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Attorney for Respondents

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

A&B IRRIGATION DISTRICT,
Petitioner,

vs.

THE IDAHO DEPARTMENT OF WATER RESOURCES,
and MATHEW WEAVER in his capacity as the Director of
the Idaho Department of Water Resources,

Respondents,

and

IDAHO GROUND WATER APPROPRIATORS, INC.,
AMERICAN FALLS-ABERDEEN GROUND WATER
DISTRICT, CITY OF BLISS, CITY OF BURLEY, CITY
OF CAREY, CITY OF DECLO, CITY OF DIETRICH,
CITY OF GOODING, CITY OF HAZELTON, CITY OF
HEYBURN, CITY OF JEROME, CITY OF PAUL, CITY
OF RICHFIELD, CITY OF RUPERT, CITY OF
SHOSHONE, CITY OF WENDELL,

Intervenors.

IN THE MATTER OF DISTRIBUTION OF WATER TO
VARIOUS WATER RIGHTS HELD BY AND FOR THE
BENEFIT OF A&B IRRIGATION DISTRICT,
AMERICAN FALLS RESERVOIR DISTRICT NO. 2,
BURLEY IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, NORTHSIDE CANAL
COMPANY, AND TWIN FALLS CANAL COMPANY

Case No. CV34-26-00462

**AGENCY DECISION ON
OBJECTIONS AND ORDER
SETTLING THE AGENCY
RECORD**

On May 21, 2026, the Idaho Department of Water Resources (“Department”) served its *Notice of Lodging the Agency Record with the Agency* (“*Notice*”) in this matter pursuant to I.R.C.P. 84(j)(1). The *Notice* gave the parties fourteen (14) days from the date of the *Notice* to file any objection to the agency record. On June 3, 2026, A&B Irrigation District (“A&B”) filed *A&B Irrigation District’s Objection to the Agency Record* (“*A&B Objection*”)¹ and on June 4, 2026, American Falls-Aberdeen Ground Water District (“AFA”) filed *American Falls-Aberdeen Ground Water District’s Objection to Agency Record* (“*AFA Objection*”). In accordance with I.R.C.P. 84(j) and the Court’s May 14, 2026 *Procedural Order*, the following constitutes the Department’s decision on objections to the agency record and order settling the agency record.

In considering A&B’s and AFA’s objections, the Department refers to Idaho Code § 67-5249(3) which governs the contents of an agency record on appeal; it states:

The record shall include:

- (a) The recording of the hearing;
- (b) All notices of the hearing and other conferences conducted by the presiding officer;
- (c) All prehearing orders;
- (d) All motions, pleadings, briefs, petitions, requests, and intermediate rulings;
- (e) All evidence received or considered;
- (f) A statement of all matters officially noticed and any related notices;
- (g) All offers of proof and objections and rulings thereon;
- (h) All proposed findings and requested orders;
- (i) Any transcript of the hearing, if prepared;
- (j) Staff memoranda or data submitted to the presiding officer or the agency head in connection with the consideration of the proceeding;
- (k) Any recommended order, preliminary order, final order, or order on reconsideration; and
- (l) All matters placed on the record after an ex parte communication pursuant to section 67-5253, Idaho Code.

¹ Idaho Appellate Rule 20 requires that “[a]t the time of the filing of any other document in the appellate process, the party filing the same shall serve a copy thereof upon all other parties to the action who are parties to the appeal, or who were parties in the proceeding below and who could be affected by the appeal” While A&B’s objection was filed on June 3, 2026, it was served via iCourt on the Department two days later, on June 5, 2026. The Department will still consider the objection.

I. BACKGROUND

The agency record was prepared in connection with a request for judicial review of the Director’s April 17, 2026 *Final Order Denying A&B Irrigation District’s Exceptions to Preliminary Order* (“*Final Order*”). *Not. of Appeal & Pet. for Jud. Rev.* ¶ 10. The *Final Order* resolved the contested cases initiated by the filing of A&B’s April 29, 2025 and July 24, 2025 petitions for hearing, which were consolidated for hearing. *See* R. 2384, 2888–91; *see also* R. 2333–36, 2376–79. Prior to the Director’s review and issuance of the *Final Order* on exceptions, the Hearing Officer assigned to the matter issued an *Order Denying Idaho Ground Water Appropriators, Inc’s Motion for Summary Judgment* (“*Order Denying IGWA Motion*”). R. 2890. Within that order, the Hearing Officer took “official notice of the pleadings and orders cited within the *AFA Motion*, the *IGWA Motion*, the *A&B Response*, and the various reply briefs. This includes the *2024 Plan* as it relates to the SWC delivery call proceeding where the parties are substantially similar.” R. 2810. Those officially noticed documents have been included in the agency record on appeal. On reconsideration of the *Order Denying IGWA Motion*, the Hearing Officer subsequently issued his *Preliminary Order Granting IGWA’s Petition for Reconsideration and Granting IGWA’s Motion for Summary Judgment*, which the Director ultimately reviewed on exceptions. R. 2890. No administrative hearing was held by the Hearing Officer or the Director. *See* R. 2889–91.

II. AFA OBJECTION

The *AFA Objection* is broken into two grouped requests. First, AFA objects that the agency record is missing four documents officially noticed by the Hearing Officer:

1. *Order Denying Cities’ Motion for Clarification and Reconsideration*, dated September 25, 2023;
2. *Order Denying IGWA’s Petition for Review*, dated August 23, 2023;
3. *Joint Motion for Order Approving 2025 Stipulation*, dated July 24, 2025; and

4. *Order Approving 2025 Stipulation as Compliance with Approved Mitigation Plan*, dated July 25, 2025.

AFA Objection at 3. Upon review, the Director finds that all four documents were officially noticed by the Hearing Officer in his *Order Denying IGWA Motion*. See R. 2810, 2443, 2734.

However, the first document is not missing as it is already included in the record in two locations. See R. 1710–16, 1731–37. This objection is overruled as it concerns the *Order Denying Cities’ Motion for Clarification and Reconsideration* and sustained as it concerns the remaining three documents. The other three documents will be added to the record.

Second, AFA objects to the omission of six additional documents:

1. Groundwater Expert Report – 2023 Methodology, dated May 30, 2023;
2. *A&B Irrigation District’s Notice of Mitigation*, dated May 2, 2016;
3. *Order Determining Deficiency in A&B Irrigation District’s Notice of Mitigation*, dated May 11, 2016;
4. *Order Granting A&B’s Requests to Withdraw Request for Hearings Re: Credit for Aquifer Enhancement Activities and Standard of Mitigation*, dated September 2, 2016;
5. *IGWA’s Request for Mitigation Credit for Aquifer Enhancement Activities (2024)*, dated May 2, 2024; and
6. *Final Order Denying IGWA’s Request for Mitigation Credit for Aquifer Enhancement Activities (2024)*, dated May 15, 2024.

AFA Objection at 3–4. AFA admits that the six additional documents were not officially noticed by the Hearing Officer or the Director, however, it argues that the documents provide “important historical context” and were relied upon in its February 5, 2026 *Response to A&B Irrigation District’s Exceptions to Preliminary Order*. *Id.* at 3. The Director finds that all six documents were cited in AFA’s response on exceptions, R. 2873–74, which the Director considered before issuing his *Final Order* currently on appeal. In the interest of ensuring a complete record that encompasses all evidence considered, this objection is sustained. These documents will be added to the record.

III. A&B OBJECTION

The *A&B Objection* lists 112 documents A&B suggests are “missing” and concludes with a statement that the Department “should correct the errors.” *A&B Objection* at 2–9. Due to the large volume of allegedly missing documents, the Director has grouped the documents to reduce repetitive findings and decisions. Within the groupings, the documents maintain their original list numbers assigned in the *A&B Objection*.

A. Documents Already in the Agency Record

Upon review of the agency record, the Director finds that the documents listed below are already included in the record.² They are not missing. Therefore, A&B’s objections concerning the following documents are overruled:

1. *Fifth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover*, and Background Information, dated April 21, 2023. **R. 168–214.**
2. *Final Order Regarding April 2023 Forecast Supply (Methodology Steps 1-3)*, dated April 21, 2023, and April Background Information. **R. 154–167.**
3. *IGWA’s Amended Notice of Mitigation*, dated June 1, 2023. **R. 276–348.**
5. *Order Revising April 2023 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6)* and Background Information, dated July 19, 2023. **R. 401–413.**
6. *Post-Hearing Order Regarding Fifth Amended Methodology Order* and Background Information, dated July 19, 2023. **R. 367–400.**

² For those documents listed by A&B that include “and Background Information,” no background information is currently in the agency record or will be added. As an initial matter, A&B requested “Background Information” for several documents for which the Department does not generate background information. Nevertheless, of the methodology step orders listed by A&B for which the Department does generate background information files—the files are not missing and are properly excluded from the agency record. The files do not satisfy the requirements of Idaho Code § 67-5249(3). The files were not officially noticed by the Hearing Officer, *see* R. 2810, or cited in the *Final Order* or any of the briefing on exceptions. Further, A&B has provided no argument explaining why the inclusion of the files would be consistent with Idaho Code § 67-5249(3). Therefore, all objections concerning missing background information are overruled.

7. *Sixth Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* and Background Information, dated July 19, 2023. **R. 414–463.**
12. *Surface Water Coalition’s Response to Cities’ Request for Hearing and Order Authorizing Discovery*, dated August 22, 2023. **R. 471–479.**
15. *Motion for Clarification and Reconsideration of Denial of Request for Hearing and to Engage in Discovery*, dated September 5, 2023. **R. 1699–1703, 1718–22.**
16. *Order Denying Cities’ Motion for Clarification and Reconsideration*, dated September 25, 2023. **R. 1710–16, 1731–37.**
17. *Final Order Establishing 2023 Reasonable Carryover (Methodology Step 9)* and Background Information, dated November 30, 2023. **R. 1739–48.**
18. *Final Order Regarding April 2024 Forecast Supply (Methodology Steps 1-3)* and Background Information, dated April 18, 2024. **R. 1906–19.**
20. *Joint Notice of Compliance—Magic Valley Ground Water District & North Snake Ground Water District’s 2024 Irrigation Season Mitigation Commitments*, dated May 2, 2024. **R. 1932–42.**
44. *Final Order Curtailing Ground Water Rights Junior to March 31, 1954* and Background Information, dated May 30, 2024. **R. 1971–2163.**
47. *Order Approving 2024 Stipulation as Compliance with Approved Mitigation Plan* and Background Information, dated June 20, 2024. **R. 2217–28.**
50. *Order Regarding Mid-Season Change to Area of Common Ground Water Supply for Eastern Snake Plain Aquifer; Third Order Amending Curtailment List* and Background Information, dated June 28, 2024. **R. 2687–93.**
51. *Order Revising April 2024 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6)* and Background Information, dated July 17, 2024. **R. 2233–48.**
52. *Final Order Curtailing Ground Water Rights Junior to January 25, 1970* and Background Information, dated December 17, 2024. **R. 2281–2300.**
59. *Final Order Regarding April 2025 Forecast Supply (Methodology Steps 1-3)* and Background Information, dated April 16, 2025. **R. 2319–32.**
62. *Final Order Curtailing Ground Water Rights Junior to August 28, 1955* and Background Information, dated May 16, 2025. **R. 2337–59.**

63. *Order Revising April 2025 Forecast Supply and Continuing May 16, 2025 Curtailment Order (Methodology Steps 5 & 6) and Background Information*, dated July 10, 2025. **R. 2360–75.**
71. *Order Revising July 2025 Forecast Supply (Methodology Steps 7-8) and Background Information*, dated September 11, 2025. **R. 2388–2403.**
73. *Order on Intervention, Authorizing Discovery, Email Service, and Scheduling; Order Granting Motion for Subpoena; Notice of Hearing*, dated October 7, 2025. **R. 2428–37.**
81. *A&B Proportionate Share Expert Report Docket No. CM-DC-2010-001*, dated November 7, 2025. **R. 2451–77.**
90. *American Falls-Aberdeen Ground Water District’s Motion to Reconsider Order Granting Hearing and Vacate Hearing*, dated November 18, 2025. **R. 2438–77.**
92. *Final Order Establishing 2025 Reasonable Carryover (Methodology Step 9) and Background Information*, dated November 21, 2025. **R. 2520–29.**
100. *Final Order Curtailing Ground Water Rights Junior to August 15, 1952 and Background Information*, dated December 8, 2025. **R. 2540–94.**

B. Duplicate AFA Objections

The Director finds that A&B and AFA both objected to the omission of the below-listed documents from the agency record. For the reasons stated above in the Director’s review of the *AFA Objection*, the documents will be added to the record. Therefore, further review of A&B’s objections to the following documents is moot:

11. *Order Denying IGWA’s Petition for Review*, dated August 23, 2023
22. *IGWA’s Request for Mitigation Credit for Aquifer Enhancement Activities (2024)*, dated May 2, 2024
28. *Final Order Denying IGWA’s Request for Mitigation Credit for Aquifer Enhancement Activities (2024)*, dated May 15, 2024
65. *Joint Motion for Order Approving 2025 Stipulation*, dated July 24, 2025

66. *Order Approving 2025 Stipulation as Compliance with Approved Mitigation Plan and Background Information*,³ dated July 25, 2025

C. Duplicate A&B Objections

The Director finds that within the *A&B Objection*, A&B objected to the omission of four separate documents, two times each. Reviewing duplicate objections is unnecessary. Therefore, the following duplicate objections are overruled:

56. *Order Revising April 2024 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6)*, dated January 3, 2025

Same as Objection 51, except this objection lists an incorrect document date.

68. *Final Order Curtailing Ground Water Right Junior to October 11, 1900*, dated July 25, 2025

Same as Objection 67.

69. *Order Approving 2025 Stipulation as Compliance with Approved Mitigation Plan*, dated July 25, 2025

Same as Objection 66.

84. *IGWA's Expert Witness Disclosure*, dated November 7, 2025

Same as Objection 80.

D. Documents Not Filed or Issued in the Consolidated Contested Cases

The documents listed below are not missing and are properly excluded from the agency record. They do not satisfy the requirements of Idaho Code § 67-5249(3). The documents listed below were not issued or filed in the consolidated contested cases which the *Final Order* resolved. Additionally, they were not officially noticed by the Hearing Officer, *see* R. 2810, or cited in the *Final Order* or any of the briefing on exceptions. Further, A&B has provided no

³ The Director's prior decision concerning requests for the inclusion of "Background Information" still applies here. *See* discussion *supra* note 2.

argument explaining why the inclusion of the documents would be consistent with Idaho Code § 67-5249(3). Therefore, all objections concerning the following documents are overruled:

4. *Surface Water Coalition's Response to IGWA's Amended Notice of Mitigation*, dated June 5, 2023
8. *Surface Water Coalition's Petition for Reconsideration & Clarification; Request for Enforcement of Orders Approving 2016 Stipulated Plan*, dated July 31, 2023
9. *Order Granting Petition for Reconsideration / Clarification in Part and Denying Request for Enforcement*, dated August 11, 2023
10. *Order Denying Request for Hearing and Motion to Authorize Discovery*, dated August 23, 2023
13. *IGWA's Response to Surface Water Coalition's Petition for Reconsideration and Request for Hearing*, dated August 22, 2023
14. *Order Revising July 2023 Forecast Supply, dated Methodology Step 7-8 and Background Information*, dated August 31, 2023
19. Falls Irrigation District Letter to Water District 01 Watermaster, dated April 30, 2024
21. *Declaration of Sophia Sigstedt*, dated May 2, 2024
23. *IGWA's Petition for Reconsideration of Final Order Regarding April 2024 Forecast Supply*, dated May 2, 2024
24. *BJGWD's Notice of Mitigation in Response to April 2024 As-Applied Order, dated Methodology Steps 1-3*, dated May 2, 2024
25. Letter from IGWA to the Director, dated May 8, 2024
26. *Final Order Denying IGWA's Petition for Reconsideration of April As-Applied Order*, dated May 10, 2024
27. *Order Determining Deficiency in Notices of Secured Water*, dated May 10, 2024
29. *IGWA's Notice of Storage Water Leases*, dated May 17, 2024
30. *Surface Water Coalition's Response to American Falls-Aberdeen Ground Water District's Motion for Reconsideration*, dated May 17, 2024

31. *SWC's Response to IGWA's Conditional Notice of Mitigation Compliance / Petition for Reconsideration*, dated May 23, 2024
32. *Upper Valley Ground Water District's Response in Opposition to American Falls-Aberdeen Ground Water District's Motion for Reconsideration*, dated May 24, 2024
33. *BGWD's Response to AFA's Motion for Reconsideration of Order Determining Deficiency in Notices of Secured Water*, dated May 24, 2024
34. *Joinder in Support of Upper Valley Ground Water District's Response in Opposition to American Falls-Aberdeen Ground Water District's Motion for Reconsideration – Bonneville-Jefferson Ground Water District*, dated May 24, 2024
35. *Response to American Falls-Aberdeen Ground Water District's Motion for Reconsideration of Order Determining Deficiency in Notices of Secured Water – Magic Valley Ground Water District and North Snake Ground Water District*, dated May 24, 2024
36. *AFA's Response and Opposition to UVGWD's Petition to Intervene for Limited Purpose*, dated May 24, 2024
37. *AFA's Reply to UVGWD's Response in Opposition to AFA's Motion for Reconsideration of Order Determining Deficiency in Notices of Secured Water*, dated May 24, 2024
38. *AFA's Joinder in Support of SWC's Response to IGWA's Conditional Notice of Mitigation Compliance / Petition for Reconsideration*, dated May 24, 2024
39. *IGWA's Reply to SWC's Response to IGWA's Conditional Notice of Mitigation Compliance / Petition for Reconsideration*, dated May 24, 2024
40. *Order Granting Upper Valley District's Limited Intervention and AFA's Motion for Reconsideration*, dated May 28, 2024
41. *Bingham Ground Water District, Bonneville Jefferson Ground Water District, and Jefferson Clark Ground Water District Amended Notice of Mitigation Compliance*, dated May 29, 2024
42. *Notice of Compliance; Request for Clarification – Magic Valley Ground Water District and North Snake Ground Water District*, dated May 29, 2024
43. *Notice of Intended Compliance with 2016 Mitigation Plan by Henry's Fork Ground Water District and Madison Ground Water District*, dated May 29, 2024
45. *Order Amending Curtailment List and Background Information*, dated June 6, 2024

46. *Notice of Falls Irrigation District's Joinder and Participation in American Falls-Aberdeen Ground Water District's Mitigation Plan in 2024*, dated June 7, 2024
48. *Second Order Amending Curtailment List and Background Information*, dated June 20, 2024
52. *Order Granting Joint Motion to Extend Stay*, dated October 4, 2024
53. *Final Order Establishing 2024 Reasonable Carryover (Methodology Step 9) and Background Information*, dated November 29, 2024
55. *Order Granting Stipulated Motion to Extend Stay and Background Information*, dated December 23, 2024
57. 2025 Step 1 Methodology Order Responses
58. Joint Forecast – USBR & USACE, dated April 2, 2025
61. *Cities Joint Request for Hearing on Final Order Regarding April 2025 Forecast Supply (Methodology Steps 1-3)*, dated April 30, 2025
64. *SWC's Request for Hearing on Steps 5/6 Order*, dated July 24, 2025
70. *Order Denying Surface Water Coalition's Request for Hearing on Steps 5/6 Order*, dated September 3, 2025
72. *Amended Notice of Additional Non-Signatory Cities Participating in the Cities' Joint Mitigation Plan in 2025*, dated October 3, 2025
74. *Second Amended Notice of Additional Non-Signatory Cities Participating in the Cities' Joint Mitigation Plan in 2025*, dated October 7, 2025
111. *Order Phasing in Administration of Ground Water Rights Recently Included in the ESPA ACGWS*, dated February 2, 2026
112. *Notice of Appeal and Petition for Judicial Review of Agency Action*, dated May 13, 2026⁴

E. Discovery, Expert Testimony, and Miscellaneous Notice Documents

The documents listed below are not missing and are properly excluded from the agency record. The documents do not satisfy the requirements of Idaho Code § 67-5249(3). Concerning

⁴ The subject petition for judicial review was filed in the Court and not with the Department. Its inclusion in the agency record is not necessary or required pursuant to Idaho Code § 67-5249(3) or I.R.C.P. 84.

witness and exhibit disclosures and notices (other than notices of hearings, conferences, or officially noticed documents), Idaho Code § 67-5249(3) does not automatically include them in the record on appeal. A&B has provided no argument explaining why the inclusion of the documents would be consistent with Idaho Code § 67-5249(3). When it comes to evidence, since no administrative hearing was held, opportunities were limited for the Hearing Officer or the Director to officially receive or have cause to consider evidence like expert reports, deposition transcripts and exhibits, or discovery responses. In addition, pursuant to IDAPA 37.01.01.525, “[p]arties shall not serve the presiding officer copies of discovery responses unless it is part of a motion to compel discovery.” No motions to compel discovery were filed. Finally, none of the documents listed below were officially noticed by the Hearing Officer, *see* R. 2810, or cited in the *Final Order* or any of the briefing on exceptions. Consequently, said expert report, deposition transcript and exhibit, and discovery response documents were not received on record or considered by the Hearing Officer or Director. Because A&B has provided no argument explaining why the inclusion of the documents would be consistent with Idaho Code § 67-5249(3), all objections concerning the following documents are overruled and the documents will not be included in the record:

75. *Notice of Deposition Duces Tecum of Jennifer Sukow*, dated and associated exhibits for the Deposition, dated October 15, 2025
76. Jennifer Sukow Deposition & Exhibits, dated October 22, 2025⁵
77. *A&B Irrigation District’s First Set of Discovery Requests*, dated October 22, 2025
78. *A&B Irrigation District’s Expert Witness List*, dated November 7, 2025
79. *A&B Irrigation District’s Notice of Service*, dated November 7, 2025
80. *IGWA’s Expert Witness Disclosure*, dated November 7, 2025

⁵ The agency record does include the excerpts from Ms. Sukow’s deposition that were attached to Mr. Thompson’s declaration filed in support of the *A&B Response*. R. 2683–85.

82. *American Falls-Aberdeen Ground Water District's Disclosure of Expert Witness & Notice of Service of Expert Report*, dated November 7, 2025
83. Expert Report for Aberdeen-American Falls Ground Water District – A&B's Requests for Hearing – SWC Delivery Call, dated November 7, 2025
85. *A&B Irrigation District's First Set of Discovery Requests to American Falls-Aberdeen Ground Water District*, dated November 7, 2025
86. *A&B Irrigation District's First Set of Discovery Requests to Bonneville-Jefferson Ground Water District*, dated November 7, 2025
87. *A&B Irrigation District's First Set of Discovery Requests to IGWA*, dated November 7, 2025
88. Greg Sullivan Deposition & Exhibits, dated November 11–12, 2025
89. *Notice of Deposition Duces Tecum of Brian Ragan*, dated November 13, 2025
91. Brian Ragan Deposition and Exhibits, dated November 21, 2025
93. *Notice of Deposition Duces Tecum of D. Colvin, P.G.*, dated December 2, 2025
94. *Notice of Deposition Duces Tecum of Gregory K. Sullivan*, dated December 3, 2025
95. *Notice of Change of Firm*, dated December 4, 2025
96. *IGWA's Answers to A&B Irrigation District's First Set of Discovery Requests to IGWA*, dated December 5, 2025
97. *Notice of Service of IGWA's Response to A&B Irrigation District's First Set of Discovery Requests to IGWA*, dated December 5, 2025
98. *Coalition of Cities Answers to A&B Irrigation District's First Set of Discovery Requests*, dated December 8, 2025
99. *Notice of Service of Coalition of Cities Answers to A&B Irrigation District's First Set of Discovery Requests*, dated December 8, 2025
101. *American Falls-Aberdeen Ground Water District's Responses to A&B Irrigation District's First Set of Discovery Requests*, dated December 10, 2025
102. *Notice of Service of American Falls-Aberdeen Ground Water District's Responses to A&B Irrigation District's First Discovery Requests*, dated December 10, 2025
103. Dave Colvin Deposition and Exhibits, dated December 11, 2025

104. *Notice of Withdrawal of Counsel*, December 12, 2025
105. *A&B Irrigation District's Notice of Service*, dated December 19, 2025
106. *Notice of Service American Falls-Aberdeen Ground Water District's Rebuttal Expert Report*, dated December 19, 2025
107. A&B Proportionate Share Rebuttal Report Docket No. CM-DC-2010-001, dated December 19, 2025
108. Rebuttal Expert Report for American Falls – Aberdeen Ground Water District – A&B Requests for Hearing, dated December 19, 2025
109. Review of A&B Proportionate Share Expert Report Docket No. CM-DC-2010-001 By LRE, dated December 19, 2025
110. *Coalition of Cities Notice of Intent to Participate*, dated December 22, 2025

F. Documents Missing from the Agency Record

For the reasons provided below, A&B's objections concerning the following documents are sustained and will be included in the record:

49. *Joint Motion for Order Approving 2024 Stipulation*, dated June 20, 2024

Upon review of the agency record, the Director finds that this document was officially noticed by the Hearing Officer in his *Order Denying IGWA Motion*, see R. 2810, 2611, and omitted from the record. This objection is sustained.

60. Response to the Department's April 2025 Forecast Supply Order Letter, dated April 29, 2025

Upon review, the Director finds that this document was cited in the September 3, 2025 *Order Granting A&B Irrigation District's Requests for Hearing, Consolidating Proceedings for Hearing, and Appointing Hearing Officer; Notice of Prehearing Conference*. See R. 2381. Given the foundational nature of the September 3, 2025 order and in the interest of ensuring a complete record that encompasses all evidence considered, this objection is sustained.

67. *Final Order Curtailing Ground Water Rights Junior to October 11, 1900 and Background Information, dated July 25, 2025*

Upon review, the Director finds that this document was cited in the September 3, 2025 *Order Granting A&B Irrigation District's Requests for Hearing, Consolidating Proceedings for Hearing, and Appointing Hearing Officer; Notice of Prehearing Conference. See R. 2383.* Given the foundational nature of the September 3, 2025 order and in the interest of ensuring a complete record that encompasses all evidence considered, this objection is sustained as it concerns the curtailment order. The Director's prior decision concerning requests for the inclusion of "Background Information" still applies here. *See discussion supra note 2.*


IV. ORDER

IT IS HEREBY ORDERED that *A&B Irrigation District's Objection to the Agency Record* and *American Falls-Aberdeen Ground Water District's Objection to Agency Record* are sustained in part and overruled in part, consistent with the foregoing. The Department shall include in the agency record on appeal the documents for which the objections were sustained.

IT IS FURTHER ORDERED that pursuant to I.R.C.P. 84(j)(3), *A&B Irrigation District's Objection to the Agency Record, American Falls-Aberdeen Ground Water District's Objection to Agency Record*, and this order shall be included in the agency record.

IT IS FURTHER ORDERED that with the additions to the record ordered above, the agency record is now deemed settled. In accordance with the Court's May 14, 2026 *Procedural Order*, the Department shall lodge the settled agency record on appeal with the Court no later than June 25, 2026.

DATED this 17th day of June 2026.



MATHEW WEAVER, Director
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

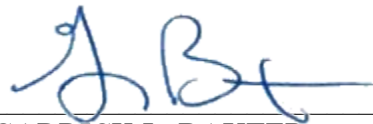
I HEREBY CERTIFY that on this 17th day of June 2026, I caused to be served a true and correct copy of the foregoing *Agency Decision on Objections and Order Settling the Agency Record*, via iCourt E-File and Serve, upon the following:

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