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*Attorneys for Fremont Madison Irrigation
District and Idaho Irrigation District*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

CITY OF POCA TELLO,

Plaintiff,

vs.

IDAHO WATER RESOURCES BOARD,
IDAHO DEPARTMENT OF WATER
RESOURCES, GARY SPACKMAN, in his
capacity as Director of the Idaho Department
of Water Resources, and TONY
OLENICHAK, in his capacity as Water
District 01 Watermaster,

Defendants.

Case No. CV42-23-1668

**SECOND DECLARATION OF TRAVIS
L. THOMPSON IN SUPPORT OF
INTERVENOR SPACEHOLDERS'
REPLY**

I, Travis L. Thompson, hereby declare and state as follows:

1. I am over the age of 18 and make this declaration based upon my personal knowledge. I am one of the attorneys representing Burley Irrigation District (i.e. one of the Intervenor "Spaceholders") in this matter.

2. Attached hereto as **Exhibit 1** are true and correct copies of the Water District 01 weekly Water Reports for July 5th and July 11th, 2023. I received copies of these reports on the respective dates via email from Shelly Bradford at Water District 01. The reports provide information, including website links, concerning the fill of storage water rights, including the “last day of reservoir accrual” for 2023.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

DATED this 24th day of November, 2023.

MARTEN LAW LLP



Travis L. Thompson

Attorneys for Burley Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of November, 2023, the foregoing was filed electronically using the Court's e-file system, and upon such filing the following parties were served electronically.

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Travis L. Thompson

Exhibit

1

WATER REPORT – July 5, 2023

Monday's water accounting computations confirmed the last day of reservoir accrual occurred on Thursday June 29th. The amount of storage captured in the reservoir system was sufficient to allocate 100% fill to all non-last-to-fill space plus allocate some additional fill to a small portion of the last-to-fill space. Because the reservoir system didn't completely fill this year, the Common Pool rental price is \$20.00 per acre-foot, consisting of a \$17.00 rental price plus a \$1.70 IWRB fee plus a \$1.30 administrative fee.

The 1902-07-16 priority is being filled for diversions above Blackfoot and a small portion of the 1905-10-07 priority is being filled below Blackfoot. Natural flow and priorities are expected to continually decrease as irrigation diversions are increasing and natural flow is decreasing. Priorities projected to be filled are updated weekdays on the www.waterdistrict1.com website in the CURRENT DATA section of the webpage.

The precise amount of accrual in the last-to-fill space is currently being calculated along with estimates for reservoir evaporation losses and Blackfoot Reach losses that will occur for the remainder of this year. The storage allocations and acre-feet remaining will be added to the daily water right accounting in addition to posting this year's 2023 Preliminary Storage Report on the www.waterdistrict1.com after those calculations have been completed.

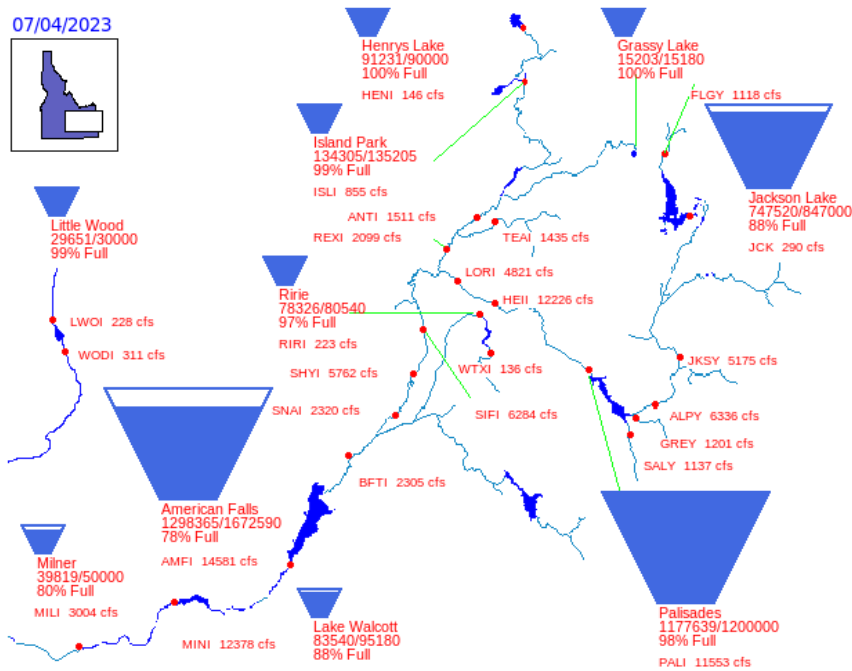
Both Idaho Power and the Bureau of Reclamation have made a request to rent additional storage below Milner. As a result, the Committee of Nine has announced a meeting via Zoom to discuss the amounts requested and when/if to send notice of the opportunity for participating spaceholders to consign a portion of their storage allocations to either the Extraordinary Circumstance Pool (Rental Pool Procedure 11.0) and/or the Supplemental Pool (Rental Pool Procedure 8.0).

Depending on the outcome of the July 6th Committee Zoom Meeting, participating spaceholders will be notified of upcoming opportunities to supply a portion of their storage allocations to the Extraordinary Circumstance and/or Supplemental Pools, including the total amount requested for each pool, price paid, and deadline for participants to designate amounts they are willing to supply. The web connection and phone connection for the July 6th Committee Meeting is shown below in the Calendar section of this report.

CALENDAR

July 6 – Committee of Nine Zoom Meeting beginning at 10 AM. Zoom Meeting access at <https://us06web.zoom.us/j/82406217784?pwd=VTJmSEpzdzI4TENjRHYwV0YxZkNuQT09> or via telephone at 1-253-215-8782 with Meeting ID 824 0621 7784 and Passcode 053143.

Bureau of Reclamation, Pacific Northwest Region Major Storage Reservoirs in the Upper Snake River Basin



PROVISIONAL DATA - Subject to change

Average daily streamflows indicated in cubic feet per second.
Reservoir levels current as of midnight on date indicated.
Click on gaging stations (red dots) for streamflow hydrographs.

Upper Snake River system is at 87 % of capacity.

(Jackson Lake, Palisades, Grassy Lake, Island Park, Ririe, American Falls, Lake Walcott)

Total space available: 510797 AF

Total storage capacity: 4045695 AF

WATER REPORT – July 11, 2023

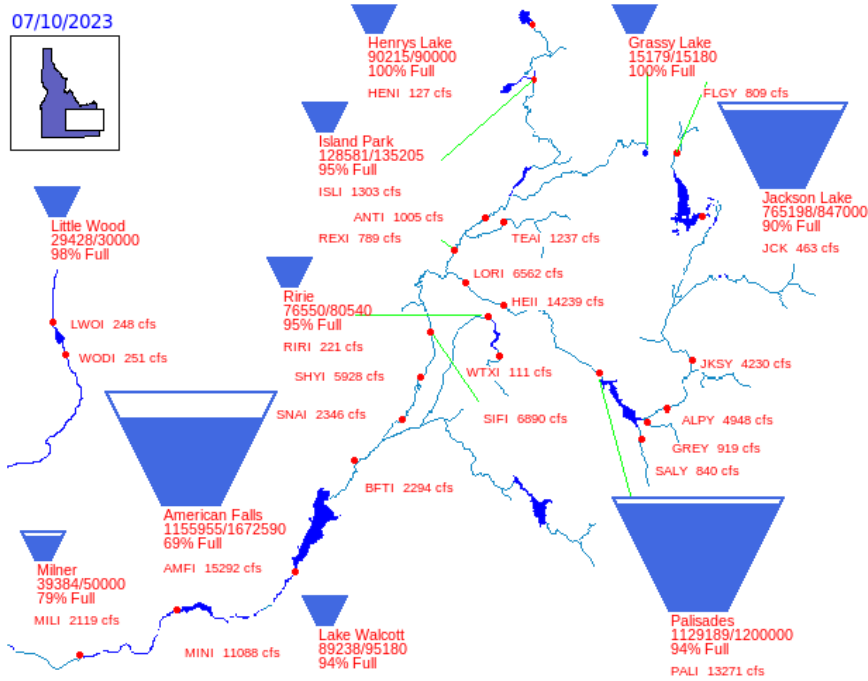
The Committee of Nine at their July 6th meeting decided not to supply any rental storage to the Bureau of Reclamation through the Extraordinary Circumstances Pool nor supply any rental storage to Idaho Power through the Supplemental Pool.

Natural flow has been quickly receding with the hot, dry weather. The 1898-04-01 priority is currently being filled for diversions above Blackfoot and the 1900-10-11 priority is being filled for diversions below Blackfoot.

Hot, dry weather is forecasted over the next several days as natural flow and priorities above Blackfoot are expected to continually recede, following a similar pattern seen in the 2020 irrigation year whereby 1895 priorities were partially cut on the Snake River above Blackfoot in mid-July.

The 2023 Preliminary Storage Report containing spaceholder storage allocations will be posted to the www.waterdistrict.1.com webpage tomorrow, subject to future review and approval by the Bureau of Reclamation. The Storage Report allocations will contain reductions to participating spaceholders that supplied 2022 Common Pool rentals. Storage rentals and adjustments for this year's private lease supplies and purchases will be posted to the website by the end of the week, including AF RMNG column updates to the 2023 Preliminary Accounting printout.

Bureau of Reclamation, Pacific Northwest Region Major Storage Reservoirs in the Upper Snake River Basin



PROVISIONAL DATA - Subject to change

Average daily streamflows indicated in cubic feet per second.
Reservoir levels current as of midnight on date indicated.
Click on gaging stations (red dots) for streamflow hydrographs.

Upper Snake River system is at 83 % of capacity.

(Jackson Lake, Palisades, Grassy Lake, Island Park, Ririe, American Falls, Lake Walcott)

Total space available:	685805 AF
Total storage capacity:	4045695 AF