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DEPARTMENT OF
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BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF INTEGRATED MUNICIPAL APPLICATION PACKAGE ("IMAP") OF UNITED WATER IDAHO INC., BEING A COLLECTION OF INDIVIDUAL APPLICATIONS FOR TRANSFERS OF WATER RIGHTS AND APPLICATIONS FOR AMENDMENT OF PERMITS.	**SUEZ'S 2017 SUPPLEMENT TO THE UPDATE REPORT, ADDRESSING APODS**

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DISCUSSION

I. PURPOSE OF THIS SUPPLEMENT

This filing is a supplement to *Suez's 2017 Update Report on IMAP and 2065 Master Water Plan* (Apr. 28, 2017) ("*2017 Update*").

A central feature of the IMAP applications is the provision for alternative points of diversion ("APODs") for Suez's water rights included in the IMAP. Specifically, Suez seeks:

1. "Global APOD" authorization allowing each of its included ground water rights (except for its Marden Ranney collector right) to be pumped from any of Suez's currently existing wells.
2. "Mini-APOD" authorization for Suez's original Marden Treatment Plant Ranney collector right.
3. "Mini-APOD" authorization for Suez's Marden Treatment Plant's surface right.

Exhibit 2 to the *Master Water Plan for the Years 2015 to 2065* ("*2065 Master Water Plan*") identifies the APODs sought in the IMAP for each water right in Suez's portfolio (see column "Post-IMAP transfer PODs"). They are also displayed in Exhibit A to the *2017 Update* (which includes only those water rights included in the IMAP).

Following discussions with a number of parties and participants, Suez is submitting this supplement. It provides additional explanation aimed at eliminating confusion over how these three groups of APODs work and interact. It also provides updated information on the wells included in the "global APOD" list. Finally, it corrects an omission in the listing identifying APODs for water right No. 63-12055 (the Marden surface water right).

II. EXISTING APOD AUTHORITY

Suez seeks APOD authority to provide greater flexibility in employing its water rights throughout its delivery system. This is particularly important in times of shortage and curtailment. For example, if Suez were restricted to using only its senior rights and unable to

meet lawn irrigation demand throughout the service area, APOD authority would allow it to rotate those senior rights to wells throughout its system to facilitate lawn watering restrictions. It is also important in ordinary times. For example, APODs allow Suez to enhance pumping capacity at an existing well without seeking a transfer or new appropriation.

Many of Suez's ground water rights (and some of its surface rights) already have APOD authority.[1] The currently authorized points of diversion are identified in the column labeled "POD(s) as of 2016" in Exhibit 2 to the *2065 Master Water Plan* (for all Suez water rights). The existing APODs also appear in Exhibit A to the *2017 Update* (for IMAP rights only).

The IMAP seeks to broaden this APOD authority so that it applies to all of Suez's ground water rights authorizing diversion from all 80 wells (excluding Ranney collector rights and wells).

III. APOD CONDITION

During the SRBA, Suez (then United Water) agreed to an "APOD condition" for each of its water rights with multiple points of diversion. Identical conditions were recommended by IDWR and imposed on other municipal water providers.[2] The APOD condition—and how it protects other water rights from injury—is discussed in detail in earlier submissions, notably, *2012 Update* at pages 28-33.

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[1] Notably, 48 water rights were decreed with 42 APODs in the Snake River Basin Adjudication ("SRBA") (reflecting wells in existence as of the SRBA commencement in 1987). See *2012 Update* at pages 15-17. Another 15 rights were decreed with 12 APODs (corresponding to South County system wells). See *2012 Update* at pages 18. In addition, four non-SRBA rights were transferred to allow 43 APODs. See *2012 Update* at pages 17.

[2] The APOD condition language identical to that used in Suez's water rights was upheld by the SRBA Special Master, the SRBA Court, and the Idaho Supreme Court. *In Re SRBA,* Case No. 39576, Subcase Nos. 29-00271 *et al.* (Idaho, Fifth Judicial Dist., Nov. 9, 2009), *denying motion to alter or amend, In Re SRBA,* Case No. 39576, Subcase Nos. 29-00271 *et al.* (Idaho, Fifth Judicial Dist.April 12, 2010), *aff'd, City of Pocatello v. Idaho,* 152 Idaho 830, 275 P.3d 845 (2012) (upholding the position of *amici curiae* regarding alternate points of diversion).

This condition allows Suez to use APODs to efficiently and effectively manage its delivery system, while preventing Suez from using its APOD authority to evade localized ground water management or to cause legal injury based on well interference. In such a case, administration of these water rights would be evaluated on the basis of the quantity and priority of the water right(s) historically associated with the well.

Suez reiterates its willingness to accept this APOD condition language for all APODs sought in the IMAP.

IV. THE "GLOBAL APOD" LIST FOR WELLS

An APOD list identifying 81 existing wells was set out as Attachment B to *United Water's Further Submission in Compliance with the Director's January 11, 2013 Order* (Feb. 13, 2013) ("*2013 Further Submission*").[3] This list was referenced in the *2017 Update* at page 8.

Today's supplemental filing notes the following minor changes in the global APOD list.

A. Name changes

The names for a few of Suez's wells have changed:

Well name as listed in *2013 Further Submission*	Well name used today
Amity	Amity #2[4]
Barber #2	Licorice
Barber #1	Durham
Foxtail	Foxtail #2
Warm Springs Mesa #2	Warm Springs #2
Warm Springs Mesa #3	Warm Springs #3

[3] This list was derived from the earlier APOD list set out as Exhibit D *United Water's Statement Updating and Explaining the IMAP Relaunch* (Aug. 14, 2012) ("*2012 Update*"). That list displayed and compared the APOD list included in the original 2003 IMAP with the then current APOD list.

[4] Amity #2 and Foxtail #2 are replacement wells located in the same quarter-quarter for the original Amity and Foxtail wells.

B. Abandoned well

One well (Sherman Oaks) has been abandoned and Suez has determined that it will not reconstruct the well. Accordingly, this well site should be removed from the global APOD list. Thus, the list of 81 APODs should now include 80 APODs. The Sherman Oaks well site also should be removed from the Planning Area Map (aka Pink Line Map) set out as Exhibit 1 to the *Master Water Plan for the Years 2015 to 2065* ("*2065 Master Water Plan*"), which also appears as Exhibit C to the *2013 Further Submission.*

V. GROUND WATER RIGHTS NOT INCLUDED IN IMAP

The 80 wells on the global APOD list (plus the Ranney collectors) are a complete set of all wells owned and operated by Suez. There are no "non-IMAP" wells.

Suez currently has authority to divert from each of the 80 wells on the global APOD list. Diversions from two of the wells included in the global APOD list (Cassia #2 and Maple Hills #2) are currently authorized only by non-IMAP rights (Nos. 63-12363[5] and 63-31406, respectively). Diversions from the other 78 wells on the global APOD list are authorized by at least one ground water right included in the IMAP. All of the non-IMAP ground water rights also divert from one or more of the wells on the APOD list or the Ranney collectors (except for Nos. 63-12363 and 63-31406 mentioned above).

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[5] Water right No. 63-12363 authorizes diversion from two points of diversion (Cassia #2 and Fisk wells). Diversion from Cassia #2 is authorized only by this water right (No. 63-12363). Diversion from the Fisk well is authorized by this right (No. 63-12363) and by another water right that is included in the IMAP (No. 63-11558). The Fisk well was not included in the list of 42 APODs decreed for many of the rights decreed in the SRBA because it is a "post-SRBA" well.

VI. "MINI-APOD" LIST FOR RANNEY COLLECTORS

The Ranney collectors[6] at Suez's Marden Treatment Plant are served by four water rights. These are discussed in section V(C)(3) at page 12 of the *2017 Update*. As noted there, only one of the Ranney collector rights (No. 63-2892) is included in the IMAP. The other three were excluded to moot an issue regarding the need to re-advertise the IMAP. Suez seeks three points of diversion for the included right (No. 63-2892), all within the same quarter-quarter. At some point, Suez is likely to seek identical "mini-APOD" authority for the other three Ranney collector rights, but that will have to occur in a separate proceeding.[7]

VII. "MINI-APOD" LIST FOR MARDEN AND COLUMBIA TREATMENT PLANTS

The IMAP includes only one surface water right (a permit) out of Suez's 13 surface water rights and other entitlements. This is permit No. 63-12055 for diversion from the Boise River for the Marden Treatment Plant (T3N, R2E, S.14, SE,NE (lot 7)). As discussed in footnote 14 at page 14 of the *2017 Update*, Suez is seeking a second point of diversion for this permit at the Columbia Treatment Plant (T2N, R2E, S.4, NW,NE (lot 6)).[8]

This second point of diversion for No. 63-12055 is correctly displayed in the list of all Suez water rights set out in Exhibit 2 to the *2065 Master Water Plan* (except that it omits the reference to Lot 6). The list of IMAP water rights set out in Attachment A to the *2013 Further Submission* incorrectly omits the Columbia Treatment Plant point of diversion, despite the fact

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[6] Ranney is a company/brand name for a type of ground water collector well employing screens driven radially and horizontally from the well.

[7] Exhibit 2 to the *2065 Master Water Plan* (the list of all of Suez's water rights) incorrectly states that the three Ranney collector rights not included in the IMAP (Nos. 63-31797, 63-31798, and 63-31879) currently have APOD authority for three points of diversion. This inadvertent error is of no consequence to the IMAP, because these rights are not included in the IMAP.

[8] Suez holds one other surface water permit for diversion from the Boise River (Nos. 63-31409). It already includes "mini-APOD" authority for diversion at either the Marden or the Columbia Treatment Plants. It is a post-SRBA permit that is not included in the IMAP.

that the text of the *2013 Update Statement* describes both points of diversion at page 24. The Columbia Treatment Plant point of diversion was also inadvertently omitted from the list of water rights set out at Exhibit C to the *2012 Update Statement*.

It bears emphasis that the authority sought under this "mini-APOD" has no relation to the "global APOD" authority. In other words, Suez is not seeking to divert under its ground water rights from these surface diversion points, nor is it seeking authority to divert water under these surface rights from its wells.

Respectfully submitted this 26th day of June, 2017.

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I HEREBY CERTIFY that on this 26th day of June, 2017, the foregoing was filed, served, and copied as shown below.

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