



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 29, 2001

Craig Shuler, Watermaster  
Water District 13-T  
255 W 4 South St  
Soda Springs, ID 83276

*(Also sent copy of  
Preliminary Order Formation  
of Bancroft-Lund Area 5/26/95)*

Re: Enforcement of Water Rights

Dear Mr. Shuler,

I understand that there has been some concern recently among the water district water users concerning your authority to regulate water rights within the district. The purpose of this letter is to clarify your authority with respect to regulation of water rights in Water District 13-T.

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). The order is clear that the watermaster shall not curtail junior priority water rights to satisfy senior rights unless the director of IDWR determines that such action is needed to protect reasonable pumping levels in the area (see Paragraph 3, page 7 of the order). The director has not yet made any determination that withdrawals of ground water in the Bancroft-Lund Area have reduced ground water levels below reasonable pumping levels.

Despite the above limitation, it is the Department's opinion that the watermaster does have authority to regulate any diversion or use that is not authorized by a valid water right or not in conformance with applicable water rights. When regulating such unauthorized uses the watermaster should first coordinate with appropriate IDWR staff. Such coordination should result in a clear identification and understanding of the water rights as well as the method of regulation that may be implemented. Coordination should also address notification to the water user prior to taking regulatory action.


As you know a petition from Warren Lloyd was filed with IDWR last August asking the director to declare that there is an insufficient supply of water in the Bancroft-Lund area and that diversions be delivered on a time priority basis. The director gathered and reviewed available hydrologic data and did not make the determination sought by the Lloyd petition. The director met with Mr. Lloyd last fall and advised him to re-install his flow meter and re-open his water level access port to allow flow and water level monitoring by the watermaster. The access port has since been re-opened. You should measure water levels in the Warren Lloyd well at least once per week during the irrigation season. Additional monitoring may be necessary if flow problems exist. The flow meter must be re-installed so that you can monitor discharge and confirm any further complaints from Mr. Lloyd concerning a reduction in his total flow rate. Flow rates at the Lloyd well should be recorded by you as frequently as possible. Confirmation of flow reductions should be reported to IDWR.

Given the continued concerns of Mr. Lloyd about injury to his well from other wells in the area and because the upcoming irrigation season may again be drier than normal, IDWR will forward some further instruction to you and the users regarding some additional level of monitoring. Specifically, you should begin tracking of season turn-on/turn-off times of all wells in the district. The district water users should report season on/off times directly to you. A more detailed record of turn-on/turn-off times for wells in the vicinity of Warren Lloyd should be kept this year.

Since this may again be a dry year it is possible that you may again receive calls from well owners concerning reduced flow rates. Please contact IDWR regional staff or me when receiving or responding to such calls. Should you receive or respond to calls about reduced diversion rates or lack of water, IDWR asks also that you contact nearby well owners to determine if there are any similar problems in their wells.

Please contact me directly if you have questions concerning this matter. I hope to be sending you some updated water right place of use maps prior to the irrigation season. The maps should include the updated places of use pursuant to transfers approved over the past year.

Sincerely,



Tim Luke

Section Manager, Water Distribution

Cc: Bart Christensen, Advisory Committee Chair  
IDWR Eastern Region