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ATTORNEYS FOR IDAHO GROUND WATER  
APPROPRIATORS

**BEFORE DEPARTMENT OF WATER RESOURCES**

**STATE OF IDAHO**

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

Docket No.: CM-DC-2010-001

**IGWA's 2013  
NOTICE OF SECURED WATER**

Idaho Ground Water Appropriators, Inc. ("IGWA"), acting for and on behalf of its member Ground Water Districts and their respective ground water user members (the "Ground Water Users") hereby notifies the Director of the amount of water it has secured to avoid curtailment in this matter, as required by the Director's *Order Regarding April 2013 Forecast Supply ("Methodology Steps 1 and 4")* ("2013 As-Applied Order") dated April 17, 2013. The 2013 As-Applied Order gave the Ground Water Users until May 1, 2013, to secure 28,805 acre-feet of water to eliminate material injury to Twin Falls Canal Company and meet the potential reasonable carryover shortfall to American Falls Reservoir District No. 2 ("AFRD2") and thereby avoid curtailment. (Id. at 8.)

The total amount of water that IGWA has currently under lease is 50,339 acre-feet. This consists of a total of 32,500 acre-feet as "minimum" lease amounts from eight lessors, together with an additional 17,839 acre-feet carried over at the conclusion for the 2012 irrigation season in the accounts of four lessors pertaining to their respective space in Palisades Reservoir. This carryover storage in Palisades could be reduced to the extent that the respective storage space in Palisades does not fill.

The 2013 As-Applied Order requires a total of 38,805 acre-feet of storage to meet the 14,200 acre-feet predicted in-season demand shortfall to Twin Falls Canal Company plus a pending reasonable carryover obligation to AFRD2 of 14,605 acre-feet. However, the storage allocation to AFRD2 in American Falls Reservoir is expected to fill based on the As-Applied Order. When American Falls Reservoir fills, IGWA understands that the Director will issue an Order consistent with Methodology Step 5 and release IGWA from its reasonable carryover obligation to AFRD2.

Attached as **Exhibit A** to the *Affidavit of Timothy P. Deeg in Support of Notice of Secured Water* ("Deeg Affidavit") is a Summary of IGWA Water Leases for 2013 reflecting the lease quantities by Lessor. As in the past, IGWA expects to make adjustments to the leased quantities to be negotiated with the Lessors to better match the mitigation obligations. Accordingly, once the Director has issued an order releasing the reasonable carryover obligation to AFRD2, the leased quantities may be adjusted downward or upward for some Lessors. These changes will not occur until after the storage allocation has been made, at which time the Lessors will know their respective storage allocations and the rental pool price. Water Master Lyle Swank will be notified of the final storage lease quantities. Copies of each of the referenced leases between IGWA and the Lessors at attached remain on file with the Department from prior years and can be confirmed with Lyle Swank.

This information should satisfy the Director that IGWA has secured sufficient water to mitigate for the predicted in-season demand shortfall to Twin Falls Canal Company.

Based on the foregoing, IGWA requests an order from the Director finding that IGWA has sufficient water to mitigate for the predicted in-season demand shortfall to Twin Falls Canal Company together with the 2012 reasonable carryover obligation to AFRD2.

Dated this 22<sup>nd</sup> day of April, 2013.

RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED

By: Randall C. Budge  
RANDALL C. BUDGE

## CERTIFICATE OF SERVICE

I hereby certify that on this 22<sup>nd</sup> day of April, 2013, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated:

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

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|--|---|
| <p>David W. Gehlert<br/> Natural Resources Section<br/> Environment and Natural Resources Division<br/> U.S. Dept of Justice<br/> 1961 Stout St., 8<sup>th</sup> Floor<br/> Denver, CO 80294<br/> <a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p> | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Matt J. Howard<br/> U.S. Bureau of Reclamation<br/> Pacific Northwest Region<br/> 1150 N. Curtis Road<br/> Boise, ID 83706-1234<br/> <a href="mailto:mhoward@pn.usbr.gov">mhoward@pn.usbr.gov</a></p>   | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Sarah H. Klahn<br/> Mitra Pemberton<br/> White &amp; Jankowski<br/> 511 16<sup>th</sup> Street, Ste 500<br/> Denver, CO 80202<br/> <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a></p>   | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Michael C. Creamer<br/> Jeffrey C. Fereday<br/> Givens Pursley<br/> P.O. Box 2720<br/> Boise, Idaho 83701-2720<br/> <a href="mailto:mcc@givenspursley.com">mcc@givenspursley.com</a><br/> <a href="mailto:jcf@givenspursley.com">jcf@givenspursley.com</a></p>          | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Dean Tranmer<br/> City of Pocatello<br/> P.O. Box 4169<br/> Pocatello, Idaho 83205<br/> <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a></p>  | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Brian Olmstead, Manager<br/> Twin Falls Canal Company<br/> P.O. Box 326<br/> Twin Falls, Idaho 83303<br/> (courtesy copy)</p>   | <p><input checked="" type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Email</p> |
| <p>Lynn Harmon, Manager<br/> AFRD2<br/> 409 N. Apple Street<br/> Shoshone, Idaho 83352<br/> (courtesy copy)</p>  | <p><input checked="" type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Email</p> |

Lyle Swank, Water Master  
Water District 01  
900 N. Skyline Drive, Suite A  
Idaho Falls, Idaho 83402  
(courtesy copy)

- U.S. Mail
- Facsimile
- Overnight Mail
- Hand Delivery
- Email

*Ferdinand C. Budge*

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