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Department of Water Resources

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

March 11, 2004

Director Karl J. Dreher
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: **PETITION FOR EXCLUSION**
Curtailment of Ground Water Rights Located in Water District No. 130.

Dear Director Dreher:

I have been asked to file this Petition for Exclusion from your Order of February 25, 2004, curtailing the water rights in Water District No. 130. The State of Idaho, through the Idaho Transportation Department has two water rights which will be affected by this petition. For the reasons set forth below, the Idaho Transportation Department respectfully requests that its water rights be excluded from the curtailment order.

There are two water rights involved with this petition. One right, 37-7003, was already owned by the Idaho Transportation Department and the transfer of use from domestic to municipal along with slight adjustment to location of the well was approved by IDWR without comment or protest. The other right, 37-7385A, was an irrigation right which was located at a well about four miles North of the Bliss rest area. This water right was purchased and a needed portion of the water right to meet the 20-year needs horizon, transferred to municipal use at the Bliss rest area without comment or protest.

The Bliss rest area is on the Southwest fringe of the Eastern Snake Plain Aquifer and the Thousand Springs Area of Water District 130. Due to the flow regime of the aquifer and the location of the Idaho Transportation Department diversions for the Bliss rest area, IDWR conducted analyses to determine impacts upon other rights holders in the vicinity. This analysis determined that the diversion location is outside of the area covered by the IDWR Ground Water Model boundary and down gradient. The Kimberly to King Hill reach is the only reach that may be impacted by the Idaho Transportation Department's wells. IDWR hydrologists necessarily

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utilized an analytical model to show the magnitude of the change for the point of diversion from the original agricultural property to the Bliss rest area on January 30, 2003.

From these analyses, there is only one diversion that could potentially be impacted by the Idaho Transportation Department's wells. This diversion is Bancroft Spring, right 37-7734. In January of 2003, however, analyses were conducted by IDWR to assess potential impacts to Bancroft Spring with the resultant finding that the drawdown is considered not measurable and well within the error for a model. The four reaches of the Snake River will not be affected. Decreased head values at Bancroft Spring will be negligible to non-existent.

Therefore, based on this information, the Idaho Transportation Department respectfully petitions the IDWR with the substantiated request for exclusion from the Curtailment Order as issued on February 25, 2004.

Sincerely,

J. Tim Thomas
Deputy Attorney General

enclosures