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

IN THE MATTER OF PETITION TO  
AMEND RULE 50.01 OF THE  
CONJUNCTIVE MANAGEMENT RULES

**Docket No.**

**SURFACE WATER COALITION'S  
SUPPLEMENTAL COMMENTS**

AMERICAN FALLS RESERVOIR DISTRICT #2, A&B IRRIGATION DISTRICT,  
BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA  
IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY and TWIN FALLS CANAL  
COMPANY (the "Surface Water Coalition" or "Coalition"), by and through their attorneys of  
record, file these supplemental comments in the above-referenced matter.

The Coalition submits these comments pursuant to the Department's re-initiation of  
negotiated rulemaking set forth in recent letters, including the May 29, 2014 letter r identifying a  
comment deadline of June 24, 2014. These comments supplement the Coalition's initial comments  
filed back on May 25 and 31, 2011.

## SUPPLEMENTAL COMMENTS

Since the Director relies upon Rule 50 for purposes of conjunctive administration, the definition of the Eastern Snake Plain Aquifer as an “area of common ground water supply” should reflect the best and most current hydrologic science and evidence. Presently, Rule 50.01 relies upon a USGS study that was issued back in 1992, over twenty years ago. Since that time, the Department has gained a better understanding of the ESPA and a monumental effort has been undertaken regarding the development and use of the current Eastern Snake Plain Aquifer Model (ESPAM 2.1). This effort has been coordinated with water users’ consultants as well as staff from the University of Idaho Water Resources Research Institute, the Idaho Water Department of Water Resources, and the U.S. Bureau of Reclamation.

Recently, the Director found ESPAM 2.1 to be the “best scientific tool currently available to predict the effect of ground water pumping on flows from springs located in the Rangen cell” and that “[t]here is no other technical instrument as reliable as ESPAM 2.1 that can be used to determine the effects of ground water pumping on the ESPA and hydraulically-connected reaches of the Snake River and its tributaries.” *Final Order (Rangen)* at 22, 37. Since the Surface Water Coalition has an outstanding water delivery call regarding administration of hydraulically connected junior ground water rights, it follows that the Director would adopt the same finding and reasoning for using ESPAM 2.1 in the Coalition’s case as well. The Coalition has a significant interest in ensuring that all junior ground water rights that affect the Snake River are properly included for purposes of conjunctive administration.

Whereas Rule 50 presently relies upon an outdated report to define the “area of common ground water supply” for the ESPA, it is obvious the rule needs to be amended to reflect the best and most current hydrologic information. The Director recognized this fact in his August 9, 2011 letter.

Further, the rule should be flexible to incorporate the most current information as may be amended in future versions of ESPAM so as not to require a formal rule change every time the model is updated. The Coalition submits that Rule 50.01 should be amended as follows:

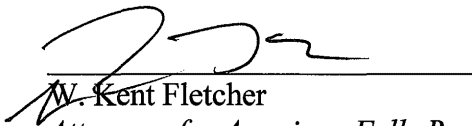
Eastern Snake Plain Aquifer. The area of coverage of this rule is the aquifer underlying the Eastern Snake River Plain as the aquifer is defined in the most current version of the Eastern Snake Plain Aquifer Model (ESPAM) in the report, Hydrology and Digital Simulation of the Regional Aquifer System, Eastern Snake River Plain, Idaho, USGS Professional Paper 1408-F, 1992 ~~excluding areas south of the Snake River and west of the line separating Sections 34 and 35, Township 10 South, Range 20 East, Boise Meridian.~~

The Coalition submits that the Department should adopt the above recommendation and amend Rule 50 accordingly without delay.

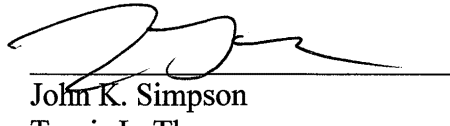
DATED this 23<sup>rd</sup> day of June, 2014.

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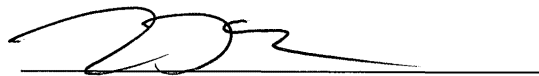
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Irrigation District, Milner Irrigation District, No  
Side Canal Company, and Twin Falls Canal  
Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of June, 2014, I served a copy of the foregoing, by email and U.S. Mail to the following:

Director Gary Spackman  
Rich Rigby  
IDWR  
322 E. Front St.  
Boise, Idaho 83720-0098



Travis L. Thompson