

date

Paradise Springs Farm
c/o Michael Reid
550 South 450 West
Victor, ID 83455

RE: LETTER INQUIRY DATED NOVEMBER 22, 2004

Dear Mr. Reid:

Your letter dated November 22, 2004 to Director Karl Dreher has been referred to me for response. In your letter you request a hearing to determine whether the replacement of a 6 inch diameter water well with a 12 inch diameter water well by Trees, Inc, will injure your water right diverted from Paradise Springs. Your letter was accompanied by a report titled Evaluation of the Impact of Groundwater Pumping on Paradise Springs, Teton County, Idaho ("Brockway Report") prepared for you by Brockway Engineering and dated March 18, 2003.

In your letter you advised that Trees, Inc, has drilled a 12-inch diameter well to replace a 6-inch diameter well and as a result may divert more water than authorized under its water right. You also state that requiring the installation of a measuring device on the well used by Trees Inc. will satisfy your request for hearing.

The department's Idaho Falls office has advised me that Trees, Inc. did construct a 12-inch diameter replacement well, since the 6-inch diameter well started to fail, but has not yet diverted water from the larger well. The office also advised that the Trees, Inc. well is located about a mile from Paradise Springs and that there are many wells between the springs and Trees' wells.

Department records show the following for the water rights referenced in your letter:

Identification No:	22-0405
Owner:	Michael L. Reid
Source:	Paradise Spring tributary to Teton River
Priority:	June 1, 1904
Rate of diversion:	0.5 cubic feet per second ("cfs")
Point of diversion:	SW1/4NE1/4NW1/4 Section 30, T4N, R45E, B.M.
Use:	Irrigation
Season of use:	April 15 to October 31
Place of use:	35.6 acres in SE1/4NW1/4 Section 30, T4N, R45E, B.M.
Basis:	Decreed

Identification No:	22-2280B
Owner:	Trees, Inc.
Source:	Ground water

Priority: October 3, 1966
Rate of diversion: 0.53 cfs
Annual volume: 136.5 AF
Point of diversion: SE1/4SW1/4 Section 18, T4N, R45E, B.M.
Use: Irrigation
Season of use: April 15 to October 15
Place of use: 39 acres in SE1/4SW1/4 Section 18, T4N, R45E, B.M.
Basis: License w/ Transfer No. 5775
Conditions of approval: The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.
Remarks: Transfer No. 5775 issued on August 4, 2000 authorized the use described above.

The Brockway Report found that pumping of the Kunz and Cedron irrigation wells that are located about ½ mile from Paradise Springs affected discharge from the springs. The investigation, however, did not include the effect of other irrigation wells such as the well of Trees, Inc. that is located about a mile from Paradise Springs.

There is not a procedure for the department to grant a hearing in connection with the transfer that was approved over 4 1/2 years ago. It appears that conjunctive management of hydraulically connected surface and ground water rights in the area would better achieve administration of water rights among users. To do this, the rights must be decreed and administered by the water master of a water district. This solution obviously is not immediate, since a number of steps and time are involved.

When the rights can be conjunctively administered, data on past water use will be needed including information on the amount of water (both rate and volume) diverted by ground water and surface water users in the area. To start the compilation of this data, it is reasonable for the department to require installation of measuring devices on ground water users and reporting of the measuring data. This action would also show whether Trees, Inc. is diverting water within the parameters of its water right. The department will review the need to issue such measuring device installation and reporting orders.

If you have questions, please feel free to contact our Idaho Falls office or me.

Sincerely,

L. GLEN SAXTON, P.E.
Administrator
Water Management Division

c: Roger Warner – IDWR
Trees, Inc.