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*Attorneys for A&B Irrigation District, Burley
 Irrigation District, Milner Irrigation District,
 North Side Canal Company, and Twin Falls
 Canal Company*

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

IN THE MATTER OF DISTRIBUTION OF)
 WATER TO VARIOUS WATER RIGHTS)
 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)
 _____)

Docket No. CM-DC-2010-001

**SECOND AFFIDAVIT OF TRAVIS
 L. THOMPSON IN SUPPORT OF
 SUPPLEMENT TO SURFACE WATER
 COALITION'S MOTION TO
 AUTHORIZE DISCOVERY**

STATE OF IDAHO)
)ss.
 County of Twin Falls)

I, Travis L. Thompson, being first duly sworn upon oath, depose and say:

1. I am over the age of 18 and make this affidavit based upon my personal knowledge. I am one of the attorneys representing A&B Irrigation District, Burley Irrigation

District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company in this matter.

2. Attached hereto as **Exhibit A** is a true and correct copy of Randy Budge's September 10, 2013 email and attachment "2013 Storage Water Leases and Transfers."

3. Attached hereto as **Exhibit B** is a true and correct copy of the *Affidavit of Timothy Deeg* and attachment filed in this matter on April 22, 2013.

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

DATED this 11th day of September, 2013.

BARKER ROSHOLT & SIMPSON LLP



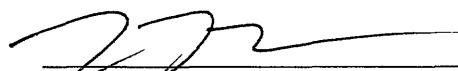
Travis L. Thompson

Attorneys for A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September, 2013, I served a true and correct copy of the foregoing *Second Affidavit of Travis L. Thompson in Support of Supplement to Surface Water Coalition's Motion to Authorize Discovery* on the following by the method indicated:

<p>Director Gary Spackman c/o Deborah Gibson State of Idaho Dept. of Water Resources 322 E Front St Boise ID 83720-0098 *** service by electronic mail</p> <p>facsimile – 208-287-6700 gary.spackman@idwr.idaho.gov deborah.gibson@idwr.idaho.gov</p>	<p>Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise ID 83706-1234</p> <p>*** service by electronic mail only</p> <p>mhoward@pn.usbr.gov emcgarry@pn.usbr.gov</p>	<p>IDWR – Eastern Region 900 N. Skyline Dr., Suite A Idaho Falls, ID 83402-1718</p> <p>*** service by electronic mail only lyle.swank@idwr.idaho.gov</p>
<p>Randy Budge T.J. Budge Racine Olson PO Box 1391 Pocatello ID 83204-1391 *** service by electronic mail only</p> <p>rcb@racinelaw.net cmm@racinelaw.net</p>	<p>Sarah A. Klahn Mitra Pemberton White & Jankowski, LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 *** service by electronic mail only facsimile – 303-825-5632 sarahk@white-jankowski.com mitrap@white-jankowski.com</p>	<p>David Gehlert ENRD – DOJ 999 18th St. South Terrace, Suite 370 Denver, CO 80202 *** service by electronic mail only</p> <p>david.gehlert@usdoj.gov</p>
<p>A. Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 *** service by electronic mail only</p> <p>facsimile – 208-234-6297 dtranmer@pocatello.us</p>	<p>William A. Parsons Parsons, Smith & Stone LLP P.O. Box 910 Burley, ID 83318</p> <p>*** service by electronic mail only</p> <p>wparsons@pmt.org</p>	<p>IDWR – Southern Region 1341 Fillmore St., Suite 200 Twin Falls, ID 83301-3380</p> <p>*** service by electronic mail only allen.merritt@idwr.idaho.gov cindy.yenter@idwr.idaho.gov</p>
<p>Michael C Creamer Jeffrey C. Fereday Givens Pursley 601 W Bannock St Ste 200 PO Box 2720 Boise ID 83701-2720 *** service by electronic mail only mcc@givenspursley.com jcf@givenspursley.com</p>	<p>Kathleen Carr US Dept Interior, Office of Solicitor Pacific Northwest Region, Boise 960 Broadway Ste 400 Boise ID 83706 *** service by electronic mail only facsimile – 208-334-1918</p> <p>kathleenmarion.carr@sol.doi.gov</p>	



 Travis L. Thompson

Exhibit A

Travis Thompson

From: Randy Budge <rcb@racinelaw.net>
Sent: Tuesday, September 10, 2013 11:09 PM
To: Swank, Lyle; Travis Thompson
Cc: Weaver, Mathew; Baxter, Garrick; Spackman, Gary; Olenichak, Tony; T. J. Budge; Lynn Harmon; Kent Fletcher; William A Parsons; wmurphy@srv.net; Brian Olmstead; John Simpson; T. J. Budge; Randy Budge; (csearle@pmt.org); (pisom@ida.net); binghamgroundwtr@cableone.net; carlquill@yahoo.com; Craig Evans; Dale L. Swensen; Dean Stevenson (desteve@pmt.org); Deegt@aol.com; Don E. Parker (parkerdp6@msn.com); Emily Haynes; Jason Webster; Kirk Jacobs; Nic Behrend; nsfinc@safelink.net; nsgwd@safelink.net; Pamela Warner; thewatkinsco@cs.com
Subject: RE: IGWA Storage Assignment Update
Attachments: 20130910 Storage Water Leases & Transfers.pdf

The recent filings by the SWC contain considerable inaccurate information and speculation about IGWA's storage water leases and assignments. To correct this I have attached a table which summarizes the current total of 49,389 AF of storage leased today, together with assignments of 38,060 AF for mitigation and conversions. The remaining balance is 11,329 AF which IGWA anticipates utilizing to meet any reasonable carry-over storage obligations year-end.

In the future a simple phone call could avoid inaccurate information and speculation.

Randy

Randall C. Budge
Racine Olson Nye Budge & Bailey, Chtd
201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
(208) 232-6101
rcb@racinelaw.net

From: Swank, Lyle [mailto:Lyle.Swank@idwr.idaho.gov]
Sent: Tuesday, September 03, 2013 4:41 PM
To: Travis Thompson; Randy Budge
Cc: Weaver, Mathew; Baxter, Garrick; Spackman, Gary; Olenichak, Tony; T. J. Budge; Lynn Harmon; Kent Fletcher; William A Parsons; wmurphy@srv.net; Brian Olmstead; John Simpson
Subject: RE: IGWA Storage Assignment Update

Travis,

On Friday, John Simpson and Brian Olmstead called and talked to Tony and me and about how the Director's order from early last week could be interpreted as taking water away from Twin Falls account, and the problems that would create for Twin Falls, rental pool procedures and water right accounting. That caused the Director's stay on Friday. Also on Friday the check from IGWA came in to cover the remaining WD1 and IWRB fees for the rental assignments to date.

The Director's order lifting the stay was sent this Monday afternoon.

Today, Wendy did confirm the fees have been paid by IGWA when I talked to her this morning. Water District 1 did complete the assignment of storage for AFRD#2. The 7,300 AF of storage assignment has been completed as per the Director's order and is now recorded on both the WD1 web page and weekly report mailed out today. This should

2013 STORAGE WATER LEASES AND TRANSFERS

LEASES:

Lessor	2013 Lease Minimum AF	2012 Lease Carryover AF
Aberdeen-Springfield CC		8629
Enterprise Canal Company		3750
Idaho Irrigation District	8,000	
Snake River Valley Irr. District	6,500	
New Sweden	3,000	
People's Canal	3,000	
Palisades Water Users		
State of Wyoming	6,500	
City of Pocatello	10,000	
Total	37,000	12,389

STORAGE WATER TRANSFERS:

Quantity	Assignee	Purpose	Date
10,400 AF	TFCC (6900 AF final obligation)	Mitigation	7/2
6,900 AF	AFRD2	Mitigation	8/31
15,000 AF	NSCC	WD 130 Conversion	4/24
5,000 AF	AFRD2	WD 130 Conversion	4/24
760 AF	AFRD2	WD 130 Conversion	8/22
38,060 AF	Total		

Administrative Fees on Water Assigned to Date:

38,060 AF x \$2.50 =	\$95,150
Less NSGWD Payment =	(50,000)
Less 6/2/13 IGWA Payment =	(14,910)
Less 8/27/13 IGWA Payment =	<u>(22,490)</u>
Balance Due:	\$ 7,750

Administrative Fees Total:

49,389 AF x \$2.50 =	\$123,472.50
Less NSGWD Payment =	(\$50,000.00)
Less 6/2/13 IGWA Payment =	(\$14,910.00)
Less 8/27/13 IGWA Payment =	<u>(\$22,490.00)</u>
Balance:	\$ 36,072.50

Exhibit B

Randall C. Budge (ISB # 1949)
Candice M. McHugh (ISB # 5908)
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED

PO Box 1391
Pocatello, ID 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109

ATTORNEYS FOR IDAHO GROUND WATER
APPROPRIATORS

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION
OF WATER TO VARIOUS WATER
RIGHTS 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

Docket No.: CM-DC-2010-001

**AFFIDAVIT OF TIMOTHY DEEG
IN SUPPORT OF 2013 NOTICE OF
SECURED WATER**

STATE OF IDAHO)
 ss:
County of Bannock)

The undersigned, Timothy P. Deeg, having been first duly sworn upon oath does hereby
depose and state as follows:

1. I am the past Chairman and a Board Member of the Aberdeen-American Falls
Ground Water District and the current Chairman of the Idaho Ground Water Appropriators, Inc.
("IGWA"). I am also a farmer and have been farming since 1974. I am familiar with IGWA it's
member ground water districts and the ground water users each represents.

3. I am familiar with the *Final Order Regarding April 2013 Forecast Supply*
(*Methodology Steps 1 and 4*) ("2013 As-Applied Order") and am generally familiar with the

information contained therein, including the calculated mitigation obligations of junior groundwater users.

4. I understand that the Director has ordered the junior groundwater users to provide evidence that they have secured 14,200 acre-feet in storage water to mitigate for the predicted shortage to Twin Falls Canal Company; and, to show that they have an additional 14,605 acre-feet of storage water to satisfy the 2012 reasonable carryover storage to American Falls Reservoir District No. 2.

6. I have reviewed IGWA's 2013 Notice of Secured Water and the information and contents contained therein is true to the best of my knowledge, information and belief.

7. Attached hereto as **Exhibit A** is a true and correct **Summary of the Leases** IGWA has in place for the upcoming 2013 year.

8. True and correct copies of each of the leases identified in Exhibit A are on file with the Department and can be confirmed with Lyle Swank.

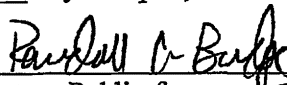
9. IGWA's leases are sufficient to satisfy the predicted in-season demand shortfall to Twin Falls Canal Company and any remaining obligation to American Falls Reservoir District No. 2 in the event that American Falls Reservoir does not fill as predicted.

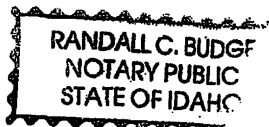
Further, your Affiant saith not.

DATED this 22nd day of April, 2013.


TIMOTHY P. DEEG

Subscribed and sworn to before me, a Notary Public, this 22nd day of April, 2013.


Notary Public for Idaho
Residing at Pocatello, ID.
My commission expires 10/11/14



CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April, 2013, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated:

<p>Gary Spackman, Interim Director Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 Fax: 208-287-6700 gary.spackman@idwr.idaho.gov garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>C. Tom Arkoosh Arkoosh Law Offices, Chtd. 301 Main Street; P.O. Box 32 Gooding, ID 83330 tarkoosh@capitollawgroup.net</p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, Idaho 83318-0248 wkf@pmt.org</p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>John A. Rosholt John K. Simpson Travis L. Thompson Barker, Rosholt & Simpson 113¹ Main Avenue W., Ste 303 Twin Falls, ID 83301-6167 jar@idahowaters.com jks@idahowaters.com tlt@idahowaters.com</p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>Kathleen Marion Carr U.S. Department of the Interior 960 Broadway, Ste 400 Boise, Idaho 83706 kathleenmarion.carr@sol.joi.gov</p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>

<p>David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. Dept of Justice 1961 Stout St., 8th Floor Denver, CO 80294 david.gehlert@usdoj.gov</p>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
<p>Matt J. Howard U.S. Bureau of Reclamation Pacific Northwest Region 1150 N. Curtis Road Boise, ID 83706-1234 mhoward@pn.usbr.gov</p>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
<p>Sarah H. Klahn Mitra Pemberton White & Jankowski 511 16th Street, Ste 500 Denver, CO 80202 sarahk@white-jankowski.com</p>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
<p>Michael C. Creamer Jeffrey C. Fereday Givens Pursley P.O. Box 2720 Boise, Idaho 83701-2720 mcc@givenspursley.com jcf@givenspursley.com</p>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
<p>Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, Idaho 83205 dtranmer@pocatello.us</p>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
<p>Brian Olmstead Twin Falls Canal Company P.O. Box 326 Twin Falls, Idaho 83303 (courtesy copy)</p>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email
<p>Lynn Harmon, Manager AFRD2 409 N. Apple Street Shoshone, Idaho 83352 (courtesy copy)</p>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email

Lyle Swank, Water Master
Water District 01
900 N. Skyline Drive
Idaho Falls, Idaho 83402
(courtesy copy)

- U.S. Mail
- Facsimile
- Overnight Mail
- Hand Delivery
- Email

Fordall C. Burges

SUMMARY OF IGWA WATER LEASES FOR 2013

2011

	Lessor	Lease Minimum (AF)	Actual Leased Quantity	Rent*	Total Rent	State Water Bank Fee (10%)	Rental Pool Fee (\$/80/AF)	Total Fees	Total Rent + Fees
1	Aberdeen Springfield Canal Company	10,000							
	Enterprise Canal Company	3,000							
3	Idaho Irrigation District	3,000							
5	Snake River Valley Irrigation District	5,000							
	New Sweden	3,000							
8	Peoples Canal	3,000							
9	Palisades Water Users	500							
18	State of Wyoming	5,000		Rental* Pool plus adm fees	\$10,000 option pmt due before 2/15				
12	Mitigation, Inc.	none							
13	Fremont-Madison	none							
14	Progressive	none							
15	City of Pocatello	none						\$	
17	Rental Pool	none							
19	Totals	32,500.0			\$ -			\$0.00	\$ -
<p>*On or before February 15 each year, IGWA must pay Wyoming the option payment of \$10,000 for the right to lease 5000 AF at the rental pool price that year. All other leases are rental pool rate +\$1 *Additionally, IGWA carried over the following 2012 Leased amounts committed to AFRD 2012 "reasonable carryover" obligation to the extent that American Falls does not fill: 3,750 AF - Enterprise 3,750 AF - Peoples 1,250 AF - Palisades Water Users 8,639 AF - Aberdeen-Springfield Canal Company 17,839 AF - TOTAL</p>									