



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

January 16, 2004

Jason R. Miciak
 139 River Vista Place, Suite 102
 P. O. Box 2632
 Twin Falls, ID 83303-2632

VIA FACSIMILE TO (208) 734-5605 AND FIRST CLASS MAIL

Re: Distribution of Water to Pristine Springs, SeaPac of Idaho, and William D. Jones

Dear Mr. Miciak:

I have reviewed your letter dated January 9, 2004, which was received by the Department of Water Resources on January 12, 2004, in which you demand administration of water rights on behalf of your clients pursuant to Idaho Code, Title 42, Chapter 6. Your demand will be treated as a call for water delivery against junior priority ground water rights under the "Rules for Conjunctive Management of Surface and Ground Water Resources" (IDAPA 37.03.11) ("Conjunctive Management Rules"). The rules are available at the following website:

<http://www2.state.id.us/adm/adminrules/rules/idapa37/0311.pdf>

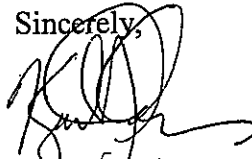
These rules prescribe how IDWR is to respond to a call for water delivery made by a holder of a senior priority surface or ground water right against the holders of junior priority ground water rights. Rule 40 of the Conjunctive Management Rules prescribes procedures for responding to delivery calls against junior priority ground water rights that are within a water district where ground water regulation is included in the function of such district. There are two water districts upgradient of the springs supplying Billingsley Creek that regulate ground water diversions. These districts are Water District No. 120 and Water District No. 130.

I am currently writing an order in response to a delivery call pursuant to Rule 40 of the Conjunctive Management Rules against ground water rights in Water Districts Nos. 120 and 130 junior in priority to July 13, 1962. In reviewing the partial decrees and Director's Reports enclosed with your letter for water rights held by your clients, I note that only three of the rights are senior to July 13, 1962. Assuming the water supply for these three earlier rights is adequate, your delivery call may be mooted, as a result of the prior delivery call.

Jason R. Miciak
January 16, 2004
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I anticipate issuing the order described above prior to January 31, 2004. Therefore, I intend to hold your delivery call without further action until after I have issued this order.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', written over the word 'Sincerely,'.

Karl J. Dreher
Director

c: Glen Saxton – IDWR
Tim Luke – IDWR