

RECEIVED

MAR 17 2004

Department of Water Resources
2726 South 1050 East
Hagerman, Idaho 83332

Phone 208-837-6174

Fax 208-837-6563



March 15, 2004

Karl Dreher, Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Via Facsimile 208-327-7866 and Certified Mail

Re: Delivery of Water to Water Rights 36-02379 (3/19/59) and 36-02465 (1/18/61)

Dear Mr. Dreher:

After two years (and five letters) of correspondence with you pertaining to the critical spring flows in the Hagerman Valley and, more specifically, the complete loss of water in two of our licensed water rights, I now call upon you to direct the Watermaster for Water District 130 to administer water rights in that Water District as required by Idaho Code 42-607 in order to supply these prior rights. I feel that I have waited long enough to make this demand for delivery. I have tried to work out some form of mitigation with the North Snake Ground Water District and have spent \$13,670.07 on the construction of pipelines, ditches, headgates, culverts and ponds to attempt to get water from the Northside Canal Company back into these springs. I sent a letter to the NSGWD on May 22, 2003 asking that they reimburse these expenditures. The only response was a check for \$3000.00 and no letter concerning the balance. The water that was sent was sporadic at best and was often interrupted by three or four weeks of non delivery. This attempt at mitigation does nothing to address my need for water in the non-irrigation season and that water is actually more important to me than the summer water.

Pursuant to your statutory obligations, please take immediate action to shut or

Page Two:
Karl Dreher, Director
Idaho Department of Water Resources

fasten the diversions of junior water right users necessary to insure delivery of my senior water rights.

Sincerely:

A handwritten signature in black ink, appearing to read "Donnie McFadden". The signature is fluid and cursive, with the first name "Donnie" being more prominent and the last name "McFadden" following in a similar style.

Donnie McFadden
Billingsley Creek Ranch
2726 South 1050 East
Hagerman, ID 83332