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**BEFORE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

**IN THE MATTER OF IDAHO
GROUND WATER APPROPRIATORS,
INC.'S MITIGATION PLAN FOR
CONVERSIONS, DRY-UPS AND
RECHARGE**

Docket No.: CM-MP-2009-06

**IGWA'S REQUEST FOR 2012
MITIGATION CREDIT FOR
SWC DELIVERY CALL**

COMES NOW IDAHO GROUND WATER APPROPRIATORS, INC., for and on behalf of its members, including those groundwater users who are non-member participants in the mitigation activities of Idaho Ground Water Appropriators, Inc. (collectively "IGWA"), through counsel, and hereby submit this *Request for 2012 Mitigation Credit for the SWC Delivery Call* ("Request for Credit") under IGWA's approved *Mitigation Plan for Conversions, Dry-Ups and Recharge* ("Mitigation Plan"). IGWA hereby requests mitigation credit relative to the ongoing Surface Water Coalition¹ ("SWC") delivery call.

¹ The Surface Water Coalition is made up of A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company and Twin Falls Canal Company.

BACKGROUND

On, June 23, 2010, the Director issued the *Second Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carry-Over* (“Methodology Order”). Pursuant to the Methodology Order, the Director sent out a letter to the SWC dated January 19, 2012, requesting information from them as part of the ongoing administration of the SWC delivery call. The Methodology Order provides that the Director shall use that information as part of Steps 2 and 3 of the methodology protocol, which will then be used in preparing an Order regarding the April Forecast Supply. (Methodology Order at 34-36.)

DISCUSSION

IGWA files this Request for Credit so that its mitigation activities will be taken into account by the Director in preparing the 2012 April Forecast Supply Order. Mitigation activities undertaken by IGWA and others in 2011 and prior years serve to enhance the water supplies of the members of the SWC. The benefits of actions taken by IGWA should result in credits toward IGWA’s mitigation obligations. To the extent IGWA does not receive mitigation credit for activities by others that enhance the supplies of water to the SWC; such enhancements should be considered in calculating the total water supplies of SWC members.

Filed herewith is the Affidavit of Charles M. Brendecke (“Brendecke Aff.”) with two Exhibits attached thereto. Exhibit A contains Dr. Brendecke’s curriculum vitae. Exhibit B is a table that summarizes the estimated reach gains that enhance the water supplies of SWC members. The estimates contained in Exhibit B contain Dr. Brendecke’s best estimate of the 2011-12 winter and 2012 irrigation season reach gains to the near-Blackfoot to Minidoka Reach of the Snake River.

Exhibit B

Modeled Gains (acre-feet) Accruing to <u>nr Blackfoot-Minidoka reach</u>		
	<u>Winter*</u>	<u>Irrigation Season**</u>
IGWA		
CREP	3,760	6,773
Conversions	230	329
Recharge	139	185
	<u>4,129</u>	<u>7,287</u>
SWID/GC		
CREP	248	347
Hard Conversions	0	0
Soft Conversions	1	3
	<u>249</u>	<u>350</u>
Other		
IWRB recharge	2,305	2,185
Grand Total	6,683	9,822

* November 2011 through March 2012

** April 2012 through October 2012

Based on the information and opinion contained in Dr. Brendecke's Affidavit and in Exhibit B thereto, IGWA requests a credit of **7,287 acre-feet** towards its mitigation obligation to the SWC. IGWA also requests that the water supplies of the SWC reflect the enhancements of 350 acre-feet and 2,185 acre-feet from mitigation activities undertaken by Southwest Irrigation District and the Idaho Water Resource Board, respectively.

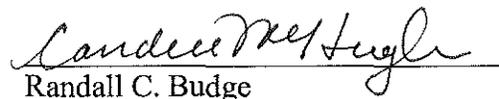
The calculation of the water supply available to the SWC should also include non-irrigation season accruals to the reach gain to the extent they result in increased reservoir storage supplies from November 2011 to March 2012, which Dr. Brendecke estimates to be **4,129 acre-feet**. Brendecke Aff. and Ex. B.

CONCLUSION

Based on the foregoing, IGWA respectfully requests the following relief:

- (1) That the Director determine IGWA's 2012 mitigation credits to the SWC based on the mitigation activities of IGWA as above described.
- (2) That the Director determine IGWA's 2012 mitigation credits to the SWC based on the mitigation activities of the Idaho Water Resource Board, Eastern Idaho Recharge Alliance and other third parties based on IGWA's participation therein.
- (3) That the Director consider water supply benefits to the SWC to the extent of activities for third parties to the extent that IGWA does not receive mitigation credits.
- (4) That the Director's calculation of IGWA mitigation credits and water supply benefits as requested above include non-irrigation season accruals to the extent they result in increased reservoir storage supplies.
- (5) For such other relief as the Director deems appropriate with respect to any 2012 mitigation obligations of IGWA to the SWC.

Submitted this 23rd day of March, 2012.



Randall C. Budge
Candice M. McHugh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of March, 2012, the above and foregoing document was served in the following manner.

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