

# Exhibit H

**Meeting Minutes**  
**Big Wood River Ground Water Management Area Advisory Committee**  
**IDWR State Office at Idaho Water Center, Boise, Idaho**  
**April 15, 2021**

The meeting started at 1:02 p.m. Director Gary Spackman, Tim Luke, Sean Vincent, Cherie Palmer, and Shelley Keen attended at the IDWR State Office in Boise. Other attendees participated via Zoom video conferencing or telephone. See the attached list of attendees.

After a brief introduction and taking of attendance, Sean Vincent of IDWR updated the committee on 2021 hydrologic conditions and the predicted water supply. Sean stated that the NRCS has now published the April Snow Water Supply Index (SWSI). He indicated that the anticipated water supply continues to decrease, and it now appears that 2004 might be a more appropriate analog year for 2021. Previous discussions used 2002 and 2014. Sean stated that in 2002 and 2014 the Magic Reservoir was empty in mid-July, and the current forecast suggests the water supply will last two weeks less than suggested by the last forecast. In 2004, Magic Reservoir was empty on July 1<sup>st</sup>. Magic Reservoir currently has a storage volume of 38,549 acre-feet with predictions indicating 50-70 days of water supply.

Cooper Brossy then provided an update on the lower valley surface water users' projected 2021 shortfalls. He indicated that they estimate a system injury of 38,850 acre-feet, with injury to individual users totaling 18,210 acre-feet (11,460 acre-feet for Big Wood Canal Company/Magic Reservoir and 6,750 acre-feet for decree users, including 3,000 acre-feet for Big Wood River decreed rights, and 3,771 acre-feet for Little Wood River decreed rights). Ground water users asked Kevin Lakey, Water District 37 watermaster, several questions about how he estimated the 2021 shortfalls.

After Cooper Brossy's presentation, the meeting transitioned into discussions about the proposed actions by the groundwater districts for the 2021 irrigation season. Since the last (April 7<sup>th</sup>) committee meeting, the South Valley Groundwater District increased its offer to a 17% reduction in pumping and monitoring of pumping on a bi-weekly basis. The Galena Groundwater District also proposed a 17% pumping reduction, \$50,000 for the purchase of water, and an additional \$10,000 for a Big Wood Canal Company (BWCC) project engineering feasibility study. Discussion among committee members followed on how the money offered by the Galena Groundwater District could be spent. One idea was to use the money to pay for renting water, infrastructure costs, and power costs for a project to use Snake River water in the Dietrich area. Carl Pendleton indicated that the BWCC has recently received a \$10,000 grant from another funding source for the BWCC project and inquired about the possibility of using the \$10,000 offered by the Galena Groundwater District for other purposes. The committee also discussed surface water flow targets in Silver Creek or the Little Wood River. The groundwater districts expressed reluctance to agree to flow targets, but they are open to the idea of monitoring and reporting of surface water flows. After discussion of these offers, Carl Pendleton stated that he thought that the Big Wood Canal Company would be on board. Cooper Brossy indicated that he would need more time to discuss the offers with other lower valley surface water users.

The meeting was opened for public comment and discussion. Robin Lezamiz and Fred Brossy expressed concerns about the 2021 water supply and suggested the groundwater districts' proposals might not be enough to help surface water users.

Director Spackman also spoke. He stated that he is ready to act and that further delays will not help in the 2021 season. He also provided clarification on the percent reduction amounts that have been proposed. He stated that the groundwater-flow model of the Wood River Valley Aquifer system will likely show that the impact of groundwater pumping on surface water flows varies by location, with some pumpers impacting surface flows more than others. Consequently, some groundwater pumpers could be required to reduce their pumping much more than the amounts that have been proposed by the groundwater districts

The meeting wrapped up with Cooper Brossy stating that the lower valley surface water users would have their response to the groundwater districts' proposal by mid-day on April 16 (next day).

The meeting adjourned at 3:47 without a follow up meeting being scheduled.

**Big Wood River Ground Water Management Area Advisory Committee**  
**April 15, 2021 Attendance**

**Advisory Committee**

Corey Allen  
Cooper Brossy  
Rod Hubsmith  
Sharon Lee  
Pat McMahan  
Kristy Molyneux  
Carl Pendleton  
Pat Purdy  
Bill Simon  
Nick Westendorf  
Senator Michelle Stennett  
Brian Yeager

**IDWR Staff**

Tim Luke  
Cherie Palmer  
Corey Skinner  
Gary Spackman  
Sean Vincent  
Jennifer Sukow  
Shelley Keen  
Nathan Erickson  
Alex Moody

**Members of the Public**

Kevin Lakey  
Mary Beth Collins  
Zach Hill  
Al Barker  
Chris Bromley  
Dave Shaw  
Eric Miller  
Jim Speck  
Judd McMahan  
Chris Simms  
Travis Thompson  
Sunny Healy  
Pete Van Der Meulen  
Greg Loomis  
Kira Finkler  
Justin Stevenson  
Chris Johnson  
Norm Semanko  
Fred Brossy  
Robin Lezamiz  
Kent Fletcher

# Exhibit

# I

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

IN THE MATTER OF BASIN 37  
ADMINISTRATIVE PROCEEDING

Docket No. AA-WRA-2021-001

**NOTICE OF ADMINISTRATIVE  
PROCEEDING, PRE-HEARING  
CONFERENCE, AND HEARING**

A drought is predicted for the 2021 irrigation season and the water supply in Silver Creek and its tributaries may be inadequate to meet the needs of surface water users. Curtailment model runs of the Wood River Valley Groundwater Flow Model v.1.1 (“Model”) show that curtailment of ground water rights during the 2021 irrigation season would result in increased surface water flows for the holders of senior surface water rights during the 2021 irrigation season. Pursuant to Idaho Code § 42-237a.g., “water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect...the present or future use of any prior surface or ground water right.” Based on the information from the Model, the Director of the Idaho Department of Water Resources (“Department”) believes that the withdrawal of water from ground water wells in the Wood River Valley south of Bellevue (commonly referred to as the Bellevue Triangle) would affect the use of senior surface water rights on Silver Creek and its tributaries during the 2021 irrigation season. Therefore, the Director is initiating an administrative proceeding to determine whether water is available to fill the ground water rights, excluding water rights for domestic uses as defined in Idaho Code § 42-111 and stock watering uses as defined in Idaho Code § 42-1401A(11), within the Wood River Valley south of Bellevue, as depicted in the attached map. If the Director concludes that water is not available to fill the ground water rights, the Director may order the ground water rights curtailed for the 2021 irrigation season.

**NOTICE OF ADMINISTRATIVE PROCEEDING**

NOTICE IS HEREBY GIVEN that pursuant to Idaho Code § 42-237a.g. and IDAPA 37.01.01.104, the Director is initiating an administrative proceeding to determine whether water is available to fill the ground water rights, excluding ground water rights for domestic uses as defined in Idaho Code § 42-111 and stock watering uses as defined in Idaho Code § 42-1401A(11), within the Wood River Valley south of Bellevue, as depicted in the attached map. Additional information and maps will be posted on the Department’s website at: <https://idwr.idaho.gov/legal-actions/administrative-actions/basin-37.html>.

If you wish to participate in the administrative proceeding, **please send written notice to the Department by May 19, 2021, to P.O. Box 83720, Boise, Idaho 83720-0098 stating your intent to participate in AA-WRA-2021-001. If you do not participate, you may still be legally bound by the results of the proceedings.**

**NOTICE OF PREHEARING CONFERENCE**

NOTICE IS HEREBY GIVEN that the Department will hold a prehearing conference to discuss the Administrative Proceeding on May 24, 2021, at 9:00 a.m. (MDT), in Conference Rooms 602C and 602D of the Department’s State Office, located at 322 E. Front Street, 6<sup>th</sup> Floor, Boise, Idaho. Parties may appear in person or via Zoom teleconference. However, due to gathering restrictions, in-person

attendance is limited. Contact Kimberle English to reserve an in-person spot at: Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4815.

All parties must be present at the prehearing conference in person, by telephone or by video conference. Parties will be provided with login information for the video conference a few days before the conference.

Parties should come to the prehearing conference prepared to discuss the following:

- Procedure at Hearing
- Remote Participation at the Hearing
- Discovery
- Witnesses
- Burdens

The prehearing conference will be held in accordance with the provisions of Chapter 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the Department's Rules of Procedure. IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/index.html>.

The prehearing conference will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department no later than five (5) days prior to the conference. Inquiries for special accommodations should be directed to Kimberle English, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4815.

#### NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Department will hold a hearing in the matter on June 7-11, 2021, at 10:00 a.m. (MDT), in Conference Rooms 602A, 602B, 602C, and 602D of the Department's State Office, located at 322 E. Front Street, 6<sup>th</sup> Floor, Boise, Idaho. All parties must be present at the hearing. The possibility of remote participation will be discussed at the pre-hearing conference.

The hearing will be held in accordance with the provisions of Chapter 17, Title 42 and Chapter 542, Title 67, Idaho Code, and the Department's Rules of Procedure. IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/index.html>.

The conference will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department no later than five (5) days prior to the hearing. Inquiries for special accommodations should be directed to Kimberle English, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4815.

DATED this 4<sup>th</sup> day of May, 2021.



GARY SPACKMAN  
Director

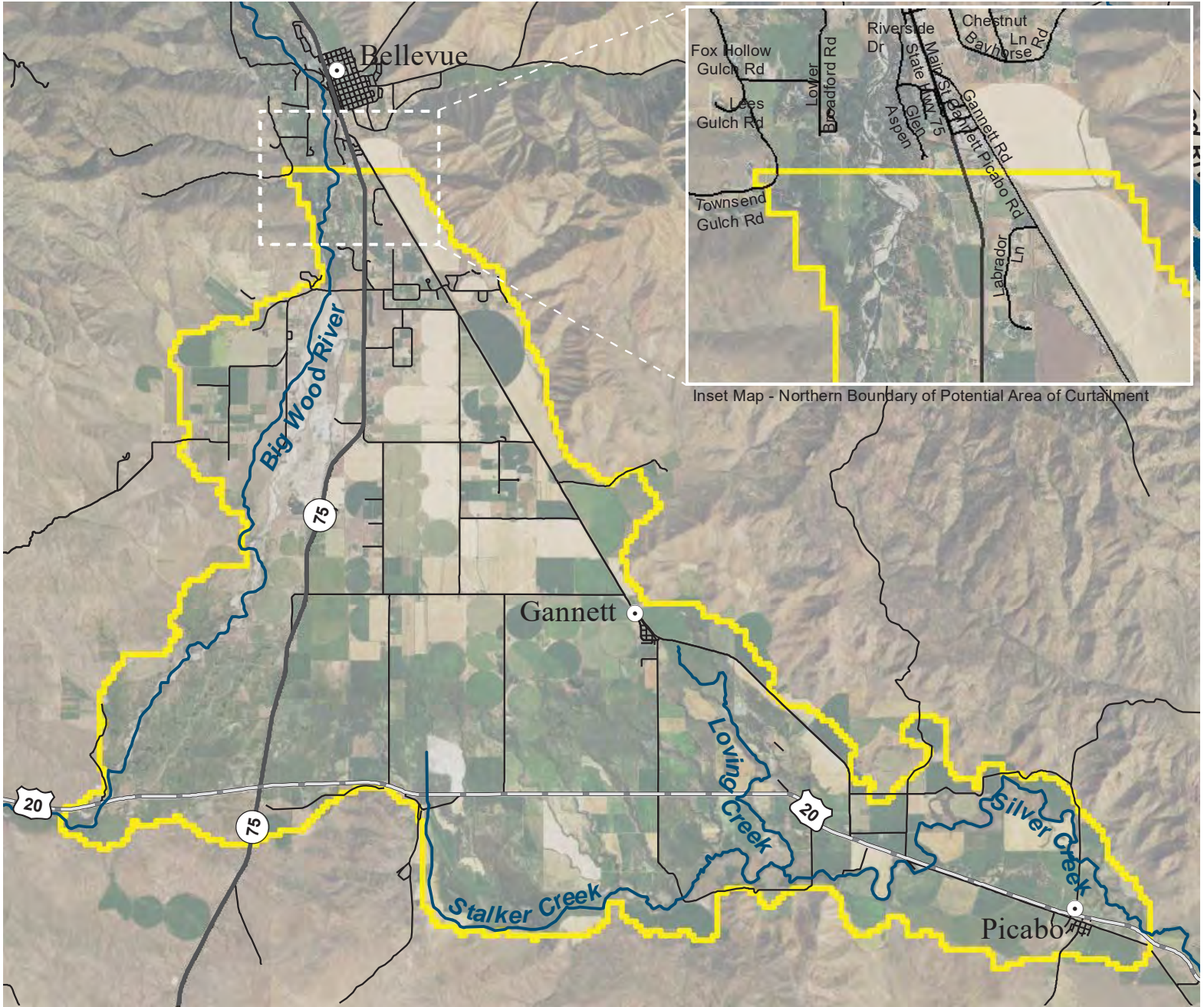
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 4 day of May, 2021, the above and foregoing **NOTICE OF ADMINISTRATIVE PROCEEDING, PRE-HEARING CONFERENCE, AND HEARING** was mailed through United States Postal Service to the service list posted on the Department's website: <https://idwr.idaho.gov/legal-actions/administrative-actions/basin-37.html>.

  
Kensie Thorneycroft



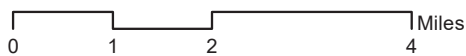
# Basin 37 Administrative Proceeding



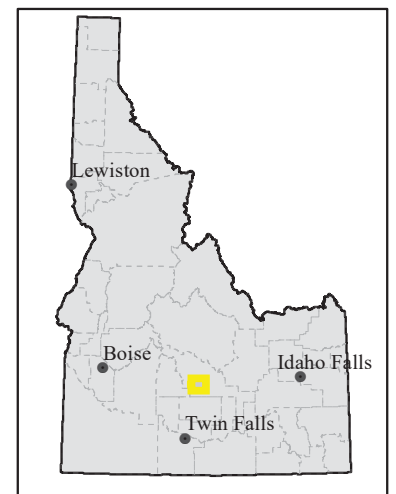
## Legend

- Selected Rivers and Creeks
- Cities
- Potential Area of Curtailment

Imagery is 2019 (NAIP/FSA source)



April 29th, 2021



Location Map

# Exhibit J



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

May 4, 2021

«OwnerName»  
«StreetAddress1»  
«StreetAddress2»  
«City» «ST» «PostalCode»

**RE: Notice of Basin 37 Administrative Proceeding**

Dear Water Right Holder,

You are receiving this letter because, according to the records of the Idaho Department of Water Resources (“Department”), you are the holder of one or more ground water or surface water rights within Water District 37 (Big and Little Wood River basin, including Silver Creek) or Water District 37B (Camas Creek basin).

A drought is predicted for the 2021 irrigation season and the water supply in the Little Wood River-Silver Creek drainage may be inadequate to meet the needs of surface water users in that area. Therefore, the Director of the Department has initiated an administrative proceeding to determine if the surface water rights in the Little Wood River-Silver Creek drainage will be injured in the 2021 irrigation season by pumping from junior-priority ground water rights in the Wood River Valley south of Bellevue. The administrative proceeding could result in curtailment of junior-priority ground water rights south of Bellevue this irrigation season. Domestic uses as defined in Idaho Code § 42-111, and stock watering uses as defined in Idaho Code § 42-1401A(11) are not subject to curtailment under the administrative proceeding.

Attached to this letter is the *Notice of Administrative Proceeding, Pre-Hearing Conference, and Hearing*. The notice provides details of the administrative proceeding and explains how you may participate in the administrative proceeding. The administrative proceeding may affect surface and ground water rights beyond the Little Wood-Silver Creek drainage and Bellevue areas. Therefore, this notice has been sent to holders of ground and surface water rights administered by Water Districts 37 and 37B, except domestic and stock water rights described above.

Many ground water right holders in the Wood River Valley are members of either South Valley or Galena Ground Water Districts and may be represented by those ground water districts in this matter. A list of ground water district contacts is available on the Department’s website at: <https://idwr.idaho.gov/files/districts/groundwater-district-contacts.pdf>

Any questions regarding the administrative proceeding may be directed to the Department’s State Office at (208) 287-4800, or Southern Region Office at (208) 736-3033. If you have questions regarding notice of intent to participate or details of the pre-hearing conference you may contact Kimberle English at (208) 287-4815.

Sincerely,

Gary Spackman  
Director

# Exhibit K

## Travis Thompson

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**From:** Albert Barker  
**Sent:** Friday, May 7, 2021 12:31 PM  
**To:** Travis Thompson  
**Subject:** FW: Notice of Basin 37 Administrative Proceeding  
**Attachments:** 20210507\_Basin 37 Notice.pdf

**From:** Sharon Lee <slee247@mac.com>  
**Sent:** Friday, May 7, 2021 12:28 PM  
**To:** Dave Shaw <dshaw@erresources.com>; Albert Barker <apb@idahowaters.com>  
**Subject:** Fwd: Notice of Basin 37 Administrative Proceeding

Sent from my iPhone

Begin forwarded message:

**From:** "Luke, Tim" <Tim.Luke@idwr.idaho.gov>  
**Date:** May 7, 2021 at 11:25:22 AM PDT  
**To:** [brian.yeager@haileycityhall.org](mailto:brian.yeager@haileycityhall.org), [callen@sunvalley.com](mailto:callen@sunvalley.com), [cooper.brossy@gmail.com](mailto:cooper.brossy@gmail.com), [jkmoly78@gmail.com](mailto:jkmoly78@gmail.com), [kaysi10@live.com](mailto:kaysi10@live.com), [mstennett@senate.idaho.gov](mailto:mstennett@senate.idaho.gov), [nick@4lfarms.com](mailto:nick@4lfarms.com), [pat@purdyent.com](mailto:pat@purdyent.com), [pat@svwsd.com](mailto:pat@svwsd.com), [pendletonranch@hotmail.com](mailto:pendletonranch@hotmail.com), [slee247@mac.com](mailto:slee247@mac.com), [wasimon9@gmail.com](mailto:wasimon9@gmail.com)  
**Cc:** "Van Der Meulen, Peter (IWRB Member)" <[vandermeulenpete@yahoo.com](mailto:vandermeulenpete@yahoo.com)>, [watermanager@cableone.net](mailto:watermanager@cableone.net), Rusty Krame <[waterdistrict37b@outlook.com](mailto:waterdistrict37b@outlook.com)>, "Skinner, Corey" <[Corey.Skinner@idwr.idaho.gov](mailto:Corey.Skinner@idwr.idaho.gov)>, "Erickson, Nathan" <[Nathan.Erickson@idwr.idaho.gov](mailto:Nathan.Erickson@idwr.idaho.gov)>, [MDavis@house.idaho.gov](mailto:MDavis@house.idaho.gov), [SToone@house.idaho.gov](mailto:SToone@house.idaho.gov), Dick Fosbury <[dfosbury@co.blaine.id.us](mailto:dfosbury@co.blaine.id.us)>, "Carter, Meghan" <[Meghan.Carter@idwr.idaho.gov](mailto:Meghan.Carter@idwr.idaho.gov)>, "Baxter, Garrick" <[Garrick.Baxter@idwr.idaho.gov](mailto:Garrick.Baxter@idwr.idaho.gov)>, "Weaver, Mathew" <[Mathew.Weaver@idwr.idaho.gov](mailto:Mathew.Weaver@idwr.idaho.gov)>, "Spackman, Gary" <[Gary.Spackman@idwr.idaho.gov](mailto:Gary.Spackman@idwr.idaho.gov)>, "Whitney, Rob" <[Rob.Whitney@idwr.idaho.gov](mailto:Rob.Whitney@idwr.idaho.gov)>  
**Subject:** Notice of Basin 37 Administrative Proceeding

Dear BWRGWMA Advisory Committee Members,

On May 4, 2021, I sent you an email with a copy of *Notice of Basin 37 Administrative Proceeding, Pre-hearing Conference and Hearing* and cover letter issued by IDWR Director Spackman. My email stated that the notice was sent to over 1,100 water right holders in Water Districts 37 and 37B on May 4th.

The purpose of this email is to let you know that IDWR had a glitch in its mailing of the above referenced notice. Many of the notices sent had an error in the address and were not deliverable. Consequently, IDWR is resending the notice today to the correct and complete addresses for all 1,100 plus water right holders. All notices will be delivered to the US Postal Service today. An updated and complete service list showing all mailing recipients should be posted on IDWR's website by close of business on Monday, May 10, 2021.

We apologize for the delay in receipt of the notices and any inconvenience caused by the error. A copy of the notice, cover letter and updated Certificate of Service document is attached again for your reference. The only change between the notice attached and the one sent to you by email on May 4<sup>th</sup> is the updated Certificate of Service (last page of the notice).

Respectfully,

***Tim Luke***

***Idaho Department of Water Resources***

*Water Compliance Bureau Chief*

[tim.luke@idwr.idaho.gov](mailto:tim.luke@idwr.idaho.gov) | 208-287-4959