

MEMORANDUM

TO: Complaint File

FROM: Benny Walker

DATE: February 24, 2010

SUBJECT: Phone Call from Dan Weaver

On this date Mr. Weaver called and inquired if Mr. Hyde had a right to take the water that has historically run through his property. Mr. Weaver explained that the water has been used for watering cattle and for a wetland area. I explained to Mr. Weaver that the Department had no record of any water right for livestock use. He then asked if Mr. Hyde had the right to dry up the wetlands for his pond and I explained that Mr. Hyde has the right to divert 0.04 cfs for beneficial use for his pond. Mr. Weaver asked what a beneficial use is. I explained that a beneficial use is considered a useful purpose. He asked that I send him what was considered a beneficial use. I faxed him a copy of Idaho Code 42-104 and a copy of the various water usages. Mr. Weaver also questioned who has jurisdiction over the wetlands and asked if I would look into it. He mentioned that he has some dealings with Terry Blau from our office and I said I would contact Terry and get his opinion. Mr. Weaver asked that Terry and I visit the site concerning the wetlands. Mr. Weaver expressed a concern about the spring runoff that Mr. Hyde's pipe could not handle the amount of water that flows during this time and that the water has to flow down his ditch to the wetlands or it will over flow and flood out his house.