



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 29, 2004

Reuben H Babcock
Rt. 1, Box 14
Moore, ID 83255

Re: Petition for Reconsideration of Idaho Department of Water Resources Order in the Matter of Distribution of Water Rights 34-372A, 34-372B, and 34-690B, Dated July 12, 2004, and Amended Order Dated July 23, 2004

Dear Mr. Babcock,

The Idaho Department of Water Resources ("Department") is in receipt of your letter dated June 22, 2004 requesting reconsideration of the above referenced order. The Department received your correspondence on July 28, 2004. The date on your letter therefore may be in error. The Department acknowledges your correspondence as a petition for reconsideration and a request for hearing.

The Department received a petition for hearing and a request for stay of the Department's order on July 20, 2004 from the law firm of Rigby, Thatcher, Andrus, Rigby and Moeller ("Rigby") on behalf of numerous individual ground water right holders in Water District 34. On July 23, 2004, the Department amended the above referenced order and issued a Notice of Status Conference in response to the Rigby petition. A copy of the amended order and Notice of Status Conference was mailed to you on July 23, 2004. Specifically, the Department scheduled a status conference for the contested case created by the Rigby petition on August 2, 2004, at 10:00 a.m., at the Mackay High School Auditorium, 411 Rose Ave., Mackay, ID. Your petition will be discussed at the Status Conference scheduled on August 2nd along with several other petitions for reconsideration received by the Department from individual ground water users. The hearing officer may consolidate your petition with the Rigby petition and other individual petitions given that the issues raised in the respective petitions are similar. You are encouraged to attend the Status Conference on August 2nd for further information about this matter.

Please also be advised that the Department's amended order delays the date in which ground water rights bearing a priority date junior to June 30, 1883 must be covered by an effective mitigation plan or else be subject to curtailment. The amended order requires that holders of these junior ground water rights that are not covered by an effective mitigation plan shall cease and desist diverting ground water on the later of: a) the date that the Jensen water rights are no longer deliverable; or b), August 3, 2004. Please refer to the amended order of July 23, 2004 for more detailed information.

Please contact me directly at the above office if you have further questions regarding this matter.

Respectfully,

Tim Luke

Manager, Water Distribution Section

Cc: Gary Spackman, IDWR
Ray Rigby, Rigby, Thatcher, Andrus, Rigby and Moeller
Bob Duke, Watermaster, Water District 34

Before the Department of Water Resources
of the State of Idaho

Petition for Reconsideration

June 22, 2004

RECEIVED

JUL 28 2004

DEPARTMENT OF
WATER RESOURCES

IN The MATTER of Distribution
of water to water rights No 34-
372A, 34-372B and 34-690B

I, Reuben H Babcock Route 1, Box 14 Moore
Idaho am not responsible for and am not obligated
to supply water for mitigation purposes to the
above named water rights.

Reasons: I did not cause the present drouth.
The irrigation pumping I do (supplemental)
is not effecting any surface rights.

Id WR has issued unlimited well (irrigation)
permits in this valley and has over adjudicated
the ground water causing hardship for all by
spreading (causing to be) the supply of water
to thin. Unlimited irrigation well pumping
has caused hardship for all domestic wells
in the valley almost all have had to drill
deeper, some more than once. while irrigation

Petition in the matter of Distribution of water Page 1, of 2

wells have been allowed to drill even deeper always reaching below the depth of the domestic wells. Enlargements have been made on what was originally supplement all irrigation wells. some have now become primary sources of water. When irrigation wells were first drilled in basin 34 they were for the purpose of supplementing surface water during periods of drought.

The drought we are now in has compounded these problems. Then with unlimited irrigation pumping being sent ^{to} outside farms to which there is not water for except in high water years.

I am asking the Idaho Department of water Resources to reconsider this matter

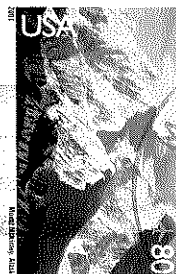
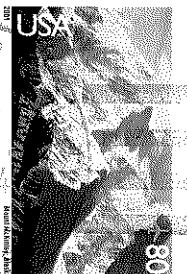
Reuben H Babcock

Reuben H. Babcock
Rt 1 Box 14
Moore, ID
83255

CERTIFIED MAIL



7000 0520 0014 9791 9576



RETURN RECEIPT
REQUESTED

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