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DEPARTMENT OF WATER RESOURCES

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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

**JOINDER IN CITIES' MOTION
TO DISMISS**

Pursuant to Rule of Procedure 270.02, the members of the Water District 37-B Groundwater Group, through undersigned counsel of record, hereby file this joinder in the Joint Motion to Designate ACGSW by Rulemaking and to Dismiss Delivery Calls, filed by the Cities of Bellevue and Hailey on June 26, 2015. In short, and for the reasons described

below, the Group joins in the Cities' Motion, and respectfully requests that the Director dismiss this delivery call until an area of common ground water supply is designated.

The members of the Water District 37-B Groundwater Group account for a substantial portion of the ground water irrigation within the Camas Prairie region of IDWR's administrative Basin 37. As such, the Group has serious concerns regarding the efficiency and propriety of continuing with a full-blown delivery call proceeding before the interactions between Camas Prairie ground water and flows in the Big Wood River are fully understood.

In this regard, the Camas Prairie region is within the area for which, according to the Director, IDWR lacks sufficient technical information to "accurately determine what the depletions would be from groundwater pumping or even from surface water withdrawals in those basins..." (Bromley Aff. of 6/26/15, Exs. E, p. 7 (Spackman House cmte. testimony), I, p. 5 (map attached to Senate cmte. minutes).) In addition, the Camas Prairie is specifically excluded from the ground water model currently being developed by the U.S. Geological Survey. *See, e.g.,* USGS, GROUNDWATER RESOURCES OF THE WOOD RIVER VALLEY, IDAHO: A GROUNDWATER-FLOW MODEL FOR RESOURCE MANAGEMENT, available at <http://tinyurl.com/py3r3br> (last visited July 8, 2015).

As the Director's actions have already reflected, there are other complicated aspects to a delivery call proceeding, including the material injury analysis. (*See, e.g.,* Request for Additional Information from Spackman to James of 5/20/15; Conjunctive Management Rule 42 (determining material injury).) The complexity of those issues is exacerbated here, with such numerosity of the Petitioners and their respective points of diversion and

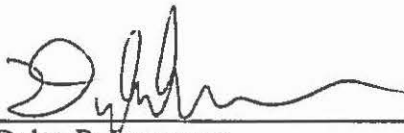
priority dates. (*See, e.g.*, IDWR, PRELIMINARY OVERVIEW OF DELIVERY CALL WATER RIGHTS, May 4, 2015.)

Where such uncertainty exists in the first place regarding the extent of the interactions of Camas Prairie ground water and surface flows in the Big Wood River, members of the Group do not believe it is efficient to deal with the other issues, such as material injury, until the threshold questions of hydrology have been addressed. Presumably, this type of concern was at least part of the reason the Legislature rejected the proposed rule change that would have made designation of the area of common ground water supply a case-by-case determination in each delivery call proceeding. (*See* Cities' Mem. in Supp. of 6/26/15, p. 12 (quoting Spackman House and Senate testimony).)

Therefore, the members of the Group join in the Cities' Motion, and respectfully request that this delivery call proceeding be dismissed—or at the very least, bifurcated—until an area of common ground water supply is designated.

DATED THIS 10th day of July, 2015.

Varin Wardwell LLC

By: 
Dylan B. Lawrence
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2015, I caused to be served a true and correct copy of the foregoing 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 addressed to the Department for service to the following:

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