



## QUESTIONS

**Question 1.** During the Technical Meeting held June 1, 2009, Director Tuthill noted that the capabilities of the SWC systems are a limitation on the amount of water that can be supplied during the peak season. Please describe IDWR's knowledge of any SWC system limitations.

**Question 2.** Based on discussions during the Technical Meeting held June 1, 2009, the protocol for determining the antecedent moisture adjustment to Reasonable In-season Demand (RISD) has not yet been developed. When the protocol is developed, please describe the draft protocol and provide any associated spreadsheet analyses.

**Question 3.** Based on discussions during the Technical Meeting, the protocol for determining the Crop Water Need if the irrigated area is less than 5% of the irrigated acres for the water right has not yet been developed. When the protocol is developed, please describe the draft protocol and provide any associated spreadsheet analyses.

**Question 4.** Does the Draft Protocol provide for review of the irrigated area data from parties other than the SWC and IDWR?

**Question 5.** IDWR has proposed a procedure to adjust the baseline year diversions (in this case 2006) to account for above normal precipitation. Based on the discussions at the June 1, 2009 Technical Meeting, the adjustment includes determining the effective precipitation and applying a project efficiency. What are the criteria for including this adjustment? For example, is the adjustment made for any amount of precipitation above normal? What project efficiencies are assumed for this adjustment? In addition, please describe the procedure in detail.

**Question 6.** A number of SWC members divert water for other entities. For example, Milner Irrigation Company diverts water for the Southwest Irrigation and these diversions are reflected in the Water District 01 diversion records. In establishing the Baseline Demand, will

IDWR make adjustments for water diverted by the canal company for other entities and not used to irrigate the canal company lands?

**Question 7.** Please describe the adjustments made for the Minidoka Credit in the Draft Protocol. In addition, please provide the spreadsheets where any adjustments are made. If the spreadsheets have already been provided, please identify the spreadsheets.

**Question 8.** In response to IGWA's Question 2 dated May 27, 2009, IDWR indicated that "Minidoka Credit and other amounts set by agreements will be handled the same way". Please identify and provide any agreements for which IDWR is making adjustments for in calculating eligible carryover.

**Question 9.** Please provide the statistical analysis using Excel software that is referenced in IDWR's Answer 5 to IGWA's May 27, 2009 Questions.

**Question 10.** How will IDWR use any information received from the SWC that distinguishes between primary or supplementary ground water rights serving their lands?

**Question 11.** Please describe any adjustments in the Draft Protocol for leased water for flow augmentation. In addition, please provide all spreadsheets that show this adjustment.

DATED this 5<sup>th</sup> day of June, 2009.

CITY OF POCATELLO ATTORNEY'S OFFICE  
Attorneys for the City of Pocatello

By  for:  
A. Dean Tranmer

WHITE & JANKOWSKI, LLP  
Attorneys for the City of Pocatello

By  for:  
Sarah A. Klahn

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5<sup>th</sup> day of June, 2009, I caused to be served a true and correct copy of the foregoing *FIRST QUESTIONS OF CITY OF POCATELLO* by electronic mail, facsimile or regular U.S. Mail, postage prepaid, to:

David R. Tuthill, Jr., Director (Original)  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098  
[dave.tuthill@idwr.idaho.gov](mailto:dave.tuthill@idwr.idaho.gov)  
[victoria.wigle@idwr.idaho.gov](mailto:victoria.wigle@idwr.idaho.gov)

John K. Simpson  
Travis Thompson  
Barker Rosholt & Simpson  
PO Box 485  
Twin Falls, Idaho 83303-0485  
[jks@idahowaters.com](mailto:jks@idahowaters.com)  
[tlt@idahowaters.com](mailto:tlt@idahowaters.com)

Tom Arkoosh  
Capitol Law Group  
PO Box 2598  
Boise, Idaho 83701  
[tarkoosh@capitollawgroup.net](mailto:tarkoosh@capitollawgroup.net)

Randall C. Budge (ISB #: 1949)  
Candice McHugh (ISB#: 5908)  
RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED  
P.O. Box 1391  
Pocatello, Idaho 83204-1391  
[rcb@racinelaw.net](mailto:rcb@racinelaw.net)  
[cmm@racinelaw.net](mailto:cmm@racinelaw.net)

Kent Fletcher  
Fletcher Law Office  
P.O. Box 248  
Burley, Idaho 83318  
[wkf@pmt.org](mailto:wkf@pmt.org)

A. Dean Tranmer  
City of Pocatello  
P. O. Box 4169  
Pocatello, ID 83201  
[dtranmer@pocatello.us](mailto:dtranmer@pocatello.us)



Sarah A. Klahn