-the-rim pipeline would provide between 1.99 to 3.0 cfs directly to Clear Springs.

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[1] IGWA had proposed to offset the remainder of its depletions by requesting that the Director order Clear Springs to accept direct monetary payment or replacement fish. For reasons discussed in the March 5 Order, the Director denied the request. This and other determinations made in the March 5 Order are on judicial review before the Honorable John M. Melanson of the Fifth Judicial District.

9. Upon receipt of the 2009 Plan, the Director held in abeyance the notice of curtailment in the March 5 Order until making a determination on the 2009 Plan. *Order on Scheduling and Holding Notice of Curtailment in Abeyance* (March 16, 2009).

10. On March 26, 2009, the Director approved the 2009 Plan, which required IGWA to construct the over-the-rim pipeline and implement the associated 1,060 new conversion acres. *Order Approving Ground Water Districts' Replacement Water Plan for 2009* (March 26, 2009) ("March 26 Order"). The order required construction of the pipeline and new conversion acres no later than June 1, 2009. Nothing in the March 26 Order altered the requirement of the March 5 Order that IGWA continue conversion of the existing 9,300 conversion acres and maintain enrollment of lands in CREP. The notice of curtailment continued to be held in abeyance.

11. On April 27, 2009, Clear Springs filed its *Motion for Partial Stay of Implementation of Directors' March 26, 2009 Order Approving Ground Water Districts' Replacement Water Plan for 2009* ("Partial Stay Motion"). For several legal and practical reasons, Clear Springs requested that the Director partially stay implementation of the March 26 Order for one year, "so as not to require construction and installation of the GWD's 'over-the-rim' project at this time." *Partial Stay Motion* at 9. Clear Springs stated it would "accept the remainder of the 2009 Plan as acceptable mitigation for this year" and that "Clear Springs' acceptance of this mitigation would be for the sole purpose of proceeding to an immediate hearing on the 2009 Plan on the issues identified by Clear Springs' protest" to the Ground Water Districts' Third Mitigation Plan (Over-the-Rim). *Id.* at 6-7.

12. On May 4, 2009, the Director conducted a status conference with the parties to discuss their positions regarding the requested partial stay. At the status conference, an officer of Clear Springs and the attorney for the Ground Water Districts stated that each party respectively agreed to a two-year partial stay of the requirement for completion of the over-the-rim project, "while continuing with the other approved replacement water requirements for the two-year period. The parties were not able to reach agreement at the status conference on the timing for holding a hearing on the Ground Water Districts' Third Mitigation Plan." *Order Granting Partial Stay of Ground Water Districts' Replacement Water Plan for 2009* at 1 (May 15, 2009) ("May 15 Partial Stay Order"). "[B]ased upon Clear Springs' acceptance of the terms of the two-year partial stay, satisfaction of the remainder of the 2009 Plan, approved by the March 26, 2009 Order of the Director, shall constitute acceptable and sufficient replacement water or mitigation by the Ground Water Districts for the 2009 and 2010 calendar years." *May 15 Partial Stay Order* at 2.

13. On May 15, 2009, Gerald F. Schroeder was appointed to serve as independent hearing officer and conduct a hearing on the stayed portion of the 2009 Plan, as well as conduct a post-audit of the Ground Water Districts' prior replacement activities. *Order Appointing Hearing Officer; Granting Petition to Intervene; and Consolidating Matters for Hearing.*

14. On June 19, 2009, the Director sent a letter to attorneys for the Ground Water Districts regarding compliance with the non-stayed portions of the 2009 Plan: new conversions of 1,060 acres; continued conversion of 9,300 acres; and continued participation in CREP. In the letter, the Director stated that a field examination of the 1,060 new conversion acres was

performed by the watermaster for Water District Nos. 130 and 140 on June 2, 2009. One concern raised in the letter was a potential shortfall in the number of new conversion acres. The Director requested additional information on the new conversion acres by June 25, 2009.

15. On June 25, 2009, attorneys for the Ground Water Districts provided an initial response to the Director's June 19 letter. In the response letter, attorneys for the Ground Water Districts stated that, "When the 2009 Plan was filed, the exact number of acres to be converted was unknown." Actual implementation of the new conversions led to fewer acres. Secondly, attorneys for the Ground Water Districts notified the Director that, of the 9,300 existing conversion acres, fewer of those acres were converted than in previous years. Third, attorneys for the Ground Water Districts stated that participation in CREP is continuing and that more acres may be enrolled than in previous years. Finally, attorneys for the Ground Water Districts stated that if the actions taken thus far are "not acceptable and the Director determines to remove the two-year partial stay, the Ground Water Districts are prepared to proceed with the construction of the over-the-rim delivery portion of the 2009 Plan."

16. On June 29, 2009, Clear Springs filed its *Response to Ground Water Districts' June 25, 2009 Letter* ("Response"). In its Response, Clear Springs stated its concerns with the Ground Water Districts' failure to follow the requirements of the March 26 Order and May 15 Partial Stay Order regarding continued conversion of 9,300 acres and conversion of 1,060 new acres.

17. On June 30, 2009, the Director[2] responded by letter to attorneys for the Ground Water Districts. The Director stated that even if the two-year stay on construction of the pipeline were removed, there would be too few new conversion acres and the 2009 Plan would not be in compliance. Additionally, the Director requested additional information on how many of the existing 9,300 conversion acres would be irrigated with rented storage water.

18. On July 9, 2009, attorneys for the Ground Water Districts responded to the Director's June 30, 2009 letter. Attorneys for the Ground Water Districts reiterated the position on the new conversion acres from the June 25, 2009 letter. In the July 9, 2009 letter, attorneys for the Ground Water Districts explained a number of reasons that fewer than the existing 9,300 conversion acres would be irrigated by surface water this season. Ultimately, the letter stated "that surface water is being delivered to approximately 3,500 of the 9,300 previously converted acres, as well as to the new conversions under the 2009 Plan."

19. On July 16, 2009, attorneys for the Ground Water Districts supplemented the July 9, 2009 letter with additional information.

Technical Review of Non-Stayed Requirements of the 2009 Plan

20. In 2009, the final year of the phased-in period of curtailment, junior ground water users were to provide 38.72 cfs to the Buhl Gage to Thousand Springs reach, or 2.67 cfs directly

[2] On June 30, 2009, after thirty-three years of service to the Department, Director David R. Tuthill, Jr. retired. This was the final document issued by Director Tuthill in this proceeding. Gary Spackman was subsequently appointed Interim Director by the Governor on July 17, 2009.

to Clear Springs (6.9% of 38.72 cfs). In the March 5 Order, the Director accepted the Ground Water Districts' 2009 proposal to enroll the same number of acres in CREP and continue the same conversions as in 2008. Acceptance of the existing CREP and conversion acres reduced the 2009 obligation to "28.84 cfs to the reach, or 1.99 cfs to Clear Springs (6.9% or 28.8[4] cfs)." *March 5 Order* at 8, ¶ 6.

21. According to the orders of March 5, March 26, and the May 15 Partial Stay Order, acceptable and sufficient replacement water or mitigation by the Ground Water Districts for the 2009 and 2010 calendar years was to consist of: (1) continued conversion of 9,300 acres; (2) conversion of 1,060 new acres; and (3) continued enrollment of acres in CREP.

22. Using the ESPA Model, the simulations of above-mentioned efforts predict a reach gain of 12.23 cfs to the Buhl Gage to Thousand Springs reach, or 0.84 cfs directly to Clear Springs. But for the May 15 Partial Stay Order, the remaining difference of 26.49 to the reach, or 1.83 to Clear Springs, was to be made up by the Ground Water Districts via construction of the over-the-rim pipeline.

23. In accordance with the May 15 Partial Stay Order, the Ground Water Districts are required to provide 12.23 cfs to the Buhl Gage to Thousand Springs reach during the 2009 and 2010 calendar years through existing conversions, new conversions, and CREP.

(1) Continued Conversion of 9,300 Acres

24. In the March 5 and March 26 orders, the Director accepted the Ground Water Districts' proposal to continue surface water delivery to 9,300 conversion acres. The 9,300 conversion acres accepted in the March 5 and March 26 orders were the same conversion acres as in 2006, 2007, and 2008. *March 5 Order* at 6, ¶ 22. In order to irrigate the 9,300 conversion acres with surface water, the Ground Water Districts secured 35,000 acre-feet of storage water to be conveyed through the North Side Canal Co.'s delivery system. *2009 Plan* at 6.

25. As stated in the March 5 Order, the Department has reviewed the Ground Water Districts' reporting and has independently reviewed the number of conversion acres from previous years. Using the ESPA Model, the Department has determined the resulting benefit to the Buhl Gage to Thousand Springs reach from existing conversion acres is 9.44 cfs. *March 5 Order* at 6, ¶ 23.

26. The Ground Water Districts' June 25, 2009 letter stated that fewer than 9,300 acres were expected to be converted this season. The Ground Water Districts' July 9, 2009 letter stated that "surface water is being delivered to approximately 3,500 of the 9,300 previously converted acres . . . ."

27. In reviewing data provided by the North Snake Ground Water District, the Department determined that approximately 4,202.6 of the original 9,300 conversion acres have received or will receive some surface water in 2009 for conversion purposes. The volume of water that has been delivered or has been ordered for those acres is 9,249.96 acre-feet.

28. The Department used the above-mentioned volume and the physical location of the particular acres within the ESPA Model that have received or will receive surface water deliveries to determine the benefit to the Buhl Gage to Thousand Springs reach. The anticipated benefit to the Buhl Gage to the Thousand Springs reach is 3.54 cfs, resulting in a shortfall of 5.90 cfs (9.44 cfs – 3.54 cfs).

(2) Conversion of 1,060 New Acres

29. The March 26 Order and May 15 Partial Stay Order required 1,060 new conversion acres. The ESPA Model predicted that the benefit of these new conversion acres to the Buhl Gage to Thousand Springs reach would be 2.35 cfs. *March 26 Order* at 3-4, ¶ 16.

30. The model simulation performed by the Department for the March 26 Order assumed that the location of the new conversion acres would be consistent with the 2009 Plan, and that the number of acres converted would be 1,060. The model simulations assumed that the required irrigation volume for the new conversion acres would be four acre-feet per acre.

31. Subsequent to the March 26 Order, the watermaster determined that there were fewer acres converted than required, and that the location of the acres was different than expected.[3] As found by the watermaster, 920 of the expected 1,060 acres have been converted to surface water irrigation. Assuming delivery of four acre-feet per acre, the expected delivery to the 920 converted acres during the 2009 irrigation season is 3,680 acre-feet.

32. The most significant changes in the new conversion acres were the substitution of 74 Van Dyke acres for 80 Brown acres, and the loss of 132 acres which were originally thought to be owned by Box Canyon. The location of the Van Dyke acres in the ESPA Model results in an approximately 10% greater benefit to the Buhl Gage to Thousand Springs reach; therefore, despite fewer new conversion acres than required, the simulated benefit to the reach is 2.82 cfs, which is 0.47 cfs more than anticipated in the March 26 Order.

(3) Continued Enrollment of Acres in CREP

33. In the March 5 and March 26 orders, the Director accepted the Ground Water Districts' proposal to continue enrollment of acres in CREP. The Department has reviewed the Ground Water Districts' reporting and has independently reviewed the number of acres enrolled in CREP. As of the issuance of the March 5 and March 26 orders, the modeled benefit to the Buhl Gage to Thousand Springs reach was 0.44 cfs. *March 5 Order* at 6, ¶ 23; *March 26 Order* at 4, ¶ 17. Based on the Department's present understanding of the acres enrolled in CREP, the simulated benefit to the Buhl Gage to Thousand Springs reach is 0.68 cfs, or 0.24 cfs more than anticipated in the March 5 and March 26 orders.

[3] The report of the watermaster is attached to the Director's June 19, 2009 letter.

Shortfall to the Buhl Gage to Thousand Springs Reach; Curtailment of Ground Water Rights Junior to January 8, 1981

34. While the benefit to the Buhl Gage to Thousand Springs reach is greater than anticipated for CREP and the new conversion acres, there exists a shortfall as a result of the Ground Water Districts converting fewer than the existing 9,300 conversion acres.

Existing Conversions	New Conversions	CREP	Total Provided	Required	Shortfall
3.54 cfs	2.82 cfs	0.68 cfs	7.04 cfs	12.23 cfs	5.19 cfs

35. As a result of fewer existing conversions, the ESPA Model predicts a shortfall of 5.19 cfs to the Buhl Gage to Thousand Springs reach. The parties agreed and the Director ordered that 12.23 cfs would "constitute acceptable and sufficient replacement water or mitigation by the Ground Water Districts for the 2009 and 2010 calendar years." *May 15 Partial Stay Order* at 2.

36. Using the ESPA Model, and taking into account 10% model uncertainty and only those rights located within the area of common ground water supply, curtailment of ground water rights junior to January 8, 1981 will result in a 5.24 cfs benefit to the Buhl Gage to Thousand Springs reach, or 0.36 cfs directly to Clear Springs. Selecting a more junior priority date for curtailment will not satisfy the 5.19 cfs shortfall.

37. Included with this order is a map depicting the area of curtailment and a list of all junior priority ground water rights that are subject to curtailment. In Water District No. 130, there are approximately 302 junior priority ground water rights that are subject to curtailment. Curtailment of junior priority ground water rights in Water District No. 130 would result in the curtailment of approximately 8,425 acres. In Water District No. 140, there are approximately 13 junior priority ground water rights that are subject to curtailment. Curtailment of junior priority ground water rights in Water District No. 140 would result in the curtailment of approximately 464 acres.

38. In total, the curtailment will impact the holders of approximately 315 ground water rights that irrigate approximately 8,889 acres in portions of Blaine, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls counties.

CONCLUSIONS OF LAW

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

> The director of the department of water resources shall have direction and control of the distribution of water from all natural water sources within a water district to

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

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

2. Idaho Code § 42-603 grants the Director authority to adopt rules governing water distribution. In accordance with chapter 52, title 67, Idaho Code, the Department adopted the CM Rules. The CM Rules prescribe procedures for responding to a delivery call made by the holder of a senior priority surface or ground water right against junior priority ground water rights in an area having a common ground water supply. CM Rule 1.

3. In the fifth and final year of the phased-in period of curtailment, the Ground Water Districts were to provide 38.72 cfs to the Buhl Gage to Thousand Springs reach, or 2.67 cfs directly to Clear Springs.

4. As agreed to by the parties and required by the Director in the May 15 Partial Stay Order, 12.23 cfs to the Buhl Gage to Thousand Springs reach shall "constitute acceptable and sufficient replacement water or mitigation by the Ground Water Districts for the 2009 and 2010 calendar years." *May 15 Partial Stay Order* at 2.

5. For 2009, the Ground Water Districts have provided 7.04 cfs to the Buhl Gage to Thousand Springs reach, resulting in a shortfall of 5.19 cfs.

6. As stated in the Findings of Fact, these proceedings were initiated in 2005 by Clear Springs as a call for delivery of water under the CM Rules. Under the July 2005 Order, it was stated as follows:

> If at any time the mitigation or substitute curtailment is not provided as required herein, the water rights subject to curtailment as provided herein shall be immediately curtailed by the watermaster for Water District No. 130, based on the priorities of the rights, to the extent mitigation or substitute curtailment has not been provided.

July 2005 Order at 38, ¶ 5.

7. The ESPA Model represents the best available science for determining the effects of ground water diversions and surface water uses on the ESPA and hydraulically-connected reaches of the Snake River and its tributaries. There currently is no other technical basis as reliable as the simulations from the ESPA Model that can be used to determine the effects of

ground water diversions and surface water uses on the ESPA and hydraulically-connected reaches of the Snake River and its tributaries.

8. Using the ESPA Model, and taking into account 10% model uncertainty and only those rights located within the area of common ground water supply, curtailment of ground water rights junior to January 8, 1981 is simulated to result in at least 5.19 cfs benefit to the Buhl Gage to Thousand Springs reach. The curtailment will impact the holders of approximately 315 ground water rights that irrigate approximately 8,889 acres in portions of Blaine, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls counties.

9. In their June 25 and July 9, 2009 letters to the Director, attorneys for the Ground Water Districts state that the Director could lift his May 15 Partial Stay Order and instruct the Ground Water Districts to move forward with construction of the over-the-rim pipeline in order to alleviate the shortfall to Clear Springs. As stated by the Director in his June 30, 2009 letter, the Ground Water Districts are not in compliance with the non-stayed portions of the 2009 Plan, which was agreed to by the parties and ordered by the Director. The Ground Water Districts were specifically required to construct 1,060 new conversion acres, continue conversion of the existing 9,300 conversion acres, and continue enrollment of acres in CREP. A shortfall to the Buhl Gage to Thousand Springs reach exists and the appropriate remedy is curtailment of junior ground water rights, not removal of the two-year partial stay.

10. Description of actions to comply with the terms of the May 15 Partial Stay Order may be submitted on behalf of holders of junior priority ground water rights by the ground water district(s) in which such water rights are located within six (6) days of the issuance of this order. If a plan of action submitted by a ground water district to comply with the terms of the May 15 Partial Stay Order is received by the Department on or before July 28, 2009 and the plan is deemed acceptable by the Director, in whole or in part, the Director should modify the priority date identified for curtailment and reduce the number of curtailed junior priority ground water rights in the affected water district(s), or possibly rescind the ordered curtailment. The Director will only accept a plan to comply with the terms of the May 15 Partial Stay Order that is submitted by a ground water district.

11. On July 31, 2009, at 12:01 a.m., unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights, users of ground water within Water District Nos. 130 and 140 holding consumptive water rights bearing priority dates junior to January 8, 1981, listed in the attachment to this order, shall curtail/refrain from diversion and use of ground water pursuant to those water rights.

12. In 2007, a mitigation plan was submitted by the Idaho Dairymen's Association ("IDA") and approved by the Director to mitigate for ground water depletions caused by its members. Based on acceptance of the IDA mitigation plan, participating members of the IDA are not subject to curtailment, provided the terms of the plan are being followed.

13. Ground water users who hold junior priority ground water rights and are not members of a ground water district that is providing approved mitigation, replacement water supply, or substitute curtailment, should be deemed a non-member participant for mitigation

purposes pursuant to H.B. 737 (Act *Relating to the Administration of Ground Water Rights within the Eastern Snake River Plain*, ch. 356, 2006 *Idaho Sess. Laws 1089*) and should be required to pay the ground water district that is providing approved mitigation, replacement water supply, or substitute curtailment nearest the lands to which the water right is appurtenant for mitigation purposes pursuant to Idaho Code § 42-5259. If the holder of such a junior priority ground water right elects not to join the ground water district, the Director should order curtailment.

14. Curtailment will apply to consumptive ground water rights for agricultural, commercial, industrial, and municipal uses, excluding ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(12), pursuant to IDAPA 37.03.11.020.11.

15. In the event that junior priority ground water users do not voluntarily comply with ordered curtailment, the Director should enforce the terms of this order in accordance with Idaho law, which includes, but is not limited to, the procedures outlined in Idaho Code §§ 42-351 (Illegal diversion or use of water—Enforcement procedure—Injunctive relief), 42-607 (Distribution of Water), and 42-1701B (Enforcement procedure—Notice—Consent order).

ORDER

Based on the foregoing, IT IS HEREBY ORDERED as follows:

IT IS HEREBY ORDERED that, at 12:01 a.m. on July 31, 2009, users of ground water within Water District Nos. 130 and 140 holding consumptive water rights bearing priority dates junior to January 8, 1981, listed in the attachment to this order, shall curtail/refrain from diversion and use of ground water pursuant to those water rights unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights. This order shall apply to consumptive ground water rights for agricultural, commercial, industrial, and municipal uses, excluding ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(12), pursuant to IDAPA 37.03.11.020.11.

IT IS FURTHER ORDERED that the watermaster for Water District Nos. 130 and 140 is directed to issue written notices to the holders of the consumptive ground water rights located in Water District Nos. 130 and 140, listed in the attachment to this order, and bearing priority dates junior to January 8, 1981. The written notices are to advise the holders of the identified ground water rights that their rights are subject to curtailment in accordance with the terms of this order.

IT IS FURTHER ORDERED that description of actions to comply with the terms of the May 15 Partial Stay Order may be submitted on behalf of holders of junior priority ground water

rights by the ground water district(s) in which such water rights are located within six (6) days of the issuance of this order. If a plan of action submitted by a ground water district to comply with the terms of the May 15 Partial Stay Order is received by the Department on or before July 28, 2009 and the plan is deemed acceptable by the Director, in whole or in part, the Director should modify the priority date identified for curtailment and reduce the number of curtailed junior priority ground water rights in the affected water district(s), or possibly rescind the ordered curtailment. The Director will only accept a plan to comply with the terms of the May 15 Partial Stay Order that is submitted by a ground water district.

IT IS FURTHER ORDERED that a mitigation plan was previously approved by the Director for the Idaho Dairymen's Association ("IDA") to mitigate for ground water depletions caused by its members. Based on acceptance of the IDA mitigation plan, participating members of the IDA are not subject to curtailment, provided the terms of the plan are being followed.

IT IS FURTHER ORDERED that if junior priority ground water right holders for whom curtailment is ordered do not comply with this order, the Director shall immediately enforce the terms of this order in accordance with Idaho law.

IT IS FURTHER ORDERED that this is a final order of the agency effective upon issuance. A hearing was previously held on the mitigation obligations of the Ground Water Districts. The mitigation obligation for the 2009 and 2010 calendar years, as agreed to by the parties and ordered by the Director, is less than the obligation for the final year of the five-year, phased-in period of curtailment. This order is entered to enforce the terms of the Director's previous orders. The decision made in this order is final and subject to review by reconsideration or judicial review.

Dated this 22nd day of July, 2009.

GARY SPACKMAN
Interim Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of July 2009, the above and foregoing, was served by first class U.S. Mail and electronic mail to the following:

RANDY BUDGE RACINE OLSON PO BOX 1391 POCATELLO ID 83204-1391 rcb@racinelaw.net	CANDICE M. MCHUGH RACINE OLSON 101 S. CAPITOL BLVD., STE. 208 BOISE ID 83702 cmm@racinelaw.net	JOHN SIMPSON BARKER ROSHOLT PO BOX 2139 BOISE ID 83701-2139 jks@idahowaters.com
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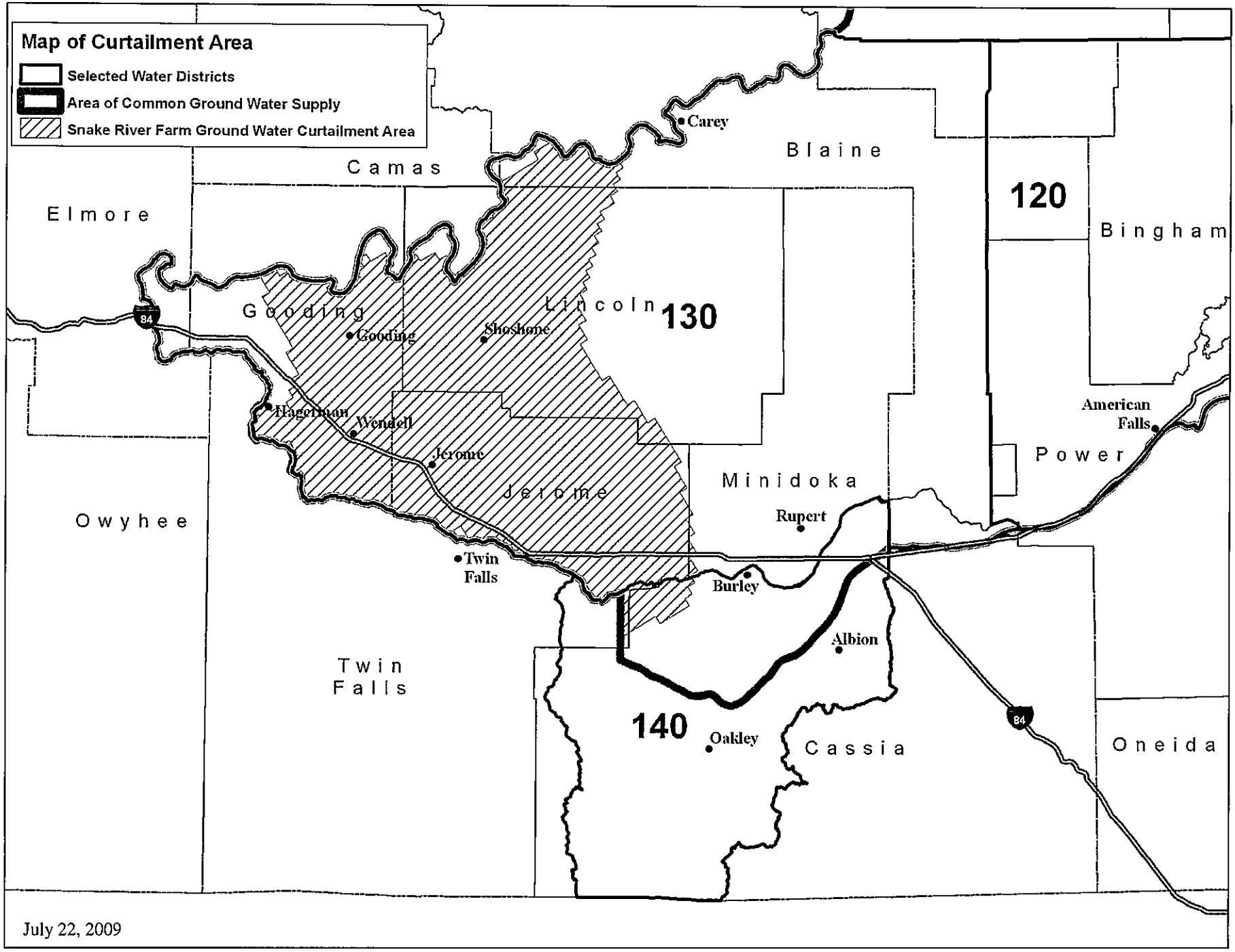
ALLEN MERRITT CINDY YENTER WATERMASTER - WD 130, 140 IDWR – SOUTHERN REGION 1341 FILLMORE ST., STE. 200 TWIN FALLS ID 83301-3380 allen.merritt@idwr.idaho.gov cindy.yenter@idwr.idaho.gov		

Victoria Wigle

Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources

Attachment 1



Attachment 2

Water Rights Subject to Curtailment - Snake River Farm Delivery Call

Current Owner	Water Right Number	Priority Date	Diversion Rate (cfs)	Acres	Purpose of Use
4 BROS DAIRY INC	37-7033	7/5/1988	3.2	160	IRRIGATION
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15127B*	4/1/1984	28.89	1751.5	IRRIGATION
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15193B*	4/1/1965	0.31	18.9	IRRIGATION
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15194B*	4/1/1968	2.51	152.4	IRRIGATION
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15195B*	4/1/1978	2.24	135.6	IRRIGATION
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15196B*	4/1/1981	0.08	4.7	IRRIGATION
AARDEMA FARMS LTD PARTNERSHIP	36-8179	1/10/1997	0.06		STOCKWATER, DOMESTIC
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON DAIRY; HEIDA, MARY JANE; HEIDA, THOMAS	36-15181*	3/15/1982	0.23	54	IRRIGATION
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON DAIRY; HEIDA, MARY JANE; HEIDA, THOMAS	36-8305	2/14/1986	1.9	95	IRRIGATION
AARDEMA, DONALD J; AARDEMA, DONALD JOHN; AARDEMA, EVELYN L; AARDEMA, GAYLE; AARDEMA, KRISTYN; AARDEMA, MICHAEL D; AARDEMA, RONALD J; AARDEMA, SARAH J	36-10225F	5/1/1985	0.01		STOCKWATER
AARDEMA, DONALD J; AARDEMA, DONALD JOHN; AARDEMA, EVELYN L; AARDEMA, GAYLE; AARDEMA, KRISTYN; AARDEMA, MICHAEL D; AARDEMA, RONALD J; AARDEMA, SARAH J	36-16283*	5/1/1985	0.17	302.7	IRRIGATION
AARDEMA, DONALD JOHN	36-10225H*	5/1/1985	0.01	3	IRRIGATION
AARDEMA, DONALD JOHN	36-15256C*	3/15/1975	0.92	524.4	IRRIGATION
ABC AGRA LLC	36-8484	12/11/1989	0.08		COMMERCIAL, DOMESTIC
ADKINS, GINA; ADKINS, RICK	36-8525	3/2/1990	0.06	1	IRRIGATION, DOMESTIC
ALLEN, HERB; ALLEN, MARY CHUGG; LLOYD, DANIEL; TIERNEY LLOYD, MONA LISA	36-8523	4/25/1990	1.89	115	IRRIGATION
ANDERSON, DONALD M; ANDERSON, JOAN	36-8285	6/14/1985	0.04	2	IRRIGATION
ANDERSON, LARRY; ANDERSON, RETHA	36-8232	9/27/1983	0.09	1	IRRIGATION, COMMERCIAL, DOMESTIC
ANDERSON, LARRY; ANDERSON, RETHA	36-8233	12/17/1991	0.93		HEATING, RECREATION
ASTLE, DOUGLAS D; ASTLE, JANIS L	37-8296	5/11/1987	5	491	IRRIGATION
ASTORQUIA, FRANK	37-7460	7/3/2002	4	199.5	IRRIGATION
ASTORQUIA, FRANK	37-8338	5/19/1994	0.6	72	IRRIGATION
BARNES, T H; COLLINS, LARRY	36-8780	4/17/1998	0.04	1	IRRIGATION, DOMESTIC
BARRYMORE EST SUBDIVISION WATER USERS	36-8155	3/4/1983	0.07		STOCKWATER, DOMESTIC
BECKLEY, BONNIE B; BECKLEY, R K	37-8138	6/29/1983	0.12		STOCKWATER, COMMERCIAL
BENNETT, CAROLE R; BENNETT, JOHN D	37-20931	5/5/2003	0.12	4.3	IRRIGATION
BEORCHIA PROPERTIES AND HOLDINGS LLC	36-8108	8/16/1982	0.03	5	IRRIGATION, STOCKWATER, DOMESTIC
BETTENCOURT, LUIS M	36-14285*	5/1/1977	0.32	274	IRRIGATION
BETTENCOURT, LUIS M	36-15161*	3/15/1977	0.14	258	IRRIGATION

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BETTENCOURT, LUIS M	36-8081	3/7/1983	0.42	22	IRRIGATION
BETTENCOURT, LUIS M	36-8302	11/14/1985	0.96	193.4	IRRIGATION
BETTENCOURT, LUIS M	36-8739	5/10/1995	1	108.6	IRRIGATION
BETTENCOURT, LUIS M	36-8740	5/10/1995	0.53	126.5	IRRIGATION
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-14394*	6/28/1967	0.16	618	IRRIGATION
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-14595A*	5/1/1978	1.31	414.8	IRRIGATION
BHB FARMS INC	36-8144	2/2/1983	0.84	42	IRRIGATION
BICKETT, HARVEY B; BICKETT, MYRNA	37-8366	7/14/1988	0.06	0.8	IRRIGATION, DOMESTIC
BIG SKY DAIRY	37-8054	7/1/1983	3.34	167	IRRIGATION
BLACK BUTTE HILLS LLC	36-15233*	4/6/1980	0.73	180	IRRIGATION
BLALACK, JOANN K; SCHMIDT, CHESTER A	36-8208	5/20/1985	0.1	2	IRRIGATION, DOMESTIC
BLUE SKY RANCH; KRUCKER, KATHLEEN; KRUCKER, ROBERT	36-16184	6/30/1983	0.13		STOCKWATER, DOMESTIC
BLUE SKY RANCH; KRUCKER, KATHLEEN; KRUCKER, ROBERT	36-8482	11/7/1989	0.05		STOCKWATER
BOLINGBROKE, EDNA	36-16499*	4/1/1984	0.04	24	IRRIGATION
BONAWITZ, DANI; BONAWITZ, DUKE	36-8065	2/17/1982	0.12	5	IRRIGATION, DOMESTIC
BOOT JACK DAIRY PARTNERSHIP	37-20395	3/16/1982	2.1	277.4	IRRIGATION
BORBA, JOSE; BORBA, MARIA	36-8731	7/13/1994	0.08		STOCKWATER, DOMESTIC
BOTHOF, GERALD A; BOTHOF, ROGER W	36-8805	10/31/2000	0.03	0.8	IRRIGATION
BOX CANYON DAIRY	36-10044*	3/1/1984	0.55	124	IRRIGATION
BOX CANYON DAIRY	36-16282*	5/1/1985	0.26	444	IRRIGATION
BRADLEY, DAWN ANN; BRADLEY, R BRUCE	36-8112	9/7/1982	0.04	1	IRRIGATION, COMMERCIAL, DOMESTIC
BRANCHFLOWER, KATHERINE L; BRANCHFLOWER, MICHAEL G	36-8581	3/13/1991	0.74	39	IRRIGATION
BRANDSMA, ANN; BRANDSMA, HILL A	36-16036*	5/1/1985	0.18	318	IRRIGATION
BRANDSMA, DEBRA K; BRANDSMA, KENNETH A	36-8787	1/22/1999	1.05	152	IRRIGATION
BRANDSMA, HILL A	36-8063D	3/18/1982	0.28		STOCKWATER, COMMERCIAL
BREAULT, LEONARD; BREAULT, RUTH	36-8372	8/3/1988	0.06	3	IRRIGATION
BROWN, JAY A; BROWN, MARIE H	36-8111	8/20/1982	0.76	312	IRRIGATION
BURGOYNE, GLENDA; BURGOYNE, J H	36-8114	6/16/1982	0.04	3	IRRIGATION, DOMESTIC
CALLEN, JERRY; CALLEN, PATRICIA	36-7975	3/20/1981	0.03		STOCKWATER
CAMPBELL, ANNIE M.; CAMPBELL, WILLIAM ROY	36-8535	4/12/1990	0.13	4	IRRIGATION, DOMESTIC
CANNEDY, BARRY S	36-8503	2/21/1990	0.04	2	IRRIGATION
CARNEY FARMS	36-16395	12/8/1981	0.62	524	IRRIGATION
CARNEY FARMS	36-7949	2/4/1981	1.41	524	IRRIGATION
CARRELL, F DUANE	36-8342	1/5/1988	0.02		COMMERCIAL
CARRILLO, CUTBERTO	36-8407	1/19/1989	0.08	3	IRRIGATION, DOMESTIC
CHATTERTON, DANIEL GROVER; CHATTERTON, RONDA D	36-8537	4/12/1990	0.16	5	IRRIGATION, STOCKWATER, DOMESTIC
CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS	36-11278*	4/1/1977	2.55	1610	IRRIGATION
CIOCCA, ANN A; CIOCCA, EDWARD M	36-8219	6/30/1983	1.72	86	IRRIGATION
CIOCCA, TONY M; CIOCCA, TRINA A	36-8255	12/7/1984	1.16	154	IRRIGATION
CITY OF DIETRICH	37-8783	2/21/1992	0.45		MUNICIPAL
CITY OF JEROME	36-8237	12/22/1983	2.71		MUNICIPAL
CITY OF WENDELL	36-8421	9/14/1998	2.76		MUNICIPAL
CITY OF WENDELL	36-8764	3/28/1997	1.27		MUNICIPAL

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CLARK, BETTE L; CLARK, RAYMOND G	36-15253*	3/15/1985	0.34	211	IRRIGATION
CLARK, RAYMOND G	36-8286	6/26/1985	0.21	225	IRRIGATION
CNOSSEN BROTHERS CO INC	36-8468	9/26/1989	0.86		COMMERCIAL
CNOSSEN BROTHERS CO INC; NORTHWEST FARM CREDIT SERVICES FLCA	36-8417	3/1/1989	0.76		STOCKWATER, DOMESTIC
CORP OF THE PRESIDING BISHOP	36-8145	2/14/1983	0.04	0.5	IRRIGATION, DOMESTIC
CORP OF THE PRESIDING BISHOP	36-8239	1/12/1984	0.88	630	IRRIGATION
COUNTRY CLUB ESTATES WATER ASSN INC	36-8607	11/18/1991	0.5		STOCKWATER, DOMESTIC, FIRE PROTECTION
CROCKER, BRENT; CROCKER, TONIA	36-8375	7/18/1988	0.04	2	IRRIGATION, DOMESTIC
DANSIE, BERTHA D; DANSIE, ELVOY H	37-8363	8/6/1988	0.05		STOCKWATER, COMMERCIAL, DOMESTIC
DAVIDSON, JOSEPH E	36-8790	4/12/1999	0.05		DOMESTIC
DE KRUYF, ALICE RUTH; DE KRUYF, CALVIN	36-10082A*	3/15/1976	0.21	162.7	IRRIGATION
DEVELOPMENT WEST CORPORATION	37-8379	8/22/1988	0.36	17	IRRIGATION, DOMESTIC
DICKINSON, DALE; DICKINSON, MARSHA	36-8681	10/16/1992	0.03	1	IRRIGATION, DOMESTIC
DINOS LLC; DINOS LLC	36-8680	10/21/1992	0.1		DOMESTIC
DOTSON, MARK; HOLLANDER, LEWIS	37-8944	11/30/2000	0.2		DOMESTIC
DOUBLE V LLC	37-8756A	2/4/1987	2.41	146.5	IRRIGATION
DOUBLE V LLC	37-8756B	2/4/1987	2.41	146.5	IRRIGATION
DOUBLE V LLC; VANDERVEGT, RAY	36-8047E	12/9/1981	0.8	81	IRRIGATION
DOUBLE V LLC; VANDERVEGT, RAY	36-8313B	8/20/1986	0.32	16	IRRIGATION
DURAND, DANIEL G; DURAND, VICKY S	37-8410	10/4/1988	0.03		STOCKWATER, COMMERCIAL, DOMESTIC
DURFEE, BRENDA J; DURFEE, JAMES M	36-8367	6/21/1988	0.11		STOCKWATER, COMMERCIAL
DURFEE, DEWEY D	36-7641	5/19/1983	1.19	64	IRRIGATION
EDWARDS, KENT F	36-8628	11/26/1991	0.18	8	IRRIGATION, STOCKWATER, DOMESTIC
EQUITY LIVESTOCK CREDIT CORP	36-14988	12/31/1983	0.07		STOCKWATER, COMMERCIAL, DOMESTIC
ESTATE OF RAY CHUGG	36-8266	3/18/1985	0.12		STOCKWATER, COMMERCIAL, DOMESTIC
EVERS BROTHERS PARTNERSHIP; NORTHWEST FARM CREDIT SERVICES FLCA	36-8584	2/26/1991	2.08	144	IRRIGATION
FAIRVIEW POULTRY FARM	37-8112	6/2/1983	0.02		COMMERCIAL, COOLING
FATTIG, PATSY; FATTIG, WAYNE	36-8637	12/6/1991	0.23	245	IRRIGATION
FAULKNER LAND & LIVESTOCK CO INC	37-8005B	3/20/1982	2.02	264	IRRIGATION
FAULKNER LAND & LIVESTOCK CO INC	37-8005C	3/20/1982	1.6	264	IRRIGATION
FAULKNER LAND & LIVESTOCK CO INC	37-8005D	3/20/1982	0.41	264	IRRIGATION
FAULKNER LAND & LIVESTOCK CO INC	37-8720	4/23/1991	3.2	324	IRRIGATION
FORD, JOYCE A; FORD, THOMAS RAY	36-14617*	5/1/1982	0.9	378	IRRIGATION
FORD, JOYCE A; FORD, THOMAS RAY	36-14619*	5/1/1965	1.32	311	IRRIGATION
FORSYTH, DANNY R; FORSYTH, GINGER	36-8531	4/24/1990	0.05	0.8	IRRIGATION, DOMESTIC
FRANCIS, MARK	36-8371	7/20/1988	0.06	2	IRRIGATION, DOMESTIC
FRAZIER FAMILY TRUST DTD 6/19/80 4% UNDIVIDED INT; FRAZIER, JAMES F; FRAZIER, JEFFREY W; FRAZIER, JOE K; FRAZIER, JORDAN P	36-8049	12/21/1981	0.94	47	IRRIGATION

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FREDERICKSEN, BETTY; FREDERICKSEN, CRAIG	37-22386	10/16/2008	0.04		DOMESTIC
FUNK, DARRELL M	45-13657	1/1/1983	0.06		STOCKWATER
FUNK, DARRELL M	45-4103	6/30/1985	1.6	305	IRRIGATION
FUNK, DARRELL M; FUNK, PATRICIA M	45-13917	6/8/1982	0.06		STOCKWATER, COMMERCIAL
GILLETTE, CINDY L; GILLETTE, LARRY R	37-8742	3/28/1991	4.21	995.5	IRRIGATION
GLANBIA FOODS INC	37-8903	9/17/1999	1.67		COMMERCIAL
GLEN CAPPS INC	36-8176	3/31/1983	0.04		COMMERCIAL, DOMESTIC
GOEDHART, HUGO; GOEDHART, MARY	36-8774	3/10/1998	0.13		STOCKWATER, DOMESTIC
GOOCH, BEATRICE; GOOCH, ELLIS	37-8839	11/22/1994	0.1		STOCKWATER
GOODING URBAN RENEWAL AGENCY	37-8289	2/23/1987	0.11		COMMERCIAL
GOTT, MIKE	36-8534	4/27/1990	0.1	2.5	IRRIGATION, DOMESTIC
GRANT, ANGELA; GRANT, RANDY; HAGAN, ROCKY	36-14202*	5/1/1975	0.2	130	IRRIGATION
GULICK, LARRY	36-8507	2/1/1990	0.06		STOCKWATER, COMMERCIAL
GULLEY, JUDY L; GULLEY, WILLIAM F	36-8789	3/23/1999	0.39	12	IRRIGATION
GUNNING, F F; GUNNING, G C	36-8063A	2/16/1982	2.14	329	IRRIGATION
H & S FARMS INC	36-8401	11/28/1988	0.68	360	IRRIGATION
H & S FARMS INC	36-8402	11/28/1988	0.84	314	IRRIGATION
HAAGSMA FAMILY TRUST	36-8345	4/9/2001	1		STOCKWATER, COMMERCIAL
HANEY SEED CO	36-8416	3/30/1989	0.04		COMMERCIAL
HEIDA, MARY JANE; HEIDA, THOMAS	36-8276	6/6/1985	0.14	121	IRRIGATION
HENRY FARMS	36-15163*	5/1/1981	0.66	286	IRRIGATION
HENRY, AUDREY; HENRY, ROBERT P	36-14844*	3/15/1983	0.25	94	IRRIGATION
HIRAI, JACK J; MATTHEWS, J W	36-8585	8/11/1988	0.22	171	IRRIGATION
HOLTZEN FARMS INC	36-8603	6/14/1991	0.14		STOCKWATER
HORIZON ORGANIC DAIRY LLC	36-16045	10/19/1981	1.95	182	IRRIGATION
HORIZON ORGANIC DAIRY LLC	36-16055	12/8/1981	4.12	522.6	IRRIGATION
HORIZON ORGANIC DAIRY LLC	36-8008	12/8/1981	0.84	314	IRRIGATION
HORIZON ORGANIC DAIRY LLC	36-8011A	12/24/1981	0.15		DOMESTIC
HUBSMITH, IRIS B; HUBSMITH, LOUIS L	37-8093	3/17/1984	0.08		STOCKWATER, COMMERCIAL
INFANGER, DEBRA A; INFANGER, JOHN N	37-20800	9/10/2002	0.14		DOMESTIC
J R SIMPLOT CO	36-8471	10/4/1989	0.18		COMMERCIAL
JACKSON, LAVAR R; VEENSTRA, FRANK W; VEENSTRA, MARY JANE	36-8101	7/13/1982	0.8	40	IRRIGATION
JEROME COUNTRY CLUB INC	36-8344	2/12/1988	0.41	104	IRRIGATION
JEROME COUNTY ROD & GUN CLUB	36-8620	11/14/1991	0.02	0.5	IRRIGATION, COMMERCIAL
JEROME JOINT SCHOOL DISTRICT NO 261	36-16440	7/10/2006	1.07		HEATING
JEROME JOINT SCHOOL DISTRICT NO 261	36-16441	7/10/2006	0.45		HEATING
JOE & MARTIN TRUCKING INC	37-8355	8/9/1988	0.04		COMMERCIAL, DOMESTIC
JOHN L WARREN TRUST; WARREN, ARTHELLA U	45-13567*	11/14/1983	0.21	163	IRRIGATION
JOHN, GLORIA; JOHN, KIT M	37-8346	6/21/1988	0.03		COMMERCIAL
JOHNSON, BECKY; JOHNSON, CHARLES; NELSON, JACK; NELSON, KATHY	37-21644	2/2/2006	0.12		DOMESTIC
K & W DAIRY	36-10225K*	5/1/1985	0.58	1064.7	IRRIGATION
KEARLEY, SUSAN L; KEARLEY, WILLIAM P	36-10547*	4/1/1980	0.25	154	IRRIGATION
KEARLEY, WILLIAM P	36-8200	5/26/1983	0.28	154	IRRIGATION
KECHTER, RICHARD L	45-10679*	4/1/1977	0.52	729.5	IRRIGATION
KECHTER, RICHARD L	45-10777B*	3/15/1976	0.23	151	IRRIGATION

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KERNER, HERSHEL	37-8361	6/16/1988	0.03		COMMERCIAL
KIME, MARK	37-7998	1/29/1982	0.04		STOCKWATER, COMMERCIAL
KISLING FARMS	37-8078	5/15/1983	2	116	IRRIGATION
KLOSTERMAN, KENT L	36-7974	3/25/1981	2.6	201	IRRIGATION
KUNSMAN, SHIRLEY	36-8249	7/12/1984	0.09	2.5	IRRIGATION, DOMESTIC
KUNSMAN, SHIRLEY	36-8306	2/26/1986	0.08	2.5	IRRIGATION
LANIER, BLANCHE; LANIER, MELVIN	36-8501	2/21/1990	0.07	1.5	IRRIGATION, DOMESTIC
LAST RANCH LLC	36-16140*	3/15/1974	0.03	32	IRRIGATION
LAZY P FARMS; PAULS, DEBBRAH; PAULS, EMIL V; PAULS, RONALD	37-8147	6/27/1983	0.04	1.8	IRRIGATION, STOCKWATER, DOMESTIC
LEE, MARTIN R	36-8410	2/10/1989	0.03		COMMERCIAL
LEED CORP	37-21952	9/26/2006	0.44		DOMESTIC
LENORE HUETTIG FAMILY LIMITED PARTNERSHIP	36-8147	3/1/1983	1.6	511	IRRIGATION
LIND, ELDEN; LIND, MELBA JEAN	36-8583	2/22/1991	3.99	238.9	IRRIGATION
LLOYD, CARL; LLOYD, JANICE	36-8580	2/19/1991	0.7	35	IRRIGATION
LONG VIEW DAIRY	36-16185	6/30/1983	2.03	131	IRRIGATION
MAY, DAVID C; MAY, DEBRA J	36-15226*	6/15/1973	0.36	658	IRRIGATION
MC CABE, LINDA JOY; MC CABE, ROBERT	37-20747*	4/1/1978	0.56	300	IRRIGATION
MC CAUGHEY, MARGARET; MC CAUGHEY, WALTER L	36-8579	2/8/1991	0.68	52	IRRIGATION
MC DONALD, FRANK F	36-8516	3/2/1990	0.11	3	IRRIGATION, DOMESTIC
MC KNIGHT, SPARR	37-22201	7/5/2007	0.2		DOMESTIC
MCKEAN, EDWARD; MCKEAN, LYNETTE	36-8186	5/17/1983	0.04		COMMERCIAL, DOMESTIC
MEEKS, DIANE SAWYER; MEEKS, JAMES D	36-7336	8/8/1986	0.88	87	IRRIGATION
MEYERS, ROBERT J	36-7854	2/16/1990	2.71	142	IRRIGATION
MEYERS, ROBERT J	37-8801	10/20/1992	0.1		DOMESTIC
MILLARD, DAVID; SLIGAR, KEITH; STANLEY, RONALD L	36-8234	1/11/1984	1.23	14	IRRIGATION, COMMERCIAL, DOMESTIC, RECREATION
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	36-8054	4/24/1990	2.3	217.8	IRRIGATION
MILLER, DIANE M; MILLER, GUS E	37-8373	8/10/1988	0.04	2	IRRIGATION, STOCKWATER, DOMESTIC
MIPAD LIMITED PARTNERSHIP	37-8707	3/26/1991	2	100	IRRIGATION
MORGAN, CODY G; MORGAN, KATHY J	36-16094	3/10/1992	0.03		STOCKWATER
MORGAN, CODY G; MORGAN, KATHY J	36-16407	3/10/1992	1.53	390.5	IRRIGATION
MORGAN, CODY G; MORGAN, KATHY J	36-16408	3/10/1992	0.08		STOCKWATER, COMMERCIAL
MOSS GREENHOUSES INC; MOSS, CAROLYN A	36-8298	9/23/1985	0.27		COMMERCIAL
MOUNTAIN VIEW WATER CORP	37-21278	3/22/2004	0.06		DOMESTIC
MOYLE, ALLEN; MOYLE, KARLA	36-8768	6/16/1997	0.17		STOCKWATER, COMMERCIAL
MUNSEE, G K; MUNSEE, LAREE; MUNSEE, MARK	36-8559	9/4/1990	1.86	93	IRRIGATION
MURPHY, LA VERN A	36-8361	5/31/1988	0.09	3	IRRIGATION
NALLEY, TINA L	37-8750	7/12/1991	0.13	6	IRRIGATION, STOCKWATER, DOMESTIC
NAPIER, DIANNA K	36-8521	12/19/1991	0.03	1	IRRIGATION, DOMESTIC
NELSON, JACK; NELSON, KATHY	37-8717	3/1/1991	0.08	2.6	IRRIGATION
NELSON, JACK; NELSON, KATHY	37-8740	3/14/1991	0.09	3	IRRIGATION

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NORTH RIM FAIRWAYS OWNERS ASSN INC	36-8399	1/5/1995	0.41		DOMESTIC
NORTHSIDE DAIRY	36-8490	11/7/1989	0.27		STOCKWATER, COMMERCIAL, DOMESTIC
NORTHVIEW WATER ASSN INC	36-16204	2/9/2004	0.18	9	IRRIGATION
NORTHVIEW WATER ASSN INC	36-8747	2/2/1996	0.35	8	IRRIGATION, DOMESTIC
NORTHWEST FARM CREDIT SERVICES FLCA; VAN DYK, MARIE C; VAN DYK, RICHARD B	36-8547	4/25/1990	0.33		STOCKWATER, COMMERCIAL, DOMESTIC
NOTCH BUTTE FARMS LLC	36-16139*	3/15/1974	0.18	188	IRRIGATION
NOTCH BUTTE FARMS LLC	37-20816	11/12/1981	0.49	195.4	IRRIGATION
NOTCH BUTTE FARMS LLC	37-20817	11/12/1981	0.47	187	IRRIGATION
NOTCH BUTTE FARMS LLC	37-8909*	3/15/1974	0.02		STOCKWATER
OAK VALLEY LAND CO LLC	45-13930	6/30/1985	1.29	3844.4	IRRIGATION
OAK VALLEY LAND CO LLC	45-13934	6/30/1985	2.3	3844.4	IRRIGATION
OAK VALLEY LAND CO LLC	45-13944	11/24/1981	6.09	3844.4	IRRIGATION
OAK VALLEY LAND COMPANY LLC	45-10777A*	3/15/1976	0.47	463	IRRIGATION
OAK VALLEY LAND COMPANY LLC	45-4176*	3/15/1976	0.18	463	IRRIGATION
OLSEN, BETTY M; OLSEN, GEORGE L	36-8605	5/23/1991	0.04	1.4	IRRIGATION
OLSEN, RICHARD ARTHUR	37-8374	7/8/1988	0.15	3	IRRIGATION, STOCKWATER, DOMESTIC
OPPIO FAMILY LIMITED PARTNERSHIP	37-19848*	4/15/1987	0.29	142.4	IRRIGATION
OPPIO FAMILY LIMITED PARTNERSHIP	37-8010	12/5/1982	2.52	142.4	IRRIGATION
OPPIO FAMILY LIMITED PARTNERSHIP	37-8756C	2/4/1987	1.34	67	IRRIGATION
PARKINSON, ROBERT J	36-8591	3/6/1991	1	66	IRRIGATION
PATTERSON LAND & LIVESTOCK INC	37-7952	11/18/1981	0.15	10	IRRIGATION
PETERS, THOMAS R	36-8577	2/28/1991	1.68	94	IRRIGATION
POPA, DAN; POPA, PAM	36-8197	6/7/1983	0.08	2.5	IRRIGATION, DOMESTIC
PRICE, BERTHA; PRICE, EUGENE F	45-10000*	4/1/1971	0.74	202.1	IRRIGATION
RANGEN INC	36-8048	12/21/1981	0.41	20.2	IRRIGATION
RAY, JUDITH K; RAY, LEO E	36-7995	7/17/1981	0.2		COMMERCIAL, DOMESTIC
REED, CAROL A; REED, ROBERT W	36-15227*	8/27/1973	0.7	163	IRRIGATION
RESERVOIR LAND CO INC	36-8466	10/4/1989	0.03		COMMERCIAL
RITCHIE, JAMES M; RITCHIE, KARLYN	36-8077	7/12/1984	1.6	330	IRRIGATION
RODRIGUEZ, EMMA J; RODRIGUEZ, RAFAEL	37-8033	8/6/1982	0.06	1	IRRIGATION, DOMESTIC
ROOST POTATO CO INC	36-15152*	8/30/1984	0.08	633	IRRIGATION
ROTH INVESTMENTS LLC	36-15222*	7/5/1985	0.52	235	IRRIGATION
ROYCE, DAN; ROYCE, JO ANNE	36-8609	10/21/1991	0.02	2.5	IRRIGATION, STOCKWATER, DOMESTIC
SALMON FALLS LAND & LIVESTOCK CO INC	36-10033*	3/15/1975	1.07	370	IRRIGATION
SALMON FALLS LAND & LIVESTOCK CO INC	36-10035*	3/15/1981	0.47	370	IRRIGATION
SALMON FALLS LAND & LIVESTOCK CO INC	36-10037*	3/15/1974	1.65	404	IRRIGATION
SAWTOOTH SHEEP CO INC	37-8702	1/31/1991	2.5	260	IRRIGATION
SCARROW, JIM D	36-8164	6/27/1985	2.08	104	IRRIGATION
SCARROW, JIM D	36-8263	2/3/1985	0.85	128	IRRIGATION
SCARROW, JIM D	37-8152	6/30/1983	0.25		STOCKWATER
SCHAEFFER, DAN; SCHAEFFER, JAMES K	36-8220B	2/7/1990	1.2	162	IRRIGATION
SCHOTH, WARREN E	36-8589	5/9/1991	0.13	3	IRRIGATION, DOMESTIC
SEYMOUR, JOHN R	45-13542*	3/15/1976	1.28	479	IRRIGATION
SHAW, WILLIAM HUBERT	37-8705	2/21/1991	7	420	IRRIGATION
SIRUCEK, BECKY; SIRUCEK, MIKE	36-8569	12/10/1990	0.46	67	IRRIGATION
SLADE, DELILAH; SLADE, KEVIN L	36-15229*	8/17/1972	0.3	153	IRRIGATION
SLADE, WILLIAM J; SLADE, WYLENE	36-15228*	3/15/1973	0.1	459	IRRIGATION
SLIMAN, MICHAEL E; SLIMAN, MIKE G	37-8060	12/9/1982	0.01		COMMERCIAL

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SLIMAN, MICHAEL E; SLIMAN, MIKE G	37-8061	12/9/1982	0.07	1	IRRIGATION, DOMESTIC
SLUDER, GILBERT T; SLUDER, GONDA O; SLUDER, RONALD E	37-8108	6/1/1983	0.08		DOMESTIC
SMITH, RONNIE D; SMITH, SHARLENE M	36-8333	8/25/1987	3.66	183	IRRIGATION
SOUTH VIEW DAIRY	36-10225B*	5/1/1985	0.17	273	IRRIGATION
SOUTHFIELD DAIRY	36-2907	4/26/1990	0.8	436	IRRIGATION
SOUTHFIELD DAIRY	36-8387	8/31/1988	2.48	149	IRRIGATION
SOUTHFIELD DAIRY	37-8326	1/6/1988	1.36	602	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-10666*	5/1/1987	0.19	142	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8063C	2/21/1982	0.3	99	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8252E	10/17/1984	0.1	99	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8313A	8/20/1986	1.2	60	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8529	4/5/1990	0.66	33	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8560A	9/7/1990	1.03	135	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8560B	9/7/1990	0.12	6	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8582	2/20/1991	0.46	23	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8760	12/4/1990	1.52	436	IRRIGATION
SOUTHFIELD PROPERTIES LLC	37-8732	4/13/1991	3	587	IRRIGATION
SPENCER, GLEN D	36-8536	4/12/1990	0.03	1	IRRIGATION, DOMESTIC
STANDLEE, MIKE; STANDLEE, WHENDY	36-15119*	3/1/1975	1.31	417	IRRIGATION
STANDLEE, MIKE; STANDLEE, WHENDY	36-15178*	3/1/1975	0.04	456	IRRIGATION
STANDLEE, MIKE; STANDLEE, WHENDY	36-16500*	4/1/1984	0.51	348	IRRIGATION
STAR FALLS FARMS LLC; THE ESTATE OF GERALD HUETTIG DECEASED	36-8289	6/26/1985	0.04	511	IRRIGATION
STATE OF IDAHO; STATE OF IDAHO	37-7372	6/30/1999	6.54	320	IRRIGATION, STOCKWATER
STEVENSON, SCOTT A; STEVENSON, TAMARA LYNN	36-8161	3/31/1983	1.8	446	IRRIGATION
STEWART, FRED R; STEWART, PHYLLIS L	36-8568	11/7/1990	0.79	240	IRRIGATION
STOKES, SHIRLEY W	36-8409	1/23/1989	0.2	10	IRRIGATION
SUHR, DANIEL A; SUHR, DONNA DEE	36-14317*	3/20/1976	0.67	153	IRRIGATION
TABER, BEVERLY	37-7877A	2/5/1981	0.02	1	IRRIGATION
TABER, DONALD	37-10158*	4/1/1974	1.78	466	IRRIGATION
TABER, DONALD	37-8401	9/20/1988	6.68	334	IRRIGATION
TANNER, BARBARA; TANNER, ROBERT	36-8512	2/27/1990	0.02		COMMERCIAL
TELFORD, MICHAEL S	37-7949	11/4/1981	0.25		STOCKWATER, COMMERCIAL
THE ALTON & PAULA HUYSER TRUST UNDER TRUST AGREEMENT DTD 4-1-2001	37-8679	8/23/1990	0.16	8	IRRIGATION
THOMPSON, KURT; THOMPSON, LINDA B	36-8615	10/30/1991	0.05	1.5	IRRIGATION
TOWNE, DELORIS E; TOWNE, RALPH W P	37-8211	5/16/1983	0.05		STOCKWATER, COMMERCIAL
TRAVELERS OASIS TRUCK PLAZA; WILLIE, DANIEL L	36-8766	6/8/1997	0.11		COMMERCIAL
TRAVELERS OASIS TRUCK PLAZA; WILLIE, DANIEL L	36-8767	6/19/1997	0.11		COMMERCIAL
TRIPLE C CONCRETE INC	36-16401	3/31/2006	0.04		DOMESTIC
UNIT 3 WATER ASSN INC	36-8090	6/16/1982	0.51	24	IRRIGATION, STOCKWATER, DOMESTIC, FIRE PROTECTION
UNIT 3 WATER ASSN INC	36-8727	5/5/1994	0.45		DOMESTIC
UNITED STATES OF AMERICA ACTING THROUGH	37-20851*	3/15/1983	0.02	30	IRRIGATION

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Attachment 2

Water Rights Subject to Curtailment - Snake River Farm Delivery Call

U-U RANCH LLC	36-8050	12/11/1981	4.06	699	IRRIGATION
V & L DAIRY	36-15211*	1/30/1970	0.33	75	IRRIGATION
VALLEY CO-OPS INC	36-8452	8/22/1989	0.16		COMMERCIAL
VALLEY SCHOOL DISTRICT #262	36-16299	9/22/2004	2		DOMESTIC, FIRE PROTECTION
VAN BEEK, DIANNE; VAN BEEK, JACK	36-7958	1/9/1981	5.8	290	IRRIGATION
VAN DYK, RICHARD B; VAN DYK, TAMMY D	36-8389	9/1/1988	0.18		STOCKWATER, COMMERCIAL
VAN TASSELL, AFTON; VAN TASSELL, GAIL	36-7966	2/23/1981	0.37	837	IRRIGATION
VANDERHAM, KEN	36-16101	5/9/1988	0.04		DOMESTIC
VASQUAZ, DUFIA; VASQUAZ, J REUBEN	36-10243*	5/1/1985	0.4	205	IRRIGATION
VEENSTRA, CHERYL; VEENSTRA, PETE	36-8803	7/13/2000	0.13		STOCKWATER, COMMERCIAL
VEENSTRA, FRANK W	36-15077*	4/1/1982	0.91	198.5	IRRIGATION
VERBREE JR, JACK; VERBREE, MARGARET	36-8351	6/15/1988	0.19		STOCKWATER, COMMERCIAL, DOMESTIC
VICTOR, SALLY; VICTOR, STEVE	36-8128	12/30/1982	0.03		COMMERCIAL
WAHLSTROM, LESLIE; WAHLSTROM, RON	36-8612	10/24/1991	0.03	1	IRRIGATION
WARTLUFT, HAROLD; WARTLUFT, LOIS	37-8375	8/11/1988	0.15	3.5	IRRIGATION, DOMESTIC
WEBER, JEFF L; WEBER, KERI JO	37-20850*	3/15/1983	0.4	634	IRRIGATION
WERT, LOREN; WERT, RITA	36-8000	9/11/1981	0.8	40	IRRIGATION
WEST ONE BANK IDAHO	36-15215*	3/15/1972	1.1	609	IRRIGATION
WESTERN IDAHO POTATO PROCESSING CO	36-8324	4/3/1987	2		FIRE PROTECTION
WHITTAKER, JAMES A	37-8063	1/6/1983	2	658	IRRIGATION
WHITTAKER, KEITH	36-8553	7/9/1990	0.13	4.3	IRRIGATION
WICKEL, ARDEL W; WICKEL, JUDY M	36-15165*	3/15/1970	2.2	2785	IRRIGATION
WICKEL, ARDEL W; WICKEL, JUDY M	36-16421	12/30/1983	0.13	2785	IRRIGATION
WICKEL, ARDEL W; WICKEL, JUDY M	36-16425*	5/1/1976	0.15	2785	IRRIGATION
WICKEL, ARDEL W; WICKEL, JUDY M	36-4200*	3/15/1974	0.84	2785	IRRIGATION
WICKEL, ARDEL W; WICKEL, JUDY M	36-8403	11/28/1988	0.31	2785	IRRIGATION
WILCOX, FRANCIS; WILCOX, MARGARET	36-8515	3/2/1990	0.03	1	IRRIGATION
WILD WEST INC	37-21719	3/22/2006	0.11		DOMESTIC
WILDMAN, LINDA; WILDMAN, MAURICE	37-8377	8/19/1988	0.03	1	IRRIGATION
WISE, EARL; WISE, INEZ	36-8638	1/7/1992	0.04	1	IRRIGATION, DOMESTIC
WOOD RIVER RANCH CO INC	36-8312	8/15/1986	0.05		STOCKWATER
YERION, GEORGE A; YERION, SUSAN F	37-20717	4/29/2002	0.1	4	IRRIGATION

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