



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Jim

September 23, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Randall Budge
Racine Olson
PO Box 1391
Pocatello, ID 83204-1391

Sent by US Mail
and Electronic Mail

Re: Implementation of Ground Water Districts' Second Plan of Action for 2009

Dear Mr. Budge:

Last week I received updated information from Cindy Yenter, Watermaster for Water Districts No's 130 and 140, regarding the status of delivery of water this irrigation season to both the "old" conversion acres and the new conversions acres as outlined in the Ground Water Districts 2009 Second Plan of Action ("Second Plan of Action") filed with the Idaho Department of Water Resources ("Department") on August 3, 2009. The data reported by Ms. Yenter, based on delivery records provided to her by the North Side Canal Company ("NSCC") through September 15 of this year, indicates that less water has been delivered to the old conversion acres than originally projected in the Second Plan of Action. Specifically, the information provided shows there have been no surface water deliveries by NSCC to a number of the old conversion projects that were expected to resume taking surface water for the remainder of the 2009 irrigation season. Additionally, I understand you provided a spreadsheet to the Department on September 18, 2009 that lists the names, locations, and acres for 2009 conversion projects, excluding the new conversions associated with the Ground Water Districts' over-the-rim mitigation plan. The spreadsheet you provided lists a total of 5,742 acres associated with conversion deliveries, as opposed to the approximate 7,745 acres that the Ground Water Districts identified in their Second Plan of Action.

Based on the information reported by Ms. Yenter and NSCC, Department staff modeled the benefit of actual surface water deliveries to the "old" conversion projects or acres, and updated the resulting benefit to the Buhl to Thousand Springs as follows:

Existing Conversions	New Conversions	CREP	Total Provided	Total Required	Shortfall
2.76	2.82	0.68	6.26	12.23	5.97

Note that the value for Existing Conversions is only 2.76 cfs, versus 6.32 cfs that was projected in a similar analysis and identified in Finding 7 of the Department's Amended Curtailment Order dated August 7, 2009. The 2.76 cfs shown in this updated analysis is based on surface water deliveries to existing conversions through September 15, and deliveries projected through the end of this irrigation season for the same conversions.

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Assuming recharge water is delivered in similar proportions to the same canals and laterals as delivered for 2007 late season recharge, the Ground Water Districts would be required to deliver approximately 25,600 acre-feet of recharge water in the fall of 2009 to satisfy the 5.97 cfs shortfall. The current projected shortfall of 5.97 cfs to the reach equates to a shortage of 0.41 cfs directly to Clear Springs. Assuming the Ground Water Districts will conduct late season recharge using 10,000 acre feet of surface water delivered through NSCC facilities, the anticipated benefit directly to Clear Springs will be at least 0.13 cfs¹. Although late season recharge may reduce the shortfall to Clear Springs to at least 0.28 cfs, this remaining shortfall is still significantly higher than the 0.17 cfs shortfall projected in the Department's Amended Curtailment Order of August 7, 2009. As a result, the Ground Water Districts may need to increase 2009 late season recharge considerably in order to reduce the remaining shortfall. Given the Department's understanding that the Ground Water Districts have only secured a total of 27,500 acre-feet this year for both conversions (old and new) and late season recharge, there is a concern that the Ground Water Districts may have a greater shortfall than projected in either the Amended Curtailment Order or the original Curtailment Order dated July 22, 2009.

I welcome any additional data or information that may clarify the Department's understanding of the Ground Water Districts' implementation of its Second Action Plan.

Sincerely,



Gary Spackman
Interim Director

cc: North Snake Ground Water District.
Magic Valley Ground Water District
Clear Springs Foods, Inc.
John Simpson, Attorney, Clear Springs Foods, Inc.
Cindy Yenter, Watermaster, Water Districts 130 and 140
Allen Merritt, IDWR Southern Region Manager

¹ See Affidavit of Charles M. Brendecke, North Snake and Magic Valley Ground Water Districts, August 11, 2009, Item 3, page 3.