

RECEIVED

JUN 11 2020

DEPARTMENT OF
WATER RESOURCES

Norman M. Semanko, ISB #4761
PARSONS BEHLE & LATIMER
800 West Main Street, Suite 1300
Boise, Idaho 83702
Telephone: 208.562.4900
Facsimile: 208.562.4901
Email: NSemanko@parsonsbehle.com

Attorneys for Snake River Storage

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

BASIN 33 WATER USERS, a coalition of
water right holders, and the UPPER VALLEY
WATER USERS, a coalition of water right
holders,

Petitioners,

vs.

THE IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

IN THE MATTER OF DESIGNATING THE
EASTERN SNAKE PLAIN AQUIFER
GROUND WATER MANAGEMENT AREA

Case No. CV01-20-8069

**DECLARATION OF NORMAN M.
SEMANKO IN SUPPORT OF SNAKE
RIVER STORAGE'S VERIFIED
PETITION TO INTERVENE OR, IN THE
ALTERNATIVE, APPEAR AS AMICUS
CURIAE**

DECLARATION OF NORMAN M. SEMANKO IN SUPPORT OF SNAKE RIVER
STORAGE'S VERIFIED PETITION TO INTERVENE OR, IN THE ALTERNATIVE,
APPEAR AS AMICUS CURIAE - 1

24719.001\4847-4885-9327v1

I, Norman M. Semanko, declare as follows:

1. I am duly licensed to practice law in the State of Idaho and before this Court, and I am a shareholder with the firm Parsons Behle & Latimer. I am over the age of 18 and make this declaration based upon my personal knowledge. I am an attorney representing Snake River Storage (“SRS”) in this matter.

2. Petitioner in this case filed an appeal against the Idaho Department of Water Resources regarding the Director’s designation of the Eastern Snake Plain Aquifer as a Ground Water Management Area under Idaho Code Section 42-233b.

3. SRS is an Idaho unincorporated nonprofit association formed and operating pursuant to Chapter 27, Title 30, Idaho Code.

4. SRS’ members include nine canal, irrigation and ditch companies (Aberdeen-Springfield Canal Company (“ASCC”), Peoples Canal & Irrigation Company (“Peoples Canal”), Corbett Slough Ditch Company, Blackfoot Irrigation Company, Parsons Ditch Company, Riverside Canal Company, Wearyrick Ditch Company, Watson Canal Company and United Canal Company) and four ground water districts (American Falls-Aberdeen Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District and Jefferson-Clark Ground Water District).

5. SRS engages in cooperative efforts between surface and ground water entities, including ground water recharge, to improve available water supplies from the Eastern Snake Plain Aquifer and the Snake River.

6. SRS coordinates the use of available natural flow, ground water recharge rights held by its members (Permit Nos. 1-10625 (Peoples Canal) and 1-10629 (ASCC)) to benefit SRS members and help them meet the terms of the Surface Water Coalition-Idaho Ground Water Appropriators Settlement Agreement (June 30, 2015) (“Settlement Agreement”) (available at www.idwr.idaho.gov).

7. SRS provides “private recharge,” which is recognized under the Settlement Agreement as a mechanism for satisfying the required consumptive use reductions by ground water users for the ESPA. *See* Settlement Agreement, Sec. 3.a (Consumptive Use Volume Reduction) (long term practices commenced in 2016 include annual ground water reductions, which may be accomplished by “conducting an equivalent private recharge activity”).

8. To implement the Settlement Agreement, the ground water districts – including those who are SRS members – are required to submit their ESPA recharge data to the Steering Committee prior to April 1 annually. Second Addendum to Settlement Agreement, Paragraph 2.a (December 14, 2016) (available at www.idwr.idaho.gov).

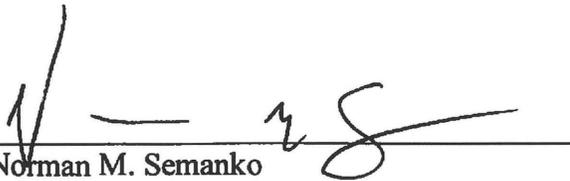
9. Each of the nine canal, irrigation and ditch companies who are SRS members have consented to the use of their respective irrigation points of diversion, conveyance systems, and places of use for these ESPA ground water recharge activities, pursuant to amendments filed to Permit Nos. 1-10625 and 1-10629.

10. The delivery organization members of SRS also hold numerous natural flow, storage and ground water rights diverted from the Snake River, Palisades, Jackson Lake and American Falls Reservoirs, and the ESPA.

The private recharge coordinated by SRS allows the SRS member ground water districts and others to meet their legal obligations, including those provided for in the Settlement Agreement.

I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Executed on June 9, 2020, at Boise, Idaho.


Norman M. Semanko

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June, 2020, I served a true and correct copy of the foregoing document on the parties listed below by their designated method of service as indicated.

GARRICK L. BAXTER DEPUTY ATTORNEY GENERAL STATE OF IDAHO PO BOX 83720 BOISE, ID 83720-0098	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
JERRY R. RIGBY 25 N 2ND E PO BOX 250 REXBURG, ID 83440-0250	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
ROBERT L HARRIS 1000 RIVERWALK DR, STE 200 PO BOX 50130 IDAHO FALLS, ID 83405	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
ALBERT P BARKER JOHN K SIMPSON BARKER ROSHOLT & SIMPSON LLP PO BOX 2139 BOISE, ID 83701-2139	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
TRAVIS L THOMPSON BARKER ROSHOLT & SIMPSON LLP PO BOX 63 TWIN FALLS, ID 83303-0063	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
KIRK BYBEE PO BOX 4169 POCATELLO, ID 83201	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
GARY SPACKMAN DIRECTOR IDWR PO BOX 83720 BOISE, ID 83720-0098	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
W. KENT FLETCHER FLETCHER LAW OFFICE PO BOX 248 BURLEY, ID 83318	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF

DECLARATION OF NORMAN M. SEMANKO IN SUPPORT OF SNAKE RIVER STORAGE'S VERIFIED PETITION TO INTERVENE OR, IN THE ALTERNATIVE, APPEAR AS AMICUS CURIAE - 5

MICHAEL C. CREAMER GIVENS PURSLEY LLP PO BOX 2720 BOISE, ID 83701-2720	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
CANDICE MCHUGH CHRIS M BROMLEY MCHUGH BROMLEY, PLLC 380 S 4TH ST, STE 103 BOISE, ID 83702	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
RANDALL C BUDGE THOMAS J BUDGE PO BOX 1391 POCATELLO, ID 83204-1391	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
ROBERT E. WILLIAMS PO BOX 168 JEROME, ID 83338	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
SARAH A. KLAHN SOMACH SIMMONS & DUNN 2033 11TH ST, STE 5 BOULDER, CO 80302	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
DYLAN B. LAWRENCE J WILL VARIN VARIN WARDWELL LLC PO BOX 1676 BOISE, ID 83701-1676	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF
JOSEPH F. JAMES 125 5TH AVE W GOODING, ID 83330	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail or CM/ECF


Norman M. Semanko

DECLARATION OF NORMAN M. SEMANKO IN SUPPORT OF SNAKE RIVER
STORAGE'S VERIFIED PETITION TO INTERVENE OR, IN THE ALTERNATIVE,
APPEAR AS AMICUS CURIAE - 6

24719.001\4847-4885-9327v1