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**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
OBJECTION TO THE AGENCY
RECORD**

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 *Objection to the Agency Record* pursuant to Civil Rule 84(j). On May 21, 2026, the Idaho Department of Water Resources (“Department”) filed its *Notice of Lodging the Agency Record with the Agency* (the “agency record”). The agency record currently consists of documents contained at pages 1-2902, exhibits, and transcripts of the hearing in this matter. A&B submits that the record, as lodged by the Department, is in error as described below and should be corrected.

I. Documents Missing from the Agency Record

The following documents are missing from the record and should be included in proper sequence, by date:

1. Fifth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover, and Background Information (April 21, 2023)
2. Final Order Regarding April 2023 Forecast Supply (Methodology Steps 1-3), April 21, 2023 and April Background Information (April 24, 2023)
3. IGWA’s Amended Notice of Mitigation (June 1, 2023)
4. Surface Water Coalition’s Response to IGWA’s Amended Notice of Mitigation (June 5, 2023)
5. Order Revising April 2023 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6), and Background Information (July 19, 2023)
6. Post-Hearing Order Regarding Fifth Amended Methodology Order, and Background Information (July 19, 2023)
7. Sixth Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover, and Background Information (July 19, 2023)

8. Surface Water Coalition's Petition for Reconsideration & Clarification; Request for Enforcement of Orders Approving 2016 Stipulated Plan (July 31, 2023)
9. Order Granting Petition for Reconsideration / Clarification in Part and Denying Request for Enforcement (August 11, 2023)
10. Order Denying Request for Hearing and Motion to Authorize Discovery (August 23, 2023)
11. Order Denying IGWA's Petition for Review (August 23, 2023)
12. Surface Water Coalition's Response to Cities' Request for Hearing and Order Authorizing Discovery (August 22, 2023)
13. IGWA's Response to Surface Water Coalition's Petition for Reconsideration and Request for Hearing (August 22, 2023)
14. Order Revising July 2023 Forecast Supply (Methodology Step 7-8), and Background Information (August 31, 2023)
15. Motion for Clarification and Reconsideration of Denial of Request for Hearing and to Engage in Discovery (September 5, 2023)
16. Order Denying Cities' Motion for Clarification and Reconsideration (September 25, 2023)
17. Final Order Establishing 2023 Reasonable Carryover (Methodology Step 9), and Background Information (November 30, 2023)
18. Final Order Regarding April 2024 Forecast Supply (Methodology Steps 1-3), and Background Information (April 18, 2024)
19. Falls Irrigation District Letter to Water District 01 Watermaster (April 30, 2024)
20. Joint Notice of Compliance – Magic Valley Ground Water District & North Snake Ground Water District's 2024 Irrigation Season Mitigation Commitments (May 2, 2024)
21. Declaration of Sophia Sigstedt (May 2, 2024)
22. IGWA's Request for Mitigation Credit for Aquifer Enhancement Activities (2024) (May 2, 2024)

23. IGWA's Petition for Reconsideration of Final Order Regarding April 2024 Forecast Supply (May 2, 2024)
24. BJGWD's Notice of Mitigation in Response to April 2024 As-Applied Order (Methodology Steps 1-3) (May 2, 2024)
25. Letter from IGWA to the Director (May 8, 2024)
26. Final Order Denying IGWA's Petition for Reconsideration of April As-Applied Order (May 10, 2024)
27. Order Determining Deficiency in Notices of Secured Water (May 10, 2024)
28. Final Order Denying IGWA's Request for Mitigation Credit for Aquifer Enhancement Activities (2024) (May 15, 2024)
29. IGWA's Notice of Storage Water Leases (May 17, 2024)
30. Surface Water Coalition's Response to American Falls-Aberdeen Ground Water District's Motion for Reconsideration (May 17, 2024)
31. SWC's Response to IGWA's Conditional Notice of Mitigation Compliance / Petition for Reconsideration (May 23, 2024)
32. Upper Valley Ground Water District's Response in Opposition to American Falls-Aberdeen Ground Water District's Motion for Reconsideration (May 24, 2024)
33. BGWD's Response to AFA's Motion for Reconsideration of Order Determining Deficiency in Notices of Secured Water (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 (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 (May 24, 2024)
36. AFA's Response and Opposition to UVGWD's Petition to Intervene for Limited Purpose (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 (May 24, 2024)
38. AFA's Joinder in Support of SWC's Response to IGWA's Conditional Notice of Mitigation Compliance / Petition for Reconsideration (May 24, 2024)
39. IGWA's Reply to SWC's Response to IGWA's Conditional Notice of Mitigation Compliance / Petition for Reconsideration (May 24, 2024)
40. Order Granting Upper Valley District's Limited Intervention and AFA's Motion for Reconsideration (May 28, 2024)
41. Bingham Ground Water District, Bonneville Jefferson Ground Water District, and Jefferson Clark Ground Water District Amended Notice of Mitigation Compliance (May 29, 2024)
42. Notice of Compliance; Request for Clarification – Magic Valley Ground Water District and North Snake Ground Water District (May 29, 2024)
43. Notice of Intended Compliance with 2016 Mitigation Plan by Henry's Fork Ground Water District and Madison Ground Water District (May 29, 2024)
44. Final Order Curtailing Ground Water Rights Junior to March 31, 1954, and Background Information (May 30, 2024)
45. Order Amending Curtailment List, and Background Information (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 (June 7, 2024)
47. Order Approving 2024 Stipulation as Compliance with Approved Mitigation Plan, and Background Information (June 20, 2024)
48. Second Order Amending Curtailment List, and Background Information (June 20, 2024)
49. Joint Motion for Order Approving 2024 Stipulation (June 20, 2024)
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 (June 28, 2024)

51. Order Revising April 2024 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6), and Background Information (July 17, 2024)
52. Order Granting Joint Motion to Extend Stay (October 4, 2024)
53. Final Order Establishing 2024 Reasonable Carryover (Methodology Step 9), and Background Information (November 29, 2024)
54. Final Order Curtailing Ground Water rights Junior to January 25, 1970, and Background Information (December 17, 2024)
55. Order Granting Stipulated Motion to Extend Stay, and Background Information, (December 23, 2024)
56. Order Revising April 2024 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6) (January 3, 2025)
57. 2025 Step 1 Methodology Order Responses
58. Joint Forecast – USBR & USACE (April 2, 2025)
59. Final Order Regarding April 2025 Forecast Supply (Methodology Steps 1-3), and Background Information (April 16, 2025)
60. Response to the Department’s April 2025 Forecast Supply Order Letter (April 29, 2025)
61. Cities Joint Request for Hearing on Final Order Regarding April 2025 Forecast Supply (Methodology Steps 1-3) (April 30, 2025)
62. Final Order Curtailing Ground Water Rights Junior to August 28, 1955, and Background Information (May 16, 2025)
63. Order Revising April 2025 Forecast Supply and Continuing May 16, 2025 Curtailment Order (Methodology Steps 5 & 6), and Background Information (July 10, 2025)
64. SWC’s Request for Hearing on Steps 5/6 Order (July 24, 2025)
65. Joint Motion for Order Approving 2025 Stipulation (July 24, 2025)

66. Order Approving 2025 Stipulation as Compliance with Approved Mitigation Plan, and Background Information (July 25, 2025)
67. Final Order Curtailing Ground Water Rights Junior to October 11, 1900, and Background Information (July 25, 2025)
68. Final Order Curtailing Ground Water Right Junior to October 11, 1900 (July 25, 2025)
69. Order Approving 2025 Stipulation as Compliance with Approved Mitigation Plan (July 25, 2025)
70. Order Denying Surface Water Coalition's Request for Hearing on Steps 5/6 Order (September 3, 2025)
71. Order Revising July 2025 Forecast Supply (Methodology Steps 7-8), and Background Information (September 11, 2025)
72. Amended Notice of Additional Non-Signatory Cities Participating in the Cities' Joint Mitigation Plan in 2025 (October 3, 2025)
73. Order on Intervention, Authorizing Discovery, Email Service, and Scheduling; Order Granting Motion for Subpoena; Notice of Hearing (October 7, 2025)
74. Second Amended Notice of Additional Non-Signatory Cities Participating in the Cities' Joint Mitigation Plan in 2025 (October 7, 2025)
75. Notice of Deposition Duces Tecum of Jennifer Sukow (and associated exhibits for the Deposition) (October 15, 2025)
76. Jennifer Sukow Deposition & Exhibits (October 22, 2025)
77. A&B Irrigation District's First Set of Discovery Requests (October 22, 2025)
78. A&B Irrigation District's Expert Witness List (November 7, 2025)
79. A&B Irrigation District's Notice of Service (November 7, 2025)
80. IGWA's Expert Witness Disclosure (November 7, 2025)
81. A&B Proportionate Share Expert Report Docket No. CM-DC-2010-001 (November 7, 2025)

82. American Falls-Aberdeen Ground Water District's Disclosure of Expert Witness & Notice of Service of Expert Report (November 7, 2025)
83. Expert Report for Aberdeen-American Falls Ground Water District – A&B's Requests for Hearing – SWC Delivery Call (November 7, 2025)
84. IGWA's Expert Witness Disclosure (November 7, 2025)
85. A&B Irrigation District's First Set of Discovery Requests to American Falls-Aberdeen Ground Water District (November 7, 2025)
86. A&B Irrigation District's First Set of Discovery Requests to Bonneville-Jefferson Ground Water District (November 7, 2025)
87. A&B Irrigation District's First Set of Discovery Requests to IGWA (November 7, 2025)
88. Greg Sullivan Deposition & Exhibits (November 11-12, 2025)
89. Notice of Deposition Duces Tecum of Brian Ragan (November 13, 2025)
90. American Falls-Aberdeen Ground Water District's Motion to Reconsider Order Granting Hearing and Vacate Hearing (November 18, 2025)
91. Brian Ragan Deposition and Exhibits (November 21, 2025)
92. Final Order Establishing 2025 Reasonable Carryover (Methodology Step 9), and Background Information (November 21, 2025)
93. Notice of Deposition Duces Tecum of D. Colvin, P.G. (December 2, 2025)
94. Notice of Deposition Duces Tecum of Gregory K. Sullivan (December 3, 2025)
95. Notice of Change of Firm (December 4, 2025)
96. IGWA's Answers to A&B Irrigation District's First Set of Discovery Requests to IGWA (December 5, 2025)
97. Notice of Service of IGWA's Response to A&B Irrigation District's First Set of Discovery Requests to IGWA (December 5, 2025)

98. Coalition of Cities Answers to A&B Irrigation District's First Set of Discovery Requests (December 8, 2025)
99. Notice of Service of Coalition of Cities Answers to A&B Irrigation District's First Set of Discovery Requests (December 8, 2025)
100. Final Order Curtailing Ground Water Rights Junior to August 15, 1952, and Background Information (December 8, 2025)
101. American Falls-Aberdeen Ground Water District's Responses to A&B Irrigation District's First Set of Discovery Requests (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 (December 10, 2025)
103. Dave Colvin Deposition and Exhibits (December 11, 2025)
104. Notice of Withdrawal of Counsel (December 12, 2025)
105. A&B Irrigation District's Notice of Service (December 19, 2025)
106. Notice of Service American Falls-Aberdeen Ground Water District's Rebuttal Expert Report (December 19, 2025)
107. A&B Proportionate Share Rebuttal Report Docket No. CM-DC-2010-001 (December 19, 2025)
108. Rebuttal Expert Report for American Falls – Aberdeen Ground Water District – A&B Requests for Hearing (December 19, 2025)
109. Review of A&B Proportionate Share Expert Report Docket No. CM-DC-2010-001 By LRE (December 19, 2025)
110. Coalition of Cities Notice of Intent to Participate (December 22, 2025)
111. Order Phasing in Administration of Ground Water Rights Recently Included in the ESPA ACGWS (February 2, 2026)
112. Notice of Appeal and Petition for Judicial Review of Agency Action (May 13, 2026)

IDWR should correct the errors to the agency record as described above.

DATED this 3rd day of June, 2026.

PARSONS BEHLE & LATIMER



Abby R. Bitzenburg

Attorneys for A&B Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 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</p> <p>tj@racineolson.com tessa@racineolson.com</p>
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