

From: Cefalo, James
To: ["Travis Thompson"; "lance@beardstclair.com"](mailto:Travis.Thompson@idahowaters.com)
Cc: ["mattgroll@gmail.com"](mailto:mattgroll@gmail.com); tomb1127@outlook.com; [Baxter, Garrick](mailto:Baxter.Garrick@idwr.idaho.gov); [Whitney, Rob](mailto:Whitney.Rob@idwr.idaho.gov); [Michael A. Short](mailto:Michael.A.Short@idahowaters.com)
Subject: RE: Letter Requesting Additional Information
Date: Friday, July 9, 2021 8:17:00 AM

Travis,

The delivery call filed by the Beers is governed by the Department's Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11). The Beer's spring water right (surface water) is within the jurisdiction of Water District 29. Water District 29 does not currently administer ground water diversions within the district boundary. Rule 30 or the Conjunctive Management Rules applies to delivery calls "within areas of the state not in organized water districts or within water districts where ground water regulation has not been included in the functions of such districts" Therefore, the delivery call filed by the Beers falls under Rule 30 of the Conjunctive Management Rules. Rule 30.01.c states that the petitioner should provide "[a]ll information, measurements, data or study results available to the petition to support the claim of material injury." The Department is assembling the data available from internal and external sources to better understand the hydrology of the Deer Creek drainage.

The delivery call constitutes a contested case before the Department. Rule 30.03 states that the Department can consider the contested case for informal resolution under the provisions of Section 67-5241, Idaho Code. At this point, we have very little information about the Deer Creek drainage. There are very few ground water wells in the area and no well logs in the immediate vicinity of the LRPOA well or the Beer Spring. The Department does not have a well log for the LRPOA well. Before deciding how to proceed with the contested case and whether to explore informal resolution, we want a better understanding of the facts of the case and the hydrology of the immediate area.

The Department has not yet assigned a hearing officer to the contested case. It is unlikely that I will be assigned as the hearing officer. I have been involved with the case since the Beers first raised concerns about their spring a couple of years ago and have had conversations with the Beers, Lance Schuster and the board members of LRPOA. My role in the case has been to collect data to assist the Department in its initial evaluation of the case.

James Cefalo
Regional Manager
IDWR Eastern Region
(208) 525-7161

From: Travis Thompson [<mailto:tlt@idahowaters.com>]
Sent: Thursday, July 8, 2021 8:54 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; lance@beardstclair.com' <lance@beardstclair.com>
Cc: mattgroll@gmail.com' <mattgroll@gmail.com>; tomb1127@outlook.com; [Baxter, Garrick](mailto:Baxter.Garrick@idwr.idaho.gov) <Garrick.Baxter@idwr.idaho.gov>; [Whitney, Rob](mailto:Whitney.Rob@idwr.idaho.gov) <Rob.Whitney@idwr.idaho.gov>; [Michael A. Short](mailto:Michael.A.Short@idahowaters.com) <mas@idahowaters.com>

Subject: RE: Letter Requesting Additional Information

James,

This matter is a formal contested case initiated by a delivery call as noted by the Director's April 23, 2021 letter (CM-DC-2021-001). Can you clarify how we are proceeding with the information requests by IDWR and who is the Hearing Officer?

Thanks

Travis

From: Cefalo, James <James.Cefalo@idwr.idaho.gov>

Sent: Wednesday, June 30, 2021 10:29 AM

To: 'lance@beardstclair.com' <lance@beardstclair.com>; Travis Thompson <tlt@idahowaters.com>

Cc: 'mattgroll@gmail.com' <mattgroll@gmail.com>; tomb1127@outlook.com; Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>; Whitney, Rob <Rob.Whitney@idwr.idaho.gov>; Michael A. Short <mas@idahowaters.com>

Subject: Letter Requesting Additional Information

Dear Parties:

Please review the attached letter that was mailed out earlier this week. Because the letter includes a deadline for response, I wanted to make sure you received a copy now, in case there is a delay in mail delivery.

James Cefalo
Regional Manager
IDWR Eastern Region
(208) 525-7161