State of Idaho
DEPARTMENT OF WATER RESOURCES
Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819
Website: idwr.idaho.gov • Email: northerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 10, 2021

MR & MRS MILLER
40880 LITTLE CANYON RD
PECK ID 83545

via email

Re: Protest on Transfer #83543 (Jared and Jessica Holz)

Dear Nancy,

In mid-December you called and spoke to me about your ability to prevent the Holzes from diverting in times of shortage. Specifically, you requested IDWR provide you a written letter discussing opportunity to make a delivery call on water from Little Canyon Creek to fulfill water supply for your domestic water right 85-11198.

To address your question a Deputy Attorney General assigned to the Department was consulted. It was concluded that IDWR can't independently deliver water between users in the absence of a formal Water District. Little Cottonwood Creek does not have a Water District created by the water users pursuant Title 42, Chapter 6. My research indicates there are more than 50 water rights from Little Canyon Creek or from streams and springs tributary to it. Forming a District when there are not many water distribution problems in a drainage may be unpopular, but one may be needed eventually. Forming a District would require water users be involved to vote, be on a Board, retain and pay a watermaster via assessments on each user, and be guided by IDWR.

One alternative might include a binding contract between parties that would commit parties to certain actions in certain circumstances, e.g. curtail diversion in times of shortage. The contract would likely need to be legal, binding on successors, and be recorded as part of the County Assessor's or Recorder's official files. An attorney's review is highly recommended.

Please let me know what path you and the Holzes are going to follow: either go to hearing, or withdraw protest, or withdraw application. Certainly get in touch with me if you have other questions or have another option to consider.

Hope all are well down there, wishing you the best.

Respectfully,

Douglas Jones

Douglas Jones
IDWR Northern Regional Manager