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December 22, 1994

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Kent W. Foster  
Post Office Box 50130  
Idaho Falls, Idaho 83405-0130

Re: Preston-Whitney Irrigation Company Petition  
To Extend Watermaster's Term of Service  
MTBR&F File No. 16-832

Dear Kent:

The City of Preston would like to stop formal proceedings on this petition until the Preston-Whitney Irrigation Company, the Cub River Irrigation Company, and the City of Preston can meet informally to discuss the water delivery and water right issues arising from the petition and the City of Preston's pending transfer to divert from Bergquist Springs.

As we discussed in our phone conversation on December 15, the City began diverting from Bergquist Springs in 1920 with a 12" diameter pipe. These diversions continued until the 12" pipe was completely replaced by an 18" pipe in 1979. Our best estimate from the City is that these historic uninterrupted diversions for culinary use were 4.5 to 5 cfs. Yesterday, I learned from Tim Luke at the Idaho Department of Water Resources (IDWR) that Conan Foster made a one time measurement in November of 1300 gal/min (approximately 3 cfs) on the City line between the hydropower facility and the City storage tanks.

If the City of Preston and the Preston-Whitney Irrigation Company can agree upon a minimum figure for the City's Bergquist Springs diversions until the Preston-Whitney Irrigation Company, the Cub River Irrigation Company, and the City of Preston can meet to discuss the situation with IDWR, we could decide during that meeting what matters are appropriate for formal resolution. I would suggest 4.5 cfs as the interim figure.

The Preston-Whitney Irrigation Company has not objected to the City of Preston's 2.5 cfs transfer (13-0026) to Bergquist Springs. Two other transfers (13-0027 and 13-0028) for

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Bergquist Springs are already approved, and IDWR is scheduling a prehearing conference as soon as possible on the remaining transfer (and a transfer by Cub River Irrigation Co), though it appears it may be late January or February before that conference can occur. We would be happy to have one meeting in Preston with everyone, even those who have not objected to the City's transfer, to discuss the facts as we understand them and a possible long-term resolution of the water delivery situation. We appreciate that the water district provides a very necessary ministerial function to confirm the delivery of established water rights for all of these water users.

Due to the holiday season, I realize it may not be possible to have a response to this informal proposal before the filing deadline to the petition. Since the petition was received by IDWR on December 6, I calculate the 21-day response period to end on December 27. If I need to file the response to honor that deadline, it in no way precludes the informal resolution suggested in this letter.

I look forward to your early response.

Sincerely,



Josephine P. Beeman

JPB/sy  
Enclosure

cc: Arlene Nash, City of Preston  
Walter Ross, City of Preston  
Clyde Nelson (for City of Preston)  
Randy Budge (for Cub River Irrigation Co.)  
Tim Luke, IDWR  
Harold Jones, IDWR  
Phil Rassier, IDWR

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