



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MEMORANDUM

To: Harold Jones
Water Rights Supervisor
CC: Jim Hart
9250 Chubbuck Road
Pocatello, ID 83202
Fr: Bryce Contor
Date: 2/27/2001
Re: Interference with water right 29-2041

Mr. Hart called me today to follow up on a complaint he had lodged with the department about a year ago. Last spring, Keith Wilson went down and made a field inspection. I visited with Keith, he told me that he informed Mr. Hart that without an active water district, the department's ability to regulate is limited.

Mr. Hart asked me several questions that I couldn't properly answer, so I committed to forward this memo to you.

1. What is the procedure to get a water district organized? I looked at Idaho Code 42-604, and it appears that the director may organize water districts upon streams with decrees. Mr. Hart's source is Little Pocatello Creek. The only right referenced on the database for that creek is Mr. Hart's license.
2. Without a water district, is there any authority or ability of the department to regulate water? Mr. Hart is concerned about use of water upstream, preventing him from enjoying his licensed right. The upstream user has cattle, which drink from the stream. He has also checked up the stream, increasing the depth and the percolation losses, as well as constructed diversions for off-stream use of water.
3. Mr. Hart is also concerned about water quality issues from cattle manure in the water. This affects not only Mr. Hart's use of creek water for his cattle, but he fears the aquifer he relies upon for domestic water is being contaminated. I told him that we don't administer water quality regulations, and suggested he contact the Department of Environmental Quality.

Please contact Mr. Hart at 251-6705 and help him understand the follow-up to Keith's inspection last spring.