



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

January 15, 2009

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Re: Surface Water Call Request for Place of Use Information

Gentlemen:

I am responding to your letter in this matter dated November 21, 2008, and the follow-up letter from Mr. Fletcher dated December 11, 2008. This response is prepared in light of a brief follow-up conversation with Mr. Arkoosh, our analysis of the information provided by Burley Irrigation District, and our initial analysis of information provided by American Falls Reservoir District No. 2. I am finalizing this letter prior to our meeting in Twin Falls on this issue, scheduled to be conducted at 10:00 am on Friday, January 16<sup>th</sup> in the Twin Falls Canal Company Conference Room.

I will first respond to the points made in your letters and will then provide an example of a very satisfactory response to this request for information.

### **Letter Dated November 21, 2008**

You have indicated that there is no provision for bifurcated final orders. The concept of bifurcation refers to the fact that some issues are presently before the Court, but additional issues regarding computations of reasonable in-season demand and reasonable carryover for the 2009 irrigation season are not.

Regarding the computation of acres irrigated by the member organizations of the Surface Water Coalition, the Hearing Officer made the following assessments:

- Non-irrigated acres should not be considered in determining the irrigation supply necessary for SWC members.
- ...These amounts may, of course, change as acreage is removed from irrigation or possibly added back.

The Snake River Basin Adjudication (SRBA) recommendations of acreage were based on irrigation as of 1987. It is incumbent on the agency to determine the number of acres likely to be irrigated by a water delivery organization in a given year if there is any potential for curtailment due to a delivery call made by that organization. To develop an orderly, understood protocol, an important input is the number of acres to be irrigated. You have indicated that such a protocol has not yet been developed – that is a primary topic of the upcoming order.

Regarding the irrigation of subdivisions and cities within the service areas of the water delivery organizations, we do not know if these areas continue to be provided with water by the organizations. In these areas the water delivery organizations merely need to advise IDWR if they provide irrigation water to the areas. The fact that this information was reviewed for the SRBA is not sufficient to indicate that the areas are still being served more than 20 years after the 1987 SRBA date – we just need to be updated for these areas.

The reason that 2006 data are being used for this analysis is that we have good spatial information for 2006, and we will assume that irrigation patterns have remained relatively constant for at least the past three years. If this is not the case, the water delivery organization merely needs to advise us accordingly.

#### **Letter Dated December 11, 2008**

The letter dated December 11, sent by Mr. Fletcher states that it is the position of the Board of the Minidoka Irrigation District that the District needs to be in a position to deliver water to all authorized acres located within the District. The letter further describes that the SRBA recommendation is for the irrigation of 75,093 acres and it is the duty of the District to prepare annually for the irrigation of these acres. IDWR views this matter differently – in the manner specified by Hearing Officer Schroeder – that “non-irrigated acres should not be considered in determining the irrigation supply necessary for SWC members.” Thus, a computation is needed of the acres likely to be irrigated in a given year.

The letter expresses concern that the maps sent with the November 7, 2008 letter did not correctly denote acres irrigated within subdivisions and cities and along the boundary of the District. This is precisely the reason why the maps were sent to the District – to correct issues such as this. Our staff are ready to work with the District in clarifying this information.

### **Assessment of Burley Irrigation District Irrigated Acres**

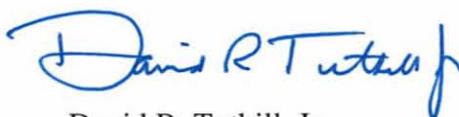
Attached for your review is a report entitled "Assessment of Lands Served in the Burley Irrigation District, December, 2008." This report provides a summary of the analysis conducted by IDWR, and concludes that in 2006 about 46,445 acres were irrigated. This compares with 47,643 acres recommended to be irrigated in the Snake River Basin Adjudication. Per a discussion with Mr. Randy Bingham, Manager of Burley Irrigation District, this process required about 40 hours of effort by the Burley Irrigation District staff. This effort resulted in a product that is considered by IDWR to be defensible as adequate in the context of a water call.

Information provided by the American Falls Reservoir District No. 2 is helpful but has not been as straight-forward to process. This will be an item of discussion at the meeting on January 16<sup>th</sup>.

We continue to offer the assistance of IDWR staff to aid the water delivery entities to prepare this spatial information. In the absence of additional information being submitted by the water delivery entity, IDWR will use for its computations the acreage counts included with my letter dated November 7, 2008.

I look forward to discussing this information with delivery entity representatives at the upcoming meeting.

Sincerely,

A handwritten signature in blue ink that reads "David R. Tuthill, Jr." with a stylized flourish at the end.

David R. Tuthill, Jr.  
Director

Enclosure