

**W. KENT FLETCHER, ISB # 2248**  
**FLETCHER LAW OFFICE**  
 P.O. Box 248  
 Burley, ID 83318  
 Telephone: (208) 678-3250  
 Facsimile: (208) 878-2548  
 wkf@pmt.org

Attorney for Minidoka Irrigation District

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

	)	
IN THE MATTER OF DISTRIBUTION OF	)	
WATER TO VARIOUS WATER RIGHTS	)	<b>AFFIDAVIT OF BILLY R. THOMPSON</b>
HELD BY OR FOR THE BENEFIT 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	)	
_____	)	

STATE OF IDAHO	)	
	)ss.	
County of Minidoka,	)	

COMES NOW, Billy R. Thompson, and being duly sworn, deposes and says:

1. I am over the age of 18 and state the following based on my personal knowledge.
2. I have been employed by the Minidoka Irrigation District (MID) since 1973 in various capacities. From 1973 until 1994, at various times I was an equipment operator and maintenance foreman, among other duties. In 1994 I was appointed General Manager of the MID and have served as General Manager since that appointment.

3. As Manager, my duties include assessing the District's water supply prior to and during every irrigation season and advising the Board of Directors how much water MID should have available to deliver during each irrigation season. I base my assessment upon my review of information supplied by Water District #1, the Bureau of Reclamation, weather forecasts and my knowledge of and experience with delivery of water within MID acquired since 1973.

4. MID, or the Bureau of Reclamation on behalf of MID, holds various natural flow and storage water rights to the Snake River, dating from the early 1900's, including the following (the referenced right numbers are those filed by MID):

<u>Natural Flow Rights:</u>	Water Right No.	01-00008
	Priority Date:	April 1, 1939
	Diversion Rate:	266.60 cfs
	Water Right No.	01-10187
	Priority Date:	March 26, 1903
	Diversion Rate:	1,070.12 cfs
	Water Right No.	01-10188
	Priority Date:	August 6, 1908
	Diversion Rate:	620 cfs
	Water Right No.	01-10193
	Priority Date:	December 28, 1909
	Diversion Rate:	1,550 cfs
	Water Right No.	01-10194
	Priority Date:	June 16, 1911
	Diversion Rate:	550.56 cfs

<u>Storage Space:</u>	63,294 acre-feet in Walcott Reservoir priority date December 14, 1909
	83,563 acre-feet in American Falls Reservoir priority date March 30, 1921
	35,000 acre-feet in Palisades Reservoir (including winter water savings of 5,328 acre feet) – priority date April 1, 1939 (winter water savings priority date of March 29, 1921)
	186,030 acre-feet in Jackson Lake Reservoir priority date August 23, 1906
	TOTAL: 367,887 acre-feet of storage space

5. It is my understanding that the Surface Water Coalition, on behalf of MID, has provided the Director with information that clearly demonstrates MID's irrigation demand, or "need", and history of water diversions. Specifically, the Coalition has made the following filings for purposes of the Director's evaluation:

- a. March 15, 2005 - *Surface Water Coalition's Response to Director's Request for Information*
- b. April 15, 2005 - *Surface Water Coalition's Supplemental Response to Director's Information Request*
- c. July 12, 2006 - *Affidavit of Charles E. Brockway in Support of Surface Water Coalition's Petition for Reconsideration of Third Supplemental Order Amending Replacement Water Requirements Final 2005 & Estimated 2006*
- d. April 13, 2007 - *Surface Water Coalition 2007 Water Supply Assessment*
- e. June, 2007 - *Supplement to Surface Water Coalition 2007 Water Supply Assessment*

6. As documented, MID has historically diverted and used water pursuant to its decreed water rights. The filings also specifically address MID's irrigation demand for the 2007 irrigation season.

7. In addition to these previous filings I am providing the following information for the Director's review and consideration for water right administration during the 2007 irrigation season and looking ahead to the 2008 irrigation season.

8. Pursuant to MID's water rights, and as recommended to the SRBA District Court by the Idaho Department of Water Resources, MID is authorized to irrigate 75,093 acres. Cropping patterns for landowners and total acres irrigated each year on MID's project are approximately the same in 2007 as they were for the years 2000 to 2006.

9. According to Water District 01's preliminary 2007 storage report, MID's storage space will be allocated 334,143 acre-feet this year.

10. Through May 31, 2007, MID has diverted 81,275 acre-feet under its natural flow water rights. Through that same period, MID has diverted 24,444 acre-feet from its storage water supplies.

11. I have reviewed the *Surface Water Coalition 2007 Water Supply Assessment* (dated April 13, 2007) and the *Supplement* to that assessment (prepared in June, 2007) (collectively hereinafter referred to as “2007 Supply Assessment”) prepared by Brockway Engineering, Inc. and HDR Engineering, Inc. The 2007 Supply Assessment’s “calculated irrigation requirement” for MID, both monthly and annual, is tracking MID’s actual diversions so far this year.

12. Based upon the 2007 Supply Assessment (as taken from NOAA’s Water Supply Forecast), the April-July natural flow forecast for the Snake River at Heise has reduced from 2,380 kAF (67% of average) as of April 7, 2007 to 1,840 kAF (52% of average) on June 8, 2007. The April-September natural flow forecast for the Snake River at Heise is 2,150 kAF (52% of average) as of June 8, 2007. Based upon the 2007 Supply Assessment, temperatures are forecasted to be higher than normal throughout the irrigation season and precipitation is forecasted to be lower than normal throughout the irrigation season.

13. Attached as Exhibit A is a summary of MID’s diversions for the years 1995 and 2000-2007 (through May 31, 2007). Based upon my observations on the MID project through this date, temperatures have been higher than normal and we have witnessed very little precipitation. Accordingly, water demand for the landowners’ crops on the MID project is higher than normal for this time of year. Based upon my experience and in reviewing MID’s historical monthly and annual records for the last twelve years, this year (2007) is tracking 2000 (total diversions through May 31, 2000 of 109,372 acre-feet) and 2001 (total diversions through

May 31, 2001 of 98,943 acre-feet) in observed total diversions through May 31, 2007 (105,719 acre-feet), not 1995.

14. In my opinion, I would estimate that MID's monthly diversions through the rest of the 2007 irrigation, if temperatures and demand remain high, and precipitation remains low, will closely track the diversions made in the years 2000 and 2001 and not 1995. In my opinion, taking into account average total diversions over the last twelve years, the amount of storage currently in the system, and irrigation demands, I am currently estimating that MID will have approximately 20,000 acre-feet in carryover, less any leases of water, at the end of the irrigation season.

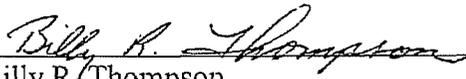
15. As described above, MID's monthly diversions through May 31, 2007 exceed but closely resemble monthly diversions made through May 31, 2001. Water District 01 estimates that available natural flow within the district in 2007 will most closely resemble the water supply that was available in 2001, not 1995. *See* WD Report June 5, 2007. Based upon my experience and observations so far this year, climatic conditions and available water supply in 2007 will be similar to the hot and dry conditions witnessed in 2001, not the wet and cool conditions of 1995, and demand will equal or exceed the demand of 2001.

16. I am very concerned about the overall storage water supplies in Water District 01 this year, including the amount of water that will be used due to high irrigation demand throughout the basin. If the reservoir system carryover is low at the end of this season, which it appears it will be, and the winter precipitation is lower than normal, as it was in the winter of 2006-2007, MID's storage water supplies will not fill by the 2008 date of allocation. The multi-year stress on the reservoir system resulting from below average water conditions would impact

MID's available water supplies for 2008, and would impact the ability of MID to furnish adequate irrigation water to its water users during the 2008 irrigation season.

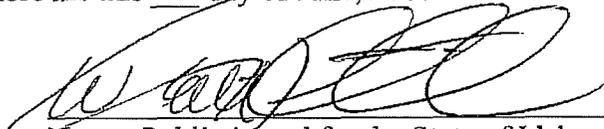
FURTHER, YOUR AFFIANT SAYETH NOUGHT.

Dated this 20 day of June, 2007.

  
\_\_\_\_\_  
Billy R. Thompson

SUBSCRIBED & SWORN to before me this 20 day of June, 2007



  
\_\_\_\_\_  
Notary Public in and for the State of Idaho  
My Commission Expires: 10-10-10

# Minidoka Irrigation District Diversions

## 2000-2007 MID Storage Use (with 1995 comparable)

### 2000 Water Delivery

Month	NF	Storage	Total
April	35,393	0	35,393
May	73,731	248	73,979
June	77,197	13,411	90,608
July	11,164	70,888	82,052
August	7,145	62,436	69,581
September	16,374	27,400	43,774
October	20,887	0	20,887
Total	241,891	174,383	416,274

### 1995 Water Delivery

Month	NF	Storage	Total
April	17,695	0	17,695
May	36,023	0	36,023
June	48,810	0	48,810
July	88,313	4,346	92,659
August	9,982	59,688	69,670
September	23,003	24,535	47,538
October	8,640	0	8,640
Total	232,466	88,569	321,035

### 2001 Water Delivery

Month	NF	Storage	Total
April	23,089	0	23,089
May	38,304	37,550	75,854
June	6,369	76,452	82,821
July	-1	72,448	72,447
August	0	62,755	62,755
September	6,193	32,540	38,733
October	16,796	671	17,467
Total	90,750	282,416	373,166

### 2002 Water Delivery

Month	NF	Storage	Total
April	16,144	0	16,144
May	45,949	14,334	60,283
June	61,045	15,497	76,542
July	5,901	74,675	80,576
August	1,240	64,563	65,803
September	6,870	35,209	42,079
October	9,683	3,699	13,382
Total	146,832	207,977	354,809

### 2003 Water Delivery

Month	NF	Storage	Total
April	19,692	0	19,692
May	47,003	6,619	53,622
June	68,260	22,013	90,273
July	0	83,781	83,781
August	-1	62,591	62,590
September	51	39,467	39,518
October	11,261	1,981	13,242
Total	146,266	216,452	362,718

# Minidoka Irrigation District Diversions

## 2004 Water Delivery

Month	NF	Storage	Total
April	27,453	813	28,266
May	28,704	29,704	58,408
June	54,781	15,837	70,618
July	13,852	55,321	69,174
August	0	58,440	58,440
September	1,665	40,960	42,625
October	13,247	162	13,408
Total	139,701	201,237	340,938

## 2005 Water Delivery

Month	NF	Storage	Total
April	11,634	0	11,634
May	25,090	0	25,090
June	61,937	0	61,937
July	9,968	75,386	85,354
August	0	68,243	68,243
September	1,752	42,452	44,204
October	9,093	2,072	11,164
Total	119,475	188,153	307,628

## 2006 Water Delivery

Month	NF	Storage	Total
April	10,454	0	10,454
May	65,539	0	65,539
June	74,723	5,002	79,726
July	15,276	69,388	84,664
August	0	65,714	65,714
September	8,463	30,090	38,552
October	12,628	0	12,628
Total	187,083	170,194	357,278

## 2007 Water Delivery\*

*\*Preliminary Figures*

Month	NF	Storage	Total
April	24,586	0	24,586
May	56,689	24,444	81,133
June	0	0	0
July	0	0	0
August	0	0	0
September	0	0	0
October	0	0	0
Total	81,275	24,444	105,719

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on this 21<sup>st</sup> day of June, 2007, I caused to be served a true and correct copy of the foregoing AFFIDAVIT OF BILLY R. THOMPSON by the method indicated below, and addressed to each of the following:

Via Email and U.S. Mail:

TOM ARKOOSH  
ARKOOSH LAW OFFICES  
PO BOX 32  
GOODING ID 83330  
(208) 934-8873  
[alo@cableone.net](mailto:alo@cableone.net)

U.S Mail, Postage Prepaid  
 Facsimile  
 E-mail

ROGER D. LING  
LING ROBINSON  
PO BOX 396  
RUPERT ID 83350-0396  
(208) 436-6804  
[rdl@idlawfirm.com](mailto:rdl@idlawfirm.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JOHN ROSHOLT  
TRAVIS THOMPSON  
BARKER ROSHOLT  
113 MAIN AVE WEST STE 303  
TWIN FALLS ID 83301-6167  
(208) 735-2444  
[jar@idahowaters.com](mailto:jar@idahowaters.com)  
[tlt@idahowaters.com](mailto:tlt@idahowaters.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JOHN SIMPSON  
BARKER ROSHOLT  
PO BOX 2139  
BOISE ID 83701-2139  
(208) 344-6034  
[jks@idahowaters.com](mailto:jks@idahowaters.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

RANDY BUDGE  
CANDICE MCHUGH  
RACINE OLSON  
PO BOX 1391  
POCATELLO ID 83204-1391  
[rcb@racinelaw.net](mailto:rcb@racinelaw.net)  
[cmm@racinelaw.net](mailto:cmm@racinelaw.net)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

SCOTT CAMPBELL  
MOFFATT THOMAS  
PO BOX 829  
BOISE ID 83701  
(208) 385-5384  
slc@moffatt.com

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

KATHLEEN CARR  
U.S. DEPT INTERIOR  
960 BROADWAY STE 400  
BOISE ID 83706  
(208) 334-1378  
kmarioncarr@yahoo.com

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

MATT HOWARD  
US BUREAU OF RECLAMATION  
1 150 N CURTIS ROAD  
BOISE ID 83706-1234  
(208) 378-5003  
mhoward@pn.usbr.gov

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

LYLE SWANK  
IDWR  
900 N SKYLINE DR  
IDAHO FALLS ID 83402-6105  
(208) 525-7177  
Lyle.Swank@idwr.idaho.gov

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

ALLEN MERRITT & CINDY YENTER  
IDWR  
1341 FILLMORE ST STE 200  
TWIN FALLS ID 83301-3033  
(208) 736-3037  
[Allen.Merritt@idwr.idaho.gov](mailto:Allen.Merritt@idwr.idaho.gov)  
[Cindy.Yenter@idwr.idaho.gov](mailto:Cindy.Yenter@idwr.idaho.gov)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JOSEPHINE BEEMAN  
BEEMAN & ASSOC.  
409 W JEFFERSON  
BOISE ID 83702  
(208) 331-0954  
jo.beeman@beemanlaw.com

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

MICHAEL GILMORE  
ATTORNEY GENERAL'S OFFICE  
PO BOX 83720  
BOISE ID 83720-0010  
(208) 334-2830  
[mike.gilmore@ag.idaho.gov](mailto:mike.gilmore@ag.idaho.gov)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

TERRY UHLING  
JR SIMPLOT CO  
999 MAIN STREET  
BOISE ID 83702  
tuhling@simplot.com

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

SARAH KLAHN  
WILLIAM A HILLHOUSE 11  
AMY W BEATIE  
WHITE JANKOWSKI  
5 11 16<sup>TH</sup> ST STE 500  
DENVER CO 80202  
[sarahk@white-jankowski.com](mailto:sarahk@white-jankowski.com)  
[billh@white-jankowski.com](mailto:billh@white-jankowski.com)  
[amyb@white-jankowski.com](mailto:amyb@white-jankowski.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JAMES TUCKER  
IDAHO POWER CO  
1221 W IDAHO ST  
BOISE ID 83702  
jamestucker@idahopower.com

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JAMES LOCHHEAD  
ADAM DEVOE  
BROWNSTEIN HYATT  
41 0 17<sup>TH</sup> ST 2<sup>ND</sup> FLOOR  
DENVER CO 80202  
[jlochhead@bhf-law.com](mailto:jlochhead@bhf-law.com)  
[adevoe@bhf-law.com](mailto:adevoe@bhf-law.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

MICHAEL C. CREAMER  
GIVENS PURSLEY  
601 W BANNOCK  
PO BOX 2720  
BOISE ID 83701-2720  
[mcc@givenspursley.com](mailto:mcc@givenspursley.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

  
\_\_\_\_\_  
Travis L. Thompson