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RECEIVED
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DEPARTMENT OF
WATER RESOURCES

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 again 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).

A *Petition to Amend Rule 50* was originally filed on November 10, 2010 by Clear Springs Foods, Inc. That *Petition* seeks to include all areas within the boundary of the Eastern Snake Plain Aquifer Model ("ESPAM") in the area of common ground water supply. Although, in your August 9, 2011 letter, you stated that you agree that "Rule 50 should be amended to reflect the current understanding of hydrologic conditions," this process has not moved forward due to the Rangen Call.

In particular, in your letter to me, dated September 26, 2013, you indicated that "the application of ESPAM 2.1 in the Rangen delivery call proceeding will have implications for the area of common ground water and the negotiated rulemaking process." Further, the "information being generated and analyzed in the Rangen call is a necessary prerequisite to addressing the broader issues of the boundary for the area of the common ground water supply." You concluded that "I do not believe it is appropriate to initiate negotiated rulemaking until some of the outstanding questions in the Rangen proceeding are answered."

On January 29, 2014, you issued the *Final Order Regarding Rangen Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("Range Order"). In the

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.

Rangen Order, you determined that ESPAM 2.1 is the best science available and would be used in your analysis responding to calls for administration. Now that you have issued that order, the “information being generated and analyzed in the Rangen call” that is necessary to “addressing the broader issues of the boundary for the area of the common ground water supply” is available to you. Accordingly, there is no longer any reason to delay the negotiated rulemaking process.

Accordingly, pursuant to your August 9, 2011 and September 26, 2013 letters, 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: Richard Rigby
Bryce Farris
Randall Budge
Sarah Klahn/Mitra Pemberton
Jerry Rigby
Kent Fletcher
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