

RECEIVED

AUG 07 2013

DEPARTMENT OF
WATER RESOURCES

C. Lee Barron
Rt 1 Box 2075
Corral, Idaho 83322
208-764-3349

August 6, 2013

Director
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098
Attn: Gary Spackman

Dear Director Spackman:

It is my understanding that the Water Department had a meeting last week of interested water users to determine whether to include the Camas Creek drainage area in Camas County in a new district with the Wood River valley users. This is proposed, ostensibly, to clear up priority issues that concern the Wood River canal company's rights in Magic Reservoir. I am writing you this letter in response to your call for a 10 day comment period.

I am a lifelong resident of Camas County who has always lived on and had water rights on Corral Creek and Camas Creek. I hold the degrees of Bachelor of Science of Geological Engineering, Bachelor of Science of Metallurgical Engineering and Master of Science of Metallurgical Engineering from the University of Idaho. I have been a licensed well driller in Idaho since 1967. My company designed and drilled the majority of the irrigation wells that are now being pumped in this valley and drilled the primary well for the Village of Fairfield. I have test pumped the wells that I drilled in a structured and scientific manner using the method developed by the staff of the Johnson Well Screen Company. The Johnson test was developed from the Modified Theis formula. I was retained for many years to collect well performance data during the pumping season for the Camas Creek Ranch who owns a widely spaced array of irrigation wells all over this valley. I am absolutely positive that I have the only valid long term data of the performance of the aquifer that underlies the Camas Prairie.

As a user of water rights that are far superior to anything that the Wood River Canal Company has and as a pioneer in the development of and cognizant of virtually every deep well used for irrigation in this valley, I feel that the knowledge and data that I have of the water use and of the water potential of this valley is equal to or superior to any official water survey or any person living.

It is demonstrable both by observation and history that the possible effect on the water flows in the Wood River drainage due to pumping in this valley is disappearingly minimal. The data that I have collected shows that this valley is a standalone water system and that it has not been fully developed to the benefit of the residents of this valley. Historically, Camas Creek floods with the snow melt in the spring for 6 to 8 weeks and then, because of surface water rights on its tributary creeks that were granted in the early 1880's, virtually dries up. The traditional outflow of Camas Creek has historically been sufficient to provide 40 to 60% of the storage capacity of Magic Reservoir. 50 or 60 years ago the Wood River flow filled the reservoir and flowed enough to keep it full well into midsummer. For those of us who have lived here that long, the problem for the canal company comes from the continuing greening of the Wood River valley. When I was a young man, driving up highway 75 (then Highway 93) from Timmerman Hill to North Fork, there were large areas of un-watered ground south of Bellevue, between Bellevue and Hailey, between Hailey and Ketchum and between Ketchum and North Fork. Now it is virtually all lawn, grass, forest, landscaping or pools. Since the irrigation rights in the Wood River valley were already adjudicated before 1900 and what was left over was filed on by the Wood River Canal Company for Magic reservoir, the only possible way that all that greenery can be irrigated is from ground water. I would point out that the Idaho Constitution provides that domestic

water use from wells can be no more than 9 gallons per minute. As a farmer and irrigator for some 40 years, I would suggest that grass pastures and arboretums take a lot of water. As a well driller with about 45 years of experience in drilling and pump installation, I would point out that a well with a 50 foot lift does not require a 3 to 10 horsepower pump to provide the 9 gallons a minute allowed a domestic user ... $\frac{1}{2}$ to $\frac{3}{4}$ horsepower will generally do the trick. I would suggest that if the Wood River canal company is not receiving its legal share of water that they measure the discharge of the domestic wells in the Wood River valley.

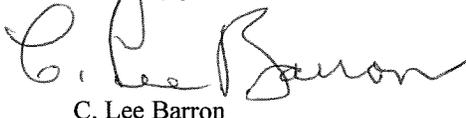
As to the Camas Creek drainage, it is apparent to me because of my study and observations that it has almost no effect on the lower Wood River valley after the snow melt has been drained. I know that over the years that the water department has held that it and its tributaries are intermittent streams and I have documentary evidence that this has been true for at least 90 years.

I would assert that the water department must model the Camas Creek drainage system and characterize the Camas Prairie aquifer before making any determination to include it in a water district with the Wood River valley. If that study should find that the Camas area does indeed stand alone, I would strongly recommend that the irrigation well moratorium on this valley be lifted so that the citizens of this county can enjoy the benefit of their resource.

I would also point out that if the Camas drainage is included with the Wood River valley drainage to be managed as a single unit, then it would be possible for the water from the Camas drainage to be transferred up the Wood River valley. I believe that the great difference in population between the two areas would soon work a tyranny on the residents of Camas County. I also believe that this would be a violation of a long standing principle in Idaho water law to deny transfer of water from one drainage to another.

I would ask you to declare the Camas Creek area a separate water district and I stand ready to support my assertions in support of this determination with testimony and data at your desire.

Sincerely yours,



C. Lee Barron

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
950 W. BANNOCK STREET, SUITE 520; BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202 www.msbtlaw.com

STEPHANIE J. BONNIY*
SUSAN E. BUXTON*
PAUL J. FITZER
JILL S. HOLINKA
CHRISTE D. MCLAIN
BRUCE M. SMITH
PAUL A. TURCKE*

JOHN J. MCFADDEN *of Counsel*
MICHAEL C. MOORE *of Counsel*

* Also admitted in Oregon
† Also admitted in South Dakota
‡ Also admitted in Utah
§ Also admitted in Washington

August 9, 2013

Via Facsimile: (208)287-6700
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: In the Matter of the Proposed Combination of Water District Nos. 37, 37A, 37C,
and 37C – Comments of the City of Ketchum

To Whom It May Concern:

Enclosed, please find the City of Ketchum's comments in regard to the above referenced matter. Please file the document and return a conformed face sheet to fax number 331-1202. Thank you for your assistance in this regard.

Sincerely,

MOORE SMITH BUXTON & TURCKE, CHARTERED



Kat M. Donovan
Paralegal to Bruce M. Smith

:kd
Encl.

Bruce M. Smith, ISB #3425
 MOORE SMITH BUXTON & TURCKE, CHTD.
 Attorneys at Law
 950 West Bannock Street, Suite 520
 Boise, ID 83702
 Telephone: (208) 331-1800
 Facsimile: (208) 331-1202
 Email: bms@msbtlaw.com

Attorneys for City of Ketchum

BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO

IN THE MATTER OF THE PROPOSED)
 COMBINATION OF WATER DISTRICT NOS.)
 37, 37A, 37C AND 37M AND THE INCLUSION)
 OF BOTH SURFACE WATER AND GROUND) COMMENTS OF THE CITY
 WATER RIGHTS IN THE COMBINED WATER) OF KETCHUM
 DISTRICT; AND IN THE MATTER OF)
 ABOLISHING THE UPPER WOOD RIVERS)
WATER MEASUREMENT DISTRICT.)

These are the comments of the City of Ketchum in response to the Director’s proposal to take action to consolidate and/or eliminate certain administrative bodies in Basin 37 as outlined in the Notice of Public Hearing issued on July 10, 2013 (“Notice”).

Although four potential actions are proposed in the Notice, the City of Ketchum is focused on proposals (c) and (d) which are identified as:

- (c) Include in the combined district ground water rights from the Upper Wood Rivers Water Measurement District (UWRWMD) overlying the combined district and located in that portion of the Department’s Administrative Basin 37 outside of the Eastern Snake Plain Aquifer (ESPA) and WD130 as shown on the map in Attachment A of this notice; and
- (d) Abolish the UWRWMD.

At this time, with reference to item (c), the City of Ketchum opposes inclusion of ground water rights from the Upper Wood River Water Measurement District (UWRWMD) into Water District 37.

With response to item (d), the City of Ketchum recommends not abolishing the UWRWMD.

The only basis provided by the Notice for items (c) and (d) is that "The combination and revision of water districts as proposed in this hearing notice is necessary in order to properly administer the water uses and water rights from both surface water and ground water sources in the combined water district area." See Notice, p. 2. The City of Ketchum does not believe this conclusory statement is adequate to support consolidation of ground water sources and surface water sources into a single district given the nature of measures underway in Basin 37. Further, there are various aspects to a combined water district that are completely overlooked in the Notice.

The Department, in cooperation with USGS, is currently undertaking to develop a ground water model that most informed users recognize will play a role in implementing conjunctive management in Basin 37. Until that model is completed, combining ground water and surface water into a single district is premature. There are too many hydrologic unknowns between ground and surface water resources to support such a significant step.

Operation and functioning of a water district reflects hydrologic, economic, and administrative components. No information is provided in the Notice as to how these various

functions would be handled in a combined ground/surface water district. Any Notice regarding a combined district should, at a minimum, explain costs, management, potential administrative conflicts between ground and surface users and identify hydrologic issues such that forming such a district is prudent and informs potentially affected members. The Notice does not meet that threshold. A new, combined district should not lead to more complications than it eliminates. The current Water District 37 water master is doing a good job. How and whether he would be able to handle a combined ground/surface water district needs to be considered and explained. If existing Water District 37 assessments would increase, current members need to be made aware of that. The same is true for members of the UWRWMD. Thus, a budget for a combined district should be presented as part of any proposal to significantly modify existing Water District 37 operations.

Importantly, if conjunctive management issues create a need for certain water users to mitigate for potential impacts, it would be difficult to have too broad a membership reflected in a single district. Some surface water users have generically suggested ground water users will be required to mitigate for impacts to surface water rights. That is not an immediate issue, but it would be extremely difficult, and perhaps legally impossible, to address such allegations in a combined district.

The UWRWMD has made considerable progress with its duties and has apparently done so in an efficient manner at a reasonable cost. It appears to be working as intended. The City sees no reason for changing what is working.

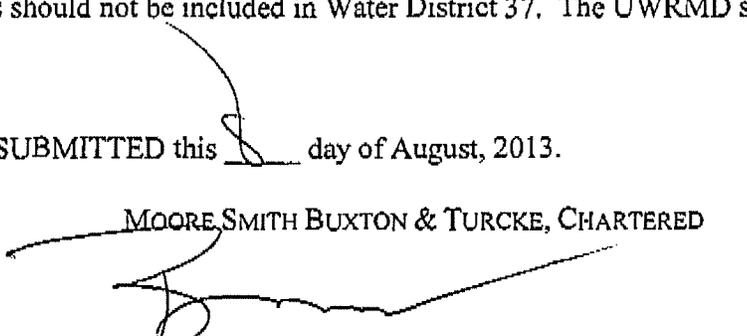
Given the lack of detail and explanation supporting a combined ground/surface water district, coupled with potential conflicts, the City cannot support combining ground water rights with existing Water District 37 at this time. The record does not support such a decision.

CONCLUSION

Ground water rights should not be included in Water District 37. The UWRMD should remain in place.

RESPECTFULLY SUBMITTED this 8 day of August, 2013.

MOORE SMITH BUXTON & TURCKE, CHARTERED



Bruce M. Smith
Attorney for the City of Ketchum

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of August, 2013, I caused to be served a true and correct copy of the foregoing COMMENTS OF THE CITY OF KETCHUM by placing a copy of said instrument in the United States mail, postage paid, and addressed to the following:

Original to: (Via Facsimile)

Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
Facsimile: (208)287-6700

Copies to: (Via First Class U.S. Mail and Email)

Allen Merritt
IDWR Southern Region Manager
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

- Via Hand Delivery
- Via U.S. Mail
- Via Facsimile: (208)736-3037
- Via E-mail: allen.merritt@idwr.idaho.gov



Bruce M. Smith

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AT LAW

950 WEST BANNOCK, SUITE 520
BOISE, ID 83702

TELEPHONE (208) 331-1800 FAX (208) 331-1202

FACSIMILE COVER SHEET

DATE: August 9, 2013 RECIPIENT'S FAX: 287-6700

TO: IDWR CLIENT: 1536-03

RE: Comments of the City of Ketchum

FROM: Bruce M. Smith/Kat

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 7

- ORIGINAL WILL NOT BE SENT
- ORIGINAL WILL BE SENT BY FIRST CLASS MAIL
- ORIGINAL WILL BE SENT BY FEDERAL EXPRESS

ADDITIONAL COMMENTS:

***** IMPORTANT MESSAGE *****

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37M
107 WEST 1ST
SHOSHONE, IDAHO 83352
(208) 886/2451



RE:

IN THE MATTER OF THE PROPOSED COMBINATION OF WATER DISTRICT NOS. 37, 37A, 37C AND 37M
AND THE INCLUSION OF BOTH SURFACE WATER AND GROUND WATER RIGHTS IN THE COMBINED
WATER DISTRICT; AND IN THE MATTER OF ABOLISHING THE UPPER WOOD RIVERS WATER
MEASUREMENT DISTRICT

July 31, 2013

Director Gary Spackman
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Director Spackman:

I am writing to give testimony concerning the combination of water districts in Basin 37 and the inclusion of ground water and surface water into a combined water district in Basin 37.

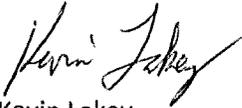
During testimony on July 30th in Hailey, some witnesses voiced concern that a water district with both surface and ground water would leave ground water users with no voting power if a credentials/assessment vote were taken because surface water users divert so much more water than ground water users. Their testimony also implied this voting power could then be abused when conjunctive management was enforced in a combined water district.

As you and I both know, water users will not vote on how conjunctive management will be enforced. Water users only vote on budget, hiring, and resolutions. IDWR will enforce conjunctive management. Also, as to representation on an Advisory Committee, the representation of our current committee is not based on volumes of water diverted. It is based loosely on geographic region and types of beneficial

use. If/when a new water district is formed; a steering committee will be selected to decide how the advisory committee will be organized. From past experience with water users in this district, I am confident a fair representation of all water users will be established. I fully appreciate the fact that ground water users are apprehensive about moving into a water district and ultimately face regulation, but I believe their worries about equal representation are unfounded.

Thank you for the opportunity to submit this testimony, and I look forward to your order being issued later this year.

Respectfully,

A handwritten signature in black ink that reads "Kevin Lakey". The signature is written in a cursive style with a large, sweeping initial "K".

Kevin Lakey

Watermaster, Water Districts 37 & 37M

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AUG 05 2013

EASTERN SUPERVISORY AREA
Jerome Office
324 South 417 East
Jerome, ID 83338
Phone (208) 324-2561
Fax (208) 324-2917
name@idl.idaho.gov



TOM SCHULTZ, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

DEPARTMENT OF
WATER RESOURCES
STATE BOARD OF LAND COMMISSIONERS
C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D. Woolf, State Controller
Tom Luna, Sup't of Public Instruction

August 1, 2013

Gary Spackman
Director
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

RE: Combination of Water District Nos. 37, 37A, 37C and 37M (Surface Water & Ground Water) and Abolishing the Upper Wood Rivers Water Measurement District Located Within Portions of Blaine, Camas, Lincoln and Gooding Counties, Idaho

Dear Mr. Spackman:

Thank you for the opportunity to review and comment on the proposed water district combinations and abolishment of the measurement district as noted above.

As you may know, Idaho Department of Lands' (IDL) mission is to manage State Endowment Trust Lands (Endowment Lands) in a manner that will maximize long-term financial returns to the Beneficiary Institutions. The IDL mission is a constitutional mandate and is overseen by the State Board of Land Commissioners. Endowment Lands are not managed for the public at large and should not be referred to as "public lands" or "open space," either specifically or in a generic sense. These are working lands producing revenue for the Beneficiary Institutions.

IDL has reviewed the public hearing notice provided by the Idaho Department of Water Resources for the applications as listed above. Based on the documentation provided to IDL, the applications will not impact Endowment Lands at this time. Should the applications be modified during the review or approval process, IDL requests that updated information be submitted to IDL's Eastern Supervisory Office for additional review.

Thank you again for the opportunity to review and comment on these applications. Please contact the IDL Eastern Area Manager, Pat Brown at (208) 525-7167 or myself if you have questions or need more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Julianne Shaw".

Julianne Shaw
Assistant Planner
(208) 334-0262
ishaw@idl.idaho.gov

Ecc: Tim Luke, IDWR Project Manager tim.luke@idwr.idaho.gov
Pat Brown, Area Manager, Eastern Supervisory Area
Kate Langford, Strategic Business Analyst-Planning

"Trusted Stewards of Idaho's Resources, From Main Street to Mountaintop"

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AUG 05 2013

DEPARTMENT OF
WATER RESOURCES

34 RANCH
TERRY D. & KRISTINE M. RUBY
1370 SOUTH 1700 EAST
GOODING, IDAHO 83330
208-731-1527

August 2, 2013

Director
Department of Water Resources
PO Box 83720
Boise, Idaho 83720

Sir:

I attended and testified at the hearing on July 30. After hearing some of the testimony I felt more comment was needed.

My family has owned property in Hill City since 1901 with the filing on our spring around 1903. This spring irrigates approximately 220 acres and is used for stock water as well.

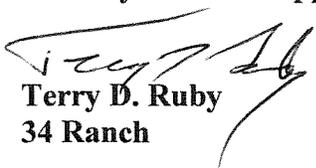
In the late 70's a well was illegally drilled approximately 1 mile east of our spring and through the early 80's it continued to drain our spring, most times as quickly as 24 hours after turning on. This well was found to have been drilled with slotted pipe to take advantage of the surface water. This well collapsed in the early 80's and the owner requested to re-drill. IDWR, the owners and ourselves met in Fairfield to discuss this matter and the well was drilled with the stipulation that it be solid cased below the surface water depth so as not to affect our spring.

To date, this well has operated with no noticeable effect on our spring.

I don't know if there are other wells in the area that have been drilled to take advantage of the surface water but I would like to see IDWR look at those drill logs to find out.

I further feel that Camas County should be one measurement district and not combined with the rest. It is a different water shed than the Wood River Valley, it is less populated than the Wood River Valley and I fear that combining would bring about a voting war that Camas County would ultimately lose.

Thank you for the opportunity to comment.


Terry D. Ruby
34 Ranch

Dave Bell
P.O. Box 13
Ketchum, Idaho 83340
(208) 726-3463

August 7, 2013

Director
Idaho Dept. of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

RE: Water District 37, 37A, 37C, 37M, surface and ground water combination

Dear Director,

I support the inclusion of the Upper Wood Rivers Water Measurement District into Water District 37 and 37M. After listening to testimony at the Public Hearing on July 30, 2013 from users in WD37A and WD37C, I respect their opinion to be excluded from the Departments proposal.

Sincerely,



Dave Bell

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AUG 07 2013

DEPARTMENT OF
WATER RESOURCES

William A. Simon
P. O. Box 364
Fairfield, Idaho 83327

DIRECTOR, Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720--0098

Director:

In regard to the anticipated formation of water districts in basin 37.

1. I have spoken to a large majority of water users in the Camas Creek drainage and we all indorse a Separate district for our drainage.
2. There is no water model for Camas Creek as opposed to the nearly completed model for the Upper Wood River basin.
3. There are water issues in the Upper Wood River that are not present in the Camas Creek area.
4. The two aquifers are not connected.
5. We know that we will be in a water district, we know that our water will be measured, we know that we will have assessments, we know that we will have to organize and elect a board and hire a watermaster. We are prepared to do all this responsibly.

Sincerely,

William A. Simon

08/07/2013

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AUG 08 2013

DEPARTMENT OF
WATER RESOURCES

To the Director of Dept. of Water Resources:

We feel that Camas County would be more efficient continuing as Camas County Water District with surface water and deep well water. We do not want our water district combined with another district as it would loss our independence and control on our County Water Rights.

Camas County residences are conservative in their water use, so it is our beliefs that it should stay as Camas County Water District.

Mitchell B. Schmidt *Mitchell B. Schmidt*

08/07/2013

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AUG 08 2013

DEPARTMENT OF
WATER RESOURCES

To the Director of Dept. of Water Resources:

We feel that Camas County would be more efficient continuing as Camas County Water District with surface water and deep well water. We do not want our water district combined with another district as it would loss our independence and control on our County Water Rights.

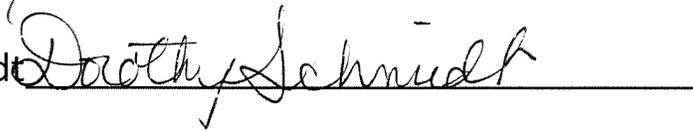
Camas County residences are conservative in their water use, so it is our beliefs that it should stay as Camas County Water District.

Gordon Schmidt



A handwritten signature in cursive script, appearing to read 'Gordon Schmidt', written over a horizontal line.

Dorothy Schmidt



A handwritten signature in cursive script, appearing to read 'Dorothy Schmidt', written over a horizontal line.

Residence of Camas County for over 60 years

RECEIVED

AUG 08 2013

DEPARTMENT OF
WATER RESOURCES

LAWSON LASKI CLARK & POGUE, PLLC
ATTORNEYS AT LAW

James R. Laski
jrl@lawsonlaski.com

675 SUN VALLEY ROAD, SUITE A
POST OFFICE BOX 3310
KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
WWW.LAWSONLASKI.COM

August 7, 2013

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0058

Attention: Gary Spackman, Director

Re: *In the Matter of the Proposed Combination of Water District Nos. 37, 37A, 37C and 37M and the Inclusion of Both Surface Water and Ground Water Rights in the Combined Water District; and in the Matter Abolishing the Upper Wood Rivers Water Measurement District*

Dear Director Spackman:

I represent the owners of several surface and ground water rights and also hold small surface water rights personally. The purpose of this letter is to register my objection to the combination of the water districts as proposed in the above-referenced matter.

When the Upper Wood River Measurement District was initially proposed, its purpose was stated to be the predecessor to a Ground Water District. The present proposal sidesteps that step and creates a combined Water District for surface and ground water users. Given the potentially disparate interests of ground water users and surface water users, the present proposal undermines the ability of each to protect their unique rights. Until a workable plan for conjunctive management is agreed upon, including an accepted water model and appropriate methods for determining material injury and the cause thereof, it is inappropriate to have ground and surface water districts jointly administered.

In addition, the proposed inclusion of Camas County waters rights in the District makes little sense as mitigation efforts in Camas County would be wholly separate from those of the Wood River Valley and any administrative efficiency would be lost in addressing unrelated issues between the two distinct areas.

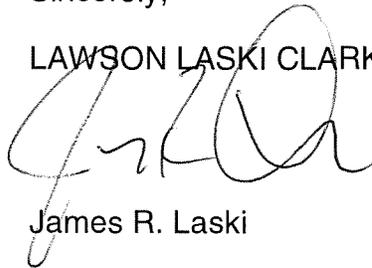
Attn: Gary Spackman, Director
Idaho Department of Water Resources
August 7, 2013
Page 2

Finally, based on the comments made at public meetings, there appears to be little support among water users for combining these districts.

Thank you for your consideration of the foregoing.

Sincerely,

LAWSON LASKI CLARK & POGUE, PLLC

A handwritten signature in black ink, appearing to read "JRL", is written over the printed name of the sender.

James R. Laski

JRL/dle
cc: Client

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AUG 09 2013

DEPARTMENT OF WATER RESOURCES August 8, 2013

Director, Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

RE: Written Comments regarding combining Water District No. 37

This letter is in regards to your considering including the Camas County water users into the Upper Wood River Water District. As a ground water user in Camas County, I feel our area will be better served and supervised if allowed to establish our own district separate from the infighting and politics within the Upper Wood River Water District. I believe much can be gained through a more local control similar to what is experienced in the education/school system. Bigger is not always better.

Sincerely,


Matt McLam

37-7851
37-8301
37-8543
37-8890
37-22366
37-22367
37-22370
37-22371

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AUG 09 2013

DEPARTMENT OF
WATER RESOURCES
J. EVAN ROBERTSON
GARY D. SLETTE

Robin L. Moore - Paralegal

Robertson & Slette, p.l.l.c.

ATTORNEYS AT LAW

134 Third Avenue East
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 933-0700
FAX (208) 933-0701



J. EVAN ROBERTSON

August 7, 2013

VIA EMAIL gary.spackman@idwr.idaho.gov
& REGULAR U.S. MAIL

Gary Spackman, Director
Idaho Dept. of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: In the Matter of the Proposed Combination of Water District Nos. 37, 37A, 37C and 37M, and the Inclusion of Both Surface Water and Groundwater Rights in the Combined Water District; and in the Matter of Abolishing the Upper Wood Rivers Water Measurement District

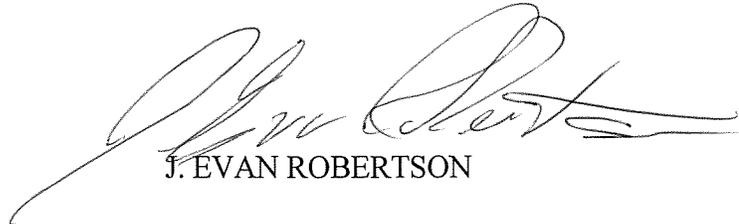
Dear Director Spackman:

I represent the Sun Valley Water and Sewer District, whose potable water supply is derived from various groundwater rights which it holds. My client has been an active member of the Upper Wood Rivers Water Measurement District with its general manager, Mr. Pat McMahon, serving on the District's Board. While my client understands, and agrees with, the abolition of the Water Measurement District, it has several concerns and questions over the proposed consolidation of the existing Basin 37 Water Districts and the inclusion of groundwater rights therein. Prior to the public hearing held in this matter on July 30, 2013, I spoke with Michael Creamer about the testimony he was going to provide at the public hearing on behalf of the City of Hailey, and request that your record in these proceedings reflect that the Sun Valley Water and Sewer District concurs with Mr. Creamer's testimony. My client's primary concerns for the proposed consolidation of the Districts are the need for assurances that groundwater users will be provided adequate representation on the advisory committee for the consolidated district, and more information on how administrative costs for the new district will be equitably allocated between ground and surface right holders. Finally, in the face of conjunctive management of groundwater and surface water rights within Basin 37, the Sun Valley Water and Sewer District remains concerned that the inherent and inevitable conflicts

Gary Spackman, Director
August 7, 2013
Page 2

between groundwater uses and surface water uses will negatively impact the ability of the consolidated district to function efficiently and cooperatively. We hope the Department will consider and address these concerns, and other issues expressed at the public hearing, prior to making a final decision on the proposed course of action.

Sincerely,



J. EVAN ROBERTSON

JER:rlm

cc: Pat McMahon, GM
rlm\jer\letter\idwr_spackman

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

August 9, 2013

VIA E-MAIL - Allen.Merritt@idwr.idaho.gov
ORIGINAL WILL FOLLOW BY MAIL

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Administration of Water Rights in Camas Creek Drainage (Basin 37, Part 2)

Dear Allen:

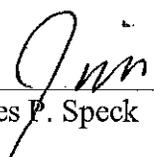
As promised during my testimony at the public hearing on this matter I have enclosed copies of all of the Petitions for Separate Water District signed by my water user clients in the Camas Creek drainage. Since there are numerous overlaps in the signatures I have compiled a spreadsheet listing the signers and sorted by their water right numbers. Please include these documents in the record for this matter.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

JPS/j

cc: clients

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AUG 13 2013

NAME	DEPT. OF WATER RESOURCES SOUTHERN REGION	WATER RIGHT	SIGNED
Ann C. Cueva		37-0003A	X
Smokey Dome LLC		37-00035A	X
John Cristobal		37-00035B	X
Black Butte Hills LLC		37-00036	X
Nancy Ballard		37-00037	X
Smokey Dome LLC		37-00038	X
Otto Florence and Mary Alice Florence		37-00039A	X
Arlin Kelly and Janet Dennis		37-00039C	X
Jessica Weber		37-00050C	X
Brian Clark		37-00050D	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant		37-00055	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant		37-00056	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant		37-00057	X
Ann C. Cueva		37-00057	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant		37-00058	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant		37-00059	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant		37-00077B	X
Black Butte Hills LLC		37-00132	X
Jim Reedy		37-00223	X
Twin Lakes Res.		37-00223	X
Jim Reedy		37-00224	X
Twin Lakes Res.		37-00224	X
Jim Reedy		37-00225	X
Twin Lakes Res.		37-00225	X
Diamond A Livestock Inc.		37-00228	X
Diamond A Livestock Inc.		37-00229	X
SV Ranch LLC		37-00249	X
SV Ranch LLC		37-00250	X
Jim Reedy		37-00341	X
Twin Lakes Res.		37-00341	X
Pat Bennett and Vickie Bennett		37-00343	X
Diamond Soldier Properties LLC		37-00368A	X
Smokey Dome LLC		37-00368B	X
Ann C. Cueva		37-00369B	X
Glenn Koch		37-00388A	X
Glenn Koch		37-00388B	X
Smokey Dome LLC		37-00404A	X
Diamond Soldier Properties LLC		37-00409A	X
Smokey Dome LLC		37-00409B	X
Diamond Soldier Properties LLC		37-00410	X

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AUG 13 2013

NAME	WATER RIGHT	SIGNED
Diamond Soldier Properties LLC	37-00411	X
Wolf Springs Ranch LP	37-00438	X
Wolf Springs Ranch LP	37-00439	X
Wolf Springs Ranch LP	37-00440	X
Wolf Springs Ranch LP	37-00441	X
H.P. Cash	37-00444	X
Smokey Dome LLC	37-00454A	X
John Cristobal	37-00454B	X
Smokey Dome LLC	37-00463A	X
Smokey Dome LLC	37-00463C	X
Bill Davis	37-00473A	X
Bill Davis	37-00474A	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant	37-00487	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant	37-00488	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant	37-00489	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant	37-00490	X
Terry D. Raby	37-00491	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant	37-00492	X
Keith O'Neil Helmick	37-00514	X
Barber Family Associates LP	37-00529	X
Barber Family Associates LP	37-00530	X
Diamond Soldier Properties LLC	37-00570A	X
Scott T. Scheer	37-00591A	X
South Cove Ventures LLC	37-00591B	X
Scott T. Scheer	37-00592A	X
South Cove Ventures LLC	37-00592B	X
South Cove Ventures LLC	37-00593B	X
South Cove Ventures LLC	37-00594B	X
South Cove Ventures LLC	37-00595B	X
Black Butte Hills LLC	37-00596	X
Smokey Dome Ranch	37-00678A	X
Tona B. Stilwill	37-00678E	X
Jerry Strickland / MA Strickland Trust (IDWR says Evelyn G. Strickland is owner)	37-00679D	X
Smokey Dome Ranch	37-00680A	X
Tona B. Stilwill	37-00680E	X
Smokey Dome LLC	37-00728A	X
John Cristobal	37-00728B	X
Ann C. Cueva	37-00836	X
Mtn. Valley Ranch	37-00855	X
Black Butte Hills LLC	37-01200	X

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AUG 13 2013

NAME	WATER RIGHT	SIGNED
Mtn. Valley Ranch	37-01233	X
Strom Ranches Inc.	37-02001	X
Wolf Springs Ranch LP	37-02066	X
Diamond Soldier Properties LLC	37-02076A	X
Smokey Dome LLC	37-02076B	X
Strom Ranches Inc.	37-02089	X
Smokey Dome LLC	37-02103	X
Pat Bennett and Vickie Bennett	37-02144	X
Diamond A Livestock Inc.	37-02147	X
Charles J. Olson	37-02153	X
Diamond Soldier Properties LLC	37-02157	X
Pat Bennett and Vickie Bennett	37-02158	X
Black Butte Hills LLC	37-02211	X
Ralph Campanale	37-02218	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant	37-02224	X
Smokey Dome LLC	37-02227	X
Strom Ranches Inc.	37-02244	X
Strom Ranches Inc.	37-02244B	X
Black Butte Hills LLC	37-02304	X
South Cove Ventures LLC	37-02317	X
Diamond Soldier Properties LLC	37-02455	X
City of Fairfield	37-02457	X
Loy L. Vanskike	37-02482	X
H. Phillip Cash	37-02541	X
David A. Simon	37-02543	X
Jerry L. Caven and Muriel J. Caven	37-02560A	X
City of Fairfield	37-02716	X
Smokey Dome LLC	37-02736A	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant	37-04096	X
Black Butte Hills LLC	37-04099	X
Albert N. Stampke	37-04149A	X
Bill Davis	37-04174	X
Ralph Campanale	37-04297	X
Clare Olson	37-04301	X
Clare Olson	37-04323	X
Clare Olson	37-04325	X
Pat Bennett and Vickie Bennett	37-04343	X
Pat Bennett and Vickie Bennett	37-04359	X
Black Butte Hills LLC	37-04383	X
Black Butte Hills LLC	37-04384	X
Black Butte Hills LLC	37-04386	X
Keith O'Neil Helmick	37-04403	X
SV Ranch LLC	37-07028	X
SV Ranch LLC	37-07029	X

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NAME	WATER RIGHT	SIGNED
Barber Family Associates LP	37-07261	X
Fruehling Family Trust	37-07282B	X
William A. Simon	37-07288A	X
Lynn Stevenson-McPhaul (c/o Wolf)	37-07293	X
Lynn Stevenson-McPhaul (c/o McLam)	37-07294	X
SV Ranch LLC	37-07295A	X
SV Ranch LLC	37-07295B	X
Fruehling Family Trust	37-07333B	X
South Cove Ventures LLC	37-07393	X
Ralph Campanale	37-07403	X
South Cove Ventures LLC	37-07408	X
Clare M. Olson and Karen Y. Olson	37-07456	X
William R. Simon	37-07463	X
John I. Frostenson	37-07482	X
Floyd Crandall	37-07483	X
Michelle Wolf	37-07505A	X
Michelle Wolf	37-07505B	X
Everett Coates Estate	37-07549	X
Frostenson Revocable Trust	37-07554	X
H. Phillip Cash	37-07636A	X
Rodney Gonsales, Melanie J. Gonsales, Dallas E. Smith, Edward E. Smith, Candice R. Smith and Sunnie C. Smith	37-07638	X
Barber Family Associates LP	37-07656	X
Gwinn Rice Ranch Inc.	37-07680	X
Gwinn Rice Ranch Inc.	37-07697	X
Unser Hay Co. LLC	37-07779	X
Gwinn Rice Ranch Inc.	37-07796	X
Matt A. McLam	37-07851	X
Strom Ranches Inc.	37-08057	X
Matt A. McLam	37-08301	X
William A. Fruehling	37-08398	X
Matt A. McLam	37-08543	X
Smokey Dome LLC	37-08608	X
Smokey Dome LLC	37-08609	X
Smokey Dome LLC	37-08610	X
Kenneth A. Backstrom	37-08662	X
Smokey Dome LLC	37-08846	X
Smokey Dome LLC	37-08850	X
Smokey Dome LLC	37-08857	X
Smokey Dome LLC	37-08859	X
SV Ranch LLC	37-08880	X
Matt A. McLam	37-08890	X
Arlin Kelly and Janet Dennis	37-10118	X
Black Butte Hills LLC	37-11989	X
Black Butte Hills LLC	37-12007	X
Mark S. Toone	37-13050	X

RECEIVED

NAME	AUG 13 2013	DEPT. OF WATER RESOURCES SOUTHERN REGION	WATER RIGHT	SIGNED
Fir Grove Limited Partnership			37-13110	X
Jim Reedy			37-13195	X
Twin Lakes Res.			37-13195	X
Jim Reedy			37-13197	X
Twin Lakes Res.			37-13197	X
Claude Hinkle			37-13198	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant			37-13215	X
Smokey Dome Ranch			37-13239	X
Mitchell B. Schmidt, Gordon Schmidt and Dorothy Schmidt			37-13251	X
Smokey Dome LLC			37-13261A	X
John Cristobal			37-13261B	X
Smokey Dome LLC			37-13267A	X
John Cristobal			37-13267B	X
Smokey Dome LLC			37-13268A	X
John Cristobal			37-13268B	X
Smokey Dome LLC			37-13269A	X
John Cristobal			37-13269B	X
Smokey Dome LLC			37-13270A	X
Smokey Dome LLC			37-13271A	X
John Cristobal			37-13271B	X
Diamond Soldier Properties LLC			37-13364	X
Ralph Campanale			37-13369	X
Black Butte Hills LLC			37-15233	X
Jim Reedy			37-19822	X
Twin Lakes Res.			37-19822	X
Smokey Dome LLC			37-19832	X
SV Ranch LLC			37-20315	X
Pitchfork Ranch LLC			37-20344	X
William A. Simon			37-20364	X
William A. Simon			37-20365	X
William A. Simon			37-20366	X
William A. Simon			37-20367	X
William A. Simon			37-20368	X
William A. Simon			37-20369	X
SV Ranch LLC			37-20373	X
SV Ranch LLC			37-20374	X
Smokey Dome Ranch			37-2041A	X
Tona B. Stilwill			37-2041E	X
Black Butte Hills LLC			37-20557	X
Black Butte Hills LLC			37-20558	X
Black Butte Hills LLC			37-20559	X
Black Butte Hills LLC			37-20560	X
Black Butte Hills LLC			37-20561	X
Black Butte Hills LLC			37-20562	X

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AUG 13 2013

NAME	WATER RIGHT	SIGNED
County of Camas	37-20567	X
Pat Florence	37-21188	X
Brian Clark	37-21297	X
Elwyn Tupper	37-21298	X
Ralph Campanale	37-21336	X
Scott T. Scheer	37-21363	X
Black Butte Hills LLC	37-21364	X
Black Butte Hills LLC	37-21364	X
Black Butte Hills LLC	37-21366	X
Scott T. Scheer	37-21367	X
Black Butte Hills LLC	37-21368	X
Black Butte Hills LLC	37-21368	X
Ruth L. Harrison	37-21387	X
Harrison Family Ranch LLC	37-21388	X
Jack Anderson	37-21390	X
Ruth L. Harrison	37-21391	X
Smokey Dome LLC	37-2139A	X
John Cristobal	37-2139B	X
Dean McGough	37-21432	X
Jerry L. Caven and Muriel J. Caven - Royal Fork Restaurant	37-21488	X
Charles J. Olson	37-21657	X
Judy Cash	37-21666	X
South Cove Ventures LLC	37-21720	X
Jimmy D. Kramer and Marianne Kramer	37-21723	X
Simon Farms Inc.	37-21724	X
Clare Olson	37-21732	X
Joe Adamski	37-21777	X
Terry D. Raby	37-21792	X
Bonnie E. Fox	37-21795	X
William M. Yingst	37-21796	X
Selby Crossing LLC	37-21809	X
Gary McStay and Mari McStay	37-21829	X
Gary McStay and Mari McStay	37-21831	X
Ed Terrazas	37-21832	X
Strom Ranches Inc.	37-21835	X
Gwinn Rice Ranch Inc.	37-21840	X
Ruth L. Harrison	37-21951	X
Harrison Family Ranch LLC	37-21953	X
Simon Farms Inc.	37-22184	X
Simon Farms Inc.	37-22185	X
Simon Farms Inc.	37-22186	X
Simon Farms Inc.	37-22187	X
Simon Farms Inc.	37-22188	X
Simon Farms Inc.	37-22189	X
Jimmy D. Kramer and Marianne Kramer	37-22231	X

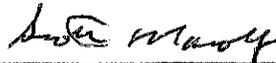
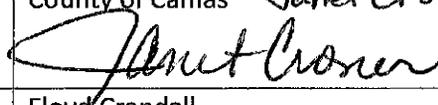
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AUG 13 2013

NAME	WATER RIGHT	SIGNED
Jimmy D. Kramer and Marianne Kramer	37-22232	X
Jimmy D. Kramer and Marianne Kramer	37-22233	X
Jimmy D. Kramer and Marianne Kramer	37-22234	X
Matt A. McLam	37-22366	X
Matt A. McLam	37-22367	X
Matt A. McLam	37-22370	X
Matt A. McLam	37-22371	X
Black Butte Hills LLC	37-22771	X
SV Ranch LLC	37-22786	X
SV Ranch LLC	37-22787	X
SV Ranch LLC	37-22788	X
SV Ranch LLC	37-22789	X
SV Ranch LLC	37-22790	X
SV Ranch LLC	37-22791	X

PETITION FOR SEPARATE WATER DISTRICT

Each of the undersigned is the holder of a water right to divert ground water for irrigation or other beneficial use in Camas County, Idaho (but not domestic or stockwater rights within the definition of Idaho Code Sections 42-111 and 42-1401A(11)). We hereby request that the Idaho Department of Water Resources create a new and separate water district for the administration of our water rights and not add them to Water District 37.

DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(S).
	Kenneth A. Backstrom 	37-8662
	Barber Family Associates LP	37-7261 37-7656
	Wayne Marolf	37-21810
	Ralph Campanale	37-21336 37-7403
	H. Phillip Cash	37-2541 37-7636A
	Judy Cash	37-21666
	Jerry L. Caven	37-2560A
	Muriel J. Caven	37-2560A
	City of Fairfield <i>Scott Marolf</i> 	37-2457 37-2716
	County of Camas <i>Janet Croner</i> 	37-20567
<i>7-15-12</i>	Floyd Crandall 	37-7483
	John I. Frostenson	37-7482
	Frostenson Revocable Trust	37-7554

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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(S).
	Kenneth A. Backstrom	37-8662
7/15/13	Barber Family Associates LP <i>Barber Family Assoc by [Signature]</i>	37-7261 37-7656
	Wayne Marolf	37-21810
	Ralph Campanale	37-21336 37-7403
	H. Phillip Cash	37-2541 37-7636A
	Judy Cash	37-21666
	Jerry L. Caven	37-2560A
	Muriel J. Caven	37-2560A
	City of Fairfield	37-2457 37-2716
	County of Camas	37-20567
	Floyd Crandall	37-7483
	John I. Frostenson	37-7482
	Frostenson Revocable Trust	37-7554

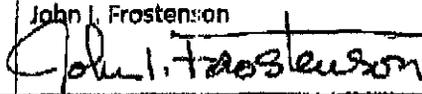
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	Kenneth A. Backstrom	37-8662
	Barber Family Associates LP	37-7261 37-7656
	Wayne Marolf	37-21810
	Ralph Campanale	37-21336 37-7403
2/15/13	H. Phillip Cash <i>HPCash</i>	37-2541 37-7636A
	Judy Cash <i>1 N 19 E, Sec 18 Blaine County Right</i>	37-21666
	Jerry L. Caven	37-2560A
	Muriel J. Caven	37-2560A
	City of Fairfield	37-2457 37-2716
	County of Camas	37-20567
	Floyd Crandall	37-7483
15 July 13	John J. Frostenson <i>John J. Frostenson</i>	37-7482
19/July 13	Frostenson Revocable Trust <i>William D. Frostenson POA</i>	37-7554

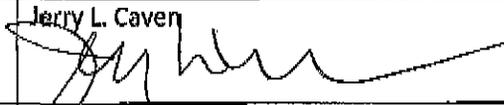
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	Barber Family Associates LP	37-7261 37-7656
	Wayne Maroli	37-21810
15 July 2013	Ralph Campanale 	37-21336 37-7403
	H. Phillip Cash	37-2541 37-7636A
	Judy Cash	37-21666
	Jerry L. Caven	37-2560A
	Muriel J. Caven	37-2560A
	City of Fairfield	37-2457 37-2716
	County of Camas	37-20567
	Floyd Crandall	37-7483
15 July 13	John J. Frostenson 	37-7482
	Frostenson Revocable Trust	37-7554

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	Ralph Campanale	37-21336 37-7403
	H. Phillip Cash	37-2541 37-7636A
	Judy Cash	37-21666
	Jerry L. Caven 	37-2560A
	Muriel J. Caven 	37-2560A
	City of Fairfield	37-2457 37-2716
	County of Camas	37-20567
	Floyd Crandall	37-7483
	John I. Frostenson	37-7482
	Frostenson Revocable Trust	37-7554

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Charles Olson

7-16-13	Lynn Stevenson - McPhaul C/O Matt McLam <i>[Signature]</i>	37-7294
7-16-13	Clare M. Olson <i>[Signature]</i>	37-7456
	Karen Y. Olson	37-7456
	Mitchell B. Schmidt	37-13251
	Gordon Schmidt	37-13251
	Dorothy Schmidt	37-13251
7/16/13	Selby Crossing LLC <i>David A. Simon member Selby Crossing LLC</i>	37-21809
7/16/13	David A. Simon <i>David A. Simon</i>	37-2543
7/16/13	William A. Simon <i>[Signature]</i>	37-20365 37-20367 37-20369 37-7288A 37-20364 37-20366 37-20368
7/16/13	William R. (Bill Jr) Simon <i>William R. Simon 7-16-13</i>	37-7463

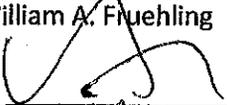
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	Lynn Stevenson - McPhaul C/O Matt McLam	37-7294
	Clare M. Olson	37-7456
	Karen Y. Olson	37-7456
	Mitchell B. Schmidt <i>Mitchell B. Schmidt</i>	37-13251 7/17/13
	Gordon Schmidt <i>Gordon Schmidt</i>	37-13251 7/16/13
	Dorothy Schmidt <i>Dorothy Schmidt</i>	37-13251 7/16/2013
	Selby Crossing LLC	37-21809
	David A. Simon	37-2543
	William A. Simon	37-20365 37-20367 37-20369 37-7288A 37-20364 37-20366 37-20368
	William R. (Bill Jr) Simon	37-7463

PETITION FOR SEPARATE WATER DISTRICT

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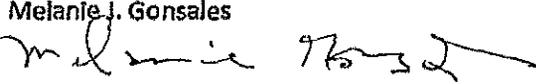
7-24-13	William A. Fruehling 	37-8398
7-24-13	Fruehling Family Trust 	37-7282B 37-7333B
	Rodney Gonsales	37-7638
	Melanie J. Gonsales	37-7638
	Dallas E. Smith	37-7638
	Edward E. Smith	37-7638
	Candice R. Smith	37-7638
	Sunnie C. Smith	37-7638
	Gwinn Rice Ranch Inc.	37-7680 37-7796 37-7697
	Richard Potter	37-7636B
	Matt A. McLam	37-8543 37-8301 37-7851 37-22367 37-22371 37-8890 37-22366 37-22370

Each of the undersigned is the holder of a water right to divert ground water for irrigation or other beneficial use in Camas County, Idaho (but not domestic or stockwater rights within the definition of Idaho Code Sections 42-111 and 42-1401A(11)). We hereby request that the Idaho Department of Water Resources create a new and separate water district for the administration of our water rights and not add them to Water District 37.

	William A. Fruehling	37-8398
	Fruehling Family Trust	37-7282B 37-7333B
7/16/13	Rodney Gonsales <i>Rodney Gonsales</i>	37-7638
	Melanie J. Gonsales	37-7638
7/23/13	Dallas E. Smith <i>Dallas E. Smith</i>	37-7638
7/16/2013	Edward E. Smith <i>Edward E. Smith</i>	37-7638
7/23/13	Candice R. Smith <i>C. Smith</i>	37-7638
	Sunnie C. Smith	37-7638
	Gwinn Rice Ranch Inc. <i>Gwinn Rice Ranch Inc by Jim Rice - Pres</i>	37-7680 37-7796 37-7697
	Richard Potter	37-7636B
7-16-13	Matt A. McLam <i>Matt A. McLam</i>	37-8543 37-8301 37-7851 37-22367 37-22371 37-8890 37-22366 37-22370

PETITION FOR SEPARATE WATER DISTRICT

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	William A. Fruehling	37-8398
	Fruehling Family Trust	37-7282B 37-7333B
	Rodney Gonsales	37-7638
7/30/13	Melanie J. Gonsales 	37-7638
	Dallas E. Smith	37-7638
	Edward E. Smith	37-7638
	Candice R. Smith	37-7638
	Sunnie C. Smith	37-7638
	Gwinn Rice Ranch Inc.	37-7680 37-7796 37-7697
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	<i>✓ Sunnie C. Smith</i>	
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	Simon Farms Inc. <i>SIMON FARMS INC</i> <i>William R. Simon</i> <i>Pres. 7-16-13</i>	37-22184 37-22186 37-22188 37-21724 37-22185 37-22187 37-22189
	Soldier Mountain Development Inc.	37-2584
	Strom Ranches Inc. <i>Pres. 7/16/13</i>	37-8057
	SV Ranch LLC	37-7027 37-7028 37-7030 37-7031C 37-7029 37-7295A 37-7295B
	Loy L. Vanskike	37-2482
	Lynn Stevenson - McPhaul C/O Michelle Wolf	37-7293
	Michelle Wolf	37-7505A 37-7505B
7-16-13	Unser Hay Co. LLC <i>John Unser</i>	37-7779

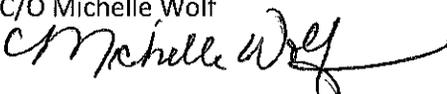
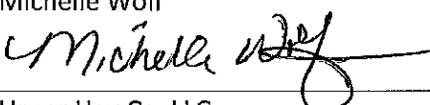
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	Loy L. Vanskike <i>Loy L Vanskike by Dorothy M Vanskike PR</i>	37-2482
	Lynn Stevenson - McPhaul C/O Michelle Wolf	37-7293
	Michelle Wolf	37-7505A 37-7505B
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PETITION FOR SEPARATE WATER DISTRICT

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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(S).
7/17/13	Dennis Strom P+AS Strom Ranches <i>Dennis Strom</i>	37-2244 37-21835 37-022448 37-02249 37-02201
7/17/13	Dale Smith Smoky Dome Ranch <i>Dale P. Smith</i>	37-13239 37-2041A 37-678A 37-680A
7/17/13	Ed Smith Smoky Dome Ranch <i>Ed Smith</i>	37-13239 37-2041A 37-678A 37-680A
7/25/13	SOUTH COVE VENTURES LLC GREG VIK, PRESIDENT <i>Greg Vik</i>	37-5918; 37-5920; 37-5938; 37-5948; 37-5958; 37-2317; 37-21740; 37-7393; 37-7408
7/19/13	Jimmy D Kramer <i>Jimmy D Kramer</i>	37-22231 37-22232 37-22233 37-21723 37-22234
7/19/13	Marianne Kramer <i>Marianne Kramer</i>	37-22231 37-22232 37-21723 37-22233 37-22234
7/25/13	Diamond Soldier Properties LLC Chris Palko Sec-Treas. <i>Chris Palko</i>	37-590A; 37-368A; 37-409A; 37-2076A 37-2157; 37-2455; 37-13364; 37-410; 37-411
→ 07/23/2013	JOE ADAMSKI <i>Joe Adamski</i>	37-21777

PETITION FOR SEPARATE WATER DISTRICT

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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(s).
7-20-13	Clare Olson Clare Olson	21732 4325 4301 4323
7-20-13	Charles J Olson Charles J Olson	2153 21657
7-22-13	Nancy Ballard Nancy Ballard	37-37
7/23/13	Brian Clark [Signature]	37-21297 37-50D
→	ED TERRAZAS	37-21832
7/29/13	Jim Reedy Jim Reedy	37-13197 37-225 37-224
	Jim Reedy Jim Reedy	37-223 37-13195 37-341 37-19822

PETITION FOR SEPARATE WATER DISTRICT

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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(s).
07-19-13	H. R. CASH <i>H. R. Cash</i>	37-444
7/16/13	Randy Campana <i>Randy Campana</i>	37-13367 37-4297 37-2218
7/24/13	JOHN CRISTOBAL <i>John Cristobal</i>	37-132698 37-358 37-132698 37-132698
7/24/13	JOHN CRISTOBAL <i>John Cristobal</i>	37-4548 37-7288 37-132618 37-21398
7/24/13	JOHN CRISTOBAL <i>John Cristobal</i>	37-132718

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7-23-13	SCOTT T Scheer <i>Scott T. Scheer</i>	37-592A 37-591A 37-21363 37-21367
		37-21976
7-24-13	Elwyn Tupper <i>Elwyn H. Tupper</i>	37-21298
7/24/13	Tonia B. Stilwell <i>Tonia B. Stilwell</i>	37-7041 E 37-680 E 37-678 E
7/24/13	MTN VALLEY RANCH by MELVIN PLETCHER <i>Melvin Pletcher</i>	37-855 37-1233
7/24/13	CLAUDE G. HINKLE <i>Claude G. Hinkle</i>	37-13198

PETITION FOR SEPARATE WATER DISTRICT

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7-23-13	GWINN RICE RANCH, INC Jim Rice - Pres.	21840
7-23-18	PAT BENNETT Vickie Bennett Pat Bennett Vickie Bennett	2144 2158 4343 4359 343
7/24/13	Arlin Kelly and Janet Dennis A.K. Dennis Janet Dennis	37-39C 1884-08-04 37-10118
7/24/13	Mark S. Toome Mark S. Toome	37 13050 1890-05-02
7/24/13	GARY McSTAY MARI McSTAY Gary McStay Mari McStay	37-21829 37-21831
7-24-13	Wolf Springs Ranch by Stone Mills PRTR	37-439 37-438 37-441 37-2066 37-440
7-24-13	Everett Coates Estate by Stone Mills	1887-06-15 1880-07-15 37-7549

PETITION FOR SEPARATE WATER DISTRICT

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7/23/13	Brian Clark Brian Clark	37-21297 37-501
7/25/13	ED TERRAZAS Ed Terrazas	37-21832
7/29/13	Jim Reedy Jim Reedy	37-13197 37-225 37-224
	Jim Reedy Jim Reedy	37-223 37-13197 37-341 37-19822
7/25/13	SMOKEY DOME, LLC BU: David R. Koopmans DAVID R. KOOPMANS	37-38, 37-404A, 37-368B, 37-409B, 37-2076B, 37-2227, 37-19832, 37-8846, 37-8850, 37-8857, 37-8608, 37-8609, 37-8610, 37-8859, 37-35A, 37-454A, 37-463A, 37-463C, 37-728A, 37-2103, 37-2139A, 37-2736A, 37-13261A, 37-13267A, 37-13268A, 37-13269A, 37-13270A, 37-13271A

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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(s).
7/25/13	KEITH O'NEIL HELMICK Keith O'Neil Helmick	37-514 37-4403
7/25/13	FIR GROVE LIMITED PARTNERSHIP BY: George S. Preeley	3-13110
7/25/13	BLACK BUTTE HILLS LLC BY Nancy Lukacs Nancy Lukacs	37-4383, 37-4384, 37-4386, 37-4099, 37-21364, 37-21368, 37-596, 37-21366,
7/25/13	BLACK BUTTE HILLS LLC BY Nancy Lukacs Nancy Lukacs	37-21364, 37-21368, 37-12007, 37-20557, 37-20558, 37-20560, 37-20559, 37-20561,
7/25/13	BLACK BUTTE HILLS LLC BY Nancy Lukacs Nancy Lukacs	37-20562, 37-132, 37-22771, 37-2211, 37-11989, 37-1200, 36-2304, 36, 15233

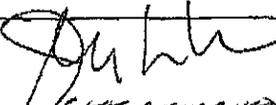
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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(s).
7/25/13	Weber Jessica Weber 238 E. 200N. Fairfield, ID 83327	37 50c
7/25/13	SV RANCH LLC BY  JEFF ANDERSON	37-22786, 37-22787, 37-07028, 37-07029, 37-22788, 37-22789, 37-22790, 37-22791,
	 	37-249, 37-250, 37-20374, 37-7295A, 37-7295B, 37-20315, 37-8880, 37-20373

PETITION FOR SEPARATE WATER DISTRICT

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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(s).
7/17/13	JERRY L. CAVEN	 SEE ATTACHED
7/17/13	MURIEL J. CAVEN	Muriel J. Caven SEE ATTACHED
7/25/13	PITCH FORK RANCH LLC BY 	37-20344
	Nathan Rimmel	

PETITION FOR SEPARATE WATER DISTRICT

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7/29/13	Jim Reedy Jim Reedy	37-13197 37-225 37-224
	Jim Reedy Jim Reedy	37-223 37-13195 37-341 37-19822

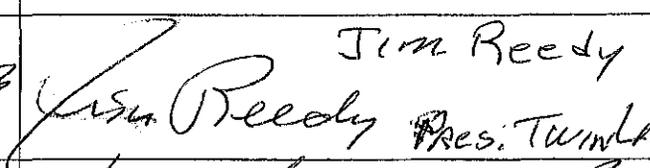
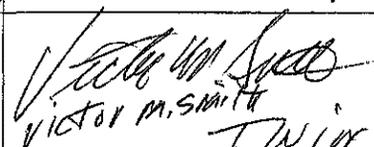
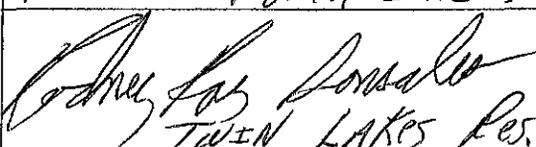
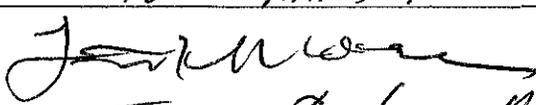
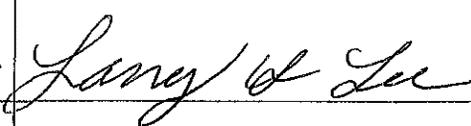
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7/24/13	Mark S. Toone Mark S. Toone	37 13050 1890-05-02
7/24/13	GARY McSTAY MARI McSTAY Gary McStay Mari McStay	37-21829 37-21831
7-24-13	Wolf Spring Ranch by Stone Millis Patricia Cheryl S. Toone	37-439 37-438 37-441 37-2066 37-440
7-24-13	Everett Coates Estate by Stone Millis Cheryl S. Toone	1887-06-15 1880-07-15 37-7549
7-26-13	Albert W Stampke Albert W Stampke	37-4149A

Twin Lakes Res. Twin Lakes signatures
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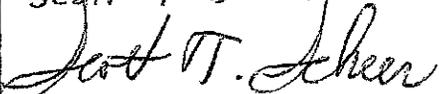
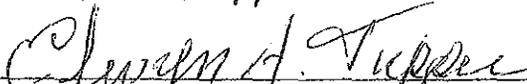
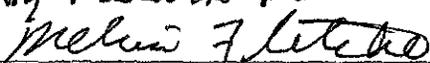
DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(s).
7-19-13	Jim Reedy  Pres. Twin Lakes Res.	37-13197 37-223 37-225 37-13145 37-224 37-341 37-19822
7-19-13	 Victor M. Smith Twin Lakes Res.	Lower Creek #?
7/19/13	 Charles Lee TWIN LAKES Res.	
7-19-13	 Jack Moran Twin Lakes Res.	
2-24-13	Charles Frostenson Estate by Steve Hiller, Executor	
7/25/13	 Larry & Lee	

All

Type	Basin	Sequence	Basis	Status	Priority Date	Div. Rate (cfs)	Source	Water Use	Owner
WR	37	55	Decreed	Active	6/1/1886	0.2	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	56	Decreed	Active	6/1/1888	1.8	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	257	Decreed	Active	6/30/1884	0.5	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	258	Decreed	Active	6/6/1901	1.5	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	309	Decreed	Active	6/2/1883	3.2	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	487	Decreed	Active	9/1/1883	1	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	488	Decreed	Active	5/15/1884	0.8	SOLDIER CREEK	IRRIGATION	ROYAL FORKS RESTAURANT CORP
WR	37	489	Decreed	Active	6/1/1898	1.2	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	490	Decreed	Active	5/14/1883	3.2	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	492	Decreed	Active	6/30/1883	3.2	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	2190	Decreed	Active	9/6/1910	0.02	LUND SPRING	STOCKWATER	ROYAL FORK RESTAURANT CORP
WR	37	2224	Decreed	Active	11/23/1911	0.9	LITTLE DEER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	4050	Decreed	Active	11/3/1965	0.05	GROUND WATER	STOCKWATER	ROYAL FORK RESTAURANT CORP
WR	37	4096	Decreed	Active	4/15/1941	1.44	LITTLE DEER CREEK	IRRIGATION, STOCKWATER	ROYAL FORK RESTAURANT CORP
WR	37	13215	Decreed	Active	6/30/1883	1.6	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
WR	37	13217	Decreed	Active	6/2/1883	0.24	SPRINGS	STOCKWATER	ROYAL FORK RESTAURANT CORP
WR	37	13221	Decreed	Active	6/1/1883	0.24	GROUND WATER	STOCKWATER	ROYAL FORK RESTAURANT CORP
WR	37	13222	Decreed	Active	6/1/1883	0.24	GROUND WATER	DOMESTIC, STOCKWATER	ROYAL FORK RESTUARANT CORP
WR	37	13223	Decreed	Active	6/1/1883	0.24	GROUND WATER	DOMESTIC, STOCKWATER	ROYAL FORK RESTAURANT CORP
WR	37	13224	Decreed	Active	6/1/1883	0.24	GROUND WATER	DOMESTIC, STOCKWATER	ROYAL FORK RESTUARANT CORP
WR	37	13225	Decreed	Active	6/1/1883	0.24	GROUND WATER	DOMESTIC, STOCKWATER	ROYAL FORK RESTAURANT CORP
WR	37	13226	Decreed	Active	6/1/1883	0.24	GROUND WATER	DOMESTIC, STOCKWATER	ROYAL FORK RESTAURANT CORP
WR	37	13227	Decreed	Active	6/1/1883	0.24	GROUND WATER	STOCKWATER	ROYAL FORK RESTUARANT CORP
WR	37	13228	Decreed	Active	6/1/1883	0.24	GROUND WATER	STOCKWATER	ROYAL FORK RESTUARANT CORP
WR	37	21488	Decreed	Active	5/14/1883	3.1	SOLDIER CREEK	IRRIGATION	ROYAL FORK RESTUARANT CORP
AJ Rec	37	77	Decreed	Active	7/15/1886	3.98	CHIMNEY CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP
Claim	37	77	Decreed	Active	7/15/1886	4.14	SHEEP CREEK	IRRIGATION	ROYAL FORK RESTAURANT CORP

PETITION FOR SEPARATE WATER DISTRICT

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		37-21976
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7/24/13	MTN VALLEY RANCH by MELVIN FLETCHER 	37-855 37-1233
7/24/13	CLAUDE G. HINKLE 	37-13198

PETITION FOR SEPARATE WATER DISTRICT

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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(s).
07-19-13	H. P. CASH <i>H. P. Cash</i>	37-444
7/20/13	Renele Campana <i>R. Campana</i>	37-13367 37-4297 37-2218
7/24/13	JOHN CRISTOBAL <i>John Cristobal</i>	37-132698 37-358 37-132688 37-132678
7/24/13	JOHN CRISTOBAL <i>John Cristobal</i>	37-4548 37-7288 37-132618 37-21398
7/24/13	JOHN CRISTOBAL <i>John Cristobal</i>	37-132718

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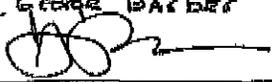
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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(s).
7/17/13	Dennis Strom P.O.S Strom Ranches <i>Dennis Strom</i>	37-2244 37-21835 37-022440 37-02018 37-02001
7/17/13	Dale Smith Smoky Dome Ranch <i>Dale P. Smith</i>	37-13239 37-2041A 37-678A 37-680A
7/17/13	Ed Smith Smoky Dome Ranch <i>Ed Smith</i>	37-13239 37-2041A 37-678A 37-680A
7/19/13	Jimmy D. Kramer <i>Jimmy D. Kramer</i>	37-22231 37-22232 37-22233 37-21723 37-22234
7/19/13	Marianne Kramer <i>Marianne Kramer</i>	37-22231 37-22232 37-21723 37-22233 37-22234
→ 07/23/2013	JOE ADAMSKI <i>Joe Adamski</i>	37-21777

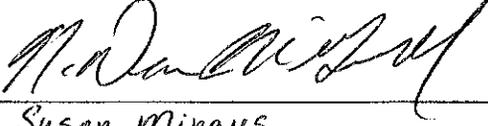
PETITION FOR SEPARATE WATER DISTRICT

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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(s).
7/18/13	BARBER Family Assoc. L.P. by <u>George Barber</u> 	37-00529 37-00530

PETITION FOR SEPARATE WATER DISTRICT

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DATE	NAME - PRINTED AND SIGNED	WATER RIGHT NO(s).
	Mc Gough, Dean 	37 21432 1883 - 08-03
	Susan Mingus Faulkner Hog Hook Ranch	37 - 817 4/11, 1904
	Jerry Nelson Sue Nelson	37 680C

PETITION FOR SEPARATE WATER DISTRICT

Each of the undersigned is the holder of a water right to divert water for irrigation or other beneficial use in Camas County, Idaho (but not domestic or stock water rights within the definition of Idaho Code Sections 42-111 and 42-1401A(i1)). We hereby request that the Idaho Department of Water Resources create a new and separate water district for the administration of our water rights and not add them to Water District 37.

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7/24/13	JOHN CRISTOBAL <i>John Cristobal</i>	37-132628 37-358 37-132688 37-132628
7/24/13	JOHN CRISTOBAL <i>John Cristobal</i>	37-4548 37-2888 37-132613 37-21398
7/24/13	JOHN CRISTOBAL <i>John Cristobal</i>	37-132718

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GIVENS PURSLEY^{LLP}

RECEIVED

AUG 09 2013

DEPARTMENT OF
WATER RESOURCES

LAW OFFICES

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PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
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Clint R. Bolinder
Erik J. Bolinder
Preston N. Carter
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Elizabeth M. Donick
Thomas E. Dvorak
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler

Donald E. Knickrehm
Debra K. Kristensen
Anne C. Kunkel
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Emily L. McClure
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.
Angela M. Reed
Mark R. Scoville
Robert B. White

Retired:
Kenneth L. Pursley
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

August 9, 2013

Via Email and U.S. Mail

Mr. Allen Merritt
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Ste 200
Twin Falls, ID 83301-3380

Re: Administration of Ground Water Rights in Upper Big Wood and Little
Wood River Drainages – Comments of City of Hailey

Dear Mr. Merritt,

Givens Pursley represents the City of Hailey (“City”) in the above-captioned matter. Please accept the following comments being submitted on its behalf pursuant to the Department’s July 10, 2013 Notice of Public Hearing. These written comments summarize and supplement testimony presented on the City’s behalf at the July 30, 2013 public hearing you recently conducted in Hailey.

As stated in the City’s oral testimony, the City opposes the proposed action described in the Notice of Hearing that would include ground water rights from the Upper Wood River Water Measurement District (“UWRWMD”) in Water District 37 (“WD 37”) for purposes of administration. The City recognizes and appreciates the need for administration of decreed water rights, including ground water rights, within the Big Wood River Basin, but believes that this will be best accomplished by establishing a separate water district for ground water rights as was done repeatedly with decreed ground water rights within the Eastern Snake Plain Aquifer (“ESPA”) area of common ground water supply. The reasons for the City’s position are set out below.

1. Conjunctive Administration of Surface and Ground Water Rights Appears Imminent and is an Inherently Adversarial Process.

Despite somewhat equivocal statements made by Department staff and others in the past concerning whether conjunctive administration of surface and ground water rights will occur in the Big Wood River Basin, the City understands that conjunctive administration is imminent, and that administration of ground water rights can and will occur through water districts created pursuant to Title 42, Chapter 6, and as determined under the procedures established in the Department's Conjunctive Management Rules. IDAPA 37.03.11 ("CMRs"). The City understands that the surface water users in WD 37 have been intending this to occur as soon as the Big Wood ground water rights could be decreed and brought into a water district. The City also is aware of the recent correspondence between the Big Wood Canal Company and the Department specifically contemplating a delivery call under the CMRs.

The CMRs provide procedures for making a delivery call, and the factors by which material injury, the scope of any resulting administrative curtailments, and the sufficiency of proposed mitigation are determined. The process is inherently adversarial, at least initially. The experience with conjunctive administration in the ESPA bears this out. The City is concerned that the countervailing interests and concerns that come to the forefront in a delivery call proceeding cannot help but bleed over into the business of WD 37 if surface and ground water users are all consolidated into the same water district.

2. Ground Water Rights Will Have Inferior Voting Power in a Combined WD 37.

Aside from the high potential for distraction from the water district's business this consolidation will create, the City is convinced that that business will be decided and controlled solely by the holders of surface water rights. This is because under current statutes, surface water users will always have supermajority voting power on every matter that comes up for a vote if a request is made for voting based on the amount assessed for a water user's water right (i.e., based on the amount of water used). This includes election of the water master, approval of budgets, special expenditures and projects and adoption of resolutions. Idaho Code 42-605(4) provides that

Voting shall be by majority vote of the water users present at the meeting unless one (1) or more water users requests voting using the procedure which follows in this subsection. In such case the meeting chairman shall appoint a credentials committee to determine the number of votes each water user present is authorized to cast. If requested, each person present, owning or having the use for the ensuing season of any water right in the stream or water supply comprising such water district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources, shall be entitled to

a number of votes equal to the average annual dollar amount and any fraction thereof assessed for that person's qualifying water right for the previous five (5) years, or such lesser number of years as the right has been assessed. If a right has not previously been assessed, a person present, owning or having the use of the right for the ensuing season shall be entitled to a number of votes equal to the dollar amount and any fraction thereof which the right would have been assessed had it existed and been reasonably used when water was available under the priority of the right during the previous season.

Based on the Department's estimates of the amount of water represented by surface water right holders in WD 37 and ground water right holders in the UWRWMD, potential surface water votes in the Department's proposed combined WD 37 would outnumber potential ground water votes by six to one.¹

Given the likelihood that implementing conjunctive administration in the Big Wood River Basin will be contentious, and that the move to conjunctive management will commence as soon as ground water rights are under a water district, the City believes it is ill-advised to place ground water rights in an existing water district where their interests will be essentially unrepresented.

3. It is Not Apparent that Costs of Water District Administration can be Fairly Allocated in a Combined WD 37.

As with the apparent disparity in voting power that surface water users and ground water users would have in a combined WD 37, the City is concerned that ground water users in a combined WD 37 would wind up bearing a disproportionate cost of water district operations.

For example, based on water district records maintained by the Department, the annual budget for WD 37 currently is approximately \$240,000 per year. By comparison the annual budget for WD 130, which includes primarily ground water users in the Magic Valley and North Snake Ground Water Districts has been approximately \$75,000 per year.² Those two Ground Water Districts within WD 130 provide for their own measurement, however, and so the WD 130 costs admittedly would be higher if the Water

¹ IDWR June 25, 2013 Public Information Meeting presentation at 10. Estimated range of water use by surface right holders in WD 37 and 37M total between 310,000 and 374,000 24-hour cfs or approximately 620,000 to 748,000 acre-feet. Water use by ground right holders in UWRWMD estimated at 110,000 acre-feet.

² The North Snake Ground Water District represents approximately 840 wells, supplying water for DCMI uses and irrigation of approximately 100,000 acres. The Magic Valley Ground Water District represents approximately 500 wells serving DCMI and approximately irrigated 121,500 acres. The 2012 budget for WD 120, which also includes primarily ground water rights and 306 wells, was approximately \$114,000.

District had that responsibility. However, the UWRWMD's 2013 budget was \$71,500, and so it might be assumed that the annual cost of running a ground water-only water district in the Big Wood River Basin could be as high as \$145,000—still far less than the current WD 37 annual budget. The City believes allocating costs of a combined water district between surface and ground water rights will be problematic, and in light of the disparate voting power of water users in a combined district, there is substantial risk that the costs would not be allocated equitably.

4. Water Districts on the ESPA Provide Examples Where Separate Districts for Ground and Surface Water Rights Works Well.

As the Department knows, several large water districts composed primarily, if not exclusively, of ground water rights have been created and operational on the ESPA since 2002. These include WD 100 (St. Anthony-Rexburg), WD 120 (American Falls), and WD 130 (Thousand Springs). The water master in those districts is primarily responsible for measuring and recording water diversions, administering water rights in priority, curtailing unauthorized diversions and enforcing Department orders to curtail out-of-priority diversions determined to be causing injury to senior priority water rights not covered by a stipulated agreement or approved mitigation plan. Within these water districts, the primary responsibility of the organized ground water districts is to measure and report ground water diversions to the watermaster, and to develop and operate mitigation plans as approved by the Department.

The City believes that these ESPA water districts provide a good model for ground water administration in the Big Wood River Basin. The City requests that the Department convert the UWRWMD to a water district that includes those ground water rights currently within the UWRWMD's jurisdiction that were recommended and decreed in the SRBA for Basin 37, Part 3.³

The City recognizes that other models also exist on the ESPA (WD 110 and WD 140) in which ground and surface water rights have been included in the same water district, but the City also believes that unique facts including historical integration of ground and surface water use and administration distinguish these water districts. At the same time, the Department's use of "sub-districts" (such as is the case in WD 140) presents a potential middle ground approach that brings all water users in a hydrologic basin under the umbrella of a basin-wide water district but provides for administration in separate sub-

³ The City understands that some Basin 37 water rights were decreed, licensed or transferred with a condition substantially as follows: "Use of water under this right will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37." The City does not read this condition as preventing a separate water district for such ground water rights. This condition contemplates that the water right might not ultimately be administered by the watermaster of WD 37, and could be included in a different water district when the time came for creating one if the Department so determines.

Mr. Allen Merritt
Idaho Department of Water Resources
August 9, 2013
Page 5

districts with separate governance, budgets, water masters and advisory committees. Each sub-district is represented on the advisory committee of the umbrella water district.

The City has limited understanding how the umbrella water district relates to the sub-districts in WD 140, but assuming that decisions within the umbrella water district cannot undercut the governance, operations and interests of water right holders in the sub-districts (i.e., the water district can be structured to avoid the potential of voting/cost allocation disparities of a combined district), then a sub-district approach might be acceptable.

The City appreciates the opportunity to submit these comments for the Department's consideration in this matter.

Sincerely,



Michael C. Creamer
GIVENS PURSLEY LLP
Attorneys for City of Hailey

MCC:bb
1842691_1 [9955-3]

cc: Fritz Haemmerle, Mayor City of Hailey
Gary Spackman, Director, IDWR *via hand delivery*

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ATTORNEYS

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August 9, 2013

VIA E-MAIL - Allen.Merritt@idwr.idaho.gov
ORIGINAL WILL NOT FOLLOW

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

***Re: Administration of Ground Water Rights in Upper Big Wood and Little Wood
River Drainages***

Dear Allen:

I have reviewed the written comments submitted today by Mike Creamer on behalf of the City of Hailey. My clients listed below fully support those comments and request that a separate water district be established for all ground water rights within Basin 37, Part 2 that are now part of the Upper Wood Rivers Water Measurement District.

NAME	DRAINAGE
Robert & Marion Rosenthal	Big Wood
Aquarius SAW LLC	Big Wood
Gracie's Diner, LLC	Big Wood
Cliffside HOA	Big Wood
Elizabeth Gray	Big Wood
Flowers Bench, LLC	Big Wood
Chaney Creek, LLC	Silver Creek
Robert Friedman	Big Wood
Point of Rocks Ranch, LLC	Silver Creek
Sandor & Teri Szombathy	Big Wood
Richard Barker	Big Wood
Airport West Partners	Big Wood
Mike Willard	Big Wood
Dale Jones	Big Wood
Gail Thornton	Big Wood
Lynn Campion	Big Wood

Mr. Allen Merritt
August 9, 2013
Page 2

NAME	DRAINAGE
Ann Scott	Big Wood
Thom Weisel	Big Wood
Sheila Witmer	Big Wood
Gary & Judith Frugard	Big Wood
Grove Creek Owners Assn	Big Wood
Community School	Big Wood
Alex & Jessica Macdonald	Big Wood
Ralph Lapham	Big Wood
Cloverly Ranch LLC	Big Wood
Frank Willey & Karen McLane	Big Wood
Hemingway's Blind, LLC	Silver Creek

Please contact me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation



James P. Speck

JPS/

ec: clients
Mike Creamer