

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

IN THE MATTER OF THE IDAHO GROUND ) Docket No: CM-MP-2009-006  
WATER APPROPRIATORS, INC.'S )  
MITIGATION PLAN FOR CONVERSIONS, ) **NOTICE OF REQUEST**  
DRY-UPS, AND RECHARGE ) **FOR STAFF MEMORANDUM**  
)  
(Surface Water Coalition) )  
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1. On October 6, 2009, the Idaho Ground Water Appropriators, Inc. (“IGWA”) filed with the Director of the Department of Water Resources (“Director” or “Department”) a *Mitigation Plan for Conversions, Dry-Ups and Recharge* (“Plan”) in accordance with the Conjunctive Management Rules (“CM Rules”). IDAPA 37.03.11.043. The Plan was filed broadly, “on behalf of [IGWA’s] Ground Water District Members and other water user members for and on behalf of their respective members and those ground water users who are non-member participants in their mitigation activities . . . .” *Plan* at 1. “The proposed Mitigation Activities are submitted for advance approval to provide authorized mitigation tools which could be used to obtain mitigation credit in response to findings of material injury . . . . [to] the Surface Water Coalition . . . .” *Plan* at 3.

2. In accordance with CM Rule 43 and Idaho Code § 42-222, IGWA’s Plan was published. The Plan was not protested. On May 14, 2010, the Director approved the Plan. *Order Approving Mitigation Plan*. In the Order Approving Mitigation Plan, the Director stated: “In the future, if mitigation credit is sought by IGWA, the Director shall determine the appropriate credit, if any, to provide.”

3. On February 21, 2012, the Department received a *Request for Recognition of Recharge Credits* (“Request”). The Request was filed by counsel for IGWA, Upper Snake Mitigation Solutions, LLC, and Alliance Member Irrigation Districts and Canal Companies. Among other things, the Request states, “the recharge credits are intended for use by IGWA under its approved mitigation plans . . . .” *Request* at 1, ¶ 2. The Request specifically references the Surface Water Coalition (“SWC”) delivery call and the above-captioned mitigation plan proceeding, CM-MP-2009-006.

4. The Director will treat the filing as a request by IGWA, under its mitigation plan, for a determination of mitigation credit to be applied in 2012 to a finding of material injury, if any, to the SWC.<sup>1</sup>


5. IGWA's request seeks mitigation credit for recharge undertaken in "fall 2011." *Request* at 3. "Modeling was performed using aquifer response functions generated using the modeling approach and data files of ESPAM1.1 embodied in the Enhanced Ground-water Rights Transfer Spreadsheet of University of Idaho and Idaho Department of Water Resources. The details of application of these response functions are described in ESPRA 2011 Accounting System and Results." *Request* at 29.

6. The SWC derives reach gains in the Near Blackfoot to Minidoka reach of the Snake River. *Second Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover*, CM-DC-2010-001 (June 23, 2010). Gains in the Near Blackfoot to Minidoka reach can be utilized by the SWC. *Id.*

7. According to the Request, "31,294 acre feet of water was diverted for recharge, with 1,916 acre feet returning to the Snake River. The net recharge of 29,378 acre feet includes water delivered to off-canal recharge sites and also recharge in the beds of canals after the end of the irrigation season." *Request* at 4. "Diversion measurements were provided by Water District 01. Deliveries to off-canal sites and return flows were measured by Upper Snake Mitigation Solutions, University of Idaho and canal-company personnel, in coordination with Water District 01. Data were forwarded weekly to IDWR and a final accounting of recharge volume was provided at the end of 2011." *Id.*

8. To assist the Director in evaluating IGWA's request, the Director has requested that Department staff prepare a staff memorandum analyzing IGWA's request for credit. Staff will calculate the benefits accrued to the Snake River using ESPA Model simulations (version 1.1) during the time of need, which for the SWC is the 2012 irrigation season.

DATED this 23<sup>rd</sup> day of March, 2012.

  
Gary Spackman  
Interim Director

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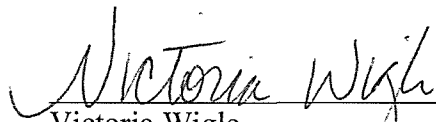
<sup>1</sup> The Request also seeks approval of modeled recharge credits for use by the Eastern Snake Plain Recharge Alliance ("Alliance") under IGWA's CM Rule 43 mitigation plans and for use by Alliance members related to existing or newly-approved water uses. *Request* at 2, 8-9. That portion of the request is addressed in the Department's *Order Denying Request for Mitigation Credits* in the matter captioned as *In the Matter of A Request for Recognition of Ground Water Recharge Credits in the Name of the Eastern Snake Plain Recharge Alliance*.

## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the following described document on the persons listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on the 23<sup>rd</sup> day of March, 2012.

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