

MEMORANDUM

DATE: April 6, 2004

FROM: Ernie Carlsen

TO: 29-448E

RE: Objection to recommendation

Dewayne Williams came to office on April 6, 2004. He brought copies of aerial photos dated 1978 and 1968 that he obtained from the photo library at ISU which were donated to ISU by the ASCS. Dewayne indicated that he purchased the property in 1979/1980. At the time there was a ditch from Pocatello Creek in the SESWSE Sec20 T6S R35E. He used the ditch for about three years to flood irrigate the lower end of his property. Not sure of the number of acres. After three years he ceased using the ditch and started to pump water from the creek. This is the most westerly pump of the two he operates. In the latter 1980s he installed the second pump and began sprinkling more land south of the creek. This property appears to be part of a field on the 1978 aerial. The photo does not confirm the property was irrigated. Dewayne also has a map prepared to show a proposed subdivision. The also illustrates ditches that were used to irrigate property. Dewayne indicated the main ditch lying south of the creek conveyed water from the spring on Crandall's property. This is the ditch that would have served the upper end of Dewayne's property provided it was irrigated. Dewayne may be entitled to a right for the land he flood irrigated in 1979/1980. I still have reservations about a water right for the remainder of his property.