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Apr 29, 2025

DEPARTMENT OF
WATER RESOURCES

April 29, 2025

Via Email & U.S. Mail

Director Mat Weaver
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
file@idwr.idaho.gov

RE: SWC Delivery Call / Notice of Mitigation Water (*Final Order Regarding April 2025 Forecast Supply (Steps 1-3)*)

Dear Director Weaver:

I am writing on behalf of our client the A&B Irrigation District (“A&B” or “District”) in response to the *Final Order Regarding April 2025 Forecast Supply* (“Order”) (April 16, 2025). This letter responds to the request for junior ground water right holders to establish how they will mitigate for their proportionate share of the predicted demand shortfall. *See Order* at 6, ¶ 7.

A&B has an approved mitigation plan regarding the above delivery call and order. I have conferred with manager Justin Temple and it is the District’s intent to continue to curtail the enlargement water rights (2,063 acres) for the 2025 irrigation season. The District will also deliver surface water to an additional 1,510.6 acres that could have been irrigated with some of the District’s ground water rights with an April 1, 1962 priority (water right nos. 36-15127A et al.). The District intends to continue to deliver surface water to lands formerly irrigated with groundwater, approximately 3,573.6 in total, with groundwater supplied to certain areas as needed for pipeline operations.

Based upon similar prior correspondence on this issue with IDWR it is my understanding that this notice will satisfy the request stated in the *Order*. However, to the extent that A&B needs to also show that it has 384 acre-feet of storage to deliver to TFCC, that water is expected to be available in its final storage allocation for the 2025 irrigation (American Falls and Palisades storage space). If necessary, that amount of storage will be available for formal assignment from A&B to TFCC through the Water District 01 rental pool.

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For your information A&B executed and filed the required private lease form with Water District 01 last year and ultimately that water had to be re-assigned back to A&B prior to the final storage water accounting. We would appreciate your input and dialogue with the watermaster to determine how best to address this issue this year so storage does not have to be assigned and then re-assigned. We believe this may create issues for Water District 01 and its storage accounting. Please advise if you have any questions.

As to IDWR's calculation of the District's proportionate share it is unclear if the Department is assuming full groundwater delivery to those acres covered by water rights junior to August 28, 1955. As noted, the District is delivering surface water to 3,573.6 acres, so if that proportionate share is revised based upon that fact please advise as to any changes. The District is filing a contemporaneous request for hearing on this issue as well.

If you have any questions or need additional information, please contact me at (208) 733-0700.

Sincerely,



Travis Thompson
Partner

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Email: tthompson@martenlaw.com

cc: Justin Temple
Craig Chandler, Water District 01
Garrick Baxter