

78-2072



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

December 4, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

MARVIN MORTENSON  
HC 75 BOX 3545  
NEW MEADOWS ID 83654-9600

Re: Unnamed Stream/Ditch

Dear Mr. Mortenson:

You filed a complaint with the Idaho Department of Water Resources (IDWR) regarding the use of water on property owned by Mr. Al Givens. The complaint was received in June 2006.

IDWR investigated the situation with an October 2006 site visit. Mr. Givens owns water right no. 78-2072. This 1963 priority water right authorizes the diversion of 1.29 cfs (about 580 gpm) from diversions from unnamed streams tributary to Little Elk Creek. The water can be used to irrigate up to 140.5 acres during the irrigation season. Additionally, a limited amount of water can be used under the right for year around domestic use. IDWR found that water was being used well within the limits of the Givens water right.

The use of that right can result in wastewater available for subsequent use by other water rights located downstream from the Givens property. For example, your water right no. 78-7324 includes an unnamed stream source. During high runoff periods, natural flow is probably available for use under your right. Later in the year, natural flow likely ceases, leaving only wastewater from upstream uses to supply your use under 78-7324.

Nothing in the nature of wastewater situations compels deliberate wasting of water to serve other uses dependent on that wastewater.

Mr. Givens' use of water remains within his authorized water right. Additional IDWR follow up is not needed as long as the use of water under 78-2072 remains within its maximum parameters.

IDWR forms and information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me at 208-334-2190 if you need more information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester  
Water Rights Supervisor

Copy: Mr. Givens