



DEPARTMENT OF WATER RESOURCES

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FAX (208) 334-2348

May 26, 2006

JAMES E. RISCH
Governor

KARL J. DRUBER
Director

Margaret Thomas
PO Box 810
Garden Valley ID 83622

Donald & Patricia Basso
3940 South Hampton RD
Moorpark CA 93021

RE: Applications for Permit #65-22942 Basso & 65-22970

Dear Ms. Thomas and Mr. & Mrs. Basso:

The purpose of this letter is to provide you with current information related to the processing of your applications, and to request additional information.

Recently, I met with the water users on lower Warm Springs Creek to address general water delivery issues. The users expressed concerns about water shortage and not receiving authorized senior priority flows in the lower portions of the creek. Currently, the creek has no district/ organization for water delivery regulation or active measurement devices. However, new and existing creek appropriations junior to 1977 fall under the provisions of the Snake River Basin Adjudication and are subject to the Payette River Water District regulation. Curtailment for junior rights in the Payette normally occurs in June-early July.

Unfortunately, the Department has limited historical flow information on Warm Springs Creek. During 2005, our regional engineer conducted creek flow measurements in late July and October at specific locations including your source stream. Measurements will again be obtained on June 15 and July 1 this season, see attached map.

Historically, there have been prior water delivery issues with the upper and lower creek water users as a court water right decree was issued in 1912. A water district was established but became inactive in the 1970's. More recently, a hearing decision was issued for the Yeamans contested application. The decision conditioned the permit for July curtailment when not under watermaster regulation.

Idaho Code (IC) 42-203A and Water Appropriation Rules IDAPA 37.03.08.45. outline the criteria for evaluating water appropriation applications. The applicant bears the initial burden of proof for the following applicable criteria:

- Will the proposed appropriation injure other water rights?
- Is the proposed water supply sufficient for the purpose sought?

Basso-Thomas
Page 2.

The Appropriation Rules also provide that our agency may request additional information from an applicant related to the evaluation criteria. To continue the processing of your applications, please submit to the Department information addressing the two evaluation criteria for Warm Springs Creek specific to the irrigation season of April 1 to October 31. As both of your applications are similar in nature and close location, you may want to collaborate your response. Enclosed are information copies and a consultant list for your reference.

Please submit the requested information to our office within 60 days of this letter. You may seek additional time to provide the information by written request. Applications can be voided without a timely reply.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra
Western Regional Manager

cc: R Belau

Enclosures: Measurement/location map

1912 Decree.

Water Right Summary-Warm Springs Creek