

Gary  
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DEPARTMENT OF  
WATER RESOURCES

July 25, 2007

Idaho Department of Water Resources  
322 E. Front St.  
PO Box 83720  
Boise, Idaho 83720-0098

Gentlemen:

It has been suggested to me that I correspond with you regarding my water rights from the Worm Creek Decree.

I have been involved in these rights since 1977 when I found that two neighbors, through their attorney, had filed incorrect dates which led to one of my neighbor's, Mr. Moser, filing on our water right #13-0062. We were able to get these corrected in 1977.

Again in 1995, two neighbors diverted a share of my water into the Cub Canal. Attorney Randy Budge was retained to stop the Moser's from taking my water. By mid summer 1997 we were receiving our water again.

Our water rights once again were being diverted into the Lewiston Canal. This time it was through a Lease Agreement dated September 26, 1996 between Lewiston Canal and Cub River Irrigation Company. This agreement was signed by both irrigation companies. Paragraph 6 of that agreement states that it is understood between the parties that there exists certain users of the Middle Ditch who have decreed water rights but whom are not stockholders of either LESSOR or LESSEE. The LESSEE agrees not to interfere with their continued use of the Middle Ditch for their decreed water rights and shall assist in servicing said users of the Middle Ditch in the same fashion as the LESSOR has done in the past. The agreement seemed to work so good that in 1999 Lewiston Canal installed their second pipe. This one from the Middle Ditch and could take the 5 to 10 plus feet of water and drop it into the Cub Canal (no filing has been done to divert their water). They were able to divert a large share of our "Worm Creek Decree" water into the Lewiston Cub Canal.

I, again, went to Randy Budge to help me get my water back. He reviewed my paper work, which included copies of proposed findings of water rights - "Worm Creek drainage" colored maps of Preston/Whitney Irrigation Company Ditches that also included the beginning of the Worm Creek Drainage Basin. The diversion pipe was installed under agreement with Preston/Whitney Irrigation Company and Lewiston Canal/Cub Irrigation Company. This first pipe was filed with Department of Water Resources with what appeared to be proper paperwork. However, the second pipe from the Middle Ditch of Preston/Whitney had no filing. Mr. Budge acknowledged my rights and called the Department of Water and set up an appointment with Roger W. Jones, which enabled me to drive on to Idaho Falls.

I have had meetings with the Department of Water, also Pete Peterson, when he was Bear River Water Master. This year I have had the help of Cindy Bird from the Department of Water.

It has been difficult to try to get my water back as decreed under the Worm Creek Basin Decree. It has been difficult to believe that my attorney, Randy Budge, would write in his letter of June 20, 2005 that they could take "waste water" from Preston/Whitney system pursuant to exchange agreement between these two parties and deliver it to the Cub Canal/Lewiston Irrigation Company. I would welcome any help or assistance you can give me in getting my decreed Worm Creek drainage water delivered. I have many documents and letters. They are also on file with the Department of Water in Idaho Falls.

Sincerely,



Eldon C. Golightly  
2414 S. 1600 E.  
Preston, ID 83263

EG/ab

Enclosure: Letter dated April 15, 2005 to Cub River Irrigation Co. from Barker Law Office

cc: Gary Spackman, Administrator  
Tim Luke  
Cindy Bird