



MARTEN LAW

May 31, 2023

Via Email

Angie Hansen, Water Rights Section Manager
Idaho Department of Water Resources
322 E. Front Street, Ste. 648
Boise, Idaho 83702-7371
Email: rulesinfo@idwr.idaho.gov

RE: IDAPA 37.03.08 – Water Appropriation Rules

Dear Ms. Hansen:

A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company American Falls Reservoir District #2, and Minidoka Irrigation District (collectively hereinafter referred to as “Surface Water Coalition” or “SWC”) appreciates the opportunity to submit comments related to this negotiated rulemaking. SWC provides the following comments related to the second public comment period regarding trust water application review, with emphasis on Rules 30, 40.05.h and 45.02-03.

In Rule 40.05.h.vii, the first sentence currently reads “If the project proposes irrigation use: the *kinship*, if any, of the operator of the land to be irrigated by the project to the applicant...” (Emphasis added). Because the word “kinship” implies a familial relationship, SWC proposes changing the word “kinship” to “relationship” to broaden the applicability beyond an implied familial relationship.

In Rule 45.02, the first paragraph, second sentence, the language should be changed to read “The Director will find an application to appropriate water from the Swan Falls trust water area will cause a significant reduction when the ~~propose~~ proposed use....”

In Rule 45.03.g, the language should be changed to read “The Director will presume an application ~~satisfy~~ satisfies the public interest criteria...”

In Rule 45.03.h, the language should be changed to read “The Director will presume an application that proposes to store surface water from the Snake River and surface tributaries upstream from the Murphy Gage ~~satisfy~~ satisfies the public interest criteria...”

Thank you for the opportunity to provide these comments. Please contact me with any questions.

Sincerely,

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