

29-299

August 22, 2002

LILA COLLING
587 SAWMILL CK RD
INKOM ID 83245

RE: Water Right Research for use of Sawmill Ck and Springs

Dear Mrs. Colling:

Per our phone conversation today I did some research to determine if anyone else had filed for water rights from Sawmill Creek or the Springs that feed Sawmill Creek. Dale Kirkham and the Forest Service are the only other two entities that have claimed use of water from either Sawmill Creek or springs upstream from you.

Below is a summary:

Forest Service:	1902 priority, Sawmill Creek
Lila Colling:	1905 priority, Sawmill Creek
Dale Kirkhams:	1973 priority, Springs that are tributary to Sawmill Creek

As I explained on the phone, the oldest water right has the first right to the water as flow decreases in the creek. If I understand correctly, your main concern was that the Mr. Kirkham was diverting water when he didn't have a right to it. He does seem to have a valid water right, but it is Junior in priority to yours. However, his right is for 0.04 cfs, or 18 gallons per minute for domestic purposes. If he were to stop using that amount of water, I question whether the flow would make it to your property in this time of drought.

If you feel that the reduced flow in Sawmill Creek is due to the upstream users diverting water when they shouldn't, I would recommend you first contact the president of your water district which I believe is Barbara Morrison. That would be the first step that needs to be taken in order to determine regulation practices in your area.

I hope that this information is helpful.

Respectfully Submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

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