



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Governor

DAVID R. TUTHILL, JR.
Director

May 15, 2009

Via Email and U.S. Mail

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RE: Technical Meeting and Request for Place of Use Information

Dear Parties:

Recently we have been corresponding via letters and emails regarding two issues relative to the Surface Water Coalition Call. This letter is intended to address some of the issues that have been raised.

Technical Meeting

During recent years this agency has held an early season meeting to review the implications of the Upper Snake River runoff forecast. This year the meeting was held on May 4th in our offices, and many of you attended. The April 1, 2009 forecast that was briefly discussed at the meeting is as follows:

	Projected 2009 Natural Flow (acre-feet)	2009 Storage (acre-feet)	Total 2009 Supply (acre-feet)
A & B Irrigation District	11,800	134,500	146,300
American Falls Res. Dist. #2	108,000	385,500	493,500
Burley Irrigation District	161,400	226,300	387,700
Milner Irrigation District	17,000	87,400	104,400
Minidoka Irrigation District	143,100	366,300	509,400
North Side Canal Company	510,100	832,500	1,342,600
Twin Falls Canal Company	863,900	233,700	1,097,600

With the anticipated full irrigation supplies for the Surface water Coalition canals, no shortfalls due to ground water depletions are projected during the 2009 season. At the meeting I invited inquiry about the numbers above, including the methods of computing the numbers. We remain open to inquiries in this regard.

The May 4th meeting, which was recorded and for which the audio recording has been placed on our website, was primarily used to present a “Draft Protocol for Determining Reasonable In-Season Demand and Reasonable Carryover” (*Draft Protocol*). At the conclusion of the meeting, I indicated that IDWR would be accepting input regarding this draft protocol through June 5, 2009. We also agreed at the meeting that parties could submit questions which would be addressed by our staff, with both questions and responses posted to our website. This process has been proceeding nicely, with the information posted to the following page:

http://www.idwr.idaho.gov/Calls/Surface%20Coalition%20Call/mitigation_presentations.htm

On May 7, 2009, Mr. Travis Thompson submitted a letter on behalf of his clients in this matter, requesting a technical meeting to discuss the draft protocol on either May 13th or May 15th. On the evening of May 7th I received an email from Mr. Randy Budge objecting to approval of Mr. Thompson’s request. In response, I sent an email to the parties on May 8th, suggesting that the parties provide to IDWR a list of their available dates for the week of May 18th. On May 9th, Ms. Sarah Klahn emailed that the only day acceptable to her clients would be May 18th, and subsequently Mr. Budge followed up that the week would not be good due to the Minidoka Credit trial.

Based on consideration of the information provided, and in light of the knowledge that the District Court hearing on the Surface Water Coalition Call Order is scheduled to be held on May 26th, IDWR is hereby scheduling a technical meeting in Conference Rooms A and B in our offices in Boise, to be held starting at **10:00 am on Monday, June 1, 2009**. Telephonic participation is invited – participants can use a call-in number of (713) 576-2027 with a participant code of 275568. Prior to that date we will be responding to information requests as rapidly as possible, in an effort to optimize the opportunity of the parties to provide meaningful input for the *Draft Protocol*. In light of

the lateness of this meeting relative to the intended deadline for submittal of input to the *Draft Protocol*, **the deadline has been extended to June 12, 2009.**

Request for Place of Use Information

On April 30, 2009, Mr. Kent Fletcher submitted digital geographic information System (GIS) files to augment IDWR's place of use information regarding Minidoka Irrigation District. Mr. Fletcher also provided a letter which identifies concerns regarding the process being used by this agency to gather this information.

On May 1, 2009, Mr. Travis Thompson submitted a similar letter, again referring to concerns about the process being used, but accompanied with information about the place of use of A&B Irrigation District. In the letter Mr. Thompson indicates that Milner Irrigation District, North Side Canal Company and Twin Falls Canal Company have acquired imagery and data from 2008 and are working to incorporate that into IDWR's initial review. I appreciate the effort being spent by the organizations to provide this necessary information, and look forward to receiving the information in the coming weeks.

On May 4, 2009, Mr. Tom Arkoosh submitted a similar letter on behalf of American Falls Reservoir District No. 2. Spatial place of use data for this organization had been provided earlier. The concerns identified in all three of these letters are noted, and the digital information that has been provided is being evaluated. The opportunity to formally address parties' concerns about process will be provided via review of the upcoming order to be issued in this matter. We anticipate issuing this order in late June, 2009.

The place of use information will be considered in the *Draft Protocol*, as the diversion requirement for the full acreage is more than the requirement for partial acreage. We look forward to developing a fair and equitable protocol, with input and suggestions from the parties. Thank you for your participation in this regard.

Sincerely,

A handwritten signature in blue ink, reading "David R. Tuthill, Jr.", written in a cursive style.

David R. Tuthill, Jr.
Director