

MEMORANDUM

TO: Jeff Peppersack
FROM: Steve Lester *SL*
DATE: January 24, 2003
RE: Water District No. 78D, Campbell Drain

*follow up is in
process
-SL 2/7/03*

This new district resulted from the 11-15-2002 order covering water uses from Campbell Drain in the New Meadows area. The new district was assigned the next district number available in Basin 78.

A copy of the decree was provided to Western Region. In attempting to create a new decree file for this situation, I discovered the department already has a decree file labeled *78D Dickey vs. Hardin* for water rights 78-255 and 78-256. Those rights flow from "Tamarack Creek" and are unrelated to Campbell Drain.

It was appropriate to number Campbell Drain Water District as 78D. We should create a decree file for this case and call it Decree File No. 78D. We could renumber the existing decree file 78D as 78H.¹

Another problem exists. There are no recorded water right or adjudication records stemming from the Campbell Drain decree per various database queries. Campbell Drain is listed as a water district under the "what" tab in our information search, but no results can be found in that search or in other searches. We need to create water right records. Current owners need to file SRBA claims based on the water right records.

The first meeting for the new district is 2-3-2003. I will attend the meeting. I advised the parties to come to the meeting prepared to propose and adopt a budget consistent with the decree and Idaho statutes. Based on Gary Spackman's 10-16-2000 letter to the parties, one right infers about 70 acre-feet while other rights are less clear. The decree did not define some of the expected elements of water rights such as rates of flow. Creating accurate water right records will be a challenge.

I will contact you after the upcoming district meeting. Perhaps the parties will have additional information to help us shape appropriate records. Based on whatever I learn from the February meeting, the department can create water right records before the

¹ Western Region holds decree files 78A through 78G. The next available decree file number is 78H unless the State Office has additional information.

beginning of this irrigation season to assist the watermaster. Current owners can then file SRBA claims.

I included two folders with this memo. One is existing file 78D to be renumbered, and the other is a new decree file to be labeled as 78D to remain consistent with the new water district number. Once the decree file numbering issue and creation of water right records have been addressed, please return the folders to me. I will be glad to do anything to assist with this project.

No action is needed until after the February 3 meeting.