

**White, Kimi**

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**From:** Reynolds, Rick E <Rick.Reynolds@icp.doe.gov>  
**Sent:** Tuesday, May 23, 2017 4:31 PM  
**To:** White, Kimi  
**Subject:** mitigation from injury

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**MAY 23 2017**

**DEPARTMENT OF  
WATER RESOURCES**

To IDWR personnel if they really exist or to whomever

For the last 15 years or so my Early May 20 1885 Water right has been curtailed the first part of July. This is one of the best surface water rights coupled with the Storage rights in the Valley, or use to be. Now it is useless for finishing a crop. This misuse of Idaho Water Law and lack of willingness to enforce these Laws lies squarely on the shoulders of The Department Of Water Resources. I have sent a letter to several Employees in the past demonstrating my disgust with the way thing have been handled with absolutely no response. I have listed below a number of issues that have caused the surface rights holders to lose their worth!!!

- **Expansion of Land** in the Lost River Valley. The amount of irrigated ground in water District has increased drastically since the Adjudication. I haven't taken the time to figure it out but, it is in the thousands of acres. Where did all of the water come from to irrigate all of this new expansion of irrigated ground? If there is a shortage of water in the State why not fix it where it started, with the expansions. Instead of punishing the surface rights holders.
- **Expansion of Water Rights** in District #34. First, Most of the Ground Water Rights in the Valley were initially supplemental rights to surface rights but, have been expanded so they are all primary rights. Which allows what was one right to cover double the ground or irrigate twice the acreage. The amount of water that has been pumped out of the aquifer has doubled in just the last few years.
- **Out of Basin transfer of recharge**. This is by far the biggest violation of them all and has caused the single largest injury to the surface water users in the Big lost River Valley. Ground Water users have been allowed to transport Water out of the basin that recharges the Big Lost River to areas that have no re-charge capabilities. Far more Water is Transferred out of the re-charge area every year than is used in the area.
- **Water Bank issues**. This is just a license to steal water from surface water users. How can you take water from a hole in the ground that has never produced water and allow someone to use that water from some other source? There are a lot of damaging issues associated with this Procedure to surface right holders.
- **River and Canal Shrink**. Since Adjudication the Eastside Canal has been used as the River, from the Moore Diversion to the Arco Diversion. The Surface right holders have been greatly injured because they are charged Universal River shrink as well as canal shrink. This results in the Surface Right Holders supplying the majority of the shrink for the ground Water rights in that canal. The Surface Right holders on the Eastside Canal should be charged Universal River shrink and no Canal Shrink because they take their water directly out of the River.
- **Splitting of Ground Water Rights**. Ground Water Rights have been to split two and three times all of the expansions have been pumped to the maximum of the original Water Right. Even under annual consumptive use this causes severe injury to the surface right holders.
- **Delivery Process**. In the past Surface or natural flow was delivered to the head gate of the water user. Now the Surface or natural Flow user is delivered to the Canal heading. The user suffers Universal River Shrink as well as Canal Shrink which almost doubles the Shrink. This makes the surface Water Right not able to finish a crop and in some cases worthless.

- **Futile Call.** Even though a surface user has water to start a crop it can arbitrarily be curtailed by the process of The River being divided into reaches and someone deciding to issue a Futile Call. Suddenly a senior Water right is worthless and the thousands of dollars spent on Storage water to finish a crop is wiped out!!
- **Drought/High Water.** Even in High Water years, policy is to send all of the Flood waters out of the Basin of recharge. This allows all of the Pumper/ground water users to shut off the pumps and use river water. What is wrong with this picture? After a few days of High water Surface Water Right users are back into a drought situation. Senior Surface Right Holders cannot win.

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I realize that all of these issues have been legalized by IDWR. People have stated their concerns many times and mitigation has been called for the past three years with no response. Those people that have been injured should have the right to receive help from the people that have caused the injury, Ground water users/IDWR. If no mitigation for the injury they should at least be given some viable options such as the opportunity to drill a well . Possibly trade surface rights for ground water rights. Something needs to happen and happen now before next season.

Thanks,  
Rick Reynolds