

John K. Simpson, ISB #4242
 Travis L. Thompson, ISB #6168
 Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
 195 River Vista Place, Suite 204
 Twin Falls, Idaho 83301-3029
 Telephone: (208) 733-0700
 Facsimile: (208) 735-2444

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

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
 P.O. Box 248
 Burley, Idaho 83318
 Telephone: (208) 678-3250
 Facsimile: (208) 878-2548

*Attorneys for American Falls
 Reservoir District #2 and 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)
 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
**SUPPLEMENT TO SURFACE
 WATER COALITION'S MOTION TO
 AUTHORIZE DISCOVERY**

COME NOW, 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 (collectively hereafter referred to as the "Surface
 Water Coalition", "Coalition", or "SWC"), by and through counsel of record, and hereby submit

this *Supplement* to their *Motion to Authorize Discovery* filed on September 6, 2013. The Coalition's supplement is further supported by the *Second Affidavit of Travis L. Thompson* filed together herewith.

ADDITIONAL BASIS FOR DISCOVERY

On September 10, 2013 counsel for IGWA emailed a spreadsheet to the Director and counsel for the SWC. *See Exhibit A to Second Thompson Aff.* Mr. Budge claims the information in the Coalition's *Petition* is "inaccurate." *Id.* The email includes an attachment with a table of alleged "2013 Storage Water Leases and Transfers." *Id.* Despite Mr. Budge's assertion, the information included in the new table contradicts the summary of water leases for 2013 attached to the *Affidavit of Timothy Deeg* filed with the Director on April 22, 2013. Consequently, Mr. Budge's email and attachment raise additional questions and provide a further basis for the Coalition's motion to authorize discovery in this matter. *See Exhibit B to Second Thompson Aff.*

For example, although IGWA claimed it had leased 10,000 acre-feet from Aberdeen-Springfield Canal Company, 3,000 acre-feet from Enterprise Canal Company, and 500 acre-feet from Palisades Water Users back in April, those quantities do not appear anywhere in the "2013 Lease Minimum" column in the table attached to Mr. Budge's September 10th email. While this information was used to avoid a curtailment order back in April it is now clear it did not accurately represent the water IGWA actually acquired by lease during the 2013 irrigation season.

Further it appears that the leases with the Idaho Irrigation District, the Snake River Valley Irrigation District, and the State of Wyoming were increased sometime after April and that a new lease was entered into with the City of Pocatello. *See Exhibit A to Second Thompson*

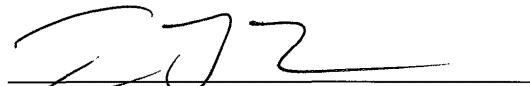
Aff. The contents of these new leases and when they were executed with IGWA is unknown. The Coalition has not received any notice that the Director requested or is aware of these new leases that IGWA has apparently executed.

Finally, Mr. Budge's table indicates administrative fees still owing to Water District 01 and the Idaho Water Resource Board. Although certain fees were apparently paid during the irrigation season, and requests for assignment were made, it is still unclear why certain requested assignments, including the full 14,200 acre-feet to TFCC, were not implemented.

Mr. Budge's email and table raise additional questions and further support the Coalition's *Motion to Authorize Discovery* in this matter. While IGWA's counsel claims the Coalition's *Petition* is "inaccurate" and "speculation", full discovery will ultimately expose the facts in this matter. The Coalition requests a formal accounting and an administrative hearing to discover the factual basis for the assertions contained in IGWA's prior affidavit and the recent email asserting the acquisition of storage water during the 2013 irrigation season.

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*

FLETCHER LAW OFFICE



W. Kent Fletcher

*Attorneys for Minidoka Irrigation
District and American Falls
Reservoir District #2*

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September, 2013, I served a true and correct copy of the foregoing *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 Candice McHugh Racine Olson PO Box 1391 Pocatello ID 83204-1391 *** service by electronic mail only</p> <p>rbc@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