

FILE
WD 13T-2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 8, 2004

Carl Jorgensen
1699 Lloyd Rd.
Bancroft, ID 83217

Re: Temporary Change Application TC-13-05; Use of Water from Well Located in T5S, R40E, Section 5, SENW

Dear Mr. Jorgensen,

On May 4, 2004, the Idaho Department of Water Resources ("IDWR") approved Temporary Change Application No. TC-13-05 for Jorgensen Farms Joint Venture LLS ("Jorgensen Farms"), which authorized a change in point of diversion under water right 13-7010. You signed the Temporary Change Application on behalf of Jorgensen Farms. Specifically, the application allowed you to temporarily change your point of diversion from a well located in the SWSE, Section 5, T10S, R40E, which you stated had gone dry, to a well located in the SENW, Section 5, T10S, R40E.

The well at the location in the SENW of Section 5 is a well that was formerly used for irrigation purposes under water rights 13-2198 and 13-7005. Temporary Change Application TC-13-05 states that the well to which the water under right 13-7010 is being moved to is an "existing well under (right) 13-7005". In April of 2004, IDWR approved water right transfer no. 4842 that moved the place of use and point of diversion of water rights 13-2198 and 13-7005 to a new location in Administrative Basin 29, Sections 13 and 14, T9S, R40E. The water rights were respectively renumbered to 29-8240 and 29-8241. Condition of Approval no. 11 of water right transfer 4842 provides that:

The well previously used under Rights 13-2198 and 13-7005 shall be abandoned in a manner which complies with the Department (IDWR) well abandonment rules.


A copy of the IDWR Well Construction Standard Rules pertinent to abandonment of wells is attached for your reference (IDAPA 37.03.09.12 – Rule 12). The water district 13-T watermaster, Craig Shuler, recently inspected the well located in the SENW, Section 5, T10S, R40E that was formerly used under rights 13-2198 and 13-7005. The watermaster has confirmed that this well is being used for irrigation of the 35 acres under water right 13-7010. It appears you have not complied with Condition no. 11 of approved water right transfer no. 4842 since you have sought to use this well for the above referenced Temporary Change Application.

The purpose of this letter is to verify with you that the well located in the SENW, Section 5, T10S, R40E has not been properly abandoned in accordance with IDWR well abandonment rules as required by water right transfer 4842. If the well has not been

abandoned, please provide an explanation why this action was not taken. Please provide your response to this office on or before July 15, 2004. Failure to respond to this inquiry may result in IDWR immediately rescinding the Temporary Change Application and ordering you to properly abandon the well. If you have failed to comply with the conditions of transfer 4842, IDWR may take additional action to assure compliance with this transfer and the Department's well abandonment rules.

You may contact me directly at 327-7864 regarding questions and/or resolution of this matter.

Respectfully,

A handwritten signature in cursive script that reads "Tim Luke".

Tim Luke

Cc: Craig Shuler, Watermaster
Roger Warner, Eastern Region
Cindy Bird, IDWR Soda Springs Office