

# MEMORANDUM

Date: Sept. 21, 2011

To: Water Right File 35-8624

From: Jeff Peppersack

Re: Phone Call from Larry Phillips

Larry Phillips called to request that IDWR visit his property to see the results of sub water that he attributes to Johnson Pond. Johnson Pond is a Fish and Game pond covered under water right 35-8625. Mr. Phillips has maintained that the pond is in violation of the water right because the water right did not provide for storage (ponds) but rather was intended for maintenance of an existing wetland. Mr. Phillips made the same allegations last year. IDWR determined that Fish and Game's use of water for the ponds was covered under the water right; however, the diversion rate and volume have not been historically measured and could exceed the water right limits. Fish and Game was instructed to install a measuring device or control the flow by locking the controlling works at a rate that would not exceed the limits of the water right. I understand that Fish and Game opted to lock the controlling works in coordination with the watermaster.

Mr. Phillips said that he hired a hydrologist to prove that the sub water on his lands is due to the discharge of water into Johnson Pond. He plans to file a lawsuit to include Fish and Game and IDWR.

Mr. Phillips has contacted several IDWR employees this year and was told that IDWR would not revisit the water right issue unless he had new information or documentation indicating a possible water right violation.