November 7, 2008

RE: Request for Place of Use Information

Dear Surface Water Coalition Water Users:

As you are aware, the “Final Order Regarding the Surface Water Delivery Call” dated September 5, 2008, provides in Finding of Fact No. 28 as follows:

Because of the need for ongoing administration, the Director will issue a separate, final order before the end of 2008 detailing his approach for predicting material injury to reasonable in-season demand and reasonable carryover for the 2009 irrigation season. An opportunity for hearing on the order will be provided.

We at IDWR are working to prepare this separate, final order. We have found, however, that some additional information is needed. The Hearing Officer wrote the following in the “Opinion Constituting Findings of Fact, Conclusions of Law and Recommendation” dated April 29, 2008, in item XIV(7) at page 53:

e. Non-irrigated acres should not be considered in determining the irrigation supply necessary for SWC members.

f. Calculation of a water budget should be based on acres, not shares.

To comply with this guidance we must compute the number of acres irrigated by a water delivery organization in a given year. This number can be estimated by reviewing the number of acres irrigated in a recent year for which a data set is available. Significant
GIS information is available for 2006. This information has been posted to the IDWR website at:

http://www.idwr.idaho.gov/Calls/Surface_Water_Coalition_Call/

Maps depicting this GIS information for your water delivery organization are enclosed with this letter (Enclosure A). Note that the maps identify the acres found to be irrigated within your water delivery organization boundary. Also depicted are lands for which ground water rights are available.

Summary information is provided on enclosed charts. The chart depicting “Total Irrigated Area” for each water delivery organization identifies acres that appear to be overlapped between various companies. As a starting point the overlapping acres have not been assigned to a specific canal company or irrigation district – we are seeking information to determine which organization provides the water for these acres. The second chart depicts the acreage counts for “Ground Water Irrigated Area” and the third chart depicts “Surface Water Irrigated Area.” Note that as a starting point we have subtracted the ground water acres from the total irrigated areas to compute the surface water irrigated areas. We request that the water delivery organization identify which of the ground water irrigated acres also receive water from the surface water delivery organization.

The information enclosed is not final and is just a starting point. We seek input from the water delivery organizations to correct any aspect of this information. We plan to work with your organizations to clarify the places of use and compute accurate acreages. Several of your organizations have already worked with Ms. Danielle Favreau of our office (208-287-4938) on GIS matters. She is our contact on the GIS aspects of this letter – if you have questions or concerns about the policy aspects please contact me. Please provide the updated information no later than Friday, December 12, 2008, to enable timely completion of this order.

Sincerely,

David R. Tuthill, Jr.
Director

cc: See Certificate of Service

Enclosures:

A – Maps depicting GIS information (each addressee receives only maps for its area)
B – Chart of Total Irrigated Area
C – Chart of Ground Water Irrigated Area
D – Chart of Surface Water Irrigated Area
Enclosure A –

Set of Maps sent to each Water Delivery Organization in Original Mailing
## Total Irrigated Area (in Acres)

<table>
<thead>
<tr>
<th></th>
<th>A&amp;B Irrigation District</th>
<th>American Falls Reservoir District</th>
<th>Burley Irrigation District</th>
<th>Minidoka Irrigation District</th>
<th>North Side Canal Company Ltd</th>
<th>Twin Falls Canal Company</th>
<th>Southwest Irrigation District</th>
<th>King Hill Irrigation District</th>
<th>Salmon River Canal Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>A&amp;B Irrigation District</td>
<td>100,869</td>
<td></td>
<td></td>
<td>3,382</td>
<td>2,875</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Falls Reservoir District #2</td>
<td>99,490</td>
<td></td>
<td></td>
<td>5,277</td>
<td>12,278</td>
<td></td>
<td></td>
<td></td>
<td>98</td>
</tr>
<tr>
<td>Burley Irrigation District</td>
<td></td>
<td>48,480</td>
<td>58</td>
<td>65,005</td>
<td>212,475</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Milner Irrigation District</td>
<td></td>
<td></td>
<td></td>
<td>7,966</td>
<td>5,064</td>
<td>98</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minidoka Irrigation District</td>
<td>3,382</td>
<td></td>
<td>58</td>
<td>65,005</td>
<td>212,475</td>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>North Side Canal Company Ltd</td>
<td>2,875</td>
<td>5,277</td>
<td>5,064</td>
<td>178,868</td>
<td>5,942</td>
<td>3,266</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twin Falls Canal Company</td>
<td></td>
<td></td>
<td></td>
<td>13,030</td>
<td>68,445</td>
<td>220,627</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Irrigation District Irrigated Acres</td>
<td>107,126</td>
<td>104,767</td>
<td>48,538</td>
<td>68,445</td>
<td>220,627</td>
<td>183,932</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: non-overlapping acres are highlighted in gray.
## Ground Water Irrigated Area (in Acres)

<table>
<thead>
<tr>
<th></th>
<th>A&amp;B Irrigation District</th>
<th>American Falls Reservoir District #2</th>
<th>Burley Irrigation District</th>
<th>Milner Irrigation District</th>
<th>Minidoka Irrigation District</th>
<th>North Side Canal Company Ltd</th>
<th>Twin Falls Canal Company</th>
<th>Southwest Irrigation District</th>
<th>Big Bend Irrigation &amp; Mining Company</th>
<th>King Hill Irrigation District</th>
<th>Salmon River Canal Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>A&amp;B Irrigation District</td>
<td>23,965</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Falls Reservoir District #2</td>
<td>20,932</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burley Irrigation District</td>
<td></td>
<td>9,067</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Milner Irrigation District</td>
<td></td>
<td></td>
<td>225</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minidoka Irrigation District</td>
<td></td>
<td></td>
<td></td>
<td>279</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Side Canal Company Ltd</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twin Falls Canal Company</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>24,649</td>
<td>22,071</td>
<td>9,068</td>
<td>504</td>
<td>5,254</td>
<td>78,129</td>
<td>16,189</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Non-overlapping acres are in gray.

Enclosure C
# Surface Water Irrigated Area (in Acres)

<table>
<thead>
<tr>
<th></th>
<th>A&amp;B Irrigation District</th>
<th>American Falls Reservoir District #2</th>
<th>Burley Irrigation District</th>
<th>Minidoka Irrigation District</th>
<th>North Side Canal Company Ltd</th>
<th>Twin Falls Canal Company</th>
<th>Southwest Irrigation District</th>
<th>Big Band Irrigation &amp; Mining Company</th>
<th>King Hill Irrigation District</th>
<th>Salmon River Canal Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>A&amp;B Irrigation District</td>
<td>76,904</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Falls Reservoir District #2</td>
<td>78,557</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burley Irrigation District</td>
<td></td>
<td>39,413</td>
<td>2,941</td>
<td>2,633</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Milner Irrigation District</td>
<td></td>
<td></td>
<td>56</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minidoka Irrigation District</td>
<td></td>
<td></td>
<td></td>
<td>2,941</td>
<td>56</td>
<td>60,194</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Side Canal Company Ltd</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>135,727</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twin Falls Canal Company</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>162,958</td>
<td>798</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Surface Water Irrigated Acres</td>
<td>82,478</td>
<td>82,695</td>
<td>39,469</td>
<td>12,525</td>
<td>63,191</td>
<td>142,498</td>
<td>167,742</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: non-overlapping acres are highlighted in gray.

Enclosure D
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of November, 2008, the above and foregoing Request for Place of Use Information, was served by the method indicated below, and addressed to the following:

TOM ARKOOSH
CAPITOL LAW GROUP
PO BOX 32
GOODING ID 83330
alo@cableone.net

W. KENT FLETCHER
FLETCHER LAW OFFICE
PO BOX 248
BURLEY ID 83318-0248
wkf@pmt.org

ROGER D. LING
ATTORNEY AT LAW
PO BOX 623
RUPERT ID 83350
lrlaw@pmt.org

JOHN ROSHOLT
TRAVIS THOMPSON
BARKER ROSHOLT
113 MAIN AVE WEST STE 303
TWIN FALLS ID 83301-6167
jar@idahowaters.com
tlt@idahowaters.com

JOHN SIMPSON
BARKER ROSHOLT
PO BOX 2139
BOISE ID 83701-2139
jks@idahowaters.com

RANDY BUDGE
CANDICE MCHUGH
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391
rcb@racinelaw.net
cmm@racinelaw.net

KATHLEEN MARION CARR
U.S. DEPT INTERIOR
960 BROADWAY STE 400
BOISE ID 83706

U.S Mail, Postage Prepaid
Facsimile
E-mail
DEAN TRANMER
CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205
dtranmer@pocatello.us

MICHAEL GILMORE
ATTORNEY GENERAL'S OFFC
PO BOX 83720
BOISE ID 83720-0010
mike.gilmore@ag.idaho.gov

JEFF FEREDAY
MIKE CREAMER
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720
jcf@givenspursley.com
mcc@givenspursley.com

SARAH KLAHN
WILLIAM A HILLHOUSE II
KELLY SNODGRASS
WHITE JANKOWSKI
511 16TH ST STE 500
DENVER CO 80202
sarahk@white-jankowski.com
billh@white-jankowski.com
kellys@white-jankowski.com

JOSEPHINE BEEMAN
BEEMAN LAW OFFICE
409 W JEFFERSON
BOISE ID 83702
jo.beeman@beemanlaw.com

CERTIFICATE OF SERVICE - PAGE 2
CERTIFICATE OF SERVICE – PAGE 3