

**BOISE, MONDAY, OCTOBER 6, 2025, AT 8:50 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**CITY OF IDAHO FALLS, CITY OF )  
POCATELLO, 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, and CITY )  
OF WENDELL, )**

**Docket No. 52102**

**Petitioners-Appellants, )**

**v. )**

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

**Respondents-Respondents on Appeal, )**

**and )**

**IDAHO GROUND WATER )  
APPROPRIATORS, A&B IRRIGATION )  
DISTRICT, BURLEY IRRIGATION )  
DISTRICT, MILNER IRRIGATION )  
DISTRICT, NORTH SIDE CANAL )  
COMPANY, TWIN FALLS CANAL )  
COMPANY, AMERICAN FALLS )  
RESERVOIR DISTRICT #2, MINIDOKA )  
IRRIGATION DISTRICT, BONNEVILLE- )  
JEFFERSON GROUND WATER )  
DISTRICT, and BINGHAM )  
GROUNDWATER DISTRICT, )**

**Intervenors-Respondents. )**

**IN THE MATTER OF THE DISTRIBUTION )  
OF WATER TO VARIOUS WATER )  
RIGHTS HELD BY AND FOR THE )  
BENEFIT OF THE A&B IRRIGATION )  
DISTRICT, AMERICAN FALLS )**

**RESERVOIRS DISTRICT NO. 2, BURLEY )  
IRRIGATION DISTRICT, MILNER )  
IRRIGATION DISTRICT, MINIDOKA )  
IRRIGATION DISTRICT, NORTH SIDE )  
CANAL COMPANY, and TWIN FALLS )  
CANAL COMPANY. )**

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Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Eric J. Wildman, District Judge.

Somach Simmons & Dunn, P.C., Boulder, Colorado, for Appellant City of Pocatello.

Kidwell, Hahn & Crapo, PLLC, Idaho Falls, for Appellant City of Idaho Falls.

McHugh Bromley, PLLC, Boise, for Appellants Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent Idaho Department of Water Resources.

Marten Law LLP, Twin Falls, for Respondents A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company.

Parsons Behle & Latimer, Boise, for Intervenors Minidoka Irrigation District and American Falls Reservoir District #2.

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The City of Idaho Falls and other cities in eastern Idaho appeal an order of the Director of the Idaho Department of Water Resources. The Cities argue that the Director applied the incorrect evidentiary standard when evaluating challenges to the Department's methodology order. They also argue that the Director's conclusions in an order issued after a hearing on the methodology order were arbitrary and capricious.

In 2023, the Department issued a new methodology order to oversee the on-going delivery call by the Surface Water Coalition. In a hearing before the Director, the Cities challenged several conclusions and processes in the methodology order. The Director issued an order after that hearing affirming the new methodology order with minor modifications. The Cities appealed the Director's order to the district court, challenging several of the Director's conclusions. On May 31, 2024, the district court issued its memorandum decision and order affirming the Director's determinations in the order issued after the administrative hearing.

On appeal, the Cities challenge the Director's application of the clear and convincing evidence standard to the Cities' challenges of the methodology order. They also argue that several of the Director's determinations were arbitrary and capricious. According to the Cities, the Director should have applied a lower evidentiary standard to evaluate the Cities' evidence it offered to challenge the methodology order. The Cities argue that their evidence satisfied the clear and

convincing standard and the preponderance of the evidence standard. Further, they assert that the Director based his determinations on poor scientific information and ignored reliable scientific data.