



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

File WD 37 & 37u

April 2, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

WATER DISTRICT NOS 37 AND 37M
ATTN: MR FRED BROSSY, CHAIRMAN OF THE ADVISORY BOARD
107 WEST 1ST
SHOSHONE ID 83352

Re: Request to Establish a Water Measurement District in Basin 37

Dear Mr. Brossy:

The Department acknowledges receipt of your letter dated February 19, 2009 to Director Tuthill requesting establishment of a Water Measurement District in Basin 37. We have considered your request and agree that a Water Measurement District would be beneficial in preparation for future management in the basin.

The Department has been considering establishing or expanding a Water District to initially measure and report ground water use with the intent of regulating ground water rights in the future after most of the existing objections in Basin 37 have been resolved and a ground water model is developed for use in conjunctive administration. However, establishing or expanding a Water District to include ground water rights would be delayed because those rights were not previously decreed or administered by a Water District and interim administration authority from the Court would not be granted until objections have been mostly resolved. A Water Measurement District can be established as an interim measure to begin measuring and reporting ground water diversions.

As you know, a Water Measurement District is established pursuant to Section 42-706, Idaho Code. Public notice, hearing and a written comment period are required before the Director can issue an order creating a Water Measurement District. The first meeting of a Water Measurement District is to be held in November where a district hydrographer is elected and other actions are taken that are necessary for operation of the district.

Department staff resources are limited due to priorities to resolve objections in the SRBA and ongoing water management issues in the ESPA and other areas. Nonetheless, it is the Department's intent to initiate action later this year for creation of a Water Measurement District in Basin 37, excluding rights already included in a Water District, to enable measurement and reporting of ground water diversions beginning in 2010.

Mr. Brossy
April 2, 2009
Page 2

We look forward to working with you and others as we continue efforts towards water management in Basin 37.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Peppersack', written over the printed name.

Jeff Peppersack, Chief
Water Allocation Bureau

cc: ✓ Tim Luke – IDWR
Allen Merritt – IDWR, Southern Region
Kevin Lakey – Watermaster, Water Districts 37/37M
Wendy Jaquet – State Representative