

John K. Simpson, ISB #4242  
 Travis L. Thompson, ISB #6168  
 Paul L. Arrington, ISB #7198  
**BARKER ROSHOLT & SIMPSON LLP**  
 195 River Vista Place, Suite 204  
 Twin Falls, Idaho 83301-3029  
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 Facsimile: (208) 735-2444

*Attorneys for A&B Irrigation District, Burley  
 Irrigation District, Milner Irrigation District,  
 North Side Canal Company, and Twin Falls  
 Canal Company*

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
 OF THE 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

**AFFIDAVIT OF TRAVIS L.  
 THOMPSON IN SUPPORT OF  
 SURFACE WATER COALITION'S  
 PETITION RE: AUGUST ORDER**

STATE OF IDAHO )  
 )ss.  
 County of Twin Falls )

I, Travis L. Thompson, being first duly sworn upon oath, depose and say:

1. I am over the age of 18 and make this affidavit based upon my personal knowledge. I am one of the attorneys representing A&B Irrigation District, Burley Irrigation

District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company in this matter.

2. Attached hereto as **Exhibit A** are true and correct copies of excerpts of the weekly report published by Water District 01 throughout the 2013 irrigation season.

3. Attached hereto as **Exhibit B** is a true and correct copy of Randy Budge's June 13, 2013 letter to Steve Howser, Manager of the Aberdeen-Springfield Canal Company.

4. Attached hereto as **Exhibit C** is a true and correct copy of Randy Budge's June 24, 2013 letter to Lyle Swank, Water District 01 Watermaster.

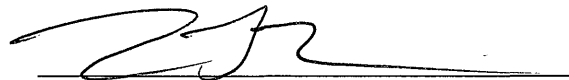
5. Attached hereto as **Exhibit D** is a true and correct copy of Lyle Swank's June 25, 2013 letter to Randy Budge and Steve Howser.

6. Attached hereto as **Exhibit E** is a true and correct copy of Randy Budge's August 27, 2013 email to me.

7. I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

**DATED** this 6<sup>th</sup> day of September, 2013.

**BARKER ROSHOLT & SIMPSON LLP**




Travis L. Thompson

*Attorneys for A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company*

## CERTIFICATE OF SERVICE

I hereby certify that on this 19<sup>th</sup> day of September, 2013, I served a true and correct copy of the foregoing *Affidavit of Travis L. Thompson in Support of the Surface Water Coalition's Petition* and the *Affidavit of Lynn Harmon* on the following by the method indicated:

<p>Director Gary Spackman c/o Deborah Gibson State of Idaho Dept. of Water Resources 322 E Front St Boise ID 83720-0098 *** service by electronic mail</p> <p>facsimile – 208-287-6700 <a href="mailto:gary.spackman@idwr.idaho.gov">gary.spackman@idwr.idaho.gov</a> <a href="mailto:deborah.gibson@idwr.idaho.gov">deborah.gibson@idwr.idaho.gov</a></p>	<p>Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise ID 83706-1234</p> <p>*** service by electronic mail only</p> <p><a href="mailto:mhoward@pn.usbr.gov">mhoward@pn.usbr.gov</a> <a href="mailto:emcgarry@pn.usbr.gov">emcgarry@pn.usbr.gov</a></p>	<p>IDWR – Eastern Region 900 N. Skyline Dr., Suite A Idaho Falls, ID 83402-1718</p> <p>*** service by electronic mail only <a href="mailto:lyle.swank@idwr.idaho.gov">lyle.swank@idwr.idaho.gov</a></p>
<p>Randy Budge T.J. Budge Racine Olson PO Box 1391 Pocatello ID 83204-1391 *** service by electronic mail only</p> <p><a href="mailto:rcb@racinelaw.net">rcb@racinelaw.net</a> <a href="mailto:cmm@racinelaw.net">cmm@racinelaw.net</a></p>	<p>Sarah A. Klahn Mitra Pemberton White &amp; Jankowski, LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 *** service by electronic mail only facsimile – 303-825-5632 <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a> <a href="mailto:mitrap@white-jankowski.com">mitrap@white-jankowski.com</a></p>	<p>David Gehlert ENRD – DOJ 999 18<sup>th</sup> St. South Terrace, Suite 370 Denver, CO 80202 *** service by electronic mail only</p> <p><a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p>
<p>A. Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 *** service by electronic mail only</p> <p>facsimile – 208-234-6297 <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a></p>	<p>William A. Parsons Parsons, Smith &amp; Stone LLP P.O. Box 910 Burley, ID 83318</p> <p>*** service by electronic mail only</p> <p><a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a></p>	<p>IDWR – Southern Region 1341 Fillmore St., Suite 200 Twin Falls, ID 83301-3380</p> <p>*** service by electronic mail only <a href="mailto:allen.merritt@idwr.idaho.gov">allen.merritt@idwr.idaho.gov</a> <a href="mailto:cindy.yenter@idwr.idaho.gov">cindy.yenter@idwr.idaho.gov</a></p>
<p>Michael C Creamer Jeffrey C. Fereday Givens Pursley 601 W Bannock St Ste 200 PO Box 2720 Boise ID 83701-2720 *** service by electronic mail only <a href="mailto:mcc@givenspursley.com">mcc@givenspursley.com</a> <a href="mailto:jcf@givenspursley.com">jcf@givenspursley.com</a></p>	<p>Kathleen Carr US Dept Interior, Office of Solicitor Pacific Northwest Region, Boise 960 Broadway Ste 400 Boise ID 83706 *** service by electronic mail only facsimile – 208-334-1918</p> <p><a href="mailto:kathleenmarion.carr@sol.doi.gov">kathleenmarion.carr@sol.doi.gov</a></p>	

  
 \_\_\_\_\_  
 Travis L. Thompson

# Exhibit A

## WATER REPORT – June 11, 2013

The 1906-09-24 priority is currently being filled for diversions above Blackfoot and the 1903-03-26 priority is currently being filled for diversions below Blackfoot. Priorities began to rise this weekend as the record high temperatures have resulted in rapid melting of the remaining high-elevation snow. Priorities may continue to rise slightly for a short time but, as the remaining snowpack quickly dissipates over this next week, priorities are expected to eventually begin receding for the remainder of the season, excepting those times when significant rain events occur.

Approximately 3.1 million dollars of proceeds collected from the rental pool will be distributed to all participating spaceholders this week. In addition, participating spaceholders whose allocations were impacted from last year's common pool and flow augmentation rentals will receive an impact rental payment. Impacts to storage allocations this year totaled 179,635 AF but, because there wasn't sufficient money in the Impact Fund to pay the full rental price to impacted spaceholders, they will receive an impact payment of \$13.26 for each acre-foot of their space failing to fill as a result of last year's rentals. If you have any questions concerning your rental payment or the amount of your space impacted, please call the water district office at 208-525-7171.

Impacted spaceholders will have the first opportunity to rent storage from the 50,000 AF common pool, up to the amount of impact. If rental applications from impacted spaceholders total less than 50,000 acre-feet, the remaining portion of the 50,000 AF supply will be available to applicants with unfilled space. If any rental supply remains after impacted spaceholder and unfilled spaceholder applications have been filled, it will be rented to other spaceholder applicants above Milner followed by non-spaceholder applicants until the supply runs out.

Storage allocations have been published in today's water right accounting. **Applications to rent storage from the 50,000 AF common pool must be received in the Water District #1 Office by Wednesday, June 26, 2013.** The rental price and fees for this year's storage rental is \$17.00 per acre-foot. The reservoir space, fill, and evaporation allocations can be viewed in the STORAGE ALLOCATIONS tab on the [www.waterdistrict1.com](http://www.waterdistrict1.com) webpage. Palisades Water User spaceholder allocations and assignments have been added to the AF RMNG values in the daily water right accounting. A listing of the Palisades Water User assignment should be is posted in the STORAGE ALLOCATIONS section of the water district's webpage tomorrow. Storage rentals from the common pool will be added to the water right accounting following the June 26, 2013 application deadline.

**The AF RMNG values currently shown in the daily water right accounting include the following adjustments for private leases and other storage assignments:**

Enterprise Canal Co.	-3,000 AF private lease to IGWA
Bear Island Pump	+9 AF non-participant impact from 2007 Rental Pool
Idaho Irrigation	-3,000 AF private lease to IGWA
Snake River Valley	-4,000 AF private lease to IGWA
Falls Irrigation	-5,000 AF private lease to Southwest Irrigation District (SWID)
Minidoka Irr Dist	-5,000 AF private lease to SWID
Minidoka Irr Dist	+8,370 AF Minidoka Return Flow Credit
Burley Irr Dist	+7,000 AF SWID private lease assignment water
Burley Irr Dist	+5,130 AF Minidoka Return Flow Credit

(continued on next page)

Milner Irrigation	+5,000 AF SWID private lease assignment
Milner Irrigation	+1,188 AF Artesian Irrigation assigned storage
SWID Pump	+5,000 AF private lease assignment
AFRD#2	+2,500 AF IGWA private lease assignment
AFRD#2	+1,000 AF Minidoka Return Flow Credit
North Side Canal	+7,500 AF IGWA private lease assignment
North Side Canal	-7,750 AF supply for Minidoka Return Flow Credit
Twin Falls Canal	+3,000 AF SWID private lease assignment
Twin Falls Canal	+928 AF Artesian Irrigation assignment to Murtaugh Lake
Twin Falls Canal	+612 AF Artesian Irrigation assignment to Farmland Reserve
Twin Falls Canal	-6,750 AF supply for Minidoka Return Flow Credit
City of Pocatello	-10,000 AF private lease to SWID
Artesian Irrigation	+255 AF non-participant impact from 2007 Rental Pool
Artesian Irrigation	-1,188 AF storage transfer to Milner Irrigation shareholders
Artesian Irrigation	-928 AF storage transfer to Murtaugh Lake shareholders (TFCC)
Artesian Irrigation	-612 AF storage transfer to Farmland Reserve (TFCC)

In addition to the storage rentals and assignments shown above, Southwest Irrigation District has assigned its 77.9 cfs of natural flow to the following canals beginning on May 10<sup>th</sup> and continuing until the volume limitations are reached: 44.12 cfs (3,714 AF limit) to Burley Irrigation District and 34.88 cfs (3,714 AF limit) to Milner Irrigation District.

## Calendar

The Idaho Water Users Association Summer Water Law and Resource Issues Seminar will be held June 17 & 18 at the Sun Valley Resort in Sun Valley, Idaho. For further information, see the IWUA website at [www.iwua.org](http://www.iwua.org).

The next Committee of Nine Meeting will be held in Sun Valley following the June 17<sup>th</sup> session of the Idaho Water Users Association Water Law Seminar.

## **WATER REPORT – June 25, 2013**

All Snake River natural flow arising upstream from where the Blackfoot River enters the Snake River is currently being used. All water passing Blackfoot is storage water being delivered to lower valley diversions. The contribution from tributary and spring inflows between Blackfoot and Milner are sufficient to partially fill the 3400 cfs 1900-10-11 priority water right held by Twin Falls and North Side Canals. This situation will continue until the end of the irrigation season when diversions above Blackfoot are no longer diverting all the natural flow that arises upstream.

Natural flow above Blackfoot has been gradually decreasing each day. Currently, there is sufficient natural flow to fill up to the 1894-08-18 priority for diversions above Blackfoot. The 1894-08-18 priority is expected to be cut completely within a day or two and fall to 1893 and 1892 priorities later this week. Projected priorities are updated each weekday afternoon on the [www.waterdistrict1.com](http://www.waterdistrict1.com) website.

Storage transfers and adjustments that have been recently updated in the water right accounting include a 2,000 AF private lease by IGWA from New Sweden Irrigation District assigned to the SWID pump diversion. Also, 288 AF of the 928 AF of Artesian Irrigation allocation previously assigned to Twin Falls Canal and documented on the 6/11/2013 Water Report has been corrected and moved from Twin Falls Canal to Milner Irrigation.

### **Calendar**

Applications to rent storage from the 50,000 AF common pool must be received in the Water District #1 Office by **Wednesday, June 26, 2013**.

The National Water Resources Association (NWRA) is holding their 30<sup>th</sup> Annual Western Water Seminar at the Skamania Lodge in Stevenson, Washington on **July 29-31, 2013**. Additional information can be obtained from the NWRA website [www.nwra.org](http://www.nwra.org) .

## **WATER REPORT – July 16, 2013**

Projected priorities today are 1885-06-01 for the Teton River, 1900-10-11 for the Snake River below Blackfoot, and 1890-06-30 for the Snake River above Blackfoot, Henrys Fork, Falls River, and North Fork Teton River below the Teton Island Feeder.

The following adjustments were made today to canal AF RMNG values in the water right accounting:

- +7,500 AF to North Side Canal from IGWA private leases
- +10,450 AF to Twin Falls Canal from IGWA private lease
- +2,500 AF to AFRD#2 from IGWA private lease
- +100 AF to AFRD#2 for Fred Brossy from Common Pool rental
- -1,000 AF from Snake River Valley for IGWA private lease
- -3,000 AF from New Sweden for IGWA private lease
- -8,639 AF from Aberdeen-Springfield for IGWA private lease
- -3,750 AF from Enterprise Canal for IGWA private lease
- -4,061 AF from State of Wyoming for IGWA private lease
- +55.5 AF PWUI storage assigned to Palisades Canal for Dick Clayton
- +100 AF PWUI storage assigned to Farmers Friend Canal for Danny Ferguson
- +7.7 AF PWUI storage assigned to Burgess Canal for City of Rigby (Roger Warner)
- +100 AF PWUI storage transfer to Farmers Friend Canal for Fosters (Chappel)
- -100 AF PWUI storage transfer from B Foster Pump to Farmers Friend Canal
- +25.6 AF PWUI storage transfer to Sunnydell Canal for K. Sutton (J Winder)
- -25.6 AF PWUI storage transfer from Rudy Canal to Sunnydell Canal for K. Sutton
- -287.2 AF PWUI storage adjustment to Sunnydell Canal from previous allocation
- -35.1 AF PWUI storage adjustment to East Labelle Canal from previous allocation
- +235.1 AF PWUI storage adjustment to West Labelle/Long Is Canal from previous allocation.

In addition to the storage assignments and transfers shown above, Fremont-Madison Irrigation District has adjusted its storage allocation distribution to Fremont-Madison spaceholders whose spaceholder assessments were delinquent. The Fremont-Madison Irrigation District rental distributed to their spaceholders was also included in today's water right accounting.

The Bureau of Reclamation made corrections to the American Falls Reservoir contents June 11<sup>th</sup> through July 1<sup>st</sup>. When these corrections were added to the water right accounting, it resulted in changes to some storage usage and reach-gains below Blackfoot.

### **Calendar**

The USBR is hosting a two-hour meeting at their new office at 470 22<sup>nd</sup> St., Heyburn, ID, on August 7, 2013, beginning at 9:30 AM to discuss calendar year 2013 expenses-to-date and projected O&M costs for calendar year 2014 covering all the Minidoka Project facilities. RSVP if you plan to attend by calling Mr. Cody Sibbet at 208-678-0461 extension 10. Additional information can be obtained from Jerry Cheek 208-678-0461 extension 20 or from Keith Brooks at extension 33.



## **WATER REPORT – August 27, 2013**

Priority cuts above Blackfoot reached a low point last week cutting into the 1889-04-06 priority water right. Since that time, diversions have declined and natural flow has increased slightly because of the recent rain showers. The 1889-05-11 priority is currently being filled for the Snake River and Henrys Fork above Blackfoot for the amounts of water that are currently being diverted. The 1885-10-17 priority is being partially filled on the lower North Fork of the Teton River below the Teton Island Feeder Canal. The 1884-05-22 priority is being partially filled for all other areas of the Teton River. The 1900-10-11 priority is being partially filled for the Snake River below Blackfoot.

The following storage adjustments were made this week to the AF RMNG values in the water right accounting:

- +50 AF PWUI storage transfer to New Sweden for Brad Reed.
- -42.6 AF PWUI storage transfer from the Bybee Pump to the R Grover Pump.
- +200 AF storage transfer to the Russell Grover Pump consisting of 42.6 AF PWUI storage from the Bybee Pump, 57.4 AF of previously unassigned PWUI storage, and 100 AF of Common Pool rental.
- +20 AF Common Pool rental to A Wilde pump.
- +21.9 AF PWUI storage transfer to Harrison Canal from John Price.
- +3,000 AF private lease water to Enterprize Canal from IGWA.

### **Calendar**

The next **Committee of Nine Meeting** will be held September 12<sup>th</sup>, beginning at 10:00 AM at the Pocatello Airport.

The USBR has tentatively planned a public meeting concerning Ririe Reservoir Operations for September 19<sup>th</sup>. Please mark your calendars to hold this date for an evening meeting to support a change to the Ririe Reservoir flood control rule curve. The exact time and location will be included as additional information is available.

## **WATER REPORT – September 3, 2013**

Priorities fell to 1889-04-15 for the Snake River above Blackfoot over the Labor Day Weekend. Rain received on Monday yesterday has increased natural flow and will likely increase priorities over the next couple days. Projected priorities for the Snake River and Henrys Fork above Blackfoot are 1889-05-01 for tomorrow. The 1885-06-01 priority is partially being filled on the Teton River above the Teton Island Feeder. The 1885-06-01 priority is partially being filled on the North Fork Teton River below the Teton Island Feeder. The 1900-10-11 priority is partially filled for the Snake River below Blackfoot.

Releases from Palisades and American Falls Reservoirs will begin decreasing today as downstream irrigation demand is beginning to decrease. Releases from Ririe Reservoir have been increased today from 100 cfs to 350 cfs to reduce the physical contents of the reservoir to meet flood-control requirements at the end of the season. The USBR has scheduled a September 19<sup>th</sup> meeting in Idaho Falls to discuss the Ririe Reservoir Operations and possible modifications to the flood-control requirements. The location and meeting time are yet to be scheduled. Water users concerned about the winter time levels in Ririe Reservoir and the amount of storage being released from Ririe Reservoir for flood-control operations at the end of the season are encouraged to attend. Further information can be obtained by contacting the USBR in Burley at 208-678-0461.

The following storage adjustments were made to this week's AF RMNG values in the water right accounting:

- 50 AF PWUI storage transferred from M&M Cattle to Harrison Canal.
- 1,500 AF storage leased from Snake River Valley Irrigation to IGWA.
- 7,300 AF of previously leased IGWA storage assigned to AFRD2.

The 7,300 AF of IGWA leased storage was assigned to AFRD2 in accordance with the IDWR Director's *Order Revising April 2013 Forecast Supply*, dated 8/27/2013. The order also required 6,900 AF of mitigation from IGWA to Twin Falls Canal. The 6,900 AF of mitigation had been previously included in the 10,450 AF of IGWA leased storage previously assigned to Twin Falls Canal and documented in previous water reports.

### **Calendar**

The public ribbon cutting ceremony for the new USBR Upper Snake Field Office will be held 10 AM to 11:30 AM at 470 22<sup>nd</sup> Street, Heyburn, ID. Although all are welcome, the USBR would appreciate an RSVP. To RSVP or for questions, contact Mr. Cody Sibbett at [ssibbett@usbr.gov](mailto:ssibbett@usbr.gov) or 208-678-0461, extension 10.

The next **Committee of Nine Meeting** will be held September 12<sup>th</sup>, beginning at 10:00 AM at the Pocatello Airport.

The USBR has tentatively planned a public meeting concerning Ririe Reservoir Operations for September 19<sup>th</sup> in Idaho Falls. Please mark your calendars to hold this date for an evening meeting to support a change to the Ririe Reservoir flood control rule curve. The exact time and location will likely be included in next week's report.

# Exhibit B

**IDAHO GROUND WATER APPROPRIATORS, INC.**  
P.O. Box 1391  
Pocatello, Idaho 83201

**Officers:**

Tim Deeg, President  
American Falls, Idaho 83211  
208-226-2562

Craig Evans, Vice President  
1523 W. 300 N.  
Blackfoot, Idaho 83211  
208-680-3527

Randall C. Budge, Gen. Counsel/ Secretary  
P. O. Box 1391  
Pocatello, Idaho 83204-1391  
208-232-6101

Lynn Tominaga, Executive Director  
IGWA  
P.O. Box 2624  
Boise, Idaho 83701  
208-381-0294

**Members:**

American Falls-Aberdeen GW District  
Bingham GW District  
Bonneville-Jefferson GW District  
Jefferson-Clark GW District  
Madison GW District  
Magic Valley GW District  
North Snake GW District  
Southwest Irrigation District  
Busch Agricultural Resources, Inc.  
Jerome Cheese  
United Water, Inc.  
City of American Falls  
City of Blackfoot  
City of Chubbuck  
City of Heyburn  
City of Jerome  
City of Paul  
City of Post Falls  
City of Rupert

June 13, 2013

Steve Howser, Manager  
Aberdeen-Springfield Canal Company  
P.O. Box 857  
Aberdeen, Idaho 83210


*Re: 2013 Storage Water Lease*

Dear Steve:

This letter will confirm that IGWA approves of the request made by Aberdeen-Springfield Canal Company that it be released from its obligation to supply the lease minimum amount of 10,000 AF of storage for 2013. This is approved in consideration for the 8,639 AF of storage water carried over from 2012 and available to meet IGWA's 2013 mitigation obligations.

IGWA recognizes and appreciates the long-time good working relationship with Aberdeen-Springfield which has been most helpful in enabling the Ground Water Users to meet their mitigation obligations in times of need and is happy to be able to provide reciprocal benefit to meet the needs of Aberdeen-Springfield.

Sincerely,

  
RANDALL C. BUDGE

RCB:rr

Cc: Lyle Swank, Water Master  
IGWA Board

# Exhibit C

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY  
CHARTERED**

W. MARCUS W. NYE  
RANDALL C. BUDGE  
JOHN A. BAILEY, JR.  
JOHN R. GOODELL  
JOHN B. INGELSTROM  
DANIEL C. GREEN  
BRENT O. ROCHE  
KIRK B. HADLEY  
FRED J. LEWIS  
ERIC L. OLSEN  
CONRAD J. AIKEN  
RICHARD A. HEARN, M.D.  
LANE V. ERICKSON  
FREDERICK J. HAHN, III  
PATRICK N. GEORGE  
SCOTT J. SMITH  
JOSHUA D. JOHNSON  
STEPHEN J. MUHONEN  
DAVID E. ALEXANDER  
CAROL TIPPI VOLYN  
JONATHAN M. VOLYN  
THOMAS J. BUDGE  
BRENT L. WHITING  
DAVE BAGLEY  
JASON E. FLAIG  
AARON A. CRARY  
JOHN J. BULGER  
BRETT R. CAHOON  
NOLAN E. WITTRICK  
RACHEL A. MILLER

201 EAST CENTER STREET  
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TELEPHONE (208) 232-6101  
FACSIMILE (208) 232-6109

[www.racinelaw.net](http://www.racinelaw.net)

SENDER'S E-MAIL ADDRESS: [rcb@racinelaw.net](mailto:rcb@racinelaw.net)

**BOISE OFFICE**  
101 SOUTH CAPITOL  
BOULEVARD, SUITE 300  
BOISE, IDAHO 83702  
TELEPHONE: (208) 398-0011  
FACSIMILE: (208) 433-0167

**IDAHO FALLS OFFICE**  
477 SHOUP AVENUE  
SUITE 107  
POST OFFICE BOX 50698  
IDAHO FALLS, ID 83405  
TELEPHONE: (208) 528-6101  
FACSIMILE: (208) 528-6109

**ALL OFFICES TOLL FREE**  
(877) 232-6101

LOUIS F. RACINE (1917-2005)  
WILLIAM D. OLSON, OF COUNSEL  
JONATHAN S. BYINGTON, OF COUNSEL

June 24, 2013

Lyle Swank, Water Master  
Water District 1  
900 N. Skyline Drive, Suite A  
Idaho Falls, Idaho 83402  
Email: [lyle.swank@idwr.idaho.gov](mailto:lyle.swank@idwr.idaho.gov)

*Re: 2013 Storage Water Assignment to Twin Falls Canal Company*

Dear Lyle:

Pursuant to the Director's *Final Order Regarding April 2013 Forecast Supply* dated April 17, 2013 ("2013 Order"), IGWA has a predicted in-season demand shortfall of 14,200 AF to Twin Falls Canal Company ("TFCC"). IGWA now desires to fully satisfy this mitigation obligation by assigning 14,200 AF of storage water to TFCC from its 2012 carryover storage released pursuant to the Director's *Order Releasing IGWA from 2012 Reasonable Carryover Shortfall Obligation* dated June 17, 2013, as follows:

LESSOR:	VOLUME:
Enterprise Canal Company	3750 AF
Peoples Canal Company	3750 AF
Aberdeen-Springfield Canal Company	6700 AF (leaving 2239 unassigned balance)
TOTAL:	14,200 AF

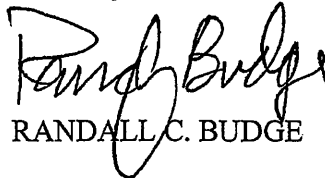
June 24, 2013

Page 2

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By copy of this letter I am advising the Director, TFCC, and the Lessors of the foregoing. Should any of you have any questions, please don't hesitate to contact me. Thank you for your assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

cc: Gary Spackman, Director/IDWR  
Twin Falls Canal Company:  
    Brian Olmstead, Manager  
    Travis Thompson, Attorney  
IGWA Board  
Aberdeen-Springfield Canal Company:  
    Steve Howser, Manager  
Enterprise Canal Company  
    Darrell Kerr, President  
Peoples Canal Company  
    Steven H. Murdock, Secretary



# Exhibit D



LYLE SWANK  
WATERMASTER  
Phone (208) 525-7172  
Fax (208) 525 7177

State of Idaho  
**Water District 1**  
900 N Skyline Dr., Suite A  
Idaho Falls, Idaho 83402-1718

IDWR DIRECTOR  
GARY SPACKMAN

June 25, 2013

Steve Howser, Manager  
Aberdeen-Springfield Canal Company  
PO Box 857  
Aberdeen, ID 83210

Randy Budge  
Racine Olson Nye Budge & Bailey  
PO Box 1391  
Pocatello, ID 83204-1391

Dear Sirs:

Water District 1 has received a letter from IGWA dated June 13, 2013 releasing Aberdeen-Springfield Canal Company of their 2013 obligation to supply 10,000 AF of storage for 2013 and a letter dated June 24, 2013 assigning the water held from the 2012 season for the AFRD#2 reasonable carryover. The Director did release IGWA from the 2012 carryover obligation in his order dated June 17, 2013.

At the Rental Pool meeting held on April 23, 2013 there was considerable discussion regarding the water that was held over for the AFRD#2 carryover obligations and how it should be treated in 2013. It was clear in that meeting use of the storage in 2013 for a 2013 obligation would require a new 2013 private lease with the appropriate fees. Therefore, if Aberdeen-Springfield is going to lease water from its 2013 storage allocation to IGWA, a new 2013 lease with appropriate fees is required. Be aware that any 2013 lease between Aberdeen-Springfield and IGWA will result in the Aberdeen-Springfield space becoming last-to-fill for 2014. Also, any new 2013 private lease could jeopardize Aberdeen-Springfield's eligibility to rent storage from the 2013 Common Pool this year.

Please let me know if you have any questions regarding this matter.

Sincerely,

Lyle Swank  
Watermaster

Exhibit  
E

## Travis Thompson

---

**From:** Randy Budge <rcb@racinelaw.net>  
**Sent:** Tuesday, August 27, 2013 11:54 AM  
**To:** Travis Thompson  
**Cc:** Randy Budge; T. J. Budge; Lynn Tominaga (lynn\_tominaga@hotmail.com); (csearle@pmt.org); (pisom@ida.net); binghamgroundwtr@cableone.net; carlquil@yahoo.com; Craig Evans; Dale L. Swensen; Dean Stevenson (desteve@pmt.org); Deegt@aol.com; Don E. Parker (parkerdp6@msn.com); Emily Haynes; Jason Webster; Kirk Jacobs; Nic Behrend; nsfinc@safelink.net; nsgwd@safelink.net; Pamela Warner; thewatkinsco@cs.com; William A Parsons; wmurphy@srv.net  
**Subject:** IGWA - TFCC

Travis,

The transfer by IGWA of the additional storage water to TFCC to bring the total to 14,200 was authorized last week and I believe completed yesterday by WD01.

Randy

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