



U.S. Department of Justice

Environment and Natural Resources Division

PCM

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RECEIVED

MAR 11 2008

DEPARTMENT OF
WATER RESOURCES

Brigette Bilyeu, Special Master
Snake River Basin Adjudication
DISTRICT COURT
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcase Nos. 27-00001A, *et al.*, 27-10028, 27-12013

Dear Special Master Bilyeu:

Re: Sub-cases 27-00001A, *et al.*, 27-10028, and 27-12013

Please find enclosed a copy of p. 6 of Exhibit B to the Governmental Parties Joint Status Report filed in the above captioned sub-cases in Basin 27. Exhibit B was entitled, "Preliminary Report, Equitable Adjustment Assessment". Apparently, p. 6 was missing from the filing and all copies sent to counsel and unrepresented parties, and that fact was first discovered in the telephone status conference that occurred earlier today.

I am chagrined by this inadvertent omission, and apologize to the Court, counsel and parties for any inconvenience or confusion which may have resulted.

Sincerely,


Peter Monson

c: All counsel and parties

the water use must be cut back to be within the decreed parameters of the right and enforced accordingly. If a full season right is obtained, the Equitable Adjustment quantity must be modified.

6. **There are extensive groundwater irrigated tracts in the lower basin that have the right to convert back to surface water use. How should these lands be addressed?** There are several thousand acres in the lower Blackfoot basin currently being irrigated by ground water but have available a surface water right from the Blackfoot River that can be used if ground water is no longer utilized. These lands were not considered in the Agreement and are not protected. It is recommended that these acres not be included at this time but a re-opener provision be included in the Equitable Adjustment to accommodate these lands should they go back to using Blackfoot River water for irrigation instead of ground water.
7. **There is insufficient documentation as to how Snake River injected flows were addressed in the 1990 Agreement. However, all lower basin ditches have recommended rights from the Blackfoot River. Should this issue be dismissed?** It is recommended that this issue be dismissed because it either has no effect or minimal effect on the need for or the amount of Equitable Adjustment.

It is proposed that these areas of concern be immediately addressed by the respective Parties so that final Equitable Adjustment values can be established. The Team recommends a meeting with IDWR to go over our findings and then a joint meeting of the Parties to establish that there is a clear understanding of these key seven (7) issues need resolution. A work plan can then be established to finalize the work product.