

BEFORE THE
IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF DISTRIBUTION OF)
WATER TO WATER RIGHT NOS. 36-02356a,) **CM-MP-2009-002**
36-07210 & 36-07247)
)
)
)
IN THE MATTER OF THE MITIGATION)
PLAN FILED BY A&B IRRIGATION)
DISTRICT)
)
(Blue Lakes Delivery Call))
_____)

DIRECT TESTIMONY OF
DAN TEMPLE

SUBMITTED ON BEHALF OF:
A&B IRRIGATION DISTRICT

JANUARY 11, 2010

1 **DIRECT TESTIMONY OF DAN TEMPLE**

2 **Q. CAN YOU PLEASE STATE YOUR FULL NAME AND ADDRESS?**

3 A. My name is Dan Temple and I live at 175 W. 750 Lane N., Rupert Idaho 83350. My
4 work address is 414 11th St., Rupert, Idaho 83350.

5 **Q. WHO ARE YOU TESTIFYING FOR IN THIS MATTER?**

6 A. The A&B Irrigation District.

7 **Q. WILL YOU PLEASE DESCRIBE YOUR BACKGROUND?**

8 A. I grew up in the Rupert area. I attended and graduated from Minico High School in 1973.
9 After high school I started working for Kraft Foods and on March 22, 1976, I went to
10 work for A&B Irrigation District (“A&B”). I worked the first 2 years in canal
11 maintenance and as a relief ditch rider, the next 20 years was in the electrical mechanical
12 division, advancing to foremen during that time and the last 12 years as manager of the
13 District.

14 **Q. MR. TEMPLE, HOW ARE YOU CURRENTLY EMPLOYED?**

15 A. I am the manager of A&B. I have been the manager since 1997.

16 **Q. WHAT, GENERALLY, ARE YOUR DUTIES AS MANAGER OF A&B?**

17 A. I work directly for the District’s Board of Directors preparing an annual operating budget
18 and operating the project under their policies and guidance. The day-to-day operation to
19 deliver water to the landowners is my responsibility and carried out through my direction
20 to five supervisor personnel and approximately 30 field personnel supervised by
21 supervisors and myself.

22 **Q. DID YOU PARTICIPATE IN THE PREPARATION OF THE A&B RULE 43**
23 **MITIGATION PLAN FILED ON AUGUST 18, 2009?**

1 A. Yes, I participated in the preparation of this plan with counsel and Charles Brockway. In
2 response to the Director's curtailment order in the Blue Lakes Delivery Call matter, A&B
3 was informed by the Director that water rights 36-15127B, 36-15193B, 36-15194B, 36-
4 15195B, and 36-15196B were subject to curtailment to satisfy Blue Lakes' senior surface
5 water rights. These rights are "enlargement" water rights and contain a remark that
6 subordinates them to all water rights with a priority early than April 12, 1994. The rights
7 provide groundwater to approximately 2,063 acres throughout the District.

8 **Q. WHEN DID A&B FILE ITS FIRST MITIGATION PLAN IN THIS MATTER?**

9 A. A&B originally filed a mitigation plan to cover the Enlargement Rights for the Blue
10 Lakes Call on May 9, 2007.

11 **Q. DID THE DIRECTOR TAKE ANY ACTION ON THAT PLAN?**

12 A. Not to my knowledge. However, A&B has operated in conformance with the plan since
13 that time.

14 **Q. DID ANYONE PROTEST THAT PLAN?**

15 A. Not to my knowledge. I don't believe IDWR ever published notices of the plan.

16 **Q. WAS A&B REQUIRED TO RE-FILE ITS PLAN IN 2009?**

17 A. Yes. In the spring of 2009, Tim Luke from IDWR contacted me and informed me that
18 A&B needed to re-file the plan.

19 **Q. DO YOU KNOW WHY?**

20 A. No. It was just my understanding that IDWR wanted to receive all the mitigation plans
21 from those ground water users that had an obligation to Blue Lakes and then publish
22 notice of those plans so they could be formally acted on by the Director.

1 **Q. WHAT ACTIONS ARE PROPOSED UNDER THE MITIGATION PLAN FILED**
2 **ON AUGUST 18, 2009?**

3 A. The plan is basically the same as the May 2007 plan with the exception of 121 acres that
4 have since been enrolled in the Federal CREP program. A&B has temporarily converted
5 1,322.8 acres within Unit B that were formerly served by water right 36-2080 to a surface
6 water supply using A&B's storage water rights in American Falls and Palisades
7 Reservoirs under water rights 1-2064 and 1-2068. The water is delivered from the Snake
8 River through A&B's canal system to these acres that used to receive groundwater under
9 A&B's senior ground water right.

10 **Q. WHEN WERE THOSE LANDS ORIGINALLY CONVERTED TO A SURFACE**
11 **WATER SUPPLY?**

12 A. A&B was forced to convert those lands in 1993, 1995, and 1996 because of the
13 unavailability of ground water in wells serving those lands. In response, A&B filed its
14 ground water delivery call in 1994 to protect water right 36-2080 from injury.

15 **Q. HOW LONG HAS A&B SUPPLIED SURFACE WATER TO THOSE LANDS?**

16 A. Depending upon the specific acres, since 1993, 1995, or 1996.

17 **Q. DOES THE PLAN MEET A&B'S MITIGATION OBLIGATIONS FOR THE**
18 **ENLARGEMENT WATER RIGHTS?**

19 A. Based upon my understanding of what A&B's obligation is as calculated by IDWR, the
20 conversions and additional incidental recharge resulting from the conversions shows that
21 A&B will be able to provide more than enough water to meet its mitigation obligations to
22 Blue Lakes Trout Company.

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