



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2003

To: Members of Water District No. 78-D

Re: Status of Water District

Dear Water District Member:

This letter summarizes the first annual water district meeting held February 3, 2003, in New Meadows. All three owners attended the meeting. I attended the meeting on behalf of the Idaho Department of Water Resources (IDWR).

The members discussed the situation at length. The Johnsons decided to enroll their decreed water right, no. 78-12131, in the state water bank for this year. Acceptance of the right into the water bank would preclude the use of the right on Johnson's property. The water right would be available for use elsewhere under terms set by water bank rules.

The members agreed to make the district inactive for this year assuming the Johnson water right is accepted into the water bank. The other two members can use their water rights from Campbell Swamp during 2003. Under these conditions, reports of Johnson diverting from Campbell Swamp would be treated as an illegal diversion subject to the *notice of violation* provisions of I. C. § 42-1701(B).

Members need to protect their decreed water rights by recording Snake River Basin Adjudication claims with IDWR. Attached is a memorandum summarizing IDWR records regarding Campbell Swamp (aka Campbell Drain etc.). The memo and enclosed claim forms and instructions should provide enough information for you to file claims. Please be advised IDWR cannot prepare the claims for you. If you need assistance in preparing claims, please consult an attorney and/or technical consultant familiar with these details.

Also, please be aware that the memo is my understanding of the situation. Conclusions about the best course of action in your situation are best left to parties other than IDWR. In other words, the memo is a tool to help you but is not advice you should rely on without consulting other experts in this field.

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Therefore, Water District No. 78-D is inactive for 2003 if Johnson files the necessary paperwork within forty-five (45) days of the date of this letter. Assuming that happens and water right 78-12131 is accepted into the water bank, the water district will remain inactive until further notice. IDWR will contact you around October 2003 to determine how you want to proceed for 2004.

If Johnson does not apply to enroll the right in the water bank or if the right is not accepted into the water bank for some reason, the water district must be activated and operational before the 2003 irrigation season begins. IDWR will contact you about a special meeting to accomplish those steps in that unlikely scenario.

I realize this temporary solution was not completely satisfactory to everyone. I appreciate your efforts in crafting this temporary solution pending a more permanent resolution of the problems associated with Campbell Swamp. Please do not hesitate to contact me at 208-334-2190 if you have any questions or need more information.

Copies of this letter have been provided to interested parties.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure: IDWR Summary Memo, SRBA Claim Forms and Instructions

Distribution List (with complete enclosures):

District Members Dan & Mary Hearn, Rod & Darla Johnson, and Tana Wilson-Kerby

CC: Scott Campbell, Jeanette Farrell, and Idaho First National Bank Trustee
(with copies of the IDWR memo but not claim forms and instructions)