

MUD LAKE WATER USERS

June 24, 1998

Camas Wildlife Refuge
Mr. Gerald Deutshcer (Manager)
Hamer, Idaho 83425

RECEIVED

JUN 30 1998

Department of Water Resources
Eastern District Office

RE: Water Right Injury

Mr. Deutshcer:

On June 10, 1998, a group of Mud Lake water users, along with the watermaster, his deputy, and the Refuge Manager toured Camas Creek from the Bridge near Reed Sanders circle to the bridge down stream on the road to Buck Springs. The purpose of this tour was to see the effects of some actions which were taken by refuge management to drop or drain flood waters from the Reed Sanders circle.

The group was shocked and angered by seeing valid Mud Lake water rights being diverted from Camas Creek and onto refuge lands. This area was at a location where a dike had been cut, some several hundred feet up stream to the bridge near Sander's Circle.

The group was additionally shocked to see water spilling out the north and south banks further down stream. The concern was that both Beaver and Camas Creek flows were less than 400 c.f.s. on this day at these points, a very long way from being flood waters.

On May 19, 1998, a group of water users met at these same points to discuss some possible relief of flooding to the Sander's property. The group, only in part, had agreed to cut a dike bank as a trial. This group was not totally representative of all the Mud Lake users, as several were not in attendance and on this date some did not have any water allotments filled.

The group feel deceived by refuge management, as they were not told or shown that by cutting this dike would divert large amounts of water directly from Camas Creek, and on the refuge land to sink. The group was told this diversion would lower water levels on Sander's property along with some water that was flowing onto Sanders properties upstream from the bridge. The site selection was deceiving and false information was giving by refuge management, as to the fact we were experiencing record flooding flows. This was completely false and the flows were several hundred c.f.s short of any kind of record flows.

The Watermaster for the prior 39 years of service was unable to attend and was not present to correct some of these errors of fact at the time of need. This group would not have endorsed this piracy of water rights, had they have been properly informed. This attempt was to divert large amounts of Camas Creek Water.

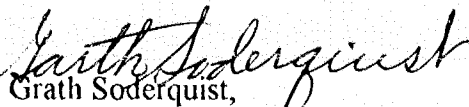
The first group was very concerned with the Sanders flooding and are ready and willing to assist in the simple prevention method of constructing some small amount of diking for both Sanders and Mr. Brown to eliminate any future flooding, however this meets with resistance from the Camas Wildlife Refuge Management. The group also agreed to a large pipe being installed into the dike that was cut to be used in a time of flood fights in the Mud Lake area or at the time that we would have real near record flows from Camas and Beaver Creeks. This would be determined by the Watermaster, however, both as to when record flows would be used and the actual approval of the period of use, much the same as the Warm Creek Channel Structured agreement near Mallard Slew. These determinations would not be made by Refuge management. The Watermaster is the only legally authorized agent to make any diversion of water from any stream in the water district #31.

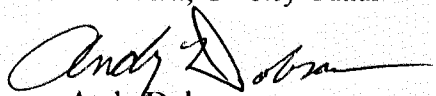
The other real concern of the group on the tour of the 10th, was the refuge managers attitude of disregard for other existing water rights. He made it very clear he intended to pirate water by various means to other areas of the refuge to increase flood plain and/or habitat. We totally recognize his right to his far superior priority rights, but warn him that he is only entitled to licensed or decreed amounts by authority of the decree.

We hereby order the refuge manger to fill in the cuts made by him to which divert amounts of water not authorized by a point of diversion Description, or a Decreed Water Right. We also rescind any so called agreement to cut the dike which was cut after the May 19th meeting along with the proposal to put a large tube at this location until an agreement between involved parties can be legally accomplished, signed, and notarized.


We would hope that any activity undertaken by refuge personal which will effect existing water rights in any way be restricted or coordinated with the affected water users.

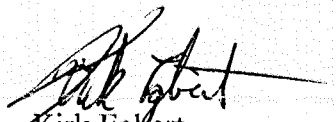
Sincerely,

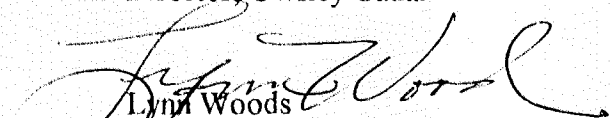

Grath Soderquist,
President, Owsley Canal


Andy Dobson
Water Right Owner,
President, Independent Water Users

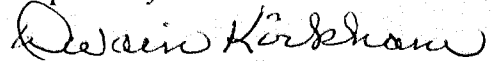
Keith Shuldberg
Director, Owsley Canal
Water Right Owner




Kirk Egbert,
Director, Owsley Canal


Lynn Woods
Director, Owsley Canal

Dwain Kirkham
Director Owsley Canal
Rep. Holly Water Users



Willy Schmitt

Willy Schmitt
President, Level Canal Co.

Van Burtenshaw

Van Burtenshaw
Rep. Burtenshaw Farms
Water Right Owner

Gerald Messerli

Director, Owsley Canal
Gerald Messerli

Copy to:

Stan Clark, Senator Kempthorn Representative
Senator Don Burtenshaw
Representative Joan Wood
Representative Lenore Barrett
Greg Shenton, Watermaster
Norm Young, Idaho Department of Water Resources
Ronald Carlson, Idaho Department of Water Resources
Milton Haderlie, U.S. Fish and Wildlife Service

Edgar Green
Director, Owsley Canal
Rep. Jacket Canal Co.

Edgar Green

Don Parker
Water Right Owner
Level Canal Co.

Don Parker