

SOUTHWEST IRRIGATION DISTRICT

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RECEIVED
MAR 23 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Directors: Randy Brown 308-7711
Craig Searle 312-1595
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March 19, 2015

Allen Merritt
IDWR Southern Region
650 Addition Ave. W., Ste. 500
Twin Falls, ID 83301-2348

RE: Bulcher — Funk Transfer Nos. ~~70579~~ and ~~7980~~
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Dear Allen:

Recent protests and mitigation activities by Southwest Irrigation District (SWID) substantiate the fact that SWID is desperately attempting to change the declining water levels within their District and the Critical Ground Water areas.

You recently approved Transfer Nos. ~~70579~~ and ~~7980~~. The transfer included approximately 146 acres from Mr. and Mrs. Bulcher to Darrell Funk. The ability of the Bulchers' well to supply the entire farm with water diminished greatly over time. In fact, the Bulchers purchased Twin Falls Canal Shares to make up for the deficiency.

Since no discharge measurements of the well had ever been made, proof of use of the right was a calculation of the volume of water pumped. The calculation determined the well pumped an average of 50 acre feet per year for the past several years. As you well know, the IDWR average volume applied by ground water to irrigation land is 2 feet per acre. Fifty acre feet per year would irrigate 25 acres. The entire 146 acres has been irrigated in the past. Therefore, it is evident that surface water has been applied to the remaining 121 acres. However, you agreed to allow transfer of the entire 146 acres.

Non-use of a right, not included within a conservation program, especially subordinated by surface water rights, limits the transferrable portion of the right to the average volume pumped. Yet you allowed transfer of the entire 146 acres. SWID views this transfer as an expansion, breaking out 121 acres to be irrigated by ground water that has not been utilized in the past.

Please reconsider this transfer at the direction of the Directors.

Very truly yours,

PARSONS, SMITH, STONE, LOVELAND
& SHIRLEY, LLP


William A. Parsons

WAP/sw

cc: Randy Brown, Craig Searle & David Pickett