



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER - Governor  
Gary Spackman - IDWR Interim Director

September 6, 2012

Ty Nedrow  
1401 North 3125 East  
Ashton, ID 83420

RE: Upper Arcadia Reservoir

Dear Mr. Nedrow:

You contacted me earlier this morning with a question about the water rights for Upper Arcadia Reservoir. According to IDWR records, the only water rights associated with Upper Arcadia Reservoir are rights 21-8 and 21-13009. Both of these rights are in the name of Arcadia Reservoir and Canal Company Ltd. As the current water right owner, Arcadia Reservoir and Canal Company has the authority to control releases and distribution of storage water from its reservoir. Allocation of storage water between canal company shareholders is a private matter that should be resolved within the canal company. IDWR records do not show any other water rights on or around Upper Arcadia Reservoir.

In our conversation, you stated a concern that individuals, without the authority to do so, have been adjusting the headgate which controls the release of storage water from Upper Arcadia Reservoir. Idaho Code Title 18, Chapter 43 sets forth the criminal provisions relating to irrigation works. Section 18-4301 states that the unauthorized adjustment of a headgate or controlling works constitutes a misdemeanor. I would suggest reading Title 18, Chapter 43 in its entirety. If you have any other questions or concerns, feel free to give me a call.

Sincerely,

James Cefalo  
Water Resources Program Manager  
IDWR – Idaho Falls  
(208) 525-7161