



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 1999

Carl Jorgensen
1699 Lloyd Rd
Bancroft, ID 83217

Re: Water Right No. 13-07161; Diversion of Ground Water from Well Located in T9S, R40E, Section 32, NWNW, IDWR Well Number A0003599; Potential Unauthorized Place of Use.

Dear Mr. Jorgensen,

Craig Shuler, watermaster of Water District 13-T, Bancroft-Lund, reported to me last week that he had observed the above referenced well running but that no water was being used from either the pivot or two wheel lines located near your well and east of both the county road and your potato cellar. I believe that the county road in question is called Hegstrom Road. Mr. Shuler first made this observation on October 9 while making a routine water level measurement at the well.

Mr. Shuler made this same observation again on October 13. This latter visit was made in response to an inquiry made by a local water user. During this second visit, he noted that water from the well appeared to be going to the mainline that runs west of the well to your land located west of the county road. He observed that water appeared to be going west of the one-way check valve and that the check valve may have been fastened to the west mainline with new bolts. He also observed that a pivot was running west of the county road. Based on his description of the pivot location, I believe it is located on land that you own and that this land is normally irrigated by surface water from a lateral of the Last Chance Canal. Mr. Shuler observed on October 13 that there was no water in any of the nearby canals that may service this land.

You are no doubt aware of the department's concerns regarding the use of this well. I personally discussed these concerns with you at the well site on June 18, 1999. Specifically, there had been past allegations that you divert water from this well to the west mainline for use on lands located west of Hegstrom Road that are not covered by any water rights authorized to be diverted from this well. In response to these complaints, you showed me that you had installed a one-way check valve that would prevent water flowing into the west mainline. I observed what appeared to be a one-way check valve installed on the west mainline and felt that this was a suitable approach to resolving concerns about use of the well. I trusted that the valve was genuine and would not be altered.

I have again reviewed for any water rights associated with this well. I find only one water right associated with this well, right no. 13-07161. The place of use authorized under this right includes land in Section 32 and Section 29, all located east of the county road, or Hegstrom Road.

It is my understanding that Mr. Shuler called you directly on October 14 to ask about operation of the well. He reported that you indicated that the pivot near the well was being used but he indicated that he was certain that the pivot was not operational. You then provided some explanation about burning rock piles. We are not certain how the latter explanation relates to the operation of the well.

The purpose of this letter is to provide you an opportunity to explain how the well was operated and where water from the well was being used between October 9 and October 13, 1999. If contact me immediately if we have overlooked identification of certain water rights or have misrepresented any facts or events. Please provide a written explanation to the department or contact me directly at 327-7864 on or before November 5, 1999. Failure to timely respond may result in a Notice of Violation and Cease and Desist Order. Such an order may carry civil penalties.

I have noticed also that water right 13-07161 is still listed under the ownership of the Farmers Home Administration (now known as Farm Service Agency). I am forwarding a copy of this letter to the FSA for their records. If you have sole interest in the water right, I suggest that you submit a change of ownership form to the department. A form has been provided for your convenience.

(Note: An earlier version of this letter, dated October 18, 1999 was sent to you at the above street address in Grace, Idaho. The letter was returned. Your street address and post office for that letter was obtained using a local phone directory. We updated our water district records showing the correct post office as Bancroft. The FSA received the original letter of October 18.)

Respectfully,



Tim Luke
Water Distribution

Cc: Craig Shuler, Watermaster
Harold Jones, Eastern Region
Farm Service Agency, Soda Springs