



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 13, 2018

City of Blackfoot
Marc Carroll, Mayor
157 North Broadway
Blackfoot, ID 83221

RE: Application for Transfer 81403

Dear Mayor Carroll:

In January 2017, the City of Blackfoot filed Application for Transfer 81403, proposing to add ground water recharge as an authorized beneficial use under water right 01-181C (which is currently used to fill and maintain Jensen's Grove). The Department published notice of the application in February 2017. A joint protest was filed by 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.

At the time Application 81403 was filed, the City was pursuing an appeal of an Order Denying Application for Permit 27-12261 (issued by the Department in September 2015). An attorney representing the City asked the Department to delay processing Application 81403 to allow the pending appeal to reach a final decision. In June 2017, the Idaho Supreme Court issued a decision upholding the Department's 2015 order.

It has been a year since the Idaho Supreme Court issued its decision and the City has taken no action on Application 81403. I would like to bring Application 81403 to a final resolution. This will likely require an administrative hearing. Please contact me at your earliest convenience to discuss the application and how you would like to proceed with the contested case. If the City is prepared to resume the contested case, I will schedule a status conference with the City and the protestants. If, on the other hand, the City is no longer interested in pursuing Application 81403, the application can be withdrawn through a letter to the Department. Please feel free to call me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Cefalo', is written over a light blue horizontal line.

James Cefalo
(208) 525-7161 (james.cefalo@idwr.idaho.gov)

Cc: Rob Harris, Travis Thompson, Kent Fletcher, Kristin Moore