

James Cefalo

9-8-2022

IDWR

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To whom it may concern.

Department of Water Resources
Eastern Region

To address the concerns for my water right for the property in question we would like to use the Idaho Code 42-223 for our defense and use of our water right.

First of all we have paid water right payments to the Water Master in Mackay who is over district 34 for all of the years we have owned it and I believe the former owners did as well..

I also contacted each Water Master every year to discuss the issue with the blownout diversion up stream. They were always too busy in the spring and then subsequently the year to come up and help determine what needed to be done to get that back in order. We needed this help since we aren't experienced enough to be able to determine this but since we couldn't get that I was determined somehow to get help thru IDWR so subsequently thru this process we are going thru.

The history of the property is an old homestead exemption that has been farmed somewhat with alfalfa, there is evidence that the front parcel was flood irrigated. There has been some flood irrigation in the recent years with us having to get a permit to thru IDWR and Army Corp to stabilize the bank along the creek where it had taken out some of the weirs and about ½ ac of property which is trying to rebuild back.

Antelope Creek as you know moves. Since we have owned the property we are experiencing a shift along our West boundary which for the good allows a much better access to the creek since it has shifted from the main channel to a side channel and newer creek front channel. This is where we have asked for our point of diversion. I believe this new channel runs along the old Antelope Creek Rd which was there before the Forest Service built the new one on the N side of the property. Not sure when that was. There is a huge beaver pond just up the creek from our West boundary which has shifted Antelope Creek from the main channel (which is also the Butte/Custer County line) to this old road new channel. If you check out from the Iron Bog Bridge about a mile or so up creek, Antelope Creek has been moving back and forth for awhile even since we have owned this property.

The water has been watering as it can thru some old diversions as the creek rises but these are now higher than the creek since that is what creeks do as they go along , they get deeper.

We have checked out the diversion above, it is quite away away so is not feasible to use at all, plus camping has developed along the west boundary cutting off that ditch system from before with a non authorized road in along the creek channel..

We also had decided that until we could find a way to locate a new diversion point that we would leave the water to recharge and fill the natural ponds that are on the property for habitat, which include Moose, Deer, Elk, some Sage Hen and Grouse. Keeping this water on the acreage designated with help keep the property in a better state of grasses and habitat etc for the future as well. Now that we have applied for this new diversion we would be able to get that going again instead of it becoming a dry dusty area.

Also in ending we would like to state that this water right is not a huge amount and is more beneficial to this property than anything downstream. We would really like to keep this in play for this benefit to this land.

Thanks for your time

Terri Pritchett

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