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ATTORNEYS FOR IDAHO GROUND WATER  
APPROPRIATORS

**BEFORE DEPARTMENT OF WATER RESOURCES**

**STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION  
OF WATER TO VARIOUS WATER  
RIGHTS HELD BY OR FOR THE  
BENEFIT OF A&B IRRIGATION  
DISTRICT, AMERICAN FALLS  
RESERVOIR DISTRICT #2, BURLEY  
IRRIGATION DISTRICT, MILNER  
IRRIGATION DISTRICT, MINIDOKA  
IRRIGATION DISTRICT, NORTH SIDE  
CANAL COMPANY, AND TWIN FALLS  
CANAL COMPANY

Docket No.: CM-DC-2010-001

**NOTICE OF WATER SECURED  
AND RENEWED REQUEST FOR  
STAY**

Idaho Ground Water Appropriators, Inc., acting for and on behalf of its members (the "Ground Water Users") hereby notify the Director of the amount of water it has secured to avoid curtailment in this matter, as required by the Director's *Order Regarding April 2010 Forecast Supply ("Methodology Steps 3 and 4")* ("As-Applied Order") dated April 29, 2010. The As-Applied Order gave the Ground Water Users until May 13, 2010, to secure 84,300 acre-feet of water to eliminate material injury to Twin Falls Canal Company and American Falls Reservoir District No. 2 and thereby avoid curtailment. (Id. at 4.)

The total amount of water that the Ground Water Users must secure for mitigation is approximately 109,300 acre-feet in Water Districts 110, 120, 130 and 140. As of the afternoon of May 13, 2010, the Ground Water Users have secured a total of 68,000 acre-feet of water. The Ground Water Users have verbal commitments for an additional 6,000 acre-feet of water but are awaiting written confirmation. That brings the total to 74,000 acre-feet of water for mitigation.

The Ground Water Users continue to labor vigorously to secure additional water. They have filed an application with Water District 01 to lease 50,000 acre-feet, but they will not know how much of that water will be available until after Water District 01 finalizes the reservoir storage allocation (the "day of allocation"). In addition, the Ground Water Users have sought to lease approximately 20,000 acre-feet of water from other storage contract holders who have indicated a willingness to lease additional water after the day of allocation. Thus, there is an additional 70,000 acre-feet available for lease. The Ground Water Users need to secure approximately fifty-two percent (52%) of that amount (35,300 acre-feet) to avoid curtailment under all outstanding delivery calls.

There is good reason to believe that the upper Snake River Basin reservoir system will fill completely, and that up to 70,000 additional acre-feet will be made available to the Ground Water Users after the day of allocation, enabling the Ground Water Users to secure the additional 36,300 acre-feet required to avoid curtailment under the outstanding delivery calls.

Accordingly, the Ground Water Users renew their request for a stay of curtailment contemplated under the As-Applied Order to allow them a full and fair opportunity to obtain additional water after the date of allocation and to conclude a hearing on their pending mitigation plan.

This Notice is supported by the *Second Affidavit of Timothy P. Deeg* filed herewith. In further support of this renewed request for stay, the Ground Water Users cite the Director to their

original *Motion for Stay and Motion for Extension of Time* dated May 6, 2010, and the affidavits of Timothy P. Deeg and Charles M. Brendecke in support thereof.

This information should satisfy the Director that the Ground Water Users have the ability to secure sufficient water to offset material injury to members of the Surface Water Coalition. The As-Applied Order should therefore be modified.

Dated this 13<sup>th</sup> day of May, 2010.

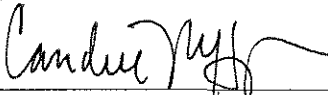
  
CANDICE M. McHUGH

## CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of May, 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:

|   |   |
|---|---|
| <p>Gary Spackman, Interim Director<br/>         Idaho Department of Water Resources<br/>         P.O. Box 83720<br/>         Boise, Idaho 83720-0098<br/>         Fax: 208-287-6700<br/> <a href="mailto:gary.spackman@idwr.idaho.gov">gary.spackman@idwr.idaho.gov</a><br/> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a><br/> <a href="mailto:chris.bromley@idwr.idaho.gov">chris.bromley@idwr.idaho.gov</a></p> | <p><input checked="" type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input checked="" type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>C. Tom Arkoosh<br/>         Arkoosh Law Offices, Chtd.<br/>         301 Main Street; P.O. Box 32<br/>         Gooding, ID 83330<br/> <a href="mailto:tarkoosh@capitolawgroup.net">tarkoosh@capitolawgroup.net</a></p>  | <p><input checked="" type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p>            |
| <p>W. Kent Fletcher<br/>         Fletcher Law Office<br/>         P.O. Box 248<br/>         Burley, Idaho 83318-0248<br/> <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>  | <p><input checked="" type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p>            |
| <p>John A. Rosholt<br/>         John K. Simpson<br/>         Travis L. Thompson<br/>         Barker, Rosholt &amp; Simpson<br/>         113 Main Avenue W., Ste 303<br/>         Twin Falls, ID 83301-6167<br/> <a href="mailto:jar@idahowaters.com">jar@idahowaters.com</a><br/> <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a><br/> <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a></p>                                  | <p><input checked="" type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p>            |
| <p>Kathleen Marion Carr<br/>         U.S. Department of the Interior<br/>         960 Broadway, Ste 400<br/>         Boise, Idaho 83706<br/> <a href="mailto:kathleenmarion.carr@sol.joi.gov">kathleenmarion.carr@sol.joi.gov</a></p>   | <p><input checked="" type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p>            |

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|--|---|
| <p>David W. Gehlert<br/> Natural Resources Section<br/> Environment and Natural Resources Division<br/> U.S. Dept of Justice<br/> 1961 Stout St., 8<sup>th</sup> Floor<br/> Denver, CO 80294<br/> <a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p> | <input checked="" type="checkbox"/> U.S. Mail<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> Email |
| <p>Matt J. Howard<br/> U.S. Bureau of Reclamation<br/> Pacific Northwest Region<br/> 1150 N. Curtis Road<br/> Boise, ID 83706-1234<br/> <a href="mailto:mhoward@pn.usbr.gov">mhoward@pn.usbr.gov</a></p>   | <input checked="" type="checkbox"/> U.S. Mail<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> Email |
| <p>Sarah H. Klahn<br/> Mitra Pemberton<br/> White &amp; Jankowski<br/> 511 16<sup>th</sup> Street, Ste 500<br/> Denver, CO 80202<br/> <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a></p>   | <input checked="" type="checkbox"/> U.S. Mail<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> Email |
| <p>Michael C. Creamer<br/> Jeffrey C. Fereday<br/> Givens Pursley<br/> P.O. Box 2720<br/> Boise, Idaho 83701-2720<br/> <a href="mailto:mcc@givenspursley.com">mcc@givenspursley.com</a><br/> <a href="mailto:jcf@givenspursley.com">jcf@givenspursley.com</a></p>          | <input checked="" type="checkbox"/> U.S. Mail<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> Email |
| <p>Dean Tranmer<br/> City of Pocatello<br/> P.O. Box 4169<br/> Pocatello, Idaho 83205<br/> <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a></p>  | <input checked="" type="checkbox"/> U.S. Mail<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> Email |


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