

Warren P. Lloyd
1475 Mountain Road
Bancroft, ID 83217

February 8, 2005

Gary Spackman
Idaho Dept. of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

RE: *PETITION FOR RECONSIDERATION*

Dear Mr. Spackman,

Please accept this letter as a *PETITION FOR RECONSIDERATION* relating to the Preliminary Order in the matter of Petition For Conjunctive Management of Ground Water in Water District No.13-T in the name of Warren Lloyd.

The Preliminary Order that the Petition For Conjunctive Management be denied should not stand for the following reasons.

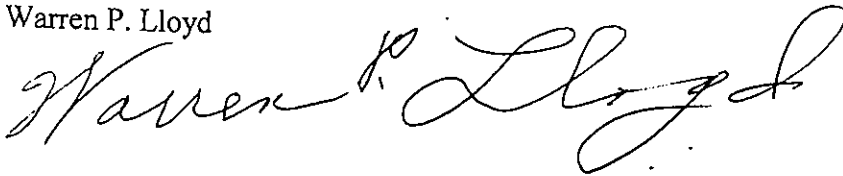
1. Data pertaining to volume of water flowing in small ditches and canals was not presented at the hearing. Competent testimony or expert opinion was not given relating to how much water from ditches and canals percolate to the area overlying the Lloyd farm.
2. Assuming the absence of percolation from the surface ditches, canals and previous surface water practices are contributing factors for lack of water underlying the Lloyd farm, then it is obvious that Junior Right water users, pumping in the same area, from the same aquifer, are interfering directly with water that should be flowing to the Lloyd farm.
3. If there is a correlation between discontinuation of surface water delivery to the Welch property and the reduced production of the original Lloyd well in 1979, then there must also be a correlation between the two wells on the Welch property and ten other new wells that started pumping that year, all located within 1 ½ miles of the Welch property.
4. The fact that the water level in the Lloyd well started to decline in 1979 or earlier does not lend support that the ditch used by Welch and Holsten was a source for water percolation to the Lloyd well. Holsten used the same ditch until 1986, seven years after the water started to decline in the Lloyd well.
5. Mr. Bendixen's memorandum contradicts itself. He used information given from pumping records and mathematical calculations to show the Lloyd well is "a good producing well". However, in his concluding remarks he states, "If Mr. Lloyd has a problem meeting his irrigation demands, it is a problem with his well, not the aquifer." Either Mr. Bendixen believes the well is a good producing well or that the well has a problem. Which is it? Also Mr. Bendixen testified that he had not personally observed the Lloyd well.

I do have technical information to show causes of reduced production from my well. I do understand that you can't use that information now because it was not entered as exhibits at the hearing. I had the information available at the hearing. Some of my information was prepared by an independent professional hydrologists, R. Keith Higginson and Jack Barnett. I had over a dozen charts that were prepared and are endorsed by the Idaho Dept. of Water Resources. This information clearly shows the effects of pumping on this aquifer. The records from the Idaho Dept. of Water Resources correlates with the determinations made by the professional hydrologists that there is injury to my water right. I was not aware that I needed to have at the hearing expert witnesses and/or professionals to discuss this information that was already a record of the Idaho Dept. of Water Resources. Mr. Spackman you advised me that you would consider any information that was a record of the Idaho Dept. of Water Resources. During any future proceedings, I will have expert witnesses and/or professionals to present information.

I look forward to hearing your reconsideration and reversal of your findings.

Sincerely,

Warren P. Lloyd

A handwritten signature in cursive script that reads "Warren P. Lloyd". The signature is written in black ink and is positioned below the typed name.

Gary Spackman
Idaho Dept. of Water Resources

I HEREBY CERTIFY that on this 10 day of February, 2005, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

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US DEPT OF AGRICULTURE
FARMERS HOME ADMIN
159 E 2ND S #3
SODA SPRINGS, ID 83276

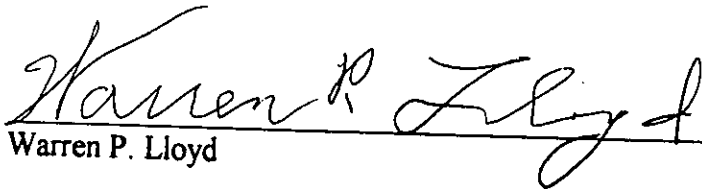
**ADDITIONAL INDIVIDUALS AND ENTITIES
REPRESENTED BY COUNSEL
IN THIS MATTER**
(Warren Lloyd has accomplished service by serving counsel)

C/O RANDALL BUDGE

Bart O Christensen, Stoddard Farms of
Grace, Phil J & Lisa Yost, Terry & Marjean
Rindlibaker, Von Simonson, Kim Welch,
Dale R & Nuelene Wistisen, Wistisen
Livestock Corp., Gem Valley Farms, C/O
Chad Neibaur

C/O BRUCE LARSEN

Jorgensen Brothers, Terry C Jorgensen et
ux, Carl B & Patricia Jorgensen, Keith C
Jorgensen, Keith C Jorgensen et ux, Don C
& Virginia E Rigby


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