

Delivery Calls and Mitigation in a Water District (process/timeframe)

- IDWR Director considers factors to determine material injury
 - Matter generally handled as contested case as per IDAPA Rules
 - Pre-hearing schedule
 - information gathered/provided by both senior and junior right holders; expert reports/analyses; motions; depositions etc.
 - Hearing scheduled and held

Delivery Calls and Mitigation in a Water District (process/timeframe)

- Time from Delivery Call Petition to Hearing
 - May take up to one year or more:
 - May depend on complexity of case and parties
 - May depend on availability of ground water model
- Post Hearing
 - Director review and consideration
 - May require use of ground water model
 - Injury determination does not require model but model may be necessary to determine extent of injury & complete order

Exhibit C

Meeting Minutes
Big Wood River Ground Water Management Area Advisory Committee
IDWR State Office at Idaho Water Center, Boise, Idaho
April 7, 2021

The meeting started at 1:35 p.m. Director Gary Spackman, Deputy Director Mat Weaver, Tim Luke, 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, old business items were discussed. Comments were solicited regarding IDWR's response to questions/comments from the Galena and South Valley Groundwater Districts relating to IDWR's March 17th observations, but no comments were given. Cooper Brossy gave an update from surface water users on predicted shortfalls. Cooper's update prompted discussion about BOR-AFRD2-BWCC exchange contracts, river rights with exchange conditions, and supplemental AFRD2 water. Tim Luke said he will draft watermaster instructions regarding delivery of water rights with exchange conditions. . The instructions will be shared with the committee. Sean Vincent of IDWR updated the committee on 2021 hydrologic conditions and the predicted water supply. IDWR staff then reported on its' review of BWRGWMA groundwater rights having supplemental use conditions. On April 8, 2021, IDWR will send notice to holders of supplemental groundwater rights summarizing their groundwater use and reminding them of the requirement to use their surface water supplies before using groundwater.

After the discussion of old business, the meeting transitioned to discussing mitigation proposals that the Wood River Valley groundwater districts may take during the 2021 irrigation season. The South Valley Groundwater District offered a 10% reduction in pumping compared to its five year average excluding 2017 (resulting average = 33,569 acre-feet) and recharge of 3,500 acre-feet to the aquifer using recharge pits located in the southern area of the Bellevue Triangle. The Galena Groundwater District also offered a 10% pumping reduction, plus \$50,000 for the one year purchase of water and an additional \$10,000 to complete an engineering study for a water conservation/pipeline conveyance project within the Big Wood Canal Company North Shoshone tract.

The lower valley surface water users made a counter proposal that included limiting groundwater within the Galena Groundwater District to 12,000 acre feet, limiting groundwater pumping within the South Valley Groundwater District to 25,000 acre feet, an August 15th end date for groundwater irrigation pumping, a minimum flow target of 50 cfs on the Little Wood River at Station 10, increased monitoring and enforcement by the groundwater districts, monetary penalties of \$40 per acre-foot for exceeding pumping reduction limits and for pumping after the August 15th date, and \$200 per cfs for not meeting the proposed minimum flow target on the Little Wood River. The lower valley surface water users also proposed an 800 acre-foot allowance that could be utilized by the districts after the August 15th shutoff date.

These proposals led to further discussion but not to agreement among the committee members. When it was clear that there would not be agreement between the ground water users

and the surface water users, Director Spackman addressed the committee. The Director stated that the previously submitted groundwater management plans lacked details and metrics, and that we now have an inadequate water supply for the 2021 irrigation season. He stated that for 2021 he is exploring all options, consistent with the prior appropriation doctrine, to protect water users having senior priority water rights.’ The Director further stated that the proposed mitigation proposals and counter proposals made by both the groundwater districts and lower valley surface water users were either inadequate or unreasonable. He said that he may move forward with administrative actions that will not likely meet the full objectives of either side.

IDWR staff and committee members discussed potential next steps, including reconsideration of the mitigation proposals for the 2021 season. Reconsideration would require the groundwater districts and the surface water users to confer with their members over the following week. After further discussion, the committee proposed meeting again on April 15, 2021 .

The meeting adjourned at 4:35 p.m.

Next Committee Meeting: April 15, 2021, 1:00 p.m., IDWR State Office at IDWR Water Center – Boise, with Zoom and teleconference participation.

**Big Wood River Ground Water Management Area Advisory Committee
April 7, 2021 Attendance**

Advisory Committee

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

IDWR Staff

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

Members of the Public

Kevin Lakey
Larry Schoen
Mary Beth Collins
Zach Hill
Al Barker
Chris Bromley
Dave Shaw
Eric Miller
Jim Speck
Judd McMahan
Erick Powell
Chris Simms
Jim Bartolino
Dennis Strom
Mark Johnson
Travis Thompson
Thomas Beck
Kent Fletcher
Megan Stevenson
W. Strasley
Neil Crescent
Michael Lawrence
Sunny Healy

Exhibit D

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 1st. 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 7th) 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

E

Travis Thompson

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, callen@sunvalley.com, cooper.brossy@gmail.com, jkmoly78@gmail.com, kaysi10@live.com, mstennett@senate.idaho.gov, nick@4lfarms.com, pat@purdyent.com, pat@svwsd.com, pendletonranch@hotmail.com, slee247@mac.com, wasimon9@gmail.com
Cc: "Van Der Meulen, Peter (IWRB Member)" <vandermeulenpete@yahoo.com>, watermanager@cableone.net, Rusty Krame <waterdistrict37b@outlook.com>, "Skinner, Corey" <Corey.Skinner@idwr.idaho.gov>, "Erickson, Nathan" <Nathan.Erickson@idwr.idaho.gov>, MDavis@house.idaho.gov, SToone@house.idaho.gov, Dick Fosbury <dfosbury@co.blaine.id.us>, "Carter, Meghan" <Meghan.Carter@idwr.idaho.gov>, "Baxter, Garrick" <Garrick.Baxter@idwr.idaho.gov>, "Weaver, Mathew" <Mathew.Weaver@idwr.idaho.gov>, "Spackman, Gary" <Gary.Spackman@idwr.idaho.gov>, "Whitney, Rob" <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 4th 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 | 208-287-4959