



2. I am the Director of the Idaho Department of Water Resources (“Department”), an executive agency of the State of Idaho. The statements in this affidavit are made in my capacity as Director of the Department.

3. As Director, I have authority and responsibility for the direction and control of the distribution of water within water districts in the state of Idaho pursuant to the provisions of Chapter 6, Title 42, Idaho Code.

4. I have been ordered by the Court to lift the stay *In the Matter of the Petition for Delivery Call of A&B Irrigation District for the Delivery of Ground Water and for the Creation of a Ground Water Management Area* (“Delivery Call”); respond to A&B’s *Motion to Proceed*, filed March 16, 2007; and, provide notice to all parties in the matter that A&B has filed its *Motion to Proceed* and that the stay governing the Delivery Call has been lifted.

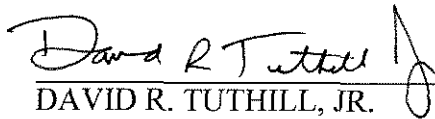
5. Respondents to the Delivery Call have been identified and the Department has served notice (“Notice”) of the Delivery Call on those persons and/or entities. Attached hereto as Attachment A is a true and correct copy of the Notice. The Notice was sent to approximately 200 recipients.

6. As stated in the Notice, a hearing on the Delivery Call is set for March 18, 2008 and will be presided over by independent hearing officer Gerald F. Schroeder. Mr. Schroeder is currently serving as hearing officer in the delivery calls filed by Blue Lakes Trout Farm, Inc. (“Blue Lakes”) and Clear Springs Foods, Inc. (“Clear Springs”), and the Surface Water Coalition. The hearing in the Blue Lakes and Clear Springs delivery call is scheduled for November 28, 2007 through December 18, 2007. The hearing in the Surface Water Coalition delivery call is scheduled for January 16 through February 6, 2008.

7. During the week of October 15, 2007, letters were sent by the Department, under my signature, to more than 2,700 holders of junior priority ground water rights that divert from the Eastern Snake Plain Aquifer, warning of possible forced curtailment during the 2008 irrigation season. Attached hereto as Attachment B is a true and correct copy of the warning letter.

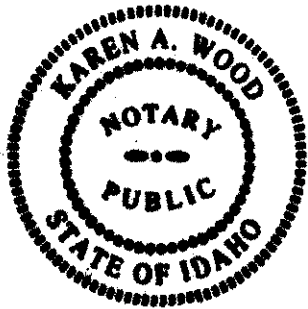
Further your Affiant sayeth naught.

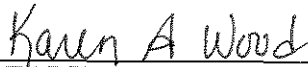
DATED this 19<sup>th</sup> day of October, 2007.

  
\_\_\_\_\_  
DAVID R. TUTHILL, JR.  
Director, Idaho Department of Water Resources

SUBSCRIBED AND SWORN TO BEFORE ME this 19<sup>th</sup> day of October, 2007.

(s e a l)



  
\_\_\_\_\_  
NOTARY PUBLIC for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: November 13, 2012

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am a duly licensed attorney in the State of Idaho, employed by the Attorney General of the State of Idaho and residing in Boise, Idaho; and that I served one (1) 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 this 19<sup>th</sup> day of October 2007.

Document(s) served: SECOND AFFIDAVIT OF DAVID R. TUTHILL, JR., DIRECTOR,  
IDAHO DEPARTMENT OF WATER RESOURCES

Person(s) served:

John K. Simpson  
Travis L. Thompson  
BARKER ROSHOLT & SIMPSON, LLP  
P.O. Box 485  
113 Main Ave., West, Suite 303  
Twin Falls, ID 83303  
[tlt@idahowaters.com](mailto:tlt@idahowaters.com)

- U.S. Mail, postage prepaid
- Federal Express
- E-Mail
- Facsimile

Roger D. Ling  
P.O. Box 396  
Rupert, ID 83350  
[rdl@idlawfirm.com](mailto:rdl@idlawfirm.com)

- U.S. Mail, postage prepaid
- Federal Express
- E-Mail
- Facsimile

Judge John K. Butler (Chambers)  
Jerome County District Court  
233 W. Main St.  
Jerome, ID 83338  
Fax: (208) 644-2609

- U.S. Mail, postage prepaid
- Federal Express
- E-Mail
- Facsimile

*Phillip J. Rassier*

Phillip J. Rassier  
Deputy Attorney General  
Idaho Department of Water Resources

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

IN THE MATTER OF THE PETITION FOR	)	<b>NOTICE OF <i>MOTION TO</i></b>
DELIVERY CALL OF A&B IRRIGATION	)	<b><i>PROCEED</i> FILED BY A&amp;B</b>
DISTRICT FOR THE DELIVERY OF GROUND	)	<b>IRRIGATION DISTRICT; AND</b>
WATER AND FOR THE CREATION OF A	)	<b>ORDER LIFTING STAY,</b>
GROUND WATER MANAGEMENT AREA	)	<b>SETTING HEARING</b>
	)	<b>SCHEDULE, AND APPOINTING</b>
	)	<b>HEARING OFFICER</b>

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**PLEASE TAKE NOTICE** that A&B Irrigation District (“A&B”) filed with the Director of the Idaho Department of Water Resources (“Director” or “IDWR”) on March 16, 2007, a *Motion to Proceed* in the above-captioned matter. A copy of the *Motion to Proceed* and related documents can be viewed on IDWR’s website at:  
[http://www.idwr.idaho.gov/Calls/A&B\\_Irrigation\\_Call/A&B\\_Call\\_Main\\_Index.htm](http://www.idwr.idaho.gov/Calls/A&B_Irrigation_Call/A&B_Call_Main_Index.htm).

The *Motion to Proceed* renews A&B’s *Petition for Delivery Call* (“Petition”) initially filed with the Department on July 26, 1994. The Director issued a *Pre-Hearing Conference Order* on May 1, 1995 (“Stay Order”) that stayed the 1994 delivery call. A copy of the Stay Order can be viewed at the website address shown above. The Stay Order provided that, “Any party may file a Motion to Proceed at any time to request the stay be lifted.” *Stay Order* at 8. You have been served with this notice of A&B’s *Motion to Proceed* because you or your predecessor in interest were among the approximately 200 respondents who filed a response to A&B’s 1994 delivery call. The Stay Order provided that this matter shall proceed under IDWR’s Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11).

**Stay Lifted**

In accordance with the provision in the Stay Order, “that action on the Petition is hereby stayed until further notice to the parties,” the providing of this notice results in the lifting of the stay on A&B’s *Petition for Delivery Call*. The delivery call shall proceed under IDWR’s Rules for Conjunctive Management of Surface and Ground Water Resources.

**Hearing Schedule**

Given the complexity of the factual determinations that must be made in determining material injury and the extent of the hydraulic connection between the ground water supplies beneath the A&B Irrigation District and other areas of the Eastern Snake Plain Aquifer, and the need to afford all participants an opportunity to gather the pertinent information and data

necessary for the development of this case, the Director has determined that the earliest feasible date for a hearing in this matter is March 18, 2008. Therefore, this order includes a pre-hearing schedule consistent with a hearing commencing on March 18, 2008. The pre-hearing schedule, subject to any subsequent modification, shall govern unless the parties agree upon an acceptable alternate date for commencement of the hearing. The pre-hearing schedule is as follows:

December 28, 2007	Deadline for submitting expert reports; deadline for pre-filed direct testimony (required for retained consultants / optional for others), and all exhibits to be used at hearing with experts;
January 30, 2008	Deadline for rebuttal reports; deadline for pre-filed rebuttal testimony and all exhibits to be used in rebuttal;
February 6, 2008	Deadline to disclose all lay witnesses / identify all exhibits to be used at hearing with lay witnesses (as well as any pre-filed direct testimony for lay witnesses, if desired);
February 20, 2008	Deposition deadline / discovery completed deadline;
March 5, 2008	Written opening brief / trial brief (if desired);
March 6, 2008	Prehearing conference and hearing on prehearing motions; and
March 18 to April 4, 2008	Hearing.

### **Appointing Hearing Officer**

Gerald F. Schroeder is appointed to serve as hearing officer effective October 19, 2007, and is authorized to hear this matter on behalf of the Idaho Department of Water Resources and to conduct a hearing and issue a recommended order pursuant to IDAPA Rule 37.01.01.410 and -413 and the provisions of chapter 52, title 67, Idaho Code. The Director maintains jurisdiction for the ongoing administration of water rights.

### **ORDER**

Based upon the foregoing and good cause appearing therefor,

IT IS HEREBY ORDERED that

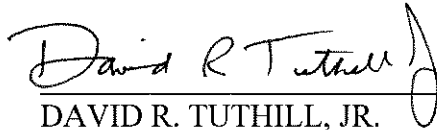
1. The stay of A&B Irrigation District's 1994 delivery call ordered in the *Pre-Hearing Conference Order* of May 1, 1995 is lifted.

2. The hearing date and the pre-hearing schedule for this matter shall be as set forth above.

3. Gerald F. Schroeder is appointed hearing officer effective October 19, 2007, to hear this matter on behalf of the Idaho Department of Water Resources and to conduct a hearing and issue a recommended order pursuant to IDAPA Rule 37.01.01.410 and -413 and the provisions of chapter 52, title 67, Idaho Code. The Director maintains jurisdiction for the ongoing administration of water rights.

4. Any petition for intervention by additional persons or entities to become a party to this proceeding shall be considered only if they accept the designated hearing officer and the existing hearing and pre-hearing schedule.

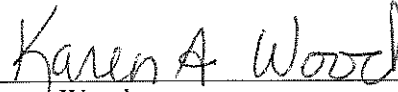
Dated this 19<sup>th</sup> day of October 2007.

  
\_\_\_\_\_  
DAVID R. TUTHILL, JR.  
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19<sup>th</sup> day of October 2007, the above and foregoing, was served by placing a true and correct copy via U.S. Mail Prepaid, and addressed to the following:

Please see attached list



Karen Wood  
Administrative Assistant  
Idaho Department of Water Resources



Aberdeen Springfield Canal Co PO Box Y Aberdeen ID 83210	Everett H or Betty L Adkins 2798 N 1000 E Monteview, ID 83435	Ken Anderson 2908 S 2000 W Rexburg, ID 83440
LaDell or Sherry Anderson Rt 1 Box 1316 Paul, ID 83347	W. J Anderson Anderson Nelson Hall & Smith PA PO Box 51630 Idaho Falls, ID 83405 Representing: City of Shelley; WJ Anderson; Grace Lewis; City of Ammon; Falls Water Co.	James Annest PO Box 686 Burley, ID 83318 Representing: Costa &/or Ruth Delis; James Annest
Terry B or Phyllis W Arrington 210 N Hansen Shelley, ID 83274	Stephen Ball 27 N 3167 E Idaho Falls, ID 83402	Becker Brothers PO Box 331 Aberdeen, ID 83402
David or Karan Becker 3245 Canyonridge W Twin Falls ID 83301-8179	Jo Beeman Beeman and Associates, PC 409 W Jefferson Boise, ID 83702 Representing: Water Resource Coalition	Emma M Bennett PO Box 120 Hill City, ID 83337
Boyce L. Benson PO Box 164 Moreland ID 83256	William B. Benson PO Box 167 Moreland ID 83256	David R Bethke 3149 W Rast Road American Falls, ID 83211
Rick Bollar Goodman & Bollar PO Box D Rupert, ID 83350	Ken & Marilyn Boswell 1669 W 600 S Pingree ID 83262	Ralph E Bowler Bowler Ranches Inc PO Box 760 American Falls, ID 83211
Julia A Bradshaw 561 N 1400 W Blackfoot, ID 83221	Terrell V. Bradshaw 559 N 1400 W Blackfoot, ID 83221	David Brucks Family Trust C/o Hazel L Brucks 384 N 4100 E Rigby, ID 83442
Charles Bryan 965 W Hwy 26 Blackfoot, ID 83221	Robert and Joan Buffi 1026 S 2600 W Aberdeen, ID 83210	Velma Butler 4114 E 2900 N Hansen, ID 83334
James A. Buzzard 2171 Michael Creek Rd Pocatello ID 83204	Leland Call Rt 2 Box 2220 Burley, ID 83318	James & Lucille Campbell 2019 E 2950 S Wendell, ID 83355
Ben Cavaness 895 Fillmore American Falls, ID 83211	Kent & Tami Chandler 1800 E 2967 S Wendell, ID 83355	Donald J. Chisholm PO Box 1118 Burley, ID 83318 Representing: Allan & Fanny Bryngelson
Paul Christensen Rt 4 Box 4252 Burley, ID 83318	Robert or Jeraldean Christensen 357 S 1200 W Pingree, ID 83262	Don J Collins 705 W 100 S Blackfoot ID 83221
Howard or Mary Conrad Rt 1 Murtaugh, ID 83344 Representing: Conrad Ranches; Conrad Land & Livestock, Inc.	Dale E. Cope 800 E 2886 N Monteview, ID 83435	Wendel C. Dean Rt 3 Box 199 Rupert, ID 83350
Degner Farms Inc c/o Clarence Degner 2952 N 4200 E Hansen, ID 83334	Desert Ridge Farms Inc. PO Box 185 Wendell, ID 83355	Gary & Ruth Dimond 3027 S 1800 E Wendell, ID 83355
Harold & Carolyn Dimond 3059 S 1800 E Wendell ID 83355	Doug Driscoll PO Box 371 American Falls, ID 83211	Ted E Edwards HC 62 Box 104 Spencer ID 83446

Don E Everingham c/o Trudy Scott (POA) PO Box 834 Blackfoot, ID 83221	Falls Irrigation District c/o Roger D Ling Ling Robinson & Walker PO Box 396 Rupert, ID 83350	Farm Management Co 139 E S Temple #110 Salt Lake City, UT 84111
O E & Berneta Feld Todd & Jeff Feld Box B Aberdeem, ID 83210	Jeffrey C. Fereday Givens Pursley PO Box 2720 Boise, ID 83701 Representing: University of Idaho	Volney G Fleischman 223 E Crestline Dr Boise, ID 83702
Kent Foster Holden Kidwell Hahn & Crapo PO Box 50130 Idaho Falls, ID 83405 Representing: Martin Family Trust; Martin Brothers Land & Idaho Livestock Lmt. Partnership; Lloyd & Shannon Brown; Jestin & Barbara Croft; City of Idaho Falls; Brent Stolworthy; Gladys Vanderford Trust; LDS Church; Florian & Opal Wernette; Val D Hammond	Darrol Gardner Sundown Corp 2150 N 55E Idaho Falls, ID 83401	Lance Gardner 589 N 150 W Blackfoot, ID 83221
Kay R Garner Garner Farms 64 N 4 <sup>th</sup> E Rexburg ID 83440	Lucille Gibbs 3204 S 1950 E Wendell, ID 83355	Office of Chief Counsel 850 Energy Drive Idaho Falls, ID 83401 Representing: US Dept. of Energy
Dallas Burkholder PO Box 25 Boise, ID 83707 Representing: Idaho Dept. of Fish & Game	S J Godfrey Rt 2 Box 2590 Paul, ID 83347	Guy Goodfellow HC 71 Box 110 Burley, ID 83318
William T Goodman Goodman & Bollar Box D Rupert ID 83350 Representing: Roy T. & Evelyn D. Honsinger; Blincoe Farms Inc.; Larry Tominaga; Frank J. Suchan; Paul Cemetery Maintenance District; Donald J. Suchan	Alan Goodman Goodman & Bollar Box D Rupert, ID 83350 Representing: Interstate Mfg. Co.; Ron S. Jones; Wm Kerbs & L.W. Routh	Elmer Graff 3363 N 4500 E Murtaugh, ID 83344
Blair Grover Grover Law PO Box 36 Rigby, ID 83442-0036 Representing: Del Ray Holm; Brent Call; Dave & Lyle Robison; Sho Nukaya; Dennis Snarr; Sid Jensen; Dane Watkins; Clarren Holm; Greg Thomason; Darrell Gardner; Dusty Stibal; Linden & Lois Butikofer; Gerald & Michael Butikofer	James A Grubbs 40565 Miller Rd Leetonia OH 44431	Ken & Myrna Hahn 2540 Smith Rd American Falls ID 83211

Scott H Hansen Blaser Sorensen Oleson Chtd PO Box 1047 Blackfoot, ID 83221 Representing: Glenn Martineau Trust; LaMar Whyte	Eldon B or Helen R Or Stanley A Harder 1634 S 3200 W Aberdeen ID 83210	Glenwin or Lorraine Harris Rt 1 Box 1347 Heburn ID 83336
Greg & Cristi Heins Rt 3 Box 225 Rupert, ID 83350	Warren & Elise Heins Rt 3 Box 225 Rupert ID 83359 Representing: Split Butte Ranch; Rancho Verde Inc.	Paul & Alice Heyrend PO Box 56 Artois, CA 95913
Mark E Hill 183 W Oak Street Shelley, ID 83274	John J Hockberger Jr US Dept of the Interior Office of the Solicitor Box 020-550 W Fort St Boise, ID 83724-0020 Representing: Bureau of Reclamation	Holland & Hart PO Box 2527 Boise, ID 83701 Representing: Magic Valley Underground Pumpers Assn/. Inc.
William R Hollifield PO Box 66 Twin Falls, ID 83303 Representing: Glenn R Van der Giessen	Thomas J. Holmes Jones Chartered PO Box 967 Pocatello, ID 83204 Representing: City of Chubbuck	Houghland Farms Inc c/o John Houghland PO Box 97 Springfield, ID 83277
William G Howe 307 N 65 <sup>th</sup> W Idaho Falls, ID 83402	Eugene Hruza Box 66 Minidoka id 83343	Idaho Ag Inc PO Box 123 Rupert ID 83350
Roger or Sandra Jackson PO Box 28 Roberts ID 83444	LeRoy Jarolimek Rt 2 Box 2218 Burley, ID 83318	Blair D Jaynes Office of the Attorney General PO Box 83720 Boise, ID 83720-0041 Representing: State of Idaho, Military Div.
Virgil and Barbara Jenks 3550 S 1800 E Wendell ID 83355	Keith & Kyle Jeppesen 357 E 1 <sup>st</sup> N Rexburg ID 83440	Arthur J Jones 1697 W 700 S Pingree ID 83262
Paul P Kendall 202 Idaho St American Falls ID 83211	Richard & Joy D Kimmel 867 N 800 E Shelley ID 83274	F Randall Kline PO Box 397 Pocatello, ID 83204-0397 Representing: Ben Kopp
Knudsen Poor Farm Inc. C/o Bob Knudsen 2700 W 2100 S Aberdeen ID 83210	James Lehman 2912 W 200 S Aberdeen ID 83210	Robert Lehman Lehman Farms 2853 W 2000 S Aberdeen ID 83210
Liberty Trust C/o Daniel L Johnson PO Box 2376 Elko NV 89803	Richard A Line Line View Farms Inc 2269 W 800 S Aberdeen ID 83210	Todd Lowder 2607 W 1200 S Sterling ID 83210
Blake Lulloff 11541 S 5 <sup>th</sup> W Shelley ID 83274	Robert S Luntey 4595 River Rd Buhl ID 83316	David H Maguire Maguire & Kress PO Box 4758 Pocatello ID 83205-4758 Representing: H.J. & Lou Etta Christiansen

Robert E or Jane V Mann 2556 W 1400 S Aberdeen ID 83210	Robert L Martin 4931 N 125 W Idaho Falls ID 83402	Maureen Matheson 2961 E 650 N Roberts ID 83444
Frank McFarland PO Box 566 Burley ID 83318	Zoanne Murdock McGarry 1467 W 550 S Pingree ID 83262 In behalf of: Dennis Murdock, Deceased	Gregory P Meachan McGrath Meacham Smith PLLC PO Box 50731 Idaho Falls, ID 83405 Representing: Idaho Supreme Potatoes, Inc.
M Jay Meyers Myers & thomsen PO Box 4747 Pocatello ID 83205 Representing: Joe Houska Trust; M. jay meyers	Mickelsen Farms Inc Rt 4 Box 214 Rupert ID 83350	Neil or Julia Morgan 762 W Hwy 39 Blackfoot, ID 83221
Paul & Pam Muirbrook 2751 W 1000 S Sterling ID 83210	G K Munsee 1511 Bitterroot Dr Twin Falls ID 83301	Robert T Nail 3485 N 2800 E Twin Falls ID 83301
Jerry Nance 814 Hwy 24 Dietrick ID 83324	Darwin Neibaur Rt 5 Box 137 Rupert ID 83350	Daryl M Neibaur Rt 1 Box 1476 Paul ID 83347
June Neibaur Rt 1 Box 1382 Paul ID 83347	Mack W Neibaur Rt 1 Bx 1478 Paul ID 83347	William G. Neibaur Rt 1 Box 1474 Paul ID 83347
Darrell C. Neville 945 N 2000 W Rexburg ID 83440	Scott C Neville 2263 W 1000 N Rexburg ID 83440	Stan D Neville 2658 E 2000 N Hamer ID 83425
Bruce & Mark Newcomb 1626 Monroe Burley ID 83318	Russell W Newcomb 3392 Highlawn Dr Twin Falls ID 83301	Noh Sheep Co c/o Laird Noh Rt 1 Box 65 Kimberly ID 83341
Patrick O'Donnell 38950 N Crawford Rd Wadsworth IL 60083	Lila Oleson Steve Oleson Elizabeth Oleson 363 E 200 N Blackfoot ID 83221	George Oleson Debbie Oleson 363 E 200 N Blackfoot, ID 83221
Eldon W Oliverson c/o Michael D Overton 800 e 2886 N Monteview ID 83435	Tracy Oneale 1111 W Jefferson St Ste 510 Boise, ID 83702 Representing: Boise Cascade Corp.	Michael D Overton 800 E 2886 N Monteview ID 83435
Parrish Farms Inc 2572 Carrousel Circle Twin Falls ID 83301	William A Parsons Parsons Smith Stone LLP PO Box 910 Burley ID 83318 Representing: City of Burley; Critchfield Farms; Orin & Linda Woodbury; John R. & Evelyn Lois Seymour; Richard L. Kechter; Southwest Irrigation District; Wayment Farms, Inc; Joe & Reta Ehrler Family Trust, Richard Shawn Kechter; Scott Jensen dba Jensen Dairy Farm; Miriam R.	Patterson Farms of Idaho Rt 1 Box 1271 Paul ID 83347

	Smith; Jack & Betty Allred; Paul & Jill Wornell; Donald N. Pearson	
Ken L Patterson PO Box 539 Paul ID 83347	A Woodrow Petersen 691 E 600 W Firth ID 83236	Delores Peterson 33 Horse Shoe Circle Jerome ID 83338
L Tim Pierce 1684 E Blackhawk Pleasant Grove UT 84062	Isaac D Pierce 2592 W 1300 S Sterling ID 83210	Merlin & Mary Ann Plant 480 N 150 W Blackfoot, ID 83221
Clayton & Marilyn Pope 3131 S 1950 E Wendell ID 83355	Jackman Guy Poulson 1688 S 2700 W Aberdeen ID 83210	Scott E Poulson 2831 W 1500 S Aberdeen, ID 83210
Eugene F Price 2331 W 16 <sup>th</sup> ST Burley ID 83318	Douglas Prudhomme 2554 W 1300 S Aberdeen ID 83210	CT Qualls & Sons c/o Tim Qualls 4000 NA 3200 E Twin Falls ID 83301
C Michael Reece 5680 Bannock Hwy Pocatello ID 83204	Jerry D Reynolds 545 Targhee St St Anthony ID 83445 Representing: Robert Reynolds	David or Margene Rich 1070 w 300 S Pingree ID 83262
Jerry R. Rigby Rigby Thatcher Andrus PO Box 250 Rexburg, ID 83440 Representing: Fremont-Madison Irrig. Dist.; Quality Farms, Inc.; Robert & Sue Huskinson; Sun-Glo Industries; New Sports & Fitness Center; Val Schwendiman Farms, Inc.; David Schwendiman Farms, Inc.	Dan Steenson Ringert Clark PO Box 2773 Boise, ID 83701 Representing: Earl M. Hardy (Kay Hardy); Gary E. Cox	John S Ritchie Coleman Ritchie & Robertson PO Box 525 Twin Falls ID 83303-0525 Respresenting: J & M Family Investment; Winding Brook Corp.
Dell W Robertson 5699 E Lincoln Rd Idaho Falls, ID 83401	Thomas M Robertson Coleman Ritchie & Robertson PO Box 525 Twin Falls ID 83303-0525 Representing: View Ranch Inc.	Roys Five Corp 5319 E Lincoln Rd Idaho Falls, ID 83401
Sherman L Ruff Ruff Times Farms 3005 W 2100 S Aberdeen ID 83210	John A Sanders Family Ltd Partnership c/o John Sanders 2107 Hoover Dr Santa Clara CA 95051 Property Sold to: Ron and Linda Parrish	The Sanders Family Trust c/o Roger M Sanders 19600 Shore Pine Lane Brookings OR 97415
Elaine Saurey 3778 N 2000 W Rexburg, ID 83440-3229	Schmidt Bros c/o Omer Schmidt 3600 S 2111 E Wendell ID 83355	Barbara Scott Brier US Dept of the Interior 500 N E Multnomah Suite 607 Portland OR 97232 Representing: US Fish & Wildlife Service; National Park Service
Scott R Seedall Pile & Seedall PO Box 2949 Idaho Falls ID 83403-2949	Max A or Karen B Serr Rt 1 Box 1065 Paul ID 83347	Archie Service Jim Spinner Service Gaser & Kerl PO Box 6009

Representing: D & G Farms		Pocatello ID 83205-6009 Representing: Clarence Gohl Big Sky Water Users Assn.
Charles Shackelford PO Box 212 Aberdeen ID 83210	Larry & Janet Marie Shark Rt2 2 Box 36 Buhl ID 83316	J Walter Sinclair Benoit Alexander Sinclair Harwood & High PO Box 366 Twin Falls ID 83303-0366 Representing: Jack W & Marlene Sears
Slim Pickens Farms c/o Fred L Kopp 2697 Kopp Rd American Falls ID 83211	Merrill & Merrill PO Box 991 Pocatello ID 83204-0991 Representing: Wallace & Maureen Driscoll; Thayne & Andrea Driscoll; W. Brock & Tena Driscoll; M. Dirk & Dayna Driscoll; Driscoll Brothers; DLW, Inc.	John & Karen Smuin 2301 N 700 E Monteview ID 83435
James P Speck Hogue Speck & Aanestad PO Box 987 Ketchum ID 83340 Representing: Acequia, Inc.; Estate of Rosemary Haley	Fred R Stewart Rt 4 Box 4826 Jerome ID 83338	Phyllis L. Stewart Rt 4 Box 4826 Jerome ID 83338
Chad or Betty Stibal Clyde or Bonne Gamble 174 N 1700 W Blackfoot ID 83221	J O Stimpson 428 E 370 S Dietrich ID 83324	Stroschein Ranches Inc c/o Tom S Stroschein 965 S 2400 W Aberdeen ID 83210
Paul or Virginia Stroschein 724 5 <sup>th</sup> St Rupert ID 83350	G Kent Taylor Taylor & Groom PO Box 1901 Twin Falls ID 83303-1901 Representing: David Ra Smith	Gary A Ternus PO Box 8 Blackfoot ID 83221
Curt R Thomsen Thomsen & Stephens PO Box 50560 Idaho Falls ID 83405 Representing: Idaho Pacific Corp.	Bill Torngren 3250 N 55 <sup>th</sup> E Idaho Falls ID 83401	Norma Torngren Torngren Investments 1065 Canal Ave Idaho Falls, ID 83402
Kevin F Trainor Stephan Kvanig Greenwood Stone & Trainor PO Box 83 Twin Falls ID 83303-0083 Representing: Michael & Katherine Branchflower	Gary & Karen Trego 53 N 550 W Blackfoot ID 83221	Triple Ace Inc C/o Russell or Lisa Peterson Rt 2 Box 2778 Paul ID 83347
Fay Tripp 640 W Center St Blackfoot ID 83221	James C. Tucker 1221 W Idaho PO Box 70 Boise ID 83707 Representing: Idaho Power	Bruce Turner Water Canyon #13 Declo ID 83323
William Vanderpol Rockridge Dairy 970 E 3700 N Castleford ID 83321	Tim or Delbert Waters 1931 Hunt Rd Jerome ID 83338	Waterside Farms c/o Joe Morgan PO Box 1271 Burley, ID 83318

Douglas R. Whipple PO Box 188 Burley ID 83318 Representing: Joint School District #151	Ardel Wickel Rt 1 Box 37A Declo ID 83323	Marcella S Wicker C/o A Gustaf Bryngelson Rt 3 Box 187A Rupert ID 83350
Jaynalene Williams 803 W Victory Boise, ID 83706	Richard or Myrna Winberg 1027 S 2600 W Aberdeen ID 83210	Winding Brook Corp C/o Rodney H Moore PO Box 53 Nampa ID 83653
Fritz Wonderlich Benoit Alexander Sinclair Harwood & High PO Box 366 Twin Falls ID 83303-0366 Representing: City of Twin Falls	Vaughn Wood 1616 W 700 N Blackfoot ID 83221	David Zimmerman Zimmerman Land & Livestock 2625 Daves Rd American Falls ID 83211
Amalgamated Sugar 3184 Elder Street Boise, ID 83705	Ore-Ida Foods, Inc. Post Office Box 10 Burley, ID 83318	North Snake Ground Water District 152 E Main St Jerome, ID 83338
Aberdeen-American Falls Groundwater District 2956 Deeg American Falls, ID 83211	City of Aberdeen PO Box 190 Aberdeen ID 83210	City of American Falls 550 N Oregon TL American Falls, ID 83211
City of Arco PO Box 196 Arco ID 83213	City of Atomic City Main and 7 <sup>th</sup> Ave W Atomic City, ID 83215	City of Basalt PO Box 557 Basalt ID 83218
City of Blackfoot 157 N Broadway Blackfoot, ID 83221	City of Buhl 203N Broadway Buhl ID 83316	City of Castleford PO Box 626 Castleford ID 83321
City of Eden PO Box 376 Eden, ID 83325	City of Filer PO Box 140 Filer ID 83328	City of Firth PO Box 37 Firth, ID 83236
City of Hagerman PO Box 158 Hagerman, ID 83332	City of Hansen PO Box 112 Hansen, ID 83334	City of Hazelton PO Box 145 Hazelton, ID 83335
City of Heyburn 285 Centennal Dr Heyburn ID 83336	City of Jerome 152 E Ave A Jerome, ID 83338	City of Kimberly PO Box 2 Kimberly ID 83341
City of Rigby 158 W Fremont Ave Rigby ID 83442	City of Ririe PO Box 68 Ririe ID 83443-0068	City of Roberts PO Box 236 Roberts ID 83444
City of St. Anthony 420 N Bridge St Ste A St. Anthony ID 83445	City of Sugar City 10 E Center St PO Box 56 Sugar City, ID 83448	City of Ucon PO Box 12 Ucon ID 83454
City of Wendell PO Box 208 Wendell ID 83355-0208	Stephen J Blaser Blaser Sorensen & Oleson PO Box 1047 Blackfoot, ID 83221 Representing: Larry J. Clement; Tate Clement; Lois Jane Hahn Belter; Marjorie Sainz; Stephen J. Blaser	Ronald Stroschein 1292 S 1220 W Aberdeen ID 83210

Randy Budge Candice McHugh PO Box 1391 Pocatello, ID 83204-1391 Representing: Idaho Ground Water Appropriators, Inc.	Charles R. Hishaw Rt 1 Box 1420 Paul, ID 83347	Arthur Hieb 501 18 <sup>th</sup> St Rupert, ID 83350
Ronald J Hieb 474 e 100 <sup>th</sup> S Rupert, ID 83350	Steve Damele 655 W County Line Rd Gooding, ID 83350	Ron & Linda Parrish PO Box 60 Firth, ID 83236





## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

October 17, 2007

TO: Water Right Holder in the Eastern Snake Plain Aquifer

**Re: Notice of Potential Curtailment of Ground Water Rights in the Eastern Snake Plain Aquifer**

Dear Water Right Holder:

This letter is provided to inform you that you are the water right holder of record for one or more water rights that could **potentially** be subject to curtailment during 2008. The enclosed map depicts areas of potential curtailment based on three water right calls, described below. The delivery calls were made under the Department's Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11). The calls include ground water rights for irrigation, commercial, industrial, municipal, non-exempt domestic use, and other consumptive uses. Non-consumptive uses and culinary in-house uses of water will not be subject to curtailment under the orders.

### *Hearings*

Information in this letter might be modified as a result of hearings on the existing orders, scheduled to begin on November 28, 2007, for the Blue Lakes call and the Clear Springs call, and on January 16, 2008, for the Surface Water Coalition call. Information related to the hearings is posted on the IDWR website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

### *Blue Lakes Call*

The Blue Lakes water rights authorize the diversion of water from Alpheus Creek located in the Devil's Washbowl to Buhl Gage spring reach north of Twin Falls. An order issued on May 19, 2005 determined that diversion and use of ground water under water rights with junior priority dates causes material injury to Blue Lakes' water right no. 36-07427. A copy of the order can be found on IDWR's website at: <http://www.idwr.idaho.gov/Calls/Spring%20Users%20Calls/Blue%20Lakes%20Order%2005-19-05.pdf>.

The 2005 Blue Lakes order provides that replacement water in the amount of 40 cubic feet per second (cfs) shall be delivered during year four (2008) to the Devil's Washbowl to Buhl reach. Without additional mitigation or replacement water being provided, year four of phased curtailment shall require the curtailment of ground water rights having a priority date later than (junior to) March 3, 1982. This date could be adjusted based on the submittal of an acceptable mitigation plan, and it assumes continuation of existing conversion acres and CREP acres.

### *Clear Springs Call*

The Clear Springs water rights for use at its Snake River Farm authorize the diversion of water from springs tributary to Clear Lakes located in the Buhl Gage to Thousand Springs reach east of Buhl. An order issued on July 8, 2005 determined that diversion and use of ground water under water rights with junior priority dates causes material injury to Clear Springs' water right no. 36-04013B. A copy of the order can be found on IDWR's website at: <http://www.idwr.idaho.gov/Calls/Spring%20Users%20Calls/Clear%20Springs%20Order%2007-08-05.pdf>.

The 2005 Clear Springs order provides that replacement water in the amount of 31 cfs shall be delivered during year four (2008) to the Buhl Gage to Thousand Springs reach. Without additional mitigation or replacement water being provided, year four of phased curtailment shall require the curtailment of ground water rights having a priority date later than (junior to) December 10, 1973. This date could be adjusted based on the submittal of an acceptable mitigation plan, and it assumes continuation of existing conversion acres and CREP acres.

### ***Surface Water Coalition Call***

The Surface Water Coalition call applies to ground water rights that impact the Snake River in the American Falls area where the aquifer and river are hydraulically connected. This priority administration of water rights is occurring as required by the order of May 2, 2005, issued in response to the water delivery call made by members of the Surface Water Coalition, comprised 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. A copy of the order can be found on the IDWR website at:

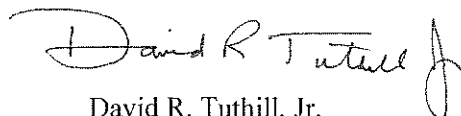
<http://www.idwr.idaho.gov/Calls/Surface%20Coalition%20Call/default.htm>.

Under the 2005 order, I am required to make a determination of the extent of material injury reasonably likely to occur to members of the Surface Water Coalition during the 2008 irrigation season as a result of depletions caused by the diversion of water under junior priority ground water rights. This determination will be made with forecasts of the expected runoff based on the snow survey conducted on April 1, 2008. Depending on the expected snow pack, the determination could result in the curtailment of consumptive ground water rights during the 2008 irrigation season. IDWR computations predict that if the expected runoff is 105% of normal, no curtailment will be required. If the predicted runoff is the same as in 2007, curtailment could impact priority dates as early as September 19, 1960. If the predicted runoff is the same as in 1977, the lowest runoff year on record, curtailment could impact priority dates as early as September 4, 1950. The submittal of acceptable mitigation plans could protect specified water rights from curtailment.

### ***CREP***

Issuance of a curtailment order will affect the eligibility of land to be enrolled in the Conservation Reserve Enhancement Program (CREP). The United States Department of Agriculture (USDA) Farm Service Agency's rules for CREP require that "the cropland must be physically and legally capable of being irrigated in a normal manner when offered for enrollment." Upon the issuance of a curtailment order, cropland irrigated with curtailed water rights is no longer "legally capable of being irrigated" and is therefore no longer eligible for CREP. Producers should also be aware that CREP is limited to an enrollment of 100,000 acres. For further CREP eligibility requirements, producers should seek advice from their local USDA Farm Service Agency office.







Sincerely,



David R. Tuthill, Jr.  
Director

Enclosure: Location Map of Curtailment Areas

# Map of Curtailment Areas

-  Selected Water Districts
-  Area of Common Ground Water Supply
-  Snake River Farm Ground Water Curtailment Area
-  Blue Lakes Trout Ground Water Curtailment Area
-  Blue Lakes Trout and Snake River Farm Ground Water Curtailment Areas
-  Surface Water Coalition Ground Water Curtailment Area

