

Randall C. Budge (ISB # 1949)
Candice M. McHugh (ISB #5908)
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED
PO Box 1391
Pocatello, ID 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109

Attorneys for North Snake and Magic Valley Ground Water Districts

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-
04013A, 36-04013B AND 36-7148

(Snake River Farm)

**AUGMENTATION TO 2009
REPLACEMENT WATER PLAN AND
THIRD MITIGATION PLAN (OVER-
THE-RIM) OF NORTH SNAKE GROUND
WATER DISTRICT AND MAGIC
VALLEY GROUND WATER DISTRICT**

COMES NOW North Snake Ground Water District (NSGWD) and Magic Valley Ground Water District (MVGWD) (collectively “Ground Water Districts”), through counsel, and on behalf of their ground water district members and those ground water users who are non-member participants in the Ground Water Districts’ mitigation activities, and hereby submit this Augmentation to 2009 Replacement Water Plan pursuant to *Order On Scheduling and Holding Notice of Curtailment in Abeyance* dated March 16, 2009.

I. INTRODUCTION

On March 17, 2009, the parties to this matter had a meeting to discuss the technical matters of concern to IDWR and the parties. At that meeting, certain issues were raised and IDWR requested that the Ground Water Districts provide additional information to address three

**AUGMENTATION TO 2009 REPLACEMENT WATER PLAN AND THIRD MITIGATION PLAN
(OVER-THE-RIM) OF NORTH SNAKE GROUND WATER DISTRICT AND MAGIC VALLEY GROUND
WATER DISTRICT**

primary issues relating to their 2009 Replacement Water Plan and Third Mitigation Plan (Over-The-Rim) of North Snake Ground Water District and Magic Valley Ground Water District (“Over-The-Rim” Plan”). The issues addressed herein are: 1) water quality and temperature; 2) operational plan for wells, including a measurement plan; 3) timing of conversions and construction.

II. ADDITIONAL INFORMATION

Over-The-Rim

1. Water Temperature and Quality – As part of the proposed Over-the-Rim Plan, the Ground Water Districts will institute a monitoring program that will measure water quality and temperature the results of which can be periodically reported to the Department and Clear Springs as needed. Water temperature data from surrounding wells indicates that the temperature of the water supplied is nearly the same as the temperature of the water emanating from the spring outlet at Clear Springs, Snake River Farm. Some temperature and presumably water quality variations exist inter-year and intra-year at Clear Springs, yet are apparently suitable now for fish raised by Clear Springs. Clear Springs has not disclosed any of this information and should be required to do so in order to establish base lines and parameters for both. Because the pipeline will be buried and because the water source is the same, temperatures in the mitigation water supplied should remain nearly constant throughout the winter and summer months and will approximate the same temperatures as exist in the aquifer supplying Clear Springs with the same or similar inter-year and intra-year variations. Since the pipe line proposed over the rim will also be buried or covered aquifer temperatures will be maintained even in the summer. **Exhibit 8** provided herewith is a technical memo from Dr. Brendecke and describes a preliminary analysis of heat gain in the buried pipeline and concludes

the under worst-case conditions, the increase in delivered water temperature would be less than 0.2 degrees Centigrade and would cause less than 0.01 degree Centigrade change in water temperature of hatchery influent. If unexpected water temperature increases are found beyond existing variations and unsuitable for trout rearing then simple aeration of the water at the spring box can be done to provide any needed evaporative cooling.

Available data reported from surrounding wells indicates that water quality is not an issue either, as one would reasonably conclude since the aquifer is the same source for the Over-the-Rim Plan wells and Clear Springs. This conclusion is further supported by the fact that many domestic wells supply homeowners in the same area. **Exhibit 9** is a spreadsheet that contains water quality data for surrounding wells. This water quality data from surrounding wells show very similar quality to that found at Clear Springs, Snake River Farm spring outlet. Reasonable steps, such as locked cages or well houses will be taken to insure that the wellheads are secure and that contamination at the wells will not occur. Because the pipeline will be buried, there is no possibility of contamination in the pipeline itself. Please refer to **Exhibit 10**, which is a technical memo from Mr. Schuur that provides for further explanation on both water temperature and quality.

2. Operation Plan – A final system operation plan has not yet been developed but will be when the system becomes operational. This will be undertaken once the Over-the-Rim Plan is approved and any conditions imposed by the Director are known. However, the operation plan will provide for the delivery of water from the seven wells as needed to provide a continuous flow of water to Clear Springs, Snake River Farm within the combined historical annual pumping volume for the wells. Delivery of water will come from two or more wells at any one time and will be designed in a manner to provide a reliable, year-round water supply.

Routine maintenance will be rotated between the wells in a manner so as to not interrupt water delivery to Clear Springs. This redundancy will also insure that water can be delivered in the event of failure of a well. As concluded in **Exhibit 11**, rotation of pumping among the wells is not expected to create any material change in impact to Clear Springs, Snake River Farm.

The wells utilized to deliver water will not be used for irrigation purposes. All of the water right owners have agreed in principle to the long-term lease of their water rights and the conversion of their lands to surface water irrigation. A long-term water lease and conversion agreement has been circulated to the water right owners to confirm these commitments.

District members indicate that the power supply in the area is very reliable with outages uncommon and short in duration. Ground Water Districts are attempting to confirm this information with Idaho Power. Because multiple wells will be available to supply water to Clear Springs there is built-in redundancy in the proposal. This redundancy provides excess capacity to further reduce any risks of short-term interruptions. Furthermore, Clear Springs, Snake River Farm's operation would not be substantially effected by short-term flow variations of a small magnitude as they already are accustomed to that when the Clear Lake Country Club takes approximately 2 cfs directly from the raceway intake when their pumps turn on each night and off each day during the irrigation season to water the golf course.

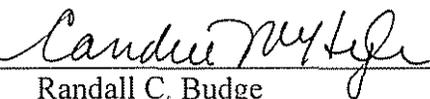
Finally, the Ground Water Districts operational plan will measure the amount of water pumped from each well and the total amount of water delivered to Clear Springs. The measuring devices will also record water quality data, or a plan will be employed to perform periodic water quality testing.

Conversions and Construction

Once the Over-the-Rim Plan is approved, it is expected that the conversion of the approximately 1100 acres can be completed within one month. The over-the-rim delivery pipeline and facilities is being designed and it is anticipated the construction will proceed simultaneously with the conversion work.

DATED this 19th day of March, 2009.

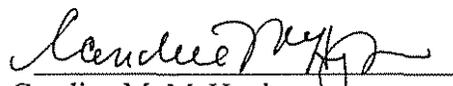
RACINE OLSON NYE BUDGE &
BAILEY CHARTERED

By: 
Randall C. Budge
Candice M. McHugh
Attorneys for North Snake and
Magic Valley Ground Water Districts

CERTIFICATE OF MAILING

I hereby certify that on this 19th day of March, 2009, the above and foregoing was sent to the following by U.S. Mail, proper postage prepaid and by e-mail for those with listed e-mail addresses:

| | |
|---|--|
| DAVID R. TUTHILL, DIRECTOR PHILLIP J. RASSIER IDAHO DEPARTMENT OF WATER RESOURCES P.O. BOX 83720 BOISE, IDAHO 83720-0098 Dave.tuthill@idwr.idaho.gov Phil.rassier@idwr.idaho.gov Chris.bromley@idwr.idaho.gov | <input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail |
| JOHN K. SIMPSON TRAVIS L. THOMPSON PAUL L. ARRINGTON BARKER ROSHOLT & SIMPSON LLP 1010 W. Jefferson, Suite 102 P.O. Box 2139 Boise, Idaho 83701 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com | <input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail |


 Candice M. McHugh