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*Attorneys for A&B Irrigation District*

**IN THE DISTRICT COURT OF THE FOURTH 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.

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.

Case No. CV34-26-00462

**NOTICE OF APPEAL AND PETITION  
FOR JUDICIAL REVIEW OF AGENCY  
ACTION**

**Fee Category L.3.a – Water  
Administrative Appeals: \$221.00**

COMES NOW, the Petitioner A&B Irrigation District (“A&B” or “District”), by and through its undersigned counsel of record, and hereby files this Notice of Appeal and Petition for Judicial Review as follows:

**STATEMENT OF THE CASE**

1. This a civil action pursuant to Idaho Code §§ 67-5270 and 5279 seeking judicial review of the *Final Order Denying A&B Irrigation District’s Exceptions to Preliminary Order* issued by the Director of the Idaho Department of Water Resources on April 17, 2026.

2. A hearing before the agency was scheduled to begin January 14, 2026, but was later vacated by the hearing officer.

3. A Statement of Issues which A&B intends to assert in this matter will be filed with the Court within fourteen (14) days. 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.

**JURISDICTION AND VENUE**

4. This petition is authorized by Idaho Code §§ 67-5270 and 5279.

5. This Court has jurisdiction over this action pursuant to Idaho Code §§ 42-1401D and 67-5272(1)(c).

6. Pursuant to an administrative order issued by the Idaho Supreme Court on December 9, 2009, this case should be reassigned to the presiding judge of the Snake River Basin Adjudication District Court in the Fifth Judicial District for further proceedings.

7. The Director’s *Final Order* is a final agency action subject to judicial review pursuant to Idaho Code § 67-5270.

## PARTIES

8. Petitioner A&B is an Idaho irrigation district, organized pursuant to chapter 1, Title 43, Idaho Code, with its principal place of business located in Minidoka County, specifically Rupert, Idaho.

9. Respondent Idaho Department of Water Resources is a state agency with its main office located at 322 E. Front St., Boise, Idaho. Respondent Mathew Weaver is the director of the Idaho Department of Water Resources.

## AGENCY RECORD

10. Judicial review is sought of the Director's April 17, 2026 *Final Order Denying A&B Irrigation District's Exceptions to Preliminary Order*.

11. A&B anticipates that it can reach a stipulation regarding the agency record with the Respondents and will pay its necessary share of the fee for the preparation of the record at such time.

12. Service of this *Notice of Appeal and Petition for Judicial Review of Agency Action* has been made on the Respondents at the time of the filing of this petition.

DATED this 13<sup>th</sup> day of May 2026.

PARSONS BEHLE & LATIMER



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Travis L. Thompson

*Attorneys for A&B Irrigation District*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> 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><a href="mailto:sjohns@olsentaggart.com">sjohns@olsentaggart.com</a> <a href="mailto:nolsen@olsentaggart.com">nolsen@olsentaggart.com</a> <a href="mailto:staggart@olsentaggart.com">staggart@olsentaggart.com</a></p>	<p>T.J. Budge Racine Olson, PLLP P.O. Box 1391 Pocatello, ID 83204-1391 *** service by electronic mail only <a href="mailto:tj@racineolson.com">tj@racineolson.com</a> <a href="mailto:tessa@racineolson.com">tessa@racineolson.com</a></p>
<p>Candice McHugh Chris Bromley McHugh Bromley, PLLC 380 South 4<sup>th</sup> Street, Ste. 103 Boise, ID 83702 *** service by electronic mail only</p> <p><a href="mailto:cbromley@mchughbromley.com">cbromley@mchughbromley.com</a> <a href="mailto:cmchugh@mchughbromley.com">cmchugh@mchughbromley.com</a></p>	<p>Sarah A. Klahn Maximilian C. Bricker Somach Simmons &amp; Dunn 2033 11<sup>th</sup> Street, Ste. 5 Boulder, CO 80302 *** service by electronic mail only</p> <p><a href="mailto:sklahn@somachlaw.com">sklahn@somachlaw.com</a> <a href="mailto:mbricker@somachlaw.com">mbricker@somachlaw.com</a></p>	<p>Director Mathew Weaver Garrick Baxter Sarah Tschohl Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail <a href="mailto:file@idwr.idaho.gov">file@idwr.idaho.gov</a> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a> <a href="mailto:sarah.tschohl@idwr.idaho.gov">sarah.tschohl@idwr.idaho.gov</a></p>



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