BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY OR FOR THE BENEFIT OF A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY and TWIN FALLS CANAL COMPANY

STATE OF IDAHO

County of Twin Falls,

COMES NOW, Vince Alberdi, and being duly sworn, deposes and says:

1. I am over the age of 18 and state the following based on my personal knowledge.

2. I am the General Manager of the Twin Falls Canal Company (TFCC). I have held this position since 1992.
3. As Manager, my duties include assessing the Company’s water supply every irrigation season and advising the Board of Directors regarding how much water to deliver based upon a per share headgate delivery. I review the predicted water supply in advance of the irrigation season and continue to monitor the supply on a daily basis throughout the season. In making water delivery recommendations to the Board, I rely upon various information and data including: TFCC’s historical monthly diversions, forecasted and measured natural flow in the Snake River, measured spring flows in the American Falls reach (importantly the daily readings at the Spring Creek USGS gauge on the Fort Hall Reservation), reservoir and TFCC’s storage space fill, and finally snowpack and precipitation data for the Upper Snake River Basin.

4. I advise the Board weekly and monthly about water supply information and the Board typically makes decisions on water delivery operations (how much water to deliver per share) at the end of March or early April and again between July 1st and 15th.

5. Pursuant to TFCC’s water rights and the physical capabilities of the project’s diversion system, TFCC can deliver up to 3/4" (3/4 of one miner’s inch) per share at the shareholder’s headgate. In reduced water supply years, TFCC has been forced to deliver less water, including 5/8" (0.0125 cfs) per share and 1/2" per share. The delivery at the headgate requires additional diversion at the source (Snake River at Milner Dam) because of delivery losses, evaporation, operational spill, and a provision for measurement error throughout the project.

6. TFCC delivers water to the shareholder’s headgate for irrigation purposes but does not determine how a shareholder irrigates or what crops are grown on a shareholder’s lands.
7. TFCC holds various natural flow and storage water rights to the Snake River, dating from the early 1900’s, including the following:

<table>
<thead>
<tr>
<th>Natural Flow Rights:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Right No.</td>
<td>01-00004</td>
</tr>
<tr>
<td>Priority Date:</td>
<td>December 22, 1915</td>
</tr>
<tr>
<td>Diversion Rate:</td>
<td>600 cfs</td>
</tr>
<tr>
<td>Water Right No.</td>
<td>01-00010</td>
</tr>
<tr>
<td>Priority Date:</td>
<td>April 1, 1939</td>
</tr>
<tr>
<td>Diversion Rate:</td>
<td>180 cfs</td>
</tr>
<tr>
<td>Water Right No.</td>
<td>01-00209</td>
</tr>
<tr>
<td>Priority Date:</td>
<td>October 11, 1900</td>
</tr>
<tr>
<td>Diversion Rate:</td>
<td>3,000 cfs</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>3,780 cfs</td>
</tr>
</tbody>
</table>

Storage Space:
- 97,183 acre-feet in Jackson Lake
- 148,747 acre-feet in American Falls Reservoir
- TOTAL: 245,930 acre-feet of storage space

8. Based upon carryover storage water from 2006, predicted storage fill for 2007, and after evaluating estimated natural flow water supplies by April 1, 2007, the Board voted to allocate a 5/8” delivery per share for the 2007 irrigation season. The decision was made with the hope that TFCC could deliver 5/8” per share for the entire season. This delivery does not represent the full supply provided by TFCC’s water rights nor the 3/4” per share delivery that TFCC has historically provided and could provide if water was otherwise available.

9. It is my understanding that the Surface Water Coalition, on behalf of TFCC, has provided the Director with data and information detailing historical water diversions and crop irrigation requirements on the TFCC project. Specifically, the Coalition has made the following filings for purposes of the Director’s evaluation:

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1 The following is not an exhaustive list of all claims by TFCC in the SRBA. Rather, this information regarding TFCC’s natural flow and storage rights is taken from the Director’s May 2 Amended Order.
a. March 15, 2005 - Surface Water Coalition's Response to Director's Request for Information
b. April 15, 2005 – Surface Water Coalition’s Supplemental Response to Director’s Information Request
d. April 13, 2007 – Surface Water Coalition 2007 Water Supply Assessment
e. June 18, 2007 – Updated SWC 2007 Water Supply Assessment

10. In addition to these previous filings I am providing the following information for the Director’s review and consideration for water right administration during the 2007 irrigation season. I am providing this information to assist the Director in evaluating available water supplies and to understand TFCC’s operations this irrigation season.

11. Pursuant to TFCC’s water rights, TFCC assesses and delivers water based upon 202,690 shares. A shareholder is authorized to irrigate one acre for each share the shareholder owns. The Idaho Department of Water Resources recommended 196,162 irrigated acres for TFCC’s claims in the SRBA. Based upon assessments and water delivery records, TFCC is delivering water to approximately this number of acres for the 2007 irrigation season. Cropping patterns for landowners on TFCC’s project are approximately the same this year as they have been in the past, except for additional acreage in corn and alfalfa planted this year based upon my observations.

12. According to Water District 01’s preliminary 2007 storage report, TFCC’s storage space will be allocated 230,956 acre-feet this year.

13. Through June 11, 2007, TFCC has diverted 287,245 acre-feet under its natural flow water rights. Through that same period, TFCC has diverted 34,236 acre-feet from its storage water supplies. As of June 19, 2007, TFCC has diverted 44,042 acre-feet from its storage water supplies.
14. I have reviewed the *Surface Water Coalition 2007 Water Supply Assessment* (dated April 13, 2007) and the *Updated SWC Water Supply Assessment* (dated June 18, 2007) (collectively hereinafter referred to as “2007 Supply Assessment”) prepared by Brockway Engineering, Inc. and HDR Engineering, Inc. Based upon the 2007 Supply Assessment (as taken from NOAA’s Water Supply Forecast), the April-July natural flow forecast for the Snake River at Heise has reduced from 2,380 kAF (67% of average) as of April 7, 2007 to 1,840 kAF (52% of average) on June 8, 2007. The April-September natural flow forecast for the Snake River at Heise is 2,150 kAF (52% of average) as of June 8, 2007. According to the information compiled in the 2007 Supply Assessment, temperatures are forecasted to be higher than normal and precipitation is forecasted to be lower than normal throughout the irrigation season.

15. Based upon my observations on the TFCC project through this date, temperatures have been higher than normal and I have witnessed very little precipitation. For example, temperature forecasts for the Twin Falls area this week are in the low to mid 90s (degrees farenheit). Accordingly, water demand for the shareholders’ crops on the TFCC project is high. I expect this high demand to continue throughout the season, particularly where additional corn has been planted. I expect that the additional corn on the project will push demand higher than normal in August.

16. In my opinion, I estimate that TFCC’s monthly diversions through the rest of the 2007 irrigation, if temperatures and demand remain high, and precipitation remains low, will track as follows for natural flow and storage use (April, May, and June 1-11 are actual diversions, and natural flow for July/August/September is a combined prediction):

<table>
<thead>
<tr>
<th>Month</th>
<th>Natural Flow (af)</th>
<th>Storage (af)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>78,861</td>
<td>0</td>
<td>78,861</td>
</tr>
</tbody>
</table>

AFFIDAVIT OF VINCE ALBERDI
May | 167,637 | 8,236 | 175,873
June (1-11) | 40,747 | 26,000 | 66,747
June (12-30) | 73,253 | 60,000 | 133,253
July | | | 210,000
August | 340,000 | 228,000 | 208,000
September | | | 150,000
October | 75,000 | 0 | 75,000
Totals | 775,498 | 322,236 | 1,097,734

17. The above predictions for natural flow availability for the rest of the irrigation season are based upon my experience delivering water on the project and a review of historical diversions on the TFCC project for those same months from 2000 to 2006. See Exhibit A (Table that depicts monthly diversions for natural flow and storage for the 2000 to 2006 period). So far this year, the April, May, and first part of June (1st - 11th) diversions are similar to 2004 and 2001. In my opinion the predicted natural flow for the July-September period this year will be approximately 14,000 acre-feet less than last year, based upon the declines in reach gains witnessed from 2004 to 2005 and again from 2005 to 2006.

18. In my opinion, I am currently estimating that TFCC will exhaust its available storage water supplies and will have no carryover at the end of the irrigation season.

19. My estimates for anticipated water usage on TFCC’s project for the 2007 irrigation season are based upon recorded monthly diversions from 2000 to 2006 (Exhibit A), historical and current measured flows at the Spring Creek gauge, forecasted and observed Snake River flows, reservoir and TFCC storage space fill, and snowpack and precipitation data in the Upper Snake River Basin.
20. In my 15 years at TFCC I have never witnessed a month of June like 2007 where irrigation demand has been so high and there was only approximately a 65% of average snowpack in the Upper Snake River Basin. In addition, it is also my understanding that there has been no natural flow past Blackfoot in June this year.

21. My estimate with respect to TFCC’s predicted storage water use is based upon my understanding of the Director’s *Fifth Supplemental Order* issued on May 23, 2007, which apparently requires IGWA to provide at least 58,913 acre-feet to TFCC during the irrigation season. My estimate is also based upon TFCC’s request filed with the Water District 01 Rental Pool (40,000 acre-feet). *See* Exhibit B (Water District 01 Rental Pool request chart provided by Watermaster Lyle Swank at the June 18, 2007 Committee of Nine meeting).

22. Water District 01 estimates that available natural flow within the district in 2007 will most closely resemble the water supply that was available in 2001 and 1994. *See* Exhibit C (Water District 01 Weekly Reports June 5 and 19, 2007 and graph distributed by Watermaster Lyle Swank at June 18, 2007 Committee of Nine meeting). Based upon my experience and observations so far this year, climatic conditions and available water supply in 2007 will be similar to the hot and dry conditions witnessed in 2001.

23. My concern about this year’s water supply is confirmed by reduced storage supplies in Water District 01 (reservoir space did not fill), low natural flow runoff measured at Heise, low spring flows measured at the Spring Creek gauge, and information provided by irrigation companies that divert from the Great Feeder Canals System above Blackfoot, Idaho. *See* Exhibit D (Letter from Lloyd Hicks on behalf of the irrigation companies that divert from the Great Feeder explaining problems with reach gains and lowered ground water tables in the Rigby Fan area).

AFFIDAVIT OF VINCE ALBERDI
23. I have reviewed the *Ground Water Districts’ Joint Replacement Water Plan for 2007*. Based upon my reading, the plan does not identify any water that IGWA has acquired (by lease or otherwise) and assigned to the Water District 01 Rental Pool. In addition, as of June 18, 2007, IGWA has not applied to rent any water from the Water District 01 Rental Pool. See Exhibit B. It is my understanding that the 35,000 acre-feet identified in IGWA’s plan may be committed to be delivered to conversion acres in the North Side Canal Company system located within Water District 130 during the 2007 irrigation season.

24. IGWA’s plan does not provide me with any certainty regarding water delivery operations for TFCC for the rest of this irrigation season. If the mitigation required by the Director’s *Fifth Supplemental Order* is not provided (including additional mitigation that should be forthcoming), TFCC will be forced to seek additional water supplies, make additional delivery curtailments (lower per share headgate deliveries or shut down during the irrigation season) in order to provide water through the end of the irrigation season.

25. IGWA’s promise to “guaranty” TFCC’s water supply at the end of the year will not mitigate for the ongoing in-season injury to TFCC’s water rights. In my opinion, “after-the-fact” mitigation does not provide water in a meaningful and timely manner and cannot be used when making in-season water delivery decisions. As demonstrated in the Water District 01 June 19, 2007 Weekly Water Report, TFCC is capable of and could have diverted storage water (44,042 to date) that was ordered to be provided by IGWA during the irrigation season. See Exhibit C. As of today, no mitigation water has been provided to TFCC.

26. Reduced water supplies injure TFCC’s water rights and TFCC’s shareholders in many ways including costs associated with renting water from the Water District 01 Rental Pool,
reduced crop yields, reduced irrigated acres, costs for renting additional shares, costs for modifying irrigation systems, and the costs of planting lower value crops.

27. If spring flows and reach gains (natural flow conditions) in the American Falls reach of the Snake River improved, TFCC could deliver a greater supply to meet its water rights and shareholders’ irrigation demands for 2007 and beyond.

FURTHER, YOUR AFFIANT SAYETH NOUGHT.

Dated this 20th day of June, 2007.

Vince Alberdi

Notary Public in and for the State of Idaho
My Commission Expires: 4-28-2012
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of June, 2007, I caused to be served a true and correct copy of the foregoing AFFIDAVIT OF VINCE ALBERDI by the method indicated below, and addressed to each of the following:

Via Email and U.S. Mail:

Director David R. Tuthill, Jr.
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098
victoria.wigle@idwr.idaho.gov

Via Email:

Randy Budge
Candice McHugh
Racine Olson
P.O. Box 1391
Pocatello, Idaho 83204-1391
rcb@racinelaw.net
cmm@racinelaw.net

Via Email:

James C. Tucker
Idaho Power Company
1221 West Idaho St.
Boise, Idaho 83702
jamestucker@idahopower.com

Via Email:

James S. Lochhead
Adam T. DeVoe
Brownstein, Hyatt & Farber P.C.
410 17th St., 22nd Floor
Denver, Colorado 80202
jlochhead@bhf-law.com
adevoe@bhf-law.com

Via Email:

Scott L. Campbell
Moffatt Thomas Chtd.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, Idaho 83701
slc@moffatt.com

AFFIDAVIT OF VINCE ALBERDI
Mike Creamer
Givens Pursley
P.O. Box 2720
Boise, Idaho 83701-2720
mcc@givenspursley.com

Matt Howard
USBR
1150 N. Curtis Rd.
Boise, Idaho 83706-1234
mhoward@pn.usbr.gov

Sarah Klahn
Amy Beatie
William Hillhouse II
White Jankowski
511 16th St., Suite 500
Denver, Colorado 80202
sarahk@white-jankowski.com

Travis L. Thompson
EXHIBIT “A”
## Twin Falls Storage Use 2000-2006

<table>
<thead>
<tr>
<th>Year</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>2000</td>
<td>104903</td>
<td>72019</td>
<td>193118</td>
<td>119440</td>
<td>154198</td>
<td>149227</td>
<td>73416</td>
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<td>2001</td>
<td>69772</td>
<td>165981</td>
<td>112547</td>
<td>126362</td>
<td>141030</td>
<td>136691</td>
<td>58620</td>
<td>811003</td>
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<td>2002</td>
<td>39307</td>
<td>163040</td>
<td>181211</td>
<td>133459</td>
<td>136384</td>
<td>137742</td>
<td>64069</td>
<td>855212</td>
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<tr>
<td>2003</td>
<td>52852</td>
<td>160014</td>
<td>179454</td>
<td>94043</td>
<td>109077</td>
<td>116652</td>
<td>78447</td>
<td>790539</td>
</tr>
<tr>
<td>2004</td>
<td>83351</td>
<td>158347</td>
<td>176601</td>
<td>131535</td>
<td>120868</td>
<td>131787</td>
<td>80863</td>
<td>883352</td>
</tr>
<tr>
<td>2005</td>
<td>36318</td>
<td>101242</td>
<td>161336</td>
<td>123988</td>
<td>118926</td>
<td>125878</td>
<td>74352</td>
<td>740450</td>
</tr>
<tr>
<td>2006</td>
<td>32816</td>
<td>58474</td>
<td>183693</td>
<td>136254</td>
<td>104217</td>
<td>115921</td>
<td>69196</td>
<td>700571</td>
</tr>
</tbody>
</table>

**Apr, May, June, Oct:**
- 2000: -443456
- 2001: -406920
- 2002: -407162
- 2003: -470767
- 2004: -499162
- 2005: -373248
- 2006: -344179

**July, Aug, Sept:**
- 2000: 422865
- 2001: 404083
- 2002: 407585
- 2003: 319772
- 2004: 384190
- 2005: 367202
- 2006: 358392

**Total:**
- 2000: 182894
- 2001: 201198
- 2002: 153880
- 2003: 255061
- 2004: 118427
- 2005: 177561
- 2006: 189119

**Apr, May, June, Oct:**
- 2000: -443456
- 2001: -406920
- 2002: -407162
- 2003: -470767
- 2004: -499162
- 2005: -373248
- 2006: -344179

**July, Aug, Sept:**
- 2000: 422865
- 2001: 404083
- 2002: 407585
- 2003: 319772
- 2004: 384190
- 2005: 367202
- 2006: 358392

**Total:**
- 2000: 182894
- 2001: 201198
- 2002: 153880
- 2003: 255061
- 2004: 118427
- 2005: 177561
- 2006: 189119
EXHIBIT "B"
### Table 31: 2007 Applications to Purchase from Water District 1 Rental Pool

#### Large Water Leases (over 100 acre-feet)

**Water Available**: 50,000 acre-feet

<table>
<thead>
<tr>
<th>Request Date</th>
<th>Water User</th>
<th>Diversion Location</th>
<th>Amount (AF)</th>
<th>$ Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/5/2007</td>
<td>D&amp;A Schiess Farms</td>
<td>Idaho Irrigation</td>
<td>130.0</td>
<td>$1,820.00</td>
</tr>
<tr>
<td>4/5/2007</td>
<td>Breeding, Glen</td>
<td>Milner Irrigation</td>
<td>500.0</td>
<td>$7,000.00</td>
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<tr>
<td>4/5/2007</td>
<td>Meyers, Robert J</td>
<td>Twin Falls Canal Co</td>
<td>2,000.0</td>
<td>$28,000.00</td>
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<tr>
<td>4/9/2007</td>
<td>Twin Falls Canal Co</td>
<td>TFCC Main Gate</td>
<td>40,000.0</td>
<td>$560,000.00</td>
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<tr>
<td>5/2/2007</td>
<td>Call, Brent</td>
<td>Burgess Canal</td>
<td>200.0</td>
<td>$2,800.00</td>
</tr>
<tr>
<td>5/5/2007</td>
<td>Call, Brent</td>
<td>Burgess Canal</td>
<td>200.0</td>
<td>$2,800.00</td>
</tr>
<tr>
<td>5/10/2007</td>
<td>Southwestern Irrigation Dist</td>
<td>Merle Jeppesen Pump</td>
<td>7,500.0</td>
<td>$105,000.00</td>
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<tr>
<td>6/11/2007</td>
<td>Fremont-Madison Irrigation</td>
<td>Merle Jeppesen Pump</td>
<td>130.0</td>
<td>$2,878.00</td>
</tr>
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</table>

**Total Large Water Leases (over 100 acre-feet)**: 59,660.0 $ 710,098.00

#### Small Water Leases (under 100 acre-feet)

**Water Available**: 5,000 acre-feet

<table>
<thead>
<tr>
<th>Request Date</th>
<th>Water User</th>
<th>Diversion Location</th>
<th>Amount (AF)</th>
<th>$ Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/5/2007</td>
<td>Dennev, Eve</td>
<td>Snake River Pump</td>
<td>5.0</td>
<td>$70.00</td>
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<tr>
<td>4/5/2007</td>
<td>Grover, Gerald</td>
<td>Lenroot</td>
<td>10.0</td>
<td>$140.00</td>
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<tr>
<td>4/5/2007</td>
<td>Miller, Yvonne</td>
<td>Palisades Canal</td>
<td>2.0</td>
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</tr>
<tr>
<td>4/5/2007</td>
<td>Avery, Herman F.</td>
<td>Farmers Friends</td>
<td>2.0</td>
<td>$28.00</td>
</tr>
<tr>
<td>4/5/2007</td>
<td>Zaugg, Alonzo</td>
<td>Snake River Pump</td>
<td>5.0</td>
<td>$70.00</td>
</tr>
<tr>
<td>4/5/2007</td>
<td>Quapp, William</td>
<td>New Sweden</td>
<td>5.0</td>
<td>$70.00</td>
</tr>
<tr>
<td>4/5/2007</td>
<td>Raish, Scott</td>
<td>New Sweden</td>
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<td>4/5/2007</td>
<td>Baron, Von</td>
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<td>Moncur, J. Blair</td>
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<td>4/27/2007</td>
<td>Louis Skaar &amp; Sons, Inc</td>
<td>Dry Bed</td>
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<td>5/8/2007</td>
<td>Boy Scouts</td>
<td>Boy Scout Pump</td>
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<td>6/10/2007</td>
<td>Thoulion, Todd</td>
<td>New Sweden</td>
<td>3.0</td>
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<td>5/11/2007</td>
<td>Horsley, Richard (John)</td>
<td>New Sweden</td>
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<td>6/15/2007</td>
<td>Bybee, Kyle</td>
<td>Blair Grover Pump</td>
<td>99.0</td>
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<td>5/16/2007</td>
<td>Dixon, Lynn</td>
<td>1303670</td>
<td>100.0</td>
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<tr>
<td>6/21/2007</td>
<td>Springcreek Ventures</td>
<td>Springcreek</td>
<td>32.0</td>
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<td>6/30/2007</td>
<td>Tom Summers</td>
<td>Little Pine Creek</td>
<td>50.5</td>
<td>$1,040.30</td>
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**Total Small Water Leases (under 100 acre-feet)**: 503.5 $ 7,593.50

**Total Water Leases (Large and Small)**: 51,163.5 $ 717,691.50

#### Private Leases

<table>
<thead>
<tr>
<th>Request Date</th>
<th>Water User</th>
<th>Diversion Location</th>
<th>Amount (AF)</th>
<th>$ Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/4/2007</td>
<td>Southwest Irrigation</td>
<td>Burley Irrigation District and/or Milner</td>
<td>5,000.0</td>
<td>$6,500.00</td>
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<tr>
<td>6/15/2007</td>
<td>Water Mitigation Coalition</td>
<td>Minidoka Irrigation District</td>
<td>10,000.0</td>
<td>$20,000.00</td>
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**Total Private Leases**: 15,000.0 $ 26,500.00
EXHIBIT "C"
**WATER DISTRICT 01 - WEEKLY WATER REPORT 20070519**

**DIVERSION DATA PRIORITY DATES:**

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<tr>
<td>HENRYS FORK:</td>
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<tr>
<td>FALLS RIVER:</td>
</tr>
<tr>
<td>TETON RIVER:</td>
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<tr>
<td>TETON LOWER N. FORK:</td>
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<tr>
<td>SNAKE ABV BLACKFOOT:</td>
</tr>
<tr>
<td>SNAKE BLW BLACKFOOT:</td>
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**PROJECTED PRIORITY DATES FOR JUNE 20, 2007 (ACTUAL TIME):**

<table>
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<th>DIVERSION</th>
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<tbody>
<tr>
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<tr>
<td>HENRYS FORK:</td>
</tr>
<tr>
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**COMMENTS:**

Natural flow levels and diversions have remained relatively steady for the past week allowing to continue partially filling the 1895 priority. Natural flow and priorities are expected to decrease to earlier 1890's within the next two weeks.

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Footnotes: Storage diversion combined with (1) ANDERSON, (2) RIGBY, (3) DIJTS, (4) W. LABELLE & L.I., (5) BRAMWELL (6) FALLS R, (7) ST ANTHONY U, (8) TETON IRR, (9) GREAT WESTERN, (10) MINIDOKA NORTH SIDE and (11) NSIDE TWIN FALLS.

*Total diversion and storage use does not include additional pump diversions (not shown) added at the end of the year.
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Storage allocations have been computed and are included in the current water right accounting. Postings of the daily accounting and projected priorities can be viewed on the waterdistrict1.com website. A breakdown of space and fill values for each individual reservoir account for each diversion are also shown in the STORAGE REPORT on the water district webpage.

Reservoir storage allocations for Jackson and Palisades were reduced resulting from the flood-control storage released out the end of the system past Milner Dam 11/1/06 through 4/16/07. Storage allocations for Palisades and Palisades Winter Water Savings were 78.8% for each spaceholder after deducting estimated evaporation losses. Storage allocations for each Jackson spaceholder were 88.6% of contracted space after reducing for flood control and deducting estimated evaporation. The remaining reservoir allocations were: Henrys Lake 93.3%; Island Park/Grassy 96.2%; Ririe 70.0%; American Falls 97.4%; and Walcott 97.4% after evaporation.

Evaporation losses for this season were estimated to be 100,000 AF or 2.6% of the total 3,802,743 AF reservoir fill. Last year during the 2006 Irrigation Season, evaporation losses were charged to spaceholders beginning on 5/17/06 (after Milner Spill ceased) through 10/31/06 (last day of irrigation season). The evaporation for that period in 2006 totaled 86,232 AF for the 4,063,752 AF system fill (2.1% evaporation loss). The last day of Milner Spill occurred on 4/16/07 this year, resulting in an additional 30 days of evaporation losses with above average temperatures and below average precipitation. It was estimated evaporation losses for the 2007 season would be approximately 13,800 AF greater than they were during the 2006 season resulting from the additional 30 days of evaporation.

We've had some inquiries from spaceholders whose 2007 storage allocations are actually lower than the amount of carryover they had at the end of the 2006 season. Spaceholders who carried over Palisades storage greater than 78.8% of their Palisades space were reduced to a 78.8% allocation. The Bureau of Reclamation’s storage contracts limit the water allocated to the same percentage for all spaceholders in a reservoir whose space was evacuated for flood control and spilled past Milner.

The storage allocations shown in the water-right accounting currently do not include any rental pool purchases, private leases, or storage transfers. Those storage transactions will be added to the water-right accounting in the upcoming weeks.

A comparison of 2001 total natural flow, diversions, and priorities are also included in this report. The 2001 Irrigation Season seems to be the closest comparison to this year out of the previous ten years. However, keep in mind that no two years are identical and priorities will vary depending on varying weather conditions, water supply, and diversions.

The next Committee of Nine meeting is scheduled June 18th at the Water Law Conference in Sun Valley.
### DIVERSION DATA

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* Total diversion and storage use does not include additional pump diversions (not shown) added at the end of the year.
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* Projected Data
EXHIBIT "D"
To: Dave Tuthill, Director Idaho Dept. Of Water Resources

Position White Paper

To Identify The Concerns & Common Interests of the Great Feeder Canals System with the Surface Water Coalition

Impact & Affects of Groundwater Pumping to the More Senior Surface Water Right Holders

June 8, 2007

Great Feeder Canals System

Lloyd Hicks - Technical Director

Bruce K. Grover - Chairman
June 8, 2007

Great Feeder Canal System (GFCS)
c/o Lloyd Hicks; Technical Director
225 N. 3600 East
Rigby, Idaho 83442

See List of GFCS Incorporated Canals,
Laterals and Ditches; (Attached)
Participants by Board of Directors
Vote June 1, 2007

Dave Tuthill, Director
Idaho Dept. Of Water Resources
PO Box 83720
Boise, Idaho 83720

cc: Vince Alberdi, TWCC
Ted Diehl - NSCC
John Simpson - SWC Counsel

Subject: Letter of Confirmation

For Inclusion of the Listed Great Feeder Canal System (GFCS) entities with
Common Interests and Concerns with the Surface Water Coalition (SWC)
intervening actions.

Purpose
This letter is written to confirm that the Canal companies, listed on the attachment are in
agreement with and have common interests and concerns with the Surface Water Coalition of
Lower Valley Canals which have submitted intervening notice as participants in the ground
water/surface water management plan presented to the Director and to the court and subsequent
rulings and actions of the courts. We request the Director include concerns and pleading of the
Great Feeder Canal System (GFCS) and specific participants canals listed as enjoined to the
SWC intervention action.

These GFCS Upper Valley canals divert about 1,200,000 acre feet per year from the Snake River
all of which is applied to stockholders lands as surface water irrigation of crops. Flood irrigation
method of use applies to most of this diverted water. About 850,000 acre feet (about 70%) of the
GFCS diverted water becomes incidental recharge to the Eastern Snake Plain Aquifer through
canal, ditches and laterals leakage, flood irrigation and seepage migration from the saturated
soils. Additionally, this recharge occurs far enough upstream to support or improve Snake River
reach gains to the Lower Valley.
Reasons for Common Interest and Specific Concern for the Director Information and Action

1. Protection of The Prior Appropriation Doctrine for which all surface water rights are based and as adopted in the Idaho Constitution; Article XV Section 3. Most GFCS Canal Company water right decrees are about 120 years old with full beneficial use application to growing crops to maintain the livelihood of the stockholders. We see no prevailing law, ruling or judgement would ever undermine or change this historical basis for all water law and water rights.

2. Protection of “The First In Time First In Right” principle which provides the foundation upon which all Idaho water law is built and after more than 120 years of application provides the basic mechanism to resolve water use conflicts. Idaho Constitution; Article XV, &3. And Idaho Code section 42-106 clearly provides that “as between appropriators the first in time is first in right.”

Whereas livelihood for generations were sustained on this principle and properties valued and exchanged on this basis and the social economic activities and cultures of large areas of the ESPA were developed and sustained for generations of farmers, farm businesses and communities depend on this certainty, it is not conceivable to us that any court ruling or Judgement would undermine or change this principle.

3. Material Damage to GFCS from Declining Aquifer levels and local ground water tables

Surface water flood irrigation in gravelly base subsoils is dependent upon a water table “base” to limit or stabilize, leakage and seepage water losses. In the Rigby Alluvial Fan region where the GFCS canals are located the water table typically receded in the non-irrigation months (November to May) each year but quickly recovered when irrigation began each year in late April or early May. Through the irrigation season the water table would rise to near surface levels by July with historical drains outflowing to the Snake River downstream flow. Springs and fountains startup or if active year around would increase as the water table rose. This phenomenon was historic through all the years of irrigation recorded for the GFCS area of service. Over the past decade or so the decline in the ESPA Aquifer levels has altered the water table to fill or interface to a declining aquifer there by requiring ever more canal losses and percolation from canals to fill the void. Further continued ground water pumping in areas adjacent to the GFCS at the time of an unstable and declining aquifer condition sucks water from our canals by accelerated percolation, and migration into the subsurface areas the wells draw from.

These events require the GFCS canals to replace these additional losses of water with storage water atypical to historical levels. The historical early season “shrink” was about 16% average with losses declining through the season to level at about 12%. The 2000 to 2006 seasons have gained incrementally with yearly increase in losses up to the 21% “shrink” on the main canals evidenced for the first 5 weeks of the 2007 season. Laterals from these main canals of the GFCS have also experienced comparable higher losses. Viability of these laterals to deliver surface water is in jeopardy. We believe and hereby claim these increased water losses are a direct result of ground water pumping away the base water table which then accelerates canal losses to fill this “new” void.
This change in the water table “base” results in reduced season operation of the canals, due to expended storage water supply. Also, crop selections are limited to shorter season, maturity resulting in less income. Further, more and more of the fall tillage work must be done “dry” with inherent added costs for equipment, fuel and depreciation of assets and quality of field preparations. Fall seeding of alfalfa, and winter grains is also limited. The root cause of this material damage is the increase in ground water use from the 1970’s through 1990 for agricultural and continued development and growth of residential and industrial water usage.

We believe the elimination of yearly deficits in the ESPA is the essential first step to recovery of our losses. This requires curtailment of Junior ground water wells and limiting new development growth. Further increases in incidental and managed recharge could begin to recover the aquifer status. Also the senior ground water wells must have a water budget and accountability to provide discipline to their water use similar to the requirements all surface water users and canals have now.

4. Personal hardships and Human suffering for declined effective irrigation water and shortened seasons.

The balance of success for our family farms require all their skill and hard work but with an even playing field they can succeed. With the material damage and unfair competition from the ground water pumers, with water rights 70 to 80 years later, is unfair and unjust. Reduced income for previously viable farm operations leads to declining value of equity, marriage breakup/social problems, bankruptcy, foreclosure, suicides and other personal life changes.

Summary & Specific Plea to the IDWR Director

Impact from ground water pumping has resulted in reach gain losses and continued reversal of these gains affecting the lower Valley farmers and canal companies. Impact from ground water pumping has reduced water tables in the Upper Valley which sustain surface water canal leakages and has increased the losses during the irrigation season by drawing off the “base” water table support. The additional storage water used earlier in the seasons, to overcome these losses reduces the duration for normal flow. This new condition of the water table limits crop selection and incomes for the GFCS Stock holders.

Curtailment of the Junior ground water wells combined with an aggressive aquifer recovery plan must be pursued including managed & deliberate increases of incidental recharge.

In the 1980’s it was widely known that the ESPA was over subscribed. Those who put in new ground water wells in those later years clearly knew they were at risk. Defending those bad decisions now with a declining aquifer supply and limited recharge options is futile.
If the livelihood of farming by surface water irrigation for a period of 120 years with continuous improvements in efficiency and productively to survive depressions, recessions, wars, drought, lobbyists, legislators, politics, extreme weather patterns and price fluctuations cannot be upheld with certainty, for those water right holders, then nothing in life has any certainty or “real” value.

Inclusion Request prepared by/as delegated by unanimous Vote of the GFCS Board Of Directors on 6/1/07

Lloyd Hicks
225 N. 3600 East
Rigby, Idaho 83442

President: Burgess Canal Co.
Technical Director: Great Feeder Canal
Director: Selck & Taylor Canal
By Order of The Board of Directors
Great Feeder Canal Co., Inc.
List of Canals of GFC System
Participants to 6-08-07 Notification Letter
to Director Dave Tuthill

Burgess Canal & Irrigating Co.
Butler Island Canal Co.
Clark & Edwards Canal Co.
Dilts Irrigation Company
Harrison Irrigation Canal Co.
Island Irrigation Company
LaBelle Irrigation Company
Long Island Irrigation Company
Lowder Slough Canal Company
North Rigby Canal & Irrigating Co.
Parks & Lewisville Canal Co.
Rigby Irrigation & Canal Co.
Rudy Irrigation & Canal Co.
West Labelle Canal Co.
Twenty Seven (27) other laterals & ditches