



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 27, 2004

Tony Alosi
4129 N 4100 W
Mackay, ID 83251

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

Dear Mr. Alosi,

The Idaho Department of Water Resources ("Department") is in receipt of your letter dated July 20, 2004 requesting reconsideration of the above referenced order. The Department received your correspondence on July 23, 2004, and acknowledges this 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 cases 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

loc: Bob Dake, WD34