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Attorneys for Petitioners

DISTRICT COURT OF THE STATE OF IDAHO

SEVENTH JUDICIAL DISTRICT

BINGHAM COUNTY

JERRY D. BINGHAM and VALERIE H. BINGHAM, Petitioners, vs. IDAHO DEPARTMENT OF WATER RESOURCES, Respondent, IDAHO GROUND WATER APPROPRIATORS, INC.; CITY OF POCATELLO; AMERICAN FALLS RESERVOIR DISTRICT #2;	Case No. CV06-26-1801 **SUPPLEMENTAL DECLARATION OF JERRY D. BINGHAM IN SUPPORT OF MOTION TO STAY RESPONDENT'S FINAL ORDER PENDING JUDICIAL REVIEW**

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MINIDOKA IRRIGATION DISTRICT;
A&B IRRIGATION DISTRICT;
BURLEY IRRIGATION DISTRICT;
MILNER IRRIGATION DISTRICT;
NORTH SIDE CANAL COMPANY;
TWIN FALLS CANAL COMPANY,

Intervenors.

I, Jerry D. Bingham, hereby declare as follows:

1. I am over the age of 18 and am competent to execute this declaration. I make this declaration based upon my personal knowledge of the facts stated herein, and I would testify to the same in court if called upon to do so.

2. I submit this Supplemental Declaration to apprise the Court of various developments since the execution of my original declaration in support of the motion to stay Respondent Idaho Department of Water Resources' curtailment order.

3. Because of the Department's curtailment order, I could not pump groundwater prior to the conclusion of the 2026 irrigation season. However, because of substantial rain, I was able to plant a winter wheat crop on approximately 700 acres of my farm. Further, I was able to obtain crop insurance for the wheat crop because wheat crop yields recently have been low even for those farmers not subject to the Department's curtailment order. The approximately 300 remaining acres of my farm I have reserved for the planting of potatoes, should the Court grant the stay motion.

4. As noted in my prior declaration, the planting of potatoes in the spring requires in the preceding fall the preparation of the ground, including fertilizer application. The rains over the last month have helped to naturally prepare my farm for fertilizing. The ground will likely remain soft enough to allow for fertilizer application for a few more weeks in November, before hard frosts make effective application impossible. However, I cannot make the substantial investment in fertilizer (approximately $500 per acre) to prepare for a spring planting of potatoes without an assured water supply for the potatoes. If the Court were to grant the stay now, I would then have the assurance I need to make the substantial investment in fertilizer application in anticipation of the planting of potatoes in the spring.

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5. Also as noted in my prior declaration, having an assurance of water is critical to maintaining good contractual relationships with buyers. Since my prior declaration, I have had additional conversations with representatives of J.R. Simplot Company. Based upon these conversations, it is my understanding that the company will not do business with me for crops raised on my farm unless and until I can establish an assured water supply through, for example, a stay of the curtailment order. Moreover, if I continue to be unable to produce crops for the company, I will lose the goodwill I have established with it over the years and will no longer receive any contractual preferences as compared to farmers with no contracting history with the company.

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Dated: November 6, 2026.

Signed by:
Jerry Bingham
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JERRY D. BINGHAM