BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHTS NOS. 36-02356A, 36-07210, AND 36-07427	)))))	**ORDER GRANTING IGWA'S EXTENSION REQUEST (BLUE LAKES DELIVERY CALL)**

This matter is before the Director of the Department of Water Resources ("Director" or "Department") as a result of *IGWA's Request for Additional Time to Submit Joint Requests (Blue Lakes Delivery Call)* ("IGWA Request"), submitted to the Department on July 14, 2005, by the Idaho Ground Water Appropriators' ("IGWA") on behalf of the North Snake Ground Water District ("NSGWD).

Background

On July 6, 2005, the Director issued his *Order Approving IGWA Substitute Curtailment Plan (Blue Lakes Delivery Call)* ("July 6 Order"). In the July 6 Order, it was determined by the Director that IGWA and its member ground water districts should receive credit "for conversions from ground water irrigation to surface water irrigation, and voluntary curtailment of ground water irrigation and idling of other lands." *Id.* at p. 9, ¶ (1). Owners of ground water wells that once provided ground water to conversion acres were ordered to cease their ground water use and install approved measuring and lockable diversion devices on their water delivery works in order to prevent delivery of ground water to conversion acres. *Id* at p. 9, ¶ (2)(a)-(b). However, "if an irrigator of conversion acres does not have an adequate supply of surface water for irrigation, the irrigator and the ground water district within which his ground water point of diversion is located may request that the Watermaster allow continued irrigation with ground water." *Id* at p. 9, ¶ (2)(c). The July 6 Order stated that the Watermaster may allow continued irrigation with ground water only if,

> (i) the irrigator employs a means of measuring both ground water and surface water delivered to the conversion acres acceptable to the Watermaster and the Department, and (ii) the ground water district within which the ground water point of diversion is located agrees to measure, record, and report the diversion of ground water and surface water to the Watermaster and the Department. *All joint requests from irrigators and Districts must be filed with the Watermaster on or before July 15, 2005.* The request must be accompanied by a detailed explanation of how water will be measured and an expedited schedule for installation/construction of measuring devises and controlling works.

Id. (emphasis added).

During late June and early July of 2005, the Watermaster and Deputy Watermaster of Water District No. 130 conducted site visits at most or all of the conversion well locations and

gathered pertinent system information for purposes of evaluating potential regulatory and water measurement options. The Watermaster visited with a number of ground water well owners or operators during these visits. Based on these visits and on-going monitoring efforts, the Watermaster has verified that some ground water wells are being used and is aware of other wells that will be used. The Watermaster has indicated that some systems may already have adequate means for measuring and controlling conversion wells.

The July 6 Order required that requests to continue using ground water be submitted on or before July 15, 2005, which marks the approximate mid-point of the irrigation season depending on the crop grown. Further delays in monitoring of conversion wells may result in a loss of data that would otherwise benefit the ground water districts in their mitigation efforts.

On July 14, 2005, IGWA, on behalf of the North Snake Ground Water District ("NSGWD"), moved for an order amending the July 6 Order to allow the NSGWD until July 29, 2005, to comply with the requirements in paragraph (2)(c) of the July 6 Order. IGWA states that an extension is necessary because the NSGWD's resources have been "significantly strained" in responding to the water delivery calls. *IGWA Request* at p. 2. Therefore, the NSGWD has not had sufficient time to develop "a detailed explanation of how surface and ground water use of the converted acres will be measured." *Id.* at p. 2.

ORDER

Based upon consideration of IGWA's Request, the Director enters the following Order consistent with the foregoing:

IT IS HEREBY ORDERED that the Idaho Ground Water Appropriators' request for an extension of time, on behalf of the North Snake Ground Water District, is GRANTED, subject to the following conditions:

(1) The Watermaster of Water District No. 130 will begin immediately to contact owners and/or operators of the conversion wells and schedule site visits with them as necessary in order to evaluate and determine the most appropriate methods for measuring continued ground water use and surface water use, to the extent acceptable measurements are not already being made.

(2) If the Watermaster determines that measuring devices are required for specific conversion wells or surface water diversions, the Watermaster will send or hand deliver written notice to the owners of those conversion wells requiring immediate installation of measuring devices and establishing dates on which to have such devices installed. The Watermaster's notices will require at least ten (10) days for installation of measuring devices from the date notice is received.

(3) Participating ground water users must comply with the terms of the July 6 Order and cooperate with the Watermaster in installing approved measuring and lockable devices on their water delivery works in order to prevent delivery of ground water to

conversion acres, or to properly monitor the amount of ground water that is used on the conversion acres.

DATED this 20th day of July 2005.

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 2005, the above and foregoing document was served by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

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