



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 12, 2002

Clair Bosen
PO Box 468
Preston, ID 83263

Re: Potential Unauthorized Diversion of Water from Cottonwood Creek and Stockton Creek to Current Creek Reservoir, Water Right Permit No. 13-7127

Dear Mr. Bosen,

Our records show that you are the current owner of water permit number 13-7127 which authorizes the diversion of water from Current Creek for irrigation storage in Current Creek Reservoir. Current Creek is tributary to Stoddard Creek. Our office has recently learned that you divert water from a canal diversion off of Cottonwood Creek that is re-diverted to Stockton Creek and then re-diverted again for storage in Current Creek Reservoir. The Department has also received information that water may be diverted to the reservoir for purposes other than irrigation storage and that water may be diverted for storage outside of the permitted storage season that is limited from November 1 to April 1.

Please be advised that Current Creek is the only source of water that is authorized for diversion of water to Current Creek Reservoir under water right 13-7127. Please also be advised that uses under the permit are limited to irrigation storage between November 1 and April 1, and irrigation from storage from April 1 to November 1. The Department can find no other records that authorize diversion of water from Cottonwood Creek or Stoddard Creek for storage of water in Current Creek Reservoir.

Since no other water rights appear to provide for diversion of water from Cottonwood Creek or Stockton Creek for storage in Current Creek Reservoir, this office requests your cooperation in:

- Identifying any water rights that authorize diversion of water from Cottonwood Creek and Stockton Creek for storage in Current Creek Reservoir.
- Cease and desist further diversion of water from Cottonwood and Stockton Creeks for storage in Current Creek Reservoir.
- Obtain valid water rights or approved water right transfers to cover diversion and storage of water to Current Creek Reservoir from Cottonwood and Stockton Creeks.

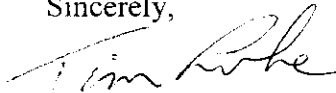
Please respond to our office within 15 days of the date of this letter regarding your use of water from Cottonwood and Stockton Creeks for storage in Current Creek Reservoir.

Please note that diversion of water in Idaho without a valid water right is illegal pursuant to Section 42-351, Idaho Code and subject to civil penalties outlined in Section 42-1701B, Idaho Code that provide for \$50 per 0.1 cfs per day up to a maximum of \$50,000 per year.

Our office has also learned that there may be have been some recent change in the ownership of the reservoir and water right 13-7127 involving a Mr. Larry Miller. Again, our records show no formal assignment or change in ownership of permit 13-7127. Section 42-248, Idaho Code requires that a notice of ownership change be filed with the Department for all ownership changes of water rights or permits that have occurred since June 30, 2000.

If you have questions concerning this matter please contact me at this office or contact Harold Jones at our Eastern Regional Office in Idaho Falls (208-525-7161).

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Luke", written in a cursive style.

Tim Luke

Water Distribution Section

Cc: Harold Jones, IDWR Eastern Region
Alex Hudson, Cottonwood Creek Watermaster
Treasureton Irrigation Co.
IDWR Dam Safety Section