



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 24, 2015

A & B Irrigation District
P.O. Box 675
Rupert, Idaho 83350

American Falls Reservoir District No. 2
409 N. Apple Street
Shoshone, Idaho 83352

Burley Irrigation District
246 E 100 S
Burley, Idaho 83318

Northside Canal Company
921 N. Lincoln
Jerome, Idaho 83338

Twin Falls Canal Company
P.O. Box 326
Twin Falls, Idaho 83303-0326

Minidoka Irrigation District
98 W 50 S
Rupert, Idaho 83350

Milner Irrigation District
5294 E 3610 N
Murtaugh, Idaho 83344-5129

Dear Managers:

As you are aware, the *Second Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (Methodology Order), which was issued in response to the Surface Water Coalition (SWC) delivery call, establishes the process for determining material injury to your respective surface water entities.

The Methodology Order states that junior ground water users will be required to mitigate, or face curtailment, in the event of shortfalls to the water supply. Step 1 of the Methodology Order states in relevant part:

By April 1, members of the SWC will provide electronic shape files to the Department delineating the total irrigated acres within their water delivery boundary or confirm in writing that the existing electronic shape file from the previous year has not varied by more than 5%; provided that the total acreage count does not exceed the number of acres to be irrigated within the decreed place of use. Because the SWC members can best determine the irrigated acres within their service area, the SWC should be responsible for submitting the information to the Department. If this information is not timely provided, the Department will determine the total irrigated acres based upon past year cropping patterns and

current satellite and/or aerial imagery. If an SWC member fails or refuses to identify the number of irrigated acres within its service area by April 1, the Department will be cautious about recognizing acres as being irrigated if there is uncertainty about whether the acres are or will be irrigated during the upcoming irrigation season. The Department will publish electronic shape files for each member of the SWC for the current water year for a review by the parties.

Methodology Order at 34.

In light of the above, please either provide the Department with your electronic shape files as soon as possible or confirm in writing that the existing electronic shape file from the previous year has not varied by more than 5%.¹

Sincerely,



Gary Spackman
Director

cc: Randall C. Budge – Racine, Olson, Nye, Budge & Bailey, Chartered
John K. Simpson – Barker, Rosholt & Simpson, LLP
Travis L. Thompson – Barker, Rosholt & Simpson, LLP
W. Kent Fletcher – Fletcher Law Office
Sarah A. Klahn – White & Jankowski, LLP
Dean A. Tranmer – City of Pocatello

¹ The Methodology Order is currently before the Department as a result of the *Memorandum Decision and Order on Petitions for Judicial Review* entered on September 26, 2014, in the Fifth Judicial District in consolidated Case No. CV-2010-382. The requirement that SWC members provide this information to the Department was not challenged on appeal and remains a requirement of the Methodology Order.