

FAX COVER SHEET

May 6, 2005

TO: Phillip J. Rassier
Deputy Attorney General
Idaho Department of Water Resources

Fax: (208) 287-6700

FROM: Josephine Beeman

FILE NO.: Water Resources Coalition's Amended Mitigation Plan

MESSAGE: Following is Exhibit A and Exhibit B of the Water Resources Coalition's Amended Mitigation Plan dated May 5, 2005.

The information contained in this facsimile is confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 3

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL (208) 331-0950.

ORIGINAL BY MAIL: YES _____ NO x_____

BEEMAN & ASSOCIATES, P.C.

409 West Jefferson Street

Boise, Idaho 83702

Phone: (208) 331-0950

Fax: (208) 331-0954

office@beemanlaw.com

Exhibit A

Mitigation Requirement for Water Rights Subject to Curtailment Order Processors/Cities Mitigation Plan

			(1)	(2)	(3)
Owner	Water Right	Priority Date	Annual Consumptive Use (af)	Total Mitigation Requirement Over Time for 2005 Pumping (af)	Minimum Mitigation Supply to be Provided in 2005 (af)
City of Pocatello	29-7770	5/21/1984	715	529	200
Con Agra/Lamb-Weston	35-8669	4/21/1988	3	3	1
Total			718	532	201

Notes

- (1) Annual consumptive use for Pocatello's water right No. 29-7770 based on estimated irrigation water requirement of 2.5 af/ac and 286 irrigated acres.
Annual consumptive use for Con Agra/Lamb-Weston water right no. 35-8669 was assumed to be approximately 3 af based on a landscape irrigation water requirement for 1 acre.
- (2) The total mitigation requirement over time resulting from pumping in 2005 was computed as the estimated total accrual to the Near Blackfoot to Minidoka reach of the Snake River as a result of curtailment of the subject wells based on the annual consumptive use for each well and unit response functions from IDWR's reformulated ESPA ground water model as implemented in the "Enhanced Ground-Water Rights Transfer Spreadsheet" (3/16/05 beta version) prepared by the Idaho Water Resources Research Institute.
- (3) The minimum mitigation requirement during the 2005 plan year (5/2005 - 4/2006) was computed based on the accruals to the Near Blackfoot to Minidoka reach of the Snake River that would occur during the 2005 plan year as a result of curtailing pumping of the subject well during 2005. The remainder of the accruals to the Near Blackfoot to Minidoka reach resulting from curtailment in 2005 (see [2] above) would occur after the 2005 plan year, and these amounts would be provided as mitigation in future years subject to the obligation being cancelled by filling of the reservoir space of the Surface Water Coalition members..

Exhibit B

Replacement Water Sources Processors/Cities Mitigation Plan

Source	Priority Date	Annual Amount (af)	Description
Water Right No. 45-2748	5/9/1966	642.7	This water right was originally licensed for industrial use and was transferred to irrigation use in Transfer No. 3960 approved in 1996. The historical consumptive use for the water right was determined by IDWR during the transfer to be 642.7 acre-feet per year.
Water Right No. 36-4179	8/9/1959	689	This water right was used for industrial process without land application as the method of industrial wastewater treatment at Simplot's Heyburn potato processing plant. Simplot retained this water right and 1723.11 af/y of the combined limit (for water right nos. 36-4179, 36-08154, 36-02648A, 36-04180 and 36-02729) when it conveyed the plant to the City of Burley in 2004. The consumptive use for this water right was estimated at 40% of the annual amount, or 689 af/y.
Water District 01 Rental Pool		100+	Pocatello has acquired 100 acre-feet of water from the 2005 small user pool within the Water District 01 Rental Pool. Additional amounts may be rented by the Applicants for mitigation depending on availability and need.
Palisades Reservoir Contract No. 14-06-100-1825 (Water Right Nos. 01-10043, 01-02068, 01-04056, 01-04057)	3/29/1921 7/28/1939 5/3/1957 7/3/1957	4.1667% of storage in Palisades Reservoir (approx. 50,000 af)	The contract allocates 4.1667% of the active storage capacity of Palisades Reservoir to Pocatello. The City is entitled to 4.1667% of the water stored annually and has the right to carry over water to the next year. The City's Palisades Reservoir storage space is currently filling and the final amount of stored water that will accrue and be available in 2005 for mitigation is unknown at the time of filing of the mitigation plan.