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DEPARTMENT OF
WATER RESOURCES

E. Gail McGarry
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Bureau of Reclamation
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BEFORE THE DIRECTOR OF THE

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION	)	PETITION FOR RECONSIDERATION
FOR EXCHANGE NO. 75007 IN THE	)	OF PRELIMINARY ORDER
NAME OF IDAHO WATER RESOURCE	)	AUTHORIZING EXCHANGE
BOARD AND U.S. BUREAU OF	)	
RECLAMATION	)	

Reclamation hereby Petitions for Reconsideration of the Preliminary Order Authorizing Exchange.

BACKGROUND

A Memorandum of Agreement (MOA) was signed by the Bureau of Reclamation and the Idaho Water Resource Board (IWRB) on or about May 16, 2008, that set forth the conditions whereby up to 2,800 acre-ft of water rented for flow augmentation from the Water District No. 1 Rental Pool could be exchanged for water IWRB rents from Black Canyon Irrigation District through the Water District No. 65 Rental Pool in certain years.

1. IWRB submitted an "Amended Application for Exchange of Water" on August 12, 2008 to the Idaho Department of Water Resources (IDWR).
2. Certain Irrigation Entities that have contracts with Reclamation for storage space in Water District No. 1 protested the application.
3. A stipulation resolving the protest was filed with IDWR on June 2, 2009.

4. The Preliminary Order Authorizing Exchange was mailed on August 25, 2009, which was received by Reclamation on August 27, 2009.

ISSUES FOR RECONSIDERATION

Reclamation seeks reconsideration to have the conditions modified as follows:

Condition 2 should be changed to reflect the volumes retained and released for flow augmentation are subject to the MOA and Stipulation and cover water rented through the Water District No 1 and No. 65 Rental Pools.

Condition 5 should be changed to reflect the MOA and Stipulation that provide the water to be acquired by IWRB from Black Canyon Irrigation District is through the rental pool. Transfers and use of the Water Supply Bank outside of the rental pool was not contemplated.

Condition 6 should be changed to reflect that 1) June 15th is the date the MOA provides for IWRB to provide Reclamation notice it wishes to exercise the exchange and 2) that Reclamation makes flow augmentation rental decisions in the spring of each year and that Reclamation will notify IDWR if the exchange is to be exercised in a given year.

Condition 11 should be changed to clarify that the MOA and stipulation govern whether the Exchange is exercised in a given year.

The MOA should be incorporated by reference and the Exchange should be subject to the MOA.

DATED this 8th day of September 8, 2009.

U.S. BUREAU OF RECLAMATION

By: _____

E. Gail McGarry

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2009, I caused to be served a true and correct copy of the foregoing by postage prepaid U.S. mail, and addressed to the following:

Director	☐ U.S. Mail
Idaho Department of Water Resources	☐ Facsimile
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