



State of Idaho



DEPARTMENT OF WATER RESOURCES

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October 15, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Tugaw Ranch
% Joe Tugaw
3277 Woodridge Dr
Twin Falls, ID 83301

Russell & Lisa Patterson
1800 Z St
Heyburn, ID 83336

John & Ruth Beukers
3831 North 3500 East
Kimberly, ID 83341

Bettencourt Dairies
2930 S 2300 E
Wendell, ID 83355

Re: Notice of Proposed Water Balance Study for the Cottonwood Critical Ground Water Area,
Water District 45-O

Dear Water User or Interested Party:

On August 30, 2004, the Director of the Idaho Department of Water Resources ("Director" or "Department") issued the *Order in the Matter of Ground Water Withdrawal in the Cottonwood Critical Ground Water Area*. The order limited the annual withdrawal of ground water for water rights within the Cottonwood Critical Ground Water Area (CCGWA) to no more than 4,000 acre-feet per year. This limit was first established by the Department via an order dated January 4, 1985 but was stayed on February 15, 1985 based upon the success of a ground water management project that was being implemented at that time. The Department found in 2004 that the ground water recharge project was no longer being implemented and ground water levels in the CCGWA continued to decline. The Director's 2004 order lifted the stay of the January 4, 1985 order, thereby lowering the annual withdrawal to the 4,000 acre-foot volume originally established by the 1985 order.

In September of 2008, the senior ground water right holder in the CCGWA met with Department staff to express concern about continued ground water level declines in the area. Department staff has confirmed that ground water levels have declined further despite the 2004 order limiting annual withdrawals to 4,000 acre-feet per year and the enforcement of that order by the Water District 45-O watermaster. The Department has also been approached over the past year by one or more junior ground water right holders in the CCGWA about increasing the 4,000 acre-foot limit based on renewed recharge efforts. The Department understands that some limited recharge may have been done during the past season yet ground water levels may not be responding.

The Department believes that an updated water balance study of the CCGWA is warranted given recent inquiries about water use limits and the continued trend in ground water level declines.

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The Department wishes to conduct this evaluation during the 2008-2009 winter season. The water balance study will be conducted by in-house Department hydro-geologists using any available or updated hydrologic and water user data. Results of the evaluation may give cause for the Director to adjust the current 4,000 acre-foot annual withdrawal limit starting in 2010.

At this time the Department wishes to notify users of the pending water balance evaluation and invite any information, data or comments from water users regarding water use, any recharge efforts since 2004 and/or plans for future managed recharge within the CCGWA. Questions, information and/or comments concerning this matter may be sent to me at this office. You may contact me directly at 208-287-4959, or e-mail me at tim.luke@idwr.idaho.gov.

Sincerely,



Tim Luke
Water Distribution Section Manager

Cc: David R Tuthill, IDWR Director
Allen Merritt, IDWR Southern Region Manager
Jim Stanton, WD45-O Watermaster
Cindy Yenter, WD140 Watermaster
Sean Vincent, IDWR Hydrology Section Manager
Travis Thompson
Bill Parsons South West Irrigation District