



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 8, 2014

BOB CHANDLER  
AVONDALE IRRIGATION DISTRICT  
PO BOX 81  
HAYDEN, ID 83835

Re: Water Right License Nos. 95-8687, 95-8774, 95-8867, and 95-8909

Dear Mr. Chandler:

On October 28, 2014, you wrote to Director Spackman regarding the water right licenses referenced above. The Director has asked me to respond to your letter.

I have reviewed the water right files in the name of Avondale Irrigation District and found that water right license nos. 95-7558, 95-8144 and 95-8321, developed in the 1970's or 1980's were limited in combination based on a total measured capacity of 11.81 cfs from three wells in use during development of the rights. When the beneficial use exam was conducted in 2009 for water right permit nos. 95-8687, 95-8774, 95-8867 and 95-8909, the field examiner measured the capacity of each of the prior existing and new wells and found that the sum of the individual capacities for each of the wells totaled 13.94 cfs. In your letter, you questioned the 2009 measurements for the prior existing wells, specifically the discrepancy between the measured value and the theoretical value for one of the prior existing wells. It is not clear why the discrepancy exists; however, it is not uncommon for the productivity of the pumping system to change over time, or due to specific operating conditions at the time of measurement. Unfortunately, revisiting the 2009 operating conditions today would be very difficult.

The purpose of a beneficial use exam is to verify the use of water during the authorized development period of a permit. In situations where a prior water right(s) exists in a common system, the Department needs to determine the new increment of beneficial use that was developed for a permit(s) during its authorized development period. To determine the new increment of beneficial use, the capacity of the entire common system needs to be determined. Although the three prior existing wells produced 11.81 cfs during their original development, the productivity or operating conditions for those wells may have changed since the 1980's. The best way to verify the new increment of beneficial use during the permit development period for Avondale's common system would be to review pumping records during the period just prior to 2009. A peak hourly demand for the common system greater than 11.81 cfs would confirm additional beneficial use above the prior existing water rights.

Water right license nos. 95-8687, 95-8774, 95-8867, and 95-8909 were issued as Preliminary Orders of the Department in March, 2009. A preliminary order of the Department can be appealed by a party by filing a Petition for Reconsideration of the order within 14 days after the order is issued. After the 14-day period, the order becomes a Final Order of the Department. Once the statutory time period for appeal of a Final Order has passed, the Department does not change the order; this ensures finality in the Department's administrative processes. Exceptions can be made to resolve a specific procedural or clerical error. In my review, I was unable to identify a specific procedural or clerical error that would justify a change in the licensing condition limiting the water rights in combination to 13.94 cfs. If Avondale's current peak demand is greater than the 13.94 cfs combined limit, an alternative would be to file another application to appropriate water for the additional flow rate.

I hope this letter provides sufficient explanation to address your concern. Please feel free to contact me if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', with a stylized, flowing script.

Jeff Peppersack  
Chief, Water Allocation Bureau

cc: IDWR Northern Region