

1876

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

August 7, 2012

AUG - 9 2012

Dear Adjudication Judge:

In 1979 a class action lawsuit regarding Stoddard Creek Spring was concluded. The decreed amount for us was for .714 cfs for the irrigation season and .3 for winter use (Nov. 1 to Mar. 15).

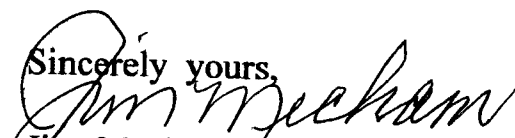
We had four rental units and applied for permits for domestic water for them and for livestock from that source (license #37-7756 .18 cfs). We also developed fish ponds and hydro electric plants from the Stoddard Spring source. (permit #37-7861) All said uses were inspected for completion and approved by Gerald Martin in the 1987. .539 cfs of that .714 cfs is required to maintain a head for the #1 power plant and .18 cfs of domestic use leaves precious little left over for irrigation of 2 or 3 acres (.157 cfs) from that source. At times, Irrigation robs electric output and vice versa. So be it. We juggle. (granted, we also have Idaho Power & 2.5 kw output from our #2 plant).

Our problem is that belated permit 37-7861 has been "tied" to and "limited" with our permits for irrigation #37-1244 and #37-4389 (previously adjudicated) which were given a "combined limited" irrigation use of .714 cfs.

The unfortunate effect of that "tying" was to include fish & power in said limitation. Which effectively denies water for fish and power and renders #37-7861 useless. (case #39576 subcase 37-7861 8/2/2010 page 3)

We are appealing the court to allow our full decreed .714 cfs from Stoddard Creek Spring as per our filing, development, and compliance labors. I **really wish** you would "untie" (separate) Lower Waddington #37-4389 with .5 cfs (amount as per director's report 1/25/2007) from our Stoddard Spring rights (37-1244, 37-7756, & 37-7861) and leave **those** tied and limited to .714 cfs. Please set them aside and let us hope for a better resolution.

Sincerely yours,


Jim Mecham