

RECEIVED
JUL 15 1994

Department of Water Resources
Eastern District Office

July 14, 1994

Keith Higginson
Dept. Water Resource
1301 N. Orchard
Boise, ID 83706

Dear Mr. Higginson;

We are writing in regards to the "Rules for the conjunctive management of surface and ground water". The following is a list of our concerns and objections:

Rule# 010-14: Idaho law has established that senior rights are senior, and we feel mitigation should not be considered.

Rule# 031-01: It is our opinion that the numerous wells in our river district, Portneuf #29, are seriously depleting the surface water. Since the early 1950's our water supply has become less and less. Enclosed are two affidavits from people that lived on land within our canal system before most of the wells were drilled. Also, the river master has commented that he has observed that when the wells start turning on, he has to start taking junior surface water rights to fill senior water rights.

Rule# 040-01/a: We feel that a five year phase in plan is too long. Our water right has been injured for many more years than five. We do not feel that ground water users should be given any phase in plan.

Rule# 040-04/f: Measuring and recording devices are required by law in our district. The installment and operation of these devices needs to be enforced by the I.D.W.R. which is not being done at this time.

Rule# 040-6: Surface water rights should have the same privilege as ground water rights for domestic and stock water use.

Rule# 040-12: If river masters and secretaries are given more responsibilities, we feel that they will need more training given by I.D.W.R..

We personally feel that the wells in our district effect our surface water. And, according to Idaho law the junior water user has the burden of proof that they are not infringing on senior water appropriation.

Sincerely,
Lava Irrigation Co.
Board of Directors

Shane Irick
Shane Irick, President

copie to I.D.W.R. Idaho Falls Office