

January 29, 2007

Mr. Karl Dreher
Director, IDWR
IDWR
322 E Front St.
PO Box 83720
Boise, ID 83720-0098

RECEIVED

FEB 05 2007

DEPARTMENT OF
WATER RESOURCES

Mr. Dreher,

For the last 7 years, I have petitioned the Department of Water Resources to curtail the junior priority groundwater rights that cause material damage to my water rights in Basin 22. The specific material damage includes the immediate and devastating effects that wells local to Paradise Springs create on Paradise Springs' production; the long term depletion by junior priority groundwater users of the aquifer that may take years to recover to full Springs production; and the negative, immediate and cumulative effects of all junior priority groundwater rights in Basin 22 and beyond on the availability of surface water in tributaries to the Teton and Snake Rivers, which in turn forces watermasters to curtail all surface water users earlier than would be the case if those same junior priority groundwater users were curtailed. These are the most obvious damages to my water rights, but I reserve the right to raise other issues if the situation demands it.

I read Judge Wood's decision. I understand that there has been no stay even when appealed, and that the Idaho Supreme Court has yet to issue a final decision. Although the Idaho Supreme Court has yet to issue a decision, the mere fact that they refused to stay Judge Wood's order considering the large effect the order would have on many people highly suggests that Judge Wood's order is going to stand and that the Conjunctive Management Rules are indeed unconstitutional. The CMR's were designed to delay, distract and destruct the calls made by senior right holders, and without them now there is no reason for anything but the proper, constitutional administration of water in Basin 22. Judge Wood's decision and Article XV are the closest things we have to use as management tools.

As it stands today, the Snotel site at Lewis Lake Divide is at 72% snow water equivalent for the year. This suggests that there will be substantial water shortages in the coming irrigation season. I demand that the Director immediately begins distribution of water in Basin 22 according to the priority doctrine, Article XV, first in time is first in right. Both the junior groundwater users, including domestic, municipal and commercial, and the senior right holders deserve to know what their situation is as far in advance of the 2007 irrigation season as possible.

In times of shortage, there is the presumption of injury to a senior by the diversion of a junior. As soon as the senior establishes his prior appropriation

and use, the burden shifts to the junior who claims the diversion will not injure the senior, to establish that fact first by clear and convincing evidence. Senior right holders are entitled to presume that the watermaster is delivering water to them in compliance with the priorities expressed in the governing decree. The Director has a clear legal duty to administer water rights by priority.

Time is of the essence, and I request an agency decision immediately.

Sincerely,



Michael L Reid
550 S 450 W
Victor, ID 83455

State of Idaho)
)
Teton County)

Subscribed and sworn before me on: January 29, 2007

Notary: Darla W. Neeley

Residing at: Driggs Idaho



Commission expires: 02-24-09

My recommended water rights are: 22-13503, 22-13212.

These rights were decreed in the Rexburg Decree, and have been recommended by IDWR in the SRBA.