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RECEIVED
AUG 16 2013
DEPARTMENT OF
WATER RESOURCES

Paul L. Arrington
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August 15, 2013

Gary Spackman, Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Petition to Amend Rule 50 of the Conjunctive Management Rules

Dear Director Spackman:

On behalf of the Surface Water Coalition,[1] we are formally requesting that you restart the negotiated rulemaking process relating to the area of common ground water supply identified in Rule 50.01 of the Conjunctive Management Rules (IDAPA 37.03.11.050.01).

On November 10, 2010, Clear Springs Foods, Inc. filed a *Petition to Amend Rule 50*, which seeks to include all areas within the boundary of the Eastern Snake Plain Aquifer Model ("ESPAM") in the area of common ground water supply.

In an August 9, 2011 letter, you confirmed that area of common ground water supply in Rule 50 warranted amendment through the formal rulemaking process. You indicated that the existing area of common ground water supply, as defined by Rule 50, "does not include all tributary ground water areas that supply water to a surface water source, nor does it include all areas where ground water 'affects' the flow of surface water." Accordingly, "Rule 50 should be amended to reflect the current understanding of hydrologic conditions."

However, at that time, you determined that the rule making process would be delayed until a new version of ESPAM – version 2.0 (now 2.1) – was "finalized." ESPAM 2.1 has now been finalized.

Your letter provided that when ESPAM 2.1 was finalized you would "instruct Department staff to restart the negotiated rulemaking process." Accordingly, pursuant to your

[1] The Coalition is comprised of A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company and Twin Falls Canal Company, represented by the law firm Barker Rosholt & Simpson, LLP, and American Falls Reservoir District #2 and Minidoka Irrigation District, represented by Fletcher Law Offices.

August 9, 2011 letter, the Coalition formally requests that the negotiated rulemaking addressing the area common ground water supply under Rule 50 be restarted.

Yours truly,

Paul L. Arrington

PLA/jn

cc: Rich Rigby

bcc: Garrick