

OFFICE OF THE GOVERNOR
CECIL D. ANDRUS
STATE CAPITOL
BOISE, IDAHO 83720
(208) 334-2100

RECEIVED

AUG 24 1989

Department of Water Resources

C O P Y

August 22, 1989

Mrs. Lois Bleak
Route 1, Box 27
Moore, ID 83255

Dear Mrs. Bleak:

I have reviewed your letter concerning water supply problems in the Moore-Arco area with R. Keith Higginson, Director of the Department of Water Resources. You have asked that a public meeting be arranged between IDWR, the Big Lost River Irrigation District directors and local citizens, that pumping of illegal wells be stopped, and that permits authorizing use of ground water on Era Flats west of Arco be withdrawn.

Mr. Higginson has proposed to a public meeting in the Arco-Moore area to review water issues and discuss potential solutions. Mr. Higginson advises me that a meeting will be useful to assess the extent of the water shortage problems and to encourage a coordinated state-community response. The meeting will not be a hearing to establish responsibility for water supply problems or to determine rights to divert and use water. Such matters can only be determined in accordance with established administrative and judicial procedures.

I agree with you that pumping of unauthorized wells or using water to irrigate unauthorized land areas must be prevented. IDWR will issue orders to stop unauthorized uses of water whenever such uses are identified. In some instances, applications have been pending with IDWR to irrigate land that has been developed and "grandfathered" by the Swan Falls water rights agreement. These filings will be processed, but pumping will be stopped until the wells are reconstructed to prevent diversion of water which could affect surface water flows or de-water shallow domestic wells. If you will provide information on the ownership

and/or location of the wells you believe are illegally pumped, IDWR will investigate and take appropriate action.

Your third request concerns pumping of wells to supply water to the Era Flat. Permits and licenses have been issued by IDWR and probably other valid rights have been developed to allow the pumping. While all rights are subject to control to prevent injury to older water rights, the control must be exercised to provide legal due process for the holders of these rights. The on-going Snake River Basin adjudication is the appropriate way to resolve the issues. Obviously, IDWR and the court cannot complete the adjudication to consider and rule on the ground water issues in your area this irrigation season, but a piecemeal approach of pursuing private litigation separately from the adjudication would also not result in a final decision this year.

The available studies indicate that the water supply of the Big Lost Basin is adequate for existing approved uses even during a series of low runoff years, but the surface/ground water resource must be used conjunctively to supply the needs. I am continuing to encourage all concerned to cooperatively develop the institutional procedures and physical features needed to use the resource to the greatest benefit of local citizens while fully protecting those with early rights from surface sources and domestic wells. If new legislation is needed to allow successful conjunctive management, I will assist in getting it in place.

I have asked Mr. Higginson to keep me personally informed of progress in resolving this difficult matter.

Sincerely,

Cecil D. Andrus
Governor

CDA:abg
cc: R. Keith Higginson