



IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 15, 2025

David Ard
3627 23rd St.
Lewiston, ID 83501

Mark J. (Jim) Bowen
2304 Grelle Ave.
Lewiston, ID 83501

Re: Ard and Bowen Petition for Delivery Call

Dear Mr. Ard and Mr. Bowen,

This Idaho Department of Water Resources ("IDWR") received your Petition for Delivery Call ("Petition"), dated July 25, 2025. The Petition describes problems supplying water pursuant to Water Rights 85-15730 and 85-15851, seeks administration of water rights pursuant to Rule 30 of IDWR's Rules of Conjunctive Management for Surface and Ground Water Resources ("CM Rules") (IDAPA 37.03.11.030), and identifies the Lewiston Orchards Irrigation District as the Respondent. The Department is returning the Petition to you because it fails to comply with CM Rule 30.

The CM Rules establish the procedures for requesting the administration of water rights by priority, a process known as a "delivery call." CM Rule 030.01.d states that a delivery call petition must include "[a] description of the area having a common ground water supply within which petitioner desires junior-priority ground water diversion and use to be regulated." The Petition alleges that you have suffered material injury "as a result of junior priority ground water pumping in the areas encompassed by the Grande Ronde Aquifer." *Petition* at 4. The Petition requests that the Department "[c]urtail junior priority pumping as necessary to allow recharge of [sic] Grande Ronde Aquifer, prevent waste, and ensure continued access to water for Ard and Bowen." *Id.* Thus, the Petition identifies the Grande Ronde Aquifer as the area having a common ground water supply and seeks curtailment of all junior ground water pumping in the aquifer. But it appears that the Petition was only served on Lewiston Orchards Irrigation District ("LOID"). *Id.* at 5. If it is your intent to request that the Department curtail all junior ground water users within the Grande Ronde Aquifer, you must clearly identify the Grande Ronde Aquifer as the area of common ground water supply in the Petition, identify the names, addresses and description of the water rights of the ground water users (respondents) within the Grande Ronde Aquifer, and serve the petition on those respondents. IDAPA 37.03.11.030.01.d, 030.01.b, and 030.02; *see also Memorandum Decision & Order*, Sun Valley Co. v. Spackman, Case No. CV-WA-2015-14500 (Apr. 22, 2016), a copy of which is attached to this letter. Alternatively, if you are making a delivery call only against LOID and are alleging that only LOID is materially injuring your water rights, the Petition must clearly allege that you are making a delivery call against LOID only and otherwise comply with CM Rule 030.01.

Because the Petition does not include the required information, it is not complete, and IDWR is returning the Petition to you pursuant to Rule 302 of IDWR's Rules of Procedure (IDAPA 37.01.01).

Please call or email if you have questions.

Sincerely,



Michelle Richman,
Northern Region Manager

cc: Mat Weaver, Director, IDWR
Shelley Keen, Deputy Director, IDWR
Nick Miller, Water Administration Bureau Chief, IDWR
Lewiston Orchards Irrigation District