

ORIGINAL

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RECEIVED
OCT 24 2011
Department of Water Resources
Eastern Region

Counsel for Idaho Water Resources Board

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

~~In Re SRBA~~)
)
~~Case No. 39576~~)
Permit No. 37-7842)
_____)

~~Subcase No.~~

**AFFIDAVIT OF DANIEL NELSON
IN SUPPORT OF THE IDAHO WATER
RESOURCE BOARD'S RESPONSE**

STATE OF IDAHO)
) ss.
County of Ada)

Daniel A. Nelson, being first duly sworn upon oath deposes and states as follows:

1. My name is Daniel A. Nelson. I am a Staff Hydrologist for the Planning Section for the Idaho Department of Water Resources (IDWR). My work address is Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho 83720-0098. I reside in Boise, Idaho.
2. My education background includes an Associate of Applied Sciences Degree in Water Resource Management from College of Southern Idaho. My education/training since college has included, but is not limited to, participation in seminars and courses related to

water management such as Hydrographer Training, Certification in Flow Measurement, Certification in Geographic System and Certification in Global Positioning Systems, Auditing Landscape Irrigation Systems, and several water law and water management workshops.

3. I worked from May 1996 to July of 1997 for IDWR as a Summer Field Agent in the Southern Region Office. My duties included, but were not limited to performing Beneficial Use Licensing Exams including inspecting water right permits and making recommendations for licensing.
4. From July 1997 to October 1998, I worked for IDWR as an Assistant Hydrographer in the Southern Region Office for the West Eastern Snake Plain Measurement District. My duties included, but were not limited to inventorying points of diversion, recommending measurement devices for those diversions, and calibrating measurement devices.
5. I worked from October 1998 to June 1999 for IDWR as a Water Right Agent at the Western Region office. My duties included, but were not limited to overseeing local water districts, processing applications for permit, processing applications for water right transfer, performing Beneficial Use Licensing Exams including inspecting water right permits and making recommendations for licensing, reviewing water right complaints and making recommendations for resolution, and reviewing water right protests and making recommendations for resolution.
6. I worked from June 1999 to January 2008 for IDWR as a Senior Water Right Agent at the Western Region office. My duties included, but were not limited to overseeing local water districts, processing applications for permit, processing applications for water right transfer, performing Beneficial Use Licensing Exams including inspecting water right permits and making recommendations for licensing, reviewing water right complaints

and making recommendations for resolution, and reviewing water right protests and making recommendations for resolution.

7. I worked from January 2008 to June 2009 for IDWR as a Staff Hydrologist in the Water Distribution Section. My duties included, but were not limited providing assistance to water districts, periodic training of watermasters, investigating water distribution or water right disputes, and assistance in the resolution of water distribution/water right disputes.
8. From June 2009 to the present, I have served as the Staff Hydrologist for the Water Planning Bureau. My primary responsibilities are but not limited to review water rights, oversee the Natural Resource Conservation Service Agricultural Water Enhancement funding to the Idaho Water Resource Board (Board) for ground water conversion projects, review funding requests submitted to the Board, perform water right reviews for Board projects and the Board's Water Supply Bank applications, and perform research as necessary for proposed projects for the Comprehensive Aquifer Management Plans throughout the state.
9. I have personal knowledge of the files and agreements available to the Board concerning recharge from the Snake River, Big Wood River and the Little Wood River. These files are public records held by IDWR kept and compiled in the normal course of business pursuant to the statutory duties described in Title 42, Idaho Code.
10. Beneficial use under permit no. 37-7842 appears to have occurred between 5/29/1995 and 7/5/1995. A memo to Allen Merritt from American Falls Reservoir District #2 and Big Wood Canal Company states that recharge did occur at a rate of 40 cubic feet per second for a total of 26,464 acre feet between May 29, 1995 and July 5, 1995. It is my understanding of the agreements between the United States Bureau of Reclamation (BOR) contracts in 1995 that BOR would not allow recharge water to be delivered from

the Snake River after April 15, 1995, or after the irrigation deliveries began. In a memo from Sharla Curtis, she states that the watermaster, Lee Peterson, stated that recharge had occurred from the Big Wood River and the Little Wood River. This information does suggest that Recharge did occur in 1995. I have also received documentation from the Manager of American Falls Reservoir District #2 and Big Wood Canal Company, Lynn Harmon, that 3.63 cubic feet per second and 2,018 acre feet of water was recharged or beneficially used from the Big Wood River between 4/5/1999 and 4/12/1999. Idaho Water Resource Board records provide documentation of recharge or beneficial use from the Big Wood River and the Little Wood River in 2006 to three sites from 4/17/2006 to 6/21/2006 with a maximum diversion of 382 cubic feet per second and a total volume of 22,441.32 acre feet. In 2010, 1.44 cubic feet per second and 157 acre feet were recharged or beneficially use from 11/5/2010 to 12/31/2010. In 2011, 343 cubic feet per second and 3,025 acre feet were recharged or beneficially use from 4/19/2011 to 4/24/2011.

11. I certify that the documents in Exhibit 1 are true and correct copies of documents located in IDWR's files regarding recharge from the Snake River, Big Wood River and the Little Wood River.

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FURTHER YOUR AFFIANT SAYETH NAUGHT.


DANIEL A. NELSON

SUBSCRIBED AND SWORN to before me this 20th day of October, 2011.





Notary Public for Idaho

Residing at: Boise, Idaho

My commission expires: July 14, 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 2011, I caused a true and correct copy of the foregoing **AFFIDAVIT OF DANIEL NELSON** to be filed with the Court and served on the following parties by the indicated methods:

Original:

IDWR - Eastern Region
James Cefalo
Water Resources Program Manager
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile:
- ☒ Email: james.cefalo@idwr.idaho.gov

Copy:

Joseph F. James
Brown & James
130 Fourth Avenue West
Gooding, ID 83330

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: 208-934-4101



SHASTA KILMINSTER-HADLEY

EXHIBIT 1

To Whom It May Concern:

Enclosed is the information requested via a telephone conversation on February 7, 1996.

The sample of billing explanation is just that and does not use exact figures pertaining to your particular account.

The five year average for the recharge is 1, 317.34 CFS, the unit cost of water for 1996 is .45 cents per CFS. $1,317.34 \times .45 = 592.80$ the computer calculates it at 585.37 due to the rounding of decimals in the program, you have a debit of 951.01 from the previous year. $\$585.37 + \$951.01 = \$1,536.38$.

The following is a list of the days and the CFS of water delivered to the recharge during the 1995 irrigation season.

Date	CFS	Date	CFS
Mar 21	83	April 1	63
22	89	2	63
23	94	3	95
24	92	4	100
25	92	5	95
26	77	6	98
27	77	7	104
28	76	8	104
29	74	9	104
30	67	10	136
31	63	11	136
Total	-----	12	143
	884	13	144
		14	146
		15	146
		16	146
		17	139
		18	144
		19	134
		Total	-----
			2,240

884
+ 2240

3124 CFS for 1995

6185.52 AC/ET

You were billed for 1,317.34 based on the five year average. I hope this information is helpful to you if you have further questions please feel free to contact us.

Paul.

Sincerely,

14 Feb. 00

per Lee Peterson Watermaster Water Dist 37 & 37M

This is all Little Wood water diverted prior to the irrigation season in March and April 1995.

The balance of all additional recharge to LSRARD Shoshone Site has come from the Snake River System ~

Dennis Hoops

Nelson, Dan

From: Lynn Harmon [lynnharmon@cableone.net]
Sent: Wednesday, May 18, 2011 8:09 AM
To: Nelson, Dan
Subject: wood river charge flows
Attachments: SCAN0001.PDF

Dan, This is the only data I found that shows just wood river water being recharged at the Shoshone site.

AMERICAN FALLS RESERVOIR DISTRICT NO. 2
P. O. BOX C
SHOSHONE, IDAHO 83352
208-886-2331

MAY 28, 1995

LOWER SNAKE RIVER
AQUIFER RECHARGE DISTRICT
RT. 1 BOX 148
HAGERMAN, IDAHO 83332

WATER FROM LITTLE WOOD RIVER TO RECHARGE

4/3/95 TO 4/19/95 4260 ACRE FEET

WATER FROM AMERICAN FALLS

4/20/95	TO	4/29/95	6632 ACRE FEET
4/30/95	TO	5/6/95	5334
5/7/95	TO	5/14/95	4684
5/15/95	TO	5/21/95	4958
5/22/95	TO	5/28/95	4384

TOTAL ACRE FEET 30252 ACRE FEET

30252 ACRE FEET @ 0.25 \$7565.00

TOTAL BILLING: \$7565.00

504.53

AFRD#2 Little Wood Recharge Flows

Date	# 56	CFS Recharge AF Total	
4-5-99	3.15	95	190
4-6-99	3.46	124	248
4-7-99	3.46	124	248
4-8-99	3.63	141	282
4-9-99	3.63	141	282
4-10-99	3.5	128	256
4-11-99	3.5	128	256
4-12-99	3.5	128	256
Totals		1009cfs	2018 af

Big Wood Canal Co.

date	cfs	a-f	\$	
4/19/2011	153	303	909	
4/20/2011	343	680	2040	
4/21/2011	343	681	2043	
4/22/2011	343	681	2043	302.5
4/23/2011	343	680	2040	680.625
4/24/2011	0	0	0	
TOTAL		3,025	9,075.00	

1 U

BIG WOOD CANAL COMPANY
AMERICAN FALLS RESERVOIR DISTRICT #2
P.O. BOX C
SHOSHONE, ID 83352
(208) 886-2331

DEPARTMENT OF WATER RESOURCES
FAX (208)736-3037

ATTENTION ALAN MERRITT

RECHARGE

YEAR	DATES	ACRE FEET	Water Source
1986	4/7 TO 5/5		
1987	4/4 TO 4/24	16564	Snake River
1988	4/14 TO 4/21	4810	Snake River
1993	4/3 TO 4/10	2912	Snake River
1995	4/3 TO 5/22	3700	Snake River
1995	5/29 TO 7/5	30252	Snake River
		26464	Big Wood

The flows of Big Wood at Gooding in 1995 ran from April 12th to July 21st at a rate of 22 CFS on April 12th to a high of 2670 CFS on June 8th.

In 1986, Big Wood at Gooding ran from April 1st to June 22nd with a high of 4500 CFS on May 31st.

No water ran from 1985 to 1994.

If you have any questions or need more information, feel free to contact me.

Sincerely,

Dick Oneida
Dick Oneida
Manager



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
214 Broadway Avenue
Boise, Idaho 83702-7298



IN REPLY REFER TO:

SRA-1000
WTR-1.10

Dick Oneida, Manager
American Falls Reservoir No. 2
P.O. Box "C"
Shoshone ID 83352-0802

SUBJECT: WATER RECHARGE

Dear Dick:

This letter authorizes the American Falls Reservoir District No. 2 use of the Milner Gooding Canal to assist the Northside Canal Company in the completion of ongoing recharge. This authorization begins on the date of the signature by the Manager, Snake River Area Office and expires on April 15, 1995.

Sincerely,



Jerrold D. Gregg
Area Manager

MEMORANDUM

To: File 37-07842

FROM: Sharla

DATE: October 7, 1999

RE: Recharge Project(s)

As I initially reviewed these two files and the examiner's field report, I was confused as to the groundwater recharge taking place under 37-07842 from either of the permitted sources, the Little Wood River or the Big Wood River. The recharge under 01-07054 from the Snake River through the Milner-Gooding Canal could be confirmed and a license for that right has been prepared for signature.

When I spoke with Lee Peterson (watermaster of Water District 37 and 37-M) regarding the capacity of the Dietrich Canal, he told me where he believed recharge had occurred from that canal. I then spoke with Dan McFadden of the Lower Snake River Aquifer Recharge District (see his letter to Clarence Parr dated 12/30/98) and he told me that what Lee had described was actually "flood control" that occurred several years ago. He went on to say that no groundwater recharge has ever taken place via the Dietrich Canal.

I have spoken with Paul Castelin of the Technical Services Bureau. He also knows of no recharge from the Little Wood or Big Wood Rivers to date. Recharge projects that are in the planning/development stages are as listed in Paul's and Hal Anderson's memos contained in file 01-07054.

Based on the information above, this permit (in whole, there is no reason to split into parts A & B because there has been no beneficial use to date) should be routed for Glen Saxton for extension/reinstatement processing.

Lynn Harmon reports				
start 11-5 at 70 in. (1.4 cfs)				
Date	inches	daily cfs	daily A-F	Conv. Fee
				\$
5-Nov	70	1.4	3	8
6-Nov	70	1.4	3	8
7-Nov	70	1.4	3	8
8-Nov	72	1.44	3	9
9-Nov	69	1.38	3	8
10-Nov	69	1.38	3	8
11-Nov	71	1.42	3	8
12-Nov	70	1.4	3	8
13-Nov	69	1.38	3	8
14-Nov	69	1.38	3	8
15-Nov	72	1.44	3	9
16-Nov	70	1.4	3	8
17-Nov	68	1.36	3	8
18-Nov	70	1.4	3	8
19-Nov	70	1.4	3	8
20-Nov	69	1.38	3	8
21-Nov	67	1.34	3	8
22-Nov	70	1.4	3	8
23-Nov	69	1.38	3	8
24-Nov	68	1.36	3	8
25-Nov	70	1.4	3	8
26-Nov	70	1.4	3	8
27-Nov	70	1.4	3	8
28-Nov	69	1.38	3	8
29-Nov	70	1.4	3	8
30-Nov	70	1.4	3	8
1-Dec	70	1.4	3	8
2-Dec	69	1.38	3	8
3-Dec	69	1.38	3	8
4-Dec	69	1.38	3	8
5-Dec	70	1.4	3	8
6-Dec	70	1.4	3	8
7-Dec	70	1.4	3	8
8-Dec	65	1.3	3	8
9-Dec	68	1.36	3	8
10-Dec	71	1.42	3	8
11-Dec	69	1.38	3	8
12-Dec	69	1.38	3	8
13-Dec	70	1.4	3	8
14-Dec	70	1.4	3	8
15-Dec	72	1.44	3	9
16-Dec	70	1.4	3	8
17-Dec	70	1.4	3	8
18-Dec	68	1.36	3	8
19-Dec	70	1.4	3	8
20-Dec	70	1.4	3	8
21-Dec	70	1.4	3	8
22-Dec	68	1.36	3	8
23-Dec	68	1.36	3	8
24-Dec	70	1.4	3	8
25-Dec	70	1.4	3	8
26-Dec	70	1.4	3	8
27-Dec	69	1.38	3	8
28-Dec	69	1.38	3	8
29-Dec	70	1.4	3	8
30-Dec	70	1.4	3	8
31-Dec	70	1.4	3	8
TOTAL	3,964	79	157	472

inches	Total cfs	Total A-F	Conv. Fee
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note: AFRD2 accounting counted 11/15/10 twice
correction results in above numbers

AFRD under paid by \$12

AFRD2	IDWR
\$460	\$472

Date	a-f
5-Nov	1.4
6-Nov	1.4
7-Nov	1.4
8-Nov	1.4
9-Nov	
10-Nov	
11-Nov	
12-Nov	
13-Nov	
14-Nov	
15-Nov	
16-Nov	
17-Nov	
18-Nov	
19-Nov	
20-Nov	
21-Nov	
22-Nov	
23-Nov	
24-Nov	
25-Nov	
26-Nov	
27-Nov	
28-Nov	
29-Nov	
30-Nov	
1-Dec	
2-Dec	
3-Dec	
4-Dec	
5-Dec	
6-Dec	
7-Dec	
8-Dec	
9-Dec	
10-Dec	
11-Dec	
12-Dec	
13-Dec	
14-Dec	
15-Dec	
16-Dec	
17-Dec	

LSRARD (Shoshone Site) Little Wood	10,779.12
Devils Headgate - Big Wodd	4,732.20
North Shoshone Main	0.00
Deitrich Main - Litle Wood	6,930.00
Total	22,441.32

Little Wood	17,709.12
Big Wood	4,732.20

Data	LSRARD	E Dev	HG	Dietrich	Total
4/12/2006	188				188
4/13/2006	188				188
4/14/2006	188				188
4/15/2006	188			100	288
4/16/2006	188			100	288
4/17/2006	188	13.5		100	301.5
4/18/2006	188	13.5		100	301.5
4/19/2006	188	13.5		100	301.5
4/20/2006	188	13.5		100	301.5
4/21/2006	188	32		100	320
4/22/2006	188	32		100	320
4/23/2006	188	32		100	320
4/24/2006	188	32		100	320
4/25/2006	250	32		100	382
4/26/2006	250	32		100	382
4/27/2006	250	32		100	382
4/28/2006	250	32		100	382
4/29/2006	250	32		100	382
4/30/2006	250	32		100	382
5/1/2006	250	32		100	382
5/2/2006	250	32		100	382
5/3/2006	250	32		100	382
5/4/2006	250	32		100	382
5/5/2006	250	32		100	382
5/6/2006	250	32		100	382
5/7/2006		32		100	132
5/8/2006		32		100	132
5/9/2006		40		100	140
5/10/2006		40		100	140
5/11/2006		40		100	140
5/12/2006		40		100	140
5/13/2006		40		100	140
5/14/2006		40		100	140
5/15/2006		40		100	140
5/16/2006					0

Devils headgate - Big Wood River

4/17/2006	13.5	27	4732
4/18/2006	13.5	27	
4/19/2006	13.5	27	
4/20/2006	13.5	27	
4/21/2006	32	63	
4/22/2006	32	63	
4/23/2006	32	63	
4/24/2006	32	63	
4/25/2006	32	63	
4/26/2006	32	63	
4/27/2006	32	63	
4/28/2006	32	63	
4/29/2006	32	63	
4/30/2006	32	63	
5/1/2006	32	63	
5/2/2006	32	63	
5/3/2006	32	63	
5/4/2006	32	63	
5/5/2006	32	63	
5/6/2006	32	63	
5/7/2006	32	63	
5/8/2006	32	63	
5/9/2006	40	79	
5/10/2006	40	79	
5/11/2006	40	79	
5/12/2006	40	79	
5/13/2006	40	79	
5/14/2006	40	79	
5/15/2006	40	79	
5/16/2006	40	79	
5/17/2006	40	79	
5/18/2006	40	79	
5/19/2006	40	79	
5/20/2006	40	79	
5/21/2006	40	79	
5/22/2006	40	79	
5/23/2006	40	79	
5/24/2006	40	79	
5/25/2006	40	79	
5/26/2006	40	79	
5/27/2006	40	79	
5/28/2006	40	79	
5/29/2006	40	79	
5/30/2006	40	79	
5/31/2006	40	79	
6/1/2006	40	79	
6/2/2006	40	79	
6/3/2006	40	79	
6/4/2006	40	79	
6/5/2006	40	79	
6/6/2006	40	79	
6/7/2006	40	79	
6/8/2006	40	79	
6/9/2006	40	79	
6/10/2006	40	79	
6/11/2006	40	79	
6/12/2006	40	79	
6/13/2006	40	79	
6/14/2006	40	79	
6/15/2006	40	79	
6/16/2006	40	79	
6/17/2006	40	79	
6/18/2006	40	79	
6/19/2006	40	79	
6/20/2006	40	79	
6/21/2006	40	79	
		4732	

Data	LSRARD E Dev HG	Dietrich	Total
4/12/2006	188		188
4/13/2006	188		188
4/14/2006	188		188
4/15/2006	188	100	288
4/16/2006	188	100	288
4/17/2006	188	13.5	301.5
4/18/2006	188	13.5	301.5
4/19/2006	188	13.5	301.5
4/20/2006	188	13.5	301.5
4/21/2006	188	32	320
4/22/2006	188	32	320
4/23/2006	188	32	320
4/24/2006	188	32	320
4/25/2006	250	32	382
4/26/2006	250	32	382
4/27/2006	250	32	382
4/28/2006	250	32	382
4/29/2006	250	32	382
4/30/2006	250	32	382
5/1/2006	250	32	382
5/2/2006	250	32	382
5/3/2006	250	32	382
5/4/2006	250	32	382
5/5/2006	250	32	382
5/6/2006	250	32	382
5/7/2006		32	132
5/8/2006		32	132
5/9/2006		40	140
5/10/2006		40	140
5/11/2006		40	140
5/12/2006		40	140
5/13/2006		40	140
5/14/2006		40	140
5/15/2006		40	140
5/16/2006			0

Dietrich canal - Little Wood

4/13/2006	200	396
4/14/2006	200	396
4/15/2006	100	198
4/16/2006	100	198
4/17/2006	100	198
4/18/2006	100	198
4/19/2006	100	198
4/20/2006	100	198
4/21/2006	100	198
4/22/2006	100	198
4/23/2006	100	198
4/24/2006	100	198
4/25/2006	100	198
4/26/2006	100	198
4/27/2006	100	198
4/28/2006	100	198
4/29/2006	100	198
4/30/2006	100	198
5/1/2006	100	198
5/2/2006	100	198
5/3/2006	100	198
5/4/2006	100	198
5/5/2006	100	198
5/6/2006	100	198
5/7/2006	100	198
5/8/2006	100	198
5/9/2006	100	198
5/10/2006	100	198
5/11/2006	100	198
5/12/2006	100	198
5/13/2006	100	198
5/14/2006	100	198
5/15/2006	100	198

6930

6930