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Attorneys for South Valley Ground Water District and Galena Ground Water District

**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

**SOUTH VALLEY GROUND
WATER DISTRICT AND GALENA
GROUND WATER DISTRICT’S
PROPOSED MITIGATION PLAN**

COMES NOW, the SOUTH VALLEY GROUND WATER DISTRICT and GALENA
GROUND WATER DISTRICT (“Ground Water Districts”) by and through their attorneys of
record and hereby submit to the Director a proposed Mitigation Plan under IDAPA 37.03.11.043

in response to the delivery call and demands for conjunctive administration of surface and ground water use in Silver Creek, the Little Wood and the ground water in the Bellevue Triangle asserted by certain surface water users.¹ These demands for conjunctive administration of ground water are the subject of the hearing held before the Director, June 7- 12, 2021. This hearing was triggered by a Notice of Administrative Hearing, AA-WRA-2021-001, issued by the Director on May 4, 2021. That *Notice* asserted that, based on the Model, the Director believes that withdrawal of ground water from wells in the Bellevue Triangle would affect senior surface water rights on Silver Creek. The Notice also provided that the Director may order ground water rights in the Bellevue Triangle curtailed for the 2021 irrigation season. Of course affecting senior surface water right is not sufficient to demonstrate “material injury.” The *Notice* did not specify whether the Director would consider any measures other than 100% curtailment of all ground water use or whether a mitigation plan could be offered. However, when a curtailment order for ground water pumping was issued in the Rangen delivery call, the order provided that the ground water users affected by the order could avoid curtailment by participating in an approved mitigation plan. *Rangen Inc. v. IDWR*, 160 Idaho 251, 253, 371 P.3d. 305, 307 (2016). That order advised the ground water users of the amount of water needed, and further provided that the mitigation plan would be phased in over a five (5) year period. *Id* at 254, 371 P.3d. at 308; *see* CM Rule 40.01.a.

Given the urgency the Director has expressed with respect to administration during the 2021 irrigation season, the Ground Water Districts have opted to submit this proposed Mitigation

¹ While the Director has characterized this proceeding as administration rather than a delivery call, the CM Rules make it clear that they are intended to apply to general rules regarding ground water administration in Idaho. IDAPA 37.03.11.001. Indeed, the repeal of portions of the Ground Water Act specifically refers to the use of the CM Rules in lieu of the procedures under the Ground Water Act, or after the effective date of the repeal. *See* Statement of Purpose HB0043 (2021 Legislative Session).

Plan in advance of any Order, contingent on a determination that a curtailment order is necessary to prevent material injury.

Without waiving their objections to the validity of any potential curtailment order both a matter of fact and as a matter of legal procedure, the Ground Water Districts submit this Mitigation Plan to the Director to mitigate and offset any conceivable injury to specific water rights on Silver Creek or Little Wood River that might have resulted from continuing to withdraw ground water from the Big Wood Ground Water Aquifer during the remainder of the 2021 irrigation season.

The testimony and evidence at the hearing established, as a best-case scenario for the surface water users, that three water rights with April 1883 priorities might receive water should the 100% curtailment scenario for the Bellevue Triangle ground water rights outlined in the *Notice* and Jennifer Sukow's staff memorandum be ordered. Those three 1883 water rights included Water Right No. 37-344A (4.0 cfs) belonging to Barbara Farms LLC, which is located below the Milner-Gooding Canal, Water Right No. 37-344A (4.0 cfs), and Water Right Nos. 37-423 (0.3 cfs) and 37-49 (4.2 cfs) owned or operated by Don Taber (and on behalf of Jim Ritter) diverted from the Little Wood River below Station 10.

With respect to mitigation for potential injury to the Barbara Farms water right, the Ground Water Districts propose to lease 500 acre-feet from the Henry's Fork Reservoir District pursuant to an option agreement for the 2021 irrigation season and deliver that water via the Milner-Gooding Canal to the Barbara Farms headgates. Barbara Farms only has identified 217.5 acres that require water for the balance of the irrigation season that may be injured and require water. Barbara Farms previously

secured an alternate water supply for 66 acres through a lease of AFRD#2 water from the City of Shoshone. Based upon information from the Watermaster Kevin Lakey, Barbara Farms had diverted and used 490 acre-feet through June 14, 2021. Using 4 cfs as the diversion rate divided by the total acreage of 217.5 acres, and the needed last day of irrigation as offered by Mr. Brossy at hearing (Barbara Exhibit 1), the following table shows the required water left to use on the respective acres:

<u>Crop</u>	<u>Acres</u>	<u>Last Irrigation</u>	<u>Cutoff</u>	<u>Days</u>	<u>AF</u>
Garden Seed Beans	21	8/30	6/25	66	50.6
Edible Pinto Beans	20	8/25	6/25	61	44.5
Purple Barley	11	7/15	6/25	20	8.0
Malt Barley/Alf	49.5	7/15	6/25	20	36.1
Winter wheat/Alf	12	7/15	6/25	20	8.8
Edible Pinto Beans	16	8/25	6/25	61	47.6
Alfalfa Green Chop	71	8/30	6/25	66	230.5
Rye Green Chop/Alf	17	9/15	6/25	82	50.9
				Total	405.3

Barbara Ex. 1 (with estimated acre-feet needed).

The rental of 500 acre-feet for delivery through AFRD#2’s Milner Gooding Canal will supply the estimated crop water need set forth above plus cover any conveyance loss through the canal.

The Ground Water Districts have been advised that the Big Wood Little Wood Water Users Association (Association) has already leased 1000 acre-feet of surface water from Mitigation Inc. for delivery to its members via the Milner-Goodling Canal. *See* Exhibit A (Water District 01 June 22, 2021 Weekly Report).² The Ground Water Districts are not privy to how that water is or will be allocated. Nevertheless, the Ground

² Water District 01 notes the rental adjustment to AFRD#2’s account for “Yellowstone Earth Science.” This is the company owned by the seniors’ consultant Eric Miller.

Water Districts also propose to reimburse the Association for the cost of renting 500 acre-feet of water to the extent that the water is actually rented from Mitigation, Inc., as part of the Ground Water Districts' proposed Mitigation Plan, in addition to acquisition of 500 acre-feet from Henry's Lake Reservoir District.

With respect to the Taber & Ritter 1883 rights on the Little Wood below Station 10, the Ground Water Districts propose three transfers, all of which are attached hereto. Transfer 1, to supply water right 37-49, transfers 168 acres of water rights from designated lands in the Bellevue Triangle that are not being irrigated to an array of nine ground water wells and pumps in the vicinity of Picabo. These pumps will then pump water into Silver Creek for delivery to the 168 acres under Water Right 37-49 property. The second transfer to supply water to Water Right No. 37-423 proposes to transfer 36 acres of water from lands in the Bellevue Triangle that are not being irrigated to the place of use of water right 37-423. These rights transferred will also be pumped from an array of ground water wells and pumps in the vicinity of Picabo into Silver Creek for delivery to Water Right 37-423. The total water proposed to be diverted under these two transfers is 6.0 cfs rather than 4.5 cfs to account for an approximate 25% conveyance loss between Picabo and Station 10. The third transfer proposes to pump an additional 9 cfs for a total of 15 cfs, when including Transfers 1 and 2, from the same array of wells and pumps in the vicinity of Picabo into Silver Creek. These pumps will be supplied by water transferred from lands that are not being irrigated in the Bellevue Triangle during the 2021 irrigation season. This third transfer is intended to provide additional surety for delivery of Water Rights 37-49 and 37-423 as well as to provide potential water for the Barbara Farms water right and for other more junior water rights (i.e. junior to April 6,

1883) on the Little Wood, even though there is no evidence that these junior water rights would receive any water from the 100% curtailment scenario for the rest of the 2021 irrigation season.

Transferring the water rights to nine different wells and pumps will provide flexibility to allow the Ground Water Districts to maximize the water that can be pumped at any one time based on the pump capacity, water availability and the ability to provide positive flow benefits to Silver Creek.

This Mitigation plan demonstrates that more than 1,600 acres of land normally irrigated by ground water in the Bellevue Triangle are not being irrigated in the Bellevue Triangle during the 2021 irrigation season and will not be irrigated for the duration of the 2021 irrigation season.

The Ground Water Districts further propose that all crop irrigation in the Bellevue Triangle area of potential curtailment, as described in Jennifer Sukow's staff memo, will cease further ground water withdrawals as of August 15, 2021, with the exception of 3500 acres of pasture and 450 acres of potatoes. All fields in the Bellevue Triangle growing grain and alfalfa will not be irrigated after the August 15 date proposed in this Mitigation Plan. This non-use will be in addition to the temporary transfers identified above. These transfers are proposed to continue throughout the 2021 irrigation season or as long as the Director determines that benefit would accrue during the irrigation season to the rights that are protected that could benefit from the 100% curtailment scenario.

The Ground Water Districts submit that this proposed Mitigation Plan more than offsets any hypothetical benefits that might accrue from 100% curtailment of ground water withdrawals in the Bellevue Triangle. Approval of this Plan by the Director will

avoid injury in excess of ten million dollars to the producers in the Bellevue Triangle that would otherwise result from the proposed 100% curtailment.

Dated this 23rd day of June, 2021.

BARKER ROSHOLT & SIMPSON LLP

/s/ Albert P. Barker

Albert P. Barker

Attorney for South Valley Ground Water District

LAWSON LASKI CLARK, PLLC

/s/ Heather E. O'Leary

Heather E. O'Leary

Attorney for Galena Ground Water District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 2021, the foregoing was filed, served, and copied as shown below.

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/s/ Albert P. Barker
Albert P. Barker

WATER REPORT – June 22, 2021

The 1895-02-06 priority is currently being partially filled for diversions above Blackfoot. The 1900-10-11 priority is currently being partially filled for diversions below Blackfoot.

The current trend in natural flow and priorities is similar to the patterns seen in 2007 and 2016. Today's natural flow is a little worse than it was in 2016 and a little better than it was in 2007. Attached to this report is a comparison of the natural flow, diversions, and priorities for the years 2007, 2016, and 2021 beginning June 21st. Canal managers may use this comparison to estimate where priorities may be headed over the next several weeks.

Two additional Rental Pool transactions that occurred after the last June 17th Water Report were added to the AF RMNG values in the water right accounting: 1,500 AF of Water Mitigation Coalition leased storage was added to the North Side Canal AF RMNG and 1,000 AF of Mitigation Inc. leased storage was added to the AFRD#2 AF RMNG to be supplied to Yellowstone Earth Science.

Impacted spaceholders published in the June 17th Water Report are reminded they have until 5 PM July 2nd to submit their rental applications with fees to the Water District #1 Office to preserve their priority for large Common Pool rental according to Rental Pool Procedure 5.3.101. Spaceholders that have supplied Private Leases to water users this year are limited from purchasing Common Pool storage according to Rental Pool Procedure 5.5.

TOTAL NATURAL FLOW, TOTAL DIVERSIONS, AND PRIORITY COMPARISON

PRELIMINARY ACCOUNTING

2007 IRRIGATION YEAR

MILNER DATE	HEISE DATE	TOTAL NATURAL FLOW ABOVE BLACKFOOT CFS			TOTAL DIVERSIONS ABOVE BLACKFOOT CFS			SNAKE RIVER AT HEISE PRIORITY YR-MO-DAY			REACH GAIN BLACKFOOT TO MILNER CFS		
		NATURAL FLOW ABOVE BLACKFOOT CFS	TOTAL DIVERSIONS ABOVE BLACKFOOT CFS	TOTAL NATURAL FLOW ABOVE BLACKFOOT CFS	TOTAL DIVERSIONS ABOVE BLACKFOOT CFS	SNAKE RIVER AT HEISE PRIORITY YR-MO-DAY	REACH GAIN BLACKFOOT TO MILNER CFS	TOTAL DIVERSIONS ABOVE BLACKFOOT CFS	TOTAL NATURAL FLOW ABOVE BLACKFOOT CFS				
21-Jun	17-Jun	12952	15858	1895-03-22	3432	17888	16363	1905-10-07	1654	16061	16276	1903-03-26	1543
22-Jun	18-Jun	13126	15872	1895-11-05	3478	16896	15865	1903-03-26	1731	15502 *	16546 *	1900-10-11 *	
23-Jun	19-Jun	12440	16286	1895-02-06	3386	16549	15939	1902-03-26	1577	14425 *	16675 *	1900-10-11 *	
24-Jun	20-Jun	11667	16398	1885-01-09	3217	16174	16433	1903-03-26	1520	13807 *	16542 *	1900-06-16 *	
25-Jun	21-Jun	10646	16434	1892-04-28	2992	15441	16833	1900-10-11	1555	13045 *	16372 *	1896-07-09 *	
26-Jun	22-Jun	10229	16481	1891-12-14	3064	14997	17120	1900-10-11	1502	11863 *	16186 *	1895-02-06 *	
27-Jun	23-Jun	9909	16564	1891-12-14	3203	14521	17347	1900-10-11	1556				
28-Jun	24-Jun	9615	16461	1891-01-24	3128	14022	17305	1900-10-11	1539				
29-Jun	25-Jun	9408	16365	1891-01-24	2847	13408	17089	1898-04-15	1609				
30-Jun	26-Jun	9084	16384	1891-01-24	2515	12752	16882	1895-06-01	1778				
1-Jul	27-Jun	8927	16233	1890-10-16	2075	12061	16879	1895-02-06	1571				
2-Jul	28-Jun	8320	16411	1890-06-01	2084	11104	17128	1894-08-18	1498				
3-Jul	29-Jun	8319	16685	1890-06-01	2103	10845	17530	1892-06-01	1449				
4-Jul	30-Jun	8358	16667	1890-06-10	1996	10924	17551	1892-06-01	1550				
5-Jul	1-Jul	8193	16499	1890-06-01	1901	14059	17387	1894-08-18	1647				
6-Jul	2-Jul	8146	16350	1890-06-10	1918	11164	16914	1895-01-09	1587				
7-Jul	3-Jul	7812	16279	1890-09-26	1890	10847	16269	1895-01-09	1430				
8-Jul	4-Jul	7724	16086	1890-07-10	1758	10305	16292	1892-06-01	1349				
9-Jul	5-Jul	7505	15997	1890-07-10	1599	10087	16307	1892-04-28	1327				
10-Jul	6-Jul	7192	15928	1889-06-01	1621	9839	16423	1891-06-01	1237				
11-Jul	7-Jul	7141	15841	1889-06-01	1847	9477	16265	1891-01-24	1398				
12-Jul	8-Jul	7084	15741	1889-06-01	1718	9286	16131	1891-01-24	1345				
13-Jul	9-Jul	7101	15669	1889-06-01	1633	8951	15956	1891-01-24	1658				
14-Jul	10-Jul	7252	15074	1889-07-10	1657	8992	15607	1891-01-24	1799				
15-Jul	11-Jul	6750	14323	1889-05-11	1570	9490	14928	1892-04-28	1790				
16-Jul	12-Jul	6261	14207	1889-05-11	1459	9768	14673	1893-04-30	1749				
17-Jul	13-Jul	6172	14337	1889-05-11	1548	9578	14322	1892-06-01	1547				
18-Jul	14-Jul	6122	13786	1889-05-11	1525	8604	13898	1891-01-24	1609				
19-Jul	15-Jul	6256	13720	1889-05-11	1516	8066	13281	1890-10-12	1658				
20-Jul	16-Jul	6145	13526	1889-05-11	1547	7768	13142	1890-07-12	1726				
21-Jul	17-Jul	6495	13221	1889-05-11	1603	7627	13030	1890-07-12	1767				
22-Jul	18-Jul	6470	12790	1889-05-11	1549	7583	13041	1890-06-10	1987				
23-Jul	19-Jul	6328	12461	1889-05-11	1576	8291	13050	1890-10-16	1377				
24-Jul	20-Jul	6063	12227	1889-05-11	1681	7017	13035	1889-06-01	1457				
25-Jul	21-Jul	5795	11913	1889-05-01	1884	7249	13287	1889-07-10	1549				
26-Jul	22-Jul	5656	11619	1889-04-15	1823	7140	13222	1889-06-01	1631				
27-Jul	23-Jul	5541	11691	1889-04-16	1906	7006	13048	1889-07-10	1976				
28-Jul	24-Jul	5727	11537	1889-05-11	1983	6894	12996	1889-06-01	1945				
29-Jul	25-Jul	6211	11564	1889-05-11	2027	6585	12996	1889-06-01	1923				
30-Jul	26-Jul	6697	11475	1889-06-01	2137	6489	12876	1889-06-01	1969				
31-Jul	27-Jul	7562	11138	1891-12-14	2184	6561	12850	1889-06-01	1907				
1-Aug	28-Jul	7342	10985	1891-01-24	2237	6519	12904	1889-05-20	1840				
2-Aug	29-Jul	6865	10765	1890-07-12	2320	6430	12923	1889-05-11	1819				
3-Aug	30-Jul	6415	10354	1890-07-10	2380	6388	12881	1889-05-11	1758				
4-Aug	31-Jul	5910	10368	1889-05-11	2176	6433	12631	1889-06-01	1656				
5-Aug	1-Aug	5559	10437	1889-05-01	2213	6246	12305	1889-06-01	1697				
6-Aug	2-Aug	5640	10421	1889-05-11	2037	6311	12205	1889-04-15	1578				
7-Aug	3-Aug	5832	10472	1889-05-11	1972	6311	12109	1889-05-11	1391				
8-Aug	4-Aug	6128	10467	1889-06-01	1985	5888	12056	1889-04-15	1232				
9-Aug	5-Aug	5939	10399	1889-05-11	2051	6010	12025	1889-05-11	1166				
10-Aug	6-Aug	5949	10135	1889-05-11	2131	5961	11920	1889-04-15	1245				

* Projected Data

2016 IRRIGATION YEAR

2021 IRRIGATION YEAR

WATER DISTRICT 01 - WEEKLY WATER REPORT 06/22/2021

Reach Name	DIVERSION DATA PRIORITY DATES	Projected Priority Dates For Actual Date 06/23/2021
SNAKE ABV LORENZO	3/26/1903	2/6/1895
HENRYS FORK	3/26/1903	2/6/1895
FALLS RIVER	3/26/1903	2/6/1895
TETON RIVER	3/26/1903	2/6/1895
TETON LOWER N. FORK	3/26/1903	2/6/1895
SNAKE ABV BLCKFOOT	3/26/1903	2/6/1895
SNAKE BLW BLCKFOOT	3/26/1903	10/11/1900

Diversion Data

Actual Date	Site	Diversion	CFS DIVN	CFS STOR	AF USED	AF RMNG
Jun 17	13033010	PALISADES CANAL	77	0	4	-4
Jun 17	13037505	ANDERSON CANAL (1A)	508	283	8779	42339
Jun 17	13037975	EAGLE ROCK CAN (1) (1B)	616	0	0	0
Jun 17	13037980	FARMERS FRIEND	467	133	3228	6118
Jun 17	13037985	ENTERPRISE CANAL	186	0	815	19390
Jun 17	13038025	BUTLER ISLAND	45	0	115	128
Jun 17	13038030	ROSS AND RAND	4	0	6	-6
Jun 17	13038055	HARRISON CANAL	595	124	1925	41932
Jun 17	13038085	RUDY CANAL	286	147	3336	5032
Jun 17	13038090	LOWDER SLOUGH CANAL	52	0	51	1395
Jun 17	13038098	KITE & NORD CANAL	9	1	75	-75
Jun 17	13038110	BURGESS CANAL * (4A)	957	155	3951	41629
Jun 17	13038115	CLARK & EDWARDS * (5A)	70	0	0	777
Jun 17	13038145	CROFT DITCH	0	0	41	-41
Jun 17	13038150	EAST LABELLE CANAL	129	9	67	710
Jun 17	13038180	RIGBY CANAL	205	44	1098	4936
Jun 17	13038204	DILTS LATERAL (3) (6B)	9	0	0	0
Jun 17	13038205	DILTS CANAL (6A)	26	7	40	1591
Jun 17	13038210	ISLAND CANAL (30A)	195	0	0	4398
Jun 17	13038225	W. LABELLE & L.I. * (7A)	528	0	789	4176
Jun 17	13038305	PARKS & LEWISVILLE	379	30	1201	4144
Jun 17	13038315	NORTH RIGBY CANAL	50	0	301	875
Jun 17	13038340	WHITE DITCH (4) (7B)	0	0	0	0
Jun 17	13038360	BRAMWELL CANAL (8A)	0	0	0	0
Jun 17	13038362	ELLIS CANAL (5) (30B)	0	0	0	0
Jun 17	13038388	MATTSON-CRAIG CANAL	13	0	84	386
Jun 17	13038392	SUNNYDELL CANAL (29A)	156	0	688	6086
Jun 17	13038426	LENROOT CANAL	105	0	786	10229
Jun 17	13038431	REID CANAL	149	1	1229	5700
Jun 17	13038434	TEXAS & LIBERTY	204	0	0	4568
Jun 17	13038435	BANNOCK JIM SLOUGH	14	0	58	-58
Jun 17	13038436	HILL PETTINGER	8	5	224	-224
Jun 17	13038437	NELSON COREY CANAL	0	0	0	0
Jun 16	13046310	DEWEY CANAL	22	0	42	274
Jun 16	13047305	YELLOWSTONE CANAL	26	0	0	464
Jun 16	13047475	MARYSVILLE CANAL * (9A)	170	0	0	8199
Jun 16	13047575	FARMERS OWN CANAL (11A)	34	0	0	3193
Jun 16	13047681	CONANT CK CANAL (12A)	22	2	15	939
Jun 16	13048475	ENTERPRISE CANAL	114	114	1161	19077
Jun 16	13048560	FALL RIVER CANAL (16A)	136	0	1101	3073
Jun 16	13048705	CHESTER CANAL	63	0	539	187
Jun 16	13049010	SILKEY CANAL	19	0	102	-15
Jun 16	13049015	CURR CANAL	27	0	0	22
Jun 16	13049550	LAST CHANCE CANAL	53	0	1547	9910
Jun 16	13049560	CROSSCUT TO TETN	0	0	0	0
Jun 16	13049561	XCUT FALL R (6) (16B)	216	0	0	0
Jun 16	13049705	FARMERS FRIEND	72	0	21	2176
Jun 16	13049710	TWIN GROVES CANAL	77	0	272	2109
Jun 16	13049725	ST ANTHY UNION (17A)	374	0	10258	7761
Jun 16	13049805	SALEM UNION CANAL	237	0	533	24059
Jun 16	13050525	EGIN CANAL	255	0	2622	8056
Jun 16	13050530	ST ANTHY UNION (7) (17B)	66	0	0	814
Jun 16	13050535	INDEPENDENT CANAL	150	0	2359	26143
Jun 16	13050545	CONSOLIDATED FRMRS	240	0	1528	19268
Jun 16	13054515	CANYON CREEK CANAL	0	0	0	0
Jun 16	13055030	WILFORD CANAL	87	0	0	1103
Jun 16	13055040	TETON IRRIGATION (18A)	41	0	985	191

FOOTNOTES: (#) STORAGE DIVERSION COMBINED WITH (#A)

TOTAL DIVERSION AND STORAGE USE DOES NOT INCLUDE ADDITIONAL PUMP DIVERSIONS (NOT SHOWN) ADDED AT THE END OF THE YEAR

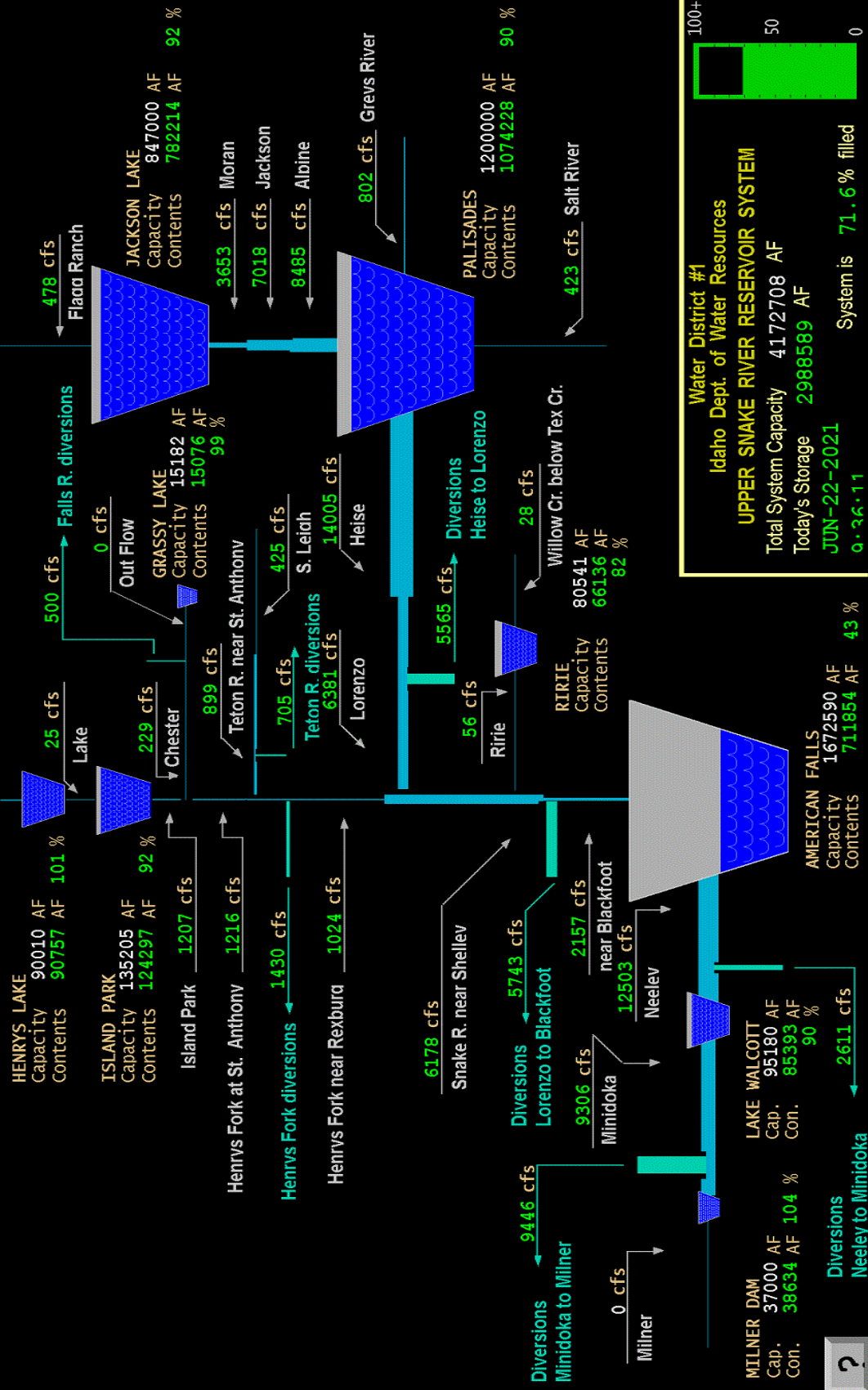
WATER DISTRICT 01 - WEEKLY WATER REPORT 06/22/2021

Actual Date	Site	Diversion	CFS DIVN	CFS STOR	AF USED	AF RMNG
Jun 16	13055050	PIONEER CANAL	11	0	0	59
Jun 16	13055060	STEWART CANAL	6	0	0	11
Jun 16	13055205	PINCOCK-BYINGTON	0	0	47	66
Jun 16	13055210	TETON ISLND FEEDER	361	0	2535	4027
Jun 16	13055245	SALEM UNION B	3	0	3	-3
Jun 16	13055275	ROXANA CANAL	9	0	18	438
Jun 16	13055280	ISLAND WARD CANAL	10	0	85	1565
Jun 16	13055295	SAUREY CANAL	15	0	17	45
Jun 16	13055315	WOODMANSEE-JOHNSON (19A)	8	0	0	568
Jun 16	13055324	CITY OF REXBURG	8	0	0	0
Jun 16	13055334	REXBURG IRRIGATION	147	0	87	2155
Jun 17	13057025	BUTTE & MARKET * (20A)	420	67	638	48169
Jun 17	13057030	BEAR TRAP CANAL	52	0	50	-50
Jun 17	13057125	OSGOOD CANAL	96	0	127	10998
Jun 17	13057126	CLEMENTS CANAL	0	0	0	259
Jun 17	13057130	KENNEDY CANAL	11	0	0	194
Jun 17	13057135	GREAT WESTERN (21A)	340	44	281	77964
Jun 17	13057145	IDAHO CANAL (33A)	790	0	1171	72646
Jun 17	13057250	PORTER CANAL (9) (21B)	347	0	0	0
Jun 17	13058125	FERGUSON CANAL	9	0	0	0
Jun 17	13058290	ORVAL AVERY CNL	5	0	0	0
Jun 17	13058310	ROY AVERY CANAL	13	0	0	0
Jun 17	13058370	R COOPER SAND CR	14	0	0	0
Jun 17	13058380	R COOPER WLLW CK	1	0	0	0
Jun 17	13058510	PROGRESSIVE SAND	628	0	4	-4
Jun 17	13058514	W & O COOPER	10	0	0	0
Jun 17	13058515	IDAHO FR SAND CK	0	0	0	0
Jun 17	13058530	PROGRESSIVE WILL	162	0	0	0
Jun 17	13059505	WOODVILLE CANAL (22A)	53	0	0	14243
Jun 17	13059520	WOODVILLE SIPHON (22D)	13	0	0	0
Jun 17	13059525	SNAKE RIVER VLLY * (23A)	491	0	1000	70278
Jun 18	13060500	RESERVATION CANAL	182	0	0	0
Jun 18	13060501	X RESERVATION	260	0	0	0
Jun 18	13061430	BLACKFOOT CANAL	367	0	1596	20731
Jun 18	13061520	NEW LAVA SIDE * (24A)	120	0	0	11420
Jun 18	13061525	PEOPLES CANAL * (25A)	331	0	7263	59036
Jun 18	13061610	ABERDEEN CANAL	1443	271	20057	165660
Jun 18	13061650	CORBETT CANAL	199	0	162	9543
Jun 18	13061670	NIELSON-HANSEN	16	4	417	-417
Jun 18	13061705	RIVERSIDE CANAL * (26A)	107	3	60	1153
Jun 18	13061995	DANSKIN CANAL	177	0	871	2214
Jun 18	13062050	TREGO CANAL	45	0	230	3293
Jun 18	13062051	JENSEN GROVE	23	0	149	-149
Jun 18	13062503	WEARYRICK CANAL	49	0	166	267
Jun 18	13062506	WATSON CANAL	84	0	122	1717
Jun 18	13062507	PARSONS CANAL	35	2	294	573
Jun 19	13075900	FT HALL MICHAUD	150	150	15697	87384
Jun 19	13076400	FALLS IRRIG PUMP	144	144	8954	45303
Jun 20	13080000	MINIDOKA NSIDE * (27A)	1360	2316	57615	240073
Jun 20	13080500	MINIDOKA SSIDE (10) (27B)	1229	0	0	225253
Jun 21	13085500	A & B IRRIGATION	308	308	24328	108585
Jun 21	13085800	PA LATRL PUMP (11) (28B)	54	0	0	0
Jun 21	13086000	MILNER IRRIGATION	296	261	20364	63785
Jun 21	13086520	NSIDE XCT GDNG (11) (28E)	718	0	0	0
Jun 21	13086530	RES DIST #2 CANAL	1697	1697	140025	248467
Jun 21	13087000	N SIDE TWIN FALLS (28A)	3078	3449	155193	681836
Jun 21	13087500	TWIN FALLS S SIDE	3667	667	26465	206365

FOOTNOTES: (#) STORAGE DIVERSION COMBINED WITH (#A)

TOTAL DIVERSION AND STORAGE USE DOES NOT INCLUDE ADDITIONAL PUMP DIVERSIONS (NOT SHOWN) ADDED AT THE END OF THE YEAR

USRRS FLOW SCHEMATIC

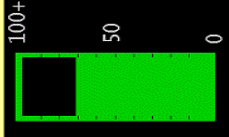


Water District #1
Idaho Dept. of Water Resources

UPPER SNAKE RIVER RESERVOIR SYSTEM

Total System Capacity 4172708 AF
Today's Storage 2988589 AF
JUN-22-2021
System is 71.6% filled

0.36.11



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant South Valley &/or Galena Ground Water Districts Phone 208-336-0700
Mailing Address PO Box 2139, Boise, ID 83701 Email brs@idahowaters.com

A. PURPOSE OF TRANSFER

- Change point of diversion Add diversion point(s) Change place of use
 Change purpose of use Other
- Describe the proposed change(s) and explain the reason(s) they are needed. _____
Ground water rights not in use in 2021 are proposed to be used for mitigation by pumping from select wells into Silver Creek to augment the discharge of the Little Wood River to benefit an 1883 priority water right identified by the Watermaster as 37-49.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount</u> <small>(cfs/ac-ft)</small>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-22777</u>	<u>12/5/1979</u>	<u>3.18</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/31</u>
<u>37-23090</u>	<u>11/13/1959</u>	<u>7.16</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/01</u>
<u>37-23091</u>	<u>8/1/1960</u>	<u>3.61</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/31</u>
<u>37-23092</u>	<u>8/20/1964</u>	<u>8.89</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>

- Total amount of water being transferred 5.50 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Ground Water tributary to _____.
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
1S	20E	20		NW	NE	NE	Blaine	Ground Water	No Log - RF = 0.1035
					NE	SW	"	"	No Log - RF = 0.147
				SE	SW	SE	"	"	
		30		NW	SW	NE	"	"	

- Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant For additional Water Rights and PODs only. _____ Phone _____
Mailing Address _____ Email _____

A. PURPOSE OF TRANSFER

1. Change point of diversion Add diversion point(s) Change place of use
 Change purpose of use Other
2. Describe the proposed change(s) and explain the reason(s) they are needed. _____

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount</u> <small>(cfs/ac-ft)</small>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-23093</u>	<u>4/1/1984</u>	<u>2.65</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water _____ tributary to _____.
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
1S	20E	30			NE	NW	Blaine	Ground Water	
	19E	2		SW	NW	SW	Blaine	Ground Water	
				SE	NW	SW	Blaine	Ground Water	
		5	1		SE	NE	Blaine	Ground Water	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant For additional PODs Only _____ Phone _____

Mailing Address _____ Email _____

A. PURPOSE OF TRANSFER

1. Change point of diversion Add diversion point(s) Change place of use
 Change purpose of use Other
2. Describe the proposed change(s) and explain the reason(s) they are needed. _____

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. <u>Right Number</u>	Priority	Amount <small>(cfs/ac-ft)</small>	Nature of Use	Period of Use
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water _____ tributary to _____.
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
1S	19E	28			SE	NW	Blaine	Ground Water	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

Total Acres _____

6. General Information:

- a. Who owns the water right to be changed? Aubry Springs Ranch LLC & Blackburn Farming LLC
- b. Describe the arrangement allowing use of the right. Sharing agreement with South Valley and Galena Ground Water Districts
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: Water rights are not being used in 2021 & there will be no impact to the lands these rights are appurtenant to.
- d. Has the water right sought to be transferred been used this year? Yes No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? Remain unused.
- f. Describe other water rights used for the same purpose. None except those identified in this application.
- g. Remarks: This transfer seeks to augment the discharge of Silver Creek and the Little Wood River to supply water to water right 37-49.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Signature of Applicant

Date

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ \$50 fee received by _____ Receipt No. _____
Recommend: approve deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

Memorandum in Support of Temporary Transfer to Supplement Water Right N0. 37-49

The remaining 122.9 acres from water right 37-22777, copy attached, are fallowed and the water from this right is proposed to be transferred to the place of use of water right 37-49, copy attached, for the current year. The remaining 45.1 acres to cover the 168 acres currently being irrigated under water right 37-49 will be transferred from water rights 37-23090, 37-23091, 37-23092 and 37-23093 as described further below.

Water from 45.1 acres not being irrigated this year will be provided from portions of water rights 37-23090, 37-23091, 37-23092 and 37-23093 not currently being used. The place of use for these 4 water rights has been reshaped this year with over 200 acres fallowed and not being irrigated that are within the place of use of these 4 water rights. The lands have been identified through the overlay of a sketch map, copy attached, with the current place of use of the water rights. A more precise mapping can be prepared of the idle acres if needed as time permits. Copies of the water rights are attached.

Up to 5.5 cfs of ground water will be diverted from wells shown on the Temporary Change Application this Memorandum is accompanying. The RF shown on the Application, for the wells without a well log, is the response function taken from the support files accompanying Jennifer Sukow's May 17, 2021 Memorandum titled "Predicted hydrologic response in Silver Creek and the Little Wood River to curtailment of groundwater use in 2021, Basin 37 Administrative Proceeding, AA-WRA-2021-001." The response function is the fraction of the diverted water estimated to appear in Silver Creek by the end of September 2021.



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WATER RIGHT REPORT

5/25/2021
 IDAHO DEPARTMENT OF WATER RESOURCES
 Water Right Report
 WATER RIGHT NO. 37-49

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES B RITTER
Current Owner	LINDA RITTER PO BOX 28 RICHFIELD, ID 83349 2088862163

Priority Date: 04/01/1883
 Basis: Decreed
 Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	4.2 CFS	
Total Diversion			4.2 CFS	

Location of Point(s) of Diversion:

LITTLE WOOD RIVER	SENENW	Sec. 23	Township 05S	Range 18E	LINCOLN County
LITTLE WOOD RIVER	NWSENW	Sec. 23	Township 05S	Range 18E	LINCOLN County
LITTLE WOOD RIVER	SENENW	Sec. 27	Township 05S	Range 18E	LINCOLN County
LITTLE WOOD RIVER	SESWSE	Sec. 28	Township 05S	Range 18E	LINCOLN County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LINCOLN County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	18E	27		NWNE	19.9									
				NENW	28.2		NWNW	1.3		SWNW	25.9		SENE	25.9
				NWSW	28.8		SWSW	6.1						
		28		SENE	22.2									
				NESE	26.3		SWSE	13.6		SESE	17.5			

Total Acres: 215.7

Conditions of Approval:

1. Right limited to 4.07 cfs when diverted from pump in Little Wood River.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
4. U42 Place of use does not include federal public lands.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 09/29/2006

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: T

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



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WATER RIGHT REPORT

6/17/2021
 IDAHO DEPARTMENT OF WATER RESOURCES
 Water Right Report
 WATER RIGHT NO. 37-22777

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AUBREY SPRING RANCH LLC 18450 HWY 20 BELLEVUE, ID 83313 6506449516
Original Owner	KENNETH F HELLYER

Priority Date: 12/05/1979
 Basis: License
 Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	3.18 CFS	556.2 AFA
Total Diversion			3.18 CFS	556.2 AFA

Location of Point(s) of Diversion:

GROUND WATER Injection	SWSW	Sec. 13	Township 01S	Range 19E	BLAINE County
GROUND WATER	SENE	Sec. 14	Township 01S	Range 19E	BLAINE County
GROUND WATER Rediversion	NWNW	Sec. 24	Township 01S	Range 19E	BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	
01S	19E	13		SWNW	10										
				NESW	10		NWSW	36		SWSW	30		SESW	1.6	
		14		SENE	3.2										
				SESE	3.1										
	23		NENE	36		SENE	29								

Total Acres: 158.9

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. X11 The right holder shall install and maintain acceptable measuring devices at the point of injection into Loving Creek and at the point of rediversion from Loving Creek.
5. X35 Rights 37-22777, 37-2553A and 37-8571 when combined shall not exceed a total diversion rate of 5.46 cfs.
6. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

8. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. 105 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. An intake screen acceptable to Idaho Fish & Game shall be installed at the point of rediversion on Loving Creek to prevent any negative impact on juvenile fish.

Dates:

Licensed Date: 01/14/2013

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 5.46

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: T

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

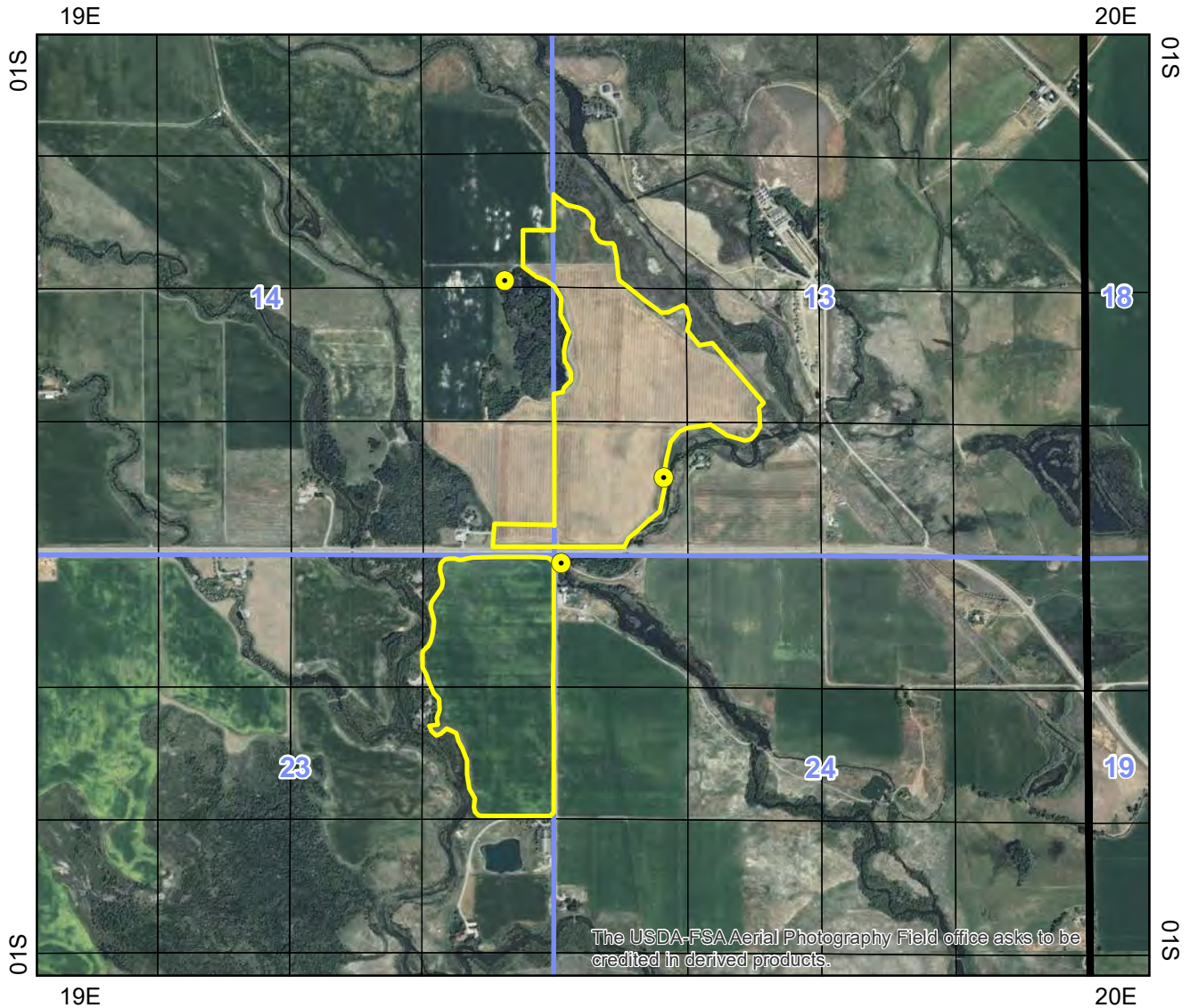
Mitigation Plan: False

State of Idaho
Department of Water Resources

Water Right 37-22777

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

