

RECEIVED

MAR 12 2009

DEPARTMENT OF
WATER RESOURCES

Michael C. Creamer (Idaho State Bar # 4030)
Jeffrey C. Fereday (Idaho State Bar # 2719)
GIVENS PURSLEY LLP
601 Bannock Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1300

s:\clients\7283\3\ida response to march 5 notice of curtailment.doc

Attorneys for The Idaho Dairymen's Association

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

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHTS NOS.
36-04013A, 36-04013B, AND 36-07148
(SNAKE RIVER FARM)

**IDAHO DAIRYMEN ASSOCIATION'S
RESPONSE TO MARCH 5, 2009 FINAL
ORDER AND NOTICE OF CURTAILMENT**

IN THE MATTER OF MITIGATION PLAN
OF THE NORTH SNAKE AND MAGIC
VALLEY GROUND WATER DISTRICTS
IMPLEMENTED BY APPLICATIONS FOR
PERMIT NOS. 02-10405 AND 36-16645
AND APPLICATION FOR TRANSFER NO.
74904 TO PROVIDE REPLACEMENT
WATER FOR CLEAR SPRINGS SNAKE
RIVER FARM

(Water District Nos. 130 and 140)

The Idaho Dairymen's Association ("IDA"), through its counsel Givens Pursley LLP,
hereby responds to the Idaho Department of Water Resources' March 5, 2009 Final Order
Accepting Ground Water Districts' Withdrawal of Amended Mitigation Plan, Denying Motion to

Strike, Denying Second Mitigation Plan and Amended Second Mitigation Plan In Part; and Notice of Curtailment issued in the above-captioned matter (“March 5 Order”). IDA’s Response is provided to confirm those IDA members who are “Participating Dairymen” in the Mitigation Agreement entered into between the IDA, the Surface Water Coalition (“SWC”), Clear Springs Foods, and the Thousand Springs Water Users Association (collectively “Spring Users”), and to identify the actions the Idaho Dairy Water and Land Trust (“IDWLT”) intends to take during 2009 in furtherance of the Mitigation Agreement on behalf of its Participating Dairymen.

BACKGROUND

On January 5, 2008, IDA, the SWC and the Spring Users filed with the Department a Mitigation Agreement by which the IDA proposed to undertake certain actions to offset the depletions to the ESPA attributable to the commercial and stockwater diversions of Idaho dairymen who agreed to be “Mitigating Dairymen” under the Mitigation Agreement (hereafter “Mitigating Dairymen” or “Participating Dairymen”). In the Mitigation Agreement, the parties stipulated that the basis for calculating the depletion would be 29.1 gallons per day (“gpd”) per each mature, lactating dairy cow on a participating dairy. Among other things, the Mitigation Agreement also provided that IDA, through the IDWLT, would either arrange for the dry-up of sufficient acres of ground water-irrigated lands on the Eastern Snake River Plain to offset the dairy depletions or acquire sufficient water to be used for aquifer recharge in areas above the rim of the several Thousand Springs reaches, so as to optimize the potential benefits to spring discharges in those several reaches. Where aquifer recharge was to be used, IDA is required to seek an appropriate quantity of storage water through the Water District 01 rental pool. The North Side Canal Company (“NSCC”) has agreed that if water is not otherwise available to IDWLT from the rental pool, NSCC will make the requested water available to IDWLT from its

own storage supply and will make its canal system available to deliver water for recharge in furtherance of the Mitigation Agreement.

In 2007, in response to the Department's June 15, 2007 Orders in the Blue Lakes and Clear Springs delivery call matters, IDWLT proposed to provide water for aquifer recharge through the NSCC system for those IDA members who had indicated their intent to be Participating Dairymen under the Mitigation Agreement and that were within the curtailment area defined by the June 15, 2007 Orders. Based on the *total* signatures obtained by the IDA as of July 6, 2007 and Idaho State Department of Agriculture ("ISDA") dairy census data, the total number of mature dairy cows represented by Participating Dairymen was 174,310. At 29.1 gpd, this equated to a total aggregate depletion (and 2007 replacement water requirement *under the Mitigation Agreement*) of 5,681.85 acre-feet. This included mitigation for certain commercial and stockwater rights that were within the curtailment area, but were not subject to curtailment under the June 15, 2007 Orders due to their priority dates. Dairymen who agreed in 2007 to be assessed by IDWLT for its administrative costs *and* its costs of obtaining water for recharge were deemed to be "participating in mitigation." Most dairymen whose commercial and stockwater rights were senior to the calling spring rights opted to be "participating in administration costs," with the understanding that if their rights were subsequently impacted by a curtailment order, they could then opt to participate in mitigation.¹ The priority date of the operative call affecting IDA members was the Blue Lakes 1974 right.

¹ As of December 4, 2007, thirty-four dairies, holding 77,915 cows, had elected to participate in administrative costs only. Sixty-nine facilities, holding 104,555 cows, were participating in mitigation and administrative costs.

On January 11, 2008, Clear Springs Foods, IDA and IDWR entered into a Stipulation and Agreement Regarding Certain Dairy Ground Water Use (“Stipulation”).² Under the Stipulation, the parties agreed that IDA’s implementation of the Mitigation Agreement, as written, would constitute an approved mitigation plan for the Participating Dairymen through December 31, 2010. Among other things, IDWR agreed in the Stipulation to provide the Mitigating Dairymen credit, as carryover mitigation applicable to future years or otherwise, for that amount of replacement water in excess of 5,682 acre-feet of water that IDA provided as mitigation or replacement in 2007. IDA provided 9,500 acre-feet of replacement water as aquifer recharge through the NSCC system in October of 2007.

In 2008, the depletions attributable to Participating Dairymen’s commercial and stockwater rights were deemed by IDWR to be fully mitigated by the approved 2008 mitigation/replacement water plans implemented by the North Snake Ground Water District and the Magic Valley Ground Water District and by IDWLT’s 2007 recharge efforts.³

IDWLT 2009 IMPLEMENTATION OF THE MITIGATION AGREEMENT

IDWLT intends to implement aquifer recharge of 3,687 acre-feet of storage water through the NSCC system in 2009 to provide mitigation contemplated by the Mitigation Agreement. The basis for the quantity of water proposed is described below.

IDWR’s March 5 Order would impose curtailment on ground water rights with priority dates junior to November 16, 1972. Thus, it implicates more commercial and stockwater rights of IDA members and 52,710 additional cows than the June 15, 2007 Order. Attached as

² Attached to the Stipulation was a full copy of the Mitigation Agreement, to which was appended the signature pages for each of the Participating Dairymen indicating whether they were participating in mitigation or only in administrative costs.

³ Participating Dairymen under the Mitigation Agreement also are assessed members of one or the other of these two ground water districts.

Exhibit A is a list showing those commercial and stockwater rights belonging to Participating Dairymen that were affected by IDWR's 2007 curtailment order and those additional rights affected by the March 5 Order. Attached as Exhibit B is a list of the dairymen who participated for administrative purposes only in 2007, and the number of cows on their facilities that were not implicated by the June 15, 2007 curtailment order. Each of the listed water rights in Exhibit A are held by dairymen who, for purposes of IDWLT's 2009 mitigation, will be Mitigating Dairymen (i.e., participating in mitigation for their implicated rights and in IDWLT's 2009 administrative costs).

Exhibit A also provides March 2009 ISDA counts of the number of cows on each of the affected dairies. This "census" shows that the total number of cows on Participating Dairymen's facilities has increased by approximately 2,000 head since 2007. Exhibit A also calculates the total number of acre-feet of depletion per dairy based on the 29.1 gpd/cow depletion established by the Mitigation Agreement and the Stipulation. For the 176,354 head on participating dairies, this amounts to 5,748.9 (5,749) acre-feet of 2009 depletion.

IDWLT intends to acquire 3,687 acre-feet of storage from the WD 01 rental pool (or from NSCC if not available from the rental pool) to deliver to late-season aquifer recharge to offset the 5,749 acre-feet of 2009 depletion attributable to Participating Dairymen's dairy cows. In arriving at this number, IDWLT has assumed that it is entitled to a credit of 2,062 acre-feet of water from its 2007 recharge effort to be applied to the 2009 mitigation. Under the Stipulation, at 29.1 gpd per cow, IDWLT was obligated to provide 5,682 acre-feet of water to recharge in 2007. It provided 9,500 acre-feet, or 3,818 acre-feet more than required. The ESPAM indicates that in year two (2009), fifty-four percent of the 9,500 acre-feet water recharged in 2007 remains in storage in the aquifer and is contributing to reach gains in the calling reaches. As a result,

fifty-four percent of the 3,818 acre-feet of excess from the 2007 mitigation—or 2,062 acre-feet—remains in aquifer storage in 2009. Taking credit for the 2,062 acre-feet already in storage, IDWLT will recharge an additional 3,687 acre-feet in 2009.

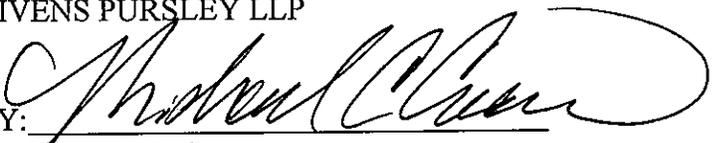
IDA, on behalf of IDWLT and its Participating Members, has submitted a request to Lyle Swank to rent *up to* 5,749 acre-feet from the WD 01 rental pool. A copy of this request is attached as Exhibit C. Neither IDA nor IDWLT are proposing to provide the full 5,749 for recharge in 2009. The amount requested is for the full amount of the Participating Dairymen's calculated depletions, solely as a contingency to confirmation of the credit IDA/IDWLT are claiming for the 2007 overage in recharge, for additional model analysis affecting the timing or distribution of recharge benefits, and subject to IDA's opportunity to confirm the results of the ESPAM analysis concerning the percent of 2007 recharge remaining in aquifer storage.

IDA and IDWLT have begun discussions with the NSCC concerning the intended 2009 recharge efforts and intend to fully coordinate with NSCC to minimize or mitigate any operational issues that recharge through its system may impose, and discussions with IDWR and other Mitigation Agreement signatories concerning the nature and timing of its 2009 mitigation efforts. Given NSCC concerns, the potential differences between benefits to target reaches achievable through early-season and late-season recharge, and the time remaining before an accounting of water available in reservoir storage for 2009, IDA assumes its recharge effort will be post-irrigation season.

IDA is prepared to provide additional information as may be requested by IDWR.

DATED this 12th day of March, 2009.

GIVENS PURSLEY LLP

BY: 
Michael C. Creamer
Attorneys for Idaho Dairymen Association

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of March, 2009, a true and correct copy of the foregoing was served upon the following individual(s) by the means indicated:

FILED:

David R. Tuthill, Jr., P.E. Director Idaho Department of Water Resources 322 East Front Street P.O. Box 83720 Boise, ID 83720-0098	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	U.S. Mail, postage prepaid Express Mail Hand Delivery Facsimile Electronic Mail
---	---	---

SERVICE COPIES:

Randall C. Budge, Esq. Candice McHugh, Esq. Racine, Olson, Nye, Budge & Bailey, Chtd. 201 East Center, Suite A2 P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net cmm@racinelaw.net	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Express Mail Hand Delivery Facsimile Electronic Mail
---	--	---

Daniel V. Steenson, Esq. Charles L. Honsinger, Esq. Ringert Law, Chartered 455 S. Third Street P.O. Box 2773 Boise, ID 83701-2773 dan@ringertlaw.com clh@ringertlaw.com	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Express Mail Hand Delivery Facsimile Electronic Mail
--	--	---

John K. Simpson, Esq. Barker, Rosholt & Simpson, LLP 1010 W. Jefferson, Suite 102 P.O. Box 2139 Boise, ID 83701-2139 jks@idahowaters.com	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Express Mail Hand Delivery Facsimile Electronic Mail
---	--	---

Travis L. Thompson, Esq.
Paul Arrington, Esq.
Barker, Rosholt & Simpson, LLP
113 Main Avenue West, Ste. 303
P.O. Box 485
Twin Falls, ID 83301-6167
tlt@idahowaters.com
pla@idahowaters.com

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

C. Tom Arkoosh, Esq.
Capital Law Group
301 Main Street
P.O. Box 32
Gooding, ID 83330
tarkoosh@cableone.net

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

W. Kent Fletcher, Esq.
Fletcher Law Office
1200 Overland Avenue
P.O. Box 248
Burley, ID 83318-0248
wkf@pmt.org

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

Michael S. Gilmore, Esq.
Deputy Attorney General
Civil Litigation Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010
mike.gilmore@ag.idaho.gov

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

Robert E. Williams, Esq.
Fredericksen, Williams, Meservy &
Lothspeich, LLP
117 S. Adams St.
P.O. Box 168
Jerome, ID 83338-0168
rewilliams@cableone.net

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

J. Justin May, Esq.
J. Dee May, Esq.
May, Sudweeks & Browning LLP
516 Hansen St E
P.O. Box 1848
Twin Falls, ID 83303-1846
jmay@may-law.com
jdee@tflaw.com

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

Allen D. Merritt, P.E.
Cindy Yenter
Watermaster – WD 130 and 140
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033
Allen.Merritt@idwr.idaho.gov
cindy.yenter@idwr.idaho.gov

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

Lyle Swank
Eastern Regional Office
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402-6105
lyle.swank@idwr.idaho.gov

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

Tracy Harr
President
Clear Lake Country Club
403 Clear Lake Lane
Buhl, ID 83316

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

Stephen P. Kaatz
Vice President
Clear Lake Homeowners Assoc.
223 Clear Lake Lane
Buhl, ID 83316

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

John W. Jones, Jr.
President
Thousand Springs Water Users
P.O. Box 178
Hagerman, ID 83332

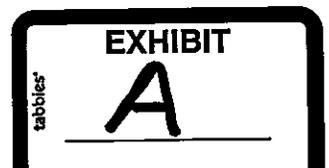
- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

Mark Daily
President
Idaho Aquaculture
PO Box 767
Hagerman, ID 83332

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Electronic Mail

to Conch Hyslop, Legal asst.
Michael C. Creamer

Dairy ID	ISDA Name	Lat	Long	Name	Water Right No.	Priority Date	Cow Numbers		Consumptive Volume @ 28.1
							March 2009		
2007									
DY16530518	CANYON CREST DAIRY	42.671783	-114.613617	A K Coral Cay Trust (Aardema - Canyon Crest Dairy)	36-8418	3/16/1989	1,500		48.9 AFA
DY16470565	AARDEMA #2	42.681950	-114.657783	Aardema Dairies (Aardema Jerseys/#2)	36-8169	4/6/1983	1,750		57.0 AFA
DY16470587	BOX CANYON DAIRY 1A	42.684800	-114.766917	Aardema, Cornelia/Frans (Box Canyon Dairy #1)	36-8362	6/3/1988	1,900		61.9 AFA
				Aardema, Donald (Aardema Jerseys)	36-152560	3/15/1975	-		0.0 AFA
				Aardema, Donald (Old Mirkin Dairy)	36-8517	4/3/1990	-		0.0 AFA
DY16530507	ST. BRIDGETS DAIRY	40.667650	-114.554533	Aardema, Donald (St Bridgets Dairy)	36-7734	3/11/1977	1,780		58.0 AFA
				Aardema, Donald (VanBeek #2)	36-8548	5/11/1990	-		0.0 AFA
DY16630325	ASTLE, SEM	42.883700	-114.256733	Astle, Michele/Sem*	37-8125	6/23/1983	310		10.1 AFA
DY16530514	BAAR, THEODORE	42.675667	-114.574833	Baar Ted (Ted Baar Dairy)	36-8478	11/7/1989	800		26.1 AFA
DY16470995	BETTENCOURT DAIRY #1	42.783767	-114.633467	Bettencourt, Luis (Bettencourt Dairy #1)	36-8135	11/5/1983	11,850		386.3 AFA
DY16530529	BETTENCOURT DAIRY #2	42.717883	-114.584767	Bettencourt, Luis (Bettencourt Dairy #2)	36-8062	2/9/1982	2,000		65.2 AFA
DY16530556	BETTENCOURT DAIRY #3	42.800533	-114.550933	Bettencourt, Luis (Bettencourt Dairy #3)	36-145958	5/1/1978	4,400		143.4 AFA
DY16530530	BETTENCOURT DAIRY #4	42.734733	-114.593200	Bettencourt, Luis (Bettencourt Dairy #4)	36-8411	4/18/1989	2,100		68.5 AFA
DY16470615	VERBREE DAIRY #5	42.684233	-114.767183	Bettencourt, Luis (Old Sybesma Dairy - now Verbree #5)	36-8351	6/15/1988	900		29.3 AFA
DY16471061	BOER DAIRY LLC	42.691667	-114.715000	Boer, Adrian (Boer Dairy LLC)	36-8359	6/15/1988	3,500		114.1 AFA
DY16470566	BOER DAIRY	42.695783	-114.628750	Boer, Dennis (Dennis Boer Dairy)	36-7732B	10/21/1977	1,800		58.7 AFA
				Boer, Dennis (Dennis Boer Dairy)	36-7732D	10/21/1977	-		0.0 AFA
DY16470604	BOKMA, HARRY	42.801383	-114.849450	Bokma, Harry (Bokma Dairy #2)	36-8662	5/26/1992	750		24.4 AFA
DY16630305	BOOT JACK II DAIRY INC.	43.000967	-114.396667	Boot Jack Dairy (Herschel Kerner)	37-20396	3/16/1982	750		24.4 AFA
DY16470589	BOX CANYON DAIRY #4	42.846950	-114.870000	Box Canyon Dairy (Box Canyon Dairy #4)	36-7871	9/24/1979	793		25.9 AFA
DY16530525	COUNTY LINE DAIRY	42.707783	-114.617500	Brandsma, Hill (County Line Dairy)	36-8140	1/21/1983	450		14.7 AFA
DY16470639	DIAMOND B DAIRY	42.733467	-114.650750	Brandsma, Ken (Diamond B Dairy)	36-8252D	10/17/1984	1,050		34.2 AFA
				C DeKruyf Dairy (Legacy Dairy #2)	36-8539	4/13/1990	-		0.0 AFA
DY16470563	CANYONSIDE DAIRY	42.650767	-114.616683	Canyonside Dairy (Canyonside Dairy)	36-7947	11/28/1980	1,050		34.2 AFA
DY16470620	CIOCCA DAIRY	42.782500	-114.763617	Ciocca, Edward (Ciocca Dairy)	36-8672	9/23/1992	1,000		32.6 AFA
				Ciocca, Edward (Ciocca Dairy)	36-8363	7/12/1988	-		0.0 AFA
				DeKruyf, Calvin (Cal DeKruyf Dairy - Legacy #2)	36-8481	12/4/1989	-		0.0 AFA
DY16391076	LEGACY DAIRY #1	42.685817	-114.578250	DeKruyf, Calvin (Legacy Dairy #1 & 3)	36-8530	4/5/1990	3,630		118.3 AFA
DY16470575	DEWIT DAIRY #2	42.700350	-114.684217	Dewit Dairy (Dewit Dairy #2)	36-8491	10/31/1989	1,510		49.2 AFA
DY16470573	DEWIT DAIRY #4	42.695283	-114.695000	Dewit Dairy (Dewit Dairy #4)	36-8661	5/21/1992	850		27.7 AFA
DY16470572	DEWIT DAIRY #1	42.684683	-114.684150	Dewit, Neil (Dewit Dairy #1)	36-8388	5/8/2003	695		22.7 AFA
DY16470626	DINIS, MANUEL	42.798050	-114.734450	Dinis, Manuel (Dinis Dairy)	36-10656	3/1/1981	500		16.3 AFA
DY16470581	BOX CANYON DAIRY #6	42.702783	-114.739450	Double B Dairy (Double B Dairy #1 & 2 now Box Canyon #6 & 7)	36-7713B	8/13/1977	2,700		88.0 AFA
DY16470600	DOUBLE V DAIRY #1	42.753617	-114.772783	Double V Dairy (Double V Dairy #1 - Ray VanderVegt)	36-8047B	12/9/1981	2,900		94.5 AFA
				Double V Dairy (Double V Dairy #1 - Ray VanderVegt)	36-8047D	12/9/1981	-		0.0 AFA
				Double V Dairy (Double V Dairy #1 - Ray VanderVegt)	36-8047F	12/9/1981	-		0.0 AFA
				Flemingo Dairy (South View Dries - Visser/DeJong)	36-7681B	2/14/1977	-		0.0 AFA
DY16630308	FOUR BROTHERS DAIRY INC.	43.001367	-114.455350	Four Brothers Dairy, Inc. (Four Brothers Dairy #1)	36-8814	7/10/1983	1,800		58.7 AFA
DY16530496	JORGE FAMILY DAIRY	42.676583	-114.462200	G & G Dairy (Jorge Family Dairy)	36-8215	6/22/1983	1,100		35.9 AFA
				G & G Dairy (Jorge Family Dairy)	36-8735	1/10/1992	-		0.0 AFA
DY16530543	M & P DAIRY	42.755117	-114.470817	G & G Dairy (M & P Dairy/McCoy-Pitcock)	36-8532	4/10/1990	1,000		32.6 AFA
DY16470631	G & H DAIRY	42.700017	-114.684550	G & H Dairy (Jesus Hurtado)	36-8396	10/20/1992	1,930		62.9 AFA
				Glendenning, Rose (Glendenning Dairy/Connie Thompson)	36-8545	4/26/1990	-		0.0 AFA
DY16470619	HILT DAIRY	42.883450	-114.750250	Hilt, Arle (Hilt Dairy)	36-8265	3/7/1985	500		16.3 AFA
				Hilt, Daryl (Hilt Dairy)	37-8055	10/28/1982	-		0.0 AFA
DY16530490	HORIZON ORGANIC DAIRY	42.648967	-114.012517	Horizon Organic Dairy*	36-16046	10/19/1981	4,200		136.9 AFA
				Horizon Organic Dairy*	36-16056	12/8/1981	-		0.0 AFA
				Horizon Organic Dairy*	36-16396	12/8/1981	-		0.0 AFA
				Horizon Organic Dairy*	36-7801	8/24/1978	-		0.0 AFA
				Horizon Organic Dairy*	36-8005B	12/8/1981	-		0.0 AFA
				Horizon Organic Dairy*	36-8011B	12/24/1981	-		0.0 AFA
				Horizon Organic Dairy*	36-8014	11/4/1981	-		0.0 AFA
				Horizon Organic Dairy*	36-8015	12/24/1981	-		0.0 AFA
				K & W Dairy (Canyonside Dairy)	36-10225D	5/1/1985	-		0.0 AFA
				K & W Dairy (Canyonside Dairy)	36-7779D	2/22/1978	-		0.0 AFA
				K & W Dairy (Canyonside Dairy)	36-7832D	12/11/1978	-		0.0 AFA
DY16530508	K & W DAIRY	42.657283	-114.554033	K & W Dairy (K & W Dairy)	36-8175	4/1/1984	1,300		42.4 AFA
DY16530519	C BAR M DAIRY	42.685500	-114.613850	Ledbetter, Jane (Ted Miller Dairy)	36-8223	3/11/1984	2,106		68.7 AFA
				L-M Dairy (Veenhouwer Dairy)	36-8224	6/29/1983	-		0.0 AFA
DY16530521	LONGVIEW DAIRY	42.695083	-114.594483	Long View Dairy (Bob Krucker)	36-8061	2/9/1982	1,400		45.6 AFA
DY16470665	MATT-A-MOO DAIRY	42.931583	-114.626083	M & P Dairy (Dugan, Matt/Mike) 750	37-8867	11/25/1977	675		22.0 AFA
DY16530524	DUGAN DAIRY	42.708150	-114.596267	M & P Investments (Dugan Dairy - Mike) 1400	36-8538	6/1/1990	1,500		48.9 AFA
DY16531021	CLEAR VIEW DAIRY	42.746917	-114.424200	Martin Farm Co. (Clearview Dairy - Heldeman)	36-7906B	3/26/1980	1,000		32.6 AFA
DY16471004	BETTENCOURT DAIRY #6	42.617000	-114.616717	MC Reits/Bettencourt, Luis (Bettencourt Dairy #6)	36-8382	8/16/1988	2,900		94.5 AFA
DY16530559	NELSEN DAIRY	42.829600	-114.517967	Nelsen Dairy (Jack Nelsen)	36-8745	11/7/1995	500		16.3 AFA
				North Valley Milk, Inc. (Four Brothers Dairy #1)	37-8813	10/14/1983	-		0.0 AFA
DY16530537	NORTHSIDE DAIRY #1	42.751933	-114.559150	Northside Dairy (Paul Ciocca)	36-8490	11/7/1989	1,200		39.1 AFA
DY16470613	NUNES BROTHERS	42.776950	-114.791117	Nunes Brothers Dairy (George Nunes)	36-8552	6/28/1990	1,400		45.6 AFA
DY16470576	REITSMA HOLSTEINS	42.700000	-114.713617	Pete & Jane Reitsma Living Trust (Reitsma Holsteins #1)	36-8378	7/23/1997	850		27.7 AFA
DY16530541	PETTERSON DAIRY	42.750550	-114.475900	Petterson, Tim (Petterson #1 & 2)	36-8533	4/11/1990	1,400		45.6 AFA
DY16531010	PRINCE, JIM	42.724767	-114.577867	Price, James (Prince Dairy)	36-8505	2/23/1990	550		17.9 AFA
DY16470632	HURTADO DAIRY #1	42.733883	-114.731383	Reitsma, John (Jesus Hurtado - Hurtado Dairy)	36-8736	5/19/1992	3,400		110.8 AFA
DY16470636	ROCHA DAIRY	42.734467	-114.668167	Rocha Dairy (Al Rocha)	36-8379	8/19/1988	1,870		61.0 AFA
DY16530535	ROLLING ROCK DAIRY FARM LLC	42.750417	-114.584150	Rolling Rock Dairy (Joe Demello)	36-8546	5/15/1990	580		18.9 AFA
DY16530963	WHITE CLOVER DAIRY LLC	42.742583	-114.438600	Roth Investments, Inc. (White Clover Dairy)	36-7894B	2/26/1980	2,500		81.5 AFA
DY16471035	SCARROW DAIRY #3	42.736117	-114.667500	Scarrow, Jim (Scarrow Dairy #3)	36-7337K	11/25/1977	3,500		114.1 AFA
DY16470664	SHADY GROVE DAIRY FARM	42.927967	-114.649000	Shady Grove Dairy (Mike Musser)	37-8751	6/11/1991	850		27.7 AFA
DY16470571	SOUTH VIEW DAIRY	42.683983	-114.700400	South View Dairy (Visser/DeJong)	36-8578	2/8/1993	1,900		61.9 AFA
DY16470593	SOUTHFIELD DAIRY	42.717600	-114.766767	Southfield Dairy (Southfield Dairy #1)	36-8608	9/3/1991	2,500		81.5 AFA
DY16530520	STOUDER HOLSTEINS #2	42.693017	-114.607550	Stouder Holsteins (Bill Stouder)	36-8225A	11/19/1983	1,700		55.4 AFA
				Stouder Holsteins (Bill Stouder)	36-8225B	11/19/1983	-		0.0 AFA
				Stouder Holsteins (Bill Stouder)	36-8350	4/5/1988	-		0.0 AFA
DY16530499	SI-ANN DAIRY	42.663167	-114.490517	Sybrandy, Anna (Si-Ann Dairy)	36-8408	1/19/1989	610		19.9 AFA
DY16630321	DONLEY FARMS	42.937900	-114.305933	Tabor, Donald (Donley Farms)	37-7617B	6/2/1977	770		25.1 AFA
DY16530546	STANDING 16 RANCH, INC.	42.768067	-114.567400	Thompson, Connie (Standing 16 Ranch)	36-7337H	11/25/1977	625		20.4 AFA



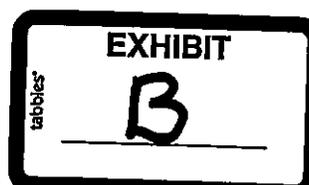
DY16530501	TOLMAN, DON	42.665267	-114.503000	Tolman, Don (Tolman Dairy)	36-8247	6/12/1984	225	7.3 AFA	
DY16530547	UR FARMS	42.780517	-114.567550	UR Farms (Roger Nutsch)	36-8549	6/28/1990	500	16.3 AFA	
DY16530509	VANBEEK DAIRY	42.665850	-114.560250	VanBeeK, Dianne/John (VanBeeK Dairy #1)	36-8165	4/7/1983	1,600	52.2 AFA	
DY16530511	VANBEEK DAIRY #2	42.666767	-114.550833	VanBeeK, Dianne/John (VanBeeK Dairy #2)	36-8021	1/2/1982	2,000	65.2 AFA	
				VanBeeK, Dianne/John (VanBeeK Dairy #2)	36-8398	2/14/1995	-	0.0 AFA	
				VanBeeK, Dianne/John (VanBeeK Dairy #2)	36-152568	3/15/1975	-	0.0 AFA	
DY16470599	VANDERHAM BROTHERS	42.733933	-114.750850	Vanderham Brothers Dairy (Pete & Cornelius Vanderham)	36-8554	5/13/1990	2,200	71.7 AFA	
DY16530526	VANDERHAM DAIRY	42.712400	-114.578150	Vanderham Dairy (Kenny Vanderham)	36-16100	5/9/1988	1,200	39.1 AFA	
DY16470591	HILLTOP DAIRY	42.721383	-114.793333	Vanderham, Danny (Hilltop Dairy)	36-8636	9/23/1997	1,400	45.6 AFA	
DY16530502	VANDERVEGT, RAY	42.666383	-114.505733	VanderVegt, Irene (VanderVegt Dairy)	36-8543	6/15/1990	500	16.3 AFA	
DY16470644	VAN DYKE DAIRY #3	42.751250	-114.626133	VanDyk, Richard (VanDyke Dairy #3)	36-8389	9/1/1988	825	26.9 AFA	
DY16530534	VAN DYKE DAIRY	42.756567	-114.615517	VanDyk, Richard (VanDyke Dairy)	36-8547	4/25/1990	1,340	43.7 AFA	
DY16530522	VEENHOUWER DAIRY	42.684500	-114.568017	Veenhouwer, David (Veenhouwer Dairy)	36-8422	4/20/1989	1,620	52.8 AFA	
				Veenhouwer, David (Veenhouwer Dairy)	36-8060	2/9/1982	-	0.0 AFA	
DY16470610	VEENSTRA DAIRY #1	42.766667	-114.516933	Veenstra, Frank (Veenstra Dairy #1 & 2)	36-8100	7/13/1982	4,000	130.4 AFA	
				Verbree, Jack (Verbree Dairy #1)	36-8667	7/10/1992	-	0.0 AFA	
DY16470618	VERBREE DAIRY #1	42.783383	-114.766750	Verbree, Jack (Verbree Dairy #1)	36-8079	4/15/1982	2,400	78.2 AFA	
DY16470621	VERBREE DAIRY #2	42.788333	-114.770000	Verbree, Jack (Verbree Dairy #2)	36-8666	7/10/1992	2,000	65.2 AFA	
				Verbree, Jack (Verbree Heifers/Drys)	36-8199	6/15/1983	-	0.0 AFA	
DY16530528	PRINCE DAIRY #3	42.523600	-114.526100	Wfersema, Lloyd (Prince Dairy #3)	36-8395	9/23/1988	500	16.3 AFA	
							123,644	4030.6 AFA	
2009									
DY16311065	FOUR BROTHERS DAIRY #2	43.006167	-114.453217	4 Bros Dairy Inc	37-20613	12/19/1974	6,400	208.6 AFA	
				4 Bros Dairy Inc	37-20614	12/19/1974	-	0.0 AFA	
				Aardema Calf Ranch	36-10225F	5/1/1985	-	0.0 AFA	
				Aardema Calf Ranch	36-7832F	12/11/1978	-	0.0 AFA	
				Aardema Calf Ranch	36-7779F	2/22/1978	-	0.0 AFA	
				Aardema Calf Ranch	36-7606F	2/4/1976	-	0.0 AFA	
				Aardema Calf Ranch	36-7477F	5/28/1974	-	0.0 AFA	
				Aardema Calf Ranch	36-7362F	8/2/1973	-	0.0 AFA	
				Aardema Calf Ranch	36-7307F	2/26/1973	-	0.0 AFA	
DY16530560	AARDEMA #6	42.817700	-114.451483	Aardema Dairy #6	36-14035B	5/26/1976	2,200	71.7 AFA	
DY16530561	NOTCH BUTTE DAIRY LLC	42.817517	-114.434067	Aardema Dairy #6B	36-8179	1/10/1997	600	19.6 AFA	
				Aardema Dairy #6B	36-14430	11/1/1979	-	0.0 AFA	
				Aardema Dietrich Heifer Ranch	37-21158	5/24/1973	-	0.0 AFA	
				Aardema Heifers by Double A Dairy	37-8909	3/15/1974	-	0.0 AFA	
				Andresen Dairy, LLC - Jorge Dairy	36-16381	9/12/1973	-	0.0 AFA	
				Beckley, Ron - (non operating dairy)	37-8138	6/29/1983	-	0.0 AFA	
				Bettencourt Dairy #6	36-7288D	2/28/1973	-	0.0 AFA	
DY16470652	BETTENCOURT CROSS BREDS	42.867950	-114.751250	Bettencourt, Luis - Cross Breeds	37-8865	3/25/1974	1,280	41.7 AFA	
				Bettencourt, Luis - Dairy #2 Barn 1	36-7368B	8/16/1973	-	0.0 AFA	
				Bettencourt, Luis - Dairy #2 Barn 2	36-7345B	6/21/1973	-	0.0 AFA	
				Bettencourt, Luis - Dairy #3	36-7591E	12/29/1975	-	0.0 AFA	
				Bettencourt, Luis - Dry Cows [old Adresen - Boer Dairy]	36-16162	8/9/1975	-	0.0 AFA	
				Big Sky Dairy - Dietrich Heifers	37-20721	1/10/1973	-	0.0 AFA	
DY16470657	BIG SKY NORTH	42.850100	-114.757467	Big Sky Dairy - North	36-7480D	5/31/1974	2,500	81.5 AFA	
				Big Sky Dairy - North	36-7445C	2/21/1974	-	0.0 AFA	
				Big Sky Dairy - North	36-7381C	9/19/1973	-	0.0 AFA	
				Big Sky Dairy - North	36-7366B	8/13/1973	-	0.0 AFA	
				Big Sky Dairy - North	36-7367C	8/13/1973	-	0.0 AFA	
DY16471024	BIG SKY WEST	42.851967	-114.793483	Big Sky Dairy - West	36-7480H	5/31/1974	6,200	202.1 AFA	
				Big Sky Dairy - West	36-7445G	2/21/1974	-	0.0 AFA	
				Big Sky Dairy - West	36-7381G	9/19/1973	-	0.0 AFA	
				Big Sky Dairy - West	36-7367G	8/13/1973	-	0.0 AFA	
				Boer Dairy	36-7606D	2/4/1976	-	0.0 AFA	
				Boer Dairy	36-7477D	5/28/1974	-	0.0 AFA	
				Boer Dairy	36-7362D	8/21/1973	-	0.0 AFA	
				Boer Dairy	36-7307D	2/26/1973	-	0.0 AFA	
				Boot Jack Dairy	37-8361	6/16/1988	-	0.0 AFA	
DY16530553	BORBA, JOE	42.782850	-114.479300	Borba, Jose	36-8731	7/13/1994	325	10.6 AFA	
				Borba, Jose	36-16240	1/7/1974	-	0.0 AFA	
DY16470983	BOX CANYON #3	42.709717	-114.753617	Box Canyon Dairy #3	36-7387D	10/27/1973	700	22.8 AFA	
DY16470586	BOX CANYON DAIRY #5	42.695550	-114.774167	Box Canyon Dairy #5?	36-7291D	1/23/1973	930	30.3 AFA	
DY16470578	BOX CANYON #8	42.717617	-114.733367	Box Canyon Dairy #8	36-10889	11/1/1980	700	22.8 AFA	
				Box Canyon Dairy #8	36-15991	11/29/1973	-	0.0 AFA	
				Box Canyon Dairy #8	36-16498	11/29/1973	-	0.0 AFA	
DY16470659	TURNER, C. KEITH	42.946483	-114.773300	Chuck Turner Dairy	37-7415B	1/6/1975	600	19.6 AFA	
				Clearview Dairy	36-7906B	3/26/1980	-	0.0 AFA	
				Crossen Brothers Company, Inc (Heifers Raiser)	36-8417	3/1/1989	-	0.0 AFA	
				Crossen Brothers Company, Inc (Heifers Raiser)	36-7292	1/23/1973	-	0.0 AFA	
DY16471019	ON A SHOESTRING DAIRY	43.416700	-115.250117	Coleman, Gary	37-7545	2/1/1977	2,000	65.2 AFA	
				Coleman, Gary	37-7420B	1/29/1975	-	0.0 AFA	
				Coleman, Gary	37-7198B	1/29/1973	-	0.0 AFA	
				Dansie, Bertha D; Dansie Elvov H (non operating dairy)	37-8363	8/6/1988	-	0.0 AFA	
DY16311077	DOUBLE EAGLE DAIRY	42.460000	-114.064483	Darrell Funk - Double Eagle Dairy	45-13917	6/8/1982	1,500	48.9 AFA	
				Darrell Funk Feedlot?	45-13657	1/1/1983	-	0.0 AFA	
				Darrell Funk Feedlot?	45-13911	8/19/1976	-	0.0 AFA	
DY16470630	DEELSTRA DAIRY	42.753333	-114.728617	Deelstra, Niesje; Deelstra, Pieter	36-16305	12/4/1972	1,030	33.6 AFA	
				Deelstra, Niesje; Deelstra, Pieter	36-7277B	12/4/1972	-	0.0 AFA	
				Dinis, Manuel [old Hilt Dairy - non operating dairy?]	36-74605	3/25/1974	-	0.0 AFA	
DY16631026	DOUBLE A DAIRY	42.853883	-114.470817	Double A Dairy	37-7533B	9/29/1976	6,200	202.1 AFA	
DY16471016	DOUBLE V DAIRY #2	42.752217	-114.790550	Double V Dairy #2	36-7547B	5/13/1975	550	17.9 AFA	
				Double V Dairy #2	36-7377B	9/7/1973	-	0.0 AFA	
				Double V Heifer Feedlot (stockwater only)	37-7453	8/27/1975	-	0.0 AFA	
				Double V Heifer Feedlot (stockwater only)	37-7213	3/28/1973	-	0.0 AFA	
				Durand, Daniel G; Durand, Vicky S (non operating dairy)	37-8410	10/4/1988	-	0.0 AFA	
				Durfee, Brenda & James (Box Canyon Dairy #3?)	36-8367	6/21/1988	-	0.0 AFA	

			Environ INC (non operating dairy)	36-7946	1/8/1981	-	0.0 AFA
			Equity Livestock Credit Corp (Bettencourt Heifers/Drys)	36-14988	12/31/1983	-	0.0 AFA
			Equity Livestock Credit Corp (Bettencourt Heifers/Drys)	36-7460AG	3/25/1974	-	0.0 AFA
			G & G Dairy/M & P Dairy; Giltner, Bill; Griffith, Mike	36-14834	12/12/1979	-	0.0 AFA
			Garcia, Jose L; Garcia, Mary (non operating dairy)	37-21628	9/25/1979	-	0.0 AFA
DY16530550	GERMAN DAIRY	42.782800	-114.550683	German, Donald H	36-7460X	3/25/1974	575 18.7 AFA
			Goedhart Dairy (non operating dairy)	36-7460AD	3/25/1974	-	0.0 AFA
			Goedhart Dairy (non operating dairy)	36-8774	3/10/1998	-	0.0 AFA
DY16530497	GULICK DAIRY	42.675600	-114.463317	Gulick, Larry	36-8507	2/1/1990	325 10.6 AFA
DY16470640	BRANDSMA DAIRY	42.735000	-114.657217	Hill Brandsma Dairy	36-8063	3/18/1982	580 18.9 AFA
			Horizon Organic Dairy Idaho Farms Inc	36-8011A	12/24/1981	-	0.0 AFA
			Horizon Organic Dairy Idaho Farms Inc	36-16054	7/16/1973	-	0.0 AFA
			Horizon Organic Dairy Idaho Farms Inc	36-7651B	7/16/1973	-	0.0 AFA
			Hurtado Dairy	36-16008	6/21/1973	-	0.0 AFA
			Idalee Dairy (non operating dairy)	36-8410	2/10/1989	-	0.0 AFA
DY16470641	BUSMAN DAIRY	42.739450	-114.634717	John Busman Dairy	36-16182	1/7/1974	870 28.4 AFA
			John Busman Dairy	36-10640	6/1/1978	-	0.0 AFA
DY16470569	WRIGHT INC.	42.700333	-114.650750	John Wright Dairy	36-7622B	4/29/1976	430 14.0 AFA
			John Wright Dairy	36-7562D	1/21/1974	-	0.0 AFA
			John Wright Dairy	36-7562F	1/21/1974	-	0.0 AFA
			John, Gloria; John, Kit M (non operating dairy)	37-8346	6/21/1988	-	0.0 AFA
DY16470561	UDDERLY GOLD DAIRY	42.850217	-114.751433	Ken Luth	36-8345	4/9/2001	1,015 33.1 AFA
			Ken Vanderham Dairy	36-16101	5/9/1988	-	0.0 AFA
			Kime, Mark (old Waldo facility - non operating dairy)	37-7998	1/29/1982	-	0.0 AFA
			Lederer, Paul (Pasha Dairy - non operating dairy)	36-7939B	11/29/1980	-	0.0 AFA
			Legacy Dairy #1?	36-10082B	3/15/1976	-	0.0 AFA
			Longview Dairy	36-8482	11/7/1989	-	0.0 AFA
			Longview Dairy	36-16184	6/30/1983	-	0.0 AFA
			Longview Dairy	36-7317B	3/21/1973	-	0.0 AFA
DY16531066	MIRKIN, JOHN	42.469750	-114.321580	Mirkin Dairy	36-16634	4/8/1975	500 16.3 AFA
			Northside Dairy #1	36-8490	11/7/1989	-	0.0 AFA
DY16530552	SAWTOOTH DAIRY	42.734767	-114.501583	Parnell, Kevin (Sawtooth Dairy)	36-16207	2/27/1979	350 11.4 AFA
DY16470669	POCKET RANCH DAIRY	42.971733	-114.640783	Pocket Ranch Dairy (Blngham)	37-7221	4/18/1973	500 16.3 AFA
			Rocha Dairy	36-7460AB	3/25/1974	-	0.0 AFA
			Scarrow Heifers	37-8152	6/30/1983	-	0.0 AFA
			Scarrow Heifers	37-8901	11/25/1977	-	0.0 AFA
			Scarrow Heifers	36-7365B	8/10/1973	-	0.0 AFA
DY16530548	SOUTH VIEW DAIRY #2	42.768183	-114.550967	South View Dairy #2	36-10435D	5/26/1976	1,200 39.1 AFA
DY16470594	SOUTHFIELD DAIRY #2	42.728333	-114.758883	Southfield Dairy #2?	36-7304B	2/23/1973	3,000 97.8 AFA
			Southfield Dairy	36-7304C	2/23/1973	-	0.0 AFA
			Southfield Dairy (stockwater only; north of Vanderham Bros)	36-7575	10/31/1975	-	0.0 AFA
			Telford, Michael (Telford Dairy - non operating dairy)	37-7949	11/4/1981	-	0.0 AFA
			Telford, Michael (Telford Dairy - non operating dairy)	37-7650	6/4/1977	-	0.0 AFA
			Tim Petterson Dairy	36-7460AH	3/25/1974	-	0.0 AFA
DY16470627	T & F DAIRY	42.790550	-114.732783	Toledo, John (T & F Dairy?)	36-7460AF	3/25/1974	600 19.6 AFA
			UR Farms Limited Partnership	36-16192	1/7/1974	-	0.0 AFA
			UR Farms Limited Partnership	36-16378	1/7/1974	-	0.0 AFA
			Vanderham Brothers Dairy	36-7379B	9/18/1973	-	0.0 AFA
			VanDyk Dairy #1	36-8547	4/25/1990	-	0.0 AFA
			VanDyk Dairy #3	36-8389	9/1/1988	-	0.0 AFA
DY16530993	VAN STRAALEN DAIRY	42.782017	-114.555400	Vanstraelen Dairy	36-16506	4/8/1975	900 29.3 AFA
			Vanstraelen Dairy	36-16510	8/16/1973	-	0.0 AFA
			Veenstra Dairy #1	36-7666B	1/5/1977	-	0.0 AFA
			Veenstra, Cheryl; Veenstra, Pete - (non operating dairy)	36-8803	7/13/2000	-	0.0 AFA
			Verbree Dairy #1	36-7318A	3/21/1973	-	0.0 AFA
			Verbree Dairy #1	36-7318B	3/21/1973	-	0.0 AFA
			Verbree Dairy #2	35-15999	4/8/1975	-	0.0 AFA
DY16470617	VERBREE DAIRY #3	42.777783	-114.771667	Verbree Dairy #3	36-7318D	3/21/1973	1,250 40.7 AFA
			Verbree Dairy #5	36-8351	6/15/1988	-	0.0 AFA
			Verbree Heifers & Drys (north of Dairy #1)	36-7318C	3/21/1973	-	0.0 AFA
DY16471027	WEST POINT FARMS	42.750200	-114.804683	WestPoint Dairy	36-7547D	5/13/1975	6,900 224.9 AFA
			WestPoint Dairy	36-7295C	12/11/1973	-	0.0 AFA
			WestPoint Dairy	36-7377D	9/7/1973	-	0.0 AFA
						2009 Mature Animal Totals:	52,710 1718.3 AFA

2007 & 2009 Combined Mature Animal Totals: 176,354.0 5,748.9

Idaho Dairy Water & Land Trust

Name	Cows
IDWLT Administration Participants	
Don German Dairy	700
VanDyk & Sons Dairy	1,350
Reed's Dairy, Inc.	275
B & B Dairy, LLC	1,100
Desert Dairy	600
Borba Dairy	500
John W Wright	425
V & L Dairy	2,350
V & C Dairy	1,000
V-3 Dairy	200
Southfield Dairy #2	2,500
WestPoint Farms	5,000
On A Shoestring Dairy	2,000
Four Brothers Dairy, Inc.	9,000
Dinis Dairy #2	415
Si-Ellen Dairy #1	2,850
Si-Ellen Dairy #2	2,800
Deelstra Dairy	1,100
Udderty Gold Dairy	2,045
Golden Valley Dairy, LLC	10,000
Box Canyon Dairy	4,200
Box Canyon Dairy	900
Box Canyon Dairy	900
Hidden Valley Dairy Farm	350
Nelsen Dairy	520
Jack Verbree Jr. Dairies	333
Jack Verbree Jr. Dairies	1,416
Giltner Dairy, LLC	2,381
Big Sky Dairy North	3,500
Big Sky Dairy West	5,100
Gooding Heifer Ranch, LLC	1,000
Gerratt Dairies	1,305
Gerratt Dairies	1,800
Turner Dairy, Inc	960
Whitesides Dairy, Inc.	<u>7,040</u>
	77,915



GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

MICHAEL C. CREAMER
DIRECT DIAL: (208) 388-1247
EMAIL: MCC@givenspursley.com

Gary G. Allen	Steven J. Hippler	Deborah E. Nelson
Peter G. Barton	Debra K. Kristensen	Kelsey J. Nunez
Christopher J. Beeson	Anne C. Kunkel	W. Hugh O'Riordan, LL.M.
Clint R. Bolinder	Jeremy G. Ladle	Angela M. Reed
Erik J. Bolinder	Michael P. Lawrence	Justin A. Steiner
Jeremy C. Chou	Franklin G. Lee	Scott A. Tschirgi, LL.M.
William C. Cole	David R. Lombardi	J. Will Varin
Michael C. Creamer	John M. Marshall	Conlay E. Ward
Amber N. Dina	Kenneth R. McClure	Robert B. White
Elizabeth M. Donick	Kelly Greene McConnell	
Kristin Bjorkman Dunn	Cynthia A. Melillo	RETIRED
Thomas E. Dvorak	Christopher H. Meyer	Kenneth L. Pursley
Jeffrey C. Feroday	L. Edward Miller	James A. McClure
Justin C. Fredin	Patrick J. Miller	Raymond D. Givens (1917-2008)
Martin C. Hendrickson	Judson B. Montgomery	

VIA FACSIMILE and EMAIL

March 12, 2009

Lyle Swank
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive
Idaho Falls, ID 83402-6105

Re: *Water Bank Rental Request*
Our File No. 7283-3

Dear Lyle,

I am writing this letter on behalf of Idaho Dairymen Association ("IDA") requesting that the IDA be able to rent up to 5,749 acre feet of water from the Water District 01 Rental Pool for 2009. The IDA is prepared to pay the going rental rate and administrative fees upon your confirmation of availability. This water would be used for mitigation for participating dairymen under the approved mitigation plan for 2009.

The total quantity not to exceed 5,749 will be contingent on the Idaho Department of Water Resources' approval of the IDA's March 12th mitigation proposal.

I look forward to hearing from you soon.

Sincerely,



Michael C. Creamer

MCC:ch
SACLIENTS\7283\3\MCC Ltr to L Swank.doc

