

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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☐ Insufficient Address
☐ Moved, Left No Address
☐ Unclaimed ☐ Refused
☐ Attempted - Not Known
☐ No Such Street ☒ Number
☐ Vacant ☐ Illegible
☐ No Mail Receptacle
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☐ Returned For Better Address
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1827 RICH RD
GRACE ID 83241

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FIRST CLASS



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JAN 30 2006

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13-2313



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PETITION	)	
FOR CONJUNCTIVE MANAGEMENT	)	
IN WATER DISTRICT NO. 13-T	)	ORDER CREATING
IN THE NAME OF WARREN	)	CONTESTED CASE AND
LLOYD (SECOND PETITION	)	ESTABLISHING FILING
DATED JANUARY 13, 2006)	)	DEADLINES
_____)		

HISTORY

On August 6, 2003, Warren Lloyd (Lloyd) filed a petition for delivery call with the Idaho Department of Water Resources (IDWR) requesting conjunctive management of ground water rights in the Bancroft-Lund Area. The petition created a contested case before IDWR. On October 25, 2004, IDWR conducted a hearing for the contested case. On January 31, 2005, IDWR issued a preliminary order denying Lloyd's petition for delivery call without prejudice. Lloyd petitioned the hearing officer to reconsider the denial of the petition for delivery call, and, on March 3, 2005, the hearing officer denied Lloyd's petition for reconsideration. The preliminary order became a final order on March 17, 2005.

On January 13, 2006, Lloyd filed a second petition for delivery call. The petition seeks curtailment of diversion of ground water under ground water rights bearing a priority date earlier than September 29, 1966, the priority date of Lloyd's ground water right. The requested relief is the same relief requested in the August 6, 2003 petition for delivery call. Other ground water users in the Water District No. 13-T, Bancroft-Lund, were served with the petition.

ANALYSIS

Idaho Code § 42-237a.g. grants the director of IDWR the following authority:

To supervise and control the exercise and administration of all rights to the use of ground waters and in the exercise of this discretionary power he may initiate administrative proceedings to prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available. To assist the director of the department of water resources in the administration and enforcement of this act, and in making determinations upon which said orders shall be based, he may establish a ground water pumping level or levels in an area or areas having a common ground water supply as determined by him as hereinafter provided. Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would