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*ATTORNEYS FOR THE IDAHO GROUND WATER APPROPRIATORS*

**BEFORE DEPARTMENT OF WATER RESOURCES**

**STATE OF IDAHO**

**IDAHO GROUND WATER  
 APPROPRIATORS, INC.,**  
 Petitioners.

Docket No.: CM-MP-2009-007

**SUPPLEMENTAL INFORMATION TO BE  
 CONSIDERED WITH THE CORRECTED  
 PETITION FOR RECONSIDERATION AND  
 REQUEST FOR ADDITIONAL  
 INFORMATION**

The IDAHO GROUND WATER APPROPRIATORS, INC., (“IGWA” or “Ground Water Users”) by the undersigned counsel and on behalf of its members, hereby provides Supplemental Information to be considered with its *Corrected Petition for Reconsideration of the Director’s Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover*. (“Corrected Petition for Reconsideration”). The April 7, 2010 Order is referred to herein as the “Methodology Order.”

As stated in the *Corrected Petition for Reconsideration*, because the input data and calculations were not provided prior to the deadline for filing petitions for reconsideration, the Ground Water Users are providing this supplemental information based on further analysis.

However, the Ground Water Users have still not had sufficient time to review all the data and calculations and the findings and conclusions included in the Methodology Order and as such, reserve the right to provide additional information and preserve their right to object to the Methodology Order or to revise, amend or supplement information contained in the Corrected Petition for Reconsideration and this filing. After an initial review of the data the following additional points should be considered by the Director to amend the Methodology Order:

1. Other mitigation efforts by the Ground Water Users and other parties that affect the Surface Water Coalition’s total water supply should be determined and considered as part of their total supply, thereby increasing their forecasted supply and/or decreasing the amount of water owed by junior groundwater users.

Below is a table that summarizes, to the best of our knowledge, the reach gain benefit to the Surface Water Coalition from ongoing mitigation activities of the Ground Water Users and other parties.

**Estimated\* Gains to the Near-Blackfoot to Minidoka Reach  
From Existing Mitigation Plans**

Mitigation Plan/Component	Reach (af/yr)	Gain
IGWA Water District 130**		
Conversions		2,074
CREP		580
Recharge***		<u>2,714</u>
		5,368
SWID/Goose Cr. Blue Lakes Plan		
J Canal conversions		6,266
Cassia Pipeline		<u>9,040</u>
		15,306
Idaho Dairymen	Not known	
Processors	Not known	

\* From existing Department model runs  
(some may need adjustment for trim line differences)  
\*\* Includes conversions for Clear Springs OTR plan  
\*\*\* Based on 2009 recharge of 13,687 acre-feet

Note that this table does not include any estimate of the benefits accruing to the Surface Water Coalition from the extensive recharge activities undertaken in the last year by the Idaho Water Resource Board. These recharge activities are fully expected to increase the reach gains serving the SWC but do not appear to have been included in the Total Supply depicted in the April 14<sup>th</sup> letter from the Director defining the SWC shortfall.

2. The data supplied by the Department clearly shows that the record contains sufficient information for the Director to determine initial shortages based on a baseline demand calculated from irrigation requirements, rather than from an averaging of historic diversions. The data taken from the following table is located within the record and taken primarily from the Surface Water Coalition's expert reports and disclosures. The project efficiencies in the table are maximum historical project efficiencies demonstrated by the SWC. In keeping with the principle that "when groundwater users are subject to curtailment, members of the SWC should exercise reasonable efficiencies" (Methodology Order, CL 12), it is reasonable to expect the SWC to operate with the highest project efficiencies that they have historically demonstrated they can achieve. Although IGWA does not agree with all of the numbers that the Surface Water Coalition has in its report and contained in this table, if the Director were to take these numbers and project an initial shortage, the methodology would be better grounded in the record and would be a closer to indicating actual crop needs.

**Baseline Demand Calculated from Irrigation Needs**

<u>Entity</u>	<u>Irrigate Acres</u>	<u>CIR (ft)</u>	<u>Project Efficiency</u>	<u>Baseline Div (af)</u>	<u>2010 Supply (af)</u>	<u>Shortfall (af)</u>
	a	b	c	d	e	f
A&B	15,924	1.94	69%	44,772	135,371	0
AFRD#2	62,361	2.42	54%	279,470	338,358	0
BID	44,715	2.18	49%	198,936	326,035	0
Milner	13,335	1.87	55%	45,339	89,107	0
Minidoka	70,144	2.00	53%	264,694	415,168	0
NSCC	154,067	2.40	45%	821,691	1,076,314	0
TFCC	183,589	2.24	50%	822,479	988,469	0
			<b>Total</b>	<b>2,477,380</b>	<b>3,368,822</b>	<b>0</b>

Column Definitions

- a From April 7th Director's Order underlying data and calculations
- b Consumptive Irrigation Requirement – avg. for 1990-2007 from SWC expert disclosure "\*\*\* Water Requirements-ResOps.xls" where \*\* is specific canal company
- c Maximum seasonal historical (2000-2007) from SWC expert disclosure "\*\*\* Water Requirements-ResOps.xls" where \*\* is specific canal company
- d = a x b / c
- e From April 14th Director's letter

3. In reviewing the supplemental data underlying the April 7<sup>th</sup> Order and April 14<sup>th</sup> letter, which was provided by the Department via the ftp site, it appears that substantial historical data for the years 2006 and 2008 are missing. Furthermore, certain of the provided calculation procedures used in the Order and letter are disabled for 2006 and 2008. In addition, information regarding the amount of water delivered by the SWC entities (i.e. whether it was ¾ inch or ½ inch) is also missing for 2005 and subsequent years. As such, we hereby request complete disclosure of the missing data and calculations and information.

Finally, nothing in this filing waives IGWA's right to object to the final methodology order or an as-applied order or should be considered as an agreement with the data or use thereof, but in the interest of coming up with a more reasonable solution for the 2010 irrigation season, the Director should consider the above information in addition to those points already contained in the Corrected Petition for Reconsideration and modify his Methodology Order accordingly, prior to issuing an "as-applied" order for 2010.

Submitted this 29th day of April, 2010.



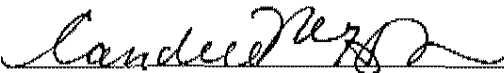
Randall C. Budge  
Candice M. McHugh

### CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of April, 2010, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated:

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