



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

RECEIVED

AUG 02 2004

DEPARTMENT OF
WATER RESOURCES

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2004

Hoyt Pugh
PO Box P
Shoshone ID 83352

Re: Letter of Complaint

Dear Mr. Pugh:

Our office was forwarded your recent letter to the Department's State Office regarding the problem you are experiencing with your well. Your well problem sounds serious and the Department is taking steps to look into this matter.

Your letter is not currently being considered as a delivery call as defined in the "Rules Governing Conjunctive Management of Surface and Ground Water" (IDAPA 37.03.11) subject to the "Rules of Procedure" (IDAPA 37.01.01); however, in response to your letter the ground water hydrology staff at the state office has been requested to investigate this matter. If you wish to make a formal call for delivery I direct you to the rules referenced above. They are available at the Department's Internet home page at:
<http://www.idwr.state.id.us/>

Your letter alleges that the recently developed well for Avenmore (Glanbia) has caused your well to go dry. Preliminary review of well records for the area finds that your well is approximately 2.75 miles to the west of the Glanbia well and that there are wells in the area between your well and the Glanbia well. It would be peculiar that the Glanbia well would not affect these other wells but directly affect your well. An initial contact with Glanbia indicates that they understood your well may have dried up before the Glanbia well was turned on. This understanding conflicts with the statement in your letter. Any additional detailed information you may have regarding affects on other wells or the details of the timing of events regarding your well problems and the use of the Glanbia well or other wells in the area would help clarify issues and may aid in the hydrology staff review. Please submit any additional information to this office as soon as possible.

As you may know, the Glanbia well was the subject of a contested application for a water right permit. This contested case ultimately went to a formal hearing where evidence and testimony was taken and considered by the Department in approval of the Glanbia permit No. 37-21136. Part of the hearing record included evidence of a pump test of the Glanbia well that predicted drawdown characteristics for the well. The prediction was that the Glanbia well would not cause problems with your well some 2.75 miles away. The water

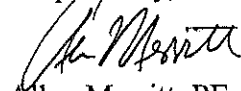
right hearing process has been established to avoid injury to existing water users. Once uses are established sometimes effects unpredicted may occur.

Currently the Department lacks sufficient detailed information to make a determination of the cause for your well problem.

Several years ago the Department administered a "drought relief" program that provided monetary assistance to well owners to replace or modify drought-affected wells. This program has not been funded for several years. I understand that there exists a similar "emergency conservation program" currently administered by your local USDA Farm Service Agency. I understand that this is a cost sharing program (50% to 64%) and that certain limitations apply. Funding is also an issue for this program. I understand that funds are not currently available, but funding may be available after Labor Day if the county qualifies under USDA criteria. I recommend that you contact your local USDA Farm Service office for details. Unfortunately, I know of no other assistance programs.

Once our hydrology staff completes their investigation you will be sent a copy of their results. By copy of this letter and copy of your initial letter I am informing Glanbia of the issue at hand. I welcome any factual information they may provide to assist our hydrology staff in reviewing this situation.

Respectfully,



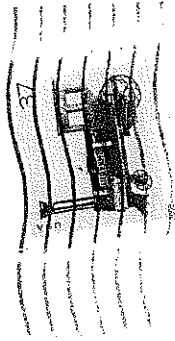
Allen Merritt, PE
Southern Region Manager

CC: Shane Bendixson – IDWR Hydrology
Glen Saxton, Tim Luke – IDWR State Office
Cindy Yenter – Watermaster District 130
Rick Warren – Glanbia

MOON CREEK STORE
HOYT PUGH
P.O. BOX P
SHOSHONE, ID 83352

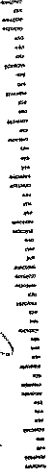
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JUL 21 2004

Department of Water Resources
Southern Region



Dept of Water Resources
P.O. Box 83720
Fair, Id. 83720-0098

83720#0098



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4373

WATER RIGHT NUMBER: 37-4373

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHERINE RILEY 1080 N 1150 E RICHFIELD, ID 83349 (208)487-2207
Current Owner	ROBERT D BILLINGTON 699 E 1320 N RICHFIELD, ID 83349 (208)487-2296
Current Owner	RODNEY RILEY 1080 N 1150 E RICHFIELD, ID 83349 (208)487-2207
Current Owner	CAROL PUGH 1202 E 1020 N RICHFIELD, ID 83349 (208)487-2628
Current Owner	HOYT PUGH 1202 E 1020 N RICHFIELD, ID 83349 (208)487-2628

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Department of Water Resources
Southern Region

Priority Date: 12/21/1955

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	1.40 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	3.60 AF
	<u>Total Diversion:</u>	0.040 CFS	5.00 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SW1/4NW1/4 Sec. 11, Twp 04S, Rge 19E, B.M.
LINCOLN County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	19E	10													X				
04S	19E	11						X					X						

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-4373

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	19E	10													X				
04S	19E	11						X				X							

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Explanatory PARCEL NOS. 04S19E101800, 04S19E113600, 04S19E115400, 04S19E107200

Comments:

1. DUNN1 11/1/1993 COPIED FROM REMARKS
Comment: THIS WELL SERVES TWO DOMESTIC HOUSEHOLDS AND IS ALSO USED FOR STOCKWATER IN THREE DIFFERENT LOCATIONS.
2. SSHERMAN 2/26/1996 DATA ENTRY CORRECTION
Comment: DELETED 'WELL' AT SOURCE, LEAVING 'GROUNDWATER' ONLY.

Dates and Other Information:

Licensed Date:
 Decreed Date: 12/11/2002
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-4373

SubCase:

SubCase Number: 37-4373

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: Steve Clelland

Basis of Claim:

Date Filed: 10/11/2002 Objection Status: Active