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VIA EMAIL & HAND DELIVERY

Gary Spackman, Director
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098

Re: Public Records Request Pursuant to Idaho Code § 74-102

Dear Director Spackman:

The Idaho Department of Water Resources (“IDWR”) issued a *Notice of Administrative Proceeding, Pre-Hearing Conference, and Hearing* (“*Notice*”) on May 4, 2021. The *Notice* purports to initiate an administrative contested hearing process concerning conjunctive administration of certain groundwater rights in a portion of Basin 37. The information requested below is relevant to the hydrology and water rights that are subject to the *Notice* of potential curtailment, and is critical for the South Valley Ground Water District (“SVGWD”) and its members to prepare for the *Notice* hearing.

Pursuant to Idaho Code § 74-102, we would request that the Department make available for examination and copying the following:

1. All Orders issued under I.C. § 42-237a.g involving curtailment of groundwater to prevent injury to surface water rights.
2. All IDWR guidance concerning the authority of the Director or IDWR under I.C. § 42-237a.g.
3. The basis for the decision to direct the proposed administration at those groundwater rights within the boundary of the map, including the basis for selecting the boundary as shown on the inset map to the *Notice*.
4. The Director stated at an Advisory Committee meeting in April that he had enough information to make an injury determination. Produce the information that the Director relied upon or was available to the Director in making that statement.

5. Any additional information relevant to injury analysis generated since the Director's statement.
 - a. Including water rights that may be injured, and for each water right the factors listed in Rule 42 of the Conjunctive Management Rules;
 - b. If the spreadsheet analysis dated April 14 &/or April 15, 2021 from Watermaster Kevin Lakey is relied upon, provide a full explanation of the spreadsheets and all backup data and calculations used to prepare the spreadsheets; and,
 - c. Provide all additional information and injury analysis prepared by or obtained from the Watermaster Kevin Lakey or the watermaster's office.
6. Identify all water rights the Department considers may be injured and the basis for that conclusion.
7. Provide the methodology used to quantify the surface water supply for the Little Wood River downstream of Silver Creek in 2021.
8. Describe the impact of Condition 161 on water deliveries in the Little Wood in the 2021 water year, including identification of those rights with that condition.
9. All communications concerning water supply and injury analysis with any water right holder and their representatives, including Eric Miller and counsel, whose rights the Department considers may be injured concerning injury analysis.
10. All injury analysis conducted by IDWR for this proceeding.
11. All communication with the Basin 37 Water Master regarding injury analysis and water supply.
12. All analysis of curtailment necessary to avoid injury
 - a. All analysis using the WRV 1.1 Ground Water Model including model runs, supporting data and documentation utilized to determine the administrative area identified on Attachment A to the Basin 37 Administrative Proceeding Order;
 - b. All analysis using the WRV 1.1 Ground Water Model including model runs, supporting data and documentation utilized to identify ground water rights to be reduced or curtailed in 2021; and,
 - c. All analysis including model runs, supporting data and documentation using the WRV 1.1 Ground Water Model to quantify the benefit to the Little Wood River water users from proposed reductions in ground water withdrawals in 2021.

Gary Spackman

May 20, 2021

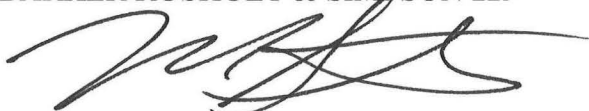
Page 3

13. 2021 communications (including phone logs, texts, emails and other written documents) with members of the Idaho legislature and Idaho Water Resource Board concerning about water supply, injury, curtailment and this administrative proceeding.
14. Quantify the impact of the channel condition of Silver Creek upstream of Highway 93. Explain how the channel condition impacts the water supply for the downstream Little Wood River water users. Produce all analysis of water losses to Silver Creek at the Highway 93 crossing.
15. Produce all documentation of the deterioration of the stream conditions in Silver Creek at Highway 93 and increases in stream losses at this location.
16. Provide documentation to support any determination concerning the responsibility for maintaining the stream channel in Silver Creek at Highway 93.
17. Provide all communication to the Department requesting administration of ground water in the Big Wood Ground Water Management Area since 2014.

As required, please respond either granting or denying this request within three (3) working days, and identify the location and when the records and writings will be made available for examination within ten (10) days. *See* I.C. § 74-103. Please contact me at 336-0700 if you have any questions. Thank you for your attention to this matter.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP



Michael A. Short

cc: Garrick Baxter, Deputy AG