

Fax Transmittal Sheet

To: Dept. of Water Resources
334-2348
Gass Law Offices 345-5862
From: The New Dry Creek Ditch Co.
% L. Sedlacek
939-6219 After 4:00

Please date stamp this in-as-
today is the last day
to protest.

of pages including
cover sheet 2

RECEIVED

JUN 15 1992

Department of Water Resources
Western Regional Office

L. Sedlacek
6/15/92

Law Offices
Timothy J. Gass
Counselor & Attorney at Law
Main Street Plaza, Suite 204
1655 Fairview Ave.
Boise, Idaho 83702

TELEPHONE (208) 345-3817
FAX (208) 345-5862

Elbert E. Gass
of Counsel

MAILED-6-15-92
FAXED-6-15-92

June 15, 1992

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: Application for Water Right No. 63-1191
Meadow Creek Homeowners

To Whom It May Concern:

I have enclosed a copy of a letter faxed to the office of Drainage District No. 2 from New Dry Creek Ditch Company, Ltd. opposing any drainage diversion from the Elmore Drain.

The Elmore Drain is not part of the drainage system of Drainage District No. 2 and therefore, so long as no water is pumped from the District's ditch which is north of the Elmore Drain, Drainage District No. 2 objects only as follows.

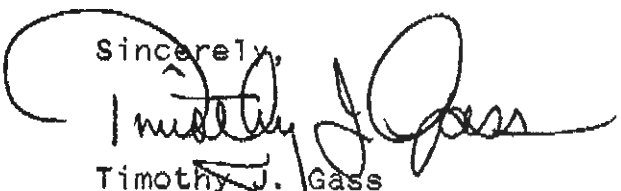
If the Homeowners Association intends to pump water from the District's ditch located generally north of the Elmore Drain, Drainage District No. 2 would object.

The Idaho Department of Water Resources has no right to grant water rights or to allow diversions, dams, or other rights of any drain ditch pursuant to I.C. Section 42-2938 which states that the board of drainage commissioners have exclusive charge of all drainage systems organized pursuant to Idaho Code.

Therefore, the Department has no right, title, or authority to permit Meadow Creek Homeowners to divert from the Elmore Drain.

The request for permission to divert should therefore be denied.

Sincerely,


Timothy J. Gass

TJG/cf

Encl.

New Dry Creek Ditch Co., Ltd.

Eagle, Idaho

Board of Directors: Fred Kunkler, President
Ken Bruneel, Vice-President, Dana Purdy, Secretary
Bert Johnson, Jack Belmain

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June 15, 1992

State Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Department of Water Resources
Boise Regional Office

RE: Application for Water Right
No. 63-11791

Gentlemen:

The New Dry Creek Ditch Company has just been made aware of the fact that O'Neill Enterprises Association has filed on water that comes out of the drain commonly know as the "Elmore Drain". This drain is under the jurisdiction of Drainage District #2.

Please be advised that The New Dry Creek Ditch Company has been accepting this water into our system for years and we feel it is an important part of our water system. The New Dry Creek Ditch does oppose any diversion of this drain water out of our system.

If Water Resources feels that we need to file independently on this water to insure that it continues to flow into our system, please let us know. Please keep our company advised as to the status of the O'Neill water filing.

Sincerely,



Lynne Sedlacek, Bookkeeper
The New Dry Creek Ditch Company, Ltd.
%1200 Heretford Drive
Eagle, ID 83616

c: Drainage District #2
%Gass Law Offices
Main Street Plaza, Suite 204
1655 Fairview Ave.
Boise, ID 83702