



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 9, 2015

CYNTHIA AND STEVE BRADLEY
PO BOX 193
IDAHO CITY ID 83631

RE: Mores Creek Diversion for Water Right 63-15418 – Case No. E2015-753

Dear Cynthia and Steve Bradley:

The Idaho Department of Water Resources (IDWR) received your letter dated May 25, 2015 regarding your diversion structure on Mores Creek for the water right referenced above. I understand from your letter that your diversion structure is shared with another water user and the means of diversion has been changed without your knowledge. The result has been reduced flow of water to your property. You asked what recourse you have to help the situation.

The situation you've described in your letter is a civil matter between water users. IDWR does not have jurisdiction to require a different diversion structure or to require additional flow be diverted from the new pumping system. It is not clear from your letter whether you have some kind of written agreement with your neighbor for the shared diversion structure. An agreement might provide some guidance to you regarding your use of water from the shared diversion structure. You may want to contact an attorney to discuss your options on how to address the situation.

One alternative would be to install your own pumping plant or construct your own diversion structure to divert water under your water right. Please note that a water right does not authorize access to property that you do not own. Additionally, you may need to file an application with IDWR to change the point of diversion under your water right to move the location of your diversion structure.

If you have questions regarding this matter, please call me at 208-287-4948. You may also contact our IDWR Western Region Office at 208-334-2190 for information regarding changes to your water right.

Sincerely,

Jeff Peppersack
Chief, Water Allocation Bureau

cc: Nick Miller, IDWR Western Region Manager
Trout Unlimited

RECEIVED

MAY 26 2015

WATER RESOURCES
WESTERN REGION

05/25/2015

Reference Water Right
63-15418

Angie Grim m
Idaho Department of Water Resources
2735 Airport Way
Boise Idaho
83705

I am trying to get help with an ongoing water rights allotment issue. I have contacted Steve Vosucky and he referred me to you.

Approximately three years ago we found out by accident that a project conducted by Trout Unlimited had entered into an agreement with our neighbor Randal Harris to the north of our property.

We share the same point of diversion as Mr. Harris on Mores Creek and water was diverted into the pond owned by Mr. Harris and in turn it provided our water to our pond via a canal. There had been a small dam maintained by the Harris family and we assisted in its maintenance when necessary.

Trout Unlimited felt that the small dam on Mores creek impeded the movement of fish along the stream so they entered into an agreement with Mr. Harris to remove the dam in Mores creek. In exchange they funded a pumping system powered by electricity along with a filtering system placed in Mores creek to pump water back into the Harris pond.

Although our water supply flows from the Harris pond to our pond we were never advised or contacted. When we saw the work activity on the Harris Property we questioned the contractor and found out what was going to happen. We were told that we would not be losing any of our water allotment.

Since that time the water levels have never been close to the same. Harris's pump only runs occasionally and doesn't pump the required water to maintain water levels or allotment water hence at this time we are not getting any water allotment

We have attempted to rectify the problem by contacting Pam with Trout Unlimited. They said they were unaware of our water right situation but made no attempt to help rectify the problem.

Our pond is now filling with algae and is stagnant. What recourse do we have? Can you help with this situation?

Sincerely
Cynthia Bradley
Steve Bradley
PO Box 193
Idaho City, Id
83631
208-850-4951