

22914 N Shorthorn Ct.
Sun City West, AZ 8375
May 7, 2007

Nick Miller
Water Distribution Section
Department of Water Resources
322 E Front St.
Boise, ID 83720

Sir:

A copy of Mitchell D. Sorensen's delivery call for his surface water rights was sent to you on May 2, 2007. The call for his water rights was made pursuant to IDAPA 37.03.12.05, "Notice to initiate deliver. Water users must initiate delivery of THEIR water rights by notifying the water master that they are ready to put water to beneficial use." He also requested the curtailment of all junior diversions from administratively connected water supplies of the Big Lost River and its tributaries. Our Antelope Creek water rights number 34758 and 34786 were subsequently curtailed.

The implementation of this request implies that the IDWR recognizes Antelope Creek as an area to be administrated as connected sources within Basin 34 and to be administrated pursuant to the conjunctive management rules and the prior appropriation doctrine. This action also applies Water District 34 General Provisions 5, 6 and 7 which places Antelope Creek water rights within Basin 34 to be administrated as connected sources.

Water District 34 procedures manual paragraph 8.3.1 states in part "Rule 50 establishes that all ground water rights within the Big Lost River Basin are subject to conjunctive administration, except as follows."

The delivery call made no reference to the Water District 34 conjunctive management rules. IDAPA 37.03.12.050.01 (Rule 50) states in part "all ground water rights shall be administrated conjunctively as part of the Big Lost River and tributaries unless the ground water user can show to the satisfaction that due to well construction or location, the diversion of ground water from a particular point of diversion does not reduce the flow of the Big Lost River above the last diversion from the Big Lost River.

It appears that Mr. Sorensen has the tacit approval to determine whose water rights are curtailed to satisfy his surface water rights diverted at the Moore Diversion. While his surface water rights were being satisfied, he continued to divert ground water out of priority. IDWR historical records conclude that ground water diversion, including Mr. Sorensen's well, is the cause of insufficient water at the Moore Diversion to satisfy surface water rights!!

Please clarify why the response to this call did not administer water rights in priority pursuant to Idaho Law, Water District 34 distribution rules and the prior appropriation doctrine?

Your prompt response would be appreciated as curtailment of water rights at the beginning of the irrigation season is devastating to our crop production as we do not have any supplemental ground water and our irrigation season from the creek is a very short one.

Sincerely,


Tommy C. Waddoups

May 7, 2007

TO: Nick Miller
Water Distribution Section
Department of Water Resources
322 Front Street, Boise ID 83720

FROM: TOMMY C. WADDOUPS
22914 N. Shorthorn Ct.
Sun City West, AZ 85375

FAXED TO : 208 287-6700

REPLY TO FAX NUMBER; 623-546-5784

Please telephone this number first before faxing as it is on our personal phone line.
Thanks, Tommy Waddoups