



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

July 20, 2009

Paul Christensen
79 S 500 W
Burley, ID 83318

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Re: Your Petition for Reconsideration Regarding Measuring Devices in Water District 140

Dear Mr. Christensen,

The Idaho Department of Water Resources (Department) received your letter dated July 6, 2009 regarding the above referenced matter. Your letter was forwarded to me for response. Your letter is titled as a "Petition for Reconsideration" in response to the Department's Final Order Requiring Measuring Devices for Ground Water Diversions in Water District No. 140. However, in the text of the letter, you have requested a "variance" of the measuring device requirement because you have not used your well since about 1993. Specifically, you explained that your ground water right is leased to the Idaho Water Supply Bank, and that your well is not used because you irrigate land instead with surface water from the Burley Irrigation District.

The Department assumes from your correspondence that you intended to seek a variance of the measuring device requirement consistent with provisions of the Final Order. This letter provides notice to you that the Department grants your requested variance on the condition that your ground water irrigation well subject to the Department's Final Order remains unused. No further action is necessary, and no amendment or further consideration of the Final Order should be necessary given the Department's granting of your request on the condition that the well remains unused.

Department and Water District No. 140 records appear to confirm that there has been no use of your irrigation well and ground water rights since at least 1997. Our records show that you have three ground water irrigation rights that authorize diversion of ground water from one well (identified by IDWR GPS Site Tag No. A0005243). The rights are 45-14184, 45-14186 and 45-14188. We have checked the records of the Department's Water Supply Bank and confirm that two of these rights, 45-14184 and 45-14186 have been leased to the bank since 1999. The third right, 45-14188 is for only 14.5 acres and is not leased to the bank. Please note that any ground water rights leased to the bank are protected from forfeiture while in the bank.

Please contact me at the location or phone number listed above, or contact Water District 140 watermaster Cindy Yenter at 208-736-3033 if you have questions related to this matter.

Regards,

Tim Luke
Water Distribution Section

Cc: Cindy Yenter, Water District 140 Watermaster