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Attorneys for A&B Irrigation District

**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.

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

Respondents.

Case No. CV34-26-00462

**A&B IRRIGATION DISTRICT’S
STATEMENT OF ISSUES**

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, MINIDOKA IRRIGATION
DISTRICT, NORTH SIDE CANAL
COMPANY, AND TWIN FALLS CANAL
COMPANY.

COMES NOW, the Petitioner, A&B Irrigation District (“A&B” or “District”), by and through its undersigned counsel of record, and hereby files this initial *Statement of Issues* as follows:

1. Whether the Department violated Idaho Code § 67-5279(3) in issuing its *Final Order Denying A&B Irrigation District’s Exceptions to Preliminary Order*.
2. Whether the Director erred in accepting the Hearing Officer’s preliminary order after previously granting A&B’s request for hearing pursuant to Idaho Code § 42-1701A(3).
3. Whether the Department erred in denying A&B a right to an administrative hearing regarding an order subjecting its senior water right no. 36-2080 to curtailment for the first time pursuant to Idaho Code § 42-1701A(3) based upon claim preclusion.
4. Whether the Department erred in concluding no exceptions to claim preclusion applied.
5. Whether the Department violated Idaho law in issuing an order subjecting A&B’s senior water right no. 36-20280 to curtailment on July 10, 2025 (*Order Revising April 2025 Forecast Supply and Continuing May 16, 2025 Curtailment Order*) despite the insufficient mitigation supplied by groundwater rights junior to A&B’s senior right.
6. Whether the Department violated A&B’s constitutional rights to due process by denying A&B a hearing on issues affecting its senior water right no. 36-2080, which is a real property right under Idaho law.

7. Whether the Department applied the conjunctive management rules (IDAPA 37.03.11 et seq.) in an unconstitutional manner to A&B's senior ground water right no. 36-2080.
8. Whether the Department's failure to curtail enough water to offset the full amount of predicted injury complies with the prior appropriation and takings provisions in the Idaho Constitution and Idaho Code, including Idaho Const. art. XV, § 3, Idaho Code § 42-106 and Idaho Const. art. I, § 14.
9. Whether the Department properly identified A&B's proportionate share of the predicted injury to senior surface water right holders in the July 10, 2025 order based upon A&B's actual diversion and use of water rights that are subject to the identified curtailment date.
10. Whether the Department erred in requiring A&B to mitigate for an entire ground water right that was not actually used during the 2026 irrigation season.
11. Whether the Department's inconsistent application of ESPAM 2.2 to identify a priority date for curtailment and a proportionate share of mitigation for the predicted in-season demand shortfall constitutes an abuse of discretion in violation of Idaho's Administrative Procedures Act.
12. For other issues and matters that may be discovered in this proceeding.

Pursuant to I.R.C.P. 84(c)(5), A&B reserves the right to assert additional issues and/or clarify or further specify the issues for judicial review stated in this petition or which become later discovered.

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DATED this 26th day of May 2026.

PARSONS BEHLE & LATIMER



Travis L. Thompson

Attorneys for A&B Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of May, 2026, the foregoing was filed electronically using the Court’s e-file system, and upon such filing the following parties were served electronically.

<p>Deputy Clerk Minidoka Conty Dist. Ct. 715 G Street P.O. Box 368 Rupert, Idaho 83350</p> <p>Via iCourt</p>	<p>Skyler Johns Nathan Olsen Steven Taggart Olsen Taggart, PLLC P.O. Box 3005 Idaho Falls, ID 83404 *** service by electronic mail only</p> <p>sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com</p>	<p>T.J. Budge Racine Olson, PLLP P.O. Box 1391 Pocatello, ID 83204-1391 *** service by electronic mail only tj@racineolson.com tessa@racineolson.com</p>
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