

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

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHTS HELD BY
MEMBERS OF THE BIG WOOD & LITTLE
WOOD WATER USERS ASSOCIATION
DIVERTING FROM THE BIG WOOD
RIVER

Docket No. CM-DC-2015-001

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHTS HELD BY
MEMBERS OF THE BIG WOOD & LITTLE
WOOD WATER USERS ASSOCIATION
DIVERTING FROM THE LITTLE WOOD
RIVER

Docket No. CM-DC-2015-002

**REQUEST FOR
STAFF MEMORANDA**

To: Tim Luke, Bureau Chief
Water Compliance Bureau

Sean Vincent, Manager
Hydrology Section

The following is a request for staff memoranda pursuant to Rule 602 of the Idaho Department of Water Resources' ("Department") Rules of Procedure (IDAPA 37.01.01).

Rule 600 of the Rules of Procedure authorizes the presiding officer to use the Department's "experience, technical competence and specialized knowledge" in the evaluation of evidence in a contested case proceeding.

Rule 602 of the Rules of Procedure allows the presiding officer to take official notice of technical or scientific facts within the Department's specialized knowledge, including agency staff memoranda and data, in a contested case proceeding.

BACKGROUND

On February 24, 2015, the Director ("Director") of the Department received two conjunctive management water delivery call letters from the Big Wood & Little Wood Water Users Association ("Association"). The letters allege that senior surface water users on the Big Wood and Little Wood Rivers are being injured by junior ground water users diverting ground water hydraulically connected to the Big Wood and Little Wood Rivers. The letters request the Director regulate diversions of ground water by holders of junior ground water rights consistent with the prior appropriation doctrine.

The Director initiated new contested case proceedings and assigned each delivery call letter its own docket number. The Big Wood Delivery Call was assigned docket no. CM-DC-2015-001. The Little Wood Delivery Call was assigned docket no. CM-DC-2015-002.

On March 20, 2015, the Department sent letters to the holders of ground water rights who might be affected by one or both of the above-described delivery calls. The purpose of the letters was to inform the water users of the delivery calls and notify them of a planned status conference. The letters invited the water users to file a written notice with the Department if they planned to participate in the status conference. The Department received over 100 notices of intent to participate.

The Department also published notice of the delivery calls and the status conference in the Idaho Mountain Express and Camas Courier on March 25th, 2015 & April 1st, 2015; and the Times News on March 26th, 2015 & April 2nd, 2015.

On May 4, 2015, the Director held a status conference in Shoshone, Idaho.

On June 3, 2015, the Director held a prehearing conference in Shoshone, Idaho. At the prehearing conference the participants discussed information in the Department's possession and how it might be disseminated to the parties and participants. The Director stated he would prepare two requests for staff memorandum. One request for staff memorandum would request information about how water is delivered to the surface water right holders who called for delivery of their water rights. The other request for staff memorandum would request hydrologic and hydrogeologic data and information from Department technical staff. Rather than preparing two separate request documents, this single document contains two requests for staff memorandum.

THEREFORE, to assist the Director and the participants involved in this contested case proceeding, the Director requests that Department staff review data and information in possession of the Department, and prepare staff memoranda regarding the above-captioned matter, which could include, without limitation:

Surface Water Delivery Systems

1. A description of all sources of water supply for beneficial use on lands identified as a place of use for water rights that a calling party alleges are being injured by junior ground water diversions. The description of the sources of water supply should identify and link water rights authorizing beneficial use of water to the lands, if possible. The description should also include any water right information that references the use of Snake River water on lands that are identified as a place by use by senior surface water rights that are the basis for the delivery call.
2. A description of the overall delivery systems for water diverted from the Big and Little Wood Rivers and delivered to the holders of the senior surface water rights. This description should include information such as canal headings, points of injection back into natural stream channels, points of re-diversion, commingling of water from various sources, and how the watermaster accounts for the water delivered into the larger delivery system and how he accounts for delivery to the senior surface water right holders.
3. Information about each calling party's physical delivery and water application works, including: (a) diversion works, including headgates, and control/check structures or valves; (b) measuring and recording device(s); (c) water conveyance systems such as canals, pipes, pumps, lift stations; (d) method of water application or use (for example sprinkler/flood irrigation); (e) wasteways; and (f) any other relevant information.
4. A description of available water delivery records within the Big Wood River and Little Wood River basins.

Hydrology, Hydrogeology, and Hydrologic Data

1. Any hydrologic or hydrogeologic data or publications collected by or available to the Department that may assist the Director in understanding surface and ground water interactions in the Big and Little Wood River basins.
2. A conceptual description of the interaction between ground water and surface water in the Camas Creek drainage, the Big Wood River drainage, the Silver Creek drainage, the Little Wood River drainage, and any other hydrologic units that may be hydraulically connected to the ground water and surface water in the larger Big Wood River and Little Wood River basins.
3. Identification of diversion records for junior ground water pumping available to the Department.
4. Identification of methods and data available for analyzing consumptive use associated with junior ground water pumping.

5. Identification of any hydrologic or hydrogeologic methods or modeling tools that may be employed in analyzing the impacts of junior ground water pumping on calling senior-priority surface water right holders.

Any such staff memoranda shall be submitted to the presiding officer on or before August 21, 2015, and also served upon the parties to this matter. The Director will require attendance of staff participating in writing staff memoranda for examination at any hearing set in this matter pursuant to IDAPA 37.01.01.201 and 602.

Dated this 12th day of June 2015.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 12th day of June, 2015, I served a true and correct copy of the above and foregoing document by placing a copy of the same in the United States mail, postage prepaid and properly addressed and by e-mail to participants who have provided e-mail addresses to the Department for service to the following:

BIG WOOD WATER USERS ASSN
LITTLE WOOD WATER USERS ASSN
C/O JOSEPH F. JAMES
BROWN & JAMES
130 FOURTH AVENUE WEST
GOODING ID 83330
joe@brownjameslaw.com
dana@brownjameslaw.com

RUSTY & CAROLYN BAIRD
THOMAS BECK, MD
BELLE RANCH LLC (JUSTIN AND BRETT
STEVENSON)
MIKE BORDENKIRCHER
MARGARET CLAIRE B CASEY
JULIE GARDNER & LAUREN CORD
THREE CREEKS RANCH LLC (JOHN &
KINGSLEY R CROUL)
AARON DECHEVRIEUX
STEPHANIE EISENBARTH
GRACE EAKIN
JOHN FERY MARK GATES AND WARD
WOODS (LOVING CREEK RANCH)
POINT OF ROCKS RANCH LLC (JOHN &
ELAINE FRENCH)
ROBERT & KATHRYN GARDNER
RON HARRISON
SARAH GARDNER
PETER & TORI MADSEN
JOHN & KRISTY MOLYNEUX
THOMAS M O'GARA FAMILY TRUST (TOM
O'GARA C/O BRIAN BARSOTTI)
PHIL PUCHNER
PICABO LIVESTOCK (NICK PURDY)
ROCKY & TERRI SHERBINE
JOHN STEVENSON
JOHN TEDESCO
MICKY & JUSTIN VANHULLE
LAKESIDE INDUSTRIES (WOOD RIVER
RANCH/SHARON LEE)
SYLVIA WOOD
PAM LARSEN
MATT & KATE GARNER
PRAIRIE SUN RANCH OWNER'S ASSN INC

(KATHY LYNN)
RICHARD SPRINGS III (DICK & MELINDA
SPRINGS)
HEART ROCK RANCH LLC (HARRY &
SHIRLEY HAGEY)
LOVING SPRINGS RANCHES LP (GERALD B.
BASHAW)
ANTELOPE SPRINGS RANCH (ROBERT
DREYER)
C/O ALBERT BARKER
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139
aph@idahowaters.com
sle@idahowaters.com

JACOB & RUTH BLOOM
HAILEY CEMETERY MAINTENCE
DISTRICT
C/O PATRICK D BROWN
PATRICK D BROWN PC
PO BOX 125
TWIN FALLS ID 83303
pat@pblaw.co

IDAHO GROUND WATER APPROPRIATORS
INC
C/O RANDALL C BUDGE
THOMAS J BUDGE
JOSEPH G BALLSTAEDT
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391
rch@racinelaw.net
tjb@racinelaw.net
jgh@racinelaw.net

CITY OF KETCHUM
CITY OF FAIRFIELD
C/O SUSAN E BUXTON
CHERESE D MCLAIN
MOORE SMITH BUXTON & TURCKE
950 W BANNOCK ST STE 520
BOISE ID 83702
seh@msbtlaw.com
cdm@msbtlaw.com

SINCLAIR OIL CORPORATION DBA SUN
VALLEY COMPANY
C/O SCOTT L CAMPBELL
MATTHEW J MCGEE
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829
slc@moffatt.com

VALLEY CLUB INC
CITY OF HAILEY
C/O MICHAEL C CREAMER
GIVENS PURLSEY LLP
PO BOX 2720
BOISE ID 83701-2720
mcc@givenspursley.com

STROM RANCHES INC
DENNIS STROM
C/O S BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
PO BOX 7985
BOISE ID 83707-7985
bryce@sawtoothlaw.com

AF 2014 TRUST
GEOFFREY SMITH LLC
MARIANA S PAEN TRUST
C/O FRITZ HAEMMERLE
HAEMMERLE & HAMMERLE PLLC
PO BOX 1800
HAILEY ID 83333
fxh@haemlaw.com

SOUTHERN COMFORT HOMEOWNERS
ASSN
EDWARD A LAWSON
DENNIS J CARD & MAUREEN M MCCANTY
ANIMAL SHELTER OF WOOD RIVER
VALLEY
HELIOS DEVELOPMENT LLC
THE VILLAGE GREEN VCHOA
FLYING HEART RANCH II SUBDIVISION
OWNERS ASSN
C/O JAMES R LASKI
HEATHER O'LEARY
LAWSON LASKI CLARK & POGUE PLLC
PO BOX 3310
KETCHUM ID 83340
heo@lawsonlaski.com
jrl@lawsonlaski.com

IDAHO FOUNDATION FOR PARKS AND
LANDS INC
C/O CHAS MCDEVITT
MCDEVITT & MILLER LLP
PO BOX 2564
BOISE ID 83701
chas@mcdevitt-miller.com

C/O EILEEN MCDEVITT
732 FALLS VIEW DR
TWIN FALLS ID 83301
emcdevitt1@msn.com

CITY OF BELLEVUE
MICHELLE WOLF
C/O CANDICE MCHUGH
CHRIS BROMLEY
MCHUGH BROMLEY PLLC
380 S 4TH STREET STE 103
BOISE ID 83702
cmchugh@mchughbromley.com
cbromley@mchughbromley.com

HOLLY FARMS LTD
J EVAN ROBERTSON
ECCLES FLYING HAT RANCH LLC
ECCLES WINDOW ROCK RANCH LLC
C/O J EVAN ROBERTSON
ROBERTSON & SLETTE PLLC
PO BOX 1906
TWIN FALLS ID 83303-1906
erobertson@rsidaholaw.com

IDAHO POWER COMPANY
C/O JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139
jks@idahowaters.com

GREENHORN HOMEOWNERS ASSN
(JEFFREY T SEELY)
KIRIL SOKOLOFF
COMMUNITY SCHOOL (JANEL L
GODDARD)
DEER CREEK FARM (LYNN CAMPION)
B LAMBERT TRUST (TOBY B LAMBERT)
GULCH TRUST (TERESA L MASON)
WEBB LANDSCAPE INC (MARK PALMER)
SCI PROPERTIES LLC (BRENDA A LEVINE)
REDCLIFF PARTNERS LP (RANNEY E
DRAPER)
RED CLIFFS HOMEOWNERS ASSOCIATION
AQUARIUS SAW LLC
SANDOR & TERI SZOMBATHY
RIVER ROCK RANCH LP (SHEILA WITMER)
BARBER FAMILY ASSOCIATES LP
ROBERT ROHE
GRIFFIN RANCH PUD SUBDIVISION HOA
(CHERI HICKS)
GRIFFIN RANCH SUBDIVISION HOA
(CHERI HICKS)
BLAINE COUNTY RECREATION DISTRICT
HENRY & JANNE BURDICK
BLAINE COUNTY SCHOOL DIST NO. 61
ASPEN HOLLOW HOMEOWNERS ASSN
(ALLAN PATZER & WILLIAM LEHMAN)
F ALFREDO REGO
BELLEUE FARMS LANDOWNERS ASSN INC
CLIFFSIDE HOMEOWNERS ASSN INC
CHANAY CREEK RANCH LLC
ELIZABETH K GRAY
DONNA F TUTTLE TRUST
LINDA WOODCOCK
AIRPORT WEST BUSINESS PARK OWNERS

ASSN INC
CLEAR CREEK LLC
MID-VALLEY WATER CO LLC
THE ANNE L WINGATE TRUST
DON R & JUDY H ATKINSON
BARRIE FAMILY PARTNERS
JAMES P & JOAN CONGER
THE DANIEL T MONOOGIAN REVOCABLE
TRUST
DAN S FAIRMAN MD & MELYNDA KIM
STANDLEE FAIRMAN
FLOWERS BENCH LLC
R THOMAS GOODRICH & REBECCA LEA
PATTON
IDAHO RANCH LLC
THE JONES TRUST
LOUISA JANE H JUDGE
LAURA L LUCERE
MARGO PECK
THE RALPH W & KANDI L GIRTON 1999
REVOCABLE TRUST
THE RESTATED MCMAHAN 1986
REVOCABLE TRUST
RHYTHM RANCH HOMEOWNERS ASSN
MARION R & ROBERT M ROSENTHAL
SAGEWILLOW LLC
SALIGAO LLC
CHARLES & COLLEEN WEAVER
STONEGATE HOMEOWNERS ASSN LLC
THE BARKER LIVING TRUST
CAROL BURDZY THIELEN
THE VERNON IRREVOCABLE TRUST
MATS & SONYA WILANDER
MICHAEL E WILLARD
RALPH R LAPHAM
CHARLES L MATTHIESEN
PIONEER RESIDENTIAL & RECREATIONAL
PROPERTIES LLC
THOMAS W WEISEL
JAMES K & SANDRA FIGGE
STARLITE HOMEOWNERS ASSN
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340
jim@speckandaanestad.com

DEAN R ROGERS INC (DEAN R ROGERS III)
C/O LAIRD B STONE
STEPHAN KVANVIG STONE & TRAINOR
PO BOX 83
TWIN FALLS ID 83303-0083
sk&t@idaho-law.com

ROBERT L BAKER REVOCABLE TRUST
CATHERINE S DAWSON REVOCABLE
TRUST
SYRINGA RANCH LLC
DEER CREEK RANCH INC
C/O TRAVIS L THOMPSON
BARKER RSHOLT & SIMPSON LLP
195 RIVER VISTA PL STE 204
TWIN FALLS ID 83301-3029
lt@idahowaters.com

GOLDEN EAGLE RANCH HOMEOWNERS
ASSOCIATION INC
C/O ROBERT E WILLIAMS
WILLIAMS MESERVY & LOTHSPREICH
LLP
P.O. BOX 168
JEROME ID 83338
rewilliams@cableone.net

ANTHONY & JUDY D ANGELO
25 EAGLE CREEK RD
KETCHUM ID 83340

BARBARA CALL
PO BOX 4
ROSS CA 94957
barbcall@sbcglobal.net

BERNARD I FRIEDLANDER PHD
116 VALLEY CLUB DRIVE
HAILEY ID 83333

BLACK BUTTE HILLS LLC
PO BOX 333
FAIRFIELD ID 83327
camascreek@hughes.net

BLUEGROUSE RIDGE HOA
C/O BRIAN MCCOY
PO BOX 3510
KETCHUM ID 83340
brian@seabrd.net

BRIAN L SMITH & DIANE STEFFEY-SMITH
PO BOX 629
BELLEVUE ID 83313
brianlamarsmith@mc.com

BRITTA S HUBBARD
PO BOX 1167
KETCHUM ID 83340
brittahubbard@gmail.com

BRUCE & KAREN TRUXAL
PO BOX 431
BELLEVUE ID 83313
btruxal@powereng.com

CANADIAN CLUB
HOMEOWNERS ASSN
PO BOX 4041
KETCHUM ID 83340

CATTLE-LACK RANCH HOA
11 PURPLE SAGE LANE
BELLEVUE ID 83313
pepin1776@gmail.com

CLARE & KAREN OLSON
OKC RANCHES
PO BOX 136
HILL CITY ID 83337

COLD SPRINGS WATER COMPANY
PO BOX 254
KETCHUM ID 83340

DAVID A & KAREN L SIMON
PO BOX 545
FAIRFIELD ID 83327

DAVID BERMAN
PO BOX 4103
HAILEY ID 83333
berman.dlb@gmail.com

DEBORAH L & MATT A MCLAM
PO BOX 253
FAIRFIELD ID 83327

DENNIS STROM WATER DISTRICT 37-B
GROUNDWATER GROUP
PO BOX 137
HILL CITY ID 83337-0137

DOUGLAS C WALTON
DIANA L WHITING
109 RIVER GROVE LN
HAILEY ID 83333

ERNEST & JUDITH GETTO TRUST
ERNEST J GETTO
417 ENNISBROOK DR
SANTA BARBARA CA 93108

FLOYD CRANDALL WATER DISTRICT 37-B
GROUNDWATER GROUP
29 E HWY 20
FAIRFIELD ID 83327

FLYING HEART RANCH II SUBDIVISION
OWNERS ASSN
PO BOX 2163
HAILEY ID 83333

GARY HOFFMAN
PO BOX 1529
KETCHUM ID 83340

GREGORY R BLOOMFIELD
REVOCABLE TRUST
PO BOX 757
HAILEY ID 83333

GWINN RICE RANCH INC
PO BOX 131
HILL CITY ID 83337

HARRY S RINKER
949 SOUTH COAST DR STE 500
COSTA MESA CA 92626
hrinker@rinkercompany.com

HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 92658
toni@rinkercompany.com

HEATHERLANDS HOMEOWNERS
ASSOCIATION INC
PO BOX 1672
SUN VALLEY ID 83353

H PHILIP CASH
607 E 200 S
FAIRFIELD ID 83327

HULEN MEADOWS WATER COMPANY AND
ASSN INC
PO BOX 254
KETCHUM ID 83340

INNOVATIVE MITIGATION SOLUTIONS LLC
2918 N EL RANCHO PL
BOISE ID 83704

JAMES D WHITE
PO BOX 367
BELLEVUE ID 83313
jdwhite@q.com

JARED R WILLIAMS
REVOCABLE TRUST
PO BOX 99658
SEATTLE WA 98139

JIM W KOONCE
PO BOX 2015
HAILEY ID 83333

KATHERINE BRECKENRIDGE
B BAR B INC
PO BOX 685
PICABO ID 83348

KEN SANGHA
ASAM TRUST
PO BOX 9200
KETCHUM ID 83340
kensangha@gmail.com

KEVIN D LAKEY
WATER DISTRICT 37
107 W 1ST
SHOSHONE ID 83352
watermanager@cableone.net

LAWRENCE SCHOEN
18351 US HWY 20
BELLEVUE ID 83313

LOU ANDERSON WATER DISTRICT 37-B
GROUNDWATER GROUP
PO BOX 141
FAIRFIELD ID 83327

LUBOFF SENAUSKY &
CHARLES TIMOTHY FLOYD
PO BOX 1240
EAGLE ID 83616
bsfloyd@mac.com

MARLYS J SCHMIDT
10901 HWY 75
BELLEVUE ID 83313
mjschmidt49@msn.com

NANCIE C TATUM &
THOMAS F HENNIG
PO BOX 1365
SUN VALLEY ID 83353

PAUL & POLLY CARNEY LLOYD & DEANN
RICHINS MARK & SUSAN WILLIAMS FISH
CREEK RESERVOIR RANCH, LLC
384 2 2900 E
PAUL ID 83347

PAUL & TANA DEAN
40 FREEDOM LOOP
BELLEVUE ID 83313

PETER ZACH SEWELL
LORI SEWELL
PO BOX 3175
HAILEY ID 83333
zlsewell@gmail.com

PHILIP J VANDERHOEF
KATHLEEN MCKAY
5069 HAROLD PL NE
SEATTLE WA 98105

POPPY ENGLEHARDT
10965 HIGHWAY 75
BELLEVUE ID 83313

RALPH P CAMPANALE II
PO BOX 3778
KETCHUM ID 83340
rcampanalemd@qwestoffice.net

ROBERT BOUTTIER
PO BOX 476
BELLEVUE ID 83313

ROBERT & JUDITH PITTMAN
121 LOWER BROADFORD RD
BELLEVUE ID 83313

ROBERT J STRUTHERS
762 ROBERT ST PICABO ROUTE
BELLEVUE ID 83313

RUSTY KRAMER
WATER DISTRICT 37B
PO BOX 591
FAIRFIELD ID 83327
waterdistrict37b@outlook.com

SAGE SPRINGS HOMEOWNERS
ASSN INC
PO BOX 254
KETCHUM ID 83340

SILVER SAGE OWNERS ASSN INC
C/O CAROL'S BOOKKEEPING
PO BOX 1702
KETCHUM ID 83340

SOUTH COVE VENTURES LLC
PO BOX 333
FAIRFIELD ID 83327
camascreek@hughes.net

STARWEATHER OWNERS ASSN INC
PO BOX 254
KETCHUM ID 83340

STEVEN C FUNK
90 FREEDOM LOOP
BELLEVUE ID 83313

SMOKEY DOME LLC
PO BOX 333
FAIRFIELD ID 83327

SV RANCH LLC
PO BOX 333
FAIRFIELD ID 83327
camascreek@hughes.net

TIMBERVIEW TERRACE
HOMEOWNERS ASSN
PO BOX 4291
KETCHUM ID 83340

THOMAS & AMY MISTICK
149 ASPEN LAKES DR
HAILEY ID 83333

USDA FOREST SERVICE
ATTN JAMIE GOUGH
324 25TH ST
OGDEN UT 84401
jgough@fs.fed.us

VALLEY CLUB OWNERS ASSN INC
PO BOX 254
KETCHUM ID 83340

WILLIAM A SIMON WATER DISTRICT 37-B
GROUNDWATER GROUP
PO BOX 364
FAIRFIELD ID 83327

WILLIAM R & KATHRYN L RATLIFF
206 BAYHORSE RD
BELLEVUE ID 83313

WOOD RIVER LAND TRUST
119 E BULLION ST
HAILEY ID 83333



Deborah J. Gibson
Administrative Assistant for the Director