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MAY 12 2016

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF ROTATION)
CREDIT IN WATER DISTRICT 34,)
BIG LOST RIVER BASIN)
_____)

PETITION FOR RECONSIDERATION
AND REQUEST FOR HEARING

After review of the preliminary order suspending rotation credit in Water District 34, I feel the points that were stated were not correct or misstated. I have not been properly notified with the preliminary order. I had to get it from the Water Master. The department promised there would be a computer program up and running in 2010 when Jay Jensen was Water Master and as of date that has yet to happen.

The number of AF of water pumped might not be accurately stated. The river depletion is not all caused by ground water pumping. Lack of snowfall, drought and other weather conditions have contributed to the major portion of it. Plus, NO maintenance on the delivery system.

The Supreme Court has held, "Rotation into irrigation undoubtedly trends to conserve the water of the State and to increase their duty and service, and is, consequently, a practice that deserves encouragement in so far as it may be done within legal bounds."

The Director must approve the Plan of Operations, under the rules in the General Provisions, (not coming up with his own interpretation just because he doesn't agree with the rules). The current plan of operation for the Big Lost River Irrigation District is in the General Provisions and the water distribution rules of Water Basin #34. It was negotiated and adopted 10-26-94 and approved by the SRBA Court (by mandate).

It is consistent with the Big Lost River Irrigation Districts Plan of Operation. It is identical, it is the same plan, and was and is approved by the SRBA Court and it is part of our water rights. The first Plan of Operation for rotation was adopted April 1, 1935. Up until 10-26-94, which was negotiated and also approved by the SRBA Court as part of our decrees. The current plan is in the General Provisions and the Distribution Rules.

Leaving water in the Reservoir at the end of the irrigation season is not a problem of rotation. This is a problem of the management of the water not the rotation. The Plan of Operations and the General Provisions state that can happen. One might say that this is insufficiency of water use but it is not because the water that was left in the Reservoir was used the next year. When the storage rights were appropriated for the Mackay Reservoir, rights prior to June 1884, received storage rights in the Mackay Reservoir. These rights are delivered all season long that augments the river flow. The carry-over of rotation in the Reservoir is mostly due to the poor delivery of the water through the Irrigation Districts canals (very, very high shrink in all the irrigation districts canals).

Dated this 9th day of May 2016.



Loy Pehrson

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