



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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November 28, 2000

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

Lloyd Farms  
C/o David or Ben Lloyd  
1917 Lund Rd  
Bancroft, ID 83217

Re: Request for Department Forms to Call for Delivery of Water

Dear Gentlemen,

On November 8, 2000, I received your letter dated October 23, 2000 regarding an alleged shortage of ground water from your diversion near Bancroft. Your letter was submitted in response to my correspondence of October 20, 2000 that inquired about any ground water pumping problems you experienced this year. Your letter states that you experienced "severe" water problems this year. The Department appreciates your prompt reply although we had hoped for a more detailed explanation of problems including flow rates, pressures and dates, etc. We will review all data or information submitted by the watermaster for further input or understanding of your diversion and water use.

Your letter also refers to a potential water shortage next year. Subsequently, you have requested necessary forms or paperwork to make a water right delivery call. There are no specific forms or applications that must be filed with the Department when making a delivery call. Instead, a water right holder may file a written petition with the Director of the Department in accordance with Rule 230 of the Department's Rules of Procedure. Specifically, a petition should satisfy the following criteria:

- a) Fully state the facts upon which they are based;
- b) Refer to the particular provisions of statute, rule, order, or other controlling law upon which they are based;
- c) State the relief desired; and
- d) State the name of the person(s) petitioned against (the respondent), if any.

Enclosed for your uses are copies of the Department's Administrative Rules and Procedures (IDAPA 37.01.01) and the Department's Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11). These latter rules provide direction concerning the Department's response to a delivery call (see Rule 39.03.11.40 and 41). We suggest that you refer to these rules and the above criteria of the Rules of Procedure if you believe it is necessary to make a delivery call.

Also enclosed for your reference is a copy of the IDWR order creating the water district in the Bancroft-Lund area, Water District 13R (renumbered 13T). Please note that Paragraph 3 on page 7 of the order provides that "the watermaster shall not curtail the use of water under any junior priority ground water right using water as authorized by the right, unless the holder of the

right has not paid the current water district assessment....” The order specifically makes the distribution of water among ground water rights by priority of right subject to the following condition:

If data becomes available to demonstrate to the satisfaction of the director that withdrawals of ground water in the Bancroft-Lund Area have reduced ground water levels below reasonable pumping levels, junior ground water users will be required to reduce or eliminate diversion in accordance with the priorities of the water rights to the extent necessary to maintain reasonable ground water pumping levels, show to the satisfaction of the director their particular ground water use does not affect ground water levels which have gone below the reasonable pumping level, or may provide substitute water or other appropriate mitigation to senior ground water users at the cost of the junior ground water users. (Conclusion of Law No. 15 of the Director’s Report entered in Civil Case No. 2919, Bancroft-Lund Water Rights Adjudication)

Information required by this latter condition is either not yet available or does not yet satisfactorily demonstrate that withdrawals of ground water in the Bancroft-Lund Area have reduced ground water levels below reasonable pumping levels.

Your letter ends with some suggestion that the watermaster is prevented from monitoring water use and/or investigating unauthorized uses. The Department remains firm that the watermaster does have the authority to monitor water use and that this is a role that the watermaster must fulfill. Indeed, the watermaster did investigate several complaints last season and monitored uses near the Lloyd wells. The watermaster consulted several times with IDWR staff regarding particular water use and water right questions and IDWR staff visited with the watermaster in the field to discuss and review his concerns. No formal violations or fines were issued last season but several water use concerns investigated by the watermaster were resolved or corrected with input from IDWR. Among other duties, the watermaster again this year locked several mainline valves in the area to prevent potential unauthorized uses. IDWR believes the watermaster has been diligent in his duties. In terms of regulation, we believe that his presence and on-going monitoring has benefited the area.

Please contact this office if you have additional questions or need further assistance related to this matter.

Sincerely,



Tim Luke  
Water Allocations

Enclosure

Cc: IDWR Eastern Region  
Craig Shuler, Watermaster