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March 7, 2005

Via Email & U.S. Mail

Director Karl J. Dreher
Idaho Department of Water Resources
322 East Front St.
P.O. Box 83720
Boise, Idaho 83720-0098

Re: In the Matter of Distribution of Water Rights to Various Water Rights Held By or For the Benefit of Members of the Surface Water Coalition / Petition Requesting Administration of Ground Water Rights Outside Organized Water Districts

Dear Director Dreher:

This letter is being sent on behalf of the members of the Surface Water Coalition.[1] On January 14, 2005 the Coalition filed a *Petition Requesting Water Right Administration and Designation of the Eastern Snake Plain Aquifer as a Ground Water Management Area* ("Petition"). The Coalition requested administration of ground water rights located within the boundaries of the Eastern Snake Plain Aquifer but outside of organized water districts. The Coalition indicated that the "names, addresses, and descriptions of the water rights of the ground water users who are causing material injury" was not then known.

The Coalition subsequently filed a *Request for Information* with the Director on February 2, 2005. Since the information could not be "reasonably determined" from a search of the public records, including by means of accessing the Department's database through its website www.idwr.idaho.gov, the Coalition requested the Department to "provide a list of all ground water rights, by administrative basin, including the names and addresses of the holders of those rights, that are located within the Eastern Snake Plain Aquifer but not within an organized water district." *Request* at 2, ¶ 4. The request was denied by the Director's February 14, 2005 Order. *See Order* at 34, ¶ 3.

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[1] The coalition consists of A & B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Company.

Shortly after the February 14, 2005 Order was issued, the Coalition contacted the Department to inquire how the requested information might be retrieved from the Department's files. Department staff responded and provided a spreadsheet list of approximately 6,800 water rights located within the boundaries of the ESPA, but outside Water District Nos. 120 and 130. The list was obtained using the Department's GIS data, and was estimated to have a 5% margin of error. The list contained water right numbers only and no addresses. We again contacted the Department and inquired about the possibility of obtaining the list of addresses for the water rights. Department staff responded that it could not provide the addresses unless we made a formal request. Accordingly, we are making that request now.

It is the Coalition's understanding that the information (water right number / name / address) can be provided in a usable electronic format provided the Coalition will pay for the Department staff's time at a rate of $48/hour. The Coalition is willing to pay the Department's rate for the information requested. We would propose to have Crystal Vincent from our office contact the appropriate Department staff to work out the details of obtaining the information in a usable electronic format.

Given the short time frame, the details to receive the information from the Department, and the magnitude of water right holders that need to be served with the petition, we would request a two week extension, or until March 31, 2005, to complete service. Please contact us if you have any questions

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

Travis L. Thompson

cc: John Simpson
Roger Ling
Tom Arkoosh
Kent Fletcher
Jim Tucker, c/o Idaho Power Company
Jim Lochhead, c/o Idaho Power Company
Scott Campbell, c/o Idaho Dairyman's Association
Michael Creamer, c/o IGWA
Kathleen Marion Carr, c/o Dept. of Interior (USBR)
IDWR, Eastern Regional Office
IDWR, Southern Regional Office