

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY  
CHARTERED**

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SENDER'S E-MAIL ADDRESS: [randy-b@racinelaw.net](mailto:randy-b@racinelaw.net)

August 29, 2000

**Transmitted Via Fax and Mail:**

Karl Dreher, Director  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098  
Fax: 208-327-7866

Craig Shuler, Watermaster  
Bancroft-Lund Ground Water Management District  
255 W. 4 S.  
Soda Springs, Idaho 83276

Re: *Bancroft-Lund Ground Water Management Area  
Warren Lloyd - Water Right No. 13-0213*

Dear Mr. Dreher and Mr. Shuler:

I represent Warren Lloyd of Bancroft, Idaho. Mr. Lloyd owns ground water right number 13-0213, a ground water right for 650 gpm with a priority date of 9/29/1966 used to irrigate 237 acres in the Bancroft-Lund area.

The water rights of Lloyd and others in the Bancroft-Lund area were decreed on July 28, 1992 in the Sixth Judicial Court of the State of Idaho in the Matter of the Adjudication of the Bancroft-Lund Area. Among other things the Decree established a common ground water source.

Lloyd hereby makes a delivery call on the water and demands that the Director and the Watermaster deliver all water in the Bancroft-Lund Management Area on a time priority basis and cause junior priority water right holders to cease or reduce withdrawal of water until such time as there is sufficient ground water to fully satisfy the rights of Lloyd and other senior water right holders. Since early July Lloyd has received approximately one-half of his lawful right. He has made verbal demands on the watermaster to curtail junior right holders. Watermaster Shuler has taken no action, purportedly under the instructions of his supervisor in Eastern Region.

NORW

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Karl Dreher  
August 29, 2000  
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As you are well aware as between water right holders, water must be delivered on a time priority basis, i.e., "first in time is first in right". I.C. §42-106, §42-226. The watermaster has a clear statutory duty to distribute waters of the Bancroft-Lund Ground Water Management District among the water right holders based on priority; and, further, in times of scarcity, to curtail junior rights in order to supply the prior rights. I.C. §42-607. Since a common ground water supply has already been established in the management area, the Director must exercise statutory powers under I.C. §42-237(a), (g) to determine that there is not sufficient water to fill all ground water rights within the management area and issue an Order limiting or prohibiting withdrawals of water by junior right holders until the rights of senior right holders have been satisfied.

The Ground Water Management Area statute, I.C. §42-233(b) also provides:

"The Director, upon determination that the ground water supply is insufficient to meet the demands of water rights within all or portions of a water management area, shall order those water right holders on a time priority basis, within the area determined by the Director, to cease or reduce withdrawal of water until such time as the Director determines there is sufficient ground water. Such Order shall be given only before September 1 and shall be effective for the growing season during the year following the date the Order is given."

In accordance with this statute, it is respectfully requested that the Director immediately issue an Order pursuant to I.C. §42-233(b) determining that the Bancroft-Lund ground water supply is insufficient to meet the demands of water right holders and that all water rights will be delivered on a time priority basis effective for the 2001 growing season.

Your consideration and prompt attention to this matter is requested and appreciated.

Sincerely,



RANDALL C. BUDGE *RR*

RCB:rr

cc: Ron Carlsen, Eastern Region Manager/IDWR (Fax: 525-7177)  
Warren Lloyd

Karl Dreher  
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