



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 29, 2019

RE: Notice of Order Rescinding Final Order Curtailing Non-Enlargement Ground Water Rights with Priority Dates Junior to April 12, 1994 and Enlargement Ground Water Rights Junior to March 14, 1971 - Surface Water Coalition Delivery Call

Dear Water Right Holder,

On June 7, 2019, the Director of the Idaho Department of Water Resources ("Department") issued a *Final Order Curtailing Non-Enlargement Ground Water Rights Junior to April 12, 1994, and Enlargement Ground Water Rights Junior to March 14, 1971* ("Curtailment Order") in response to the Surface Water Coalition ("SWC") water delivery call. Records of the Department show you are the holder of one or more ground water rights curtailed by the Curtailment Order.

The methodology established for the SWC delivery call requires the Director to determine any mid-season water demand shortfall to members of the SWC. On July 17, 2019, the Director issued an *Order Revising April 2019 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6)* that found no mid-season demand shortfall to the SWC for 2019. The Director's June 7, 2019, Curtailment Order is therefore rescinded in accordance with the attached order issued by the Director on July 29, 2019.

Information regarding the ongoing status of the SWC delivery call may be found at: <https://idwr.idaho.gov/legal-actions/delivery-call-actions/SWC/>. If you have questions concerning this notice, please contact the Department's State Office in Boise at 208-287-4800, or the watermasters for the water districts within the Eastern Snake Plain Aquifer who regulate ground water.

Respectfully,

A handwritten signature in blue ink that reads "Gary Spackman".

Gary Spackman
Director

**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**

CM-DC-2010-001

**ORDER RESCINDING FINAL ORDER
CURTAILING NON-ENLARGEMENT
GROUND WATER RIGHTS JUNIOR TO
APRIL 12, 1994, AND ENLARGEMENT
GROUND WATER RIGHTS JUNIOR TO
MARCH 14, 1971**

BACKGROUND

1. On June 7, 2019, the Director issued a *Final Order Curtailing Non-Enlargement Ground Water Rights Junior to April 12, 1994, and Enlargement Ground Water Rights Junior to March 14, 1971* (“June Curtailment Order”) in this matter.

2. On July 17, 2019, the Director issued an *Order Revising April 2019 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6)*. The Director concluded:

Step 5 of the Methodology Order requires that the Director estimate the Time of Need if there is water owed to the [Surface Water Coalition (“SWC”)] members that is in addition to the reasonable carryover shortfall volume. *Methodology Order* at 37. No member of the SWC is owed reasonable carryover in 2018 for use in 2019. *November Carryover Order* at 5. Execution of Step 6 of the Methodology Order demonstrates there is no mid-season demand shortfall to the SWC for 2019. With no additional water owed to SWC members, there is no need to establish a Time of Need as described in Step 6.

Because there is no mid-season demand shortfall and because there will be no Time of Need this year, it is unnecessary to execute Step 7 of the Methodology Order. At the end of the irrigation season, the Director will issue an order applying Step 9 of the Methodology Order.

3. As a result of there being no mid-season demand shortfall, the June Curtailment Order is now moot and should be rescinded.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that those junior non-enlargement ground water rights within the Eastern Snake Plain Aquifer ("ESPA") area of common ground water supply bearing priority dates junior to April 12, 1994, and enlargement ground water rights junior to March 14, 1971, listed in Attachment A of the June Curtailment Order are no longer curtailed.

IT IS FURTHER ORDERED that watermasters for the water districts within the ESPA area of common ground water supply who regulate ground water are directed to review the water rights listed in Attachment A to the June Curtailment Order and inform water users holding non-enlargement water rights bearing priority dates junior to April 12, 1994, and enlargement ground water rights junior to March 14, 1971, that they are no longer curtailed.

Dated this 29th day of July 2019.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of July 2019, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

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Kimberle English

I **FURTHER CERTIFY** that on this 29th day of July 2019, a true and correct copy of the foregoing was served on the following by U.S. mail only:

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PO BOX 675
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DANNY L AND MARY ELLEN
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GERALD BARTAUSKY
310 EAST 200 NORTH
BLACKFOOT ID 83221

JEREMY KEITH AND MICHELLE
BISHOP
12894 N 26TH W
IDAHO FALLS ID 83402-5263

BRP INC
PO BOX 1768
IDAHO FALLS ID 83403-1768

GEORGE W AND LURANA J
BURRELL
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CORP OF THE PRESIDING
BISHOP CHURCH OF JESUS
CHRIST OF LATTER DAY
SAINTS
REAL ESTATE SERVICES
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SALT LAKE CITY UT 84150

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HAZELTON ID 83335

HUGO AND MARY GOEDHART
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TWIN FALLS ID 83303-0063

BENCH MARK POTATO CO
C/O LEE SUTTON
4799 S HWY 191
REXBURG ID 83440

BKC FARMS INC AND RLC
FARMS INC
1908 E 500 N
ST ANTHONY ID 83445

DALE BRUMFIELD
125 N 800 W
BLACKFOOT ID 83221

CANYON CREEK LATERAL
DITCH ASSN
12241 E 3749 N
NEWDALE ID 83436

COUNTRY CLUB WATER
1075 E 1465 N
SHELLEY ID 83274

LINDA J EAMES
4105 E 605 N
RIGBY ID 83442

BILL FUNK
3252 N PLEASANT VALLEY RD
AMERICAN FALLS ID 83211

GOLDEN VALLEY
DEVELOPMENTS
C/O BOYD WITHERS
266 NEZ PERCE
REXBURG ID 83440

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SPORTSMANS RV PARK &
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RIRIE ID 83443

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