

FRIENDS OF BIG LOST RIVER

AUG. 11, 1995

HONORABLE NORMAN YOUNG, ADMINISTRATOR
IDAHO DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83720-9000

RECEIVED

AUG 16 1995

Department of Water Resources

Re: Pictures

Dear Norm:

Enclosed you will find follow up pictures on the demise of Lower Big Lost River.

The pictures are all punched and ready to install in the book that Friends of Lost River furnished to I.D.W.R.

Although ever picture tells its own story, the most important one enclosed at this time shows the truth about the East Fork of Big Lost River (Spring Creek). We certainly hope that the powers to be are starting to understand the damage that has been done to Lower Lost River and its ecology and environment.

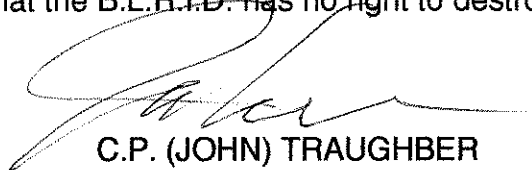
Although there is water in Spring Creek at my place, there has never been enough to even flow over the digger logs. Director Ray Boyack reports that Spring Creek is still broken below Moore.

Our river is now starting to dry up and I expect business as usual very soon, but all the ditches are so full transporting water to the old Carey Act Lands that the folks in the city of Arco are worried about the danger to the children. It is a very dangerous situation.

What really bothers me is that there have been verified sightings of a dead cow and even a dead pig in the Eastside Canal and I have seen children swimming in this same water that flows through the City of Arco. (I reported this to the Health Dept. -- no follow up -- does anyone really care?)

I do want to renew my request for a field trip to the Moore Diversion, and I would hope that Mr. Ballou would re-schedule our trip so that we might check on the integrity of the East Fork of Big Lost River (Spring Creek). Now that this channel has renewed its self we want to make sure that the B.L.R.I.D. has no right to destroy it **again**.

Have a good day!



C.P. (JOHN) TRAUGHBER
P.O. BOX 678 ARCO, ID. 83213-0678
(208) 527-3920

OFFICE OF THE GOVERNOR
HONORABLE PHIL BATT
STATE CAPITOL BOISE, ID. 83720-0034

AUGUST 21, 1995


RECEIVED
AUG 28 1995

Department of Water Resources

RE: TRAGEDY OF LOWER BIG LOST RIVER -- THE DEATH OF A RIVER!

Dear Governor:

After having opened the doors of the I.C.U. (Intensive Care Unit) and having the 4 new locks removed that the conspirators from B.L.R.I.D. (Big Lost River Irrigation District) had installed this spring in their latest effort to deny water to Spring Creek we were able to move Spring Creek (East Fork of Big Lost River) from I.C.U. where it had been in a Coma for over a decade, and move it to the R.R. (Recovery Room).

Several I.V.'S (Intravenous), or artificial feeding methods were installed in various areas of Spring Creek none of which were **natural** or big enough to ever put enough nourishment in its body to bring it out of its Coma. We were never able to overcome all of the clogged arteries and the Villains that kept removing the I.V.'S. made sure that our efforts were doomed to failure and Spring Creek was never completely filled.

As of this date we understand most all support systems have now been removed and Spring Creek is back in I.C.U. Despite, what some call the most abundant water year for maybe 50 years in the State of Idaho, Spring Creek, is now dry in many areas and will soon succumb to the conspirators agenda.

Make no mistake about it, just as soon as Big Lost River flows will fit into the Eastside and Moore Canal at the Moore Diversion, I.D.W.R. (Idaho Dept. of Water Resources) & B.L.R.I.D. (Big Lost River Irrigation District) will again put Lower Big Lost River below the Moore Diversion and its tributaries on **death row**.

QUOTES:

The Army Engineers admit our problems in Spring Creek were caused by having . . . "had its hydrology severely altered by irrigation ditch operations." Robert A. Brochu also stated that if and when the floods return to our valley, serious consequences would face the citizens in the Lower Lost River Valley. Without the ability of Spring Creek and its Wet Lands to act as a sponge and absorb these extra flows, the floods could be devastating to the Lower Lost River Valley. He was right as the 1995 floods decimated the main Big Lost River Stream Bed and its Banks along with some landowners property, mostly below the Moore Diversion.

The State's own Resources & Conservation Agency admits in a hand written note dated Feb. 23, 1994 by Rep. JoAn Wood. . . "Your problem there John is a gross error made by Dept. of Water Resources Dept. (board) years ago when they allowed the wells and diversions. Many folks here would like to do something now to repair that damage, but the true fact is we can not get agreement on a way to do that legally."

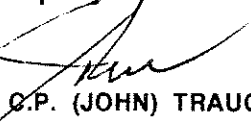
127
AUG 1 1994
Quotes by Friends of Big Lost River!

The feeding of a Natural Stream Channel from a ditch is nothing more than a **death warrant** for the **stream & its environment!**

God created "Spring Creek" -- (East Fork of the Big Lost River) to nourish the East side of Big Lost River Valley and circumventing or prohibiting Spring Creek from carrying even the irrigation flows is what created a **wasteland** -- not the **drought!**

The **trust** of those that were put into **financial bondage** in the 1930's for 20 years to put a stop to the **plundering** of the Big Lost River Valley has been **betrayed** by **I.D.W.R., B.L.R.I.D., & THE STATE OF IDAHO**

The Natural Stream Channel of Big Lost River below the Moore Diversion is now in most areas, the most **god awful mess** you would ever want to see. The failed policies of the State of Idaho and its Dept. of Water Resources has bankrupted the Lower Lost River Valley of its water and we are now under the threat of **financial bankruptcy** in our effort to secure our **lawful rights**.



FRIENDS OF BIG LOST RIVER

C.P. (JOHN) TRAUGHER P.O. BOX 678 ARCO, ID. 83213-0678 (208) 527-3920

C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720-0034

ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010

ID. REP. GOLDEN C. LINFORD 2120 WEST 4200 SO. REXBURG, ID. 83440

ID. SEN. REX FURNESS 3470 EAST 300 NO. RIGBY, ID. 83442

ID. REP. ALLAN LARSEN 848 WEST TABOR RD. BLACKFOOT, ID. 83221

ID. SEN. JERRY TWIGGS 955 WEST 100 SO.. BLACKFOOT, ID. 83221

ID. REP. MIKE SIMPSON 786 HOFF DRIVE BLACKFOOT, ID. 83221

ID. REP. JoAn WOOD 3778 EAST 500 NO. RIGBY, ID. 83442

U.S. REP. MICHAEL D. CRAPO 2539 CHANNING WAY IDAHO FALLS, ID. 83404

U.S. SEN. LARRY E. CRAIG 2539 CHANNING WAY IDAHO FALLS, ID. 83404

I.D.W.R. C/O NORMAN YOUNG STATEHOUSE MAIL 83720-9000

I.R.U. P.O. BOX 633 BOISE, ID. 83701

B.L.R.I.D. 101 SO. MAIN AVE. MACKAY, ID 83251

WATER DIST. # 34 107 MAIN STREET MACKAY, ID 83251

S.R.B.A. P.O.BOX 2707 TWIN FALLS, IDAHO 83303-2707

b9D

FRIENDS OF BIG LOST RIVER

SEPT. 6, 1995

RECEIVED

SEP 12 1995

HONORABLE KARL DREHER & NORMAN YOUNG
IDAHO DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83720-9000

Department of Water Resources

Re: Pictures (Explanation)

Dear Karl & Norm:

I assumed when you were here, that you knew the pictures in the book were of my place, at least some of them. I used them because they were the only ones I could come up with at the time.

These pictures are rejects and they did not cost me anything, so don't worry about what happens to them -- they are in your book.

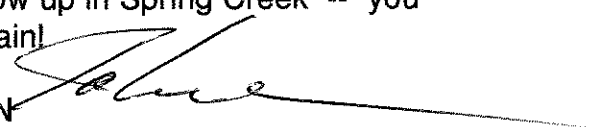
The picture of the girl fishing is standing where you drove into my yard. The red spot in the lower left hand corner is the bridge that you drove over. If the bank of Spring Creek looks funny in this picture it is because I had spent a month or two every night shoveling the silt out of Spring Creek. It had not quite grown over with grass as yet. This was part of my and the Idaho Fish & Game project to improve Spring Creek. I did this standing in water with my waders on. Try it sometime -- its lots of fun.

The larger picture shows my house that you drove to and it also shows the blue shed where we had our talk -- right hand edge in the middle of the picture. My sons home is just to the left of the natural pond.

The home on the east side of the highway is Mr. Winger's place and the trees are all gone now -- they were dead, (lack of water) and were a fire hazard to his home.

This picture of the valley was taken sometime after 1980 -- most likely 85 or 86. We went hiking one day and just happened to take a picture of our place -- it looked like this until they shut off all flows of water at the Moore Diversion to Lower Lost River Valley. B.L.R.I.D. closed all the gates to Lower Big Lost River and its tributaries about 1986 as I know it, and we had no flows except for about 45 days in 1993 -- absolutely none in Spring Creek.

I never said a word until 1993 when water failed to show up in Spring Creek -- you know the rest of the story -- just thought I should explain!

SINCERELY, JOHN 

(JUST THOUGHT YOU MIGHT LIKE TO KNOW WHAT MAKES A GROWN MAN CRY.)



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL
Statehouse, Room 210
BOISE 83720-1000

LARRY ECHOHAWK
ATTORNEY GENERAL

Telephone (208) 334-2400
Fax (208) 334-2530

Criminal Law Division
Fax (208) 334-2942

Natural Resource Division
Fax (208) 334-2890

August 3, 1994

Ms. Doris Platz
Rt. 1, Box 487
Arco, ID 83213

Re: Reply to Your Letter Dated July 10, 1994.

Dear Ms. Platz:

This letter is in reply to your letter dated July 10, 1994 which you supplemented with a booklet entitled the "Lower Big Lost River Valley" and an additional set of documents. Your letter, booklet, and supplemental documents present the following three primary issues:

1. Did the buy-out of the Carey Act project of the Utah Construction Company in 1935 preclude the present diversions of water to the lands within the boundaries of this former project?
2. Is the substitution of the Moore Canal and the Eastside Canal for the natural channel of the Big Lost River in conformance with Idaho law?
3. Are the transfers of water rights to the lands within the boundaries of the former Carey Act project in conformance with Idaho law?

This office does not provide legal opinions to persons other than public officials. Nonetheless, some brief comments on Idaho law may be of assistance to you.

The Reconstruction Finance Corporation provided the loan for the buy-out of the Utah Construction Company in 1935. We have found nothing in this budget authorization that precluded the subsequent diversion of water to the lands within the boundaries of these former projects. We have not researched whether there are any restrictions filed for record in Butte County that would preclude these diversions.

Ms. Doris Platz
August 3, 1994
Page 2

The second issue is a matter that is likely to be the subject of litigation in the Snake River Basin Adjudication or in another judicial forum. Since the Attorney General's office must represent the State in any such action, we cannot comment on this issue.

The appropriative water rights doctrine generally provides that one attribute of a water right is the right to transfer a water right from one place of use to another, subject to certain conditions. Thus, an answer to the third issue depends upon an individual analysis of each such transfer, which this office has not undertaken. A major part of your concern with the third issue, however, appears to be application of the "presumption" statutes to these water rights. While the District Court concluded that the "**presumption**" statutes were invalid, the legislature enacted modified versions of these provisions during the most recent legislative session. See Idaho Code §§ 42-1425, 42-1426, and 42-1427. These new statutes likely will be challenged in the SRBA.

Finally, Idaho law provides a general procedural mechanism for the protection of instream values in lakes and streams in Chapter 15, Title 42, Idaho Code. This means of protection for the Big Lost River, however, would not be effective because existing diversions have already created a dry channel. An instream flow water right would provide little protection when senior water rights are already being curtailed.

The pictures you sent well illustrate the beauty and potential for the Big Lost River drainage. I am returning your book to you. Thank you for sharing it with me.

Sincerely,



David J. Barber
Deputy Attorney General
Natural Resources Division

DJB/cjc
Enclosure
L4208NBA

FNO

FRIENDS OF BIG LOST RIVER

SEPT. 11, 1995

HONORABLE KARL DREHER & NORMAN YOUNG
IDAHO DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83720-9000

RECEIVED

SEP 12 1995

Department of Water Resources

Re: Pictures

Dear Karl & Norm:

Enclosed you will find the pictures that I promised.

I was accompanied by one of the director's of B.L.R.I.D..

Please share with the Gov. and A. G. as I cannot afford to send them copies for their books.

SINCERELY,



C.P. (JOHN) TRAUGHER
P.O. BOX 678 ARCO, IDAHO
(208) 527-3920

RECEIVED

SEP 08 1995

Department of Water Resources

HONORABLE KARL DREHER, DIRECTOR
IDAHO DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD STREET
STATE HOUSE MAIL
BOISE, IDAHO 83720-9000

SEPT. 2, 1995

RE: SPRING CREEK FIELD REVIEW OF JUNE 5, 1995 (MEMORANDUM)

Dear Mr. Dreher:

With all due respect this report does attempt to shed some light on the East Fork of Big Lost River called (Spring Creek). It does admit according to the suggestions given by Mr. Eric Verner that I.D.W.R. does not know the history of the Demise of Lower Big Lost River & its tributaries below or above the Moore Diversion.

I personally give this report an F for the "Quote" . . . " There is no in-flow emptying into the Eastside Canal from the Spring Creek source." This statement is ambiguous in that there is no data to back it up except what one is told by the special interest group which includes B.L.R.I.D. and its management that wants to continue business as usual no matter **who** or **what** is **destroyed**.

The map shown in this report, as far as I am concerned, is totally fictitious as it shows an individual source all by itself that indicates that Spring Creek enters the Eastside Canal through a culvert in the side of the Eastside Ditch after it mysteriously appears from some unknown source. This culvert is nothing more than another avenue to finish draining the East Fork of Big Lost River (Spring Creek) into the Eastside Canal.

If one stands at the Gates to the Eastside Canal and looks upstream, you are looking right into the eye of the Big Lost River. This area is the collection agency for Antelope Creek, Pass Creek, Alder Creek, and all accompanying flows from the Big Lost River that originate in Copper Basin. The river splits at this point and the East Fork of Big Lost River becomes known as (Spring Creek). The East Fork of Big Lost River was destroyed at this point to facilitate the construction of the Eastside Canal.

In the early days when the valley was settled, there was so much water and wet lands, the road to the upper valley had to be built in the foothills from Arco to Mackay on the east side of the valley.

I have no idea just when this monstrosity -- Moore Diversion -- was built, but at the time of the buy out of the Utah Construction Co. in the 1930's when the water was returned to the Lost River Drainage System no one evidently recognized what would become a total **disaster** for the East Side of Lost River Valley below this **monstrosity**.

Everything seemed to work and Spring Creek was supplied water for years, but when the expansion experts took over in the late 60's & 70's and in their quest for more and

more water the cancer that has now killed Spring Creek was in full bloom.

I.D.W.R. & B.L.R.I.D., (in about 1985 or 1986) eventually shut down Spring Creek as well as Lower Big Lost River below the Moore Diversion altogether and blamed the drought or short water years for its demise. Some even plowed and planted the Spring Creek Channel and used the water absconded from Spring Creek to raise subsidized crops. During all of this time the old Carey Act Project was in full bloom -- again the valley residents who were put into financial bondage for 20 years to put a stop to this plundering of their valley were **betrayed!**

On a field trip, Sept. 2, 1995, myself and Mr. Ray Boyack a director from the B.L.R.I.D. visited the Moore Diversion and inspected where the East Fork of Big Lost River recently broke through the Eastside Canal and tried to escape, It had also tried to escape previously at the Diversion during the floods and damn near wiped out the whole Moore Diversion.

B.L.R.I.D. has already repaired this latest escape route that made an end run around the Moore Diversion but in order to do so they had to use several truck loads of fill to dam off the Natural Stream Channel of the East Fork of The Big Lost River. This repair was done without consultation with the 2 directors of B.L.R.I.D. that live on Spring Creek, Lew Rothwell and Ray Boyack.

Although I knew something was being done in this area, when I called the Watermaster, Doug Rosenkrance, he didn't even know these repairs were being done, and although he told me he would check it out and get back to me, he never did.

During our inspection the largest channel we found was what Mr. Boyack calls the East Fork of Big Lost River, which was again dammed shut in Sept. 1995, in order to repair the Eastside Canal, mentioned above, thus depriving Spring Creek of its Natural Flows.

Enclosed you will find the pictures of our field trip to prove to the best of our ability the truth about what is **really** happening to our beautiful valley.

FRIENDS OF BIG LOST RIVER


C.P. (JOHN) TRAUGHER
P.O. BOX 678 ARCO, IDAHO 83213-0678
(208) 527-3920

C.C. GOVERNOR PHIL BATT

A.G. AL LANCE

FRIENDS OF LOST RIVER

MAY 31, 1995

HONORABLE NORMAN YOUNG, ADMINISTRATOR
IDAHO DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83720-9000

RE: PICTURES

DEAR NORM:

ENCLOSED YOU WILL FIND THE PICTURES THAT I PROMISED THAT I WOULD
SEND, I EVEN HAD THEM PUNCHED SO YOU COULD INSTALL THEM IN THE
BOOK THAT WAS FURNISHED TO I.D.W.R.

HAVE A GOOD DAY!

SINCERELY,


C.P. (JOHN) TRAUGHBER

MAY 31, 1995

OFFICE OF THE GOVERNOR
HONORABLE PHIL BATT
STATE CAPITOL
BOISE, IDAHO 82720-0034

RECEIVED
JUN 05 1995

Department of Water Resources

RE: TRAGEDY OF LOWER BIG LOST RIVER

DEAR GOV. BATT:

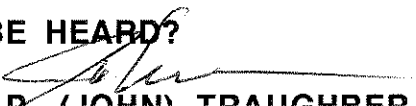
AFTER DECADES OF BEING IGNORED BY THE STATE OF IDAHO --
ALTHOUGH, AS OF THIS DATE, THOUSANDS & THOUSANDS OF
ACRES OF WATER ARE LEAVING OUR DRAINAGE SYSTEM (LOWER BIG
LOST RIVER AND SPRING CREEK) - ILLEGALLY -- EVERY DAY --
THE NATURAL STREAM CHANNEL OF SPRING CREEK IS STILL
WITHOUT WATER!

SPRING CREEK IS STILL FULL OF SMASHED CULVERTS --
UNDERSIZED CULVERTS -- GARBAGE -- DEBRIS -- VEHICLES --
AND IN SOME PLACES OBSTRUCTIONS FROM FARMING ACTIVITIES.

THESE SAME OBSTRUCTIONS WERE VISITED BY SPECIALISTS FROM
I.D.W.R. AND THE ARMY ENGINEERS IN 1993, AND WE HAVE
RECEIVED NO RESPONSE FROM I.D.W.R. THE ARMY ENGINEERS DID
ADMIT THAT OUR PROBLEMS IN SPRING CREEK WERE CAUSED BY
HAVING . . . "HAD ITS HYDROLOGY SEVERELY ALTERED BY
IRRIGATION DITCH OPERATIONS." ROBERT A. BROCHU, ALSO STATED
THAT IF, AND WHEN, THE FLOODS RETURNED TO OUR VALLEY,
SERIOUS CONSEQUENCES WOULD FACE THE CITIZENS IN THE
LOWER LOST RIVER VALLEY.

THAT DAY HAS COME, GOVERNOR. MAYBE GOD HAS BEEN
LISTENING AND WILL CLEAN OUT THESE OBSTRUCTIONS, BUT THE
SAD PART IS SOME OF US STAND TO LOSE OUR HOMES IN THE
PROCESS.

WILL OUR CRIES EVER BE HEARD?


C.P. (JOHN) TRAUGHBER
P.O. BOX 678
ARCO, IDAHO 83213-0678
(208) 527-3920

PLEASE RESPOND!

FAX 

MAY 18, 1995

OFFICE OF THE GOVERNOR
HONORABLE PHIL BATT
STATE CAPITOL BOISE, ID. 83720-0034

RE: TRAGEDY OF LOWER BIG LOST RIVER

We enjoyed reading what Attorney General Alan Lance said about the bombing of the Oklahoma City federal building that was published in the Post Register Thursday May 18, 1995, which stated, "... (it) was a cowardly act of terrorism, ... but it does put a sharper point on public's distrust of the federal government." He also said "We have a powder-keg in the United States and especially in the Western United States", as well as saying, "We in the West have just about had enough of the arrogance of the federal government."

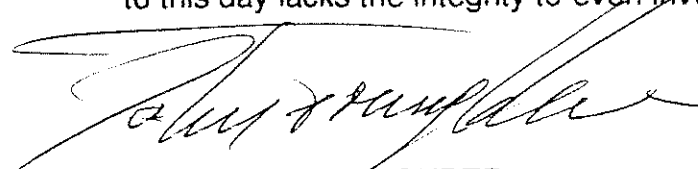
We just wonder who is going to get the blame for the destruction of our Ecosystem in Lower Big Lost River, now that we are in imminent danger of being totally destroyed by fires or floods. After years of being **ignored** by our Lawmakers and Politicians in the State of Idaho, we have our own **powder-keg**, that could explode any time.

We have used up all of our tolerance in the past decade and have had enough of the arrogance of the State of Idaho and its Dept. of Water Resources, as well as our Federal Government.

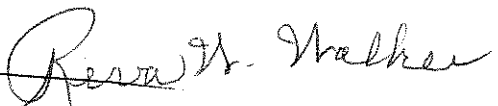
Although we have informed **a**ll of our State & Federal Representatives with over 150 documents including books with pictures that proves, the failed policies and lack of enforcement of our State Laws is turning Lower Big Lost River into a Wasteland, we are still ignored.

Although we agree that the Feds. are in deep do-do with their poor law enforcement decisions, we wonder just what right the State of Idaho has to criticize or blame the Federal Government, for terrorist activities, when their own house is in such disarray?

To paraphrase Mr. Lance, the state government has brought this distrust on itself and to this day lacks the integrity to even investigate.



C.P. (JOHN) TRAUGHBER
P.O. BOX 678 ARCO, ID. 83213-0678
(208) 527-3920



REVA W. WALKER
P.O. BOX 32 ARCO, ID. 83213-0032
(208) 527-3229

The Arco Advertiser

71st Year, No. 24

Arco, Idaho, June 11, 1981

Single Copy 25c

Permits necessary for channel work on Spring Creek

Some controversy has been caused by stream channel work on Spring Creek, also known as the East Branch of the Big Lost River, which had been done in the past year or more. Spring Creek, although intermittent and at times in the last couple years dry, comes under the provisions of Idaho Code Title 42, Chapter 38, Section 3801—the Stream Channel Protection Act, and according to William R. Rhoads, Sr. Resource Analyst of the Department of Water Resources, steps are being taken to protect the integrity of the stream channel of Spring Creek.

Currently, the Department of Water Resources has been involved with two landowners who are in various stages of Stream channel permit activity for that portion of Spring Creek occurring within their ownership boundaries.

Permit No. 34-S-71 has been approved by the Water Resources Department for L. Vaughn Jensen to authorize work within the channel of Spring Creek.

According to Rhoads, the Department feels the integrity of the stream will be adequately protected by conditions placed upon Mr. Jensen's permit. The conditions include, but are not limited to the following:

Portions of the new channel subject to erosion shall be riprapped or have other suitable armoring, as determined by the Department of Water Resources, to protect the channel banks and bottom; the carrying capacity and gradient of the new channel shall not be less than the capacity and gradient of the old channel. A channel design prepared by the Soil Conservation Service or other qualified designers shall be

submitted for approval to the Department prior to construction; the permit holder is responsible for injury to existing downstream water rights which may result from the stream channel permit activity for that channel shall remain as additional flood protection in the reach.

According to Rhoads, the second individual, Brent Morgan, also of Moore, has assured the Department that "his illegal Channelizing activity in Spring Creek will be corrected, permit applied for, and adhered to."

In case this procedure is not followed within a specified length of time, Rhoads said the Department would likely file misdemeanor charges pursuant to Idaho Code. There is also a possibility that the Corps of Engineers would be involved in a similar action pursuant to their Federal Mandate (Clean Water Act) P.L. 92500, Section 404.

A recent communication to the Department of Water Resources, signed by fifteen land owners with Spring Creek coursing through their property, said in part:

"We . . . believe the above named river (East Branch of Big Lost River, also known as Spring Creek) to be a stream channel as defined in the Stream Protection Act of the Idaho Code, Title 42, Chapter 38.

"We hereby demand that the Director of the Department of Water Resources take action as necessary to protect the channel as provided within the Act to assure that the Big Lost

(Continued on Page A-3)

Permits necessary for channel

(Continued)

River Water Master, and other officials as may be appropriate take action to continuously provide our rightful water in the East Branch of the Big Lost River. It is further requested that you take such action as required to restore the original integrity of the channel and cause such obstructions and infringements restricting adequate stream flow to be expeditiously removed.

"We further require that proper head gates and controls, specifically a concrete diversion gate in the east side canal below the Spring Creek Diversion point, be expeditiously constructed and restored to permit proper management of the waters and make adequate diversion of water to the East Branch of the Big Lost River possible.

This request was signed by N. K. Sowards, Moore; Clyde McAfee, Arco; Donald L. Herhouse, Moore; J. C. Traugher, Arco; George Wheeler; Ned R. Walker, Arco; M. L. Felton, Anita McAfee, Arco; Tyler L. Felton, Arco; Reva M. Walker, Arco; Marlin Felton, Arco; Betty Ann Sowards, Moore; Jack W. Sowards, Moore; W. T. Sowards, Moore; Leota Sowards, Moore.

In reply to this communication, the Department of Water Resources has assured that the Stream Channel Law, adopted rules and regulations will be adhered to in accordance with the Department's legislative mandate.

The landowners were informed that Eugene Gabert, Watermaster in Water District No. 34, delivers water to the owners of decreed and licensed waters. Delivery procedures, maintenance and construction of diversion structures is solely the responsibility of the water district or individual owners.

The Department of Water Resources, represented by Sr.

Resource Analyst Rhoads, assured that action would be taken where applicable as mandated by law, and that landowners may be called upon in the future to assist in this endeavor.

Colorado broke water pact

By Robert Granader

States News Service

WASHINGTON — The U.S. Supreme Court ruled yesterday that Colorado violated a 1949 agreement with Kansas by taking more than its fair share of water from the Arkansas River.

The justices, who first allowed Kansas to sue Colorado in the high court nine years ago, unanimously accepted all four volumes of recommendations submitted to them by special master Arthur Littleworth.

The case now returns to Littleworth to determine the amount of damages to be paid by Colorado to Kansas.

Kansas' principal claim was that Colorado allowed hundreds of wells to be drilled, draining water that rightfully belonged to Kansas.

Those wells and the Trinidad dam, Kansas claimed, diverted water to which Kansas was entitled under a 1949 compact between the two states and caused the Arkansas River to run dry in much of southwestern Kansas most of the time.

Kansas Attorney General Carla Stovall called the Supreme Court's ruling "a historic victory for Kansas."

"In terms of the amount of water at stake, the ruling means that Kansas won 90 percent of its case against Colorado," she said. "This case was critical for our state, in that continued and future depletions of the river water would have led to even more serious economic damage than has already occurred, not only to western Kansas but to the state as a whole."

Kansas also suffered some setbacks in yesterday's decision.

The Supreme Court, agreeing with Littleworth's findings, ruled that Kansas failed to prove its claim that construction and use of the Trinidad dam and reservoir on the Purgatoire River near Trinidad have resulted in a material depletion of Arkansas River water for Kansas.

The court also ruled that Kansas failed to prove that operation of Colorado's Winter Water Storage Program violates a water-use agreement between the two states.

Colorado Attorney General Gale Norton said she was not surprised by the high court's decision.

"The tendency in complex factual cases is for

the reviewing court to accept the determination of the lower court," Norton said.

"We won two out of the three claims. We are pleased by that portion of the decision. And we are disappointed by the ruling on . . . well development."

Both states had challenged portions of the special master's report, but the Supreme Court didn't accept those arguments.

"We overrule the exceptions filed by the states of Kansas and Colorado," Chief Justice William Rehnquist wrote in sending the case back to Littleworth.

The decision could force Colorado farmers to cap as many as 1,700 wells. Kansas also is seeking monetary damages, which Littleworth will recommend to the Supreme Court.

The high court will make the final determination.

The case was launched in December 1984 by former Kansas Attorney General Bob Stephan and financed by the Kansas Legislature to the tune of \$11 million.

— *The Associated Press contributed to this story.*

Wells drained Kansas' share, high court rules

MAY 31, 1995

OFFICE OF THE GOVERNOR
HONORABLE PHIL BATT
STATE CAPITOL
BOISE, IDAHO 82720-0034

RECEIVED
JUN 05 1995

Department of Water Resources

RE: TRAGEDY OF LOWER BIG LOST RIVER

DEAR GOV. BATT:

AFTER DECADES OF BEING IGNORED BY THE STATE OF IDAHO --
ALTHOUGH, AS OF THIS DATE, THOUSANDS & THOUSANDS OF
ACRES OF WATER ARE LEAVING OUR DRAINAGE SYSTEM (LOWER BIG
LOST RIVER AND SPRING CREEK) - ILLEGALLY -- EVERY DAY --
THE NATURAL STREAM CHANNEL OF SPRING CREEK IS STILL
WITHOUT WATER!

SPRING CREEK IS STILL FULL OF SMASHED CULVERTS --
UNDERSIZED CULVERTS -- GARBAGE -- DEBRIS -- VEHICLES --
AND IN SOME PLACES OBSTRUCTIONS FROM FARMING ACTIVITIES.

THESE SAME OBSTRUCTIONS WERE VISITED BY SPECIALISTS FROM
I.D.W.R. AND THE ARMY ENGINEERS IN 1993. AND WE HAVE
RECEIVED NO RESPONSE FROM I.D.W.R. THE ARMY ENGINEERS DID
ADMIT THAT OUR PROBLEMS IN SPRING CREEK WERE CAUSED BY
HAVING . . . "HAD ITS HYDROLOGY SEVERELY ALTERED BY
IRRIGATION DITCH OPERATIONS." ROBERT A. BROCHU, ALSO STATED
THAT IF, AND WHEN, THE FLOODS RETURNED TO OUR VALLEY,
SERIOUS CONSEQUENCES WOULD FACE THE CITIZENS IN THE
LOWER LOST RIVER VALLEY.

THAT DAY HAS COME, GOVERNOR. MAYBE GOD HAS BEEN
LISTENING AND WILL CLEAN OUT THESE OBSTRUCTIONS, BUT THE
SAD PART IS SOME OF US STAND TO LOSE OUR HOMES IN THE
PROCESS.

WILL OUR CRIES EVER BE HEARD?

[Handwritten signature]
C.P. (JOHN) TRAUGHBER
P.O. BOX 678
ARCO, IDAHO 83213-0678
(208) 527-3920

[Handwritten: "How", "Please respond?"]
PLEASE RESPOND!



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
IDAHO FALLS REGULATORY OFFICE
EXCHANGE PLAZA
1820 E. 17TH,
STE 350

Reply To
Attention Of:

IDAHO FALLS, IDAHO 83404
September 10, 1993

Operations Division

SUBJECT: NPW No. 930301390

Mr. Lewis Rothwell, President
Big Lost River Irrigation District
101 South Main Avenue
Mackay, Idaho 83251

Dear Mr. Rothwell:

This is to follow up a meeting I had with Mr. Erv Ballou of the Idaho Department of Water Resources and Mr. L.D. Anderson, Mrs. Reva Walker and Mr. John Traugher on August 24, 1993 regarding Spring Creek. Spring Creek appears to be a side channel of the Big Lost River which has had its hydrology severely altered by irrigation ditch operations. Mr. Anderson indicated he was in attendance on behalf of the Big Lost River Irrigation District. The meeting was directed at alterations which had occurred to Spring Creek in the past several years, natural and man made, and what it would take to return water flow to the Creek.

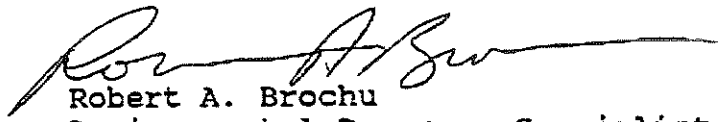
It is our understanding that the Irrigation District wishes to perform debris removal and channel cleaning of Spring Creek below the Moore Diversion, Secs. 3 and 10, T.5N., R.26E., B.M. near Moore, Butte County, Idaho. If such cleaning involves recontouring the channel bottom by pushing dirt and sediment or the excavation of the creek it may require Department of the Army approval. Section 404 of the Clean Water Act requires prior approval from the Department of the Army for any discharge of dredged or fill material into waters of the United States.

If you should decide to proceed with the described work I highly recommend you have personnel investigate all downstream segments of the Creek to ensure blockages have not occurred in the creek or other land modifications have not been instituted which could obstruct flows. It is our understanding that there are numerous instances downstream where side sloughs and sections of Spring Creek may have been converted to cropped land. Such alterations may adversely impact future water flows.

Page 2
930301370
L. Rothwell

Please complete and submit the enclosed pamphlet entitled "General Information and Instructions for Completion of Joint Application for Permit". Please note it often takes 30 to 60 days to process application so please submit the completed application well in advance of any proposed work. If I can be of further assistance to you, please contact me at (208) 522-1645.

Sincerely,



Robert A. Brochu
Environmental Resource Specialist

Enclosure

Copy Furnished:

Mrs. Reva Walker
P.O. Box 32
Arco, Idaho 83213

Mr. John Traugher
P.O.Box 678
Arco, Idaho 83213-0678

Mr. L.D. Anderson
Rt. 1, Box 52
Moore, Idaho 83255

DECEMBER 5, 1995

RECEIVED

DEC 14 1995

OFFICE OF THE GOVERNOR
HONORABLE PHIL BATT
STATE CAPITOL BOISE, ID. 83720-0034

Department of Water Resources

RE: THREATS

After again being told, by another businessman on Dec. 4, 1995, in the privacy of my home that he and his wife, are behind my efforts to restore water to the Lower Lost River Valley by 150 %, but to go public could very well cause the demise of their business, I have decided to respond. I also hope and pray that as our Governor you show your **statesmanship** and at the very least have our Attorney General investigate the **anarchy** that is being perpetrated against these businesses and interview these business persons. Of course these interviews would have to be done **incognito** in order to protect them from these threats.

My wife and I are both from the generation that in our childhood, had to put on our galoshes to go to the bathroom. We cannot comprehend that in this day of plenty, most of those that have never experienced the thrill of two holer in a blinding snow storm, must steal from their neighbors to fulfill their greed, and then hold their neighbors in submission by threats.

Almost every business in Arco, including employees for the county, state, banks, government workers, teachers, and many others are under these threats.

In pursuing a water right, the City of Arco, being practically bankrupt, did not have funds available to hire outside lawyers to protect itself from these **threats of anarchy** being perpetrated against it by I.D.W.R. and the special interest group, this effort to find funds fell on the backs of volunteers. Arco's own lawyer opted not to defend the city. The city's lawyer was at the meeting, when this special interest group threatened the city and the council members with massive lawsuits, if the city followed through and filed for a water right. This threat scared council members to the extent that at the time they went along with the recommendation of their lawyer and recalled their application for a water right. The city's lawyer failed at the time to inform the council members that it was total **nonsense** that the council members or the city could be sued for simply filing for a water right. He also failed to inform the members that the city had insurance that protected them against such frivolous lawsuits. Those of us that failed to be **intimidated by these threats** had to return to the next meeting and convince the council members to resubmit their application for a water right. We knew we were by now walking on thin ice, but we were still willing to let the courts decide whether or not the City of Arco had water rights. The special interest group and their leader called the city's effort a **charade** and asked the judge to throw out the city's application and he did. My question is, did the judge have all of this information that I am now reporting to you? I think not. The application for a water right was thrown out, the volunteers lost their money, and the most tragic part is there was never a decision as to whether or not the city had the rights to protect its citizens from the loss of water.

In our last ditch effort to have our request for the City of Arco's application for a water right to be considered by our Adjudication Court the little people of Arco dug deep into their pockets and came up with over \$ 1,000.00 dollars in less than 48 hours. This was the amount that the outside lawyer demanded to represent us, for 1 day. As you may or may not know, the Special Interest Group that had threatened the City of Arco with hundreds of thousands of dollars worth of law suits, even bragged that they would stop the City in its pursuit to protect the rights of its citizens in the future against the loss of its water. This group used I.D.W.R. and its taxpayer paid lawyers to hold the City of Arco into submission. This special interest group paid nothing to be defended by the State of Idaho, and its bureaucracy, I.D.W.R. If the **truth** was known about

what happened from the beginning of the Adjudication process, until the day that the Judge had to make a decision, he may very well have ruled in favor of the City. The only citizens that were allowed to speak in this court room on this day were those from the Special Interest Group, and as I remember they were not put under oath in order to testify. It is very **tragic** when our State uses its power to defend or promote the agenda of a Special Interest Group that thrives by **threats** rather than do a full investigation and protect a small City such as Arco that is trying to do its best under very harsh conditions to protect its citizens.

Any monies that were received by the City for this effort were received either anonymously, or by those that could not be threatened. My wife, who is a teacher handed me a plain white envelope that was left in her box at school, that had CPT written on it. Inside this envelope was \$ 210.00 dollars along with a note that said -- from **teachers who care about Lost River**. One of the bills was a \$100.00, and to this day I have no idea which teachers cared enough to cough up \$210.00 overnight. Our schools are also strongly influenced by those that absconded with our water.

Most of the businesses in this community won't even recognize me when I am in their place of business, evidently because of the fear that being seen with me will indicate that they support me in my efforts to expose the **truth** about what is happening in our valley. I know of other cases where people are afraid to report violations of our water laws, because they know that if these violators are not allowed to do what they dam well please, they will most likely retaliate with any means at their disposal. In this day and age of moral decline, anything goes.

The **mine field** that we citizens of Lower Big Lost River are standing in borders on **anarchy**, caused by our **political system** of **lawlessness** that fails to protect the **rights** of all of its citizens.

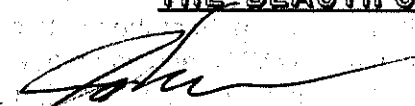
Governor, it is very evident at this time that you and our **Attorney General**, Alan G. Lance, as well as our new **director** of the **Department of Water Resources**, Karl Dreher, are the **Elected or Appointed Officials**, by the people of this great **State of Idaho**, that have the **power** to investigate, enforce the proper laws, or if necessary even spearhead an effort to rewrite the laws in order to remove the injured citizens of Lower Big Lost River from **Bondage** and restore our **dreams**.

As the Times News from Twin Falls reported, I have undertaken a task of biblical proportions -- restoring water to the bed of the Lower Big Lost River. I want you to know that if God is on my side I fully intent to **bust the bubble of anarchy**, that threatens to destroy not only our **Beautiful Lost River Valley** -- but the **State of Idaho**.

I want you to know that what I am doing is trying to **enforce the Democracy** and **rights** that so many of our **Patriots** fought and died for, as well as return the **American Dream** to the **Big Lost River Valley**.

I want to again, in the near future, be able to say, I live in God's country.

THE BEAUTIFUL BIG LOST RIVER VALLEY!


SINCERELY,

C.P. (JOHN) TRAUGHER P.O. BOX 678 ARCO, IDAHO 83213-0678 (208) 527-3920

Irrigators say Arco water claim could devastate valley

A group of irrigators met with the Arco City Council Monday evening in a meeting which occasionally brought impassioned remarks and at times turned acrimonious.

The irrigators present met with the council to oppose and forestall the application recently made by the Arco City Council for a nonconsumptive water right calling for 20 cfs from "rising ground water which is tributary to the Big Lost River" with a stated primary use of recharge of the aquifer. Non-irrigation uses described in the application are listed as to "insure domestic and municipal availability for approx. 600 households and undetermined number of wildlife and livestock."

"The water right is claimed under authority of at least but not limited to the following references: Idaho State Constitution article 15, Sections 3 ordinance 7 and Idaho Code 42-1501 that verified the beneficial use of such water right."

Mitchell Sorensen was designated as spokesman for the irrigators present and explained the group's opposition to the city's claim.

Sorensen said the agricultural community is not opposed to having water in the river and that the city people feel they have a right to water in the river. However, the farmers are dependent entirely upon the water. He said the irrigators present see the city's application as a "taking" of their vested right, and that a minimum stream flow at Arco would affect all upstream water users. He said that one year of such water loss would put farmers like himself out of business. He remarked that the agricultural community does much for Main Street in Arco, supporting schools, hospitals, etc. When normal water falls, Sorensen said, water will be in the river.

Sorensen characterized the city's claim as "very dangerous to the city as well as the agricultural community, and that farmers feel that Arco is trying to force them out of business. The farmers have a great burden under the Snake River Basin Adjudication."

Councilman Marcotte explained that the city council's concern is for the public, and that the recharge of the river would be expected to benefit all in the

community.

Clay Condit, former city council member, voiced his opinion that Mitch Sorensen was overstating the case.

Several other irrigators expressed their views of the consequences to the city and to the valley's agricultural economy if the city's water right claim was allowed and filled. The opinion was expressed by one farmer that the best thing Arco could do would be to drill wells a couple of miles upstream.

Another opinion was expressed that a minimum stream flow at Arco would dry the river to Mackay.

Recent economic studies were cited that showed the importance of agriculture to the economy of the valley, stating that over sixty percent of the Lost River Valley's income comes from agriculture. We are looking at the "blood" of the city of Arco. Destroy the agricultural economic base and you must give these actions very special thought.

Harvey Walker told the council that they had acted too fast, after other water users met with them, and advised the council to speak to Dave Shaw of the IDWR and to Doug Rosenkrance, District 34 Watermaster and get the facts.

Sorensen said the process we are in is litigation, not a matter to discuss. It's hardball litigation. He urged the council to get the facts, if the claim is made, they must be prepared to spend hundreds of thousands of dollars.

Rancher Art Quist mentioned the large proportion of taxes paid in the county by farmers and urged the council to reconsider the implications and cost (of pursuing the minimum flow water application).

Several other irrigators spoke briefly, but the theme was predominantly that the city's water right claim could have a devastating effect upon the economy of the city, as well as of the entire valley.

Mayor Chic Jones assured the irrigators and others present that the council would study the issue carefully in light of information presented by both water user groups who had met separately with the council.

After more deliberation late in the meeting the council instructed City Attorney Ryan Boyer to communicate with attorneys involved in drafting the

water right application and inform that the city could not at this time further pursue the application.

Present at the meeting were Mayor Chic Jones, City Clerk Leann Wartchow, City Attorney Ryan Boyer, council members Lloyd Westbrook, Jacques Marcotte and Wendy Nobles. Council member Diane Beitz was absent. Others on hand for the meeting included Sally Jones, Suzan Erickson, Brian Erickson, Willard O. Bell, Nancy McDonald, Toni McDonald, Tony Whitmore, Randy Hunter, Don Cammack, Martha Koste, Johnny Traugher, Art Quist, Larry Quist, Mitchell Sorensen, Herman Aikele, M. Marx Hintze, Clay Condit, Loy Pehrson, Harvey Walker, Eric Aikele and Darrell Lee McDonald.

The council meeting was opened by Mayor Chic Jones at 7:00 p.m., and minutes of the previous meeting approved.

Randy Hunter and Tony Whitmore of Hunter Enterprises, and Garth Powell of Powell's Garbage Route met with the council and each company presented a written proposal for handling the city's garbage collection service. The council will study the proposals and inform the companies of their decision.

Sheriff Cary Van Etten met with the council and the city-county law enforcement agreement was discussed, as well as the recent pressure for better control of dogs in the city. Van Etten explained the situation at the dog pound and the impossibility of impounding dogs humanely in winter. He assured that present ordinances would be enforced as far as possible due to these conditions.

The Arco Drug building was discussed since apparent offers to purchase the building have been made. City Attorney Ryan Boyer advised the council of procedures in selling city property. He advised that an ordinance stating the intent to sell must be drafted, read three times and published. This would be followed by a public auction after adequate notice and publication.

A building permit for Keith and Susan Brock was approved by the council.

Before adjournment, the council approved bills in the amount of \$8,362.72.

DECEMBER 11, 1995

RE: TRANSCRIPT OF S.R.B.A. COURT -- MARCH 14, 1995 -- CITY OF ARCO

Everyone should read this transcript as it depicts the fiction that the special interest group that would destroy Lower Big Lost River uses to rule by threats.

The same leader of this group, Mr. Sorenson, that threatened the City of Arco, committed perjury, in my opinion when he testified in this court room.

Quotes:

1. They were not coerced.
2. I find it hard to believe they were intimidated.

These 2 quotes are in reference to our Lawyers statement that at a February council meeting, there was a lot of people that attended ; and there were many **threats** made to the city council that this claim, if it was pursued, they'd be involved in legal battles which would cost a lot of money, hundreds of thousands of dollars, and be an economic blow to the City of Arco. There was no vote -- or motion put before the city council to withdraw the claim; however, the city attorney at that time submitted a letter to IDWR basically requesting that the claim be withdrawn.

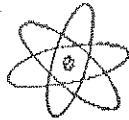
THESE ACTIONS BY THE SPECIAL INTEREST GROUP SHOW THE ANARCHY THAT HAS PLAGUED THE LOST RIVER VALLEY FOR THE LAST THREE DECADES. -----WHEN WILL OUR STATE STOP IT?

THE TRUTH WILL PREVAIL!



C.P. (JOHN) TRAUGHER

P.O. BOX 196
ZIP CODE 83213



City of Arco

ARCO, IDAHO

MUNICIPAL BUILDING
PHONE 527-8294

RYAN W. BOYER
City Attorney

March 14, 1994

Arco City Council
P.O. Box 196
ARCO, ID 83213

Re: Snake River Basin Adjudication

Dear Mayor and Council:

As you know, the City entered into the Snake River Basinwide lawsuit with a motion to file a claim for water right. As you also know, the Department of Water Resources vehemently objected to the filing both on procedural and substantive grounds. I feel it important to express my legal opinion as to the City's claim for late filing as obviously the City has received two very different yet very strong opinions in this regard from its citizens.

Idaho water law requires a brief history lesson. Historically, water appropriation is based upon the notion that water rights are granted "first in time-first in right". This priority system has historically meant that a surface user of water with a right dating in 1880 for instance, would take precedence over a surface water right of 1935 when the water flow comes in conflict. With this system in mind, water rights in the Lost River drainage became fully appropriated based upon historical amounts of water flow. Some would argue that the system was not only fully appropriated but over appropriated. Obviously, this doctrine has been under fire since water administrators will protect downstream senior appropriators over upstream junior appropriators in what seemingly would be a wasteful use of this valuable resource. The law became even more complicated and muddled when in the 1930's to the present, pumping the aquifer became an efficient method for water appropriation. A new system of priority was established yet was based upon a different technology of appropriation. Hydrologists have studied but have yet to determine how the pumping of the Lost River aquifer has affected surface flows. This effect is unclear but most would agree that the aquifer is being diminished without sufficient recharge since pumpers are forced to pump from deeper levels while at the same time the surface levels of water are being reduced. The typical sources of conflict in this adjudication are with respect to these rights. These conflicts are difficult in large part because the true effect of "conjunctive" water appropriation, or the combination of the two systems (surface and subsurface) are not fully understood.

The City of Arco entered its motion on very "atypical" legal grounds. It is atypical since Arco has no surface rights with a point of diversion. Upon traditional legal principles, a right cannot exist unless there is a point of diversion and appropriation of that water to a "beneficial use." The City sold its last surface rights sometime in the mid-1970's. Arco has significant water rights at present yet all its rights are subsurface in character. Arco entered its motion in the adjudication on the statutory requirement of Idaho Code Section 42-1501 wherein the Department of Water Resources is charged by the legislature to preserve "minimum stream flows required for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality." These grounds are certainly legitimate and pose an interesting legal question for the Court. More particularly, the question for the Court is: How can historical rights in the stream be amended

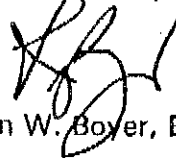
Arco City Council
March 3, 1993

or curtailed to protect the statutory requirement of "minimum stream flows" while balancing the technologies of ground water pumping in a conjunctive system which is arguably "fully" if not "overly" appropriated. Another interesting legal question is whether Arco as a municipality has any more of a claim for instream flow than does any other potential water user or group. It is my opinion that on legal grounds, the fact that Arco is a municipality does not guarantee that it has "standing" to bring such a claim. It would appear that the more exotic the arguments get, the more the Idaho Supreme Court has affirmed traditional priority notions of surface rights at the expense of all other users. (Musser v. IDWR handed down last week). It would appear that the Court is relying heavily upon society's need for stability and reliance upon history in its balancing of the rights surrounding this valuable resource.

At present there is several environmental and wildlife groups, including The Land and Water Defense Fund of the Rockies which is a participant in this litigation on "minimum stream flow" grounds. I took occasion to speak with their lead counsel in Boise, Mr. Laird Lucas. Mr. Lucas admitted openly that these statutory grounds are very difficult to present in streams that are fully appropriated both from a political and administrative perspective. I do not believe that Arco has the resources to adequately litigate this issue to a favorable conclusion. Additionally, should the claim be accepted, Arco will find itself politically with bedfellows far different from the citizens from which it receives its tax revenues and support. The citizens which have promulgated this claim have their own claims which are based upon far different legal principles than that of the City. These citizens typically have surface rights with verifiable points of diversion as well as historical beneficial usages. The City is in a substantially different factual position. I have indicated to the attorney for many of these citizens, Bill Hollifield of Twin Falls, that it is in the council's best interest to withdraw its motion for late filing of claim. Mr. Hollifield agrees that Arco's legal claims for water are far different from that of his clients.

In short, Arco can make an interesting, but feeble claim for additional water rights. At your direction, I have initiated a withdrawal of the motion. If there are questions or comments, do not hesitate to contact me.

Sincerely,



Ryan W. Boyer, Esq.

RWB:tre

CAREY ACT LANDS

12-8-95

Landowners of the Big Lost River Valley were put into 20 years of financial bondage for the sole purpose of returning the diverted water from the Carey Act Lands back into Big Lost River and its tributaries.

These lands then sold for as little as .50 cents to \$1.00 an acre. One reason they were sold for such a minute amount, is because there were no water rights.

The trust of these landowners, that were required to pay for 20 years was betrayed by our IDAHO DEPARTMENT OF WATER RESOURCES, when they allowed the wells and diversions from the Big Lost River to be diverted to the Carey Act Lands without legal authority.

This has been admitted to by our very own State and its Department of Resources and Conservation.

It is just as apparent today as it was at the time of the buy out of the Utah Construction Co. that there is not enough water in our system to supply these lands with water during normal water years, let alone short water years.

In order to cover their misdeeds, I.D.W.R., along with those that are now developing the Carey Act Lands again, promoted the total diversion of Big Lost River including the East Fork of Big Lost (Spring Creek) at the Moore Diversion. I.D.W.R. has also authorized numerous wells to be drilled in our drainage system for the sole purpose of transporting our ground water along with our surface water to these lands. It was never supposed to happen.

This has turned the Natural Channels of the Big Lost River and its tributaries below the Moore Diversion into an Environmental Ghetto!

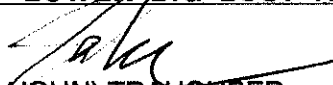
This is our problem, caused by The State of Idaho and its failed policies.

I.D.W.R. continues a flawed policy that continues to pit neighbor against neighbor, church member against church member, city against city, business against business, and even rural citizens against urban citizens, in which threats and confutations are a daily event.

No matter how hard we try, the citizens of this valley will never be able to cure the failed policies of the Idaho Department of Water Resources.

The anarchy that has been committed by the State of Idaho against the citizens of the Lower Big Lost River Valley can only be cured by the State of Idaho.

FRIENDS OF LOWER BIG LOST RIVER


C.P. (JOHN) TRAUGHER

C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720-0034

ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010

ID. REP. GOLDEN C. LINFORD 2120 WEST 4200 SO. REXBURG, ID. 83440

ID. SEN. REX FURNESS 3470 EAST 300 NO. RIGBY, ID. 83442

ID. REP. ALLAN LARSEN 848 WEST TABOR RD. BLACKFOOT, ID. 83221

ID. SEN. JERRY TWIGGS 955 WEST 100 SO.. BLACKFOOT, ID. 83221

ID. REP. MIKE SIMPSON 786 HOFF DRIVE BLACKFOOT, ID. 83221

ID. REP. JoAn WOOD 3778 EAST 500 NO. RIGBY, ID. 83442

U.S. REP. MICHAEL D. CRAPO 2539 CHANNING WAY IDAHO FALLS, ID. 83404

U.S. SEN. LARRY E. CRAIG 2539 CHANNING WAY IDAHO FALLS, ID. 83404

I.D.W.R. DIRECTOR KARL DREHER STATEHOUSE MAIL 83720-9000

I.R.U. P.O. BOX 633 BOISE, ID. 83701

S.R.B.A. P.O.BOX 2707 TWIN FALLS, IDAHO 83303-2707

FRIENDS OF LOWER BIG LOST RIVER

P. O. BOX 678 ARCO, IDAHO 83213
(208) 527-3920

OCT. 14, 1995

DIVISION OF PUBLIC WORKS
C/O JAN FREW
502 NORTH 4TH STREET
BOISE, IDAHO 83720-0072

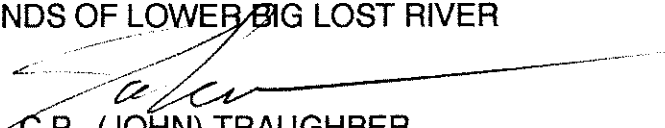
Dear Jan:

Friends of Lower Big Lost River Valley have prepared a display to show the citizens of Idaho the disastrous effect of ignoring the ecology of Lower Big Lost River and its tributaries. We request your office to send us the proper forms so that we may apply for a permit to put this display in the State Capitol Building as soon as the legislature convenes. This display is 16 feet long and contains more than 80, 11 by 17 inch color photographs.

The governor informed us to contact your office for the proper forms or permission in order to complete our endeavor to inform the citizens of Idaho.

Your cooperation will be very much appreciated.

FRIENDS OF LOWER BIG LOST RIVER



C.P. (JOHN) TRAUGHBER
P.O. BOX 678 ARCO, IDAHO 83213-0678
(208) 527-3920

OFFICE OF THE GOVERNOR
HONORABLE PHIL BATT
STATE CAPITOL
BOISE, IDAHO 83720-0034

OCT. 14, 1995

RE: TRAGEDY OF LOWER BIG LOST RIVER

DEAR GOV. BATT:

Thank you for the information as to what must be done to apply for a permit to display pictures in the State Capitol Building that Friends of Lower Big Lost River have assembled.

The pictures that we sent to you are yours to keep, however if you feel you no longer have a use for them, please pass them on to I.D.W.R. in care of Norm Young the present Administrator.

You may be interested to know that as of Oct. 12, 1995, our precious water is flowing a very nice stream of water, to the desert, under the highway bridge, 13 miles south of Arco.

Also as of this date, despite the re-activation of an unnatural feeding process for the East Fork of Big Lost River (Spring Creek) a natural tributary of Big Lost River is still broken in 2 places and is for the most part dry as a bone. It's absolutely criminal that this injustice has not been corrected.

We also understand that while some of our Natural Stream Channels are dry and have never been filled this year, the nefarious activity of extending the irrigation season is in full swing in the Big Lost River Valley. (Spring Creek has been dry for 10 years.)

It is impossible for those that have been injured by the past practices of I.D.W.R., B.L.R.I.D. and the State of Idaho to even comprehend what is happening to them.

At this point in time we can only hope and pray that we have furnished enough information to the proper authorities that something will be done soon and that justice will be served.

Thanks for your concern.

FRIENDS OF LOWER BIG LOST RIVER

SINCERELY,

C.P. (JOHN) TRAUGHBER

C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720-0034
ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010
ID. REP. GOLDEN C. LINFORD 2120 WEST 4200 SO. REXBURG, ID. 83440
ID. SEN. REX FURNESS 3470 EAST 300 NO. RIGBY, ID. 83442
ID. REP. ALLAN LARSEN 848 WEST TABOR RD. BLACKFOOT, ID. 83221
ID. SEN. JERRY TWIGGS 955 WEST 100 SO.. BLACKFOOT, ID. 83221
ID. REP. MIKE SIMPSON 786 HOFF DRIVE BLACKFOOT, ID. 83221
ID. REP. JoAn WOOD 3778 EAST 500 NO. RIGBY, ID. 83442
U.S. REP. MICHAEL D. CRAPO 2539 CHANNING WAY IDAHO FALLS, ID. 83404
U.S. SEN. LARRY E. CRAIG 2539 CHANNING WAY IDAHO FALLS, ID. 83404
I.D.W.R. C/O NORMAN YOUNG STATEHOUSE MAIL 83720-9000
I.R.U. P.O. BOX 633 BOISE, ID. 83701
WATER DIST. # 34 107 MAIN STREET MACKAY, ID 83251
S.R.B.A. P.O.BOX 2707 TWIN FALLS, IDAHO 83303-2707

KARL 50

NY

William A. Kime
110 So. 11th East
Mountain Home, ID 83647
Ph: 208-587-5759
23 January 1994

Letters To The Editor
The Arco Advertiser
P.O. Box 803
Arco, ID 83213

RECEIVED
OCT 19 1995
Department of Water Resources

Dear Editor,

As a former resident of Butte County I have continued my subscription to The Arco Advertiser. I have followed with interest the battle for the survival of the Big Lost River. I have followed the articles by Charles Traugher in your paper, and his recent article in The Idaho Statesman in Boise. He appears to be knowledgeable of the situation, but fighting a lone battle against entrenched interests. I have also watched the formation and organization of the Arco Chamber Of Commerce Water committee. Although well intentioned, their efforts will accomplish little because they and the entire City Counsel, including the Mayor, have been intimidated by the powerful and wealthy landowners upstream.

I think the problem has been permitted to grow over the past 75 to 100 years due to "water rights creep", "brother-in-law" rule making, and the greed of upstream land owners. I think an investigation by an outside water rights expert will establish the necessity of rolling back all water rights to about the year 1900, and start over. The Big Lost River was there first and should have the first water right. I don't think any water right should be honored if it interferes with a free flowing river.

As to the down river stream-side land owners and the city of Arco. You have been financially damaged due to the negligence, and possible outright water theft, of upstream irrigators. I believe a "Class Action" Tort claim would receive favorable consideration by a judge sitting well outside Butte County.

The battle of the Big Lost River should be of special interest to the young people of the valley and all of Butte County. This is your future at stake. Get involved. Ask questions. Seek out the truth and demand justice. Without some relief the city of Arco and surrounding community will die.

Yours Truly,

William A. Kime
WILLIAM A. KIME
MOUNTAIN HOME, ID

1097
S.D.W.R.
2

LETTER TO THE EDITOR

June 28, 1995

REC'D
JUL 7 1995
Department of Water Resources

Dear Editor:

Eventually the truth will prevail in the demise of the Lower Big Lost River and Spring Creek, (East Fork of the Big Lost River).

The Big Lost River is now a rampaging swollen river that is tearing the very innards out of a neglected Natural Stream Channel that has been denied even irrigation flows for almost a decade, which ruined the ecosystem of the lower valley below the Moore Diversion. (For the non believers just follow the dead trees and look at the river at the old Cheese Factory -- Take your time and visit the lower valley and ask yourself what really went wrong to cause such destruction and the death of an ecosystem?)

This rampaging Big Lost River is now dumping billions of gallons of water into the desert south of Arco, while the man made drought in Spring Creek continues. The controls at the Moore Diversion that are supposed to feed the east side of our valley via Spring Creek are nothing more than a monument to stupidity. This monstrosity is the starting gate that is destroying the east side of our valley.

For those who don't know why there is no water in Spring Creek, you first must understand that the Moore Diversion was built either to or later re-designed to drain the Springs that feed Spring Creek, and the Channel of the East Fork of Big Lost River back into the main channel of the Big Lost River before it gets to the Moore Diversion. At this point below the gates that were to control the Eastside Canal any and all remaining natural channels or springs of the East Fork of Big Lost River were destroyed by the construction of the Eastside Canal. Then a man made inlet for Spring Creek was installed to feed water out of the Eastside Canal into the natural channel of Spring Creek, about 200 yards below the gates of the Moore Diversion. Thus, denying Spring Creek of any natural flows forever. Then to add insult to injury when the gates are slammed shut at the Moore Diversion, Spring Creek is left high and dry. Spring Creek can also be shut off at the man made inlet during irrigation season which has the same effect, it is left high and dry. (For those who do not know, I.D.W.R. & B.L.R.I.D. also have statutes or laws that state that if the flows in Big Lost River are low enough that all flows can be carried by the Moore & Eastside Canal, they have the authority to also slam the gates shut on Big Lost River during the irrigation season.

One also must understand that because the Eastside Canal is lower than the natural channel of Spring Creek, the water that enters Spring Creek must be pushed or flow uphill to its natural channel and wind its way through a destroyed channel, garbage, smashed and undersized culverts, debris, destroyed flumes, and yes, even plowed and planted channels. With these obstructions the flood waters that are being forced into the Spring Creek Channel at this time may fill the channel in a month of Sundays, but the B.L.R.I.D. plan is to shut all flows off to Spring Creek as soon as flood waters recede. The weeds along its banks that replaced our natural grasses are gnawing at

the top of our fences, along with all the dead trees will cause a horrendous fire danger this fall.

The plan of operation, by U.S.D.A. for the farms in Butte County for 1993 cost the American taxpayers in excess of \$2,500,000.00 (over 2 1/2 Million Dollars.)

Total property tax revenues for Butte County in 1993 was only \$1,315,329.38.

The citizens of the Lower Big Lost River Valley should be outraged.

The **trust** of those that were put into **financial bondage** in the 1930's for 20 years to put a stop to the **plundering** of the Big Lost River Valley has been betrayed.

One would be less than honest if they didn't admit that the drought has played a part in the Demise of Lower Big Lost River Valley, but just how much damage was done by the uncontrolled expansion from less than 20 thousand acres under cultivation in the 1930's to the reported 75,000 acres today? Also just how much damage has been done by the wells that have been drilled in the valleys drainage system to transport ground water along with surface water to the old Carey Act Project lands, that was never supposed to happen? Why weren't these wells drilled at the point of use? Why is most of the drought damage evident between the Moore Diversion and Box Canyon? Who is responsible for betraying the **trust** of the valley's citizens?

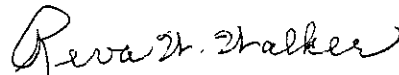
If you are still a non believer we will meet with anyone, anywhere, anytime, with the proof of the tragedy of Lower Lost River. We have books that show in living color as well as pictures 11 by 17 inches in size.

FRIENDS OF BIG LOST RIVER



C.P. (JOHN) TRAUGHER

P.O. BOX 678 ARCO, IDAHO 83213-0678
(208) 527-3920



REVA W. WALKER

P.O. BOX 32 ARCO, ID. 83213-0032
(208) 527-3229

FRIENDS OF BIG LOST RIVER

JULY 3, 1995

HONORABLE NORMAN YOUNG, ADMINISTRATOR
IDAHO DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83720-9000

RECEIVED

JUL 7 1995

Department of Water Resources

Re: Field inspection of Spring Creek

Dear Norm:

We will be happy to meet with the director of I.D.W.R., Mr. Karl Dreher concerning issues about Spring Creek, on the afternoon of July 21, 1995.

We will also conform to your request to keep our concerns to issues that effect Spring Creek and its viability.

We will also conform to your request to keep the participating members to no more than five. At this point in time the members will be Reva Walker, Lew Rothwell, Ray Boyack, and John Traughber, all landowners along Spring Creek.

At this time, I think it would be prudent to postpone the proposed field trip by the recharge committee and I.D.W.R. that was temporarily set for July 20. A postponement would give the director a chance to evaluate our concerns and also to confer with Mr. Ballou as to what should be evaluated in our request to restore Spring Creek. Please check with Mr. Ballou about this.

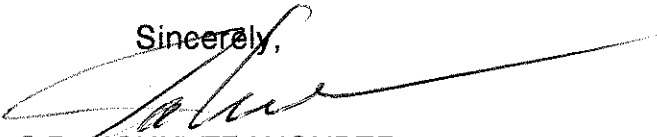
If it is all right the director could come direct to my home 1 3/4 mi. north of Arco towards Mackay.

My home is the first home on the left side of highway 93 after one passes the blue storage sheds. The white brick home with the blue shed sits back off the highway about 75 yards.

If this isn't reasonable, please call and let us know about what time the director would be here and we can meet at a public establishment if he so desires.

Thanks for the memo and your help in these matters, it is appreciated.

Sincerely,


C.P. (JOHN) TRAUGHBER

MEMORADUM

DATE: JUNE 6, 1995

TO: NORM YOUNG, DAVE SHAW

FROM: ERIC VERNER *av*

SUBJECT: SPRING CREEK FIELD REVIEW OF JUNE 5, 1995

I conducted a field review of Spring Creek (a stream channel within the Big Lost River drainage) on June 5, 1995. I was accompanied by Don Scarr, manager of the Big Lost River Irrigation District and Chris Merrill, Engineer for the NRCS in Arco. Due to rainy, wet conditions we were limited to looking at sites along roads. We did not walk any of the channel between the major roads.

Don discussed with me what the District has done with water in Spring Creek since Friday, May 26. Once the Water Master had filled his obligation to "charge" the river, the District began diverting water into Spring Creek. Don estimates that they have been diverting between 8cfs or 10cfs into Spring Creek from the Eastside Canal diversion at the top of the drainage. This water is coming directly from the river at the Moore Diversion. There is no in-flow emptying into the Eastside Canal from Spring Creek's source. The District has been diverting water from the Eastside Canal, into Spring Creek at two other locations since the 26th. Don estimated (cannot measure) that 30 cfs are being diverted into Spring Creek.

(*2* TOTAL OF ALL 3 SITES)

We then visited the source area of Spring Creek and worked downstream. At the first diversion into Spring Creek, just downstream of the Moore Diversion on the Eastside Canal, there was about 3' of water flowing through the 6' wide headgate - I estimated the velocity to be between 1ft/sec or 2ft/sec. There is a private culvert (couldn't measure diameter) on Randy Damiana's property about 300yds down stream that is controlling the amount of water that can flow into Spring Creek at this location. The crossing appeared to be old. Below the Damiana crossing about another 1/4 mile, Spring Creek dives under the Island Canal through an 4' or 5' diameter inverted siphon. This siphon was replaced 5 years ago. The original siphon still is able to pass some water, but for practical purposes is closed. We then checked the flow of water at the first county road crossing below the diversion point. It looked like water was flowing below this crossing another 1/4 mile and then sinking.

Spring Creek

Page 2

Don discussed another location that water is being diverted from the Eastside Canal into Spring Creek. This point is approximately one mile below the above mentioned County Road crossing. It is located in the middle of a cultivated field that we could not reach. Don estimated that 4cfs were being diverted into Spring Creek in this location.

We then visited the last location that water is being diverted into Spring Creek. This point is on the 2nd County Road crossing, south of Moore (on the township line between 5 north and 4 north). Spring Creek dives under the Eastside Canal at this location and then flows under the County Road. I could not determine the size of culverts, but the siphon appeared to be small. The eastside canal bank has failed at this location allowing the District, with the land owners permission, to divert water into the siphon. There is also a headgate on the south side of the county road that is able to divert water into Spring Creek. Don estimated that 16cfs was being diverted into Spring Creek at this location. Water from this point of injection was flowing about 2 miles downstream.

After looking at these locations, I continued my examination without Chris or Don. I visited each county road crossing and investigated some "tributary" channels of Spring Creek from the county roads. From what I could see from the roads, the channel appears to be clear enough to flow water. There are some isolated spots where fences cross the channel, trees and other woody debris are in the channel and other assorted debris are in the channel. Some of the debris is very old (e.g. pre-1960 car bodies). All of the culvert crossings could use some maintenance and repair. Material "plowed" into the channel over the years has partially blocked some of the culverts. Many of the culverts are perched above the bottom of the stream indicating they are undersized.

The ortho photo map indicates there are a couple of perennial tributaries of Spring Creek. I tried to find these on the ground. It appears that these are spring-feed channels that have been dry for many years. In many cases these channels have been farmed over. One of these channels is blocked by a closed culvert and by a new home owner that has filled in the channel with tree stumps and by a dairy operation that is depositing manure into the channel. I could not determine if these channels are connected to the river or not. They are most likely not.

Summary:

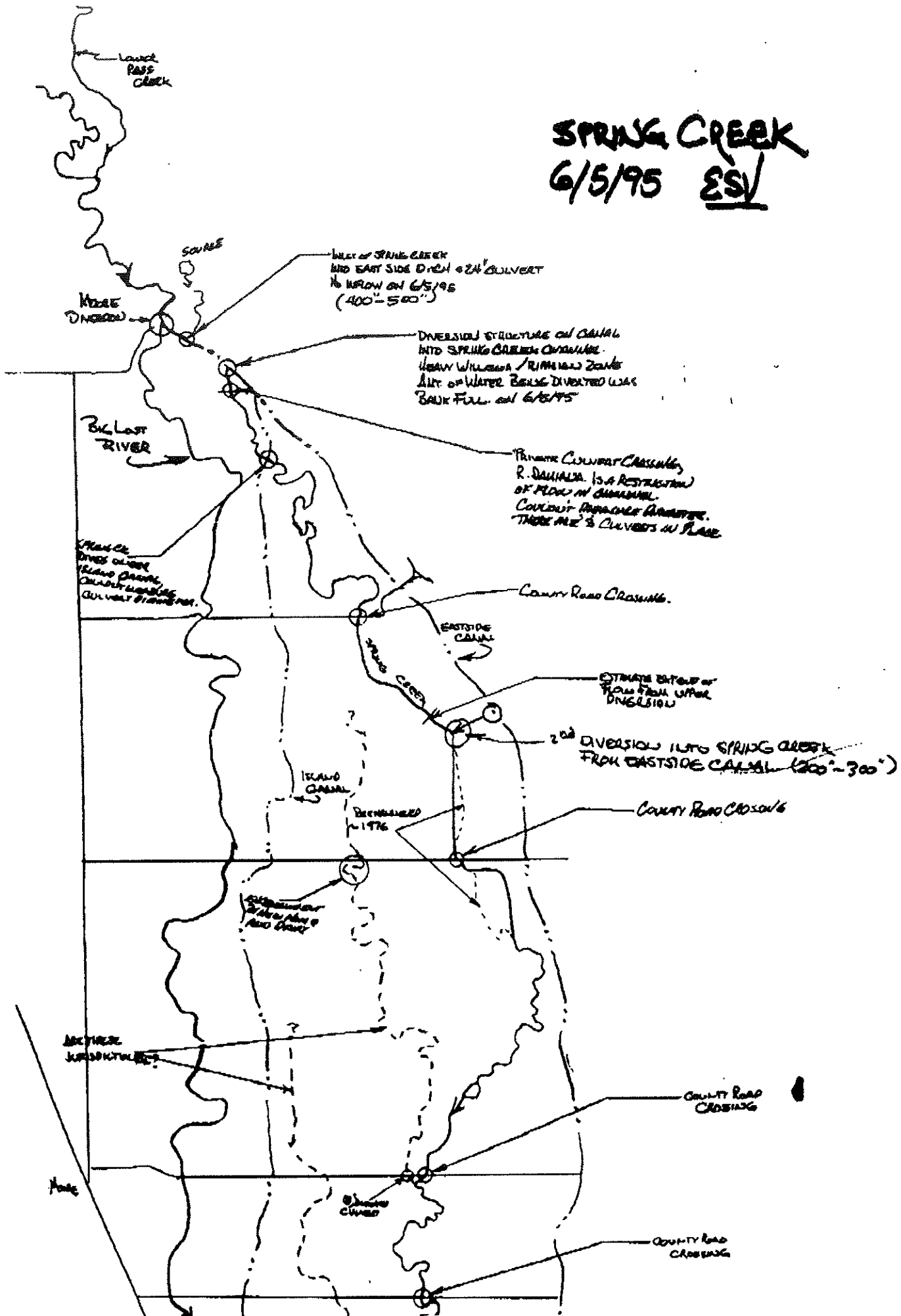
Based upon what I saw yesterday, the Irrigation District is putting as much water into Spring Creek as the current situation will allow. If they divert more water into Spring Creek at the headwater diversion, they will likely flood private property and wash out a private road crossing. There are a number of possible man-made constrictions within the channel of Spring Creek (i.e.

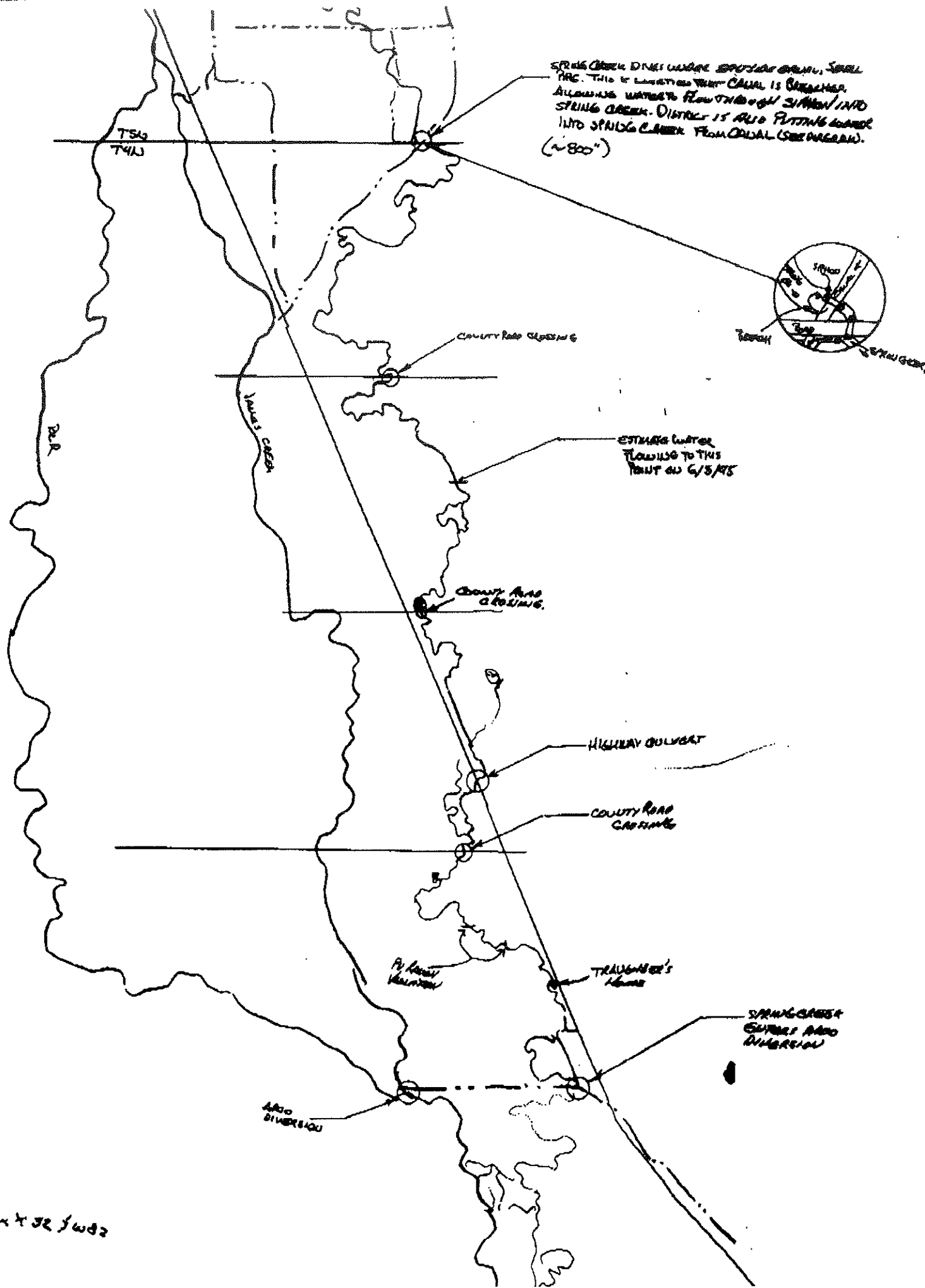
Spring Creek
Page 3

culverts, inverted siphons, channelization and encroachments) that are limiting the amount of water that can be diverted into the channel. However, I'm not sure what "should" be the amount of water diverted into the channel. What is the historical flow of this channel? There are a couple of tributary channels that are blocked by encroachment/trash, but are these jurisdictional under the SCA?

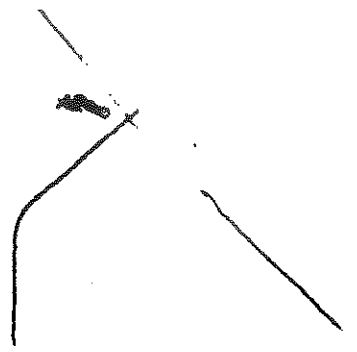
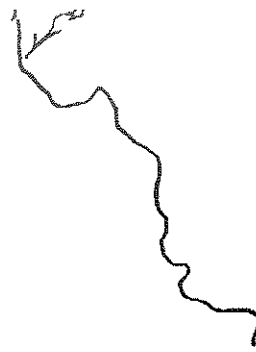
I suggest the following to be the "next" step.

- 1) Contact property owners along Spring Creek and make them aware that they need to file SCA for work in the channel and that water is being put into the channel this spring so they should take appropriate action to clean debris from the channel on their property.
- 2) Determine if the "tributary" channels are jurisdictional.
- 3) Determine what the flow "should be" in Spring Creek and then determine if the man-made structures are adequately sized to carry this amount of water.
- 4) Determine the legality of diverting water from the Big Lost River into Spring Creek (is it an isolated water or is it a tributary/high flow channel).
- 5) Develop some type of "management plan" that the Water Master and the Irrigation District can operate under.
- 6) Follow-up this summer with a field inspection that includes walking the channel.





5000 4 32 5000



FRIENDS OF LOST RIVER

JUNE 10, 1995

KARL 
RECEIVED
JUN 12 1995
Department of Water Resources

HONORABLE NORMAN YOUNG, ADMINISTRATOR
IDAHO DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83720-9000

RE: PURPOSED MEETING WITH FRIENDS OF BIG LOST RIVER

DEAR NORM:

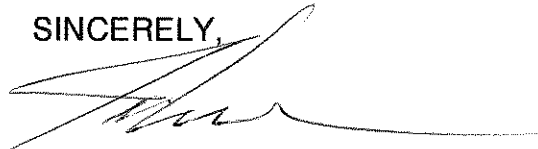
THANKS FOR RETURNING MY PHONE CALL, AND YOUR CONCERN FOR LOWER
BIG LOST RIVER, AS WELL AS YOUR WILLINGNESS TO MEET WITH US.

AS THIS WILL BE AN EDUCATIONAL FORUM FOR THE NEW DIRECTOR -- PLEASE
MAKE SURE NO MATTER WHERE IT IS HELD THAT WE WILL HAVE SEVERAL
HOURS TO PRESENT OUR TESTIMONY.

IT WOULD ALSO BE NICE IF YOU COULD INVITE OUR NEW GOVERNOR AND OUR
ATTORNEY GENERAL -- OR THEIR REPRESENTATIVES.

IF WE HAVE ANY CHANCE OF RESTORING THIS BEAUTIFUL VALLEY AND ITS
INTEGRITY WE WILL NEED THE INPUT OF ALL OF THOSE INVOLVED, MANY OF
US ARE BEING DEVASTATED BY PAST EVENTS AND CAN NO LONGER AFFORD
TO FINANCIALLY FIGHT THOSE WHO WOULD DESTROY US.

SINCERELY,



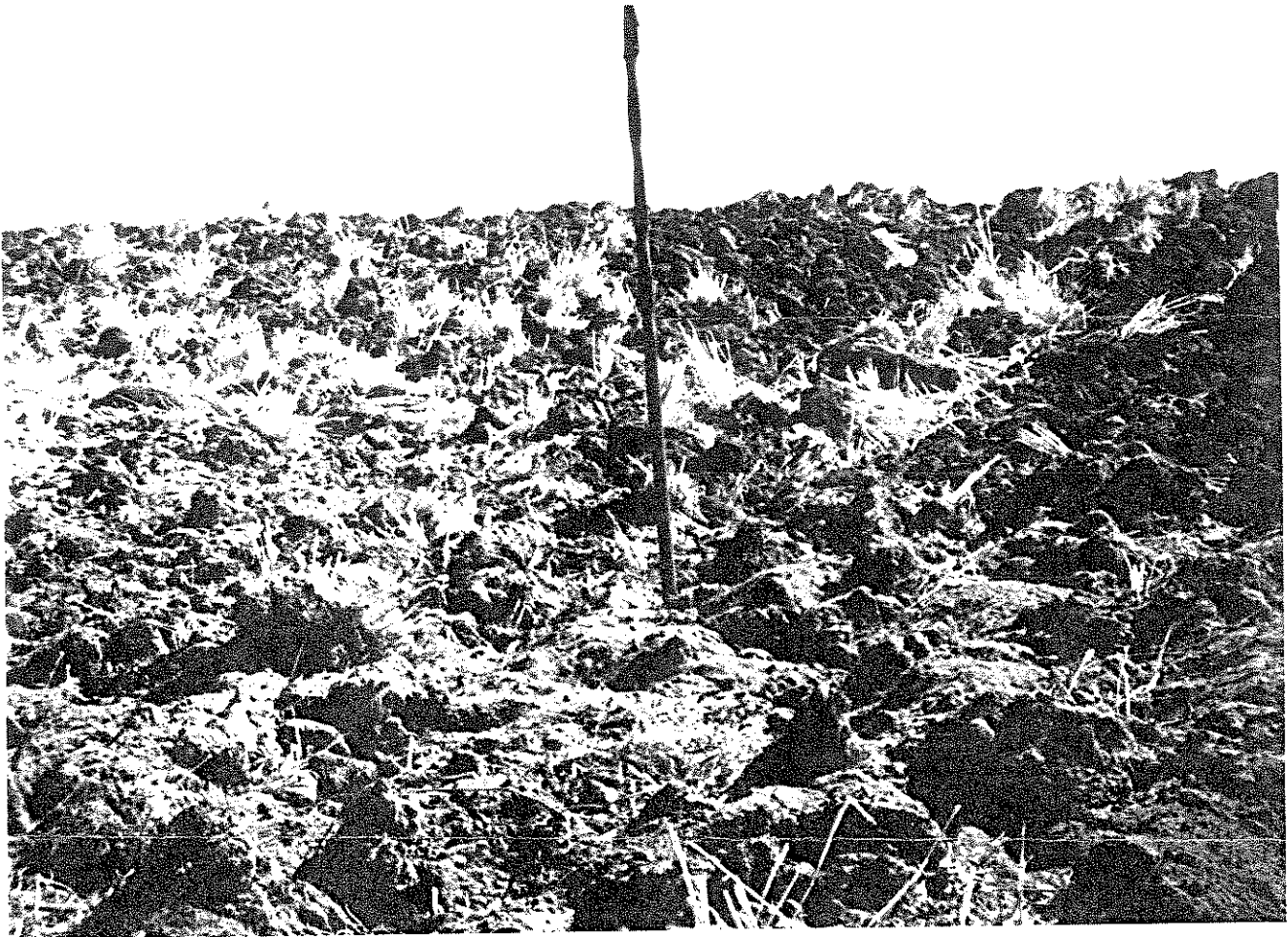
C.P. (JOHN) TRAUGHBER
P.O. BOX 678 ARCO, IDAHO 83213-0678
(208) 527-3920

*John Traughber would like a meeting with
you - preferably @ Spring break.*

ncg

THE DEMISE OF SPRING CREEK 1991-1994

THE STAFF SHOWN IS DEAD CENTER OF WHAT IS SUPPOSED TO BE SPRING CREEK!



THIS ATROCITY TO SPRING CREEK WAS COMMITTED BY A LARGE OUT
OF STATE CORPORATION!

SPRING CREEK IS A NATURAL STREAM CHANNEL OF THE LOWER BIG
LOST RIVER!

THE S.C.S. ARM OF THE DEPT. OF USDA PUT THEIR USDA STAMP OF
APPROVAL ON THIS ATROCITY!

THE ARMY CORP OF ENGINEERS ISSUED A VIOLATION NOTICE OF
THE CLEAN WATER ACT NPW # 930301410 AGAINST THIS LAND
OWNER AND LATER RESCINDED THE SAME!

THE ATROCITY IN THIS PICTURE TOOK PLACE ALTHOUGH A CEASE &
DESIST ORDER # 34-S-133 THAT WAS ISSUED BY THE IDAHO
DEPARTMENT OF WATER RESOURCES WAS IN EFFECT!

THE DEMISE OF SPRING CREEK 1991-1994

THE PICTURE SHOWN IS WHAT USED TO BE A BLUE RIBBON TROUT STREAM CALLED SPRING CREEK, A CHANNEL OF BIG LOST RIVER NEAR ARCO, IDAHO



DUE TO THE DROUGHT CONDITIONS AND IDWR THAT FOR EFFICIENT DELIVERY OF WATER FOR IRRIGATION PURPOSES OUR NATURAL STREAM CHANNELS WOULD BE EXPLOITED AND IN THIS CASE DESTROYED!

IT WOULD TAKE A FULL BLOWN INVESTIGATION TO DETERMINE WHO IS RESPONSIBLE FOR THIS ATROCITY!

IF WE HAD TO MAKE ANY GUESSES, AS F.H.A. WAS ONE OF THE MOST RECENT OWNERS OF THIS LAND, ONE WOULD FIND THAT THE GOVERNMENTS FAILED POLICIES ARE THE MAJOR CONTRIBUTING FACTORS TO THIS DISASTROUS DESTRUCTION OF OUR NATURAL STREAM CHANNELS!

OUR STATE HAS REFUSED TO EVEN INVESTIGATE OUR PLIGHT, THEY DON'T EVEN BELIEVE IN PICTURES!

COPY

THE DEMISE OF SPRING CREEK 1991-1994

JUNE 10, 1994

R.E. LETTER TO CITY OF ARCO

B.L.R.I.D. CHAIRMAN
TERRY V. MONSON
P.O. BOX 205
MACKAY, IDAHO 83251

In all due respect we are absolutely appalled at the arrogance of the director that made the motion and those that voted to send a letter of thanks to the city of Arco, its Mayor and Council members for the withdrawal of their request for a water right. The filing was to protect the community and constituents in the future from a threatened economic disaster. As far as we have been able to ascertain, any actions taken to withdraw the application for a city water right was precipitated by the arrogance of IDWR along with the threats of massive lawsuits by their special interest group. How ironic is it to admit by your letter that the City of Arco and its citizens have a right that is more valid than the Mackay Reservoir itself? As to your insinuations that the council's decision would be good for the valley and protect priorities of storage and natural flow in the Lower Big Lost River, is to think we believe in the Tooth Fairy and the Easter Bunny. IDWR and the directors of B.L.R.I.D. that drafted the letter to the city of Arco, evidently support circumventing the Lower Big Lost River and its Channel of Spring Creek by refusing to even transport water in this natural stream channel, as well as pump our aquifer dry and transport it outside of our drainage system along with our natural flows, to landowners that are operating under cease and desist orders. These cease and desist orders should have been enforced immediately after the judge made the ruling that the laws that were allowing them to be ignored were UNCONSTITUTIONAL. They should have been enforced when issued, not allowed to be ignored for years.

We are not surprised though as this type of action falls right in line with the now famous unsigned Smut Letters that slandered valley residents as well as those that were trying their best to get the laws enforced that would protect all valley residents, and bring some lawful sanity to our water resources.

Evidently this special interest crowd also condones the destruction of our Natural Stream Channels! Spring Creek's Channel is now being destroyed as parts of it have been plowed and planted for the last three years. Part of the construction work that was done to make Spring Creek plantable was done by some of the same special interests that don't want the City of Arco to file for their rights.

We are of the opinion that all of this happened because our out of control government condones these actions, especially IDWR that has determined the citizens in the Lower Big Lost River Valley are to be sacrificed and destroyed, while they allow others

to prosper under laws that have been declared unconstitutional.

Rules and laws that circumvent our constitution and won't even pass a common sense test, such as those that were handed down by IDWR for Water District 34 will do nothing but put off the inevitable. Every time we submit comments our knowledge and experience is ignored, in favor of government agendas, that continues to pursue their path of **LEGAL PLUNDER!**

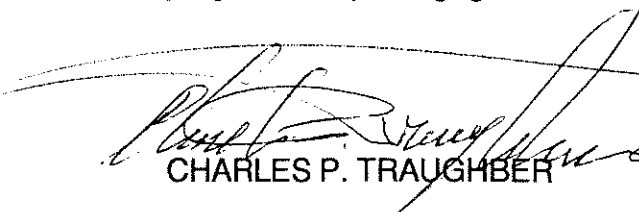
NOBODY CARES: The arrogance of our elected officials and bureaucrats ignoring our constitutional laws just goes to show they don't give a dam about those that are injured or destroyed in the process.

This point is well proven when the City of Arco filed a claim on **RISING GROUND WATER** beginning at the **JAMES CREEK DIVERSION**, to protect the **DOMESTIC** and **ENVIRONMENTAL** concerns of the City and surrounding area, to prevent I.D.W.R. from allowing the **mining of historic ground water reserves**. You should remember that domestic use has constitutional priority over all other uses. Is this the reason I.D.W.R. and certain local water users had such a fit when the claim was filed?

These officials just ignore the injured parties and use their legal plunder to take care of the special interest group or groups and sweep all of those that are injured, that don't have the clout or finances to fight for their rights, under the rug and out of sight. Then they run around patting each other on the back and calling their actions progress. They just don't care how many people they hurt, as long as they can advance their own aims.

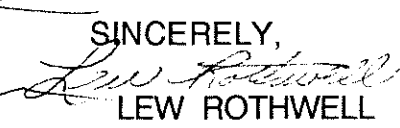
The State of Idaho doesn't live by the laws of the land, but by the laws of the jungle where the big fish eat the little fish!

How does one rationalize the fact, that our situation has become so deplorable that the judge had to put a gag order on the director of IDWR?

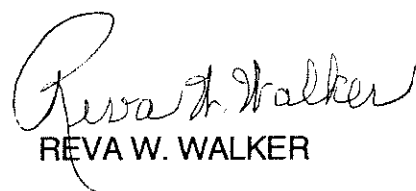


CHARLES P. TRAUGHER

SINCERELY,



LEW ROTHWELL



REVA W. WALKER

C.C. ARCO ADVERTISER
IDWR
IDAHO RIVERS UNITED
U.S. REP. MIKE CRAPO

GOV. ANDRUS
SRBA
CITY OF ARCO
ID. REP. GOLDEN C. LINFORD

COPY

RECEIVED
JUN 27 1994
Department of Water Resources

officer
To Water Resources
(file)

Big Lost River Irrigation District
P.O.Box 205
Mackay, Idaho 83251

May 9, 1994

Mr. Chic Jones Mayor
Ms. Diane Beitz Council member
Mr. Jordan King Council member
Mr. Lloyd Westbrook Council member
Mr. Jacque Marcrott Council member

Honorable Mayor and City Council members:

We wish to thank you for your withdrawal of the minimum stream flow filing on the Big Lost River. The filing of this permit would have had an earlier priority for a minimum stream flow than the water right for the Mackay Reservoir and could cause a major upset in the priorities of storage and natural flow in the lower Big Lost River. We urge you to continue your rejection of this permit for a minimum stream flow for the good of the Valley.

Yours truly,

Terry V. Monson
Chairman of the Board

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET
OMNIFAX

TO: NORN FROM: RON
DOCUMENT DESCRIPTION: BIG LOST LETTER

TOTAL NUMBER OF PAGES (Including this page): 5

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* BILLING ADDRESS: _____
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VERSION 2

Let me know ASAP if we are
getting closer so we can get
this out today

Ron

**BIG LOST CONFERENCE LETTER
TO APPLICANTS AND PROTESTANTS & ATTENDING PARTIES**

I believe the conference held in Idaho Falls on June 13, 1995 revealed a lot about the diversity of opinions that exists among Butte county residents regarding the water resources of the Big Lost Basin. We were encouraged, however, to have those present reach a general consensus on the issue of interim approval of the two applications to appropriate water for recharge.

The interim approval of these applications will allow the watermaster to recognize these rights this year, while water is available, and will provide the opportunity for everyone to better evaluate the problems and benefits of attempting to manage water supplies through enhanced recharge of the Big Lost aquifer system.

However, since the agreement reached at the conference was never reduced to writing and signed by all the parties, the elements of the agreement ^{as recorded in the Prehearing Order} are set forth in the background information included in the department's Prehearing Order and Temporary Approval that has been included with this letter.

Very truly yours,

Ronald D. Carlson
Manager, IDWR Eastern Region

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF TEMPORARY APPROVAL)
OF WATER RIGHTS 34-07571 & 34-07573)
FOR ARTIFICIAL RECHARGE IN THE)
UPPER BIG LOST RIVER BASIN)

PREHEARING ORDER
AND
TEMPORARY APPROVAL

BACKGROUND

Drought conditions have gripped the Big Lost basin for most of the last decade. During this time many parts of the Big Lost river system have been dry, groundwater levels have declined and most of the rural residents of the area have been impacted by water shortages. In 1994 the Idaho State Legislature identified aquifer recharge as a beneficial use of water when it modified Idaho Code Sec. 42-4201A. On February 3 and April 11, 1995 applications for permit nos. 34-07571 and 34-07573 were filed in the name of Mitch Sorensen, et al and Dave Nelson, et al respectively, to appropriate water from the Big Lost River and its tributaries for the purpose of groundwater recharge. The publication of the notices of these applications generated a number of protests. The department scheduled a conference for June 13, 1995 in an effort to identify issues and the areas of concern being reflected by the protests filed against 34-07571.

While a number of different concerns were expressed at the conference, the two main reasons for objection arose over concerns that:

1. The benefit of the recharge would only accrue to those named in the application.
2. The approval of these recharge plans would create another layer of local "bureaucracy" that might not be accountable to anyone and would usurp authorities currently resting with the Big Lost Irrigation District and Water District 34.

However, beyond these concerns there appeared to be a strong general belief that the Big Lost valley would benefit from increased recharge in the upper basin. The idea was presented

that, because of the water that would be available in 1995, there would be an opportunity to do a test to determine the benefits and problems that might arise from the approval of water rights for the purpose of increasing recharge to the aquifer. On the day of the conference 1000 cfs was flowing past the Arco gage and leaving the valley. As a result of the consensus on the potential benefits of increasing recharge, the following agreement was reached by the parties present at the conference:

1. The department would temporarily approve the diversion of surplus water for artificial recharge during 1995. The water right for this recharge would have a 1995 priority and will be controlled by the Watermaster of Water District 34.

2. A committee appointed by the Idaho Department of Water Resources would be charged with the preparation of a recharge plan for 1995. This plan would specify the diversion points for the recharge water and the recharge site. It would also include a map showing all features that are to be used or installed in order to divert, measure and regulate water being diverted for the purpose of recharge. A copy of this plan would be submitted to the Director of the IDWR.

3. The protestants agreed to have their protests set aside during the period of the 1995 test. Any data gathered during the recharge study period could be used by either the protestants or applicants at a future hearing on the above referenced applications.

4. The representatives of the INEL, who protested these applications, agreed to provide such assistance as they could in monitoring ground water changes during and after the recharge period.

PREHEARING ORDER

After hearing all of the information presented at the conference the Idaho Department of Water Resources hereby ORDERS the following:

1. The remaining protests filed against the approval of application for permit 34-07571 and 34-07573 are set aside until

August 1, 1995.

2. *For purposes of this order* Applications for permit 34-07571 and 34-07573 are temporarily approved. *until August 1, 1995, during which time the permit holders will*

3. There shall be established a committee, to be appointed by the department, who will serve as advisors to the applicants and representatives of the various areas of the Big Lost basin in developing and implementing a recharge strategy for 1995. This committee shall be known as the Big Lost Recharge Committee.

4. In preparing a recharge strategy for the current year the committee shall consider any existing recharge plans that have been developed for the Big Lost Basin. The Big Lost Recharge committee shall report to the department before August 1, 1995. This report shall contain a summary that describes the outcome of the 1995 recharge efforts and the committee's recommendations on continuing recharge efforts in future years .

IT IS FURTHER ORDERED THAT the BIG LOST RECHARGE COMMITTEE shall initially be comprised as follows:

The watermaster of Water District 34	-	Doug Rosenkrance
One member from the Big Lost Irrigation District		
Area above Mackay Reservoir	-	Dave Nelson
Butte County	-	Sath Beal
Spring Creek	-	Charles P. Traugher
Antelope Creek Area	-	Randy McAfee
Lower River	-	Charles Huggins
Upper River	-	Brent Williams
Groundwater users	-	Juel Aikele

2. The Big Lost Recharge Committee shall have the following responsibilities:

A. To prepare for the director of the IDWR a recharge plan for the Big Lost Basin. This plan shall identify all points where water will be diverted for recharge; all recharge areas; locations and methods of water measurement. This plan does not require IDWR approval prior to water being diverted for recharge

and may be held and submitted to the department with the committee's summary report.

B. To make such measurements and collect such data as might be necessary or beneficial in determining the amount of water actually recharged under the district's temporary water rights.

C. To advise the applicants and watermaster on where the committee recommends water to be recharged be diverted and delivered.

d. To arrange for, coordinate and be responsible for such construction and facilities as are necessary to accomplish the committees recharge goals. (The committee is under no obligation to construct during or maintain after the recharge period, any improvements.)

e. To collect such data and information as might be needed or useful in evaluating the success of this effort.

f. To provide to the director of the IDWR all records, data or other information with its summary report that might be useful in evaluating the 1995 recharge effort in the Big Lost Basin and in making a decision on the approval of the referenced applications for permit.

Order signed in _____, Idaho this 15 day of June, 1995.

FRIENDS OF BIG LOST RIVER

JUNE 27, 1995

HONORABLE NORMAN YOUNG, ADMINISTRATOR
IDAHO DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83720-9000

RE: RECHARGE MEETING JUNE 27, 1995

DEAR NORM:

I do appreciate your concern with our problems, and I know you would like to see some progress. The attendance of I.D.W.R. at this meeting was appreciated.

I would be remiss though, if I didn't tell you I am very concerned that this project will fail, due to those who have, in the past, and present violated their neighbors' rights by circumventing the laws.

I know that at this time, I.D.W.R. has never had the forces to be a watchdog, and as long as the violators' neighbors never had the integrity to report obvious violations on a timely basis, whether it's the statute of limitations, or the unwillingness of the State of Idaho to even now enforce the Constitutional Laws, the injured will continue to suffer.

Our drainage system will never, in my estimation be able to handle 75 to 80 thousand acres of productive crop land and have any water for surface flows in the Lower Valley, especially without the ability to use every drop that God sees fit to give us.

Sincerely,



C.P. (JOHN) TRAUGHBER

C.C. I.D.W.R. I.F.

I.D.W.R. BOISE

KAC -
(NO)
RECEIVED
JUN 29 1995
6:00 PM JUN 29 1995

TEMPORARY ARTIFICIAL RECHARGE COMMITTEE FOR THE BIG LOST
RIVER VALLEY

JUNE 27, 1995

RECEIVED

JUN 29 1995

Department of Water Resources

The meeting was opened by Charlie Huggins, with a short statement about our meeting on June 20, 1995, as well as information about our field trip. He pointed out the fact that unless we can get immediate cooperation from everyone involved and open up the areas for recharge which the committee has identified that are critical for our valley, we most likely will accomplish very little. We are continually told by B.L.R.I.D., that our proposals will cause injury to landowners down stream of the inlet of Spring Creek as well as the Miller Ditch which most members consider vital to recharging the lower valley. (B.L.R.I.D. does not seem to be concerned about those that have been injured in the past by these roadblocks that are now holding up our mission of recharge.) Without the use of these recharge areas, our aquifer will never fill and Lower Lost River below the Moore Diversion will continue to be nothing but a wasteland.

Dave Nelson also expressed his opinion that we must have the cooperation of the landowners in order to be successful, and at this point the recharge system for the upper valley, above the dam should be completed by today. Concern was also expressed that all ditches and canals in the system should be as full as possible at this time in order to help our recharge effort, and this action was not being adhered to.

The other area that is considered critical is what is called the Beck -- Evans ditch that could supply recharge water to the upper area east of Darlington & Leslie. It was reported that Brett Williams & Harry Crawford will make every effort necessary to see if this area can be made viable.

Mr. Ervin Ballou of I.D.W.R. suggested that it may be possible to put in a by-pass in the Moore area from a part of the Big Lost River to feed Spring Creek, however at this time it was felt that this could only be a viable long range plan.

It was requested by John Traughber that a field trip be scheduled by the committee at a later date with I.D.W.R. members to investigate the possibility of modern control valves being installed at or below the Moore Diversion so as to facilitate the restoration of the natural stream channel of Spring Creek. A date of July 20, was temporarily set, with confirmation to follow, as it may be possible for the new director to attend. (This would be a long range program, but if successful could settle a major part of our drainage problems.) It was also suggested that the Idaho Fish & Game Department as well as a Conservation Group might be contacted for their input.

Many other options were discussed and will be reported at a later date.

Those in attendance were John Traughber, Ray Boyack, Harry Crawford, Ervin Ballou, Brett Williams, Randy McAfee, Charles Huggins, Doug Rosenkrance, Seth Beal, Juel Aikele, Dave Nelson, Marx Hintze, Eric Verner.

cpt

C.C.

*DAVE NELSON 5688 CHILLY ROAD MACKAY, ID. 83251 (208) 588-2805
*RANDY MCAFFEE 3721 ANTELOPE ROAD MOORE, ID. 83255 (208) 554-3102

M. MARX HINTZE 47372 HOUSTON ROAD MACKAY, ID 83251 (208) 588-2270

*DOUG ROSENKRANCE RT. # 1 BOX 24 MACKAY, ID. 83251 (208) 588-3137
*SETH BEAL BOX 46B MOORE, ID. 83255 (208) 527-3137
*CHARLES HUGGINS BOX 216 ARCO, ID. 83213 (208) 527-3351

RAY BOYACK 3085 KING MOUNTAIN ROAD MOORE, ID. 83255 (208) 554-3808

*C.P. (JOHN) TRAUGHBER P.O. BOX 678 ARCO, ID. 83213-0678 (208) 527-3920

I.D.W.R. 900 NORTH SKYLINE DRIVE IDAHO FALLS, ID. 83401
I.D.W.R. ADMINISTRATOR, NORMAN YOUNG 1301 NO. ORCHARD ST. BOISE, ID. 83720-9000

*HARRY CRAWFORD RT # 1 BOX 8 DARLINGTON, ID. 83231 (208) 588-3326
*BRETT WILLIAMS RT #1 BOX 21 83255 (208) 588-3317
*JUEL AIKELE (208) 527-3197

WATER DISTRICT # 34 107 SO. MAIN STREET MACKAY, ID. 83251 (208) 588-3137

* committee members

FRIENDS OF LOST RIVER

JUNE 21, 1995

HONORABLE NORMAN YOUNG, ADMINISTRATOR
IDAHO DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83720-9000

RECEIVED
JUN 23 1995

Dear Norm:

Enclosed you will find pictures for your book, as well as a report on the recharge committee.

We are still waiting for a decision on a meeting with yourself and the new director.

Sincerely,

C.P. (JOHN) TRAUGHBER

TEMPORARY ARTIFICIAL RECHARGE COMMITTEE FOR THE BIG LOST
RIVER VALLEY

JUNE 20, 1995

The meeting was opened by Doug Rosenkrance, with a short statement as to what might be accomplished by the committee.

Marx Hintze nominated Charlie Huggins to be chairman of the committee -- seconded by Randy McAfee -- vote was unanimous.

Dave Nelson nominated John Traughber to be secretary of the committee -- seconded by Marx Hintze -- vote was unanimous.

John Traughber suggested that proper control valves be installed below the Moore Diversion -- not only for recharge but to protect the integrity of Spring Creek and return its natural flows. He also suggested that a major effort should be made to clean the Spring Creek Channel of garbage. He also was willing to supply a wrecker at no chg. -- to snag and drag the junk cars out of the channel if the county or someone would furnish a loader and trailer to haul the cars to the dump. We would hope that the land owner would permit us to do this in a cooperative effort by all agencies involved to return Spring Creek to its original integrity. The present landowner, P.U. Ranches is not responsible for this part of our valley being used as a dump sight -- seems that in the old days it was a handy place for residents to throw their junk.

Seth Beal advised the committee that permission had been granted to start filling the gravel pit at Moore, and as the committee had not been formed at the time, that he signed the forms.

Dave Nelson suggested that we go visit trouble spots and areas that would provide good recharge areas -- He also has volunteered to use his available equipment to assist in the recharge endeavor. (Others have also volunteered their equipment and help.)

Seth Beal reported if P.U. Ranches was agreeable to replacing a small culvert by a larger one, that W.O. Bell had offered to donate \$100.00 to the cause.

It was unanimous that the EAST SIDE of the valley below the dam has serious water problems, whereas the rest of the valley at this time was receiving abundant recharge waters.

Randy McAfee stated and the others agreed that now is the time to do something about it.

Suggestions included:

1. All headgates should be open into Spring Creek.

2. All property owners should participate in removing obstructions -- such as inadequate culverts in Spring Creek -- and that every effort should be made to supply Spring Creek at the head of the stream.

3. Every headgate below the dam needs to be opened and all ditches filled, particularly in the East side of the Valley.

4. Other viable recharge areas were discussed and every effort will be made to contact landowners and ask for their permission to participate.

5. The window of opportunity is very narrow and we must act immediately.

6. There should be no chg. for recharge waters.

It was decided that the beavers in Antelope Creek were the best recharge committee for that system -- Randy McAfee stated that he has had some very serious discussions about water with them -- We decided that if Randy could talk to these critters and had the situation under control, we better let well enough alone.

Dave Nelson, said the area above the Mackay Dam has been recharged and to prove it, he gave us a tour and most of the valley floor was flooded with water -- most everyone's yard was wall to wall water. Dave did point out a gravel pit at what he called 4 corners that, if they could get permission to fill, would be a good recharge point for the upper valley.

Liability was discussed and Doug Rosenkrance said he believed we were covered, but we may need to follow up on this with I.D.W.R.

This very informative and **up-beat** meeting was attended by Doug Rosenkrance, Dave Nelson, C.P. (John) Traughber, Ray Boyack, Charlie Huggins, Seth Beal, Marx Hintze, and Mr. & Mrs. Randy McAfee.

Post note: I think I speak for everyone when I say that with **God's help and common sense we can return the Lost River Valley to its original Grandeur.**

SECRETARY

C.P. (JOHN) TRAUGHBER

C.C. DAVE NELSON 5688 CHILLY ROAD MACKAY, ID. 83251 (208) 588-2805
RANDY MCAFFEE 3721 ANTELOPE ROAD MOORE, ID. 83255 (208) 554-3102
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I.D.W.R. 900 NORTH SKYLINE DRIVE IDAHO FALLS, ID. 83401

Minutes have not been approved -- if there are mistakes please let me know -- John -- Time is of the essence!

MEMORANDUM

TO: DAVE SHAW
FROM: NORM
SUBJECT: SPRING CREEK LETTER
DATE: November 7, 1995

=====

I suggest the following rearrangement of the letter:

- Description of Spring Creek Concerns
 - Physical explanation of problem
 - Sources of flow for Spring Creek
 - Need for adequate channel
 - No legal basis to remove headworks
- Recent efforts to solve the problem
 - Recharge
 - Injection of water in Spring Creek
 - Repair of channel by PU Ranch
- Meeting to discuss
 - Discussion of 1995 recharge
 - Future recharge efforts
 - Rehab of Spring Creek
 - Designation of recharge flows for Spring Creek

My thought here is to portray a concern for the problem, place the problem in perspective with other water concerns in the area, show that things have been done and are being done, and the purpose of the meeting is to assess public support for further action. More of a rearrangement and a slight revision in tone rather than a rewrite.

[PROPOSED LETTER TO GOVERNOR BATT REGARDING SPRING CREEK AND HOW
THE DEPARTMENT PLANS TO PROCEED]

Re: Big Lost River Basin Recharge and Spring Creek

In the spring of 1995 two applications for ground water recharge were filed in the Big Lost River Basin. These applications, numbered 34-07571 and 34-07573 in the Department's files, were filed by 88 water users for diversion of up to 800 cfs for ground water recharge purposes. There was some disagreement between the groups of applicants for the two applications which lead to the development of a "Plan of Operation, Basin 34 Recharge" dated May 23, 1995 (copy attached). The Plan of Operation was adopted and the disagreement between the groups of applicants was resolved by an Agreement dated June 5, 1995 (copy attached).

The Agreement did not resolve all of the outstanding objections to the applications and the Department held a pre-hearing conference for application for permit 34-07571 on June 13, 1995. The result of that pre-hearing conference is a "Prehearing Order and Temporary Approval" for applications for permit 34-07571 and 34-07573 dated June 15, 1995 (copy attached).

The 1995 runoff and water supply in the Big Lost River basin was the best in nearly ten years. "Extra" water was available early in the runoff season that provided water for recharge to the extent facilities were available to divert water in excess of the irrigation demand. The river between the Moore Diversion and Arco was maintained throughout the irrigation season rather than diverting the entire flow of the river into the Moore and Eastside Canals. Near the end of the irrigation season this section of the river was losing about 90 cfs that added to the ground water recharge in the lower part of the valley.

The issue of Spring Creek continues to be a source of discontent and antagonism. Spring Creek lies on the east side of the Big Lost River in the lower part of the valley near Arco. As the name implies, evidence indicates that for the past 60 years Spring Creek has been fed by springs and seeps from shallow ground water in the lower Big Lost River valley. There is no evidence to show any recent changes to the diversion facilities at the Moore Diversion or the head of the Eastside Canal have reduced the water supply to Spring Creek.

Despite popular arguments to the contrary, hydrologic evidence shows the lack of water in Spring Creek is the result of drought, changed irrigation practices and the diversion and use of ground water. The evidence shows the most significant of these causes is drought. There is also good evidence that the second most significant reason is the change in irrigation practices in the vicinity of Spring Creek. These scientific explanations for the lack of water in Spring Creek do not satisfy those individuals who have let emotion and passion guide their efforts to return water to

Spring Creek.

Early in the runoff season the Watermaster and the Big Lost River Irrigation District released water from the Eastside Canal into Spring Creek at three locations along Spring Creek. At each site the Spring Creek Channel was filled to capacity yet little if any water ever reached the end of Spring Creek. Some individuals have complained bitterly that the water could not flow in Spring Creek because the channel had become plugged with debris and undersized culverts. Local efforts to remove debris and replace culverts were discussed but little, if any, channel clearing has actually occurred this year. Near the end of the irrigation season about 60 cfs of water was again released from the Eastside Canal into Spring Creek. Once again, the water in Spring Creek did not reach the end of the channel.

The lack of flow in Spring Creek, despite the release of water into the creek, further supports the concept that Spring Creek relies on the shallow ground water in the lower east side of the Big Lost River valley for its source of supply and to maintain the flow in the channel. The release of water into Spring Creek from the Eastside Canal and the maintenance of flow in the lower Big Lost River channel have begun the process of recharging the ground water in this portion of the Lost River valley.

I believe it is only through recharge of the shallow ground water in the lower Lost River valley that the flow of Spring Creek will be restored and maintained.

Artificial ground water recharge through the applications for permit filed earlier this year may be utilized to hasten the natural ground water recharge in the lower Big Lost River valley and to compensate, in part, for changes in irrigation practice and ground water diversions. The water released into Spring Creek from the Eastside Canal this year, for example, was done so under the authority of the temporary approval of the recharge applications. The recharge from the lower Lost River itself was natural recharge.

To further the local artificial recharge effort, I am proposing a local public information meeting to be jointly sponsored by the Butte County Commissioners and the Department. The purpose of the meeting will be first to invite discussion of the recharge effort in 1995 and specifically how that effort impacted on Spring Creek. The meeting will then invite discussion for conducting artificial ground water recharge in the future and how that effort will benefit the water users of the basin as a whole and the water supply for Spring Creek specifically. The county commissioners have agreed conceptually to this meeting and I will solidify the details of the meeting with them if this approach meets with your approval.

What I am proposing does not match the desires of some of the local individuals with an interest in Spring Creek. The proposal most often heard is to remove the headworks of the Eastside Canal and connect Spring Creek to the Big Lost River channel. Not only is there no legal basis for doing this, I am confident it

would not produce the results these individuals expect or would find acceptable. As I indicated above, I believe artificial recharge is the most viable management alternative to help restore the flow of Spring Creek and benefit all water users in the valley. Further, there is a broad base of support for artificial recharge in the valley as evidenced by the applications for permit that were filed by water users earlier this year.

Dr. J. R. ...

PLAN OF OPERATION
BASIN 34 RECHARGE
May 23, 1995

Introduction

This plan of operation is intended to implement the recharge effort in Basin 34 to accomplish the objectives of the applicants. The applicants are those individuals, and their successors in interest, who have filed applications for water rights nos. 34-07571 and 34-07573 seeking to appropriate water from the Big Lost River and its tributaries for recharge purposes. (Therefore, applicants also means those individuals who hold an ownership interest, either directly or through an organization, in any permit or perfected water right developed pursuant to either or both of these applications.) Under this plan of operation the recharge water rights are to be used without regard for the relative priority between the two water right filings in a manner to fully and efficiently use the available water supplies and provide benefit to all applicants.

The objectives of the applicants are to benefit all lands in the basin from flood water supplies that would otherwise exit the basin by maintaining reasonable river flows from the head of the valley to the Arco gaging station and the controlled diversion of otherwise unappropriated water into selected recharge sites. The expected basin wide project benefits are anticipated to be the following:

- 1) greater usage of flood water supplies.
- 2) flood control/stream bank protection.
- 3) recharge to natural springs and aquifer levels.
- 4) enhancement to wildlife habitat and aesthetic values.
- 5) reduce damage caused by sub-water adjacent to river.
- 6) extended periods of river flows.
- 7) improved conveyance of diverted water supplies.
- 8) aquifer replacement of ground water supplies.
- 9) mitigation for senior surface water rights.
- 10) demonstration of community cooperation.
- 11) reduce or eliminate the need to curtail existing ground water rights.
- 12) maintain ground water levels for domestic wells.

General Conditions of Operation

Water rights for recharge purposes are subject to the control of the Watermaster of Water District 34 and the Water Distribution Rules for Water District 34. Delivery of water pursuant to recharge water rights is limited to use for recharge purposes only and is subject to all prior water rights including, but not limited to, irrigation, stock water and storage. The Watermaster may, however, deliver water

for recharge prior to the filling of all storage rights when the owner(s) of the stored water concurs that the reasonably anticipated runoff is sufficient to fill all storage rights and provide water for recharge.

Calls for delivery of recharge water will be made only by the committee (Recharge Committee) selected by the recharge water right applicants. Calls for and delivery of recharge water will be according to this plan of operation and other applicable laws. The Recharge Committee will consist of six (6) members, an applicant who receives surface water for irrigation from each of the following areas: above Mackay Reservoir, Big Lost River from Mackay Reservoir to above the Moore Diversion, Big Lost River from Moore Diversion to above the Arco Diversion, Big Lost River from Arco Diversion and downstream, and from the Antelope Creek drainage. The sixth member of the Recharge Committee will be the Watermaster of Water District 34 who need not be an applicant. In addition, at least three (3) of the non-watermaster members will also hold and use ground water rights for irrigation within Basin 34.

Property owners adjacent to Spring Creek may request recharge flows, in accordance with this plan of operation, in Spring Creek through a representative committee (Spring Creek Committee). The Spring Creek Committee should be selected by property owners adjacent to Spring Creek in a manner acceptable to the Spring Creek property owners. The Recharge Committee and the Big Lost River Irrigation District may deliver recharge water, when available, to Spring Creek upon request and approval by the Spring Creek Committee.

Diversions of water for recharge should be limited so as not de-water (dry up) stream channels or increase the extent of de-watered stream channels at the time of the recharge diversion. Many tributaries to the Big Lost River and the Big Lost River itself do not have wetted channels for the entire length of the stream channel during portions of the year and during periods of drought. Among the purposes of this recharge plan is to retain water within the basin that would otherwise leave the basin downstream from the Arco gage as "flood flows." While retaining the water as high in the basin as possible may produce some benefit by extending the time the water may remain in the basin that added benefit does not off-set the value of recharging in the immediate vicinity of the stream channel itself to help maintain the integrity of the stream channel. The water supply required for maintaining wetted stream channels is self limiting since, as the ground water is recharged in the vicinity of the stream channel, smaller amounts of water will be required to maintain the stream and larger amounts of water will be available for diversion for other purposes.

Generally, the diversion of water for recharge from tributaries to the Big Lost River should not increase the amount of dry channel that exists for that tributary. For the Big Lost River itself downstream from Mackay Dam, diversion for recharge downstream from Mackay Dam will generally not occur unless the river is reaching the

Arco gage, or is reasonably expected to reach the Arco gage within three days, even though water is being diverted for recharge.

Calls for delivery of recharge water by the Recharge Committee will be consistent with the intent of the applicants to provide benefits for all applicants throughout the basin.

In the event ground water levels become too high while recharge is occurring, the Recharge Committee will consult with the Director of the Department of Water Resources to determine if or where recharge can continue at that time in Basin 34. This consultation will occur within 24 hours of any notification that ground water levels are too high as a result of recharge. The Recharge Committee may, in its own discretion, request the Watermaster to alter recharge diversions to avoid adding additional recharge water to areas where the ground water has become too high. The Director of the Department of Water Resources may, in his sole discretion, instruct the Watermaster to alter recharge diversions to avoid adding additional recharge water to areas where the ground water has become too high. If the Watermaster or the Director of the Department of Water Resources becomes aware of any imminent flood danger caused by recharge diversions the Watermaster may take such action as is reasonable and necessary to avoid or reduce any flooding caused by recharge diversions.

Recharge During the Non-Irrigation Season

For purposes of this plan of operation the non-irrigation season is the period of the year when surface water is not being diverted for irrigation purposes from the source of water sought to be used for recharge. The non-irrigation season, for purposes of this plan, may differ from one portion of the basin to another in any year as well as differing from year to year.

The diversion of water for recharge may begin from tributaries to the Big Lost River during the non-irrigation season at any time that water is available for recharge and diversion facilities are available and capable of diverting and recharging the diverted water. Care must be taken to avoid ice damage to diversion facilities and to avoid flood threats that could result from icing conditions.

No diversion of water from the Big Lost River upstream from Mackay Reservoir can occur which would interfere with filling the storage rights for the reservoir. Diversions for recharge upstream from Mackay Reservoir should only be made after consultation and concurrence by the Directors of the Big Lost River Irrigation District and when diversion facilities are available.

Diversion of water from the Big Lost River downstream from Mackay Reservoir may occur when the conditions of stream flow described in the General Conditions

of Operation have been satisfied and diversion facilities are available. During the non-irrigation season water diverted into the irrigation canals and "lost" from seepage from those canals is a viable form of ground water recharge. This recharge benefits both ground water users by raising the level of the aquifer and surface water users by reducing the losses that will occur from the canals when irrigation deliveries begin.

Recharge During the Irrigation Season

For the purpose of this plan of operation the irrigation season is the period during each year when surface water is being diverted for irrigation purposes from the source of water sought to be used for recharge. The irrigation season, for purposes of this plan, may differ from one portion of the basin to another in any year as well as differing from year to year.

Recharge during the irrigation season will generally follow the same procedures as recharge during the non-irrigation season. All senior rights being called for must be filled prior to the use of water for recharge. Water rights for purposes other than recharge will not be diverted or delivered solely for purposes of recharge.

Current irrigation diversion and delivery facilities may not have enough capacity to meet irrigation demands and divert water for recharge. The applicants should begin immediately to identify recharge sites and provide facilities that can be used for recharge during the irrigation season. Possible recharge sites, in addition to existing irrigation canals, are abandoned irrigation canals, gravel pits and other as yet unidentified sites. Among the possible sites are the Darlington bypass, the Beck Ditch, the Lower Burnett Ditch, Congden Springs area, Leslie gravel pit, Moore gravel pit, Chili Canal, Nielsen Ditch and the UC Canal. Sites and facilities that can be used to divert and recharge "flood flows" that normally occur after the beginning of the irrigation season are essential to a successful recharge effort. The applicants should have identified additional recharge sites and have in place plans for providing/constructing facilities at sites in addition to those identified above by 1996.

Accounting for Recharge

Recharge diversions will be accounted for by the Watermaster. Only those flows diverted under the authority of the recharge water rights listed above are to be accounted for as recharge. Canal seepage that occurs during the normal delivery of water pursuant to non-recharge water rights will not be counted as recharge.

It is beyond the scope of this plan of operation to propose a specific mitigation plan that utilizes the recharge that will occur under this plan. It is the intent of the applicants, however, that a mitigation plan will be proposed to the Director of the Idaho Department of Water Resources, pursuant to Rule 50.04.c.iii or Rule 50.04.e of the Water Distribution Rules - Water District 34, IDAPA 37 Title 03 Chapter 12,

that will seek a uniform reduction in the percentage of mitigation required of ground water users based upon the amount of recharge occurring under this plan of operation.

Costs

The applicants will be responsible for all costs associated with the recharge effort pursuant to this plan of operation including water district charges, and facilities development and maintenance. The applicants may seek to defray these costs by seeking a waiver of water district charges, by seeking contributions from the beneficiaries of the recharge effort or by other means.

Without formation of a ground water district pursuant to Chapter 52, Title 42, Idaho Code, neither the applicants or the Recharge Committee have authority to levee assessments. This does not prevent the applicants from agreeing to contribute for purposes paying the expenses of the recharge effort conducted pursuant to this plan of operation.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

2 OF 05095 ▶ 1

To	<i>Dave Shaw</i>	From	<i>Buzz Banta</i>
Dest/Agency	<i>L O W R</i>	Phone #	<i>527-3486</i>
Fax #		Fax #	

NSN 7540-01-317-7368

5039-101

GENERAL SERVICES ADMINISTRATION

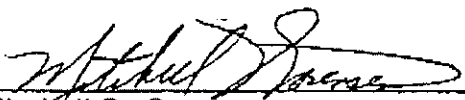
AGREEMENT

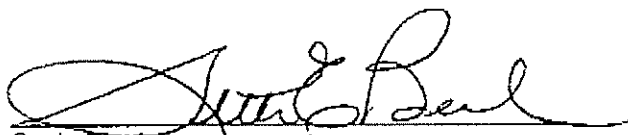
This Agreement is entered into this 5th day of June, 1995 by the applicants of water right application for permit nos. 34-07571 and 34-07573 for the purposes of:

- 1) Adoption and support of the PLAN OF OPERATION, BASIN 34 RECHARGE, dated May 23, 1995 attached hereto and made a part of this Agreement.
- 2) Withdrawal of protests by the applicants for water right application for permit no. 34-07573 against application for permit no. 34-07571.
- 3) Agreement by applicants for ~~water right~~ application for permit no. 34-07571 not to protest application for permit no. 34-07573.
- 4) Providing mutual support for approval of both water right application for permit nos. 34-07571 and 34-07573.

Signed and effective the day first above written.

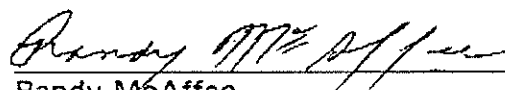
Representatives for application for permit no. 34-07571.

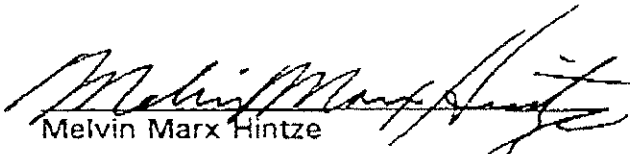

Mitchell D. Sorensen

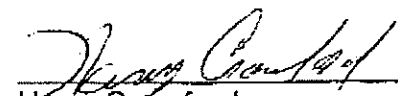

Seth Bear

Representatives for application for permit no. 34-07573 and protestants against application for permit no. 34-07571.


Dave Nelson


Randy McAfee


Melvin Marx Hintze


Harry Crawford

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF TEMPORARY APPROVAL)
OF WATER RIGHTS 34-07571 & 34-07573)
FOR ARTIFICIAL RECHARGE IN THE)
UPPER BIG LOST RIVER BASIN)

PREHEARING ORDER
AND
TEMPORARY APPROVAL

BACKGROUND

Drought conditions have gripped the Big Lost basin for most of the last decade. During this time many parts of the Big Lost river system have been dry, groundwater levels have declined and most of the rural residents of the area have been impacted by water shortages. In 1994 the Idaho State Legislature identified aquifer recharge as a beneficial use of water when it modified Idaho Code Sec. 42-4201A. On February 3 and April 11, 1995 applications for permit nos. 34-07571 and 34-07573 were filed in the name of Mitch Sorensen, et al and Dave Nelson, et al respectively, to appropriate water from the Big Lost River and its tributaries for the purpose of groundwater recharge. The publication of the notices of these applications generated a number of protests. The department scheduled a conference for June 13, 1995 in an effort to identify issues and the areas of concern being reflected by the protests filed against 34A-07571.

While a number of different concerns were expressed at the conference, the two main reasons for objection were:

1. The benefit of the recharge would only accrue to those named in the application.
2. The approval of these recharge applications would create another layer of local "bureaucracy" that might not be accountable to anyone and would usurp authorities currently resting with the Big Lost Irrigation District and Water District 34.

However, beyond these concerns there appeared to be a strong general belief that the Big Lost Valley would benefit from increased recharge in the upper basin. Since water is available for recharge this year, the idea was presented that this would be

a good opportunity to do a test to determine the benefits and problems that might arise from the approval of recharge water rights. On the day of the conference 1000 cfs was flowing past the Arco gage and leaving the valley. As a result of the consensus on the potential benefits of increasing recharge, the following agreement was reached by the parties present at the conference:

1. The department would approve the diversion of surplus water for artificial recharge during 1995. The water right for this recharge would have a 1995 priority and will be controlled by the Watermaster of Water District 34 and will be subject to all prior water rights in the Big Lost basin.

2. A committee appointed by the Idaho Department of Water Resources would be charged with the preparation of a recharge plan for 1995. This plan would specify the diversion points for the recharge water and the recharge site. It would also include a map showing all features that are to be used or installed in order to divert, measure and regulate water being diverted for the purpose of recharge. This plan would have in it the principles outlined in the recharge plan submitted by the applicants. A copy of the committee's plan would be submitted to the Director of the IDWR.

3. The protestants agreed to have their protests set aside during the period of the 1995 test. Any data gathered during the recharge study period could be used by either the protestants or applicants at a future hearing on the above referenced applications.

4. The representatives of the INEL, who protested these applications, agreed to provide such assistance as they could in monitoring ground water changes during and after the recharge period.

PREHEARING ORDER

After hearing all of the information presented at the conference the Idaho Department of Water Resources hereby ORDERS the following:

1. The prehearing conference on application 34-07571 is here by continued until after August 1, 1995.

2. There shall be established a committee, to be appointed by the department, who will direct the recharge efforts under their recharge strategy. This committee shall be made up of people who, in combination reasonably represent the various areas and interests of the Big Lost basin. This committee shall be known as the 1995 Big Lost Recharge Committee.

3. For purposes of developing and testing a recharge strategy for 1995, the Big Lost Recharge Committee is authorized to divert water from the Big Lost and its tributaries for the purpose of increasing groundwater recharge until August 1, 1995 or until the watermaster cuts 1995 priority water rights, which ever comes first. Any diversion of water for this purpose shall be subject to all prior water rights in the Big Lost Basin and shall be under the control of the Watermaster of Big Lost River Water District 34.

4. In preparing a recharge strategy for the current year the committee shall consider any existing recharge plans that have been developed for the Big Lost Basin. The Big Lost Recharge committee shall report to the department before August 1, 1995. This report shall contain a summary that describes the outcome of the 1995 recharge efforts and the committee's recommendations on continuing recharge efforts in future years .

IT IS FURTHER ORDERED

1. That the BIG LOST RECHARGE COMMITTEE shall initially be comprised as follows:

Watermaster of Water District 34	-	Doug Rosenkrance
One member from the Big Lost Irrigation District		
Area above Mackay Reservoir	-	Dave Nelson
Butte County	-	Seth Beal
Spring Creek	-	Charles P. Traugher
Antelope Creek Area	-	Randy McAfee
Lower River	-	Charles Huggins
Upper River	-	Brent Williams
Groundwater users	-	Juel Aikele

2. The Big Lost Recharge Committee shall have the following responsibilities:

A. To prepare for the director of the IDWR a recharge strategy for testing the opportunities for increasing recharge in the Big Lost Basin. In developing and implementing their recharge strategy the committee shall address the basin wide benefits identified in the May 23, 1995 Plan of Operation for Basin 34 recharge. The recharge strategy shall contain an operations plan which shall identify all points where water will be diverted for recharge; all recharge areas; locations and methods of water measurement. This plan does not require IDWR approval prior to water being diverted for recharge and may be held and submitted to the department with the committee's summary report.

B. To make such measurements and collect such data as might be necessary or beneficial in determining the amount of water actually recharged under the district's recharge strategy for 1995.

C. To arrange for, coordinate and be responsible for such construction and facilities as are necessary to accomplish the committees recharge goals. (The committee is under no obligation to construct during or maintain after the recharge period, any improvements.)

D. To collect such data and information as might be needed or useful in evaluating the success of this effort.

E. To provide to the director of the IDWR all records, data or other information with its summary report that might be useful in evaluating the 1995 recharge effort in the Big Lost Basin and in making a decision on the approval of the referenced applications for permit.

Order signed in Idaho Falls, Idaho this 15 day of June, 1995.


Ronald D. Carlson
IDWR Eastern Region Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

COPY

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1995

John Traughber
P.O. Box 678
Arco, Idaho 83213-0678

Re: Request for Meeting with Friends of the Big Lost River

Dear John:

Your letter of June 10, 1995 asks for a meeting with the new director of the department, Mr. Karl Dreher, to discuss water supply problems along Spring Creek. Mr. Dreher has asked me to respond to you.

He is certainly willing to meet and discuss this matter with you and other affected property owners. He prefers a field inspection of the area with you and the owners rather than to have you travel to Boise. He would like to plan this field inspection in coordination with the Water Resource Board meeting being held in Pocatello on July 20 and 21, 1995. He will travel to Arco on Friday, July 21 in the afternoon and spend several hours with you.

If this date is acceptable, please confirm by letting me know where Mr. Dreher can meet you to begin the field visit. As you and I discussed in a telephone conversation earlier, the field visit will be more productive if the number participating is kept to no more than five people.

If you feel the problems cannot wait until mid-July for the field visit, Mr. Dreher is willing to meet with you in Boise. You indicated that you would need a half day for such a meeting. It will be difficult for Mr. Dreher to commit a half day. Also, I think it is important to keep the issues to matters specific to Spring Creek. A meeting to discuss the general water issues confronting the Big Lost River Valley should provide for participation by representatives throughout the valley.

Please let me know what you decide.



Norm - is this the letter you had in mind? Dave

State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 27, 1995

Governor Philip E. Batt
Idaho State Capitol Building
P. O. Box 83720
Boise, ID 83720-0034

Re: Letter from John Traughber re: Spring Creek (Lower Big Lost River)

Dear Governor Batt:

This letter is provided in response to a letter you received from Mr. John Traughber, dated May 31, 1995, and to give you some additional background information about Spring Creek. Obviously, this is not the first contact between Mr. Traughber and the State of Idaho, and I hope that this rather detailed response will update you regarding current conditions affecting Spring Creek.

Spring Creek lies on the east side of the Big Lost River in the lower portion of the Lost River Valley which extends approximately from Moore to Arco. There is disagreement whether or not Spring Creek ever connected to the Big Lost River at its upstream end, thereby providing a high water channel for the Big Lost River. There is some agreement that the primary source of water for Spring Creek, at least during periods of low flow in the Big Lost River, has been springs and seeps. The springs and seeps are just now beginning to flow again. However, Spring Creek adjacent to Mr. Traughber's property remains dry and has been for the past several years. Mr. Traughber apparently believes mismanagement by the Idaho Department of Water Resources (IDWR) coupled with the diversion of ground water that he considers illegal are the primary reasons for the condition of Spring Creek adjacent to his property.

Mr. Traughber alleges that the Eastside Canal has cut off Spring Creek where it used to connect to the Big Lost River. Whether or not this assertion is correct, the Eastside Canal was legally constructed in 1935 and has remained in use since that time. In the 1935 water distribution report for the Big Lost River prepared by Roy W. Thompson, Water Commissioner, Mr. Thompson reported that without damage to other decreed water uses:

"Several improvements to the distribution system were made during the year. Drouth relief project [sic] which were set up and approved during the year 1934, under the direction of the F.E.R.A., were completed during the year 1935. This consisted mainly of the East Side By-Pass Canal, which will carry all water from Moore Dam to the Arco District, thereby eliminating [sic] the use of the river channel as a carrier between the Moore and Arco Dams. The distribution system below the Arco Dam was also completed, which eliminates [sic] the use of the river channel below that point, as a carrier of water. Several other minor improvements to the distribution system were completed, which altogether, will made a decided improvement to the distribution of water below Mackay Reservoir. During the fall of 1935 several projects were set up and approved by the W.P.A., which include, cleaning, enlargement and the consolidation of ditches in the vacinity [sic] of Mackay."

The water supply in the lower Big Lost River Basin has been affected by a variety of causes in recent years, but the single most significant cause has been the drought that has occurred in the basin since 1987. Attached for your review is a hydrograph for the Howell Ranch stream gage operated by the U. S. Geological Survey (USGS) on the Big Lost River. This gage is located high in the Big Lost River drainage upstream from any significant water diversions. While the flows in the Big Lost River at this location do not represent the entire water supply for the Big Lost River Basin, they are useful for comparing the relative water supply for the period of 1949 through 1986 against the period of 1987 through 1994. The average water supply at this location for the 1949 - 1986 period is about 245,000 acre-feet, while the average water supply for the 1987 - 1994 period is about 151,000 acre-feet. This is about 62 percent of the prior average. Even though more complete measurements are not available, it is reasonable to assume that other sources of water for the basin have been similarly reduced for the 1987 - 1994 period, including the springs and seeps that have fed Spring Creek.

In response to the drought conditions, and for other reasons, many irrigators in the Big Lost River Basin have switched to sprinkler irrigation from flood irrigation. Information available to IDWR shows only about 15,000 acres of flood irrigation remained in the Big Lost River Basin as of the early 1990s compared to about 34,000 acres of flood irrigation in the mid-1930s. This change in irrigation practices has reduced irrigation return flows which had previously provided a source of supply for the seeps and springs in the lower Big Lost River Basin.

Information from the Soil Conservation Service and from IDWR's own analysis of Landsat Imagery indicate a total of about 63,000 acres are currently being irrigated in the Big Lost River Basin. Mr. Traughber has previously indicated that he believes more acres are being irrigated, but has not provided the source of his information.

In the late 1980s, there were allegations of illegal water use in the Big Lost River Basin, particularly acres served by ground water in the Era Flat area west of Arco. IDWR investigated and found some of the water uses could not be supported by the existing water rights and issued cease and desist orders to enjoin further "illegal" water use. At about the same time, however, the taking of claims for the Snake River Basin Adjudication (SRBA) had been started, and claims for the "illegal" uses were filed in the SRBA. An analysis of those claims showed that formerly "illegal" uses could be claimed utilizing Idaho Code §§ 42-1416 and 42-1416A, often referred to as the presumption statutes.

The SRBA claims presented a perception of title to water uses that had previously been ordered curtailed by cease and desist orders issued by IDWR. In response, the Director of IDWR issued a policy statement dated May 7, 1990 stating in part:

"Therefore, IDWR will not seek to prevent use of ground water where the right to use the water is based upon a claim unless:

- (1) The claim is obviously without merit because the use clearly did not commence prior to the required dates or the use was obviously expanded after the statutory deadline.
- (2) The rate of diversion exceeds the rate of the right which is claimed as expanded or transferred.
- (3) Documented evidence exists that the claimed use by itself or in conjunction with the use of other claimed uses is directly and significantly injuring another valid right or rights."

The Director of IDWR entered a Final Order on August 7, 1990 setting forth the procedure for administration of water rights in the Big Lost River Basin and imposing a moratorium on the development of new water rights in the Basin. The Final Order followed the administration described in the earlier policy statement and also indicated the Director would propose to administer water rights in the Basin according to the results of the SRBA as soon as possible.

In 1992, the Director's Report of water rights for the Big Lost River Basin was filed with the SRBA Court. The Director sought and was granted authority to use the list of water rights in the Director's Report for water distribution purposes in the Big Lost River Basin starting with the 1993 irrigation season. The use of the list of water rights from the Director's Report for water distribution purposes continues today under separate orders entered each year by the SRBA Court. During the last several years, Mr. Traugher and others have called for IDWR to enforce its cease and desist orders.

In fact, IDWR has entered two cease and desist orders for water uses that did not meet the requirements of the May 1990 policy statement and both were enforced. The remaining cease and desist orders, however, were superseded by the August 1990 order of the Director coupled with the subsequent orders of the SRBA Court for interim administration. Mr. Traughber has also argued that since the presumption statutes upon which some of the claims in the Big Lost River Basin are based have been declared unconstitutional and were subsequently repealed, IDWR has failed in its duties by not shutting off certain unidentified water uses. However, the SRBA Court was fully aware it had declared the presumption statutes unconstitutional before the interim administration order for 1994 was entered. When questioned, Judge Hurlbutt stated that the Director's Report was still the best available list of water rights for water distribution purposes. Judge Hurlbutt continued the order of interim administration once again for 1995, recognizing some of the presumption based claims and recommendations will need to be changed in the future.

Mr. Traughber's reference to water illegally leaving the basin may refer to water which is currently being diverted from Antelope Creek into the Blaine (Utah Construction) Canal and transported to the Era Flat area. Some of this water was used for irrigation earlier this year and is now being used for irrigation again. However, the reason water is being diverted into the Blaine Canal from Antelope Creek is to reduce flood damage to property along Antelope Creek downstream from the Blaine Canal. Private property owners and the County Highway District have removed culverts from Antelope Creek to increase the channel capacity of the creek. But even with these measures, the creek can not carry the current water flows without damaging both public and private property. We recognize that placing water in the Blaine Canal is an emotional issue in the valley. However, even if water were not in the Blaine Canal, no additional water would be in Spring Creek adjacent to Mr. Traughber's property under current conditions.

Mr. Traughber also expressed concern that the Spring Creek channel has not been maintained. On June 5, 1995, Mr. Eric Verner of IDWR's Idaho Falls office visited Spring Creek to determine if there had been violations of the Stream Channel Protection Act. Mr. Verner's conclusion was that while there are clearly obstructions in the Spring Creek channel that reduce its capacity, none of the obstructions appeared to have been recently created, and the obstructions do not prevent the channel from carrying water. Mr. Traughber apparently believes IDWR should be responsible for cleaning up Spring Creek. IDWR representatives have repeatedly explained to Mr. Traughber that IDWR does not have the authority or the resources to clean up or require the clean up of Spring Creek. If the land owners adjacent to Spring Creek want to clean up Spring Creek, or perhaps if a group of other concerned individuals want to clean up Spring Creek, IDWR would be pleased to provide whatever assistance it can.

Spring Creek is currently dry in the vicinity of Mr. Traughber's property despite the efforts of the Big Lost River Irrigation District (BLRID) which is placing water into Spring Creek from the Eastside Canal. During Mr. Verner's site visit on June 5, he verified that the Big Lost River Irrigation District is diverting water into Spring Creek from its Eastside Canal. Mr. Verner could not identify any other source for the water currently flowing in the upper reaches of Spring Creek other than the water being put into the creek from the Eastside Canal. The BLRID is putting as much water in Spring Creek as the channel will presently hold without flooding adjacent property, yet the flow is sinking into the gravels along the channel of Big Lost Creek before water reaches stream segments adjacent to Mr. Traughber's property. Under the circumstances, we expect the BLRID will continue to divert water in Spring Creek until the river flows are reduced to the point that the Watermaster will begin curtailing diversions to provide water for senior water rights. At that time, water being diverted to Spring Creek will stop.

I have provided this rather lengthy discussion of water distribution in the Big Lost River Basin to demonstrate that IDWR has not failed to perform its duties. Mr. Traughber and others have repeatedly been invited to notify IDWR of any specific illegal water uses. Thus far, with the possible exception of one 5-acre parcel that IDWR is currently investigating, no specific illegal uses have been suggested to IDWR. Unfortunately, Mr. Traughber's dissatisfaction continues. In an attempt to further address Mr. Traughber's concerns, I plan to arrange an informal meeting with him at some point in the future when I am scheduled to otherwise be in that part of the state.

Please let me know if IDWR can provide you with any additional information regarding this matter.

Very truly yours,

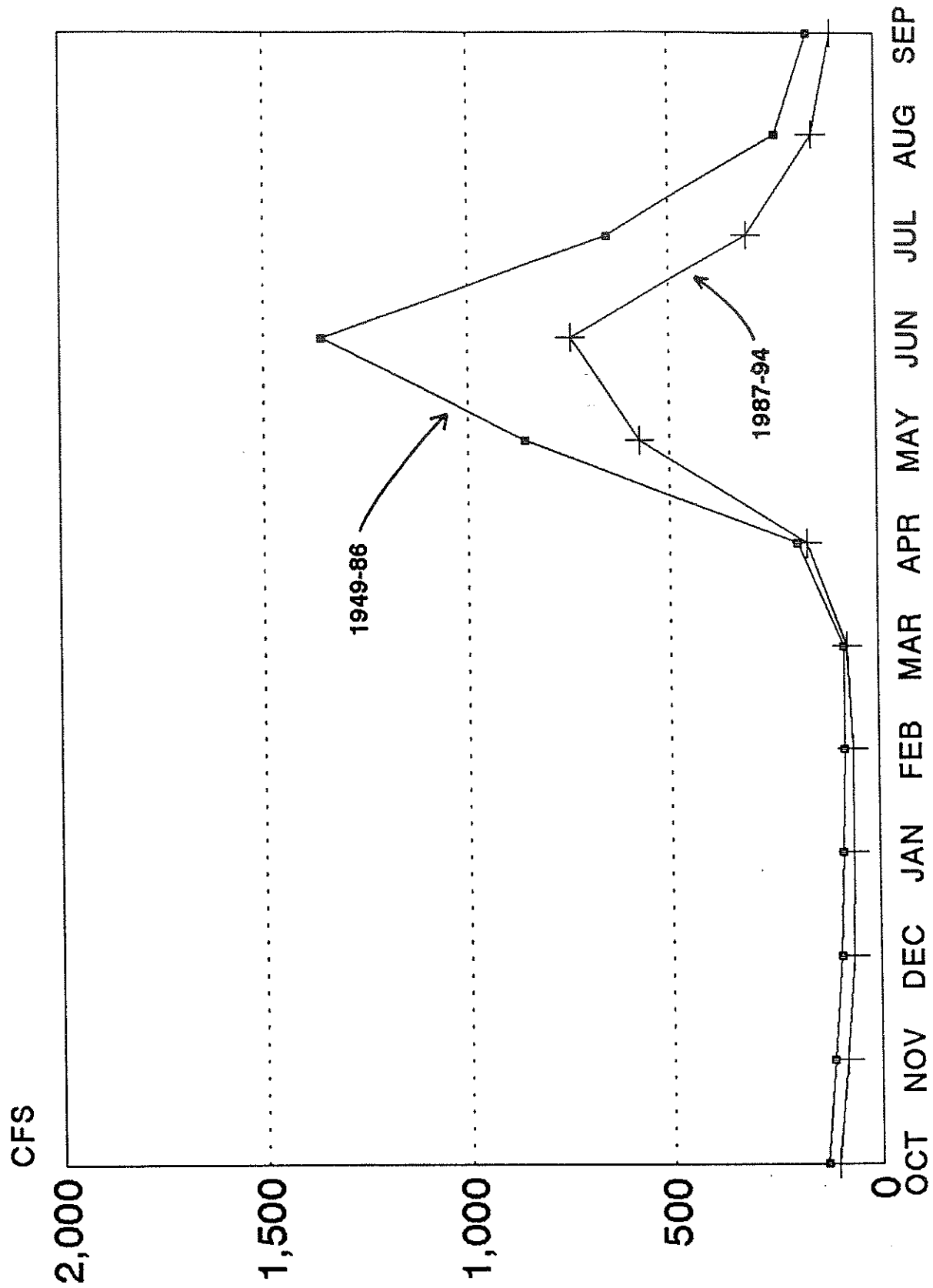


KARL J. DREHER
Director

Attachment

BIG LOST RIVER AT HOWELL RANCH

MONTHLY MEAN DISCHARGE





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

COPY

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1995

John Traugher
P.O. Box 678
Arco, Idaho 83213-0678

Re: Request for Meeting with Friends of the Big Lost River

Dear John:

Your letter of June 10, 1995 asks for a meeting with the new director of the department, Mr. Karl Dreher, to discuss water supply problems along Spring Creek. Mr. Dreher has asked me to respond to you.

He is certainly willing to meet and discuss this matter with you and other affected property owners. He prefers a field inspection of the area with you and the owners rather than to have you travel to Boise. He would like to plan this field inspection in coordination with the Water Resource Board meeting being held in Pocatello on July 20 and 21, 1995. He will travel to Arco on Friday, July 21 in the afternoon and spend several hours with you.

If this date is acceptable, please confirm by letting me know where Mr. Dreher can meet you to begin the field visit. As you and I discussed in a telephone conversation earlier, the field visit will be more productive if the number participating is kept to no more than five people.

If you feel the problems cannot wait until mid-July for the field visit, Mr. Dreher is willing to meet with you in Boise. You indicated that you would need a half day for such a meeting. It will be difficult for Mr. Dreher to commit a half day. Also, I think it is important to keep the issues to matters specific to Spring Creek. A meeting to discuss the general water issues confronting the Big Lost River Valley should provide for participation by representatives throughout the valley.

Please let me know what you decide.

MEMORADUM

DATE: JUNE 6, 1995

TO: NORM YOUNG, DAVE SHAW, RON CARLSON

FROM: ERIC VERNER

SUBJECT: SPRING CREEK FIELD REVIEW OF JUNE 5, 1995

I conducted a field review of Spring Creek (a stream channel within the Big Lost River drainage) on June 5, 1995. I was accompanied by Don Scarr, manager of the Big Lost River Irrigation District and Chris Merrill, Engineer for the NRCS in Arco. Due to rainy, wet conditions we were limited to looking at sites along roads. We did not walk any of the channel between the major roads.

Don discussed with me what the District has done with water in Spring Creek since Friday, May 26. Once the Water Master had filled his obligation to "charge" the river, the District began diverting water into Spring Creek. Don estimates that they have been diverting between 8cfs or 10cfs into Spring Creek from the Eastside Canal diversion at the top of the drainage. This water is coming directly from the river at the Moore Diversion. There is no in-flow emptying into the Eastside Canal from Spring Creeks source. The District has been diverting water from the Eastside Canal, into Spring Creek at two other locations since the 26th. Don estimated (cannot measure) that 30 cfs are being diverted into Spring Creek.

We then visited the source area of Spring Creek and worked downstream. At the first diversion into Spring Creek, just downstream of the Moore Diversion on the Eastside Canal, there was about 3' of water flowing through the 6' wide headgate - I estimated the velocity to be between 1ft/sec or 2ft/sec. There is a private culvert (couldn't measure diameter) on Randy Damiana's property about 300yds down stream that is controlling the amount of water that can flow into Spring Creek at this location. The crossing appeared to be old. Below the Damiana crossing about another 1/4 mile, Spring Creek dives under the Island Canal through an 4' or 5' diameter inverted siphon. This siphon was replaced 5 years ago. The original siphon still is able to pass some water, but for practical purposes is closed. We then checked the flow of water at the first county road crossing below the diversion point. It looked like water was flowing below this crossing another 1/4 mile and then sinking.

Don discussed another location that water is being diverted from the Eastside Canal into Spring Creek. This point is approximately one mile below the above mentioned County Road crossing. It is located in the middle of a cultivated field that we could not reach. Don estimated that 4cfs were being diverted into Spring Creek in this location.

We then visited the last location that water is being diverted into Spring Creek. This point is on the 2nd County Road crossing, south of Moore (on the township line between 5 north and 4 north. Spring Creek dives under the Eastside Canal at this location and then flows under the County Road. I could not determine the size of culverts, but the siphon appeared to be small. The eastside canal bank has failed at this location allowing the District, with the land owners permission, to divert water into the siphon. There is also a headgate on the south side of the county road that is able to divert water into Spring Creek. Don estimated that 16cfs was being diverted into Spring Creek at this location. Water from this point of injection was flowing about 2 miles downstream.

After looking at these locations, I continued my examination without Chris or Don. I visited each county road crossing and investigated some "tributary" channels of Spring Creek from the county roads. From what I could see from the roads, the channel appears to be clear enough to pass water. There are some isolated spots where fences cross the channel, trees and other woody debris are in the channel and other assorted debris are in the channel. Some of the debris is very old (e.g. pre-1960 car bodies). All of the culvert crossings could use some maintenance and repair. Material "plowed" into the channel over the years has partially blocked some of the culverts. Many of the culverts are perched above the bottom of the stream indicating they are undersized.

The ortho photo map indicates there are a couple of perennial tributaries of Spring Creek. I tried to find these on the ground. It appears that these are spring-feed channels that have been dry for many years. In many cases these channels have been farmed over. One of these channels is blocked by a closed culvert and by a new home owner that has filled in the channel with tree stumps and by a dairy operation that is depositing manure into the channel. I could not determine if these channels are connected to the river or not. They are most likely not.

Summary:

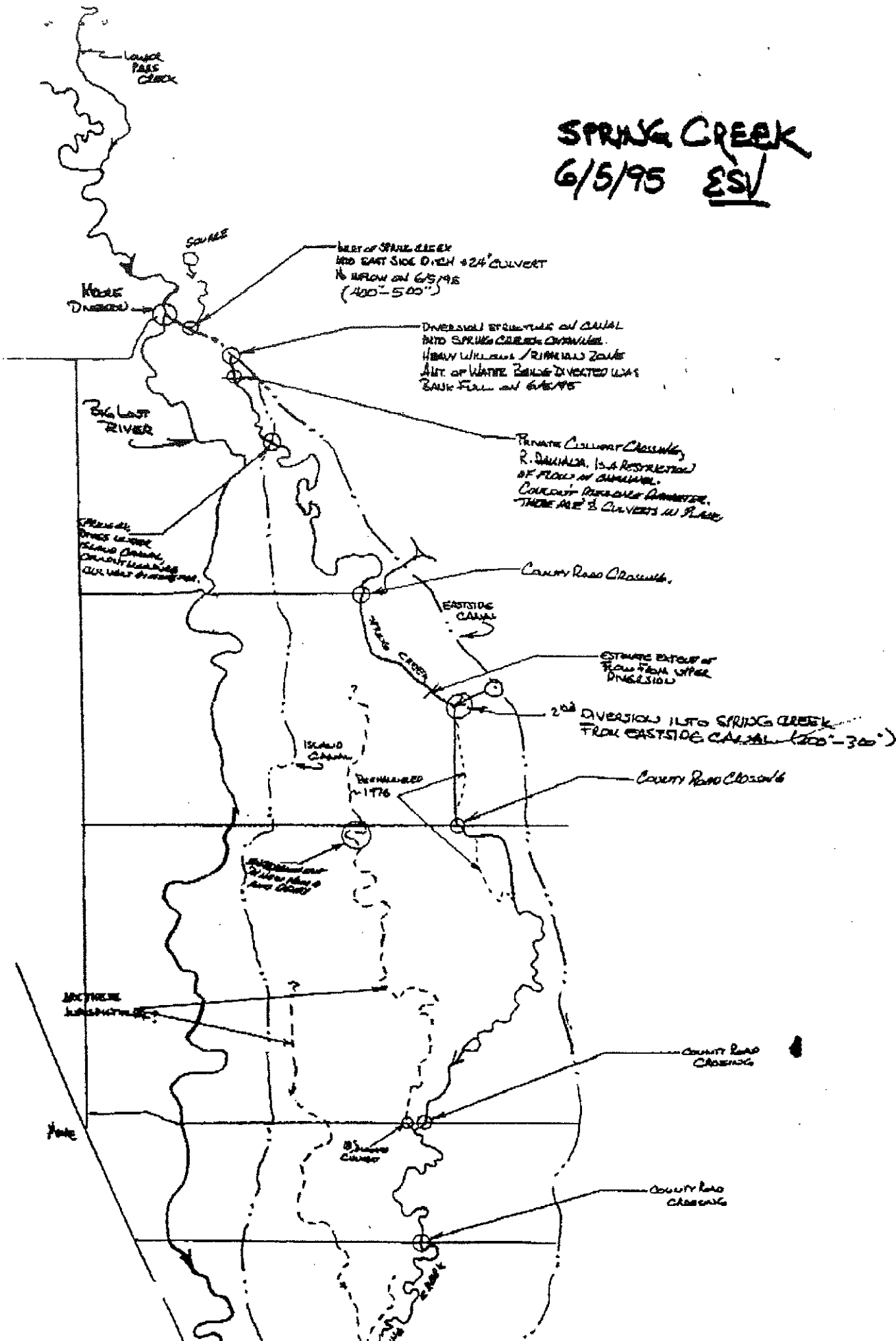
Based upon what I saw yesterday, the Irrigation District is putting as much water into Spring Creek as the current situation will allow. If they divert more water into Spring Creek at the headwater diversion, they will likely flood private property and wash out a private road crossing. There are a number of possible man-made constrictions within the channel of Spring Creek (i.e.

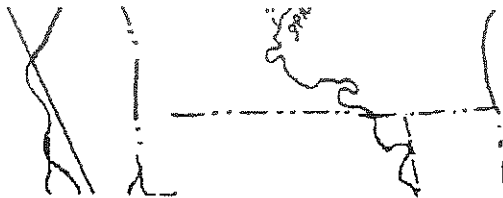
culverts, inverted siphons, channelization and encroachments) that are limiting the amount of water that can be diverted into the channel. However, I'm not sure what "should" be the amount of water diverted into the channel. What is the historical flow of this channel? There are a couple of tributary channels that are blocked by encroachment/trash, but are these jurisdictional under the SCA?

I suggest the following to be the "next" step.

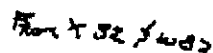
- 1) Contact property owners along Spring Creek and make them aware that they need to file SCA for work in the channel and that water is being put into the channel this spring so they should take appropriate action to clean debris from the channel on their property.
- 2) Determine if the "tributary" channels are jurisdictional.
- 3) Determine what the flow "should be" in Spring Creek and then determine if the man-made structures are adequately sized to carry this amount of water.
- 4) Determine the legality of diverting water from the Big Lost River into Spring Creek (is it an isolated water or is it a tributary/high flow channel).
- 5) Develop some type of "management plan" that the Water Master and the Irrigation District can operate under.
- 6) Follow-up this summer with a field inspection that includes walking the channel.

SPRING CREEK 6/5/95 ESV





SPRINKLER DOES NOT HAVE APPROVED DESIGN, SMALL
PAC. THIS IS CONDITIONS THAT CANAL IS BEING USED.





REPORT

WATER DISTRIBUTION OF BIG LOST RIVER
YEAR OF 1935

UTAH CONSTRUCTION CO. VS. JOHN F. ABBOTT ET AL.

NO. 222 EASTERN DIVISION
UNITED STATES DISTRICT COURT,

BY

ROY W. THOMPSON
WATER COMMISSIONER.

3. Conservation of water, with no damage to other decreed water users.

A loan of \$238,500.00, from the Reconstruction Finance Corporation to the Big Lost River Irrigation District, was approved in Washington D.C. on February 28, 1935, for the purchase of the water rights and holdings of the Utah Construction Company and the Carey Act Project settlers.

A bond election, authorizing the Big Lost River Irrigation District to issue bonds to the amount of \$238,500.00, was voted by the water users of the Big Lost River Irrigation District on May 18, 1935, and carried by a vote of 213 for and 19 against the issue.

The Big Lost River Irrigation District Board set up an apportionment and assessment of benefits against all lands within the district, which was approved by the Reconstruction Finance Corporation on October 25, 1935. The confirmation of bond proceedings was held at Challis Idaho, before the Sixth Judicial District Court, in and for the County of Custer, State of Idaho, on January 6, 1936, and the same was approved by the above court on January 25, 1936. It is expected that all the water rights of the Utah Construction Company, together with the water rights of the Contract holders of the Carey Act Project, will be turned over to the Big Lost River Irrigation District by April 1, 1936.

General improvements to the distribution system were

Several improvements to the irrigation system were made during the year. Drouth relief project which were set up and approved during the year 1934, under the direction of the F.E.R.A., were completed during the year 1935. This consisted mainly of the East Side By-pass Canal, which will carry all water from Moore Dam to the Arco district, thereby

by eliminating the use of the river channel as a carrier between the Moore and Arco Dams. The distribution system below the Arco Dam was also completed, which eliminates the use of the river channel below that point, as a carrier of water. Several other minor improvements to the distribution system were completed, which altogether, will make a decided improvement to the distribution of water below the Mackay Reservoir. During the fall of 1935, several projects were set up and approved by the W.P.A., which include, cleaning, enlargement and the consolidation of ditches in the vicinity of Mackay.

The eleventh annual snow survey on the headwaters of Big Lost River watershed, was made by Ranger O.F. Cusick, of the U.S. Forest Service, and the Water Commissioner, on April 2nd to April 4th 1935, inclusive. From a study of snow conditions with previous years, together with the ground condition on the watershed, and the drained out condition of the upper valley above the Mackay Reservoir, it was estimated that the annual run-off would not exceed 120,000 Acre feet at the Mackay Dam, providing normal precipitation followed. Due to abnormal precipitations during April and May, the actual run-off at Mackay Dam was 175,768 Acre feet.

The irrigation season ended on October 31, 1935, however due to cold weather the gates at the Mackay Dam were closed on October 30, allowing 50 Second feet to continue to flow down the river, for stock and domestic purposes, as specified in the Decree, the balance of river flow being stored in the Mackay Reservoir.

RECEIVED

OCT 21 1993

Department of Water Resources

SPRING CREEK
BIG LOST RIVER VALLEY-BUTTE & CUSTER COUNTY

OCTOBER 16, 1993

NLY RAA

HONORABLE MICHAEL CRAPO
FEDERAL BUILDING 250 SOUTH 4TH, ROOM 220 POCA TELLO, IDAHO 83201

ATTENTION: JOHN HATCH

Dear Mr. Crapo:

RE: Response to letters from Dept. of the Army Corp. of Engineers and Idaho Dept. of Water resources.

The letter from the Corps of Engineers is a very factual statement in as much as they still have an ongoing investigation into our Stream Channel problems. We are at least encouraged to know that one out of the three Government Agencies involved admits that there are violations of the laws that pertain to our Stream Channels and they are willing to try to correct the situation.

The letter from I.D.W.R. is also factual as to what is going on at the present time. Our problem is that we don't think that what is happening, is within the confines of the laws that apply to our drainage system.

One of our concerns is that we are afraid that the I.D.W.R., may try to protect a land owner that in our estimation has violated the SCPA (STREAM CHANNEL PROTECTION ACT) by using a part of the law that states that the SCPA controls only work done below the mean high water mark of natural, continuously flowing streams. The Army Corps Of Engineers has already determined that this landowner is in violation of the Clean Water Act. This stream although it has no water and has had none for several years, due to what we feel is violation of a previous court order, by I.D.W.R. It is our determination that Spring Creek is a continuously flowing stream, as before the drought it flowed continuously, as did the Big Lost River, below the Moore Diversion.

In paragraph four I.D.W.R. tells you exactly why we have several decimated farms on the east side and lower part of the valley, and no water in our natural stream beds. I don't know by whose authority, but contrary to prior court orders they bypassed Spring Creek and the Lower Big Lost River from the Moore Diversion to Box Canyon. They state that this has been a long standing practice. How can you have a continuously flowing stream when they divert all of the water to the canals and when winter comes and we have had a drought situation, they slam the gates closed on the dam so as to save the water for next year. We believe that even during the drought that if the natural channels would have been carrying the water as nature intended, and court orders

demanded our drainage system would have been able to at least sustain the foliage.

Isn't it ironic that the only area of devastation that most want to blame the drought for is below the Moore Diversion, where they bypassed the Big Lost River Channel and Spring Creek.

In paragraph three, the I.D.W.R. states that they have initiated a conjunctive management policy requiring ground water users to replace the surface flows taken from senior surface rights. We wonder just where the Easter Bunny or the Tooth Fairy is going to find this extra water? Besides we have been informed that the I.D.W.R. has no authority to initiate any mitigation.

Common sense tells us that until we return to and enforce the laws that we now have, it would be total insanity to install some meaningless rules that for all events and purposes would only further bankrupt our drainage system.

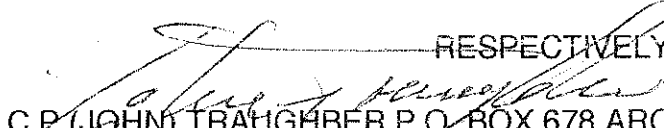
We do appreciate your concern in our behalf and hope that you will stay engaged and insist that all Government Agencies involved, enforce the laws.

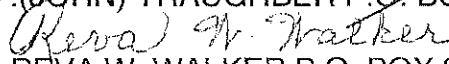
We are also enclosing other pertinent information that will show that the I.D.W.R., has consistently ignored or failed to enforce the law when it comes to Cease and Desist orders, illegal wells, and prior court rulings that ruled water should be delivered through Natural Stream Channels only!!! One of the court orders I am referring to was handed down on July 9, 1937, by District Judge, Charles C. Cavanah. We strongly believe that had the laws been enforced by the I.D.W.R. that we would not have the devastation that we now face, let alone the horrendous loss of revenue, and a disastrous decline in property values, along with the expenses we are now incurring in our endeavor to save our lands for future generations.

I.D.W.R even suggests that if we have suffered actual injury that we could obtain restitution or relief through civil action. We wonder if I.D.W.R. and other Government Agencies that have failed in their Mission to enforce the laws, have enough money to satisfy our needs? This is business as usual for our government, pit neighbor against neighbor until the bullets start to fly.

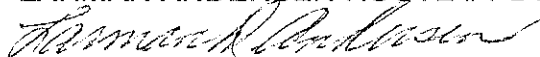
This used to be one of the most beautiful valleys in the state of Idaho, along with the best fishing and hunting found anywhere in the U.S.A. We have been betrayed by our government as our cries for help, and the laws have been ignored.

RESPECTIVELY,


C.P. (JOHN) TRAUGHER P.O. BOX 678 ARCO, ID. 83213-0678 527-3920


REVA W. WALKER P.O. BOX 32 ARCO, ID. 83213-0032 527-3229

LARMAN ANDERSEN ROUTE #1 BOX 52 MOORE, ID. 83255



Lawrence Babcock

LAWRENCE BABCOCK BOX 66 MOORE, ID. 83255

LEWIS ROTHWELL ROUTE # 1 BOX 405 ARCO, ID 83213

Lewis Rothwell

C.C. BUTTE COUNTY COMMISSIONERS

ROB BROCHU, U.S. ARMY CORPS OF ENGINEERS
1820 E 17TH SUITE 350 IDAHO, FALLS, ID 83404

BILL BABCOCK EMERGENCY SERVICES
ARCO, ID.

WILLIAM R. HOLLIFIELD ATTORNEY
P.O. BOX 66
TWIN FALLS, IDAHO 83303-0066

R. KEITH HIGGINSON, DIRECTOR, I.D.W.R
STATEHOUSE MAIL BOISE, ID. 83720-9000

CECIL D. ANDRUS GOVERNOR
STATE CAPITAL
BOISE, IDAHO 83720-1000

LARRY ECHOHAWK ATTORNEY GENERAL
STATE CAPITAL
BOISE, IDAHO 83720-1000

RECEIVED
JUN 22 1995

TEMPORARY ARTIFICIAL RECHARGE COMMITTEE FOR THE BIG LOST RIVER VALLEY

Department of Water Resources
Eastern District Office

JUNE 20, 1995

The meeting was opened by Doug Rosenkrance, with a short statement as to what might be accomplished by the committee.

Marx Hintze nominated Charlie Huggins to be chairman of the committee -- seconded by Randy McAfee -- vote was unanimous.

Dave Nelson nominated John Traugher to be secretary of the committee -- seconded by Marx Hintze -- vote was unanimous.

John Traugher suggested that proper control valves be installed below the Moore Diversion -- not only for recharge but to protect the integrity of Spring Creek and return its natural flows. He also suggested that a major effort should be made to clean the Spring Creek Channel of garbage. He also was willing to supply a wrecker at no chg. -- to snag and drag the junk cars out of the channel if the county or someone would furnish a loader and trailer to haul the cars to the dump. We would hope that the land owner would permit us to do this in a cooperative effort by all agencies involved to return Spring Creek to its original integrity. The present landowner, P.U. Ranches is not responsible for this part of our valley being used as a dump sight -- seems that in the old days it was a handy place for residents to throw their junk.

Seth Beal advised the committee that permission had been granted to start filling the gravel pit at Moore, and as the committee had not been formed at the time, that he signed the forms.

Dave Nelson suggested that we go visit trouble spots and areas that would provide good recharge areas -- He also has volunteered to use his available equipment to assist in the recharge endeavor. (Others have also volunteered their equipment and help.)

Seth Beal reported if P.U. Ranches was agreeable to replacing a small culvert by a larger one, that W.O. Bell had offered to donate \$100.00 to the cause.

It was unanimous that the EAST SIDE of the valley below the dam has serious water problems, whereas the rest of the valley at this time was receiving abundant recharge waters.

Randy McAfee stated and the others agreed that now is the time to do something about it.

Suggestions included:

1. All headgates should be open into Spring Creek.

Post-It™ brand fax transmittal memo 7871		# of pages >
To <u>NORM</u>	From <u>RON</u>	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

2. All property owners should participate in removing obstructions -- such as inadequate culverts in Spring Creek -- and that every effort should be made to supply Spring Creek at the head of the stream.

3. Every headgate below the dam needs to be opened and all ditches filled, particularly in the East side of the Valley.

4. Other viable recharge areas were discussed and every effort will be made to contact landowners and ask for their permission to participate.

5. The window of opportunity is very narrow and we must act immediately.

6. There should be no chg. for recharge waters.

It was decided that the beavers in Antelope Creek were the best recharge committee for that system -- Randy McAfee stated that he has had some very serious discussions about water with them -- We decided that if Randy could talk to these critters and had the situation under control, we better let well enough alone.

Dave Nelson, said the area above the Mackay Dam has been recharged and to prove it, he gave us a tour and most of the valley floor was flooded with water -- most everyone's yard was wall to wall water. Dave did point out a gravel pit at what he called 4 corners that, if they could get permission to fill, would be a good recharge point for the upper valley.

Liability was discussed and Doug Rosenkrance said he believed we were covered, but we may need to follow up on this with I.D.W.R.

This very informative and **up-beat** meeting was attended by Doug Rosenkrance, Dave Nelson, C.P. (John) Traughber, Ray Boyack, Charlie Huggins, Seth Beal, Marx Hintze, and Mr. & Mrs. Randy McAfee.

Post note: I think I speak for everyone when I say that with God's help and common sense we can return the Lost River Valley to its original Grandeur.

SECRETARY

C.P. (JOHN) TRAUGHBER

C.C. DAVE NELSON 5688 CHILLY ROAD MACKAY, ID. 83251 (208) 588-2805
RANDY MCAFFEE 3721 ANTELOPE ROAD MOORE, ID. 83255 (208) 554-3102
M. MARX HINTZE 47372 HOUSTON ROAD MACKAY, ID. 83251 (208) 588-2270
DOUG ROSENKRANCE RT. # 1 BOX 24 MACKAY, ID. 83251 (208) 588-3137
SETH BEAL BOX 468 MOORE, ID. 83255 (208) 527-3137
CHARLIE HUGGINS BOX 216 ARCO, ID. 83213 (208) 527-3351

RAY BOYACK 3085 KING MOUNTAIN ROAD MOORE, ID. 83255 (208) 554-3808
C.P. (JOHN) TRAUGHBER P.O. BOX 678 ARCO, ID. 83213-0678 (208) 527-3920
I.D.W.R. 900 NORTH SKYLINE DRIVE IDAHO FALLS, ID. 83401

Minutes have not been approved -- if there are mistakes please let me know -- John -- Time is of the essence!

BEFORE THE IDAHO WATER RESOURCE BOARD
OF THE
STATE OF IDAHO

RECEIVED**AUG 19 1994**

Department of Water Resources

IN THE MATTER OF THE APPLICATION)	
FOR PERMIT TO ALTER A STREAM)	STIPULATION AND ORDER
CHANNEL, No. 34-S-133 IN THE)	Water Source: Spring Creek
NAME OF PU RANCH)	County of Butte
_____)	

COME NOW the Director of the Idaho Department of Water Resources, R. Keith Higginson, by and through the undersigned deputy attorney general and PU Ranch do hereby agree and stipulate as follows:

1. PU Ranch may complete this season's farming and harvesting activities involving the present grain crop located within the channel of Spring Creek.

2. After harvest, PU Ranch shall immediately begin excavation work to reconstruct the disturbed channel of Spring Creek to a bottom width of not less than eight feet and a top width of approximately thirty feet.

3. Side slopes of the channel shall be constructed with a 2.5/1 to 3/1 grade.

4. After all construction in the channel is completed, entire channel area to be seeded with seed mix approved by the Soil Conservation Service and not farmed in future seasons.

5. PU Ranch shall not construct wheel line crossings that span the channel of Spring Creek without an approved stream alteration permit.

6. PU Ranch shall complete all construction work no later than December 1, 1994.

7. The hearing officer to maintain jurisdiction over this matter pending successful completion of the above conditions by PU Ranch.

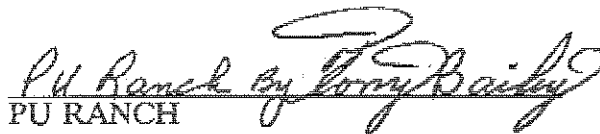
DATED this 3rd day of August, 1994.

LARRY ECHOHAWK
Attorney General



JOHN W. HOMAN
Deputy Attorney General
Idaho Department of Water Resources

DATED this 5 day of August, 1994.



PU RANCH

ORDER

The above stipulation having come before the hearing officer, it is hereby approved and so ORDERED that PU Ranch shall comply with all conditions of the stipulation no later than December 1, 1994.

DATED this 18th day of August, 1994.



C. NICHOLAS KREMA
Board Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of August, 1994, I served a true and correct copy of the foregoing STIPULATION AND ORDER by placing a copy thereof in the United States mail addressed to the following:

PU Ranch
Mr. Dick Tuthill
4500 Imperial Avenue
San Diego, CA 92113

John W. Homan
Idaho Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706

Tony Bailey
Rt. 1, Box 447
Arco, ID 83213

Steve Goddard
Idaho Dept. of Fish & Game
600 S. Walnut St.
Boise, ID 83707

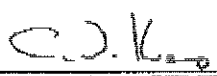
Blaine Drewes
Health & Welfare, DEQ
224 S. Arthur
Pocatello, ID 83204

Corps of Engineers
Walla Walla District
City-County Airport, Bldg. 602
Walla Walla, WA 99362

Charles P. Traugher
P.O. Box 678
Arco, ID 83213

Tyler T. Felton
P.O. Box 989
Ketchum, ID 83340

Reva Walker
Hwy. 93
Arco, ID 83213



C. NICHOLAS KREMA
Board Hearing Officer

STIPULATION AND ORDER

Page - 3



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

September 27, 1994

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Mr. Tony Bailey
PU Ranch
Rt 1 Box 447
Arco, Idaho 83213

RE: PU Ranch Stipulation and Order, No. 34-S-133.

Dear Mr. Bailey:

Pursuant to our phone conversation yesterday, you may consider this letter as authorization to commence restoration work on the channel of Spring Creek.

Myself and Erv Ballou conducted a brief survey of the channel on September 6. From this survey we determined that the reconstructed channel should be built within the following parameters.

- 1) The reconstructed channel shall be built within the original channel, following the same meander line. There shall be no realignment of the stream channel.
- 2) The bottom of the channel shall be constructed to no less than twelve-feet (12") wide.
- 3) The side slopes shall be constructed to no less than a 3:1 back slope.
- 4) Stubble remaining in the channel after this years crop may be disked to break the soil up to assist with grading the new channel.
- 5) The disturbed channel area shall be seeded with a grass/forb mixture recommended by the local SCS office.

This work must be completed before December 1, 1994. Please notify this office at least three (3) days prior to commencement of work. The Department shall be notified when work is complete so a final inspection of the reconstructed channel can be done.

Your cooperation in this matter is appreciated. Feel free to contact me if you have any questions regarding this matter.

Sincerely,

Eric Verner
Stream Protection Specialist

enc. cc. Erv Ballou

MEMO

FROM: ERIC VERNER *gv*

DATE: October 24, 1994

TO: Ron Carlson, Erv Ballou, File 34-S-133 Violation

SUBJECT: Final compliance field examination.

=====

Steve Ball and I conducted a compliance inspection today of work that was required by the Stipulation and Order, issued to PU Ranch on August 18, 1994. I met on-site with Tony Bailey, the ranch manager.

The final recommendation for cleaning the channel of Spring Creek was sent to Tony Bailey on September 27, 1994. The recommendation required excavating the bottom of the disturbed reach of Spring Creek to a minimum of a constructed 12' bottom with 3:1 side slopes. The construction was to follow the existing meanders of the stream, to leave the stream gradient unchanged and to spread excavated material outside the stream channel. Excavation work was conducted during the week of October 17. Erv inspected the site on October 21, and noted to me by phone that the work met his expectations.

The contractor excavated material from the side slopes of the channel, but did not leave a flat-bottomed channel. My initial reaction was that he did not remove enough material to meet the desired channel dimensions. Steve and I surveyed two random cross sections within the project reach and re-surveyed the channel gradient. From this survey it appears that the cleaned channel meets the desired channel characteristics. While the bottom width is not 12', the side slopes are much flatter than the undisturbed, cross section. The following summarizes the measured and predicted channel characteristics using Mannings Equation:

Cross Section	Channel Cross Section (FT2)	Predicted Velocity	Predicted Flow Rate
Undisturbed	83 sq-ft	3.50 ft/sec	290 cfs
Recommended	77 sq-ft	2.19 ft/sec	246 cfs
Constructed #1	83 sq-ft	3.29 ft/sec	271 cfs
Constructed #2	74 sq-ft	3.13 ft/sec	230 cfs

It is expected that some settling will occur in the disturbed channel, which will increase the channel width. Cross section #2 is in a reach where a constructed rock ford flattened the channel bottom. There is evidence that very high flows overbanked this reach in the past.

- UNDISTURBED CROSS SECTION -
MANNING EQUATION CHANNEL CAPACITY RESULTS 10-15-1994

File Number: SPRING CREEK

Claimant: PU RANCH

Channel measured: SPRING CREEK

Date of measurement: ~~10/24/94~~ 7/7/94

Measurement location: EA

30' UPSTREAM SIDE OF NORTH FENCE

Calculation prepared by: ERIC VERNER

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 1541 feet.

The upstream and downstream rod readings are 8.10 and 10.20 feet.

The channel cross section is 82.47 ft-sq.

The wetted perimeter is 40.48 feet.

The hydraulic radius is 2.04 feet.

The slope is 0.0014

The roughness coefficient is 0.0250

The flow velocity is 3.536 ft/sec.

The rate of flow is 291.59 cfs.

~~STATION 300~~ Cross Section

MANNING EQUATION CHANNEL CAPACITY RESULTS

10-15-1994

File Number: SPRING CREEK VIOLATION

Claimant: PU RANCH

Channel measured: SPRING CREEK

Date of measurement: 10/24/94

Measurement location:

RE-CONSTRUCTED CHANNEL

Calculation prepared by: ERIC VERNER

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 1541 feet.

The upstream and downstream rod readings are 6.60 and 9.50 feet.

The channel cross section is 82.55 ft-sq.

The wetted perimeter is 57.45 feet.

The hydraulic radius is 1.44 feet.

The slope is 0.0019

The roughness coefficient is 0.0250

The flow velocity is 3.292 ft/sec.

The rate of flow is 271.77 cfs.

STATION 2200 CROSS SECTION

MANNING EQUATION CHANNEL CAPACITY RESULTS

10-15-1994

File Number: SPRING CREEK VIOLATION

Claimant: PU RANCH

Channel measured: SPRING CREEK

Date of measurement: 10/24/94

Measurement location:

RE-CONSTRUCTED CHANNEL

Calculation prepared by: ERIC VERNER

Comments about the measurement:

The results of the calculation are:

The channel cross section is 73.70 ft-sq.

The wetted perimeter is 55.24 feet.

The hydraulic radius is 1.33 feet.

The slope is 0.0019

The roughness coefficient is 0.0250

The flow velocity is 3.133 ft/sec.

The rate of flow is 230.93 cfs.

After the survey, I recommended to Mr. Bailey, Ranch Manager, that he go ahead with seeding the disturbed reach and finish spreading the excavated material onto the crop lands above the channel. Mr. Bailey began planting, using a 12' wide culti-packer to sow the seed. He used a seed mixture recommended by SCS which included; Rega Brome, Lata Orchard Grass, Travars Alfalfa and Rice Hulls (5,2,2, mixture).

I recommend that the work be accepted as partial fulfillment of the requirements of the Stipulation and Order and that a follow-up field examination be done next summer to check the success of the planting.

10-24-74 PV RANCH, FINAL GRADE INSPECTION, SPRING CREEK

STREAM GRADIENT: TOTAL DISTANCE OF REACH (BY 100' TAPE) = 1541'

ELEVATION DIF.

UP STREAM ROD 6 1/2

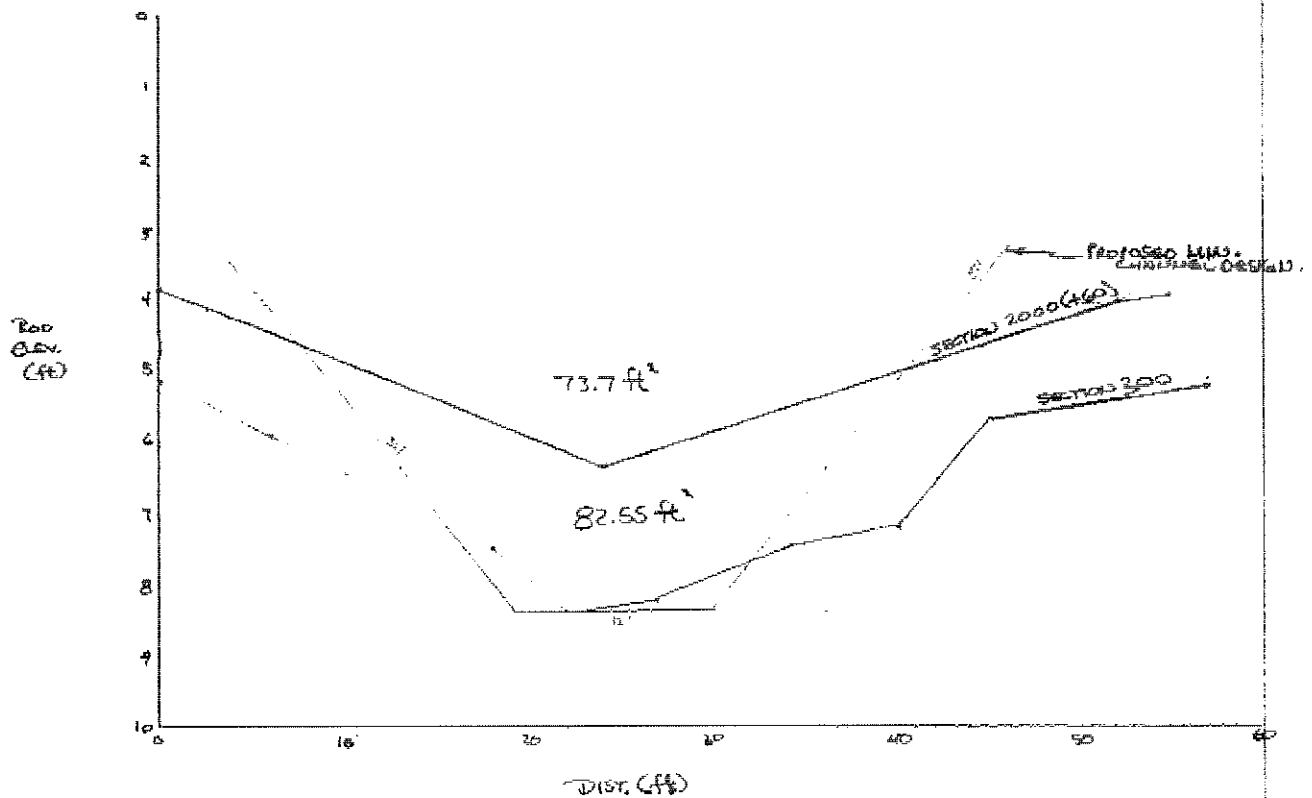
DOWN STREAM ROD 9 1/2

$\Delta \text{ELEV} = \frac{9 1/2}{2 1/2}$

SLOPE = $\frac{2 1/2}{1541'} = 0.0019'/\text{ft}$

PREVIOUS GRADIENT BEFORE WORK COMPLETED = 0.0011'/ft
(PAVED PLST. = 2200')

CONSTRUCTED CROSS SECTIONS:



C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720-0034

ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010

ID. REP. GC

ID. SEN. RE

ID. REP. ALI

ID. SEN. JEI

ID. REP. MIH

ID. REP. JOA

U.S. REP. N

U.S. SEN. LA

ID. W.R. DIR

I.R.U. P.O. B

S.R.B.A. P.C

1/3/96

Karl-

The meeting with
John Traugott has
been scheduled for
Thursday, January 11 at
3:30 pm (changed from 2:30
due to a conflict)

Thanks,

Eva Gay

Attached material for your
prior review.

RECEIVED
DEC 14 1995

Dear Charles

Thanks for your
letter and the accompanying
material.

I am extremely
limited on time but I
scanned through it.

If I'm elected,
I'd like to take some
time to discuss these
matters w/you.
Sincerely,

Phil Batt

OFFICE OF THE GOVERNOR

PRRM ?

open
(writes Gov
frequently
re. Big Lost R.)

better min
give 1/2 hr
w/
along
dishes
et al

DEAR GOVERNOR,

I HOPE YOU CAN SEE YOUR WAY CLEAR TO TALK TO ME SOMETIME
BETWEEN JAN. 8 TO JAN.12, 1996. I PLAN TO STAY IN BOISE DURING THIS TIME
WHEN THE DISPLAY BY FRIENDS OF LOWER BIG LOST RIVER IS IN THE STATE
CAPITOL.

SINCERELY,

C.P. (JOHN) TRAUGHBER

DECEMBER 5, 1995

OFFICE OF THE GOVERNOR
HONORABLE PHIL BATT
STATE CAPITOL BOISE, ID. 83720-0034

RE: THREATS

After again being told, by another businessman on Dec. 4, 1995, in the privacy of my home that he and his wife, are behind my efforts to restore water to the Lower Lost River Valley by 150 %, but to go public could very well cause the demise of their business, I have decided to respond. I also hope and pray that as our Governor you show your **statesmanship** and at the very least have our Attorney General investigate the **anarchy** that is being perpetrated against these businesses and interview these business persons. Of course these interviews would have to be done **incognito** in order to protect them from these threats.

My wife and I are both from the generation that in our childhood, had to put on our galoshes to go to the bathroom. We cannot comprehend that in this day of plenty, most of those that have never experienced the thrill of two holer in a blinding snow storm, must steal from their neighbors to fulfill their greed, and then hold their neighbors in submission by threats.

Almost every business in Arco, including employees for the county, state, banks, government workers, teachers, and many others are under these threats.

In pursuing a water right, the City of Arco, being practically bankrupt, did not have funds available to hire outside lawyers to protect itself from these **threats of anarchy** being perpetrated against it by I.D.W.R. and the special interest group, this effort to find funds fell on the backs of volunteers. Arco's own lawyer opted not to defend the city. The city's lawyer was at the meeting, when this special interest group threatened the city and the council members with massive lawsuits, if the city followed through and filed for a water right. This threat scared council members to the extent that at the time they went along with the recommendation of their lawyer and recalled their application for a water right. The city's lawyer failed at the time to inform the council members that it was total **nonsense** that the council members or the city could be sued for simply filing for a water right. He also failed to inform the members that the city had insurance that protected them against such frivolous lawsuits. Those of us that failed to be **intimidated by these threats** had to return to the next meeting and convince the council members to resubmit their application for a water right. We knew we were by now walking on thin ice, but we were still willing to let the courts decide whether or not the City of Arco had water rights. The special interest group and their leader called the city's effort a **charade** and asked the judge to throw out the city's application and he did. My question is, did the judge have all of this information that I am now reporting to you? I think not. The application for a water right was thrown out, the volunteers lost their money, and the most tragic part is there was never a decision as to whether or not the city had the rights to protect its citizens from the loss of water.

In our last ditch effort to have our request for the City of Arco's application for a water right to be considered by our Adjudication Court the little people of Arco dug deep into their pockets and came up with over \$ 1,000.00 dollars in less than 48 hours. This was the amount that the outside lawyer demanded to represent us, for 1 day. As you may or may not know, the Special Interest Group that had threatened the City of Arco with hundreds of thousands of dollars worth of law suits, even bragged that they would stop the City in its pursuit to protect the rights of its citizens in the future against the loss of its water. This group used I.D.W.R. and its taxpayer paid lawyers to hold the City of Arco into submission. This special interest group paid nothing to be defended by the State of Idaho, and its bureaucracy, I.D.W.R. If the truth was known about

Irrigators say Arco water claim could devastate valley

A group of irrigators met with the Arco City Council Monday evening in a meeting which occasionally brought impassioned remarks and at times turned acrimonious.

- ✓ The irrigators present met with the council to oppose and forestall the application recently made by the Arco City Council for a nonconsumptive water right calling for 20 cfs from "rising ground water which is tributary to the Big Lost River" with a stated primary use of recharge of the aquifer. Non-irrigation uses described in the application are listed as to "insure domestic and municipal availability for approx. 600 households and undetermined number of wildlife and livestock."

"The water right is claimed under authority of at least but not limited to the following references: Idaho State Constitution article 15, Sections 3 ordinance 7 and Idaho Code 42-1501 that verified the beneficial use of such water right."

Mitchell Sorensen was designated as spokesman for the irrigators present and explained the group's opposition to the city's claim.

- ✓ Sorensen said the agricultural community is not opposed to having water in the river and that the city people feel they have a right to water in the river. However, the farmers are dependent entirely upon the water. He said the irrigators present see the city's application as a "taking" of their vested right, and that a minimum stream flow at Arco would affect all upstream water users. He said that one year of such water loss would put farmers like himself out of business. He remarked that the agricultural community does much for Main Street in Arco, supporting schools, hospitals, etc. When normal water falls, Sorensen said, water will be in the river.

Sorensen characterized the city's claim as "very dangerous to the city as well as the agricultural community, and that farmers feel that Arco is trying to force them out of business. The farmers have a great burden under the Snake River Basin Adjudication."

Councilman Marcotte explained that the city council's concern is for the public, and that the recharge of the river would be expected to benefit all in the

community.

Clay Condit, former city council member, voiced his opinion that Mitch Sorensen was overstating the case.

Several other irrigators expressed their views of the consequences to the city and to the valley's agricultural economy if the city's water right claim was allowed and filled. The opinion was expressed by one farmer that the best thing Arco could do would be to drill wells a couple of miles upstream.

Another opinion was expressed that a minimum stream flow at Arco would dry the river to Mackay.

Recent economic studies were cited that showed the importance of agriculture to the economy of the valley, stating that over sixty percent of the Lost River Valley's income comes from agriculture. We are looking at the "blood" of the city of Arco. Destroy the agricultural economic base and you must give these actions very special thought.

Harvey Walker told the council that they had acted too fast, after other water users met with them, and advised the council to speak to Dave Shaw of the IDWR and to Doug Rosenkrance, District 34 Watermaster and get the facts.

- ✓ Sorensen said the process we are in is litigation, not a matter to discuss. It's hardball litigation. He urged the council to get the facts, if the claim is made, they must be prepared to spend hundreds of thousands of dollars.

Rancher Art Quist mentioned the large proportion of taxes paid in the county by farmers and urged the council to reconsider the implications and cost (of pursuing the minimum flow water application).

Several other irrigators spoke briefly, but the theme was predominantly that the city's water right claim could have a devastating effect upon the economy of the city, as well as of the entire valley.

Mayor Chic Jones assured the irrigators and others present that the council would study the issue carefully in light of information presented by both water user groups who had met separately with the council.

- ✓ After more deliberation late in the meeting the council instructed City Attorney Ryan Boyer to communicate with attorneys involved in drafting the

water right application and inform that the city could not at this time further pursue the application.

Present at the meeting were Mayor Chic Jones, City Clerk Leann Wartchow, City Attorney Ryan Boyer, council members Lloyd Westbrook, Jacques Marcotte and Wendy Nobles. Council member Diane Beitz was absent. Others on hand for the meeting included Sally Jones, Suzan Erickson, Brian Erickson, Willard O. Bell, Nancy McDonald, Toni McDonald, Tony Whitmore, Randy Hunter, Don Cammack, Martha Koste, Johnny Traugher, Art Quist, Larry Quist, Mitchell Sorensen, Herman Aikele, M. Marx Hintze, Clay Condit, Loy Pehrson, Harvey Walker, Eric Aikele and Darrell Lee McDonald.

The council meeting was opened by Mayor Chic Jones at 7:00 p.m., and minutes of the previous meeting approved.

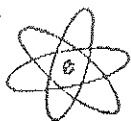
Randy Hunter and Tony Whitmore of Hunter Enterprises, and Garth Powell of Powell's Garbage Route met with the council and each company presented a written proposal for handling the city's garbage collection service. The council will study the proposals and inform the companies of their decision.

Sheriff Cary Van Etten met with the council and the city-county law enforcement agreement was discussed, as well as the recent pressure for better control of dogs in the city. Van Etten explained the situation at the dog pound and the impossibility of impounding dogs humanely in winter. He assured that present ordinances would be enforced as far as possible due to these conditions.

The Arco Drug building was discussed since apparent offers to purchase the building have been made. City Attorney Ryan Boyer advised the council of procedures in selling city property. He advised that an ordinance stating the intent to sell must be drafted, read three times and published. This would be followed by a public auction after adequate notice and publication.

A building permit for Keith and Susan Brock was approved by the council.

Before adjournment, the council approved bills in the amount of \$8,362.72.



City of Arco
ARCO, IDAHO

MUNICIPAL BUILDING
PHONE 527-8294

RYAN W. BOYER
City Attorney

March 14, 1994

Arco City Council
P.O. Box 196
ARCO, ID 83213

Re: Snake River Basin Adjudication

Dear Mayor and Council:

✓ As you know, the City entered into the Snake River Basinwide lawsuit with a motion to file a claim for water right. As you also know, the Department of Water Resources vehemently objected to the filing both on procedural and substantive grounds. I feel it important to express my legal opinion as to the City's claim for late filing as obviously the City has received two very different yet very strong opinions in this regard from its citizens.

✓ Idaho water law requires a brief history lesson. Historically, water appropriation is based upon the notion that water rights are granted "first in time-first in right". This priority system has historically meant that a surface user of water with a right dating in 1880 for instance, would take precedence over a surface water right of 1935 when the water flow comes in conflict. With this system in mind, water rights in the Lost River drainage became fully appropriated based upon historical amounts of water flow. Some would argue that the system was not only fully appropriated but over appropriated. Obviously, this doctrine has been under fire since water administrators will protect downstream senior appropriators over upstream junior appropriators in what seemingly would be a wasteful use of this valuable resource. The law became even more complicated and muddled when in the 1930's to the present, pumping the aquifer became an efficient method for water appropriation. A new system of priority was established yet was based upon a different technology of appropriation. Hydrologists have studied but have yet to determine how the pumping of the Lost River aquifer has affected surface flows. This effect is unclear but most would agree that the aquifer is being diminished without sufficient recharge since pumpers are forced to pump from deeper levels while at the same time the surface levels of water are being reduced. The typical sources of conflict in this adjudication are with respect to these rights. These conflicts are difficult in large part because the true effect of "conjunctive" water appropriation, or the combination of the two systems (surface and subsurface) are not fully understood.

The City of Arco entered its motion on very "atypical" legal grounds. It is atypical since Arco has no surface rights with a point of diversion. Upon traditional legal principles, a right cannot exist unless there is a point of diversion and appropriation of that water to a "beneficial use." The City sold its last surface rights sometime in the mid-1970's. Arco has significant water rights at present yet all its rights are subsurface in character. Arco entered its motion in the adjudication on the statutory requirement of Idaho Code Section 42-1501 wherein the Department of Water Resources is charged by the legislature to preserve "minimum stream flows required for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality." These grounds are certainly legitimate and pose an interesting legal question for the Court. More particularly, the question for the Court is: How can historical rights in the stream be amended

CAREY ACT LANDS

12-8-95

Landowners of the Big Lost River Valley were put into 20 years of financial bondage for the sole purpose of returning the diverted water from the Carey Act Lands back into Big Lost River and its tributaries.

These lands then sold for as little as .50 cents to \$1.00 an acre. One reason they were sold for such a minute amount, is because there were no water rights.

The trust of these landowners, that were required to pay for 20 years was betrayed by our IDAHO DEPARTMENT OF WATER RESOURCES, when they allowed the wells and diversions from the Big Lost River to be diverted to the Carey Act Lands without legal authority.

This has been admitted to by our very own State and its Department of Resources and Conservation.

It is just as apparent today as it was at the time of the buy out of the Utah Construction Co. that there is not enough water in our system to supply these lands with water during normal water years, let alone short water years.

In order to cover their misdeeds, I.D.W.R., along with those that are now developing the Carey Act Lands again, promoted the total diversion of Big Lost River including the East Fork of Big Lost (Spring Creek) at the Moore Diversion. I.D.W.R. has also authorized numerous wells to be drilled in our drainage system for the sole purpose of transporting our ground water along with our surface water to these lands. It was never supposed to happen.

This has turned the Natural Channels of the Big Lost River and its tributaries below the Moore Diversion into an Environmental Ghetto!

This is our problem, caused by The State of Idaho and its failed policies.

I.D.W.R. continues a flawed policy that continues to pit neighbor against neighbor, church member against church member, city against city, business against business, and even rural citizens against urban citizens, in which threats and confutations are a daily event.

No matter how hard we try, the citizens of this valley will never be able to cure the failed policies of the Idaho Department of Water Resources.

The anarchy that has been committed by the State of Idaho against the citizens of the Lower Big Lost River Valley can only be cured by the State of Idaho.

FRIENDS OF LOWER BIG LOST RIVER


C.P. (JOHN) TRAUGBER



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 27, 1995

Governor Philip E. Batt
Idaho State Capitol Building
P. O. Box 83720
Boise, ID 83720-0034

Re: Letter from John Traugher re: Spring Creek (Lower Big Lost River)

Dear Governor Batt:

This letter is provided in response to a letter you received from Mr. John Traugher, dated May 31, 1995, and to give you some additional background information about Spring Creek. Obviously, this is not the first contact between Mr. Traugher and the State of Idaho, and I hope that this rather detailed response will update you regarding current conditions affecting Spring Creek.

Spring Creek lies on the east side of the Big Lost River in the lower portion of the Lost River Valley which extends approximately from Moore to Arco. There is disagreement whether or not Spring Creek ever connected to the Big Lost River at its upstream end, thereby providing a high water channel for the Big Lost River. There is some agreement that the primary source of water for Spring Creek, at least during periods of low flow in the Big Lost River, has been springs and seeps. The springs and seeps are just now beginning to flow again. However, Spring Creek adjacent to Mr. Traugher's property remains dry and has been for the past several years. Mr. Traugher apparently believes mismanagement by the Idaho Department of Water Resources (IDWR) coupled with the diversion of ground water that he considers illegal are the primary reasons for the condition of Spring Creek adjacent to his property.

Mr. Traugher alleges that the Eastside Canal has cut off Spring Creek where it used to connect to the Big Lost River. Whether or not this assertion is correct, the Eastside Canal was legally constructed in 1935 and has remained in use since that time. In the 1935 water distribution report for the Big Lost River prepared by Roy W. Thompson, Water Commissioner, Mr. Thompson reported that without damage to other decreed water uses:

"Several improvements to the distribution system were made during the year. Drouth relief project [sic] which were set up and approved during the year 1934, under the direction of the F.E.R.A., were completed during the year 1935. This consisted mainly of the East Side By-Pass Canal, which will carry all water from Moore Dam to the Arco District, thereby eleminating [sic] the use of the river channel as a carrier between the Moore and Arco Dams. The distribution system below the Arco Dam was also completed, which eleminates [sic] the use of the river channel below that point, as a carrier of water. Several other minor improvements to the distribution system were completed, which altogether, will made a decided improvement to the distribution of water below Mackay Reservoir. During the fall of 1935 several projects were set up and approved by the W.P.A., which include, cleaning, enlargement and the consolidation of ditches in the vacinity [sic] of Mackay."

The water supply in the lower Big Lost River Basin has been affected by a variety of causes in recent years, but the single most significant cause has been the drought that has occurred in the basin since 1987. Attached for your review is a hydrograph for the Howell Ranch stream gage operated by the U. S. Geological Survey (USGS) on the Big Lost River. This gage is located high in the Big Lost River drainage upstream from any significant water diversions. While the flows in the Big Lost River at this location do not represent the entire water supply for the Big Lost River Basin, they are useful for comparing the relative water supply for the period of 1949 through 1986 against the period of 1987 through 1994. The average water supply at this location for the 1949 - 1986 period is about 245,000 acre-feet, while the average water supply for the 1987 - 1994 period is about 151,000 acre-feet. This is about 62 percent of the prior average. Even though more complete measurements are not available, it is reasonable to assume that other sources of water for the basin have been similarly reduced for the 1987 - 1994 period, including the springs and seeps that have fed Spring Creek.

In response to the drought conditions, and for other reasons, many irrigators in the Big Lost River Basin have switched to sprinkler irrigation from flood irrigation. Information available to IDWR shows only about 15,000 acres of flood irrigation remained in the Big Lost River Basin as of the early 1990s compared to about 34,000 acres of flood irrigation in the mid-1930s. This change in irrigation practices has reduced irrigation return flows which had previously provided a source of supply for the seeps and springs in the lower Big Lost River Basin.

Information from the Soil Conservation Service and from IDWR's own analysis of Landsat Imagery indicate a total of about 63,000 acres are currently being irrigated in the Big Lost River Basin. Mr. Traugher has previously indicated that he believes more acres are being irrigated, but has not provided the source of his information.

In the late 1980s, there were allegations of illegal water use in the Big Lost River Basin, particularly acres served by ground water in the Era Flat area west of Arco. IDWR investigated and found some of the water uses could not be supported by the existing water rights and issued cease and desist orders to enjoin further "illegal" water use. At about the same time, however, the taking of claims for the Snake River Basin Adjudication (SRBA) had been started, and claims for the "illegal" uses were filed in the SRBA. An analysis of those claims showed that formerly "illegal" uses could be claimed utilizing Idaho Code §§ 42-1416 and 42-1416A, often referred to as the presumption statutes.

The SRBA claims presented a perception of title to water uses that had previously been ordered curtailed by cease and desist orders issued by IDWR. In response, the Director of IDWR issued a policy statement dated May 7, 1990 stating in part:

"Therefore, IDWR will not seek to prevent use of ground water where the right to use the water is based upon a claim unless:

- (1) The claim is obviously without merit because the use clearly did not commence prior to the required dates or the use was obviously expanded after the statutory deadline.
- (2) The rate of diversion exceeds the rate of the right which is claimed as expanded or transferred.
- (3) Documented evidence exists that the claimed use by itself or in conjunction with the use of other claimed uses is directly and significantly injuring another valid right or rights."

The Director of IDWR entered a Final Order on August 7, 1990 setting forth the procedure for administration of water rights in the Big Lost River Basin and imposing a moratorium on the development of new water rights in the Basin. The Final Order followed the administration described in the earlier policy statement and also indicated the Director would propose to administer water rights in the Basin according to the results of the SRBA as soon as possible.

In 1992, the Director's Report of water rights for the Big Lost River Basin was filed with the SRBA Court. The Director sought and was granted authority to use the list of water rights in the Director's Report for water distribution purposes in the Big Lost River Basin starting with the 1993 irrigation season. The use of the list of water rights from the Director's Report for water distribution purposes continues today under separate orders entered each year by the SRBA Court. During the last several years, Mr. Traugher and others have called for IDWR to enforce its cease and desist orders.

In fact, IDWR has entered two cease and desist orders for water uses that did not meet the requirements of the May 1990 policy statement and both were enforced. The remaining cease and desist orders, however, were superseded by the August 1990 order of the Director coupled with the subsequent orders of the SRBA Court for interim administration. Mr. Traughber has also argued that since the presumption statutes upon which some of the claims in the Big Lost River Basin are based have been declared unconstitutional and were subsequently repealed, IDWR has failed in its duties by not shutting off certain unidentified water uses. However, the SRBA Court was fully aware it had declared the presumption statutes unconstitutional before the interim administration order for 1994 was entered. When questioned, Judge Hurlbutt stated that the Director's Report was still the best available list of water rights for water distribution purposes. Judge Hurlbutt continued the order of interim administration once again for 1995, recognizing some of the presumption based claims and recommendations will need to be changed in the future.

Mr. Traughber's reference to water illegally leaving the basin may refer to water which is currently being diverted from Antelope Creek into the Blaine (Utah Construction) Canal and transported to the Era Flat area. Some of this water was used for irrigation earlier this year and is now being used for irrigation again. However, the reason water is being diverted into the Blaine Canal from Antelope Creek is to reduce flood damage to property along Antelope Creek downstream from the Blaine Canal. Private property owners and the County Highway District have removed culverts from Antelope Creek to increase the channel capacity of the creek. But even with these measures, the creek can not carry the current water flows without damaging both public and private property. We recognize that placing water in the Blaine Canal is an emotional issue in the valley. However, even if water were not in the Blaine Canal, no additional water would be in Spring Creek adjacent to Mr. Traughber's property under current conditions.

Mr. Traughber also expressed concern that the Spring Creek channel has not been maintained. On June 5, 1995, Mr. Eric Verner of IDWR's Idaho Falls office visited Spring Creek to determine if there had been violations of the Stream Channel Protection Act. Mr. Verner's conclusion was that while there are clearly obstructions in the Spring Creek channel that reduce its capacity, none of the obstructions appeared to have been recently created, and the obstructions do not prevent the channel from carrying water. Mr. Traughber apparently believes IDWR should be responsible for cleaning up Spring Creek. IDWR representatives have repeatedly explained to Mr. Traughber that IDWR does not have the authority or the resources to clean up or require the clean up of Spring Creek. If the land owners adjacent to Spring Creek want to clean up Spring Creek, or perhaps if a group of other concerned individuals want to clean up Spring Creek, IDWR would be pleased to provide whatever assistance it can.

Governor Philip E. Batt
Page 5
June 27, 1995

Spring Creek is currently dry in the vicinity of Mr. Traughber's property despite the efforts of the Big Lost River Irrigation District (BLRID) which is placing water into Spring Creek from the Eastside Canal. During Mr. Verner's site visit on June 5, he verified that the Big Lost River Irrigation District is diverting water into Spring Creek from its Eastside Canal. Mr. Verner could not identify any other source for the water currently flowing in the upper reaches of Spring Creek other than the water being put into the creek from the Eastside Canal. The BLRID is putting as much water in Spring Creek as the channel will presently hold without flooding adjacent property, yet the flow is sinking into the gravels along the channel of Big Lost Creek before water reaches stream segments adjacent to Mr. Traughber's property. Under the circumstances, we expect the BLRID will continue to divert water in Spring Creek until the river flows are reduced to the point that the Watermaster will begin curtailing diversions to provide water for senior water rights. At that time, water being diverted to Spring Creek will stop.

I have provided this rather lengthy discussion of water distribution in the Big Lost River Basin to demonstrate that IDWR has not failed to perform its duties. Mr. Traughber and others have repeatedly been invited to notify IDWR of any specific illegal water uses. Thus far, with the possible exception of one 5-acre parcel that IDWR is currently investigating, no specific illegal uses have been suggested to IDWR. Unfortunately, Mr. Traughber's dissatisfaction continues. In an attempt to further address Mr. Traughber's concerns, I plan to arrange an informal meeting with him at some point in the future when I am scheduled to otherwise be in that part of the state.

Please let me know if IDWR can provide you with any additional information regarding this matter.

Very truly yours,

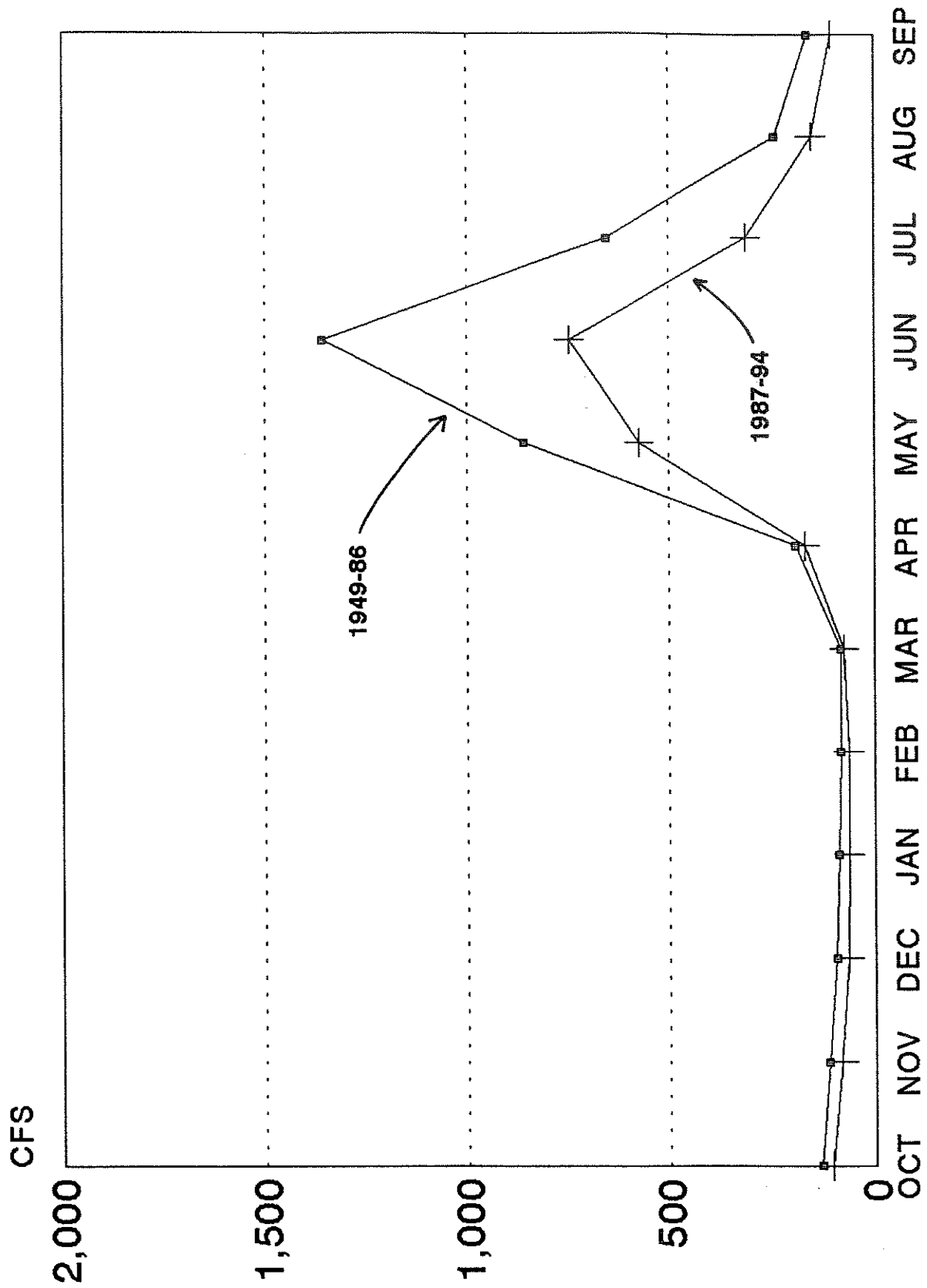


KARL J. DREHER
Director

Attachment

BIG LOST RIVER AT HOWELL RANCH

MONTHLY MEAN DISCHARGE



DEC 08 1995

I.D.W.R. BOISE, ID. STATE HOUSE MAIL 83720-9000

DEC. 5, 1995 Department of Water Resources

Re: TELE CONSERVATION WITH NORMAN YOUNG & ITEMS DISCUSSED

1. Arco is surrounded by water and yet parts of Big Lost River below the Moore Diversion are dry.

2. Spring Creek has at this date, according to all knowledge available to me has still never been connected between the Moore Diversion and the smashed culvert at the lane with the loading chute. Water diverted from the Eastside Canal at the loading chute along with that which is diverted from the Eastside Canal into Marlin Felton's property from the west side of the highway into a natural pond that was enlarged when the new highway was built in about 1959 or 1960 is now full of water. -- Felton's report that the Geese have returned and Ray Boyack reports that the Deer have returned to his property.

Spring Creek has now penetrated south and is now running back into the Arco Canal at the Blue Sheds. At this time I have no idea what is happening to Spring Creek on the Lew Rothwell Ranch which, it travels through before it returns to the Big Lost River. The tragic part of this whole scenario is that if they shut down the Eastside Canal, which I think should have already been done, all of the Wetlands and the Natural Channels of Spring Creek will be dry. The damming off of East Fork of Big Lost River -- (Spring Creek) -- and then FEEDING THIS NATURAL CHANNEL FROM A DITCH IS NOTHING MORE THAN A DEATH SENTENCE FOR SPRING CREEK AND ITS ENVIRONMENT! -- WHICH IS TURNING LOWER BIG LOST RIVER INTO AN ECONOMIC GHETTO!

3. I reported a landowner was running a circle and watering part of the old Carey Act Lands south of Butte City on Nov. 27, 1995.

4. All canals are still running water -- even those outside of what I consider is not legally a part of our drainage system.

5. All landowner holding ponds according to the information I have been able to obtain are full of water, some of which I consider are outside of our drainage system.

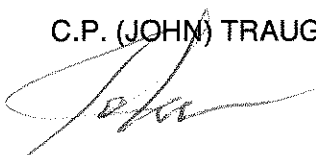
6. Also we had a discussion about the landowner that was appointed by I.D.W.R. to represent (Ground Water Users). This gentleman is evidently within what is considered water district # 34, but what I consider outside of our drainage system. This gentleman vehemently opposed our secretary's reports about our meeting by telephone to our chairman -- (Charlie Huggins). All of these reports have been submitted to I.D.W.R. in Boise.

7. Conversation was between Norman Young of I.D.W.R., Charlie Huggins, and C.P. (John) Traughber.

8. Mr. Young indicated that he had a meeting scheduled on this same day at 1 pm with Ron Carlson and that after that meeting, he would get back to us about our concerns about the recharge efforts that we were concerned with.

9. I must admit that the **bold type** of this letter as well as the Geese and Deer, and the lower end of Spring Creek that flows through Lew's place mentioned in statement # 2 were not discussed in the telephone call. I just thought it was pertinent to mention them in this letter.

C.P. (JOHN) TRAUGHBER P.O. BOX 678 ARCO, ID. 83213-0678 (208) 527-3920



DEC 21 1995

Department of Water Resources

DECEMBER 14, 1995

1

STATEMENT FROM FRIENDS OF BIG LOST RIVER TO ARCO ADVERTISER

The display that has been assembled by the FRIENDS OF BIG LOST RIVER is a 30 month effort in fact finding, in order to come up with the truth about the Big Lost River Drainage System and its water resources. Everything that we have written about in the past as well as this statement is fully documented.

I.D.W.R. (IDAHO DEPT. OF WATER RESOURCES), and its past Director R. Keith Higginson chose to ignore the past history of Big Lost River -- The main thrust of the past was when the Valley Residents had to use dynamite in 1933 to stop the transfer of water to what was know as the Carey Act Project, which were lands outside of Big Lost River's Natural Drainage System. After this adventure they were put into 20 Years of financial bondage to buy back and secure water rights which were theirs in the first place.

In his Memorandum to governor Andrus, dated May 22, 1994, Mr. Higginson states that . . . "Mr. Traughber's accusations of uncontrolled expansion of water use and illegal water diversions are simply not factual." Mr. Higginson also states . . . "I am equally aware of the Constitutional requirement to allow the appropriation of the unappropriated waters of the state. The best scientific data available still shows there is unappropriated water in the Big Lost River Basin and the Temporary Water Distribution Rules for Water District 34 that I have adopted will protect senior water rights from interference from ground water pumping. . ."

If the above statement by Mr. Higginson has any credibility at all, would he please explain the following questions.

The scientific data that Mr. Higginson is talking about is the Crosswaite Report that claims we have 300 thousand acre feet of water available every year and if not used escapes to the Snake River Plain. The pumpers are estimated to be getting 47 thousand acre feet of this water, leaving 253 thousand that supposedly escapes.

1. If there are 253 thousand acre feet of unappropriated water leaving our basin on average every year, just why were he and his hired guns so vehemently opposed to the City of Arco, in their efforts to secure a water right to protect their citizens?

2. Would he also explain why senior water right holders, some as old as 1885 & 1886 in the lower basin have been subjected to the Futile Call Rule, while upstream junior water right pumpers with priority dates after the 1950's are allowed to operate?

3. Why has he allowed the Aquifer to be pumped dry below Moore, destroying the Rivers Ecosystem, that turned Lower Lost River into an Economic Ghetto?

4. Why does his rules on Docket No. 37-0312-9301, that Govern Water Distribution in Water District 34, propose at his discretion to completely circumvent all

natural water flows below the Moore Diversion, "...The Watermaster, with the 2 approval of the director and after consultation with the Big Lost River Irrigation District, may elect to deliver the natural flow of the river through the Eastside Canal. . ." ?

5. Mr. Higginson, in response to your Notice of Intent to Promulgate Rules for Water Distribution in Water District 34 - Big Lost River Basin, your office received a letter on Oct. 4, 1993, that was dated Sept. 29, 1993, from a key member of the Timber Mountain Water Users Association. A paragraph in this letter reads as follows, "Another area of comment is the personnel you would select to serve on the local committee. Speaking frankly, it should be apparent by now that if you really want this committee to function and be productive there are some individuals who should not be asked to participate in the committee forum. There are water users that have demonstrated their ability in the past, and still others who given an opportunity, could contribute in a meaningful way. I respectfully suggest the following individuals could add a great deal to the process and have the respect of other water users." This letter then went on to list 10 valley residents, all of whom are water users. Of the ten listed, six were appointed to this committee, which included the perpetrator of the letter, a member of the cease and desist list, who included himself in the list of 10. As you picked six out of these ten, which is a majority to be on a committee of ten, I would define this, after checking the dictionary a conspiracy with the full intention of influencing the Water Distribution in the Big Lost River Valley. This is an example of the Anarchy that keeps raising its ugly head in this valley ever since I.D.W.R. condoned the transfer of our surface and ground water, without legal authority to the defunct Carey Act Project.

At one of these committee meetings, on Dec. 27, 1993, as C. P. (John) Traughber tried to read a prepared statement, he was told to shut up by the current Adjudication Chief of I.D.W.R., as he was wasting the States time and money. This event as I remember was witnessed by the current Administrator of I.D.W.R., who was in attendance, and as I remember, I gave the Administrator a copy of Mr. Traughber's statement when he asked for it. This statement was then given to the Arco Advertiser as a letter to the Editor and was published in its entirety.

Mr. Higginson, with all of this documented evidence, your Integrity disappeared when you told Gov. Andrus that Mr. Traughber was a liar.

In a letter addressed to Charles P. Traughber on May 31, 1994 Governor Cecil D. Andrus states "I have confidence that this report outlines the situation and the actions of the department within its present authorities." Governor Andrus, despite numerous letters over the years about our plight, chose to ignore the citizens of the Big Lost River Valley.

Scientific data is absolutely worthless when its mixed with a total lack of common sense. The report by Idaho Water Resources Research Institute documents the fact that Ground -water pumpage is one of the factors affecting flows in Big Lost River.

It also points out that diminishing river flows, provide less water for diversion by 3 surface water irrigators, possessing generally senior right priorities.

Mr. Higginson also noted that a moratorium on new development is in place in the Big Lost River Basin and no new water right permits are being issued or have been issued in recent years.

The problem here is that before this moratorium, if it is being followed, I.D.W.R. issued so many blank checks to transfer water out of our drainage system in the past three decades that when the short water years returned to our valley, the valley citizens were again put in jeopardy of not having their water rights delivered.

In order to try to put a stop to this transfer of their water, the residents had to go to court and get cease and desist orders against those that were receiving their water with these rubber checks. The cease and desist orders that were issued against these landowners were never enforced. In order to protect those that had received these orders I.D.W.R., evidently with the help of our legislators passed what were known as the Presumption Statutes. As one person said these Statutes were nothing more than a license to steal. These Statutes allowed the continuing transfer of Big Lost River waters outside of our drainage system. I.D.W.R. in order to continue the flow of water to the Carey Act Lands, had to invoke the famous Futile Call against Senior water right holders in the Lower Valley that received their water from Big Lost River.

I.D.W.R. programmed the destruction of some lower valley landowners with this insane Futile Call Rule, while the Carey Act Lands were turned into the Garden of Eden.

After the Lost River Water Association spent thousands upon thousands of dollars for lawyers, the courts finally declared the Presumption Statutes unconstitutional. If you haven't been informed, panic set in and our Legislators passed the now famous Amnesty Statutes to replace the defunct Presumption Statutes.

No one knows what will happen next, except that the citizens of the Great State of Idaho are going to have to pay millions and millions more to cover the failed policies of I.D.W.R. In order to prove that the truth will somehow prevail, we will close with some documented quotes.

Clay Condit, Reva Walker, and C.P. John Traughber, on Feb. 21, 1995 testified before the Resource and Conservation Committee hearing on House Bill #90 at the State Capitol, which was a bill to give all Idaho citizens the right to have a voice in the Adjudication of the States Water. This bill, that we supported was shelved at the time as being premature, which in effect killed it.

On Feb. 23, 1995 we received a note from Rep. JoAn Wood of the Resources & Conservation Committee, in which they admitted that "Your problem there John is a gross error made by the Dept. of Water Resource Dept. (board) years ago when they allowed the wells and diversions. Many folks here would like to do something now to

repair that damage, but the true fact is we can not get agreement on a way to do that legally."

Previous to this, on March 13, 1992, when Rep. JoAn Wood was the Honorable Chairman of the Resources and Conservation Committee she drafted a letter to Larman Anderson stating that "I fear that 1993 may be our most crisis year yet about water. It looks grim to me and most certainly the department is going to come under heavy fire for any unevenness in handling these water issues. I hold the dept. responsible for issuing go ahead to these people to expend thousands of dollars on equipment and homes etc. and then renege on the permits they vocally approved."

At this time we would like to laud Rep. JoAn Wood for being forthright in her assessment of the facts of the agenda being perpetrated by the Dept. of Water Resources.

We also have a copy of the letter dated Jan. 28, 1994 from the Dept. of Water Resources, addressed to Senator Rex Furness that we asked him to obtain for us. This letter was to obtain the truth about the alleged cease and desist orders that we have heard so much about. The first paragraph states, "The cease and desist orders in the attached summary were issued by the Department of Water Resources to water users who were illegally diverting ground water without a water right permit or license, and not under a valid claim under Idaho law." This letter was signed by John W. Homan -- Deputy Attorney General -- Department of Water Resources. Mr. Homan of course goes on to tell how the Presumption Statutes protects those that received the cease and desist orders. The Presumption Statutes have since been declared Unconstitutional. This caused a panic in our State Capitol and the lawmakers have now installed the Amnesty Statutes to protect the illegal practices of the now defunct Presumption Statutes that were addressed by Mr. Homan in this paragraph. If you really want to understand the quagmire our water laws are in, please look up presume, futile, and amnesty in the dictionary and you will soon understand why the water resources of Big Lost River are in deep trouble.

Our State Government in the past two or three decades has ignored our cries for help, and in the process has put us under a heavy financial strain, created distrust among our neighbors, and we have lost all confidence in the past administrations leadership. We can only hope and pray that with our new administration and leadership our dreams can be renewed.

FRIENDS OF BIG LOST RIVER

FACTS

JANUARY 12, 1994

IGNORE &



HONORABLE
R. KEITH HIGGINSON, DIRECTOR I.D.W.R.
STATE HOUSE MAIL
BOISE, ID. 83720-9000

RE: I.D.W.R. LETTER DATED JAN. 3, 1994

Dear Mr. Higginson:

I will try to answer your letter to me, in which you feel that I have not been truthful and, that I run around calling everyone names. In this letter I will do my very best to stick to the facts.

1. In 1975 I bought 40 Acres of land just north of Arco, Id. for \$40,000.00 (Forty Thousand Dollars). Spring Creek was a continuous flowing stream, that was full of fish, ducks and the pasture would feed 15 to 20 cows for 5 or 6 months every year without any supplementary water. Deer and Antelope would visit the year around.

2. This same 40 Acres today would be worth maybe \$4,000.00 (Four Thousand Dollars), if one were lucky enough to find someone that would pay that much for forty acres of nothing but weeds, sagebrush and an empty natural stream channel that due to what an Army Engineer said was caused by, and I Quote, . . . "Spring Creek appears to be a side channel of Big Lost River which has had its hydrology severely altered by irrigation ditch operations." . . . I now have some of the land that due to Water Drainage Mismanagement should qualify for the U.S.D.A., Pork Barrel Program, called the Conservation Reserve Program.

3. The previous inspection was done on August 24, 1993, and was attended by Mr. Erv Ballou of the I.D.W.R., myself, Mr. L.D. Anderson, Mrs. Reva Walker and Mr. Robert A. Brochu, from the Dept. of Army Engineers. We received a report on this inspection from the Corps Of Engineers, dated September 10, 1993. It's been almost 4 months and we have never received a written report from Erv Ballou or the I.D.W.R., as to their findings or a plan to restore Spring Creek to its original state.

4. The Army Corps Of Engineers issued a violation against one landowner for violation of the Clean Water Act, as admitted in a letter sent to U.S. Rep. Mike Crapo, dated Oct. 7, 1993. At my request Rep. Crapo is now investigating as to why the Army Engineers are now rescinding that violation order against this landowner.

5. On October 13, 1993, I.D.W.R. issued a scathing cease and desist order against this same landowner for violation of Idaho's Stream Channel Protection Act.

This landowner was ordered to respond not later than October 31, 1993. After I found out that the Army Engineers were evidentially rescinding their order and reported the same to Mr. Norman Young of your department, by phone, on Dec. 9th 1993. Mr. Young's first reaction was to say, " Oh, no! We had hoped that they were going to carry the ball on this one." At this time, although it was Mr. Young that demanded that this landowner respond by Oct. 31, 1993, Mr. Young admitted that he could find no response to the cease and desist order. He did promise that he would have Mr. Erv Ballou contact me immediately and inform me as to the disposition of this case. Mr. Ballou called me on Dec. 15, which was 45 days AFTER the due date in which this landowner was supposed to have responded. Mr. Ballou told me at this time that the landowner or his foreman claimed that he had not seen the mentioned order. Mr. Ballou also told me that, he told this land owner that if they didn't respond immediately that I.D.W.R. would start civil action through the Idaho Attorney General's Office. Several days later at an I.D.W.R. Committee meeting in Arco, Id., Mr. Norman Young told me and Mr. Larman Anderson that they were going to re-evaluate their cease and desist order against this landowner. Another month has now passed and still no action.

In a letter I wrote to U.S. Rep. Michael Crapo, dated October 16, 1993, in the 3rd paragraph I stated I was afraid that I.D.W.R. may try to say that Spring Creek is not a continuously flowing stream in which case they would not have jurisdiction. Mr. Young indicated on two different occasions, the last being on Dec. 27, 1993, that they were seriously considering this issue as I understand it, as an escape route for their cease and desist order against this land owner. However this should be a moot position as their cease and desist order was issued on October 13, 1993.

6. Also in a letter to your office, dated June 24, 1993, addressed to Mr. Norman Young, which was answered by your Adjudication Bureau Chief, David B. Shaw on July 2, 1993. Mr. Shaw states " The Department of Water Resources will provide any information or assistance we have in the future without need for either the tone or distribution of your letter." To this date we have received no information or assistance in the effort to find out just who is responsible for the Demise of Spring Creek, which you define as a Channel of the Big Lost River known as Spring Creek in your cease and desist order to one landowner.

7. Also on December 27, 1993 at an I.D.W.R. Rules Committee Meeting in Arco, Idaho, when I attempted to read a prepared 2 page statement about what I thought about these proceedings I was put down by Mr. Shaw and was told not to read the same as I was wasting the time of everyone at the meeting. This document was ultimately published in its entirety, in the Arco Advertiser. Evidently the Editor thought that the people have a right to know.

8. I was also coerced into giving up my water rights that I had paid for the last 18 years, after I had received an Abandonment notice from I.D.W.R.. I truly believe that it is Unconstitutional to take away these water rights without due process of the law and

restitution for the same, and only when it serves the best interest of the citizens of this great country.

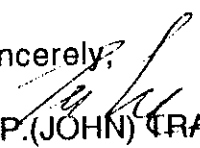
9. Due to lack of proper planning for our spring run-off, by I.D.W.R. and B.L.R.I.D we lost thousands of acres of water that went to waste on the desert in the spring of 1993. Our snow pack is always monitored and although most everyone knew we would have an ample water supply, no one had the foresight to release this extra water or at least part of it to our bankrupt system before the spring run-off. Is this not something that the Watermaster should be monitoring? As I understand it the river below Arco ran at or near flood stage from June 5, to July 4, 1993. It is my opinion that most of this wasted water could have been returned to our Aquifer via Spring Creek and other low lying lands such as the gravel pit in Moore. Despite all our cries for help in our endeavor to repair Spring Creek and Lower Lost River and to come up with a plan to put a stop to any future disasters such as this we have received absolutely no visual help or plans from I.D.W.R., which I am told is responsible for protecting our Natural Stream Channels. B.L.R.I.D. has started some repairs to their canals that will improve the flow in Spring Creek, but they evidently are not responsible for Natural Stream Channels. This responsibility evidentially is the responsibility of the State of Idaho, and without its input these disasters will continue to happen. **SOMEONE MUST ENFORCE THE LAWS!!!!!!!!!!!!!!**

10. I know by now that I am considered one of the CRAZIES from BIG LOST RIVER VALLEY by the I.D.W.R. (So were the early American Colonists who didn't like to be treated unfairly by England!) In response to that I would like you to call for a Congressional Hearing for us CRAZIES and your SPECIAL INTEREST FOLLOWERS to testify and BRING YOUR BIBLE as I would like everyone to have the opportunity to testify under OATH. Maybe then we could respond to your request to present evidence as to illegal diverters and improper distribution of water. This way our Elected Officials could decide Fiction from Non Fiction and start a return of our Drainage System to Prosperity.

I do not wish anyone any harm, I just want the Constitutional Rights of Idaho Citizens enforced with Common Sense and Integrity, by The State of Idaho.

HAVE A GOOD DAY

Sincerely,


C.P. (JOHN) CRAUGHBER
P.O. BOX 678
ARCO, ID 83213-0678

CONCERNED CITIZEN

COPY

CHARLES P. TRAUGHBER
P.O. BOX 678
ARCO, IDAHO 83213-0678 208-527-3920
AUGUST 19, 1994 ← IGNORED



RE: APPLICATION FOR PERMIT TO ALTER STREAM CHANNEL, No. 34-S-133.

C. NICHOLAS KREMA
DEPUTY ATTORNEY GENERAL
NATIONAL RESOURCES DIVISION
BOISE, IDAHO 83720-1000

RECEIVED
DEC 28 1995

Dear Mr. Crema:

Department of Water Resources

In response to your stipulation and order in the case of P.U. Ranch, in their violation of Idaho's Stream Channel Protection Act, my concerns are listed, and if possible I would like your response.

1. Landowner totally ignored the Cease & Desist order issued on Oct. 13, 1993
2. I.D.W.R. failed to enforce this order, and in doing so allowed this landowner to practice business as usual, although they had previously been convicted of Violating Idaho's Water Laws.
3. It is my belief that this landowner and his hired personnel committed perjury when they stated that they had not plowed Spring Creek.
4. The Federal Government played a part in this disaster and if this had an influence in the decision of the hearing I would like to be informed. I would also like a copy of the response that you requested of this landowner and I.D.W.R., before making your decision.
5. Violation of the S.C.P.A. is a criminal misdemeanor and the persons found guilty of Violating the S.C.P.A. are liable for a fine of not less that \$150.00 per day for each day the violation occurs. (Idaho's Stream Channel Protection Act, IDWR, 8/91.)
"ONCE AGAIN THE INJURED PAY WHILE THE CRIMINAL'S PLAY"

My concern lies in the fact that Lower Big Lost River, and Spring Creek, which are natural stream channels, have been totally destroyed below the Moore Diversion.

IDWR HAS ALLOWED ALL LANDS ALONG THE NATURAL STREAM CHANNELS OF LOWER BIG LOST RIVER TO BE TOTALLY DESTROYED, THROUGH THE LACK OF STREAM FLOW IN THIS REACH OF OUR RIVER! EVERYTHING THAT ISN'T IRRIGATED IS DEAD!

SINCERELY, CHARLES P. TRAUGHBER

C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720- 0034
ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010
ID. REP. GOLDEN C. LINFORD 2120 WEST 4200 SO. REXBURG, ID. 83440
ID. SEN. REX FURNESS 3470 EAST 300 NO. RIGBY, ID. 83442
ID. REP. ALLAN LARSEN 848 WEST TABOR RD. BLACKFOOT, ID. 83221
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ID. REP. JoAn WOOD 3778 EAST 500 NO. RIGBY, ID. 83442
U.S. REP. MICHAEL D. CRAPO 2539 CHANNING WAY IDAHO FALLS, ID. 83404
U.S. SEN. LARRY E. CRAIG 2539 CHANNING WAY IDAHO FALLS, ID. 83404
I.D.W.R. DIRECTOR KARL DREHER STATEHOUSE MAIL 83720-9000
I.R.U. P.O. BOX 633 BOISE, ID. 83701
S.R.B.A. P.O.BOX 2707 TWIN FALLS, IDAHO 83303-2707
U.S. ARMY ENGINEERS RAY L. KAGLE JR. 1820 EAST 17TH SUITE # 350 I. F. ID. (208)522-1645

RECEIVED

DEC 28 1995

C.P. (JOHN) TRAUGHBER P.O. BOX 678 ARCO, ID. 83213-0678 (208) 527-3920
Department of Water Resources

DECEMBER 24, 1995

C. NICHOLAS KREMA DEPUTY ATTORNEY GENERAL
NATIONAL RESOURCES DIVISION BOISE, IDAHO 83720-1000

RE: RECONSTRUCTION OF SPRING CREEK -- No. 34-S-133

This letter is a follow up on a letter, that I drafted to you on Aug. 19, 1994, that for what ever reason was never answered, or purposely ignored.

My questions are as follows?

1. Has this repair been satisfactorily completed?
2. If so, who approved it, and were any of the contestants of this disaster notified of its completion or asked to examine and approve of the repair?
3. Why did I.D.W.R. even consider an After the Fact Application, when this landowner had been previously convicted of violation of the States Water Laws. Also this landowner totally ignored the cease and desist order.
4. Why wasn't this landowner fined for his violations, especially when he and his hired personnel committed perjury in front of yourself and Deputy Attorney General Homan, as well as the public at large.
5. Was this landowner paid subsidies under the Food Service Act, for this grain crop?
6. Why were the names and addresses of person (s) or contractor that destroyed Spring Creek never revealed?
7. If the State decides to return my Water Right that I was coerced into giving up due to this disaster, just how are you going to deliver my water, when this landowner who not only destroyed Spring Creek, but has also destroyed the delivery system that delivers water to my property from this same Spring Creek area?

Just for your information, the equipment that was used to destroy Spring Creek is owned by the now Chairman of the Big Lost River Irrigation District. He rode the unsigned Smut letters to power, that were perpetrated by the special interest group that attacked and threatened the City of Arco.

We have sent pictures of this repair job to the Governor, Attorney General, and I.D.W.R.

Would you believe this landowner used a road grader to reconstruct Spring Creek. 1

Road graders are normally used to smooth or grade roads, to improve their ability to handle vehicles. In this case it did one hell of a job, so the wheel lines of this landowner could roll unimpeded through what once was Spring Creek. 2

This repair job, that was supposed to reconstruct Spring Creek, is a total **SHAM!**

As the Federal Government played a part in this disaster, before I sign off I would like to give you a couple of quotes from the U.S. Army Engineers.

In a letter to Mr. Tuthill -- dated Dec. 21, 1993 -- NPW No. 930301410 -- "In October 1991, Mr. Tony Bailey, your ranch foreman, contacted Mr. Martin, of my Idaho Falls Regulatory Office, to inquire if a permit was required to plow across Spring Creek. He was informed that a Department of the Army permit was not required, provided no dirt, sand, gravel, topsoil or other fill was placed in the creek." (The fill material that was placed in the creek and was identified by Mr. Brochu of the Army Engineers, that precipitated the issuance of a violation of the Clean Water Act, is still in place.)

Mrs. Georgia Dixon - Senator Craig's - Assistant - Heidi Hutchen and Jeff Allen from Rep. Crapo's office have all visited the sight of the violation, as well as touring the whole valley in an effort to assess our problems. Why don't you ask for their assessment of the Demise of Lower Big Lost River?

Notice of the violation of the Clean Water Act was issued to Mr. Dick Tuthill, by certified mail on Sept. 28, 1993.

Notice of violation of the Clean Water Act was rescinded by certified mail on Dec. 21, 1993.

In another letter to U.S. Rep. Michael D. Crapo -- dated May 12, 1994 -- "After reviewing the matter further, I determined that the plowing across Spring Creek was exempt from our regulations provided the plowing did not convert the area to a new use or impair the flow or circulation of the Creek. Because the farmer had been plowing across Spring Creek for several years, he was not converting the land to a new use."

In an endeavor to cover all of the bases, we even tried to find out how much of the more than two million dollars in subsidies that are passed out in Butte County every year, goes to the landowners that are using our water illegally. As this information was denied to us, we then filed an F.O.I.A. (FREEDOM OF INFORMATION APPEAL). We also notified U.S. Senator Larry Craig and U.S. REP. Mike Crapo. The appeal was also denied. In their report to Senator Craig, U.S.D.A. reported only \$81,000.00 for Butte County Crop Disaster was paid out in 1993. This report is a total **SHAM** as the documented payout in 1993 for disaster funds in Butte County was \$334,789.00, which is a difference of more than 1/4 of a million dollars. These false figures were also sent to the Prosecuting Attorney of Butte County. (Are they cooking the books?)

How stupid do these people think we are? How can one plow across a stream channel and not violate all rules set down in the first quote? Spring Creek Channel was plowed for the first time in the fall of 1991, immediately after Mr. Tony Bailey was supposed to have contacted Mr. Martin. How could the Army Engineers ever say that this landowner had been plowing across Spring Creek for several years, when according to the previous landowner, P. U. Ranch bought this property in 1990. Spring Creek Channel, in this area at least, had never ever been plowed, and to say that this was not a new use is a nefarious statement. (If he had been doing it for several years, why would he ask for permission now?)

All of these quoted letters were signed by James S. Weller -- Lieutenant Colonel -- Corps of Engineers -- District Engineer.

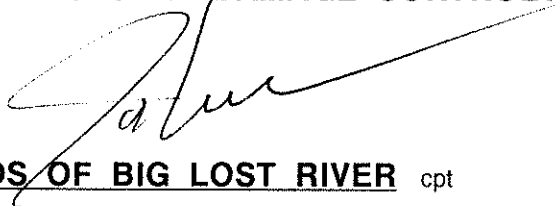
This is all public information and if you want to follow this **soap opera**, just demand all copies of NPW No. 930301410 from DEPARTMENT OF ARMY -- WALLA WALLA. WASHINGTON 99362-9265. There are several, and I have most of them.

We feel that U.S. Senator Craig and U.S. Rep. Crapo have been lied to by the Army Engineers and the U.S. Department of Agriculture and we trust that they will follow through on our request for an investigation, in order to protect the citizens that trusted them to guide this great nation.

The Demise of Big Lost River is turning into the biggest **SCANDAL** to ever hit the Great State of Idaho.

THE WHEELS ARE COMING OFF OF THIS SCANDAL.

WHO IS GOING TO CALL DAMAGE CONTROL?



FRIENDS OF BIG LOST RIVER cpt

C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720-0034

ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010

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I.D.W.R. DIRECTOR KARL DREHER STATEHOUSE MAIL 83720-9000

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U.S. ARMY ENGINEERS RAY L. KAGLE JR. 1820 EAST 17TH SUITE # 350 I. F. ID. 83404 (208)522-1645

IDAHO FISH & GAME 1515 LINCOLN ROAD IDAHO FALLS, ID. 83401-2198 C/O DON E. WRIGHT

RECEIVED

DEC 04 1995

4/12/95
ms
HBS

WELL HEARING

NOVEMBER 1, 1995

Department of Water Resources

PARKINSON & I.D.W.R. -- VERSUS LOWER BIG LOST RIVER RESIDENTS

This hearing is a continuance of the failed policies of I.D.W.R. that have turned Lower Big Lost River and its Tributaries into an Ecological Disaster.

It continues a flawed policy that continues to pit neighbor against neighbor, church member against church member, city against city, business against business and even rural citizens against urban citizens, in which threats and confutations are a daily event.

In the past, these hearings have been nothing more than S.O.P. (STANDARD OPERATING PROCEDURE), before I.D.W.R. puts their rubber stamp on all applications that continue the Plundering of Lower Big Lost River Valley Drainage System.

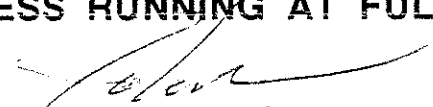
I.D.W.R. must admit that you cannot transfer water from one area to another without injury to someone or something. Lower Big Lost River is living evidence of these failed policies. (MY PROPERTY HAS BEEN TURNED INTO A WASTELAND -- NOTHING MORE THAN AN ENVIRONMENTAL GHETTO!) -- I.D.W.R. & B.L.R.I.D. (BIG LOST RIVER IRRIGATION DISTRICT) -- AS WELL AS THOSE THAT TAKE ADVANTAGE OF OUR UN-ENFORCED WATER LAWS ARE RESPONSIBLE.

If any permits in the future are approved for wells they should be installed at the point of use on the landowner's property. The wells that have been sucking our Valley dry -- which I.D.W.R. gave a blank check to should be phased out!

The I.D.W.R. (IDAHO DEPARTMENT OF WATER RESOURCES) policy of Thou Shall Not Steal from your neighbor until we give you a permit must be stopped!

It took dynamite in the 1930s, to put a stop to the plundering of Big Lost River -- and yet in its lack of even common sense -- let alone Constitutional Law -- I.D.W.R. has let the same thing happen again. Even our past Governor and our Legislative Law-makers keep changing the laws to protect these past nefarious activities that holds Lower Lost River Drainage System in Bondage to a few that would destroy our Valley for self enhancement.

**THIS IS NOTHING MORE THAN GALLOPING INSANITY --
SENSELESSNESS RUNNING AT FULL SPEED!**


C.P. (JOHN) TRAUGHER
P.O. BOX 678 ARCO, IDAHO 83213-0678
(208) 527-3920

C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720-0034

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I.D.W.R. C/O NORMAN YOUNG STATEHOUSE MAIL 83720-9000

I.R.U. P.O. BOX 633 BOISE, ID. 83701

WATER DIST. # 34 107 MAIN STREET MACKAY, ID 83251

S.R.B.A. P.O.BOX 2707 TWIN FALLS, IDAHO 83303-2707

RECEIVED

DEC 04 1995

FLOOD CONTROL OF THE BIG LOST RIVER

Department of Water Resources

NOV. 30, 1995

At the first meeting of the Butte Soil Conservation a month ago it was suggested that the past should be a dead issue, not worthy of discussion. If this were true and we were to cancel out our past, we may as well throw away the Bible, the Dictionary, and everything else in sight. Our future is entirely dependent on our past as a road map; to think otherwise is intolerable. The citizens of the Big Lost River Valley must be educated as to what previously happened, so that we can put together a plan of attack that will cure our past mistakes, and secure our future for the citizens that are willing to obey our constitutional laws. The hypocritical attitude of those that would have us forget our injuries is absurd.

The top priority of tonight's meeting should be about the East Fork of Big Lost River -- "Spring Creek", as well as the Big Lost River below the Moore Diversion. Both issues must be considered or our plans will be frivolous.

The feeding of a natural stream channel, **East Fork of Big Lost River, "Spring Creek"**, from a ditch is nothing more than a **death warrant for any natural channel, cannot be tolerated, and must be corrected.** Without these corrections to the system, any Flood Controls would be meaningless for the East Side of Our Valley. The proposed rules by I.D.W.R. & B.L.R.I.D., to totally circumvent Big Lost River below the Moore Diversion must be addressed & challenged. This practice for the past decade has turned the Lower Big Lost River into an Economic Ghetto. The citizens of the upper valley would most likely start World War III if someone proposed turning their beautiful river into a permanent ditch. This is one of those items that those that have prospered from want us to forget about. I just don't think that the citizens of the upper valley understand, we are not after their water. We only want our rights adhered to and as such we want our river to flow just like theirs.

The East Fork of Big Lost River (Spring Creek) must be cleaned and all flow impediments removed and its natural flows must be returned to its original integrity. Spring Creek, had it not been destroyed could have very well been the circuit breaker that could have stopped or played a major role in stopping the disastrous flooding that Lower Big Lost River just suffered.

The Army Engineers have admitted, Sept. 10th 1993 that our problems in Spring Creek were caused by having . . . "had its hydrology severely altered by irrigation ditch operations." Robert A. Brochu stated that when the floods return to our valley, serious consequences would face the citizens in the Lower Lost River Valley. Without the ability of Spring Creek and its Wet Lands to act as a sponge and absorb these extra flows, the floods could be devastating to the Lower Lost River Valley. He was right as the 1995 floods decimated the main Big Lost River Stream Bed and its Banks along with some landowners property, not limited to, but mostly below the Moore Diversion.

The State's own Resources & Conservation Agency admits in a hand written note dated Feb. 23, 1994 by Rep. JoAn Wood. . . "Your problem there John is a gross error made by Dept. of Water Resources Dept. (board) years ago when they allowed the wells and diversions. Many folks here would like to do something to repair that damage, but the true fact is we can not get agreement on a way to do that legally."

God created "Spring Creek" -- (East Fork of Big Lost River) to nourish the East side of Big Lost River Valley and circumventing or prohibiting Spring Creek from carrying even irrigation flows is what created a wasteland -- not the drought.

The trust of those that were put into financial bondage in the 1930's for 20 years to put a stop to the plundering of the Big Lost River Valley has been betrayed by I.D.W.R., B.L.R.I.D., & THE STATE OF IDAHO.

The Natural Stream Channels of Big Lost River below the Moore Diversion, are now in most areas, the most repulsive mess you would ever want to see. The failed policies of the State of Idaho and its Dept. of Water Resources has bankrupted the Lower Lost River Valley of its water and we are now under the threat of financial bankruptcy in an effort to secure our lawful rights.

FRIENDS OF LOWER BIG LOST RIVER VALLEY


C.P. (JOHN) TRAUGHBER

C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720-0034
ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010
ID. REP. GOLDEN C. LINFORD 2120 WEST 4200 SO. REXBURG, ID. 83440
ID. SEN. REX FURNESS 3470 EAST 300 NO. RIGBY, ID. 83442
ID. REP. ALLAN LARSEN 848 WEST TABOR RD. BLACKFOOT, ID. 83221
ID. SEN. JERRY TWIGGS 955 WEST 100 SO. BLACKFOOT, ID. 83221
ID. REP. MIKE SIMPSON 786 HOFF DRIVE BLACKFOOT, ID. 83221
ID. REP. JoAn WOOD 3778 EAST 500 NO. RIGBY, ID. 83442
U.S. REP. MICHAEL D. CRAPO 2539 CHANNING WAY IDAHO FALLS, ID. 83404
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S.R.B.A. P.O. BOX 2707 TWIN FALLS, IDAHO 83303-2707

K. to SH

RECEIVED

SEP 13 1993

Department of Water Resources

MY VIEWS

A CONCERNED CITIZENS VIEW OF THE DEMISE OF LOST RIVER

C.P. (JOHN) TRAUGHBER TELE. (208) 527-3920
P.O. BOX 678 ARCO, IDAHO 83213-0678 U.W.S.A. & U.W.S.I. INC. (MEMBER)

SEPTEMBER 10, 1993

TOWN HALL MEETING WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

WATERSHED DISASTER

(NO A- BOMB NEEDED)
STATEMENT & PROTEST

We are sitting on an Ecological disaster in the BIG LOST RIVER VALLEY of unknown magnitude.

We the people must put a stop to the people that have their hands on the wheel of our Government BUREAUCRACY, and return this country to the basic principals of COMMON SENSE AND INTEGRITY.

On January 18, 1993, I was notified that my water rights to any water within the SNAKE RIVER BASIN ADJUDICATION would be disallowed. The reason given was that I had FORFEITED MY RIGHTS BY ABANDONMENT. In other words although I had paid for my water rights for in excess of 15 years and have never ever been delivered as much as one drop of water, I would loose any rights because of non use. Nothing could be further from the truth, I leased my land for grazing every year there was water in the stream bed, and the fish used to swim in it and the Ducks would play in it and raise their young. Common sense tells me that the water should belong to the land and not to some Greedy person that can find enough bucks to Enhance himself at the expense of his neighbor. Water should not be transferred from the property it's dedicated to and should not even be sold. I pay taxes on a sub irrigated pasture, so for all intents and purposes my land uses no stream water. When the drought came I couldn't use my land for anything until the ground water returned. When the water did return this year I found out that stream bed neglect and the Greed of the High & Mighty, and evidentially with the blessing of the I.D.W.R. & our U.S. DEPARTMENT OF SOIL CONSERVATION SERVICE had over a few years slowly absconded the stream flow of water from the lower part of the Big Lost River and all of the Spring Creek Drainage.

ABANDONMENT====HOW STUPID!!!!!!!!!!

On January the 18th of 1992, I was notified that my water right was being

DISALLOWED for non use, but I could protest this action! Now just how big of a Idiot did these bureaucrats take me for? Why would I elect to pay for a dead horse? I did pay for all those years for nothing and now that THE GOVERNMENT had allowed a HIGH & MIGHTY CORPORATE FARM to PLOW, DISK, and PLANT SPRING CREEK, and water it with a WHEEL LINE, they totally destroyed the water delivery system of SPRING CREEK to the CURTIS REAY, JOHN TRAUGHBER, AND ROBERT SPRAKER PROPERTY that SPRING CREEK runs through before it dumps back into the Eastside canal. I asked that my rights be left in the stream for the fish, and was told in order to do so I would most likely have to hire a lawyer. I finally had to pay the Big Lost River Irrigation District \$5.00 to get this dead horse off my back. The only delivery system left to these properties was when God turned on his shower, and I wonder how long it will take these bureaucrats to put a meter on his shower.

Right in the middle of this disaster is the farm of a KOREAN VETERAN, DAVID BLEAK, that came so close to giving the ultimate sacrifice to his country he was given THE CONGRESSIONAL MEDAL OF HONOR FOR VALOR. What kind of people are we?, if we decimate his property by with-holding stream flow from his property?

Just south of his place is the farm of PHARMACIST MARLIN FELTON who passed away recently after taking care of the people and anything else that breathed in this Valley for over 30 Years, and he never said "no" to anyone. He is scheduled to be POSTHUMOUSLY INSTALLED IN THE I.S.U. ATHLETIC HALL OF FAME. Although the farm has been decimated by lack of ground water, the family is still there trying to raise cattle and farm without water.

About another mile south we run into the WALKER FARM. NED WALKER a VETERAN OF WORLD WAR II, who served his country in the EUROPEAN THEATER fighting NAZISM recently left us for greener pastures, but his wife, Reva, is still spending their hard earned savings, trying to get their HISTORICAL water rights fulfilled and delivered as it was in the past.

I sincerely think that these folks are a small portion of the outstanding citizens of this valley that gave so much for so little. The only rights they want in this whole wide world is the rights that they bought and paid for, and that is the right to expect common sense and Integrity from their representatives, and their government.

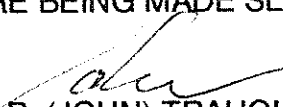
If we don't all start pulling the wagon, quit complaining, sit down, and be honest with each other, we will surely fail and our children and grandchildren will pay the ultimate price.

It is my opinion that this watershed has been over-developed and under the best of conditions will not produce what is expected of it. We may need to get a task force together and a blank piece of paper and start all over.

Is it any wonder the people of this country are so confused about our countries failed farm policies. First we loan tax payer money to farmers to cultivate new land to produce food that they can not sell at a profit. Then the taxpayer must make up the difference through subsidies so that the farmer will not go broke. To top this off then our government absconds with the water from an unsuspecting landowner through the guise of NON USE to give to some HIGH AND MIGHTY CORPORATE FARM that operates on government SUBSIDIES and is usually nothing more than a tax evasion scheme for their real business. The most ARROGANT part of the whole scheme is when we take taxpayers dollars and give it to some landowner, usually a rich one, up to \$50,000.00 a year not to grow anything on usually a worthless piece of land that won't produce a crop at a profit in the first place. As soon as the little farm goes broke, then their land is swallowed up by the corporate farm, usually for back taxes, and then the scenario starts all over again.

WHEN WILL IT EVER END?

WE ARE BEING MADE SLAVES TO OUR OUT OF CONTROL GOVERNMENT


C.P. (JOHN) TRAUGHER P.O. BOX 678 ARCO, ID. 83213-0678

C.C. GOVERNOR CECIL D. ANDRUS

U.S. REPRESENTATIVE MIKE CRAPO

ID. SENATOR REX FURNESS

I.D.W.R. DIRECTOR R. KEITH HIGGINSON

I.D.W.R. COMMISSIONERS

SEC. OF INTERIOR BRUCE BABBITT

SEC. OF AGRICULTURE MIKE ESPY

N.B.C. DATELINE

JUDGE DANIEL C HURLBUTT JR.

ATTORNEY WILLIAM R. HOLLIFIELD

ATTORNEY LAIRD LUCAS

U.S. ARMY CORPS. OF ENGINEERS ROB BROCHU

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SEP 13 1993

Department of Water Resources

UNITED WE STAND IDAHO

C.P. (JOHN) TRAUGHBER) TELE (208) 527-3920) (MEMBER)
P.O. BOX 678 ARCO, IDAHO 83213-0678

DATE: January 23, 1993

UNITED STATES DEPARTMENT OF AGRICULTURE THE ALL AMERICAN RIP OFF

At the turn of the century, this Dept. had 3,000 employees to handle 5 million farms. By 1935 there were 6.3 million farmers and the D of A had 20,000 employees. Today there are approximately 2.1 million farms, half of whom are part-timers. Meanwhile, the number of government farm employees (excluding Food Stamp and Forest Service personnel) has grown to 60,000.

The Department of Agriculture, whose excess has been shaped by farm-region politicians making deals with their greedy farm lobbyists, is a waste of taxpayers dollars without peer. It now costs the taxpayers \$56 Billion a year as it stubbornly maintains outdated, expensive farm programs.

I's awfully hard to believe some of these stories. I have been told by those that are on this dole that I am crazy. I never believed that my country, the good old U.S.A., could do this to the hard pressed taxpayer, and besides I was too busy raising a family and building my business to be bothered by such nonsense, besides these do gooders that I voted for, surely wouldn't do this, would they? Hell no, it was all those crooked Politicians from those other States. Nothing could be further from the truth, as I found out. Of course these Politicians knew what was going on, but they may not get re-elected if they told their constituents the truth.

I have subsequently made several visits to my local U.S.D.A. office and asked just where that \$ 2 million dollars went to, that they just advertised in our local paper, that was given to the farmers in our county.

Although this is public business, folks get awfully nervous when you start to ask questions about who gets your hard earned tax dollars. I suspect these people are embarrassed, because as taxpayers they know this is a rip off.

I was APPALLED when I began to find out that indeed we were being ripped off by Inept Politicians, that would give our tax dollars to some greedy farmers for no other reason than to make dam good and sure they got their vote at election time. Why else would they give our money away, and MORGAGE our children's future?

There is no way I can explain this fiasco in detail, so I'll just touch on one aspect of

the RAPE of our hard earned money.

This is the C.R.P. program (CONSERVATION RESERVE PROGRAM). In my county there are 5 Farms on this program. The total pay-out of our taxes to these 5 farms in our small county is \$ 92,176.00 a year, guaranteed for 10 years, for a total cost to the taxpayers of \$921,760.00. Three of the listings are held by 3 brothers who are older, very well to do Americans, most likely drawing S.S. and everything else in sight. These 3 brothers get a total of \$ 77,596.00 annually for a grand total of \$775,960.00 in 10 Years. That's not to bad for nothing, especially when these so called farmers don't even live in this county, let alone farm in this county, or spend any money to support this county, except property taxes, and when the taxes increased this past year, who do you think yelled the loudest and was the first one's banging on the door, telling our commissioners, how they were being ripped off, you guessed it, this same bunch that are for all events and purposes are spending our children's future.

This is often called the set aside program, and believe me these Politicians don't want the voting public to know what is going on, especially if you aren't from a farm State.

Try having some pathetic politician explain that to your grandchildren, this give-away is only part of what our inept government borrows money for, so they can pay it to the greedy, all the while adding to the national debt which is now a national tragedy.

Don't forget our bill for interest on our debt will likely reach \$ 300 billion dallars this year, and it will buy us absolutely nothing.

If the people of this country believe these folks, that tell us our economy is in a recovery, they still believe in the Easter Bunny & The Tooth Fairy, because they are spending your grandchildren's money in excess of \$ 1 Billion a day with no end in sight.

Sincerely,

C.P. (JOHN) TRAUGHBER

C.C. PRESIDENT CLINTON
U.S. REPRESENTATIVE MIKE CRAPO
U.S. SENATOR DICK KEMPTHORNE
U.S. SENATOR LARRY CRAIG
BUTTE COUNTY COMMISSIONERS
IDAHO SENATOR REX FURNESS

All or any part of this document may be copied or reproduced. " C.P.T."

*10
[Signature]

C.P. (JOHN) TRAUGHBER
P.O. BOX 678 ARCO, IDAHO 83213-0678
(208) 527-3920

APRIL 24, 1996

RE: SRBA DISTRICT COURT

TO WHOM IT MAY CONCERN:

With all due respect, having been here before I am thoroughly appalled by the pathetic performance by the State of Idaho and its battery of lawyers as well as the private lawyers that try to defend their clients and special interest groups.

It makes no difference that some of their clients and special interest groups send out libelous unsigned letters in an effort to discredit those that would dare to question the State of Idaho, I.D.W.R, or B.L.R.I.D., and its programmed agenda for the destruction of Lower Big Lost River and its ecosystem.

It makes no difference that their clients threaten their own municipalities with hundreds of thousands of dollars worth of lawsuits, as well as threaten businesses and neighbors.

It makes no difference that in the 1930's valley resident's had to use dynamite to call attention to their plight. Are we civilized enough in this day and age to avoid such drastic action?

It makes no difference that the citizens of Big Lost River Valley were put into Financial Bondage for 20 years to buy out the Utah Construction Co. and the Carey Act Project Lands in order to put a stop to the programmed expansion that was destroying Lower Big Lost River Valley. Although at the time of the U.C. Co. and Carey Act Project buy out it was reported that our watershed in normal water years could only adequately service about 20 thousand acres, it had been reported by U.S.D.A., that their estimate of lands under cultivation in Big Lost River Valley, is now 75,000 acres, some even think it could reach 80,000 acres.

It makes no difference that some have plowed and planted natural stream channels as well as using the same channels as barn yards, thus turning some of these natural channels and ditches into open sewers that run right through the city of Arco, that furnishes the drinking water to its citizens.

It makes no difference that our very own U.S. Congressional Members are fed outright fictional material by U.S. Army Engineers, and the U.S. Dept. of Agriculture in order to cover up the violations being committed against Lower Big Lost River Residents.

It makes no difference that the Special Interest Group has been operating under unenforced cease and desist orders for almost a decade, while being protected by the Presumption Statutes that were declared unconstitutional in 1995. When this decision came down our beloved State Of Idaho, and its Legislative Lawmakers were thrown into a panic, when their Presumption Statutes that were nothing more than a law to fit the crime of water rustling was declared unconstitutional, they again used their infinite wisdom in legislating the Amnesty Statutes, as one legislator said, " we had to do something". Again the rights of the law abiding citizens where ignored as tyranny once again prevailed.

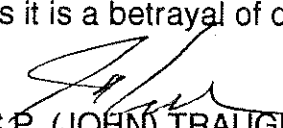
It makes no difference that many of us victims served our country with honor during World War II, Korean War, Vietnam War, in order to keep our democracy intact, one of us is even a Congressional Medal of Honor Winner, but then who cares?, it's better to protect the water rustlers than the valid rights of someone that almost made the ultimate sacrifice for his country.

It makes no difference that we have pictures and documents to prove every statement on this document, our bureaucratic pundit's have only one scapegoat, **"it's is the drought stupid"**.

It's gotten so out of hand that we now have these I.D.W.R., and B.L.R.I.D. authorized or unauthorized water rustlers signing affidavits that they should have historical rights applied to cover their past rustling activities that are no different than historical bank robbers, cattle rustlers, and other criminal activities. Will our Congressional Lawmakers manufacture some unscrupulous law to fit these crimes?

Has our Political lawmakers sank so low in the cesspool of their own making that they don't even know how to protect or deal with honest people? When will they find the integrity to look at their past disastrous special interest practices and begin to return this State to the greatness that it deserves?

The anarchy that is being perpetrated by our very own lawmakers against the law abiding citizens is intolerable, as it is a betrayal of our trust and rights.



C.P. (JOHN) TRAUGHER
P.O. BOX 678 ARCO, ID. 83213-0678
(208) 527-3920

DECEMBER 14, 1995

1

STATEMENT FROM FRIENDS OF BIG LOST RIVER TO ARCO ADVERTISER

The display that has been assembled by the FRIENDS OF BIG LOST RIVER is a 30 month effort in fact finding, in order to come up with the truth about the Big Lost River Drainage System and its water resources. Everything that we have written about in the past as well as this statement is fully documented.

I.D.W.R. (IDAHO DEPT. OF WATER RESOURCES), and its past Director R. Keith Higginson chose to ignore the past history of Big Lost River -- The main thrust of the past was when the Valley Residents had to use dynamite in 1933 to stop the transfer of water to what was know as the Carey Act Project, which were lands outside of Big Lost River's Natural Drainage System. After this adventure they were put into 20 Years of financial bondage to buy back and secure water rights which were theirs in the first place.

In his Memorandum to governor Andrus, dated May 22, 1994, Mr. Higginson states that . . . " Mr. Traughber's accusations of uncontrolled expansion of water use and illegal water diversions are simply not factual." Mr. Higginson also states . . . "I am equally aware of the Constitutional requirement to allow the appropriation of the unappropriated waters of the state. The best scientific data available still shows there is unappropriated water in the Big Lost River Basin and the Temporary Water Distribution Rules for Water District 34 that I have adopted will protect senior water rights from interference from ground water pumping. . ."

If the above statement by Mr. Higginson has any credibility at all, would he please explain the following questions.

The scientific data that Mr. Higginson is talking about is the Crosswaite Report that claims we have 300 thousand acre feet of water available every year and if not used escapes to the Snake River Plain. The pumpers are estimated to be getting 47 thousand acre feet of this water, leaving 253 thousand that supposedly escapes.

1. If there are 253 thousand acre feet of unappropriated water leaving our basin on average every year, just why were he and his hired guns so vehemently opposed to the City of Arco, in their efforts to secure a water right to protect their citizens?

2. Would he also explain why senior water right holders, some as old as 1885 & 1886 in the lower basin have been subjected to the Futile Call Rule, while upstream junior water right pumpers with priority dates after the 1950's are allowed to operate?

3. Why has he allowed the Aquifer to be pumped dry below Moore, destroying the Rivers Ecosystem, that turned Lower Lost River into an Economic Ghetto?

4. Why does his rules on Docket No. 37-0312-9301, that Govern Water Distribution in Water District 34, propose at his discretion to completely circumvent all

natural water flows below the Moore Diversion, "...The Watermaster, with the 2 approval of the director and after consultation with the Big Lost River Irrigation District, may elect to deliver the natural flow of the river through the Eastside Canal. . ." ?

5. Mr. Higginson, in response to your Notice of Intent to Promulgate Rules for Water Distribution in Water District 34 - Big Lost River Basin, your office received a letter on Oct. 4, 1993, that was dated Sept. 29, 1993, from a key member of the Timber Mountain Water Users Association. A paragraph in this letter reads as follows, "Another area of comment is the personnel you would select to serve on the local committee. Speaking frankly, it should be apparent by now that if you really want this committee to function and be productive there are some individuals who should not be asked to participate in the committee forum. There are water users that have demonstrated their ability in the past, and still others who given an opportunity, could contribute in a meaningful way. I respectfully suggest the following individuals could add a great deal to the process and have the respect of other water users." This letter then went on to list 10 valley residents, all of whom are water users. Of the ten listed, six were appointed to this committee, which included the perpetrator of the letter, a member of the cease and desist list, who included himself in the list of 10. As you picked six out of these ten, which is a majority to be on a committee of ten, I would define this, after checking the dictionary a conspiracy with the full intention of influencing the Water Distribution in the Big Lost River Valley. This is an example of the Anarchy that keeps raising its ugly head in this valley ever since I.D.W.R. condoned the transfer of our surface and ground water, without legal authority to the defunct Carey Act Project.

At one of these committee meetings, on Dec. 27, 1993, as C. P. (John) Traughber tried to read a prepared statement, he was told to shut up by the current Adjudication Chief of I.D.W.R., as he was wasting the States time and money. This event as I remember was witnessed by the current Administrator of I.D.W.R., who was in attendance, and as I remember, I gave the Administrator a copy of Mr. Traughber's statement when he asked for it. This statement was then given to the Arco Advertiser as a letter to the Editor and was published in its entirety.

Mr. Higginson, with all of this documented evidence, your Integrity disappeared when you told Gov. Andrus that Mr. Traughber was a liar.

In a letter addressed to Charles P. Traughber on May 31, 1994 Governor Cecil D. Andrus states "I have confidence that this report outlines the situation and the actions of the department within its present authorities." Governor Andrus, despite numerous letters over the years about our plight, chose to ignore the citizens of the Big Lost River Valley.

Scientific data is absolutely worthless when its mixed with a total lack of common sense. The report by Idaho Water Resources Research Institute documents the fact that Ground -water pumpage is one of the factors affecting flows in Big Lost River.

It also points out that diminishing river flows, provide less water for diversion by 3 surface water irrigators, possessing generally senior right priorities.

Mr. Higginson also noted that a moratorium on new development is in place in the Big Lost River Basin and no new water right permits are being issued or have been issued in recent years.

The problem here is that before this moratorium, if it is being followed, I.D.W.R. issued so many blank checks to transfer water out of our drainage system in the past three decades that when the short water years returned to our valley, the valley citizens were again put in jeopardy of not having their water rights delivered.

In order to try to put a stop to this transfer of their water, the residents had to go to court and get cease and desist orders against those that were receiving their water with these rubber checks. The cease and desist orders that were issued against these landowners were never enforced. In order to protect those that had received these orders I.D.W.R., evidently with the help of our legislators passed what were known as the Presumption Statutes. As one person said these Statutes were nothing more than a license to steal. These Statutes allowed the continuing transfer of Big Lost River waters outside of our drainage system. I.D.W.R. in order to continue the flow of water to the Carey Act Lands, had to invoke the famous Futile Call against Senior water right holders in the Lower Valley that received their water from Big Lost River.

I.D.W.R. programmed the destruction of some lower valley landowners with this insane Futile Call Rule, while the Carey Act Lands were turned into the Garden of Eden.

After the Lost River Water Association spent thousands upon thousands of dollars for lawyers, the courts finally declared the Presumption Statutes unconstitutional. If you haven't been informed, panic set in and our Legislators passed the now famous Amnesty Statutes to replace the defunct Presumption Statutes.

No one knows what will happen next, except that the citizens of the Great State of Idaho are going to have to pay millions and millions more to cover the failed policies of I.D.W.R. In order to prove that the truth will somehow prevail, we will close with some documented quotes.

Clay Condit, Reva Walker, and C.P. John Traughber, on Feb. 21, 1995 testified before the Resource and Conservation Committee hearing on House Bill #90 at the State Capitol, which was a bill to give all Idaho citizens the right to have a voice in the Adjudication of the States Water. This bill, that we supported was shelved at the time as being premature, which in effect killed it.

On Feb. 23, 1995 we received a note from Rep. JoAn Wood of the Resources & Conservation Committee, in which they admitted that "Your problem there John is a gross error made by the Dept. of Water Resource Dept. (board) years ago when they allowed the wells and diversions. Many folks here would like to do something now to

repair that damage, but the true fact is we can not get agreement on a way to do that legally."

Previous to this, on March 13, 1992, when Rep. JoAn Wood was the Honorable Chairman of the Resources and Conservation Committee she drafted a letter to Larman Anderson stating that "I fear that 1993 may be our most crisis year yet about water. It looks grim to me and most certainly the department is going to come under heavy fire for any unevenness in handling these water issues. I hold the dept. responsible for issuing go ahead to these people to expend thousands of dollars on equipment and homes etc. and then renege on the permits they vocally approved."

At this time we would like to laud Rep. JoAn Wood for being forthright in her assessment of the facts of the agenda being perpetrated by the Dept. of Water Resources.

We also have a copy of the letter dated Jan. 28, 1994 from the Dept. of Water Resources, addressed to Senator Rex Furness that we asked him to obtain for us. This letter was to obtain the truth about the alleged cease and desist orders that we have heard so much about. The first paragraph states, "The cease and desist orders in the attached summary were issued by the Department of Water Resources to water users who were illegally diverting ground water without a water right permit or license, and not under a valid claim under Idaho law." This letter was signed by John W. Homan -- Deputy Attorney General -- Department of Water Resources. Mr. Homan of course goes on to tell how the Presumption Statutes protects those that received the cease and desist orders. The Presumption Statutes have since been declared Unconstitutional. This caused a panic in our State Capitol and the lawmakers have now installed the Amnesty Statutes to protect the illegal practices of the now defunct Presumption Statutes that were addressed by Mr. Homan in this paragraph. If you really want to understand the quagmire our water laws are in, please look up presume, futile, and amnesty in the dictionary and you will soon understand why the water resources of Big Lost River are in deep trouble.

Our State Government in the past two or three decades has ignored our cries for help, and in the process has put us under a heavy financial strain, created distrust among our neighbors, and we have lost all confidence in the past administrations leadership. We can only hope and pray that with our new administration and leadership our dreams can be renewed.

FRIENDS OF BIG LOST RIVER

C.P. (JOHN) TRAUGHBER

4-24-96

S.R.B.A.
BRIGETTE BILYEU

Enclosed you will find the pictures that I promised.

We want to express our appreciation to you and Mr. Hurlbutt for taking time to tour our valley. We feel that you only had time to touch on the tip of the iceberg and will be able to return sometime in the future and gather more information that will bring the truth to the surface as it pertains to the disaster that has been bestowed upon the residents of Lower Big Lost River Valley.

If we can be of any help to you, as far as furnishing you any documents that we have, please let us know.

We want you to know we are not interested in influencing the court, as "Friends of Big Lost River" we want our Constitutional Laws enforced, we are looking for **justice, common sense & integrity. We want the truth to prevail.**

It boggles the mind to think that our State Lawmakers and I.D.W.R. has allowed anarchy to prevail in the administrating of the States Water Laws and now they don't have the integrity to do what is right. They expect our courts to sort it all out at the tremendous financial expense of the innocent, including the Idaho taxpayer. The court needs about a hundred investigators to find the truth in order that justice is served when the court must make a decision.

AGAIN THANKS,



JOHN

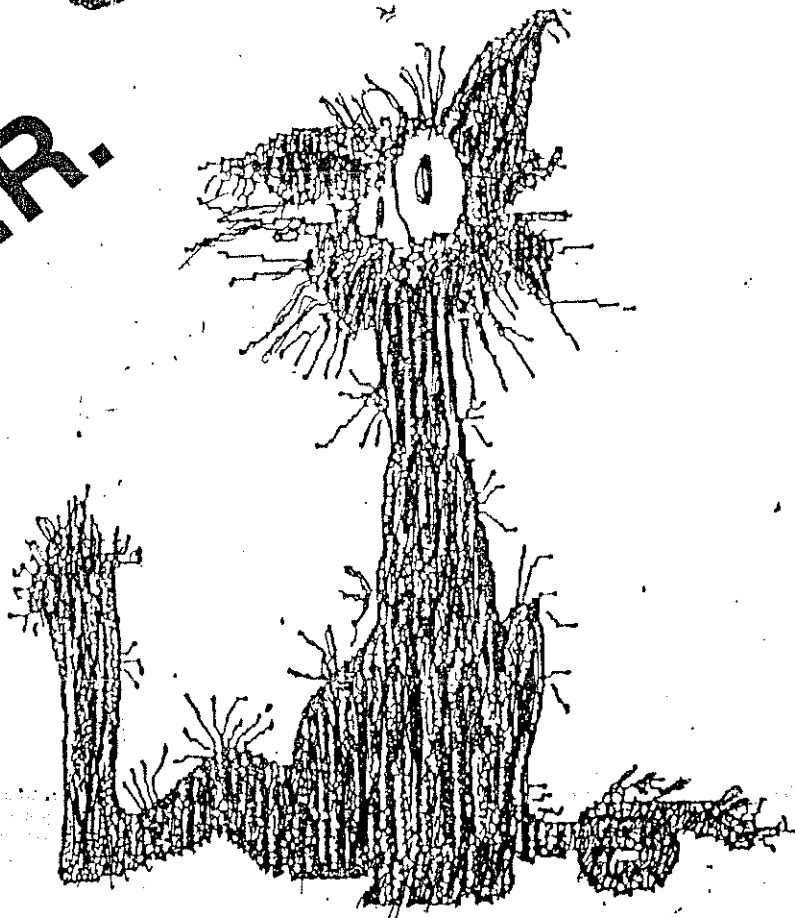
P.S. Enclosed you will also find pictures of the total disrespect of our river and its environment. The landowner that is responsible for what is shown in these pictures was with you on your tour of our valley from beginning to end. His only concern was that some of us innocent people might get some of our legal water rights enforced.

The six piles of garbage in the one picture was pushed into the Big Lost River.

The commercial barn yard garbage was dumped into live water of Big Lost River and included everything imaginable from manure, old tires, dead animals, you name it. Would you believe the fish picture I've included was taken within 1 to 2 hundred yards from this disaster. The first time I seen this mess, they had set it on fire.

**I've gone to look
for myself. If I
should return
before I get back,
keep me here!**

I.D.W.R.



**STREAM CHANNEL PROTECTION
EXPERT**

C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720-0034
ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010
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IDAHO FISH & GAME 1515 LINCOLN ROAD IDAHO FALLS, ID. 83401-2198 C/O DON E. WRIGHT

C.P. (JOHN) TRAUGHBER
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APRIL 24, 1996

REVISED COPY MAY 1, 1996
* RECEIVED
MAY 3 - 1996

RE: SRBA DISTRICT COURT

TO WHOM IT MAY CONCERN:

Department of Water Resources

With all due respect, having been here before I am thoroughly appalled by the pathetic performance by the State of Idaho and its battery of lawyers as well as the private lawyers that try to defend their clients and special interest groups.

It makes no difference that some of their clients and special interest groups send out libelous unsigned letters in an effort to discredit those that would dare to question the State of Idaho, I.D.W.R, or B.L.R.I.D., and its programmed agenda for the destruction of Lower Big Lost River and its ecosystem.

It makes no difference that their clients threaten their own municipalities with hundreds of thousands of dollars worth of lawsuits, as well as threaten businesses and neighbors.

It makes no difference that in the 1930's valley resident's had to use dynamite to call attention to their plight. Are we civilized enough in this day and age to avoid such drastic action?

It makes no difference that the citizens of Big Lost River Valley were put into Financial Bondage for 20 years to buy out the Utah Construction Co. and the Carey Act Project Lands in order to put a stop to the programmed expansion that was destroying Lower Big Lost River Valley. Although at the time of the U.C. Co. and Carey Act Project buy out it was reported that our watershed in normal water years could only adequately service about 20 thousand acres, it had been reported by U.S.D.A., that their estimate of lands under cultivation in Big Lost River Valley, is now 75,000 acres, some even think it could reach 80,000 acres.

It makes no difference that some have plowed and planted natural stream channels as well as using the same channels as barn yards, thus turning some of these natural channels and ditches into open sewers that run right through the city of Arco, that furnishes the drinking water to its citizens.

It makes no difference that our very own U.S. Congressional Members are fed outright fictional material by U.S. Army Engineers, and the U.S. Dept. of Agriculture in order to cover up the violations being committed against Lower Big Lost River Residents.

It makes no difference that the Special Interest Group has been operating under unenforced cease and desist orders for almost a decade, while being protected by the Presumption Statutes that were declared unconstitutional in 1995. When this decision came down our beloved State Of Idaho, and its Legislative Lawmakers were thrown into a panic, when their Presumption Statutes that were nothing more than a law to fit the crime of water rustling was declared unconstitutional, they again used their infinite wisdom in legislating the Amnesty Statutes, as one legislator said, " we had to do something". Again the rights of the law abiding citizens where ignored as tyranny once again prevailed.

It makes no difference that many of us victims served our country with honor during World War II, Korean War, Vietnam War, in order to keep our democracy intact, one of us is even a Congressional Medal of Honor Winner, but then who cares?, it's better to protect the water rustlers than the valid rights of someone that almost made the ultimate sacrifice for his country.

It makes no difference that FIRST IN TIME -- FIRST IN RIGHT is the law of the land -- In Idaho the water laws only apply to those that obey them -- everyone else is exempt.

It makes no difference that we have pictures and documents to prove every statement on this document, our bureaucratic pundit's have only one scapegoat, "it's is the drought stupid".

It's gotten so out of hand that we now have these I.D.W.R., and B.L.R.I.D. authorized or unauthorized water rustlers signing affidavits that they should have historical rights applied to cover their past rustling activities that are no different than historical bank robbers, cattle rustlers, and other criminal activities. Will our Legislative Lawmakers follow their past patterns and manufacture some unscrupulous law to fit these crimes, or will the Amnesty Statutes prevail and cover all illegal uses of water including water rustling?

Some of our Legislative Lawmakers openly admit to their past mistakes, but offer no solutions to protect the injured, just more of the same. Amnesty for those that operated under their Unconstitutional laws, while the injured are slowly being bankrupted in their endeavor to seek justice.

Has our Political lawmakers sank so low in the cesspool of their own making that they don't even know how to protect or deal with honest people? When will they find the integrity to look at their past disastrous special interest practices and begin to return this State to the greatness that it deserves?

The anarchy that is being perpetrated by our very own lawmakers against the law abiding citizens is intolerable, as it is a betrayal of our trust and rights.


C.P. (JOHN) FRAUGHBER P.O. BOX 678 ARCO, ID. 83213-0678 (208) 527-3920

RECEIVED

MAY 3 - 1996

OFFICE OF THE GOVERNOR
HONORABLE PHIL BATT
STATE CAPITOL
BOISE, IDAHO 83720-0034

April 30, 1996

Department of Water Resources

RE: EAST FORK OF BIG LOST RIVER (SPRING CREEK)

Again, Spring Creek has run into a heavy duty tracked bulldozer. The operator of this bulldozer made an atrocious mess of Spring Creek sometime in the last 2 or 3 weeks. Spring Creek was stopped dead in its tracks, filled and diverted for several hundred yards.

This **atrocitiy** just committed against our Natural Stream Channel and the Citizens of Lower Big Lost River Valley is only one of many and is the direct result of total negligence by the State of Idaho in its lack of law enforcement to protect its law abiding citizens.

This is nothing more than business as usual in our valley, that our State Government has ignored for the last three decades or more.

Will our cries be heard this time? Or will **Anarchy prevail** and these **Tyrants** again walk free?

If you are a **STATESMAN** instead of a **Politician** you will quit listening to your **Pundit Bureaucrats** from **I.D.W.R.** Put on your grubbies, come to Arco and we will be glad to show you the **TRUTH**.

SINCERELY



C.P. (JOHN) TRAUGHER

May 17, 1996
LETTER TO THE EDITOR

U.S.D.A. (UNITED STATES DEPT. OF AGRICULTURE) -- U.S. ARMY
ENGINEERS -- I.D.W.R. (IDAHO DEPT. OF WATER RESOURCES)

RE: THE DEMISE OF (EAST FORK OF BIG LOST RIVER) SPRING CREEK.

The recent events of Spring Creek are finally bringing the truth of the tragic events against the Natural Stream Channels of Big Lost River below the Moore Diversion and its main tributary (East Fork of Big Lost River) known as "Spring Creek."

All of the above named firms are involved in the Anarchy (described as political disorder and lawlessness), in a conspiracy of events being perpetrated by I.D.W.R. against the Lower Big Lost River Valley and its citizens.

Problem solving & compromising ? Why it won't work, when it comes to our Water Problems in the Lost River Valley. The State of Idaho, Dept. of Water Resources and our Legislative Lawmakers cannot be trusted as well as the mentioned Federal Agencies. Below you will find the quotes that prove this statement is true.

Violation # 34-S-1333 was authorized by a past agent for S.C.S. -- This agent supposedly even told the land owner how to plow a stream channel in a wetland area. Officials of the past administration of S.C.S. Service deny to this day that laws were violated.

QUOTES:

RE: Feb. 23, 1995 Letter from ID. REP JoAN WOOD to C.P. (JOHN) TRAUGHBER

"Your problems there John is a gross error made by Dept. of Water Resource Dept. (board) years ago when they allowed the wells and diversions."

RE: April 5, 1994. Violation #34-S-1333 Letter to Landowner from I.D.W.R. signed by Norman Young -- I.D.W.R. Administrator.

... "You are required to remove fill placed below the mean high water mark and re-establish the Spring Creek Bed and Banks to the original contours. Disturbed areas of Stream Bank shall be re-vegetated using native plants." (Repair was a total sham!)

RE: April 21, 1994 Letter from Governor Andrus to Fred and Doris Platz.

" I.D.W.R denied the request for a permit (After the Fact) to alter the stream channel of Spring Creek, and the landowner has been ordered to restore the channel bed and banks." (Smoke & Mirrors -- Repair was a total sham!)

RE: June 11, 1981 Arco Advertiser.

... "Controversy has been caused by stream channel work on Spring Creek also known as the East Branch of Big Lost River." -- ... "According to William R. Roads, Sr. Resource Analyst of the Dept. of Water Resources, steps are being taken to protect the integrity of Spring Creek." (More Smoke & Mirrors -- Total Fiction!)

RE: May 12, 1994 Letter to U.S. Rep. Mike Crapo from Lt. Col. James S. Weller.

"After reviewing the matter further, I determined that the plowing across Spring Creek was exempt from our regulations providing the plowing did not convert the area to a new use or impair the flow or circulation of the Creek. Because the farmer had been plowing across Spring Creek for several years, he was not converting the land to a new use. (This is total fiction -- the Army Engineers lied and failed to enforce laws required under the U.S. Clean Water Act.) (More Smoke & Mirrors -- Who would ask for a permit for something they had been doing for several years?)

RE: June 3, 1995 Letter to U.S. Senator Larry Craig -- From C.P. (John) Traugher

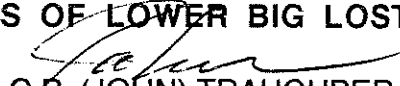
After being denied by the Office of A.S.C.S. in Arco, Id. the information as to just how approximately \$2,501,087.00 over 2 1/2 million dollars was spent to subsidize farmers in Butte county in 1993, I filed an F.O.I.A. (FREEDOM OF INFORMATION ACT) appeal which was also denied.

"In a prior report to your office and in a recent report to Attorney Lynn Estes on April 15, 1995 it was reported by U.S.D.A. -- A.S.C.S. -- that the 1993 Crop Disaster payments to land owners in Butte County was \$81,866.00, when in fact the true total is really \$334,789.00, which is a difference of \$252,923.00. (OVER A 1/4 OF A MILLION DOLLARS." - (Cooking the books?) (Property taxes collected from Butte County Taxpayers in 1993 was only \$1,315,329.00.)(Sen. Craig failed to respond to my letter.)

In our effort to expose the State & Federal Agencies that are condoning anarchy in the Great State of Idaho, we want to publicly laud (U.S. Army Engineer Ray Kagle Jr.) and our new agent for (U.S.D.A. -- Natural Resource Conservation Service in Butte County, Steve Cote) for their forthright efforts to see that justice is served as it applies to our environmental concerns in Big Lost River Valley.

The saddest part of the Saga of Lower Big Lost River Valley is that our new Governor Phil Batt, Idaho Legislators, U.S. Senator Larry Craig, and U.S. Representative Mike Crapo have all been told of our plight several times, to no avail!

FRIENDS OF LOWER BIG LOST RIVER


C.P. (JOHN) TRAUGHER

All documents referred to in this article are available by contacting myself or request copies from our Governors Office -- State Capitol -- Boise Idaho -- 83720-0034

May 14, 1996

LETTER TO THE EDITOR:

Having attended the S.R.B.A. (SNAKE RIVER BASIN ADJUDICATION) several times I am thoroughly appalled by the pathetic performance by the State of Idaho, I.D.W.R. (IDAHO DEPARTMENT OF WATER RESOURCES) and its battery of lawyers that try to defend their clients and special interest groups.

It makes no difference that some of their clients and special interest groups send out libelous unsigned letters in an effort to discredit those that would dare to question the State of Idaho, I.D.W.R, or B.L.R.I.D., and its programmed agenda for the destruction of Lower Big Lost River and its ecosystem.

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It makes no difference that the Special Interest Group has been operating under unenforced cease and desist orders for almost a decade, while being protected by the Presumption Statutes that were declared unconstitutional in 1995.

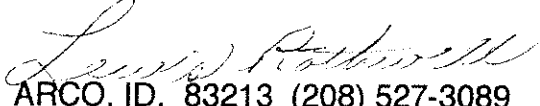
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Has our Political lawmakers sank so low in the cesspool of their own making that they don't even know how to protect or deal with honest people? When will they find the integrity to look at their past disastrous special interest practices and begin to return this State to the greatness that it deserves?

The anarchy that is being perpetrated by our very own lawmakers against the law abiding citizens is intolerable, as it is a betrayal of our trust and rights.

FRIENDS OF BIG LOST RIVER


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ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010

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ID. SEN. JERRY TWIGGS 955 WEST 100 SO.. BLACKFOOT, ID. 83221

ID. REP. MIKE SIMPSON 786 HOFF DRIVE BLACKFOOT, ID. 83221

ID. REP. JoAn WOOD 3778 EAST 500 NO. RIGBY, ID. 83442

U.S. REP. MICHAEL D. CRAPO 2539 CHANNING WAY IDAHO FALLS, ID. 83404

U.S. SEN. LARRY E. CRAIG 2539 CHANNING WAY IDAHO FALLS, ID. 83404

I.D.W.R. C/O KARL DREHER STATEHOUSE MAIL 83720-9000

I.R.U. P.O. BOX 633 BOISE, ID. 83701

S.R.B.A. P.O.BOX 2707 TWIN FALLS, IDAHO 83303-2707

U.S. ARMY ENGINEERS RAY L KAGLE JR. 1820 EAST 17TH SUITE # 350 I.F. ID. 83404 (208)522-1645

U.S. ARMY ENGINEERS WALLA WALLA, WASHINGTON 99362-9265

IDAHO FISH & GAME 1515 LINCOLN ROAD IDAHO FALLS, ID. 83401-2198 C/O DON E. WRIGHT

U.S.D.A. - N.R.C.S. (NATURAL RESOURCE CONSERVATION SERVICE) 3244 ELDER ST. RM.24
BOISE, IDAHO 88705

LAND & WATER FUND OF THE ROCKIES P.O. BOX 1612 BOISE, ID. 83701

IDAHO CONSERVATION LEAGUE P.O. BOX 844 BOISE, ID. 83701

Colorado broke water pact

By Robert Granader
States News Service

WASHINGTON — The U.S. Supreme Court ruled yesterday that Colorado violated a 1949 agreement with Kansas by taking more than its fair share of water from the Arkansas River.

The justices, who first allowed Kansas to sue Colorado in the high court nine years ago, unanimously accepted all four volumes of recommendations submitted to them by special master Arthur Littleworth.

The case now returns to Littleworth to determine the amount of damages to be paid by Colorado to Kansas.

Kansas' principal claim was that Colorado allowed hundreds of wells to be drilled, draining water that rightfully belonged to Kansas.

Those wells and the Trinidad dam, Kansas claimed, diverted water to which Kansas was entitled under a 1949 compact between the two states and caused the Arkansas River to run dry in much of southwestern Kansas most of the time.

Kansas Attorney General Carla Stovall called the Supreme Court's ruling "a historic victory for Kansas."

"In terms of the amount of water at stake, the ruling means that Kansas won 90 percent of its case against Colorado," she said. "This case was critical for our state, in that continued and future depletions of the river water would have led to even more serious economic damage than has already occurred, not only to western Kansas but to the state as a whole."

Kansas also suffered some setbacks in yesterday's decision.

The Supreme Court, agreeing with Littleworth's findings, ruled that Kansas failed to prove its claim that construction and use of the Trinidad dam and reservoir on the Purgatoire River near Trinidad have resulted in a material depletion of Arkansas River water for Kansas.

The court also ruled that Kansas failed to prove that operation of Colorado's Winter Water Storage Program violates a water-use agreement between the two states.

Colorado Attorney General Gale Norton said she was not surprised by the high court's decision.

"The tendency in complex factual cases is for

the reviewing court to accept the determination of the lower court," Norton said.

"We won two out of the three claims. We are pleased by that portion of the decision. And we are disappointed by the ruling on ... well development."

Both states had challenged portions of the special master's report, but the Supreme Court didn't accept those arguments.

"We overrule the exceptions filed by the states of Kansas and Colorado," Chief Justice William Rehnquist wrote in sending the case back to Littleworth.

The decision could force Colorado farmers to cap as many as 1,700 wells. Kansas also is seeking monetary damages, which Littleworth will recommend to the Supreme Court.

The high court will make the final determination.

The case was launched in December 1984 by former Kansas Attorney General Bob Stephan and financed by the Kansas Legislature to the tune of \$11 million.

— The Associated Press contributed to this story.

Wells drained Kansas' share, high court rules

WHAT ABOUT THE WELL ORCHARD IN LOWER LOST RIVER AND OTHER WELLS -- LOCATED IN THE SPRING CREEK AREA -- (ESTIMATED AT ABOUT 40) -- THAT DRAINS OUR GROUND WATER & TRANSPORTS OUR GROUND WATER AS WELL AS OUR SURFACE WATER TO THE DEFUNCT CAREY ACT LANDS -- TURNING THESE LANDS INTO THE GARDEN OF EDEN WHILE DRYING UP OUR NATURAL RIVER & ITS TRIBUTARIES - - THUS TURNING OUR RIVER AND ADJOINING LANDS INTO AN ECOLOGICAL DISASTER?

THE FEEDING OF A NATURAL STREAM CHANNEL (EAST FORK OF BIG LOST RIVER) CALLED SPRING CREEK FROM A DITCH IS A DEATH WARRANT FOR THE EAST SIDE OF LOWER LOST RIVER VALLEY! (COMPLIMENTS OF I.D.W.R.) NUTS !!!

**ANARCHY WON'T FLY IN COLORADO THAT
WHAT ABOUT THE LOST RIVER VALLEY FOR 20 YEARS TO PUT A
WERE PUT IN FINANCIAL OF THEIR VALLEY BY THE DIVERSION
STOP TO THE PLUNDERING OF LANDS KNOWN AS THE DEFUNCT
OF THEIR WATER ACT LANDS THAT THEY PAID FOR?**

Farmers must pay Arkansas River debt

By Patrick O'Driscoll
Denver Post Staff Writer

PUEBLO — If well users in one of Colorado's oldest farming valleys don't make up for 40 years of taking water meant for Kansas, an unsympathetic federal government will force restitution on them, state water officials warned yesterday.

State Engineer Hal Simpson and Denver water lawyer David Robbins also told the Arkansas River Basin Water Forum that more

than 1,500 irrigation wells in southeastern Colorado won't be allowed to pump after April 1 unless their users compensate for water that now must go downstream to Kansas under a recent U.S. Supreme Court ruling.

That means buying costlier extra water supplies from outside the valley — from Colorado Springs or Pueblo, for example — to augment their yearly irrigation needs. And that worries some river-basin farmers, who may not be able to afford it.

The ranks of local water associations have swelled since the high court's May 1995 order as agricultural and municipal users ponder how they'll pay to water crops and supply towns with more expensive, supplemental sources.

"Whether you like it or don't like it, it is the law of the land," said Robbins, who has represented Colorado in court as a special deputy

Please see WATER on 5B.

Water or money, farmers must pay debt

WATER from Page 1B

attorney general in the state's 10-year legal fight with Kansas. "Colorado does not have a choice. We have to propose a solution."

He said the wells — most drilled in the two decades after Colorado and Kansas signed a 1948 pact to share the river's precious flow — "can't operate unless (users) replace the injury" done both to Kansas and to upstream Coloradans who have more "senior" rights — that is, higher priority — in the Arkansas watershed.

That bistate compact pledged Colorado to no increased use of Arkansas River water if it meant less would flow to Kansas. But subsequent Colorado well drilling, with state approval, gradually shrank Kansas' share.

The high court ruled that the irrigation wells, with direct ties to the river's fickle hydrology, are the cause of lower flows to Kansas.

"A well permit is just like a driver's license. It doesn't mean you can speed," Robbins added. "You can drill a well but that doesn't give you an iron-clad right to pump that water" if it deprives someone else.

In October, the two states agreed that Colorado owes Kansas about 107 billion gallons of water for what it took illegally between 1950 and 1985. They now are negotiating for the subsequent 10 years, and a series of legal briefs and hearings on more compensation — including financial payments — is scheduled this month through midsummer.

Last September, Simpson filed stiff new rules that will force basin water-

users to comply by April 1. He told the forum he will need nine more staffers to police the rules, which essentially tell most well irrigators they must cease pumping unless they can get outside water to compensate.

Simpson said it's too early to tell the economic impact on the lower Arkansas River basin, which runs east of Pueblo to the Kansas border. He predicted some "marginal" farmers won't be able to afford it.

WESTERN EMPIRE

ARKANSAS VALLEY

Judge upholds well restrictions

A state water judge yesterday upheld tough new restrictions on farm wells in the Arkansas River Basin.

The rules were issued by State Engineer Hal Simpson to help pay back Kansas for water that Colorado illegally diverted for 40 years. Six Colorado farms sued, arguing the restrictions would put them out of business.

But in a 25-page decree, Division 3 Water Court Judge John Anderson ruled that the restrictions are necessary to fix long-running depletions in the river basin's groundwater system. About 2,800 Colorado wells are subject to the new rules.

EASTERN PLAINS

ANARCHY WON'T FLY IN COLORADO

WHAT ABOUT THE LOST RIVER VALLEY LANDOWNERS THAT WERE PUT IN FINANCIAL BONDAGE FOR 20 YEARS TO PUT A STOP TO THE PLUNDERING OF THEIR VALLEY BY THE DIVERSION OF THEIR WATER TO DESERT LANDS KNOWN AS THE DEFUNCT CAREY ACT LANDS THAT THEY PAID FOR?

May 18, 1996

LETTER TO THE EDITOR

U.S.D.A. (UNITED STATES DEPT. OF AGRICULTURE) -- U.S. ARMY
ENGINEERS -- I.D.W.R. (IDAHO DEPT. OF WATER RESOURCES)

RE: THE DEMISE OF (EAST FORK OF BIG LOST RIVER) SPRING CREEK.

The recent events of Spring Creek are finally bringing the truth of the tragic events against the Natural Stream Channels of Big Lost River below the Moore Diversion and its main tributary (East Fork of Big Lost River) known as "Spring Creek."

All of the above named firms are involved in the Anarchy (described as political disorder and lawlessness), in a conspiracy of events being perpetrated by I.D.W.R. against the Lower Big Lost River Valley and its citizens.

Problem solving & compromising ? Why it won't work, when it comes to our Water Problems in the Lost River Valley. The State of Idaho, Dept. of Water Resources and our Legislative Lawmakers cannot be trusted as well as the mentioned Federal Agencies.

In our effort to expose the State & Federal Agencies that are condoning anarchy in the Great State of Idaho, we want to publicly laud (U.S. Army Engineer Ray Kagle Jr.) and our new agent for (U.S.D.A. -- Natural Resource Conservation Service in Butte County, Steve Cote) for their forthright efforts to see that justice is served as it applies to our environmental concerns in Big Lost River Valley.

The East Fork of Big Lost River, known as Spring Creek, has been recently plowed in one area along with almost every stitch of ground outside our drainage system in Butte County except the Craters of the Moon and the highways. The State of Idaho -- I.D.W.R. -- in its quest for full economical development will evidently again use Spring Creek and Lower Big Lost River as the sacrificial lamb to water these lands that in most cases do not have deeded water rights. (It doesn't matter that the landowners in the main drainage system of Big Lost River were put into financial bondage for 20 years to put a stop to the plundering of their valley and its water.)

The saddest part of the Saga of Lower Big Lost River Valley is that our new Governor Phil Batt, Idaho Legislators, U.S. Senator Larry Craig, and U.S. Representative Mike Crapo have all been told of our plight several times, to no avail!

FRIENDS OF LOWER BIG LOST RIVER

Ray Boyack
RAY BOYACK

ROUTE # 1 BOX 887

MOORE, ID. 83255 (208) 554-3808

John Traugher
C.P. (JOHN) TRAUGHER

P.O. BOX 678

ARCO, ID. 83213 (208) 527-3920

To those concerned about Spring Creek

A recent letter to the editor described work on Spring Creek as having "Stopped it Dead in its Tracks." I am responsible for this work and feel the need to describe exactly what was done and why. The channel approximately 700 feet in length and 20-24 feet in width was developed to connect Spring Creek with another Spring Creek channel on my property. If any water were to become available in Spring Creek at that point it would now enter the transition channel to a Spring Creek channel further east on my property and flow down the valley where it would re-enter the original Spring Creek channel in a distance of approximately 1/8 of a mile. The transition channel has a slope of 5 inches per 100 feet and with the kind assistance of the Soil Conservation Service its capacity is calculated to be in the vicinity of 275 to 300 cubic feet per second. By contrast the culverts on the cross lanes above my property have a carrying capacity of approximately 80 cubic feet per second and (it has been reported to me) that the stretch of Spring Creek traversing through the Damiana property of approximately 60 cubic feet per second. The revisions have actually enhanced the ability of Spring Creek to convey water to the lower Spring Creek regions since it has eliminated some of the meandering on my property and provides a more direct and higher capacity route for the stream to reach its lower reaches.

As a consequence of this action I have been issued a notice of violation of the Idaho Stream Protection Action by the IDWR. I find this action ironic for several reasons:

1. The project is actually a water conservation project. The low pressure pivot system that will water this property replaces hand lines on other property, both less efficient in distribution and having a high rate of evaporative loss.

2. In my opinion, the IDWR themselves have been the principal destructors of Spring Creek through their allowing essentially all of the waters of the Big Lost River Drainage, to be appropriated for agricultural purposes without preserving any water for the streams under the beneficial use of fish and wildlife habitat. The legality under which this was done was through the policy and rationale that there is no connection between the subterranean water and the surface water. These waters were treated as different waters. Spring Creek historically lived off of the water table in Lost River Valley which historically has been within 6 to 10 feet of the ground with the exception of the last 15 years during which time a high rate of development of the subterranean water occurred. A piece of evidence supporting this is that the Old King Place on the 3000 Lane which I've owned since 1958 had as its domestic water source for 50 years a dug well which was approximately 15 feet deep. This well went dry in 1960 and a well of 40 foot depth was drilled. With the further lowering of the water table in the 80s the 40 foot well went dry and a 100 foot well was drilled. If further demands are placed on the subterranean waters of the valley we can expect the domestic wells to

go dry at 100 feet, and so on as it has in many other parts of the United States where overdevelopment of the water table was permitted.

3. I've been a long term defender and supporter of Spring Creek. Mary and I are state sponsors of the Nature Conservancy. Nature Conservancy is one of the few organizations that buys property for wildlife habitat, they don't try to do it through court action. Several years ago I wrote to the Nature Conservancy trying to get their interest in reviving Spring Creek as a year round live stream, proposing that this be done through the purchase of water rights and conversion of their beneficial use from agriculture to fish and wildlife habitat. I offered to donate the first \$5000.00 for this effort. I got a nice letter in return basically stating that they were busy on other projects such as 1000 Springs and Silver Creek and were not in a position to undertake such a project at this time.

4. When I filed my water rights under the readjudication process I attempted to file a portion of this water and change the beneficial use from agriculture to fish and wildlife habitat. This application was rejected.

If Spring Creek is to be revived to any degree two things must happen:

1. The obstructions which prevent acceptable levels of water flow in the channel must be cleared. In spite of the fact that we had a 200 percent water year in 1995 no water was able to reach my property and flow through to the 3000 Lane even though excess water was discharged into the desert. Nor has it been done so in 1996, in fact it has been approximately 10 years since any water flowed in this reach of Spring Creek. All the water that reached the lower portions of Spring Creek in 95 and 96 was water that was carried down the east side canal to the 3000 Lane and then diverted out of the canal into the Spring Creek channel at that point. There is a portion of the upper reaches of Spring Creek that is a major limitation to its flow as well as the culverts installed by the county as a result of the 1965 flood on the cross lanes when all the bridges washed out. If any serious amount of water is to flow down Spring Creek these culverts must be replaced with 8-10 feet wide low profile culverts or bridges and other restrictive parts of the stream channel improved.

2. The second part of the problem is much more difficult, that being finding some water to divert into the channel. This would appear next to impossible at this point in history in light of the essentially limited and unrestricted appropriation of the water for agricultural purposes without any recognition or limitation of its impact on fish and wildlife or the ground water level. Due to the huge commitment of dollars to the development of expanded agriculture the process is probably economically irreversible. However, through a combination of stream channel improvement, possible stream channel lining to prevent leaching into the aquifer, and the designation of whatever water can be found and reserved for fish and wildlife habitat the situation may not be totally hopeless.

Norman K. Sowards

C.P. (JOHN) TRAUGHBER
P.O.BOX 678 ARCO, ID. 83213-0678



RECEIVED

MAY 22 1996

IDAHO DEPT. OF WATER RESOURCES
RONALD D. CARLSON
900 NO. SKYLINE DR.
IDAHO FALLS, ID. 83402-1718

Department of Water Resources

RE: PRINCIPALS OF AGREEMENT & WITHDRAWAL OF PROTEST IN REFERENCE
TO RECHARGE WATER PERMITS # 34-07571 & 34-07573.

Dear Mr. Carlson:

Your letter to Mr. Huggins, dated April 23, 1996, that suggests some sort of agreement was close to being achieved at this recharge meeting -- March 20, 1996 -- is a sham as it relates to the majority of the citizens that attended.

At a time when the citizens of the Lower Big Lost River are trying to come to grips with the destruction of Lower Big Lost River and its main Tributary Spring Creek below the Moore Diversion, I can hardly believe the fiction in this letter.

The **Anarchy, Tyranny, Shams, & the man made drought below the Moore Diversion by I.D.W.R. that drained our Wetlands & River, thus destroying the ecosystem of Lower Big Lost River, Spring Creek, and adjoining lands are intolerable.**

THE WHEELS ARE COMING OFF OF THIS SCANDAL

VERY TRULY YOURS,

HAVE A GOOD DAY

C.P. JOHN TRAUGHBER

C.P. JOHN TRAUGHBER P.O. BOX 678 ARCO ID. 83213-0678 (208) 527-3920
JULY 7, 1996

OFFICE OF ATTORNEY GENERAL
P.O. BOX 83720 BOISE, IDAHO 83720-0010

RECEIVED

JUL 18 1996

RE: THE DEMISE OF "SPRING CREEK" (EAST FORK OF BIG LOST RIVER) Department of Water Resources
FORMAL COMPLAINT

Dear Mr. Lance:

As of this date, I am respectfully requesting a hearing as well as a full investigation from the office of Attorney General and all Government Agencies listed.

The above mentioned, Natural Stream Channel, as of this date is little more than a cesspool, full of buffalo chips, cow manure, pesticides, silt and garbage.

As of the 4th of July 1996, when the Watermaster, employee of IDWR ordered the plug pulled on Spring Creek, that IDWR feeds from a ditch, Spring Creek is nothing more than a slow moving, if it moves at all, contaminated body of water unsafe for human contact, let alone any form of Wildlife.

It is my belief that your office and others mentioned are mandated by law to protect our health and environment.

OFFICE OF THE GOVERNOR

ENVIRONMENTAL PROTECTION AGENCY 1435 N. ORCHARD BOISE, ID. 83705

U.S.D.A.-N.R.C.S. 3244 ELDER ST. RM 24 BOISE, ID. 88705
U.S.D.A.-N.R.C.S. ARCO ID. 83213

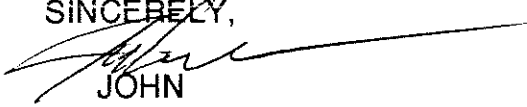
U.S. ARMY ENGINEERS WALLA WALLA, WASH. 99362-9265
U.S. ARMY ENGINEERS 1820 E. 17TH SUITE # 350 I.F. ID. 83404

I.D.W.R. STATEHOUSE MAIL BOISE, ID. 82720-9000

D.E.Q. 900 NO. SKYLINE I.F. ID. 83402-1718

Your immediate response would be very much appreciated.

SINCERELY,


JOHN

C.C.	I.R.U.	S.R.B.A.	SEN. TWIGGS
	I.F.&G.	I.C.L.	REP. SIMPSON
	U.S.F.&W.	L.&W.F.	REP WOOD



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

Judge C. B. 1974
1977

June 27, 1989

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JUL 18 1996

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Anita McAfee
Arco, Idaho 83213

Department of Water Resources

RE: LICENSE 34-2475

Dear Mrs. McAfee:

The department has reviewed the information you submitted in connection with construction of the well on your property with respect to direct interference with surface water flows. After reviewing the information, I cannot determine that the well has been constructed or reconstructed to minimize interference with surface water flows. The basic problem is that there is not a well log showing how the well was constructed.

Without the information to show how the well was constructed, the department must assume there is interference and that other rights are being injured when the well is being pumped during times of water shortage.

The department has no choice but to advise you to not use the well until it is reconstructed to prevent interference with surface water flows or until you can show that such reconstruction has already occurred.

The department does not want to cause you any hardship, but the department has an obligation to provide for the protection of prior rights and to implement previous decisions.

Please contact the department if you have questions or if we can be of assistance in this matter.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Doug Rosenkrance
Lewis Rothwell
E. Region

RECEIVED

MAR 06 1996

Letter to the Editor

Department of Water Resources

To the people of the Lost River Valley

This looks promising for a good water year again for the valley. I hear the river is again running under the bridge at the rest stop on the highway.

Now is the time we need to get that extra water running through the East Branch of the river called Spring Creek. There are still some things which need to be done to complete this task; it may not be possible to complete them all immediately, but most could be done now.

1. A new heading is needed below the Moore Diversion to divert water one way into the East Side Canal and another way into Spring Creek. This has been suggested for several years, but nothing seems to get done.
2. A culvert where Spring Creek enters Randy Damiana's field needs to be lowered to let water pass in greater quantity and not spread out on fields above.
3. Water did back up and run backwards (upstream) at the Road 3300 and Spring Creek due to ice freezing this winter for a few days; perhaps a few loads of gravel on the low spots of the road would correct this.
4. Two rock dams between Roads 3175 and 3120 along Spring Creek need to be removed which cause winter flooding.
5. The three culverts on Road 3175 in Spring Creek freeze in winter, a bridge or large culvert would probably be more efficient. I understand this was promised several years ago.
6. The culvert (dive) under East Side Canal by Soward's place, Road 3000 needs to be replaced by a six foot round or squashed culvert, the small culvert there now backs the water up the Spring Creek channel a quarter mile, preventing a flow of water necessary to push through the remainder of Spring Creek. This change is on the BLRID work schedule at this time.
7. The dive under the Arco Canal southwest of the storage sheds is mashed completely in obstructing the flow of Spring Creek.

We need your help in seeing these things are accomplished; call the Board of Directors of BLRID; call the Basin 34 Advisory Committee; call the Butte County Commissioners; call IDWR --- make your wants known, lets not let another year go by sending all the water to the sinks, and leaving Spring Creek and the northeast side of the valley dry.

Last year proved without a doubt Spring Creek is by far the best recharge system in the Lower Lost River Valley, all the water put in the creek went into the aquifer.

Some people are working hard to promote Tourism in the Lost River Valley --- until we get the east side of the valley green this hard work will still be defeated. Let's do it now, not next year, we can do it, with your help. Use your phone it will pay off big for everyone.

Ray M. Boyack
3085 King Min. Rd.
Moore, ID 83253
Phone: (208) 554-3808

CHARLES HUGGINS
ROUTE #1 BOX 216 ARCO, IDAHO 83213
TELE. (208) 527-3351

RECEIVED

MAR 06 1996

Department of Water Resources

FEBRUARY 25, 1996

RE: Study by Water Recharge Committee -- Basin # 34

IDAHO DEPT. OF WATER RESOURCES
KARL DREHER, DIRECTOR
1301 NORTH ORCHARD STREET
STATE HOUSE MAIL
BOISE, IDAHO 83720-9000

I.D.W.R. asked the Recharge Committee to study and develop a plan for aquifer recharge in basin # 34.

As a member of this committee, initially we surveyed stream flows, measured ground water levels and conducted certain localized studies to achieve the goal.

I interpreted the I.D.W.R. goal to truly be basin 34's recharge and the recharge would be manifested and perpetuated by I.D.W.R.

Valley River flow and tributaries of this flow, as well as valley out flows, are quite high, but the distribution for recharge have had no follow through.

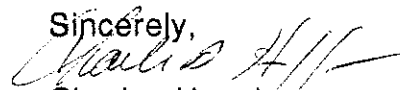
Why is there still no significant water recharge taking effect at the valley east side? Spring Creek has never filled head to mouth in the past 12 months.

The burning question is: Why are thousands of inches of water flowing past the Arco Gage and out to the Department of Energy when the Valley could have been truly recharged? Springs and Wetland areas of great proportions have had no recharge or attempt to recharge via any efforts whatsoever by the Dept. of Water Resources.

I grant you that the precision of data and analysis of the problem by the first committee was short in quality. Detectably this committee had many internal flaws and water measuring capability was limited and not precise. Minute issues dominated discourse as to the relationship of aquifer versus surface water. However, observation and experience were common factors to all.

As a member of your committee, I would like to say that: "We kind of did the people justice. If I.D.W.R. doesn't follow through, who else is going to?" Suddenly it's the "Trust - Crisis" Again!

Sincerely,



Charles Huggins

C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720-0034
ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010
ID. REP. GOLDEN C. LINFORD 2120 WEST 4200 SO. REXBURG, ID. 83440
ID. SEN. REX FURNESS 3470 EAST 300 NO. RIGBY, ID. 83442
ID. REP. ALLAN LARSEN 848 WEST TABOR RD. BLACKFOOT, ID. 83221
ID. SEN. JERRY TWIGGS 955 WEST 100 SO.. BLACKFOOT, ID. 83221
ID. REP. MIKE SIMPSON 786 HOFF DRIVE BLACKFOOT, ID. 83221
ID. REP. JoAn WOOD 3778 EAST 500 NO. RIGBY, ID. 83442
U.S. REP. MICHAEL D. CRAPO 2539 CHANNING WAY IDAHO FALLS, ID. 83404
U.S. SEN. LARRY E. CRAIG 2539 CHANNING WAY IDAHO FALLS, ID. 83404
I.D.W.R. C/O KARL DREHER STATEHOUSE MAIL 83720-9000
I.R.U. P.O. BOX 633 BOISE, ID. 83701
B.L.R.I.D. 101 SO. MAIN AVE. MACKAY, ID 83251
WATER DIST. # 34 107 MAIN STREET MACKAY, ID 83251
S.R.B.A. P.O.BOX 2707 TWIN FALLS, IDAHO 83303-2707
U.S. ARMY ENGINEERS RAY L KAGLE JR. 1820 EAST 17TH SUITE # 350 I.F. ID. 83404 (208)522-1645
IDAHO FISH & GAME 1515 LINCOLN ROAD IDAHO FALLS, ID. 83401-2198 C/O DON E. WRIGHT

RECEIVED

MAR 06 1996

Department of Water Resources

KARL DREHER

JUST THOUGHT YOU MIGHT LIKE TO KNOW THAT ON FEBRUARY 26, AT MACKAY, IDAHO, JUDGE HURLBUTT TOOK TWO OR THREE SHOTS AT MY FAVORITE ADVERSARY, THE PAST BUREAUCRACY OF I.D.W.R., THE BEST ONE WAS WHEN HE TOLD GOD AND EVERYBODY THAT THE NEW DIRECTOR OF I.D.W.R. WAS LIKE A BREATH OF FRESH AIR.

I AGREE

CONGRATULATIONS

AS I SAID BEFORE, ONLY YOU AND OUR NEW GOVERNOR MR. PHIL BATT CAN REPAIR OUR BROKEN DREAMS.



JOHN

C.P. (JOHN) TRAUGHBER
P.O. BOX 678 ARCO, IDAHO 83213-0678 (208) 527-3920
FEBRUARY 27, 1996

RECEIVED
MAR 06 1996
Department of Water Resources

RE: EAST FORK OF BIG LOST RIVER (SPRING CREEK)

IDAHO DEPT. OF WATER RESOURCES
KARL DREHER, DIRECTOR
STATE HOUSE MAIL
BOISE, IDAHO 83720-9000

Dear Mr. Dreher:

It has now been almost 2 months since we had our meeting with you and the Governor, and we commend the Governor for taking time from his busy schedule to talk to us.

To this date I nor anyone that I know of has received any positive information as to the restoration of our river system below the Moore Diversion.

The only thing that we have heard is ludicrous statements, such as there is no East Fork of Big Lost River. Spring Creek is nothing more than our imagination. It's the drought stupid.

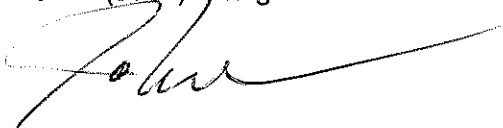
If there is no East Fork of Big Lost River called Spring Creek, how does one explain the man made inlet to the Spring Creek Channel? Why was a control valve below this man made inlet to Spring Creek originally built to control flows into Spring Creek? Why were ditches and culverts installed at the Moore Diversion to drain the East Fork of Big Lost River and wetlands into the main river channel or the Eastside Canal? Why is Spring Creek being fed out of a ditch? Why did I.D.W.R. issue permits to landowners to change the channel of Spring Creek, and at the same time promise to protect the integrity of Spring Creek and landowners downstream and then fail to do so? If it's the **drought stupid**, why are all of the trees along Lower Big Lost River **dead**, while the trees in the defunct Carey Act Project as well as upper Big Lost River are in full bloom? Why is our Natural Stream Channel, (Spring Creek), still without water flows, when Idaho just had one of the best water years on record?

The East Fork of Big Lost River (Spring Creek) must be cleaned and all flow impediments removed and its natural flows must be returned to its original integrity. Spring Creek, had it not been destroyed, could have very well been the circuit breaker that could have stopped or played a major role in stopping the disastrous flooding that Lower Big Lost River just suffered.

Although the water lean years were bound to have some effect on Lower Big Lost River and its adjoining lands, the physical evidence proves that in totally diverting all of the Natural Stream Flows from Big Lost River below the Moore Diversion into canals, along with our ground water that is being pumped into these same canals by numerous wells and transporting our ground water along with the stream flows to the defunct Old Carey Act Project has turned our river system and adjoining lands below the Moore Diversion into an ecological disaster.

Our trust has been betrayed by the past administration and legislative lawmakers! When will it stop?

Sincerely,
C. P. (John) Traughber



Ray Willman
2415 Rucker Ave.
Everett, WA 98201
(206) 259-3541
Sept. 3, 1996

RECEIVED
SEP 05 1996
Department of Water Resources

State of Idaho
Office of the Attorney General
Natural Resources Div.
Environmental Quality Section
1410 N. Hilton, 2nd Floor
Boise, Idaho 83706-1255

Attn: Stephen V. Goddard,
Deputy Attorney Gen.

Re: your letter dated Aug 7, '96 to
C.P. John Traughber of Arco; re the "Demise of Spring
Creek".

I'm the person who wrote to the Governor on 9 Aug '96 re the
"Big Lost River Situation"; and in response to sending a
copy to Mr. Traughber in Arco, he sent me copies of the nu-
merous pages of correspondence he initiated so far in 1996.

To say the least, it is a very sad day, especially for the
old Big Lost River water righters on the original river
valley, that your office and the State's Dept. of Water Re-
sources (and others too) completely skirt around the main
cause of why the lower Big Lost has become a destroyed river
system.

As you know, the citizens of the Big Lost were put in fin-
ancial bondage for several decades to buy out the Utah Con-
struction Co. and the Carey Act Project to stop the diver-
sion of the river's water to irrigate thousands of acres of
flat land west of the lower river valley. We moved from
there in 1939, but I'm advised it is an absolute fact that
the State's Dept. of Water Resources later turned around and
issued approx. 40 permits to drill wells that has and still
is pulling water from the vital underground aquifer from be-
low the Moore Diversion Dam, all to sprinkle irrigate those
same defunct Carey Act flat lands (man, its hard to imagine
such irresponsibility)!!

This above act by the State, coupled with several years of
drought, has resulted in totally destroying the lower river
valley. Until '39 my dad and I were involved in farming the
area near and south of Arco. Much of the area could right-
fully be regarded as "wetlands" because the main river chan-
nel had many diversion or side channels we referred to as
"sloughs" all filled with water to nourish the thousands
upon thousands of cotton-wood trees and willows on the banks
thereof, not to mention sufficient water for irrigating crop
land there in the valley. Actually, at one point we farmed
20 acres immediately south of Arco and southeast of the fair
grounds wherein several "slough" channels provided suffici-
ent ground moisture (we called it "sub-irrigation") for us
to raise alfalfa, grain crops and pasture with no "irrigation"
as such necessary.

My brother and I paid a visit to Arco a couple years ago. First off, we were totally surprised to see the sprinklers irrigating the old Carey Act flats. Then as we approached the town of Arco, we could not believe seeing all those river channels and adjoining farm lands completely dried up. Tears came with such sadness. There was not a single living cotton-wood or willow in sight; it was even difficult to tell where the old river channel used to be.

As far as I can tell (and I fully agree with what John Traugher has set forth in writing, and has gone to a lot of expense spelling it all out) the State bureaucracy has caused this to happen by issuing those permits to drill those wells. The wells that are in all actuality stealing water from the lower river valley water righters.

In other words, common sense should dictate that in a water shortage year, those wells should not be allowed to operate in order to allow all remaining available water to accommodate the river valley below. To start with, it will probably take several years of complete shut down of the wells to restore the aquifer to a reasonable degree. Better still, it would resolve the situation more fairly to get a court order to make it necessary for the State's Water Resources Director to retract the permits for those wells.

Even from an environmental/ecological standpoint, the above would be justified in order to re-establish those so-called "wetlands" to the beauty it used to be in its natural state. I have not mentioned the fact that the lower Big Lost used to accommodate one of the best trout fishing streams in all of southern Idaho.

It is my understanding that one of the main functions of the Office of the Attorney General is to protect the best interests of the population in accordance with the constitution and in this case the old water rights. It is obvious the best interests of past, present and future residents and the ecology of the Big Lost River Valley have not been forthcoming. Mistakes have been made, and now is the time to make fully justified corrections.

I thank you in advance for taking action without further delay to fully resolve the very sad situation.

With all sincerity,


Ray Willman

cc: "John" Traugher, Arco
Idaho Dept of Water Resources -2-
(and numerous others)

The Arco Advertiser

Arco, Idaho

March 27, 1997

Water going to desert; no recharge in Spring Creek

There were many questions being asked over the past weekend, as word got out that any recharge in the Spring Creek area would not be utilized, even though excess water was going to the desert and to the sinks areas on the desert.

The following report on the sequence of events was made by Ray M. Boyack, a resident on Spring Creek and member of the board of directors of the Big Lost River Irrigation District:

"On March 19 at about 10:00 a.m.," Boyack said, "I called the BLRID office and asked Don Scarr if more water could be put in Spring Creek because of the large amount of water going across the desert to the sinks. Mr. Scarr said yes, he would have the crew turn more water in since they were going down that way. He also said he appreciated input from the directors to help him know what to do.

"Later in the afternoon," Boyack said, "Mr. Scarr called me back and said instead of putting more water in Spring Creek he would have to shut it out, because Ron Carlson (IDWR) had told Doug Rosenkrance, Watermaster, the water had to be shut out of Spring Creek because we didn't have a recharge program going on any more.

"Don Scarr," Boyack said, "gave me Rosenkrance's phone number and also the IDWR phone number, saying I could call them about the water in Spring Creek.

"Thursday morning I called Karl

Dreher. His secretary said he was on another line and took down my phone number so he could call me back. I heard nothing from Mr. Dreher, but along in the afternoon I received a call from Norman Young (IDWR). He stated Mr. Dreher was too busy to return my call and had asked Mr. Young to call me. I told him my reason for calling was that people had called me to see why Spring Creek could not have a larger flow when so much water was going to the sinks.

"I told Mr. Young that Don Scarr had told me Spring Creek had to be shut down because Ron Carlson had told Mr. Rosenkrance that 'because there was no legal recharge provision, no recharge water could go into Spring Creek.' Mr. Young stated he didn't know that Mr. Carlson had done that. Mr. Young stated that water could be in Spring Creek for stock water but not for recharge.

"I told Mr. Young that if we didn't get water in Spring Creek now when there was excess water and try to push it through," Boyack said, "it would destroy the valley the same as in the past. Mr. Young said we can't put in recharge water, our lawyers have advised against it, if it came to danger of a flood situation then perhaps some could be spread out into other channels. I take it from this conversation IDWR would rather see all the water go to the sinks than to have recharge in the Big Lost River Valley," Mr. Boyack said.

The Arco Advertiser

Arco, Idaho, March 6, 1997

USPS No. 029-800

ISSN 08901511

Letters to the Editor

Aquifer recharge or legal plunder?

In the early 1930s there was a condition in the Lost River valley that caused a major depletion of the surface and groundwater supplies.

There were two remedies for this condition: 1. Increase the annual precipitation in the watershed or, 2. Force a reasonable buy-out of the Utah Construction Company. The latter method, being the easiest one to accomplish, was chosen and implemented. One of the requirements to raise the money for the buy-out was to have a Plan of Operations for the Big Lost River Irrigation District approved by the Reconstruction Finance Corporation.

In this plan it was necessary to identify what was to be done and the benefits to be expected. In pertinent part, the BLRID was to maintain and operate the Mackay Reservoir "for the storage of winter flow waters and excess flood waters **beyond** the requirements of the present decreed users in said district" and apply that water to such lands "now owned" within the irrigation district.

Among the benefits listed in the Plan of Operations are: #3. The operation of the Mackay Reservoir under the control of the BLRID will provide definite control of the entire flow of the river at all times making it possible to prevent excessive loss through uncontrolled dissipation of flood water below that point ..., and #5 ... will provide a controlled application of all available water from Big Lost River and tributaries, with an anticipated result that as the **underground water table** will gradually be built up through such operation, that material benefits will accrue to each

decreed user within the district.

In the UC Decree that has governed the BLRID for the last sixty-two years, these same principles for water control and delivery are clearly discussed.

It is a well settled fact that the BLRID has the water right (2300 cfs), the intent as set forth in the Plan of Operations, the authority as granted in the UC Decree, and reaffirmed in the SRBA by Judge Hurlbutt on February 12, 1997, and a history of practice in this basin, to use all available water in this system for recharge of the groundwater supply.

Then why have a few individuals made the effort in this basin to engage in Legal Plunder with the heavy support of IDWR to try and confiscate authority and water supply from the BLRID to further their nefarious activities?

The apparent main reason for these "applications for recharge" is for certain of the applicants to build a credit of groundwater recharge that they will try to claim as their own to enable them to continue junior priority diversions of water in dry years in the form of exchange, or as they call it in the application, "mitigation" water. There are several other reasons those applications have been protested.

I don't know of anyone in this valley that is opposed to recharge, as we learned a long time ago that it is an absolute necessity for survival. What a lot of people are opposed to is how, by whom, and for what reasons these applications would be administered.

Sincerely yours,
Lawrence R. Babcock

~ THE TRUTH WILL PREVAIL ~

The Arco Advertiser

MAY 16, 1947

Vast Dry Farm Acreage in Crop

Senator Soelberg Has Large Acreage on the Era Flat n Wheat

Sen. E. J. Soelberg has more than 3,000 acres planted to wheat on Era Flat. He has summerfallowed an additional 4,000 acres for fall wheat, and has fenced these fields with a total of 21 miles of wire.

The lands tilled by Sen. Soelberg is the acreage which was originally embraced in the Big Lost River Irrigation project. In 1931 the farmers in the valley proper purchased the so-called Era Flat tract from the Utah Construction Co. The sale also included the storage reservoir at Mackay, and the water was removed from the Carey Act segregation and again made appurtenant to the lands in the valley.

Embraced in the project originally were some 80,000 acres, which not only included the lands now owned by Sen. Soelberg, but also approximately 1500 acres in the Arco tract and about 60,000 acres in the area now embraced in the Naval Proving Grounds east of Arco. The project extended to a point beyond the proving grounds to a point near what is known as the sinks of Big Lost river.

For several years past Sen. Soelberg has been in close touch with the acreage he acquired by purchase, some from the county and the remainder from individuals who disposed

VAST DRY FARM

(Continued From Page One)

of the water appurtenant to their lands, but retained the acreage. "For the past three years there has been sufficient moisture to mature grain crops by dry farming methods on Era Flat," Sen. Soelberg told the Advertiser last Monday in answer to a question. "It is pretty dry right now, but if the wheat can get a good soaking within the next twenty days, the crop will be saved," he continued.

He has a crew of men and mechanized equipment at work at the present time preparing 4,000 acres for fall planting. "I have confidence that the Era Flat can be successfully dry farmed and I may have gambled this year, but it still looks fairly good," he concluded.

~ THE TRUTH WILL PREVAIL ~ "CPT"

The Arco Advertiser

Arco, Idaho, April 10, 1997

USPS No. 029-800

ISSN 08901511

Letters to the Editor

In the rear view mirror?

Letter to the Editor
The Arco Advertiser
April 7, 1997

On March 20, 1997, despite 3 years in a row of the most prolific water years in Idaho's history, without even consulting (Big Lost River Irrigation District Directors), IDWR flexed their muscles and ordered, via the Watermaster, the gates slammed shut on the Natural Perennial Stream Channel of the East Fork of Big Lost River, named "Spring Creek".

This blatant slap in the face for Lower Lost River citizens evidently has the full support of the Governor's Office and the political agenda of the State of Idaho, as a FAX sent to Governor Batt's Office on 3-21-97 asking why we were being discriminated against has not been answered.

IDWR betrayed the trust of Lower Lost River citizens when they ignored, circumvented and violated the written laws in the contract used to purchase the Utah Construction Co. and its plan of operations.

IDWR is the culprit that sacrificed Lower Big Lost River, destroyed its ecosystem, and caused injury to its citizens in order to re-water the extinct Carey Act Project, as well as expansions in the drainage system that our normal water resources cannot fund. This latest episode adds more insult and injury to the Lower Lost River Valley and its citizens. The latest victim to be sacrificed by IDWR and their Special Interest Group's meat-grinder is Vivian Ellwein, her crime is that she had the fortitude, courage and integrity to run for the election of the BLRID Board of Directors, for the purpose of putting a stop to the anarchy and tyranny that has gripped the Big Lost River Valley. Although Vivian won this election, the ensuing lawsuits against her and the Board of Directors is now reported to be somewhere between \$20,000.00 and \$50,000.00. Common sense and the enforcement of our laws by IDWR the past 5 or 6 decades would have prevented such nonsense. Our governor and attorney general have been notified but have given no response. **How can Americans condone a lawsuit against a citizen for running for an office?**

Now that our dilapidated High School has been condemned, our river destroyed, our city run down, and our irrigation election turned into a lawyers' marathon, a frequent comment among the general populace is that happiness would be seeing Arco in the rear view mirror.

C. P. Traughber
P.O. Box 678
Arco, ID 83213-0678
(208) 527-3920

RECEIVED

MAR 11 1997

C.P. "JOHN" TRAUGHBER
P.O. BOX 678 ARCO, ID. 83213-0678
(208) 527-3920

Department of Water Resources

March 4, 1997

Secretary Bruce Babbitt
U.S. Department of Interior
1849 C Street NW
Washington D.C. 20240

RE: PROTECTING THE SALMON RIVER

Dear Mr. Babbitt:

I would like to have my letter included as a "supplemental scoping comment for the upcoming Thompson Creek Mine Draft SEIS."

As a native Idahoan, I learned to fish on the Salmon River as a youngster, with nothing more than a Willow Pole, String, a Bent Pin for a hook and Tent Flies for bait. These memories are unforgettable.

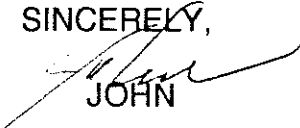
I am very saddened when I see the exploitation of our Natural Resources, without the proper laws and the enforcement of the same to save our Natural Resources for our future and our children. The Salmon River has and will continue to be a Treasure for me and my family as it has supplied my family with recreation, as well as income from the tourists that travel through the Lost River Valley to get to this Fabulous River and surrounding beautiful tributary streams and mountains for the past 5 or 6 decades.

Our government, whether it be State, Federal, or our Forest Service must make the protection of the Salmon River its # 1 priority when it comes to protecting this treasure with the proper options and laws that will last for generations to come.

It's imperative that the Thompson Creek Mine Company's patent application be delayed until the Forest Service's acid EIS is complete.

I know it's possible for me to show you just how short term benefits can destroy a beautiful part of Idaho, as has happened to the Lower Lost River Valley. Anarchy, Greed, and lack of leadership by Federal and Idaho's Lawmakers, has destroyed my Dreams, Financial Abilities, and Golden Years. The Corpse of Lower Big Lost River, Tributaries, and Destroyed Ecosystem is here for everyone to see, must we now add the Magnificent Salmon River to Idaho's polluted and destroyed Stream Channels?

SINCERELY,


JOHN

07/13/03
C.C. OR LETTER

IRU

ICL
GOV PHIL BATT

USFS GEORGE MATEJKO

BRUCE BABBITT SEC. OF INTERIOR

U.S. SEN. CRAIG

U.S. REP. MIKE CRAPO

U.S. SEN. DIRK KEMPTHORNE

ID. SEN JERRY TWIGGS

ID. REP MIKE SIMPSON

The Arco Advertiser

Arco, Idaho, March 6, 1997

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Letters to the Editor

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MAR 11 1997

Department of Water Resources

Aquifer recharge or legal plunder?

In the early 1930s there was a condition in the Lost River valley that caused a major depletion of the surface and groundwater supplies.

There were two remedies for this condition: 1. Increase the annual precipitation in the watershed or, 2. Force a reasonable buy-out of the Utah Construction Company. The latter method, being the easiest one to accomplish, was chosen and implemented. One of the requirements to raise the money for the buy-out was to have a Plan of Operations for the Big Lost River Irrigation District approved by the Reconstruction Finance Corporation.

In this plan it was necessary to identify what was to be done and the benefits to be expected. In pertinent part, the BLRID was to maintain and operate the Mackay Reservoir "for the storage of winter flow waters and excess flood waters **beyond** the requirements of the present decreed users in said district" and apply that water to such lands "now owned" within the irrigation district.

Among the benefits listed in the Plan of Operations are: #3. The operation of the Mackay Reservoir under the control of the BLRID will provide definite control of the entire flow of the river at all times making it possible to prevent excessive loss through uncontrolled dissipation of flood water below that point ... and #5 ... will provide a controlled application of all available water from Big Lost River and tributaries, with an anticipated result that as the **underground water table** will gradually be built up through such operation, that material benefits will accrue to each

decreed user within the district.

In the UC Decree that has governed the BLRID for the last sixty-two years, these same principles for water control and delivery are clearly discussed.

It is a well settled fact that the BLRID has the water right (2300 cfs), the intent as set forth in the Plan of Operations, the authority as granted in the UC Decree, and reaffirmed in the SRBA by Judge Hurlbutt on February 12, 1997, and a history of practice in this basin, to use all available water in this system for recharge of the groundwater supply.

Then why have a few individuals made the effort in this basin to engage in Legal Plunder with the heavy support of IDWR to try and confiscate authority and water supply from the BLRID to further their nefarious activities?

The apparent main reason for these "applications for recharge" is for certain of the applicants to build a credit of groundwater recharge that they will try to claim as their own to enable them to continue junior priority diversions of water in dry years in the form of exchange, or as they call it in the application, "mitigation" water. There are several other reasons those applications have been protested.

I don't know of anyone in this valley that is opposed to recharge, as we learned a long time ago that it is an absolute necessity for survival. What a lot of people are opposed to is how, by whom, and for what reasons these applications would be administered.

Sincerely yours,

Lawrence R. Babcock

~ THE TRUTH WILL PREVAIL ~

ARCO ADVERTISER

WORKING FOR A GREATER BUTTE COUNTY

ARCO, IDAHO

A Booster For Lost River Valleys Since 1909

FRIDAY, DEC. 14, 1945.

Water Users Protest Filings on Arco Tract

Huge Meeting Last
Friday Held Before
State Engineer

A big water meeting was held in Arco last Friday, which was reminiscent of similar meetings held in the days gone by when the Utah Construction Co., was operating the Carey Act project here.

The main purpose of the meeting was to consider the application of the Arco Tract association to make final proof on some 1500 inches of water to beneficial use.

The land upon which the water applied for is to be made appurtenant, includes approximately 1500 acres under what was known in the old days as the Arco tract of the Carey act project. When the farmers in the valley proper acquired the interests of the Carey act company several years ago, this tract together with the land under what is known as the Era tract was removed from the irrigated area and the water diverted to other lands in the valley proper.

A year or two ago a group of local people, composed of I. W. Boyer, Aaron Quist, Adrian McLerran, Ira Boyer, Jr., Lloyd Stewart and others, formed the Arco Tract Assn. They had previously acquired much of the land embraced in the present segregation. In addition they improved the large canal carrying water to the land, and then filed on water "saved" through improvement in canal systems. It was final proof on the "savings" that brought about the hearing last Friday.

The meeting was of such importance and the plans of the Arco Tract Assn., had created such wide-spread interest, that Mark Kulp, state commissioner of reclamation, came to Arco to personally conduct the hearing.

Filed at the meeting were four petitions, bearing 180 signatures of water users in the valley, opposed the granting of the certificate. A protest also was filed by the Big Lost River Irrigation District. The protestants and the district were represented by Atty. John W. Jones of Blackfoot and the testimony was given before Ralph Vanderwood, district court reporter. I. W. Boyer acted as counsel for himself and his associates.

Many witnesses were heard. The general protest was based on what the protestants claimed is not a saving of water, but encroachment of existing rights. They all insisted that to establish a "right" at this time would jeopardize existing decrees, with the added statement that "it has not been shown yet that an actual 'saving' has been made."

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FRIDAY, FEB. 7, 1947.

WATER MUST NOT BE DIVERTED

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1-15-97

~ THE TRUTH WILL PREVAIL ~

CPT

THE ARCO ADVERTISER

FRIDAY, JAN. 24, 1947

LOST RIVER COUNTRY MADE OUTSTANDING RECORD PAST YEAR AND HAS DEMONSTRATED ITS FUTURE STABILITY!

The year just closed has been one of the best years in the history of the Lost River valley. A survey of existing conditions proves beyond a doubt that the valley has re-established its worth as an agricultural area and that the future is secure. That is the general opinion of everybody here.

The valley had a few years of "hard luck." That was during the time when too much territory was be-

ing irrigated with the supply of water then available. The misfortunes which have hounded the valley because of inadequate water supplies and continued litigation, came to a sudden end when the farmers acquired the Utah Construction Co's. Carey Act project. This step removed a large area of land that had theretofore deprived the farmers in the valley proper of sufficient water.

The valley's peculiar formation was such that when the water was removed from the valley proper and applied to lands far removed, the ground water level dropped to an alarming low. Much of the irrigable lands in the valley is sub-irrigated and when a large quantity is removed, naturally the ground water level lowers.

But that condition has been overcome, and there

appears to be no doubt about the future. The water is being used in the irrigated section of the valley, and steps are being considered to store larger quantities. This appears to be a move in the right direction, because some 80,000 acre-feet annually are now being depreciated because of insufficient storage facilities. This vast run-off, while now kept in the river channel, aids

In keeping the ground water level to normal level, and even if more storage is arranged for, the water, when used, will still be carried in the river and valley distribution system, thus assuring a regular normal ground water level.

Crops have been wonderful! The valley's economy has undergone a radical departure from the old system. Now a larger acreage is devoted to row crops, potatoes especially, and dairying has long ago passed the experimental stage. The valley is on the up grade and those who are in a position to know believe the fine water record of the past few years will continue.

Many of the farmers have worked under almost unbelievable handicaps the past two or three years, due largely to their inability to obtain equipment and repairs. An out-of-the-valley man who visited in Arco this week said he "often marvelled at the ingenuity of the farmers of Lost River valley to continue with all of the drawbacks they have faced. For years, he continued, "the valley met one mis-

fortune after another, and now that the water situation is 'over the hump' I don't know of a valley that has made faster progress than Big Lost River valley. I visited here frequently last summer," he added, "and I was struck with the determination of the farmers to harvest their crops in spite of their inability to obtain either sufficient farm labor or repairs for their machinery. I have in mind several farmers who employed their young sons and even their daughters to help them, but they got their crops harvested and they liquidated their mortgages and now they're sitting on top of the world. I am confident that Lost River is going to continue its present progress; it's a great valley, peopled by fine citizens," he concluded.

That's correct! The valley has made rapid strides! The days of experimenting and insecurity are over! The county is producing crops and livestock, potatoes, minerals and the like, worth more than \$3,000,000. Bank deposits speak loudly of the security of the people; their investment in government bonds, in Butte and Custer counties in the Lost River valley, is more than 2½ million dollars. Is the valley coming back? It has arrived!

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LETTER TO THE EDITOR

JANUARY 10, 1997

RECEIVED
JAN 17 1997
Department of Water Resources

Move over Waco & Ruby Ridge, Big Lost River Valley is moving to the top of the charts.

1. If you're a law abiding citizen who wants to start a new business and be attacked by the Federal ATF Police Force and State of Idaho's Auditors and their . . . "unduly harsh statutes" . . . as described by our past AG Larry Echohawk, this is the place.

2. If you want to learn how to Rustle your neighbors' Water Resources and then have IDWR issue an Abandonment Notice to your neighbor because he failed to use water that he no longer has for Beneficial Use, this is the place.

3. If you want to learn how to bury a Natural Stream Channel in violation of the State's SCPA and the Federal Clean Water Act, then plow and plant it, This is the place. It's been almost a year since this happened in Big Lost River Valley and the COE is going to ignore this caper. The latest we hear is that IDWR wants our NRCS to spend U.S. Taxpayers Dollars in an effort to Band Aid this Atrocity. This is a Major Atrocious Violation of our State's "SCPA" & our Federal "Clean Water Act". The citizens of this valley should be outraged. All costs should be paid by the violators, which should include the contractor.

4. If you want to learn how to rip the banks off of a Natural Stream Channel and then plow and plant it according to USDA approval and instructions, this is the place. The COE approved of this Atrocity and after having served the landowner with a violation of the Clean Water Act, COE rescinded the violation order, then in order to justify their nefarious activities, COE supplied erroneous information to U.S. Sen. Larry Craig & Rep. Mike Crapo. The COE must have learned how to hand out false information from USDA, as in a report to Sen. Craig, USDA reported crop disaster payments made to Butte County Farmers in 1993 was \$81,866.00, when actually \$334,789.00 was the true figure, a difference of \$252,923.00. Where did the other 1/4 of a million dollars go? More Smoke & Mirrors? Where did it go and who got it?

5. If you want to learn how to put your garbage or cow manure in our Natural Stream Channels or stack it on the banks of a Natural Stream Channel, this is the place. It has also been reported that some dispose of their dead cows on Federal or State Lands, as well as dumping dead animals into our Abused and Degraded River Channel. The State of Idaho, IDWR, COE, EPA, City of Arco, Butte County Sheriff, Butte County Commissioners, U.S. Sen. Larry Craig, U.S. Rep. Mike Crapo, Id. Sen. Jerry Twiggs, Id. Rep. Mike Simpson and others have been informed. Does anyone care?

6. If you want to learn how an incumbent can run for re-election, be defeated and then sue himself, and all of his cohorts as well as the person who ran against him, who just happens to be a woman, this is the place. You may have to call Attorney General Alan Lance to get this explained.

One must wonder, just how can all of this happen in America? It's real simple, our Political System, all the way from 1600 Pennsylvania Ave. in Washington D.C. to Main Street in Arco, Id. has slid so far down the Cesspool that the majority of our Government Workers that have all the Education, Dedication and Integrity in the world can't follow or enforce our laws, because if they don't go along to get along, they are branded as whistle blowers by these Blundering Bureaucratic Pundits and as such are Degraded to the point that they have to resort to Smoke & Mirror tactics to survive.

Idaho's Laws, especially Water Laws, are only for those that obey them, everyone else is exempt.

All of the above is documented.

Even our local Korean War Hero Congressional Medal of Honor Winner, "**DAVE BLEAK**" has been violated by this "**SCANDAL**".

C.P. "JOHN" TRAUGHBER P.O.BOX 678 ARCO, ID. 83213-0678 (208) 527-3920



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ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010
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ID. SEN. JERRY TWIGGS 955 WEST 100 SO.. BLACKFOOT, ID. 83221
ID. REP. MIKE SIMPSON 786 HOFF DRIVE BLACKFOOT, ID. 83221
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IDAHO FISH & GAME 1515 LINCOLN ROAD IDAHO FALLS, ID. 83401-2198 C/O DON E. WRIGHT
U.S.D.A. -- N.R.C.S. (NATURAL RESOURCES CONSERVATION SERVICE) 3244 ELDER ST. RM.24
BOISE, IDAHO 88705
LAND & WATER FUND OF THE ROCKIES P.O. BOX 1612 BOISE, ID. 83701
IDAHO CONSERVATION LEAGUE P.O. BOX 844 BOISE, ID. 83701
U.S. FISH & WILDLIFE SERVICE 4696 OVERLAND RD.RM. 576 BOISE ID. 83705
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ARCO ADVERTISER 146 SO. FRONT ST. ARCO, ID 83213

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LETTER TO THE EDITOR -- ARCO ADVERTISER

January 9, 1997 JAN 17 1997

The Saga of Big Lost River continues, Lower Big Lost River and adjoining lands have endured a man made drought for the past decade as most of our water resources, surface water and ground water below the Moore Diversion were transferred to the Defunct Carey Act Project. This violation of the States own SCPA totally destroyed all of our hundred year old cottonwood trees and willows in Lower Big Lost River.

Department of Water Resources

Then in the spring of 1995 when the SNOTEL Reports showed that unless we acted to protect ourselves, we were looking at a disastrous flood problem. The only actions that man had any control over at this late date was to drain the Mackay Dam or at the very least make an attempt to release as much water as possible. The violations of the states SCPA had already ruined one of the most important natural wetlands, **Spring Creek** that nature had provided to absorb floodwaters. We were warned by COE in 1993 that unless the integrity of Spring Creek was repaired and protected, that when the floods returned, and they would, Lower Big Lost River could suffer severe flood damage. Big Lost River is now the most abused and Degraded River in the State of Idaho.

Despite constant monitoring by State & Federal Agencies, only a few, mostly Old Timers, who knew what was going to happen had the integrity to speak out and demand this "Sacred Cow", the Mackay Dam must be drained. IDWR, Watermaster and some BLRID Directors let everyone know that their "Sacred Cow" and its full supply of water was to be protected no matter who or what got destroyed in the process.

One has to wonder just why taxpayers are taxed to have this scientific information available for their protection and at the same time be ignored by IDWR, the Watermaster and other Elected or appointed Officials.

SNOTEL UPDATE

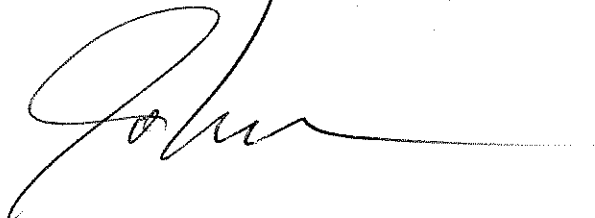
Jan 3, 1994	Big Lost River Drainage is 56 % of Normal (30 year average)
Jan 10, 1995	Big Lost River Drainage is 114 % of Normal (30 year average)
Jan 2, 1996	Big Lost River Drainage is 106 % of Normal (30 year average)
Jan 6, 1997	Big Lost River Drainage is <u>272 %</u> of Normal (30 year average)

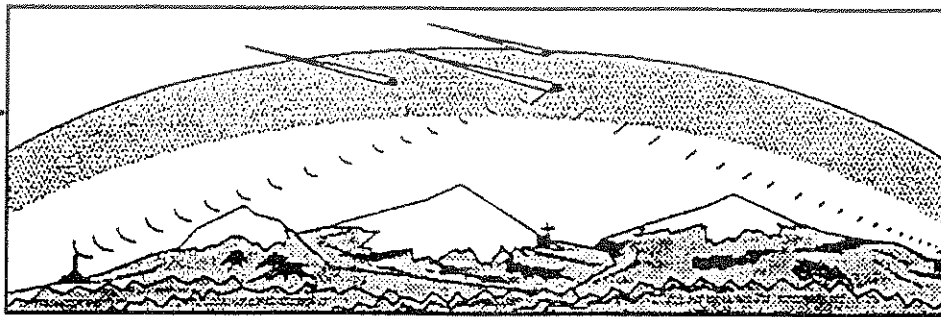
It is now estimated that water content is approximately 315% of average.

If these reports are as accurate as they always have been and we receive the late spring snows and rains that we experienced in 1995, the "**SACRED COW**" may even be in danger. Our Drainage System is in such disarray, you may want to purchase "**FLOOD INSURANCE**". It should still be available, but you don't have time to procrastinate.

C.P. "JOHN" TRAUGHBER P.O. BOX 678 ARCO, ID 83213

527-3920





SNOTEL Update

ARCO FIELD OFFICE — SOIL CONSERVATION SERVICE

January 3, 1994

BIG LOST RIVER DRAINAGE

SNOTEL Measurements

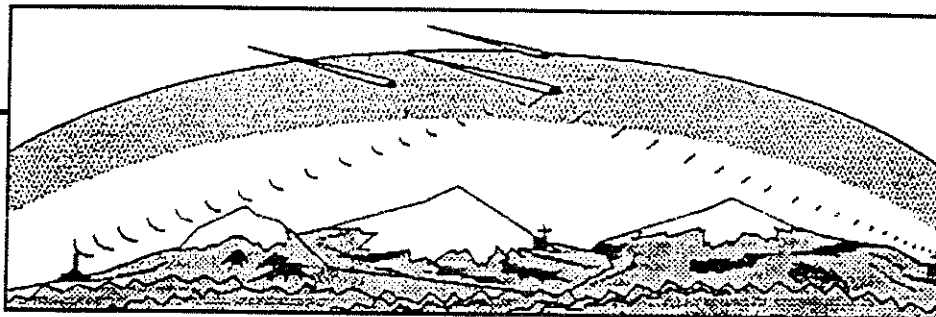
SNOW COURSE	Elevation	Snow Water Equivalent			Precipitation	
		Current Year	30 Year Average	Percent of Average	Year To Date	Percent of Average
Bear Canyon	7900	4.1	7.2	57%	4.6	46%
Lost-Wood Divide	7900	5.0	9.4	53%	6.0	54%
Stickney Mill	7430	2.1	3.2	66%	3.3	51%

LITTLE LOST RIVER DRAINAGE

Hilts Creek	8000	2.7	6.5	42%	4.2	54%
Moonshine	7440	2.8	5.3	53%	3.5	44%

Big Lost River Drainage is 56% of Normal (30 year average)

Little Lost River Drainage is 47% of Normal (30 year average)



SNOTEL Update

ARCO FIELD OFFICE — NATURAL RESOURCES CONSERVATION SERVICE

January 10, 1995

BIG LOST RIVER DRAINAGE

SNOTEL Measurements

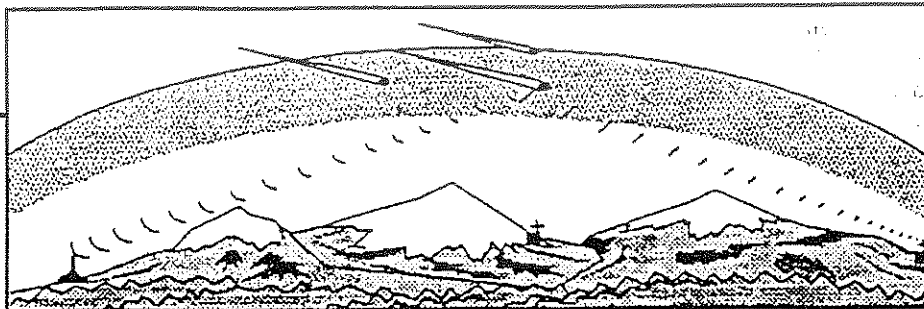
SNOW COURSE	Elevation	Snow Water Equivalent			Precipitation	
		Current Year	30 Year Average	Percent of Average	Year To Date	Percent of Average
Bear Canyon	7900	8.9	8.2	108%	—	—
Lost-Wood Divide	7900	12.9	11.0	117%	12.9	105%
Stickney Mill	7430	4.4	3.7	119%	6.0	85%

LITTLE LOST RIVER DRAINAGE

Hilts Creek	8000	6.8	7.2	94%	6.7	79%
Moonshine	7440	6.3	5.9	107%	7.6	88%
Meadow Lake	9150	9.3	8.8	106%	10.4	92%

Big Lost River Drainage is 114% of Normal (30 year average)

Little Lost River Drainage is 102% of Normal (30 year average)



SNOTEL Update

ARCO FIELD OFFICE — NATURAL RESOURCES CONSERVATION SERVICE

January 2, 1996

BIG LOST RIVER DRAINAGE

SNOTEL Measurements

SNOW COURSE	Elevation	Snow Water Equivalent			Precipitation	
		Current Year	30 Year Average	Percent of Average	Year To Date	Percent of Average
Bear Canyon	7900	7.1"	7.0"	101%	6.7"	68%
Lost-Wood Divide	7900	11.4"	9.2"	124%	11.5"	104%
Stickney Mill	7430	3.0"	3.2"	94%	6.5"	102%

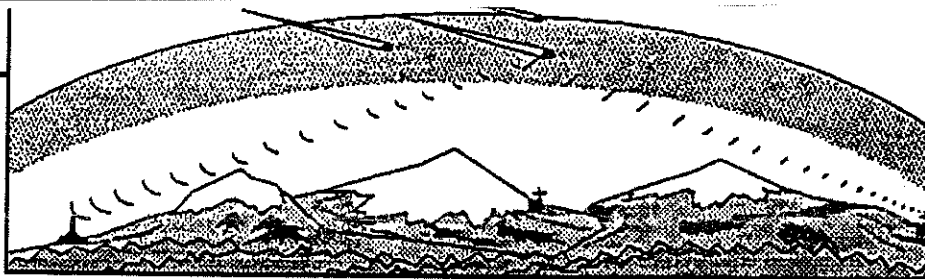
LITTLE LOST RIVER DRAINAGE

Hilts Creek	8000	5.3"	6.4"	83%	5.5"	71%
Moonshine	7440	6.7"	5.2"	129%	7.6"	97%

For Snow Pack—

Big Lost River Drainage is 106% of Normal

Little Lost River Drainage is 106% of Normal



SNOTEL Update

ARCO FIELD OFFICE — NATURAL RESOURCES CONSERVATION SERVICE

January 8, 1997

BIG LOST RIVER DRAINAGE

SNOTEL Measurements

SNOW COURSE	Elevation	Snow Water Equivalent			Precipitation	
		Current Average	30 Year Average	Percent of Average	Year To Date	Percent of Average
Bear Canyon	7900	20.8"	7.9"	263%	19.1"	179%
Lost-Wood Divide	7900	—	—	—	—	—
Stickney Mill	7430	10.5"	3.6"	292%	15.1"	228%

LITTLE LOST RIVER DRAINAGE

Hilts Creek	8000	14.0"	7.0"	200%	13.4"	161%
Moonshine	7440	11.3"	5.8"	195%	13.0"	155%
Meadow Lake	9150	18.5"	8.5"	218%	17.7"	161%

For Snow Pack—

Big Lost River Drainage is 272% of Normal

Little Lost River Drainage is 206% of Normal

RECEIVED

JAN 17 1997

Department of Water Resources

UNITED WE STAND, IDAHO INC.

C.P. (JOHN) TRAUGHBER TELE (208) 527-3920 (MEMBER)
P.O. BOX 678 ARCO, IDAHO 83213-0678

DATE: July 26, 1993

HONORABLE LARRY E. CRAIG
UNITED STATES SENATE
WASHINGTON, DC
20510-1203

Dear Senator Craig:

In your last letter I sensed that you were beginning to tire of my letters to you, so I almost decided to go mute, until I read in the newspaper about your inquiry into the Randy Weaver disaster.

In the Associated Press release you said-----" THE CASE IS WIDELY REGARDED AS AN EXAMPLE OF POWERFUL, CORRUPT GOVERNMENT PERSECUTING VULNERABLE CITIZENS AND TRYING TO COVER UP ITS MISDEEDS."-----

IN ANOTHER PARAGRAPH YOU WERE TO HAVE SAID-----" I HAVE NEVER BEFORE SEEN THE LEVEL OF ANGER, FEAR, DISTRUST BEING DISPLAYED TODAY BY IDAHOANS TOWARD THE FEDERAL GOVERNMENT AS A RESULT OF THESE EVENTS.

I hate to say I told you so, so I will furnish you information that proves what an arrogant out of control mode our government really is in.

The conduct of the Treasury Department's Bureau of Alcohol, Tobacco and Firearms is

ATROCIOUS

I Hope after reading this you will understand why I am such an IRATE CITIZEN.
THE MOST FAMOUS WORDS EVER SPOKEN BY OUR BUREAUCRATS IS IGNORANCE OF THE LAW IS NO EXCUSE!!!!!!!!!!

ALSO YOU ARE CONSIDERED GUILTY UNLESS YOU CAN PROVE YOURSELF INNOCENT.

AS A VETERAN OF FOREIGN WARS, AND HAVING TO ENDURE SUCH VICIOUS ATTACKS SUCH AS THIS FROM MY STATE AND FEDERAL GOV. I AM ASHAMED OF MY GOVERNMENT

C.P.(JOHN) TRAUGHBER P.O. BOX 678 ARCO, ID 83213-0678

1-14-97 SENATOR CRAIG PARAGRAPH # 2 SAYS IT ALL. WHEN WILL YOU BEGIN YOUR INQUIRY INTO THE "LOWER BIG LOST RIVER DISASTER? FRIENDS OF BIG LOST RIVER HAVE BEEN WAITING FOR 4 YEARS. DOES SOMEONE HAVE TO DIE, SUCH AS HAPPENED AT WACO AND RUBY RIDGE BEFORE WE GET HELP? "JOHN"

ARCO ADVERTISER

WORKING FOR A GREATER BUTTE COUNTY

ARCO, IDAHO

A Booster For Lost River Valleys Since 1909

FRIDAY, DEC. 14, 1945.

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Department of Water Resources

1-15-97

~ THE TRUTH WILL PREVAIL ~

CPT

LETTER TO THE EDITOR

KGO
JUNE 2, 1996

RE: LETTER IN POST REGISTER JUNE 2, 1996 FROM ASSOCIATED PRESS.
NO MORE WELLS -- Agency cites need to protect Big Lost River groundwater.

It took almost 1/2 of a century for I.D.W.R. to finally say no, but it's too late and too little for Lower Big Lost River. If the landowner that applied for this well permit failed to adequately prove that other users' water would not be diminished -- The question is just what proof did the other mentioned 43 well owners use to prove that they were not injuring the Lower Valley Residents?

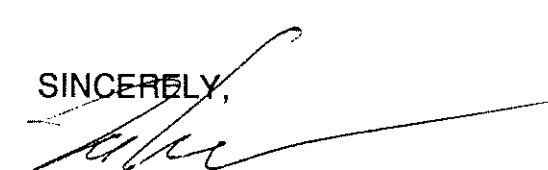
Soil samples were taken in a recent visit to Lower Big Lost River and Spring Creek Area by members of NATURAL RESOURCES CONSERVATION AGENCY, ARMY ENGINEERS, and ENVIRONMENTAL PROTECTION AGENCY -- When soil samples showed positive proof that the area was a wetland area that had been turned into a wasteland with no water -- The big question asked was what happened?

Everyone knows that I.D.W.R. not only condoned but programmed the Ecological Disaster that has beset Lower Big Lost River Valley. I.D.W.R. totally diverted Big Lost River below the Moore Diversion and then issued an estimated 40 permits for wells that drained our river, springs & wetlands. This was done to supply water to the Defunct Carey Act Project that was dismantled when the Citizens of Big Lost River Valley were put into financial bondage for 20 years to put a stop to the Plundering of their water.

It wasn't long after Anarchy prevailed with water rights in Big Lost River Valley until our wetlands and perennial stream channels came under the plow. It's one thing for private property owners to plow wetlands on their property, but it's quite another matter when our Natural Stream Channels that belong to the citizens are plowed and planted. It's totally nefarious when U.S.D.A. puts their stamp of approval on such lawlessness. The injury to the law abiding citizen is then compounded when I.D.W.R. and the Army Engineers who are mandated by State and Federal laws to protect our water and stream channels not only fail to enforce the laws, but by their lack of diligent expertise in investigating these infractions perpetrates fictitious statements by their agents and superiors that tragically carries over to our lawmakers. When the truth fails to surface, chaos prevails.

I have recently experienced some very welcome integrity amongst some of our government employees and certainly want to laud them and hope it continues.

SINCERELY,



C.P. JOHN TRAUGHER P.O.BOX 678 ARCO, IDAHO 83213-0678 (208)527-3920

RECEIVED

JUN 07 1996

Post Register / Sunday, June 2, 1996

Department of Water Resources

No more wells

Agency cites need to protect Big Lost River groundwater

Associated Press

ARCO — State water officials have rejected a local farmer's request to idle three wells and drill a new one uphill of his cropland, citing the need to protect groundwater levels in the Big Lost River area.

Parkinson Farms' application was denied on Thursday because "pumping would hurt people around the area of the new well," said Dick Larsen, spokesman for the Idaho Department of Water Resources.

The applicant, Ralph Parkinson, could not be reached for comment Friday.

His request was protested by the Big Lost River Water Users Association and 16 other local water users.

Parkinson wanted to drill a new well eight miles north and hydrologically upstream from his old wells and 480 acres of cropland. The groundwater supply at the proposed new site is more reliable than at the old wells, and it can be pumped more economically because it is closer to the surface, Water Resources Director Karl Dreher said.

Parkinson said he needed to transfer his point of diversion because he cannot pump enough water from his

old wells to irrigate his crops, Dreher said.

In all, Parkinson sought to transfer four water rights to the proposed new well. His plan was to pump water out of the ground at the new well, then move it to his cropland in canals owned by the Big Lost Irrigation District.

But Dreher said canal water sinks into the ground quickly, and less than half the water from Parkinson's proposed well would actually make it to his crops.

There also are 19 other wells within a mile and another 24 within two miles of Parkinson's proposed well, Dreher said, and Parkinson did not adequately prove that other users' water supplies would not be diminished.

Falling water tables are nothing new in the Big Lost River area. The river level has dropped and long lines of cottonwood trees along its banks have died in recent years.

Water levels have fallen in a number of wells in the Big Lost River area since 1987, Dreher said, and witnesses at a November public hearing testified that "when irrigation pumps located in the vicinity of the proposed well site turn on, water levels in their domestic wells drop significantly."

C.P. JOHN TRAUGHBER
P.O. BOX 678 ARCO, IDAHO 83213-0678 (208) 527-3920

RECEIVED

AUG 19 1996

Department of Water Resources

AUGUST 16, 1996

U.S. ARMY ENGINEERS
RAY KAGLE JR.
1820 EAST 17TH SUITE # 350
IDAHO FALLS, IDAHO 83404

Dear Ray:

As of this date I am requesting the names and addresses of the Army Engineers that are responsible for enforcing the laws that protect the quality of our water and stream channels.

I am also requesting any and all recent correspondence that deals with the blatant violation of their duties, by the Army Engineers that pertains to P.U. Ranch fiasco, when they plowed Spring Creek.

I am also requesting what action the Army Engineers intends to take against the landowner, Norman Sowards, that just buried 1000 ft. of Spring Creek, or will Anarchy again prevail and the Army Engineers violate the trust of the Lost River Valley Residents?

The American people and this country are headed for another civil war, if the Anarchy and Fiction by our government and its agencies are not stopped.

THE ISSUE TODAY IS THE SAME AS IT HAS BEEN THROUGHOUT ALL HISTORY, WHETHER MAN SHALL BE ALLOWED TO GOVERN HIMSELF OF BE RULED BY A SMALL ELITE.

THOMAS JEFFERSON

SINCERELY,


C.P. JOHN TRAUGHBER

C.C. EPA
USDA NRCS
COE
SRBA
IRU

SEN. TWIGGS
REP SIMPSON
IDWR
REP WOOD

RECEIVED

AUG 19 1996

C.P. JOHN TRAUGHBER
P.O.BOX. 678 ARCO, IDAHO 83213-0678 (208) 527-3920

Department of Water Resources

AUGUST 15, 1996

STATE OF IDAHO
OFFICE OF ATTORNEY GENERAL
STEVEN V. GODDARD
BOISE, IDAHO 83720- 0010

Dear Mr. Goddard:

In all due respect my cries are not just about John Traughber and his water rights.

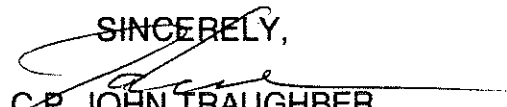
My cries are about the death of a river, "Big Lost River" that has had its ecology totally destroyed for decades to come, by duly elected pundits and bureaucrats that were supposed to have the intelligence and education to know better.

The corpse of Big Lost River and the Ecological Disaster that has been bestowed upon this magnificent river and its citizens is here for everyone to see.

Your use of such words as, probably drought related, Spring Creek water serves no beneficial use, and it's the Judge's fault because he was forced to temporarily use the unconstitutional director's report to dry up Lower Big Lost River and Spring Creek, is nothing more than business as usual!

I am enclosing a letter that was recently sent to your Governor by a gentleman that lived during this governmental disaster, that proves that such words that imply, it's the drought stupid, government knows best, and you're a nut case, are totally erroneous.

SINCERELY,


C.P. JOHN TRAUGHBER

C.C. EPA
USDA NRCS
COE
SRBA
IRU

SEN TWIGGS
REP SIMPSON
IDWR
REP WOOD

ENCLOSURES 2

RECEIVED

AUG 19 1996

Raymond H. Willman Department of Water Resources
2415 Rucker Ave.
Everett, WA 98201

9 August 1996

Governor Phil Batt
State Capitol Bldg.
Boise, Idaho 83702

Dear Governor Batt:

Subject: Big Lost River Water
Situation

I recently received a copy of an Assoc. Press article in The Idaho Statesman dated back on Jan. 16, 1996, regarding the above subject, which now prompts me to write in support of legislation and/or court action to correct this horrible situation.

My dad homesteaded 80 acres out on the Arco Flats back around 1910, and all of us six children were born there in the Arco area. Some time back in those early years the Utah Construction Co. (UCC) moved in and developed these "flats" into farmable land which included a network of canals and ditches (the "flats" being all that area west of the immediately river valley between Arco and the Craters of the Moon). I'm not sure whether the UCC built the Mackey Dam, but it was a known fact the UCC got control of its operation and that of several downstream diversion dams in order to be assured of being provided sufficient irrigation water to accommodate the network of canals to irrigate all that land on the so-called "flats".

Our 80-acre homestead (as well as a couple others) was on the southwest corner of these flats. Dad and the others worked out an arrangement with the UCC for us to build and thus extend their canals to accommodate our farms. In time area of about 1923-1927 there were water shortages and those of us on the end of the canal system had to do with less water and a couple of years we ended up with no water at all because the UCC made sure they got theirs first, thus no total equal rationing of available water. Dad gave up and lost all.

It is recalled in several of those water shortage years that the farmers adjacent to the river removed the gates, boards and/or rocks in the diversion dams to make sure there was adequate flows in the river clear on downstream south past Arco; all this to make sure there was enough water for irrigating their lush farm land on both sides of the river. It also provided plenty of water in the river and diverting channels we all referred to as "sloughs" not only for irrigation but for maintaining the lush growth of cottonwood and willow trees along those natural river channels; and



RECEIVED

AUG 19 1996

Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

August 7, 1996

Mr. C. P. John Traughber
P.O. Box 678
Arco, ID 83213-0678

Re: Traughber Complaint on the "Demise of Spring Creek"

Dear Mr. Traughber:

The Attorney General, Alan Lance, has referred your July 7, 1996 letter to me for a response. After reading your letter I contacted personnel at the Division of Environmental Quality, Idaho Department of Water Resources, and the United States Environmental Protection Agency, reviewed water rights records at the Idaho Department of Water Resources and reviewed relevant statutes and rules. My understanding of the facts is as follows:

Prior to 1995-1996, Spring Creek had been dry for several years. The reasons for the dry channel are probably drought related and due to less groundwater recharge due to the shift from surface irrigation to sprinklers. In 1996, the watermaster was diverting water from the Eastside Canal into Spring Creek in order to satisfy an aquifer recharge right with a 1992 priority date. On or about July 4, 1996, the watermaster had to cut back diversions in order to satisfy water rights with priority dates before 1916. As a result of this action, the diversion to Spring Creek from the Eastside Canal was curtailed. The review of your water right documentation indicates there was an eleven year period when the water was not put to beneficial use and my understanding is that is the reason why it was disallowed in the Idaho Water Resources Director's Report for the Big Lost River Basin. It is also my understanding that Judge Hurlbutt in the Snake River Basin Adjudication has issued an interim order that water deliveries in the Big Lost River Basin should be based on the Director's Report. In addition, there are no water rights from Spring Creek with priority dates before 1916 below your property. Therefore since there were no prior rights on Spring Creek that had to be met, the watermaster shut off the 1992 aquifer recharge right, in order to provide for water rights with earlier dates.

Your concerns appear to be directly related to the discontinued flow of water down Spring Creek via the Eastside canal. The solution to your concerns would be a consistent flow of

Mr. C.P. John Traugher
August 7, 1996
Page 2

water. Evidently no non-appropriated water appears to be available at this time. If my understanding of the facts is correct, the watermaster had no choice but to follow Idaho law and divert water to satisfy prior water rights.

Sincerely,

Stephen V. Goddard

Stephen V. Goddard
Deputy Attorney General

SVG/lc

8/9/96

Dear Mr. John Traugher

*I trust this letter will be
of some ~~little~~ help to get
things started.*

*We moved back in 1939 so
trust the article in The Statesman was
pretty much on target.*

*I wish to thank you for
your attempts to get something
done.*

*The legislators representing
your area should get behind this
in a more aggressive manner
and not let this guy Karl Becker
keep shrugging it off.*

Sincerely,

Ray Williams

REC
12-21-95



State Representative
Legislative District No. 26A
JoAN E. WOOD

Dear John,

I am receiving your letters and filing them.

I am sad that this great grievance is still such a dispiriting thing. Although I do not represent your area any more, it doesn't keep me from being greatly concerned. I still regard folks there as mine.

I honestly don't know how to undo 60 years or so of a mistake that was probably made. I don't know John - this very action has taken place in other areas where families seek to settle and claim a living for their families. Too bad we can see into the future of some of our decisions.

I know you don't just want a pat on the head from me, John, but I am sorry I haven't an answer and if I did that anyone would pay any attention to it.

My best regards your Joan

United States Senate

Senator Larry E. Craig
Idaho



Georgia Dixon
Staff Assistant

11-1-96

(208) 523-5541
FAX 522-0135

Dear John.

I've been following your situation with Spring Creek — clipping articles, etc. Didn't your visit over at the Capitol make anything happen? I was hoping it would. Is IDWR totally closed to your concern?

Will the election of the ~~water~~ irrigation company board of directors make a difference?

I saw that the IDWR is forming new water districts. Will that impact anything in your area?

On some similar matters, a class action suit or a lawsuit by an organization is filed against the government. I think that's how some of the environmental organizations have won. It takes a lot of money. Maybe one of those

groups would help, like ICL or
Sierra Club. (I didn't think I'd
ever be suggesting such a thing.

—/—/—/—

Personally, John, Don & I have
a lot of respect for you. You're
very special & your dedication to
this is unsurpassed.

I'm sorry that we could not help.
When it comes to the State, we have
no real authority. If there is anything
we can do in a personal way, ^{please} let
me know*

Thanks for the use of your
books. Keep in touch.

Georgina

JO AN E. WOOD
DISTRICT 30
BUTTE, CLARK, CUSTER,
JEFFERSON & LEMHI
COUNTIES

HOME ADDRESS
3778 EAST 500 NORTH
RIGBY, IDAHO 83442
(208) 745-7846



COMMITTEES
CHAIRMAN
RESOURCES & CONSERVATION
STATE AFFAIRS
TRANSPORTATION & DEFENSE

House of Representatives State of Idaho

March 13, 1992

Dear Mr. Anderson,

Senate Bill 1356 has not moved out of the Senate Committee and is not likely too, according to the position papers sent over to my secretary by Senator Noh's Committee.

Water dist No. 1 as you can suppose, is violently opposed to the bill, as is the Committee of 9.

I fear that 1992 may be our most crisis year yet about water. It looks grim to me and most certainly the department is going to come under heavy fire for any unevenness in handling

these water issues. I hold the dept.
responsible for issuing go ahead to
these people to expend thousands of
dollars on equipment and homes
etc. and then renege on the permits
they locally approved.

There are certainly other valleys in the
same position, and environmental
groups poised ready to restrict
agriculture any way they can in behalf
of fish. We are in a mighty war for
water not recognized yet by a lot of
people.

I had great hopes for the Lost River
area with the early winter heavy
snows. The Boise basin is really
in crisis. Thank you for writing, I wish you
well. With kind regards,
Representative John E. Wood

ACHIEVE YOUR DREAMS, REMEMBER YOUR ABC'S

FRIENDS OF BIG LOST RIVER

Avoid negative sources, people, places, things and habits.

Believe in yourself.

Consider things from every angle.

Don't give up, and don't give in.

Enjoy life today: yesterday is gone, and tomorrow may never come.

Family and friends are hidden treasures. Seek them and enjoy their riches.

Give more than you planned to give.

Hang on to your dreams.

Ignore those who try to discourage you.

Just do it.

Keep on trying. no matter how hard it seems, it will get easier.

Love yourself first and most.

Make it happen.

Never lie, cheat or steal. Always strike a fair deal.

Open your eyes, and see things as they really are.

Practice makes perfect.

Quitters never win, and winners never quit.

Read, study and learn about everything important in your life.

Stop procrastinating.

Take control of your destiny.

Understand yourself to better understand others.

Visualize it.

Want it more than anything.

Accelerate your efforts.

You are unique of all creations. Nothing can replace you.

Zero in on your target, and go for it!

WANDA CARTER

THESE ARE OUR GUIDELINES -- FRIENDS OF BIG LOST RIVER

CPT

Letters to the Editor

Dear Editor:

As a new year dawns on Big Lost River Valley, I would like to take this opportunity to answer the Pundits' questions as to why the Spring Creek Bunch and other Lower Big Lost River residents won't sign on to expand the lands within our irrigation district as well as the request to recharge the desert lands outside of our drainage system, while depriving our natural stream channels of water as nature intended.

1. Spring Creek landowners are continually told by the Pundits that "Spring Creek" (East Fork of Big Lost River) is nothing more than our imagination. Isn't it strange that our NRCS (Natural Resource Conservation Service) will gladly show anyone the aerial photographs that will disprove this myth.

2. We are also continually told by the Pundits that if we want water in Spring Creek to follow the example of another landowner and pump water into Spring Creek. Isn't it wonderful that these suggestions continually come from those that are operating under Cease & Desist orders while illegally transferring Big Lost River Drainage Water to the now Defunct Carey Act Project.

3. These Pundits never mention the 36 or more Cease & Desist or Warnings for . . . "illegally diverting ground water without a water right permit or license, and not under a valid claim under Idaho Law." Nothing is mentioned about the cries and protests of the citizens who had to use dynamite and then be put into financial bondage for 20 years to stop the plundering of the water resources of Big Lost River Valley. The Presumption Statutes that were to cover the "illegal" uses of the valley's water have been declared unconstitutional. The Amnesty Statutes may change some of the "illegal" water uses in Basin 34, but if they do, we have been informed that those that are accepted as legal will carry an effective date of the day they are accepted by the Adjudication Court which will make them worthless, if our laws are enforced.

The nefarious activity of IDWR "illegally" transferring our water resources to these waterless desert lands in the now Defunct Carey Act Project that were purchased for as little as 50 cents an acre, totally ignored our Constitutional "First in Time—First in Right" Water Law as well as a total lack of common sense and integrity. The old timers that lived during the dynamite and financial bondage years know full well what happened when the Utah Construction Co. was forced to sell the Carey Act Lands and Water Rights, as some that owned land in this area lost everything and were forced into bankruptcy when the life blood of WATER RESOURCES were finally returned to the Big Lost River Valley Drainage System where they belonged.

IDWR betrayed the trust of these old timers as well as the other Lower Valley Residents when they ignored this contract and totally diverted Big Lost River at the Moore Diversion, then issued permits for 40 or more wells, dubbed the "Well Orchard," to be installed below the Moore Diversion, so our ground water along with our river could be transferred back to these desert lands. "The Defunct Carey Act Project." This nefarious activity by IDWR resulted in sucking our springs and wetlands dry which resulted in turning Lower Big Lost River and its tributaries into an ecological disaster, as well as destroying some landowners and families that paid this bondage payment for 20 years.

5. We are still awaiting for the "Pundits" who want to insure: "fairness, honesty, integrity and intelligence in directing the affairs of the water district," to inform us what person or persons programmed and mailed out the unsigned libelous letters that were a direct attempt to influence the BLRID Directors Election in 1993.

6. I missed my anonymous letters this year, but I did receive a copy of a suit against VIVIAN ELLWEIN, an individual, as well as the BIG LOST RIVER IRRIGATION DISTRICT; BOARD OF DIRECTORS.

This suit issued Dec. 30, 1996 states: "NOTICE: YOU HAVE BEEN SUED BY THE ABOVE-NAMED PLAINTIFFS. THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS."

Vivian Ellwein's crime is that she had the fortitude, courage and integrity to run for the election of the Board of Directors, for the purpose of putting a stop to the anarchy and tyranny that has gripped the Big Lost River Valley.

Our problems in this valley are a direct result of the State of Idaho letting IDWR run amok for the past five or six decades.

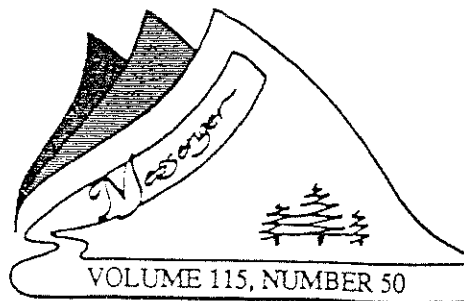
We wonder just how our Governor, Attorney General, Pro-Tem, and Speaker of the House, who are our representatives will respond to this latest disaster. The voting booth and the right to vote is the most sacred institution we have to protect our democracy. Are we going to ruin lives now?

The "corpse" of Lower Big Lost River and its destroyed ecosystem is here for everyone to see.

THE TRUTH WILL PREVAIL.

Have a Happy New Year.

C.P. "John" Traugher
Arco



The Arco Advertiser

Letters to the Editor

Move over Waco and Ruby Ridge

January 10, 1997

Move over Waco and Ruby Ridge, Big Lost River Valley is moving to the top of the charts.

1. If you're a law abiding citizen who wants to start a new business and be attacked by the Federal ATF Police Force and State of Idaho's Auditors and their ... "unduly harsh statutes" ... as described by our past AG Larry Echohawk, this is the place.

2. If you want to learn how to rustle your neighbors' Water Resources and then have IDWR issue an Abandonment Notice to your neighbor because he failed to use water that he no longer has for Beneficial Use, this is the place.

3. If you want to learn how to bury a Natural Stream Channel in violation of the State's SCPA and the Federal Clean Water Act, then plow and plant it, This is the place. It's been almost a year since this happened in Big Lost River Valley and the COE is going to ignore this caper. The latest we hear is that IDWR wants our NRCS to spend U. S. Taxpayers' dollars in an effort to band-aid this Atrocity. This is a major atrocious violation of our State's "SPCA" and our Federal "Clean Water Act". The citizens of this valley should be outraged, All costs should be paid by the violators, which should include the contractor.

4. If you want to learn how to rip the banks off of a Natural Stream Channel and then plow and plant it according to USDA approval and instructions, this is the place. The COE approved of this atrocity and after having served the landowner with a violation of the Clean Water Act, COE rescinded the violation order then in order to justify their nefarious activities, COE supplied erroneous information to U.S. Senator Larry Craig and Rep. Mike Crapo. The COE must have learned how to hand out false information from USDA, as in a report to Sen. Craig, USDA reported crop disaster payments made to Butte County farmers in 1993 was \$81,866.00, when actually \$334,789.00 was the true figure, a difference of \$252,923.00. Where did the other 1/4 of a million

dollars go? More smoke and mirrors? Where did it go and who got it?

5. If you want to learn how to put your garbage or cow manure in our Natural Stream Channels or stack it on the banks of a Natural Stream Channel, this is the place. It has also been reported that some dispose of their dead cows on Federal or State Lands, as well as dumping dead animals into our Abused and Degraded River Channel. The State of Idaho, IDWR, COE, EPA, City of Arco, Butte County Sheriff, Butte County Commissioners, U.S. Sen. Larry Craig, U.S. Rep. Mike Crapo, Id. Sen. Jerry Twiggs, Id. Rep. Mike Simpson and others have been informed. Does anyone care?

6. If you want to learn how an incumbent can run for re-election, be defeated and then sue himself, and all of his cohorts as well as the person who ran against him, who just happens to be a woman, this is the place. You may have to call Attorney General Alan Lance to get this explained.

One must wonder, just how can all of this happen in America? It's real simple, our political system, all the way from 1600 Pennsylvania Ave. in Washington D. C. to Main Street in Arco, Id. has slid so far down the cesspool that the majority of our government workers that have all the education, dedication and integrity in the world can't follow or enforce our laws, because if they don't go along to get along, they are branded as whistle blowers by these Blundering Bureaucratic Pundits and as such are degraded to the point that they have to resort to smoke and mirrors tactics to survive.

Idaho's laws, especially water laws, are only for those that obey them, everyone else is exempt.

All of the above is documented.

Even our local Korean War Hero Congressional Medal of Honor winner, Dave Bleak, has been violated by this "scandal".

C. P. "John" Traugher
P.O. Box 678,
Arco, ID 83213-0678
(208) 527-3920

Traughber speaks on futility of recharge without Spring Creek

C. P. (John) Traughber, who attended the Monday morning meeting of the Butte County Chamber of Commerce Agriculture Committee, spoke to members of the group including water users, members of the irrigation district board, Water Basin 34, state and federal agencies and the press. His discussion called attention to the destruction of the Spring Creek and lower valley area, and the futility of aquifer recharge without utilizing the Spring Creek drainage.

Traughber presented photos he has taken during the past several years, communications with state and federal agencies, the governor's office and a number of supporting documents for his discussion.

As a part of his presentation, Traughber presented a prepared statement that follows:

"We have just had back to back water years that were as good as any in Idaho history.

"Lost River Valley was again blessed with ample water from Big Lost River to have a premium harvest.

"It's absolutely amazing as our upper river is in terrible condition due to a flood that should have never been allowed to get so far out of hand. Our lower river has been filled with garbage, plowed and planted, and never

repaired, locked up, diverted, pumped dry, used as a stock yard, and an open sewer for barnyard manure ... it's even been buried, and the latest caper is to fill it with dead cows.

"As the SCPA (Steam Channel Protection Act) describes, we have transformed a meandering high prairie stream into a lifeless channel.

"We should be discussing the death of Big Lost River in our lower valley and how to repair it, instead we are being pressured to approve more expansion that will eventually kill the river all the way to Mackay.

"The citizens of this valley have been betrayed by the State of Idaho. The destruction of Big Lost River has been perpetrated by IDWR totally ignoring the SPCA as well as the constitutional law of first in time—first in right is the water law in the State of Idaho.

Smoke and mirrors—1. Pump Spring

Creek full of water—total insanity!

2. Recharge aquifer—Power struggle ruined any chance of success.

3. Expansion—Where will the water come from?

4. Using the Chamber of Commerce as the bully pulpit for more expansion that has already destroyed the ecosystem of our valley and its river is ill advised!"

The Arco Advertiser

Arco, Idaho, October 3, 1996

First of series of meetings on water problems held Monday

Twenty-six residents of the Big Lost River Valley interested in water problems and developments in the Big Lost River Valley met at 7:00 a.m. Monday at the Golden West Cafe under the sponsorship of the Agriculture Committee of the Butte County Chamber of Commerce.

Chamber water committee chairman Buzz Banta opened the meeting with a brief statement of the purpose and agenda for the meetings, which will be held each Monday morning at 6:00 a.m. until the agenda has been discussed and plans developed to address the problems as seen by the water users and concerned residents of the valley.

The next meeting is a special meeting to be held this Friday morning at 6:00 a.m., October 4 at the Golden West.

A special guest at Monday's meeting was Norm Young, administrator, Water Management Division, Idaho Department of Water Resources, Boise.

Chairman Banta explained that the Chamber of Commerce Water Committee supports efforts to find a solution to the water problems in the Big and Little Lost River Valleys by acting as a forum to encourage the discussion by all concerned parties along the following guidelines:

1. The further development of the surface and ground water resource for irrigation of the existing crop acres without shutting off any existing surface or ground water rights. The cost and operation of this development to be paid for by the users and/or beneficiaries. (Enlargement or abandonment of Big Lost River Irrigation District).

2. The maintaining of a year around stream flow in all or selected reaches of the Big Lost River, Spring Creek and James Creek without shutting off any existing surface or ground water rights. The cost and operation of this development to be paid by the beneficiaries. (Arco, Moore, Mackay, Big Lost River Valley residents, stream-side property owners).

3. The recharge of the aquifer in the Big Lost River

Valley without shutting off any existing surface or ground water rights. The cost and operation of this development to be paid by the beneficiaries. (Status of recharge application and efforts.)

4. The supplementation of Butte County watersheds by cloud seeding.

5. The development of a flood control plan to minimize property damage in the Big Lost River Valley and maximize recharge efforts. (James Creek/Big Lost River Diversion).

Principal discussion at Monday morning's meeting centered around the James Creek/Big Lost River Diversion and problems caused by an abnormal percentage of the river flows following James Creek in last year's flood, causing considerable damage to several landowners' property along James Creek.

Steve Tibbitts recounted the history of the James Creek/Big Lost Diversion and agreements developed in 1965 to manage that diversion. Copies of the documents were provided at the meeting.

The need for a broader view of the entire Big Lost River system was emphasized, and interested persons were asked to bring their ideas of beneficial procedures and recommendations for solutions to the various concerns to the next meeting of the Water Committee.

Present at Monday's meeting were Harvey Walker, Don Cammack, B. L. Haralson, Steve W. Tibbitts, Charles Huggins, Richard Reynolds, Juel Aikele, C. P. "John" Traugher, George Stonhill, Reva Walker, Gerald Stewart, Fred Burt, Chris A. Merrill, Jim Childers, Mike Skeers, Doc Hawley, Marx Hintze, Willard O. Bell, Steve Cote, Doug Rosenkrance, Lawrence Babcock, Ray M. Boyack, Richard A. Tuthill, Ervin Mathews, E. J. Harrop, and Renae Reay.

JoAN E. WOOD
DISTRICT 26-A
JEFFERSON, CLARK,
CUSTER & LEMHI COUNTIES

HOME ADDRESS
3778 EAST 500 NORTH
RIGBY, IDAHO 83442
(208) 745-7846



COMMITTEES
CHAIRMAN
TRANSPORTATION & DEFENSE
STATE AFFAIRS
RESOURCES & CONVERSATION

House of Representatives
State of Idaho

Feb. 23rd

Dear John,

*I'm sorry the environmentalists
led you to believe either of those
bills would aid you in Lost
River at all.*

*Your problem there John is a
gross error made by Dept. of Water
Resource Dept (boas) years ago when
they allowed the wells and diversion.
Many folks here would like to do
something now to repair that
damage, but the true fact is
we can not get agreement on
a way to do that legally.*

Joan

Letters to the Editor



Water in the River

March 7, 1994

To: Editor, Arco Advertiser

Dear Sir:

The Arco City Council has filed an application for a minimum stream flow of 20 cfs in the Big Lost River, measured at the James Creek Diversion. That 20 cfs is less than 5 percent of the total water flow down the valley, and that same 20 cfs is the quantity of water that is already legally due, through existing water rights, to water users located below the City and the James Creek Diversion. The Council filed that application for a 'non-consumptive' 'beneficial use' of surface water in an attempt to prevent the permanent elimination of a flowing river in the lower Big Lost River valley.

Through poor water management over the past twenty years, more permits for irrigation water to be taken from the Big Lost River flow have been issued than there is water flow, even in a high water year. The two canals on either side of the valley are a more 'efficient' way to deliver water to the major permit holders than is the river bed. So flow down the river was sacrificed. There was no organized force in the valley to defend the river itself against that sacrifice.

No one stood up then for the not-directly-commercial values of a continuously flowing river: green, living, trees and willows growing along the banks; fertile green pastures along the river's course fed by 'sub-water'; trout rising in the evenings; beaver swimming the deep pools; nice homes built along the edge of a flowing stream (it is no accident that river-edge ground in Ketchum costs a fortune.); kids swimming in the sun in summer. All these things have been sacrificed in the Lower Big Lost River Valley by poor management, and poor stewardship, that has seen only the need to try to irrigate as much as possible of the vast sagebrush land of the desert that stretches out below the valley. The canals can do that better.

The Council's application in the Snake River Adjudication for a minimum stream flow for the river is the

only voice that speaks up for maintaining the river itself. All the noise, and pain, and turmoil of the Adjudication is centered on the distribution of water for IRRIGATION and for the GENERATION OF ELECTRICAL POWER, no one else is speaking up for THE RIVER ITSELF. If the Council does not forcefully—and loudly—support its minimum stream flow application now (at this crucial point in time) the river itself will become voiceless and will be lost forever in the irrigation water settlement. There will be only canals carrying water, to fields, in the lower Big Lost River Valley. The Council must not underestimate its own importance—nor its serious responsibility—in this matter. The Council's application for a modest minimum stream flow in the river is THE ONLY VOICE speaking up for the river itself. The application has been filed, the Council has only to leave it before the court. The court will decide if a minimum stream flow is justified to save a river. But if the application is not before the court no one else will be speaking up for the river itself. It is time to take a long-term view, a time for conviction, and a time for courage.

At the council meeting held on 28 February it was said that if the minimum stream flow claim was continued by the Council that the Council must be prepared to spend "hundreds of thousands of dollars". That appeared to be an attempt to blackmail the Council into withdrawing the application by threatening law suits. The Council pays seven thousand dollars a year in insurance fees to obtain several million dollars worth of protection for the city for coverage against such 'frivolous or vindictive' law suits. The Council should check with its insurance agent before bowing before that kind of threat. It was also asserted that the economic life of the city was threatened by the economic threat of the minimum stream flow application to the water users present. That assertion is weak: In the 1970's when there were only 20,000 acres of ground cultivated in the valley, the city

had a population of over 1500 people; now with 70,000 acres under cultivation, the city population is down to less than a thousand. It doesn't appear that there is much correspondence between the general economic health of the city and the number of acres tilled in the area. Further, many that were present have shown little concern for the well-being of the city itself in the past: they have not supported school bonds, or a recreation district that served the area, and some have even opted out of paying fees to support the fire district they reside in, which is manned by the city (although they accept the fire protection). But worst of all, it seems to me, is that some of those present in that meeting were there to protest the Council's application for a dinky little 20 cfs of the valley's water to save the river. They seem to want it ALL.

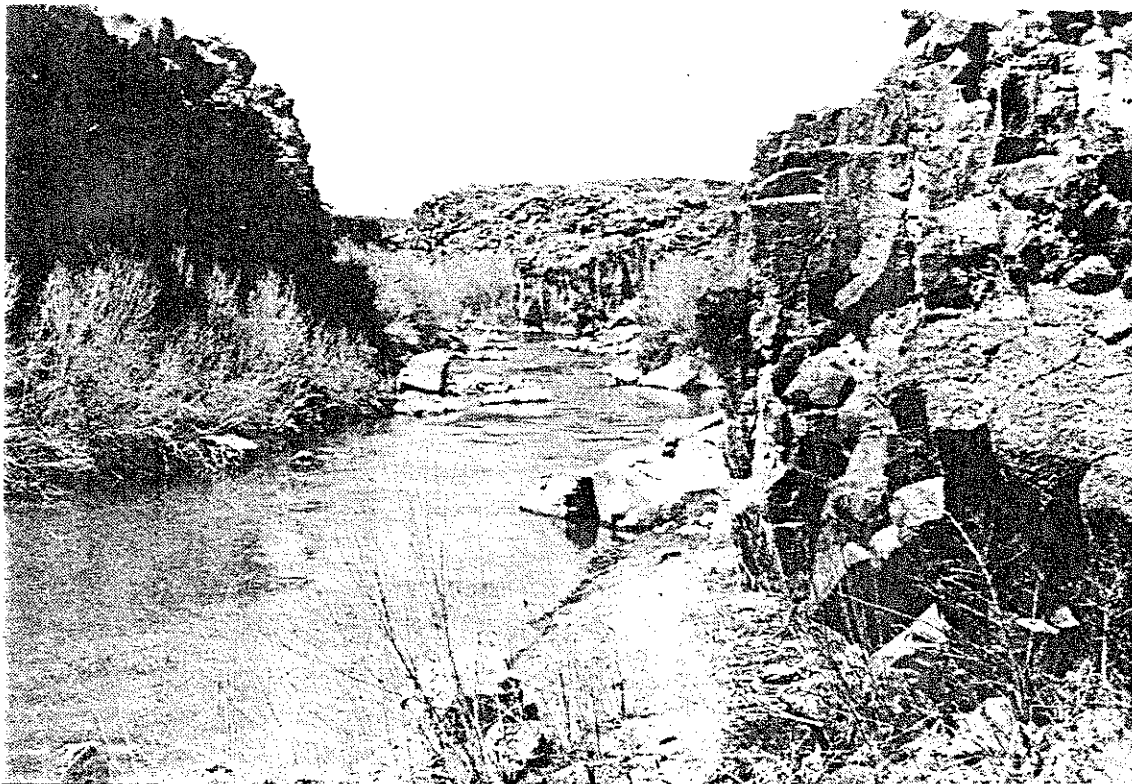
Clay Condit

THIS UNIQUE SCENIC SPOT AS OF 1997 HAS BEEN DESTROYED BY THE DIVERSION OF BIG LOST RIVER AT THE MOORE DIVERSION - THIS CHANNEL IS DRY ALMOST CONTINUOUSLY AND ALL VEGETATION IS DEAD.

THIS ECOSYSTEM WAS SACRIFICED BY THE STATE OF IDAHO IN ORDER TO RE- WATER THE CAREY ACT LANDS, DESPITE THE FACT THAT THE PEOPLE OF THIS VALLEY WERE PUT INTO 20 YEARS OF FINANCIAL BONDAGE TO PUT A STOP TO THE PLUNDERING OF THEIR VALLEY!

The Arco Advertiser, Thursday, April 27, 1972

Box Canyon popular fishing spot



Box Canyon on the Big Lost River southeast of Arco has been a popular fishing spot this spring. In addition to its popularity for fishing, the Box

Canyon area is a unique scenic spot on the local desert.

The Arco Advertiser

Arco, Idaho, April 24, 1997

Letters to the Editor

To Lost River Valley Irrigators and non-irrigators

It's incredulous to me that although I was elected to be a Director of the Big Lost River Irrigation District (aka BLRID—even after many recounts) by a narrow margin but still the victor over the other candidate Mr. Marx Hintze that I have not been seated. Instead of accepting the defeat, Mr. Hintze and others filed a lawsuit AGAINST the BLRID DEMANDING that Mr. Hintze be seated!, which means the right hand is suing the left hand, since Mr. Hintze is a member of the BLRID. All of this legal action will result in everyone's yearly assessments going up, up, up. So where are the questions and the answers as to WHY this particular election which made me a Director, a woman of honesty, integrity, capable of making agricultural decisions should be fought so hard in the courts? Not only is this being fought against me, but part of these Plaintiffs' request is that the BLRID ALSO PAY FOR THEIR ATTORNEYS! Now, can you beat that?

I would like to venture that the "WHYS" have not been honestly set forth. Please consider that there is an election every year and that these elections must be conducted as set forth under the Idaho Code. This is available for your reading at the Memorial Bldg. Law Library under Idaho Code Volume 8—Irrigation and Monopolies. Please read this section for yourself and see that this election mandated that I, the first woman ever to win, should have been seated. Instead it's been one of the dirtiest lawsuits and is costing YOU money.

I won that election by votes cast, by you the voting members of BLRID, as required by the Idaho Code. Now Marx Hintze wants to usurp the will of the people and be seated by a lawsuit? Isn't this a very curious situation? It's very curious to me since those qualified to

vote all clearly can read that it is THEY who elect and swear to the veracity of their signatures. Not whether they WOULD have voted, not whether they THOUGHT about voting, but actually voted by swearing an oath by the signing of the Electors Oath. The burden of proof of my being elected was clearly stated by the people who signed those oaths.

The BLRID is a valuable asset to the community and has been for over the last 77 years, since it was established in 1920. It has a yearly assessment of well over \$275,000 which is a boost to the economies of Butte and Custer Counties. The control and maintenance of the canals and proper delivery of the same requires the type of integrity that manages solutions and not LAWSUITS that cost everyone. I can assure you that as your elected representative I have those qualifications!

This is your valley and your interest should include asking the questions as to WHY legal action to force someone who WAS NOT elected to be seated to represent you. What covert action demands this? I was elected on November 5th, 1966 and it is now approaching May, 1997 and I am still not seated due to this constant legal action. YOU voted for me so please ask the questions and remember that all this money paid to the attorneys (and they are asking you folks to pay for their attorneys also, could reach \$40 to \$50 thousand dollars) could have purchased necessary repairs for the canal system, a nominal raise for employees and perhaps a down payment on much needed equipment. All of this money would be spent in Butte and Custer Counties that will now go out of the valley.

Respectfully,
Vivian Ellwein

Water Committee discusses change in district and Spring Creek status

The Butte County Chamber of Commerce Agriculture and Water Committee meeting at 6:00 a.m. Monday took up for discussion two of the agenda items of importance to water users in the Big Lost River Valley.

Before moving to discussion of these two agenda items, a brief report of former discussions was given on the flood control plan to minimize property damage from floods on the James Creek and lower Big Lost River channels.

In accordance with preliminary plans, Steve Cote and Chris Merrill will report at next week's meetings on the plan to survey and recommend remedial work on the James Creek and Lower Big Lost channels. Bill Haralson is chairman of the committee handling the James Creek/Big Lost channel problems.

Last week's meeting also discussed the recharge efforts, and the status of the recharge plan. Official hearings on the plan will be held, bringing out the plan of operation and its objectors.

Item No. 3 of the agenda for this year's water committee is stated as follows: "The further development of the surface and ground water resource for irrigation of the existing crop acres without shutting off any existing surface or ground water rights. The cost and operation of this development to be paid for by the users and/or beneficiaries (Enlargement or abandonment of Big Lost River Irrigation District).

Marx Hintze, Big Lost River Irrigation District Board member, was selected to bring information to the meeting on the above subject.

Hintze explained that a number of people in the watershed are in favor of dissolving the Big Lost River Irrigation District and replacing it with some type of corporation to give the farmers control of the water resource on a more democratic basis. This action is based on experiences in other watersheds due to changes in demographics. Such a change could be brought about by petition bearing signatures of water users owning 50 percent or more of the existing district lands.

He pointed out that the district has no outstanding bonds at present and no significant debt and is financially sound. Existing statutes provide for such action, based on ownership, and with provisions to allow water users to leave the district or corporation if not being served by the system.

The change could include enlargement of the district served, and the plan of operation would need to answer questions such as status of storage water, rotational credits etc. A change would necessitate a fee charge, making it a more equitable system.

Hintze reported that at present about ten percent of the acreage in the district shows an interest in a plan of operation being developed. Boundaries, additional acreage, etc. would be up to the decision of water users. Hintze indicated that he will bring a printout of computer work done to this point in classifying acreages, etc.

A point brought out at last week's meeting was that some water users outside the district are not declaring the correct acreages currently being irrigated. This point of view expressed pointed out that were these figures available and regulations strictly enforced, it would result in increased revenues to the district.

Also taken up Monday morning was Agenda Item 4, "The maintaining of a year around stream flow in all or selected reaches of the Big Lost River, Spring Creek, and James Creek without shutting off any existing surface or ground water rights. The cost and operation of this development to be paid by the beneficiaries (Arco, Moore, Mackay, Big Lost River Valley residents, streamside property owners).

Ray Boyack, Spring Creek landowner and water user and a member of the BLRID board of directors, was chosen to bring the group pertinent information in light of current conditions on Spring Creek. Boyack's report said:

"I was asked by Mr. Banta to report on Spring Creek. I lived in the valley the first 40 years of my life. I've seen good years and lean years, yet after the Mackay Dam and lands of the U.C. Construction Company were bought by the people of the valley everyone seemed to get by—neighbors were friends—not enemies.

"Water was spread out over the valley and if someone was short of making a crop, neighbors were willing to help out.

From what I remember and have heard from old timers, even Spring Creek ran more than it was dry during the 30s. I know it ran during the 40s, 50s, and 60s, because I fished there. I had uncles who came from Montana, Utah and other parts of Idaho because Spring Creek was considered some of the best fishing in the West, even in the 30s.

"I asked Don Scarr and Doug Rosenkrance if I could get some older records of water deliveries in Spring Creek and they said there were none kept until 1995. That seems odd when several ditch riders used Spring Creek for a quick delivery system, and told me personally they could get water faster to Arco and gain as much as 50 percent more water on arrival.

"In 1986 water was in Spring Creek all summer. In 1987 I pitched a tent on the bank of Spring Creek and lived there in our field with some of my family for two months before moving into the house. I caught fish in the creek, it ran all winter and in the spring of 1988 it was shut out and I saw water there no more until 1995.

"In 1995 when everyone knew we had an exceptionally heavy snow pack and water year, two board members of BLRID begged the board of directors to let some water out of the dam. In March the chairman also joined us and it was voted on and passed by a majority vote water should be diverted for stock use and to take the pressure off the dam. Nothing was done because two people still opposed.

Even when it became mandatory to release water, Spring Creek remained dry. Water was turned into the East Side Canal for stock water and when some people turned a very small amount into Spring Creek for the same purpose was when the delivery people went berserk, putting a channel-iron locking system (4 padlocks) on the Spring Creek opening. This lock system was not removed until the river was running flood stage and already destroying property. Spring Creek could have eliminated much of that.

"The water table at our place in the spring of 1995 was way below the 50 ft. of our old well so I could not measure it, but along the river at a neighbor's well it measured 70 ft. to water.

"The water in Spring Creek got to our place August 1, 1995, never making it through Sowards' downstream to join a second diversion. Three months later the water table level had risen to 20 ft.

"Doug Rosenkrance's figures show 13,971 acre feet of water put in Spring Creek (including the Felton pond) in 1995.

"Considering all the adversities Spring Creek suffered—water shut off, boards pulled, river silting the inflow, and general hate tactics, it was a remarkable recovery and recharge.

"Spring Creek ran through the winter of 1995-1996 with only one freezing problem when water backed up where the stream channel had been altered and the water ran back across the road to the north seeking a lower elevation.

"According to Don Scarr's figures, 12,124 acre feet of water was delivered to Spring Creek in 1996.

"Water table at our house in late spring 1996 was 8 ft. and remained so while Spring Creek ran. Since it was shut out a month to six weeks ago the water table now stands at 14 ft.

"With measurements like these anyone should be able to see the necessity of water in all natural channels.

"I was over to Sun Valley last Tuesday. Silver Creek and Wood River were both running strong; wouldn't it have been nice if people of the Lost River Valley could have had the foresight to develop the Lost River streams like they did, and have recreation and tourism at our doorstep, instead of the ruination of our great valley?"

Boyack used photos taken by C. P. (John) Traugher to demonstrate the conditions on Spring Creek.

Present for Monday morning's meeting were John Esser, Buzz Banta, Harold Babcock, Juel Aikele, C. P. (John) Traugher, Ray M. Boyack, Alvin Wheeler, Larry Quist, Marx Hintze, Bob Waddoups and Don Cammack.

Next committee meeting will be Monday, October 21 at 6:00 a.m. at the Golden West Cafe. Everyone interested is invited to attend this forum sponsored by the Butte County Chamber of Commerce.

The Arco Advertiser

71st Year, No. 24

Arco, Idaho, June 11, 1981

Single Copy 25c.

Permits necessary for channel work on Spring Creek

Some controversy has been caused by stream channel work on Spring Creek, also known as the East Branch of the Big Lost River, which had been done in the past year or more. Spring Creek, although intermittent and at times in the last couple years dry, comes under the provisions of Idaho Code Title 42, Chapter 38, Section 3801—the Stream Channel Protection Act, and according to William R. Rhoads, Sr. Resource Analyst of the Department of Water Resources, steps are being taken to protect the integrity of the stream channel of Spring Creek.

Currently, the Department of Water Resources has been involved with two landowners who are in various stages of Stream channel permit activity for that portion of Spring Creek occurring within their ownership boundaries.

Permit No. 34-S-71 has been approved by the Water Resources Department for L. Vaughn Jensen to authorize work within the channel of Spring Creek.

According to Rhoads, the Department feels the integrity of the stream will be adequately protected by conditions placed upon Mr. Jensen's permit. The conditions include, but are not limited to the following:

Portions of the new channel subject to erosion shall be riprapped or have other suitable armoring, as determined by the Department of Water Resources, to protect the channel banks and bottom; the carrying capacity and gradient of the new channel shall not be less than the capacity and gradient of the old channel. A channel design prepared by the Soil Conservation Service or other qualified designers shall be

submitted for approval to the Department prior to construction; the permit holder is responsible for injury to existing downstream water rights which may result from the stream channel permit activity for that channel shall remain as additional flood protection in the reach.

According to Rhoads, the second individual, Brent Morgan, also of Moore, has assured the Department that "his illegal Channelizing activity in Spring Creek will be corrected, permit applied for, and adhered to."

In case this procedure is not followed within a specified length of time, Rhoads said the Department would likely file misdemeanor charges pursuant to Idaho Code. There is also a possibility that the Corps of Engineers would be involved in a similar action pursuant to their Federal Mandate (Clean Water Act) P.L. 92500, Section 404.

A recent communication to the Department of Water Resources, signed by fifteen land owners with Spring Creek coursing through their property, said in part:

"We . . . believe the above named river (East Branch of Big Lost River, also known as Spring Creek) to be a stream channel as defined in the Stream Protection Act of the Idaho Code, Title 42, Chapter 38.

"We hereby demand that the Director of the Department of Water Resources take action as necessary to protect the channel as provided within the Act to assure that the Big Lost

(Continued on Page A-3)

Permits necessary for channel

(Continued)

River Water Master, and other officials as may be appropriate take action to continuously provide our rightful water in the East Branch of the Big Lost River. It is further requested that you take such action as required to restore the original integrity of the channel and cause such obstructions and infringements restricting adequate stream flow to be expeditiously removed.

"We further require that proper head gates and controls, specifically a concrete diversion gate in the east side canal below the Spring Creek Diversion point, be expeditiously constructed and restored to permit proper management of the waters and make adequate diversion of water to the East Branch of the Big Lost River possible.

This request was signed by N. K. Sowards, Moore; Clyde McAfee, Arco; Donald L. Herhouse, Moore; J. C. Traugher, Arco; George Wheeler; Ned R. Walker, Arco; M. L. Felton, Anita McAfee, Arco; Tyler L. Felton, Arco; Reva M. Walker, Arco; Marlin Felton, Arco; Betty Ann Sowards, Moore; Jack W. Sowards, Moore; W. T. Sowards, Moore; Leota Sowards, Moore.

In reply to this communication, the Department of Water Resources has assured that the Stream Channel Law, adopted rules and regulations will be adhered to in accordance with the Department's legislative mandate.

The landowners were informed that Eugene Gabert, Watermaster in Water District No. 34, delivers water to the owners of decreed and licensed waters. Delivery procedures, maintenance and construction of diversion structures is solely the responsibility of the water district or individual owners.

The Department of Water Resources, represented by Sr.

Resource Analyst Rhoads, assured that action would be taken where applicable as mandated by law, and that landowners may be called upon in the future to assist in this endeavor.



OFFICE OF THE GOVERNOR

STATE CAPITOL

BOISE 83720-1000

CECIL D. ANDRUS
GOVERNOR

(208) 334-2100

April 21, 1994

Fred and Doris Platz
Rt. 1, Box 487
Arco, Idaho 83213

Dear Mr. and Mrs. Platz:

Thank you for your letter concerning water resource management in the Lost River Valley. In response to your letter I requested a report from the Idaho Department of Water Resources. Enclosed for your information is a copy of that report.

The Idaho Department of Water Resources denied the request for a permit (after the fact) to alter the stream channel of Spring Creek, and the landowner has been ordered to restore the channel bed and banks.

With best regards,

Sincerely,

A handwritten signature in cursive script that reads "Cecil D. Andrus".

Cecil D. Andrus
Governor

CDA:abc
Enclosure
cc: IDWR

Big Lost makes list of Idaho's ten most endangered rivers

On Wednesday, April 16, Charles Kuralt and American Rivers held a national press conference to announce the nation's most endangered rivers. Idaho has two rivers on the national list.

A press release from Idaho Rivers United, states that Idaho has over 93,000 miles of rivers and streams. Of these, many are heavily impacted by dams, pollution, agriculture, logging, over development, and outright abuse. Each year Idaho Rivers United identifies the state's most endangered rivers. This year, two of the rivers that we have identified as particularly imperiled—the Snake River and the Forks of the Clearwater—have also been identified on a national list of endangered rivers.

"Idaho is blessed with many rivers," said Wendy Wilson, Executive Director of Idaho Rivers United. "Unfortunately, many of them are under assault. In 1997, the threats to Idaho's rivers are diverse. Rivers on this list demonstrate the different types of problems faced by all of our rivers. Our rivers provide many different things to different people, and fixing the problems on our rivers will require everyone's help."

Idaho Rivers United operates as a watchdog group. Its volunteers and members work to protect all of Idaho's wild and beautiful rivers. Across the state Idaho Rivers United works to stop pollution, restore fisheries and protect free-flowing waters. The goal of the 1997 Most Endangered Rivers list is to focus public attention on the needs of Idaho's river ecosystems. We can use and enjoy our rivers only if they are healthy and clean.

"Many rivers that are not on the 1997 Most Endangered list still deserve citizen concern and help. But these ten rivers need the attention and concern of all Idahoans," Wilson added.

The list of Idaho's most endangered rivers of particular interest locally and the threats that imperil them follows. If you have further questions, contact the individuals listed under specific rivers.

SNAKE RIVER—The Most Endangered River in Idaho—

From its headwaters in Yellowstone National Park to its confluence with the Columbia, the 1,000 mile long Snake River is a working river. It provides water for irrigation, generating electricity, diluting municipal, aquaculture and agricultural wastes and floating commercial river traffic. All the while, people still expect it to provide scenic vistas, float boating, power boating and great fishing for both resident and ocean-going fish. The Snake River is being worked to death.

A recent government report stated that it is the most dammed river in the west with 25 dams from start to finish. In dry years, the Snake is the largest river in North America to have stretches totally dried out from irrigation.

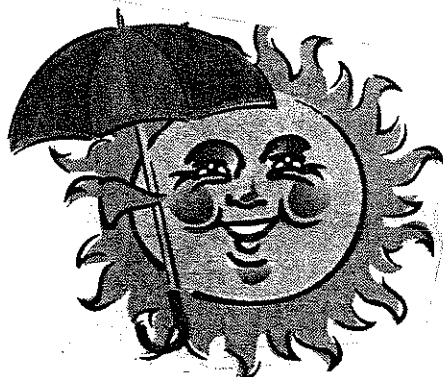
Water quality in the mid-snake River violates both state and federal standards. Low flows coupled with contaminated irrigation run-off, aquaculture (fish farm) waste and sewage plant effluent have caused floating mats of algae and aquatic plants which can trap boats and, during some months, contribute to foul smelling and unsafe water for humans and aquatic organisms.

Many of the Snake's most famous icons are in danger. Shoshone Falls, a 212 foot drop, was once considered for a national park. Now it is often reduced to a trickle by a power plant. The falls

was once the uppermost point of migration for salmon and steelhead. This distinction now goes to the Hells Canyon dam. The Hells Canyon complex of dams, completed in 1967, sealed the fate for thousands of miles of former salmon and steelhead habitat. The Idaho Power dams and their manipulated flows now dominate this famous canyon, washing away the sandy beaches prized as camping spots by recreationists. The loss of fish and wildlife on the Snake River signals that the river is in trouble. White Sturgeon, which once migrated through the river system, are now imprisoned between dams. These isolated populations may be eligible for listing under the Endangered Species Act. Tiny snails, and native fish found in springs along the Snake River are already listed as endangered species. Fish caught in Brownlee Reservoir are no longer safe to eat. Many areas are now inaccessible to salmon. Where salmon are present, they are in decline because of the four dams on the lower Snake River in Washington State.

The citizens of Idaho have a once in a lifetime opportunity to improve the problems on the Snake. Over the next twelve years, many of the hydroelectric dams on the Snake will come up for relicensing. In the past these dams have been managed solely for power production—often at the expense of fish, wildlife and recreation. As licensing requirements, Idahoans can demand that these dams be managed with these other concerns in mind. Idahoans must act now to save the Snake for the future.

Contact: Mary McGown, Idaho Rivers United 343-7481; Charles Ray, 634-3584.



The Arco Advertiser

The Arco Advertiser

87th Year. No. 17

Arco, Idaho

April 24, 1997

Forks of the Clearwater River—

Draining the Bitterroot Mountains of north-central Idaho, the Forks of the Clearwater provide habitat for wild, native cutthroat trout, bull trout, steelhead and chinook salmon, and serve as a popular destination for fishing and whitewater enthusiasts alike.

The health of the Clearwater basin is threatened by the actions of state, private, and federal land managers. Large sections of the rivers and adjacent federal, state and private lands are extremely prone to erosion and landslides caused by road construction. Many parts of the Forks have been subjected to extensive road building, logging and mining.

During the winter and spring of 1995-1996, the Forks experienced a series of floods, caused by rain falling on snow in heavily logged and roaded areas. Improperly constructed roads slumped in areas managed by the U.S. Forest Service, the state of Idaho and Potlatch Corporation. This caused thousands of landslides which filled pools used by native trout, and annihilated salmon and steelhead spawning grounds. The roadless drainages of the Forks experienced virtually no damage.

Because of the magnitude and scope of these events, scientists fear that the Forks of the Clearwater are entering an aquatic "extinction spasm", where many species are threatened at the same time.

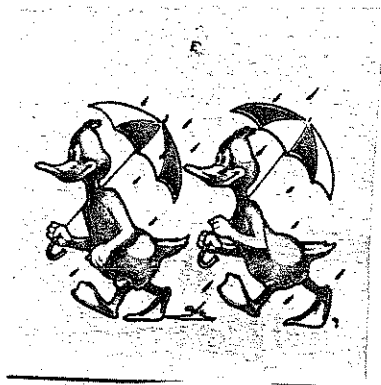
Land management agencies deny that logging contributed to the destruction. An interagency team has been appointed to analyze flood damage, but has yet to publish their report.

Local, state and federal land management agencies have failed their responsibility of keeping the Forks of the

Clearwater in a healthy state. Land managers have failed their responsibility of keeping the Forks of the Clearwater in a healthy state. Land managers from the Idaho Department of Lands, the Potlatch Corporation and the U.S. Forest Service all plan on increased road building and logging of the remaining pristine lands. The USFS is currently proposing three huge timber sales in the remaining roadless areas.

Despite the outstanding qualities of the Forks, little of the system has been protected with national Wild and Scenic River protection. The Selway, Lochsa, and Middle Fork of the Clearwater all have varying degrees of federal protection. Yet the fact that watershed health continues to decline in even the protected stretches indicates that more must be done to protect and enhance this irreplaceable natural resource. Without strong action to protect water quality on the state and local level, and to rein in the USFS, the Forks of the Clearwater will be severely degraded.

Contact: Chuck Pezeshki, Clearwater Biodiversity Project, 835-2999; Larry McLaud, Idaho Conservation League, 882-1010.



Big Lost River—

Locally, the Big Lost River did not make the national list, but did make the list of the ten most endangered rivers in Idaho.

The Big Lost River got its name from the fact that it disappears into the desert—seeping into the earth and replenishing the underlying aquifer. Now, most of the river disappears into canals and pipes.

From its source in the mountains to the desert where it percolates into lava beds, the Big Lost and its tributaries once supported a large cottonwood forest and a blue ribbon trout fishery. Now the Moore Diversion, below Mackay Dam, sends most of the water into the East Side Canal—virtually drying up the Big Lost River.

Adding insult to injury, twenty years of groundwater pumping and water diversions by farmers has lowered the aquifer. The town of Arco had to drill 640 feet for a new well for domestic water. Water no longer reaches much of the lower stretch of the Big Lost River and its tributaries, like Spring Creek, formerly a major tributary of the Big Lost River.

Drought is often blamed, but the real culprit is unbridled agricultural development and over-appropriated water. The majestic cottonwoods stand watch over the dry riverbed. Without water to support fish, wildlife or the cottonwoods, the river valley is dying a slow death, environmentally and economically. Compounding the problem is the fact that many stretches of the Big Lost and its tributaries have been illegally altered and filled in by people with bulldozers.

People in the local communities need to work to ensure that water is left in the river and to document illegal activities and lodge complaints with the Idaho Department of Water Resources and the Division of Environmental Quality. This river can only be saved if the people in the area speak up before it is too late.

Contact: Marjorie Bridges, Idaho Rivers United, 342-481.

8. L. Rothwell is privately pushing to have minor water rights declared non-deliverable so the flows in the river can be increased, below the Arco Diversion. He particularly wants to cut off flows below his headings on the Center Ditch that goes south to the old Arco-Moore highway and splits to H. Wetherington and the Boyack place. The ditch riders and the board have the full authority to declare water "non-deliverable". This has happened many times before and it is "privately" being considered by this board on minor water rights. Remember, a majority of this board's decisions are made in secret meetings away from public input.
9. Because of improprieties in the delivery of water in 1991 and 1992, the State of Idaho stepped in and forced the current board to hire a ditch rider other than L. Babcock for the 1993 season. The board knew of the improprieties, but still wanted to hire L. Babcock. Is this upholding the laws of the State of Idaho? If you question this statement, ask the water master and the state people what happened.

Is it ethical and proper for E. Goff to spend 1 hour per day at the irrigation office, then get paid a full day's salary and mileage expense for "supervising" ditch riders?

Next spring when you receive your water assessments bill "and the statement saying no water will be delivered until they are paid" ask yourself why E. Goff is allowed to accumulate and sale water while he has a huge past due water assessment. (Ask Rita to verify the status of his account for the past 3 years-it is public record.

THE ABOVE ACTIONS REPRESENT ONLY A SMALL PORTION OF THEIR QUESTIONABLE DECISIONS THE PAST THREE YEARS.

PLEASE VOTE

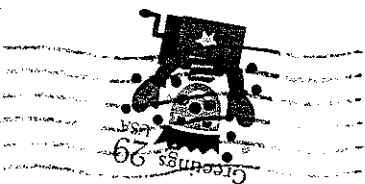
\$1,000 REWARD

\$1,000 REWARD for information leading to the **arrest and conviction** of persons responsible for the writing and mailing of the "slandorous" letters about certain Irrigation District board members and employees, mailed on Dec. 3 & 4 and 10th.

For information call Lew Rothwell

83213

John Traughber, Sr.
H260, IDH2



Concerning the election for Board Members for the Big Lost River Irrigation District, the following non-disputable facts have been approved by our current board:

1. It is customary for the board to have, during the summer, at least one secret meeting per week at a member's home so public involvement will be negated. *False*
2. During the upcoming 1994 irrigation season the board intends to declare many of the smaller water rights, particularly those with priority of 1887 and less than 2000 inches of storage water below the Arco Diversion as non deliverable. This will allow the board to maintain larger flows in the river in an attempt to get more water to D. Braswell, which will undoubtedly increase the flows of water going to the INEL desert, as happened this past year. The loss of these small water deliveries will have an effect on several smaller irrigators, and they will receive no compensation for their loss. *False*
3. Last spring, when 8000 inches of water was flowing to the Arco desert, the board refused to put excess water into spring creek because R. Damiano had reconstructed and diminished the flow capacity of spring creek, thus making it a potential flood threat to his property. *False*
4. During the 1991 irrigation season the board allowed L. Babcock, with their full knowledge, to deliver 60,000 inches of "uncontrollable water" to himself, G. Stewart, R. Reynolds, and preferred neighbors. There were no charges for this water. These deliveries were documented in records submitted to the water office. *False*
5. G. Stewart is retiring from farming and will soon be ineligible to serve on the board, thus allowing the board to appoint whomever they want without the need of an election. *?*
6. G. Stewart and his son, have for several years transferred storage water outside the district to ground south of the UC Canal. *?*
7. Several discrepancies in the water delivery records have been noted (after the office manager summarizes the ditch rider records). These discrepancies consistently give the board members much larger balances in their water accounts than they are actually entitled to. *False*
8. Discrepancies in the financial records of the district have been noted by the board, but due to the threats of a law suit by a very long time office employee the board does not pursue the matter. *False*
9. E. Goff has a several year accumulation of past due assessments, but is still allowed to receive water deliveries, contrary to how the rest of the district members are treated. *False*
E. Goff gets paid a salary and mileage expense for "supervising ditch riders". *yes*
Historically board members have supervised with no charge to the district.
10. Because the board allows their attorney to make most of the management decisions, a huge amount of our yearly assessments are going into legal fees. Because of this, the maintenance equipment has been allowed to deteriorate badly, and the overall canal system is not being cleaned and maintained because of a lack of funds. If the legal fees continue at their current pace, huge increases in our water assessments can be expected in the near future. *False*

THE ABOVE FACTS ARE FULLY AND COMPLETELY KNOWN BY EACH OF OUR CURRENT BOARD MEMBERS. ARE THEY REALLY UPHOLDING THE LAWS OF THE STATE OF IDAHO WITH HONESTY AND INTEGRITY?

Concerned members of the Big Lost River Irrigation District

Please VOTE

LETTER TO THE EDITOR

DECEMBER 12, 1993

SMUT PEDDLERS

I AM TOTALLY AMAZED BY THE HOLY, HYPOCRITICAL, ARROGANT, SMUT-PEDDLERS, THAT ARE TRYING TO EXCITE THE PEOPLE IN THE LOST RIVER VALLEY INTO A FRENZY, BY SENDING THEIR ANONYMOUS LETTERS, WITH THEIR ACCUSATIONS THAT ALL OF OUR PRESENT B.L.R.I.D. (BIG LOST RIVER IRRIGATION DISTRICT) DIRECTORS, EMPLOYEES AND NEIGHBORS ARE CROOKS.

THIS PERSON OR PERSONS ONLY SHOW THEIR OWN IGNORANCE WHEN THEY DON'T EVEN HAVE THE INTEGRITY OR COURAGE TO SIGN THEIR DISASTROUS LETTERS THAT CAN DO NOTHING MORE THAN WIDEN THE GAP BETWEEN, THEMSELVES AND THEIR NEIGHBORS.

AT A TIME WHEN OUR COUNTRY IS IN SUCH DECLINE IN ALMOST EVERY PART OF OUR SOCIETY, IT IS JUST SUCH TRASH AS THIS THAT IS FUELING THE FLAMES OF OUR IMPENDING DEMISE.

C.P. (JOHN) TRAUGHBER



In response to Mr. Traughber's letter

I have never seen any of this smut letter you speak of, nor has anyone I've talked to.

Now the things that were said in the Open Letter from the Big Lost River Irrigation, which arrived on Saturday, the 11th, two days before the election, so no one had a chance for rebuttal, I personally was appalled by it.

Where is the honesty and integrity of the board member who's running his mother's place that we have a co-op well on, and are partners of?

This well, that the board member took over, cutting us out of our half, and sold our share to a neighbor. In doing so use the Burnett ditch for several years, cutting us out of our livelihood—has

made us nearly bankrupt. Who was told to stop (by the Department of Water Resources) in 1990 but did not. Who put the power in his own name, so we could not use it to try and take water, who called Sheriff Van Etten out, to say he would have my husband arrested for trespassing, when we have a contract with the right-of-way to the well. This board member is still in office.

Mr. Traughber, thank you for giving me the opportunity to be heard.

Sincerely,
Juanita Gilbert
Rt. 1, Box 24,
Darlington, Idaho, 83231
Phone 588-3369

Letters to the Editor

Why I feel the way I do

Dear Editor:

I would like to tell you why I feel the way I do regarding the water issue in the Big Lost River Valley.

Earlier this year some citizens from the valley, including Arco, requested that the City apply for a minimum stream flow right in the Snake River Basin Adjudication. I jumped at the chance to put water back in the river, and felt it could help to revitalize the city. The City Council voted unanimously to submit the application.

A few weeks later, a number of individuals from the valley, none of whom are residents of the City, protested the City's application for a water right. These individuals were able to my regret, persuade myself and the city council to pull the application from the court.

Following that, the City received a letter from the Big Lost Irrigation District. I quote: "We wish to thank you for your withdrawal of the minimum stream flow filing on the Big Lost River. The filing of this permit would have had an earlier priority for a minimum stream flow than the water right for the Mackay Reservoir and could cause a major upset in the priorities of storage and natural flow in the lower Big Lost River. We urge you to continue your rejection of this permit for a minimum stream flow for the good of the valley."

First, why is the Big Lost River Irrigation District (which consists of some of the same individuals who protested the City's application) not interested in putting irrigation water into the Big Lost River? Second, who do they think they are fooling? There is no natural flow in the lower Big Lost River, and any upset would mean putting water back into the river. Who is it really going to upset anyway?

Finally, how do these few individuals know what will be good for the valley? Let's have the courts decide what is best for the City and the valley. I thoroughly regret that I and the rest of the City Council pulled the water application.

Since then, I have done my own research on this matter and have given it a great deal of thought. One factor in my decision to resubmit the water application is that I represent the residents within the City of Arco, and my con-

cerns are directly with the City. I feel that since the river has been dry, the City and all of the Big Lost River Valley has suffered. If this continues, the future for the City of Arco will be barren. It is my duty to do my best for the City, and putting water back into the river, in my opinion, is what is best.

I agree that we are in a drought. Yet, the very same people who are so insistent with the fact that there is a drought, and oppose the City's submittal of a water application, are also the ones who have plenty of water. Based on information that I have read, some of these individuals have been issued cease and desist orders by IDWR, and are presently violating these orders. In part, it is IDWR that is at fault for not enforcing the laws of Idaho. The County Commissioners have declared Butte County a disaster area because of the drought. How much disaster funds will the City of Arco receive for this drought? Isn't the City also affected?

I would also like to comment on the recent letter sent to you by Mr. Northrop concerning Fact or Fiction. Every decision I make is an emotional one, based on as much fact that is available at the time. With facts available to each of us, it is our emotions that make us stand up and say "Enough is Enough."

Emotions date as far back as 1776, when our forefathers got emotional and created this great nation of ours. Mr. Northrop stated "... since when do the opinions of a few represent the will of the valley? ..." I agree, when do the opinions of a few, who are in my opinion, illegally taking water out of the district, represent the will of those in the district, who are not getting water? He also states "... These water issues affect every person living in the Lost River Drainage, but only a few one sided individuals promoted a hasty vote. ..." Again, I agree, this issue does affect everyone in the valley, and there were just a few one sided individuals who came into the City Council opposing the City's water application, and did promote a hasty vote to pull that application from the courts, where it truly belonged in the first place. As far as the economic pros and cons, I agree, let's

examine the disastrous effects of no water in the river. The property values have plummeted. Tourists do not stay to enjoy the dust and dead wood that we have. Fewer and fewer people are wanting to stay in the valley with its beautiful river gray belt. As far as the total cost of this endeavor, it is less than \$300.00 for resubmitting and an undetermined decrease in property values and commercial income if we do not. Once again, as far as emotion goes, I am extremely enthusiastic about the resubmittal.

In conclusion, I would like to give my definition of what I consider to be a water right. A water right is granted by the State of Idaho for a defined use. This is a right to use water that is the property of the State of Idaho, and therefore belongs to every citizen in Idaho. A water right is a public trust given by the State to use the waters of Idaho. It is not a right to abuse this use. IDWR, in my opinion, has violated this public trust by not enforcing the laws of the State. Those individuals who are breaking the law by misusing the water have also violated each and every citizen of Idaho's trust. I feel the City is asking for a show of good faith by the State, and IDWR by putting the public's trust and interest back into the river in the form of a minimum stream flow. For it is the entire state that will suffer for lack of water in the Big Lost River, along with the City of Arco and the rest of the Big Lost River Valley. Let's not lose the Big Lost for good.

Sincerely,

Jacques P. Marcotte

City Council Member of Arco



IDAHO FISH & GAME

UPPER SNAKE REGION

1515 Lincoln Road

Idaho Falls, Idaho 83401-2198

COPY

February 11, 1994

Cecil D. Andrus / Governor
J. M. Conley / Director

RECEIVED
FEB 14 1994

Department of Water Resources
Eastern District Office

Mr. Eric Verner
Stream Protection Specialist
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

RE: APPLICATION TO ALTER A STREAM CHANNEL NO. 34-S-133 AND
PROPOSED APPROVAL CONDITIONS

Dear Eric:

Idaho Department of Fish and Game staff have reviewed the referenced document. The proposed stream channel alteration is to plow the bed of Spring Creek and plant grain. Farm equipment would be on the streambank and in the channel as part of the seed bed preparation, planting, and harvesting.

This reach of Spring Creek is classified as a perennial stream. During recent abnormally dry years, irrigation diversions have reduced the availability of water to provide continuous flows. This situation is not exempt from protection under the Stream Channel Protection Act (Idaho Water Law Handbook, 1987).

Continuous flows may be provided in the future. Normal water years alone may provide adequate flows. There are several pending water management issues that may result in increased flows in the future. Regardless, the stream provided public benefits under natural conditions in the recent past, and stream values should be protected under provisions for continuously flowing streams.

The stated legislative intent of the Stream Channel Protection Act is that the public interest "requires that the stream channels of the state and their environments be protected against alteration for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality." The act requires consultation with other state agencies having an interest in the stream channel to determine the likely effect of the proposed stream channel alteration.

The proposed farming of the channel would cause a highly erodible situation that could not be remedied until after flows recede. During flows, erosion and sedimentation would adversely affect downstream habitat quality.

We oppose this project and recommend the application be denied. It is our opinion that the proposed alteration could have an unreasonably detrimental effect on fish habitat and aquatic life.

Sincerely,

A handwritten signature in cursive script that reads "Don E. Wright". The signature is written in dark ink and is positioned above the typed name and title.

Don E. Wright
Regional Supervisor
Upper Snake Region

DEW:RM

cc: U.S. Fish and Wildlife Service (Lobdell)
Division of Environmental Quality, Pocatello (Drewes)
Natural Resources Policy Bureau (Reid)

SUMMARY
OF
DEPARTMENT MAILINGS
BIG LOST RIVER DRAINAGE - FALL 1989

On October 19, 1989, the department sent a cease and desist order to the following applicants:

- 34-7240 - Juel Aikele
- 34-7244 - Juel Aikele
- 34-7455 - Juel Aikele
- 34-7457 - Herman Aikele and Eric Aikele (Order sent 11-28-89).
- 34-7480 - Juel Aikele
- 34-7410 - Mitchell Sorenson
- 34-7482 - Don A. Aikele
- 34-7485 - Everett Acor, Jr.
- 34-7486 - Thomas Perkes c/o Marshall Todd Perkes
- 34-7501 - Willard Bell
- 34-7509 - Ralph S. Parkinson

On November 1, 1989, the department sent a letter to the following applicants advising of a combined hearing and advising against development until the application has been approved.

- 34-7247 - Mitchell D. Sorenson
- 34-7406 - Everett T. Acor
- 34-7483 - Everett Acor, Jr.
- 34-7484 - Everett Acor, Jr.
- 34-7488 - Everett Acor, Jr.
- 34-7296 - Michael or Juel Aikele
- 34-7297 - Timberline Beef, Inc.
- 34-7409 - R. Aaron York
- 34-7420 - Butte County Cemetary Assn
- * 34-7421 - E.P. and J.F. Muntz
- 34-7423 - Clarence W. Darland
- 34-7425 - Claudene L. Dyer
- 34-7426 - First Continental Corp.
- 34-7427 - Michael Aikele
- 34-7432 - Mark S. and Marolyn Jensen
- 34-7433 - Jack Goddard
- 34-7440 - Shirley Parsons Baker
- 34-7441 - Arthur W. Quist
- 34-7457 - Herman Aikele (Also sent a cease and desist order).
- 34-7489 - White Knob Motel & Trailer Park
- 34-7491 - Marvin Goddard

* Application is being held for cancellation for failure to pay the readvertisement fee.

On December 19, 1989, the department sent cease and desist orders in connection with the following applications for transfer which have been protested.

- 34-0496/0692/T921 - Norma K. Sorenson
- 34-2419 (T 3087) - Juel Aikele
- 34-2428 - Mitchell Sorenson
- 34-2417 (T 2838) - Juel and Bret Aikele

WATER ELECTION

The Board of Directors of Big Lost River Irrigation District panicked Monday when some of their recent actions were made public. Because they needed more time to try and discredit these disclosures, a convenient filing error in election disclosure statements was found even though the current office manager has 20 years experience in handling the election disclosure statements. The decision to take this action was another product of one of their "secret non public meetings". Forget the inconvenience to the members of the irrigation district. The board cancelled the election to serve their own purposes.

The current board of directors is adamantly claiming they have high integrity and have dealt honestly with all members of the district-lets examine the facts further.

1. 60,000 inches of uncontrollable water was delivered by L. Babcock to L. Babcock, R. Reynolds, G. Stewart, and "preferred neighbors" with no charge to their water accounts during the extreme drought year of 1991. L. Babcock had the best crops he has ever had in 1991 all on a flood right and no purchased storage water. At that time storage water was selling for \$325.00 per thousand inches. This is \$21,000.00 of free water these individuals received. Don't believe it-call the water master for verification- not Rita, she works for the board.
2. R. Reynolds continues to raise potatoes by transferring water illegally from wells not licensed to the property where the potatoes are raised(B. Buxton well to Claudius Reynolds property)
3. R. Reynolds and G. Stewart adamantly oppose the transfer of water outside the district and to the ERA FLAT. In reality, Rick, Gerald, and son have transferred water outside the district for many years. R. Reynolds has made a small fortune raising potatoes on the ERA FLAT. (formerly Utah Construction)-recently leasing ground from D. Douglas on the former Soelburg property.
4. Because R. Damiano is the board's hand picked successor to G. Stewart when he retires(resigns from the board), the board refused to file complaints with the State of Idaho last spring even though R. Damiano had decreased the flow capacity of spring creek in an effort to increase the acreage of his farm. Because of the decreased carrying capacity, property along spring creek is being damaged because the board refuses to join the state authorities in forcing Damiano to return the channel to its original condition.
5. 3000 inches of water per day for approximately three weeks flowed past D. Braswell last spring to the Arco desert. The board refused to put this excess water in spring creek. G. Stewart in particular was adamant this water had to remain in the river, even if "some of it" was going to the desert.
6. The current board has in fact generally transferred the management of district affairs to their Magic Valley lawyer. This has led to huge legal fees and very very reduced operating funds for maintaining the district operations. (Ask Rita to document the legal fees for the past 3 years)
7. Call George Gilbert, ask him about the condition of the district's maintenance equipment-how many miles of canals were cleaned the past 3 years? Where is all the money going to come from to replace this deteriorated equipment?What happens when the canals will only carry 50% of their historical decree and storage water orders?

C.P. "JOHN" TRAUGHBER
P.O. BOX 678 ARCO, ID. 83213-0678

RECEIVED

MAY 1 - 1997

Department of Water Resources

April 22, 1997

IDWR DIRECTOR
KARL DREHER
BOISE, ID. 83720-9000

Re: Big Lost River Valley & Spring Creek

Dear Mr. Dreher:

First, I would like to commend you for your forth-right letter dated April 18, 1997.

No, I do not consider you as one of the "Pundits", I consider a Pundit one that professes to have great learning; actual or self professed authority, such as the IDWR employee and others that professed pumping water into Spring Creek would cure our problems. The employee of IDWR and leaders of the Arco Chamber of Commerce that suggested pumping water into Spring Creek and those that claim without research or the proper knowledge that the East Fork Channel of Big Lost River (Spring Creek) never existed is a pundit. These pundits even suggested that Reva Walker donate her pump for this futile endeavor.

I also agree with your opinion that we can't correct the decisions that were made in 1935, but I thoroughly believe we can make changes that would lessen the injury that has occurred by these poor or illegal decisions. Our State is very quick to change a law that's declared unconstitutional, while at the same time being completely oblivious to the injuries that were perpetrated upon the innocent.

Some of our legislators admit that they screwed up, they also admit that they don't have the will to correct the situation.

I stand corrected as to the date on the enlargement of a water right, protected by the Amnesty Statutes as you state in your letter. I am, however, still concerned that IDWR permits water transfers and wells that drain our aquifer and wetlands, instead of pumping the water at the point of use.

Re-watering the Carey Act Project in my estimation and others sacrificed Lower Big Lost River and its residents to benefit the expansionists. I consider this injury to some for the benefit of others "illegal". No one can honestly look at the destruction of our Ecosystem, including Wetlands, below the Moore Diversion and not ask the big question recently asked by NRCS, EPA, DEQ, and other government agencies (What Happened?)

I received one of the two "unsigned libelous letters" that were circulated in our valley to influence our directors election in 1993. (copies enclosed)

017-1000

TOB - YAM

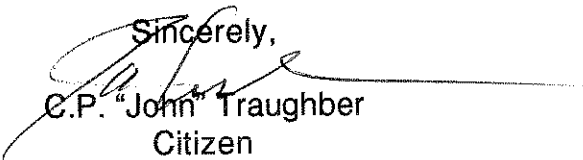
As to our election, now that most of us are near bankruptcy, we have no other recourse available to us than to ask for help from our government. To the best of my knowledge none of the injured landowners have one of those Government Credit Cards that is accepted by the ATM Machine at the FSA office. Although I can't prove it, because it's a Government Secret, I'll give you odds of 10 to 1 that almost all of the large landowners that need protection under the Amnesty Statutes are benefactors of up to \$50,000.00 a year in subsidy payments.

I also stand corrected on the total shut down of Spring Creek, but no matter what you call it, the lowering of the gates at the Moore Diversion immediately resulted in the drying up of water in the Lower Spring Creek Area, which had a minute amount of rising water only! The center portion of Spring Creek has been dry since it was shut off last July 4, 1996. There has absolutely been no stock water or any other flows in lower Spring Creek since July 4, 1996. During and after the recent lowering of the flows in this Natural Stream Channel on March 20, 1997, water from Antelope Creek was being diverted down the U. C. Canal and was being used to fill the pump ponds on Era Flat. I inspected this area personally before and after April 22, the day of our meeting in I.F., where I was highly criticized by the applicants of the recharge permits. I was accused as being the Villain that caused all of the problems of the Big Lost River Valley. It's also absurd that the hearing officer that was appointed by the State of Idaho to give expertise to the solution of the Recharge Permits, left the premises and did not attend this meeting. This hearing officer should have been there to see this outrage.

After 10 years of no natural flows in this natural stream channel it is absolutely criminal to send this water to the desert, via a short cut rather than through the natural channel of the East Fork of Big Lost River (Spring Creek) that would have nurtured our dying valley.

It is also difficult for me to understand, that a gentleman of your stature, education and position, after having looked at all of the pictures, letters, our destroyed river and its ecosystem, violations of the SCPA, and the knowledge that dynamite was the court of last resort in the 1930's, that included 20 years of financial bondage for Lost River Residents, finds it difficult to understand, "the citizens of Lower Big Lost River are being discriminated against".

Sincerely,


C.P. "John" Traugher
Citizen

Enclosures ()

copy w/enclosures to: Governor Philip E. Batt



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 28, 1994

Honorable Rex L. Furness
Idaho State Legislature
Statehouse
Boise, ID 83720

Re: Disposition of Cease and Desist Orders Issued by the Department

Dear Senator Furness:

The cease and desist orders in the attached summary were issued by the Department of Water Resources to water users who were ~~illegally~~ diverting ground water without a water right permit or license, and not under a valid claim under Idaho law.

Shortly after the Department issued the cease and desist orders, most of the water users affected by the orders amended their adjudication claims to include these ground water diversions. The water users argued that the ground water diversions at issue in the cease and desist orders were an authorized and legal use of the water contemplated in the adjudication presumption and accomplished transfer statutes. The Department filed its Director's Report for Basin 34 on June 18, 1992 recommending many of the water rights as alleged in the amended claims filed by the water users.

Subsequent to the issuance of the Director's Report for Basin 34, the Fifth District Court in Twin Falls entered an order of interim administration on December 18, 1992. The court order allows for water rights in Basin 34 to be temporarily administered and delivered as recommended in the Director's Report. In light of the court's order of interim administration over water rights in Basin 34, the Department no longer had cause to pursue the cease and desist orders previously issued.

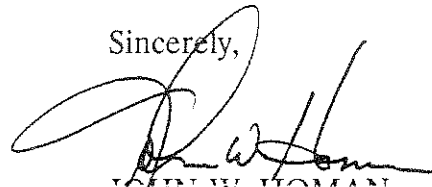
Finally, it is important to note that the Department is not hesitant to go into court and enforce its cease and desist orders where the water use was not authorized under the adjudication's presumption or accomplished transfer statutes.

Hon. Rex L. Furness
Page 2
January 28, 1994

On July 30, 1991, the Department obtained a judgement against Dickcon, Inc., owners of PU Ranches, for using water not in accordance with their water right.

Please call if I can be of further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Homan", is written over the typed name and title.

JOHN W. HOMAN
Deputy Attorney General
Department of Water Resources

JWH:dc

EB

3SENGER - THURSDAY, MARCH 5, 1998

It should also be noted that in framing their hypothesis of

To		From		Date	
Co.		Co.		Co.	
Dept.		Phone #		Fax #	
Fax #					

show similar results. River runners clearly do not want to float the river in the cold off-season.

Unfortunately this flawed thinking on seasonal river use was carried forward to the economic models used to appraise rural community impacts on towns like Salmon, Challis and Stanley. Hence, the models sadly predict a robust economic growth for these communities. The reality is that over 2,600 river visitors will not visit the MF if the PA is implemented. Grocery stores, motels, restaurants, campgrounds, air charter services, gas stations and river outfitting businesses will suffer. The loss of 48 full season Middle Fork guide jobs will add to the economic losses.

All of us want the MF to remain the "crown jewel" of America's wild rivers. While some "necessary restrictions" are appropriate, we do not agree with the draconian use cuts and the meat cleaver approach of the FS planners. Instead we should move forward in partnership with all users of the river and the FS to develop "management faucets" that can be used in an incremental manner to carefully manage the river resource.

Sincerely:
Bob Sevy
Sevy Guide Service
Stanley

TRUTH TOO HOT TO HANDLE

RE: Response to Idaho Department of Water Resources (IDWR) claim that "Big Lost River ground water levels show good recovery."

IDWR continues their propaganda campaign of blaming the demise of Lower Big Lost River on the drought instead of their failed policies.

1. The policy of totally diverting Big Lost River at the Moore Diversion and then issuing well permits to suck our underground dry in order to re-water the Defunct Carey Act Project is what killed all the trees and willows in Lower Big Lost River and its ecosystem.

2. The so-called drought in Lower Big Lost River was a direct result of IDWR and its callous failure to meet their fiduciary duties to the citizens of Big

this natural tributary into an open sewer, full of garbage, a convenient place to use as a stock yard, dispose of manure and even to plow and plant subsidized crops. All of this in complete violation of the State's SCPA (stream channel protection act) enacted by the State of Idaho over 25 years ago in 1972.

4. These failed policies are a driving force for USDA (FSA) to use U.S. taxpayer dollars to put desert lands of Butte County, (Carey Act Project), into crop reduction and set aside programs, along with crop subsidies in direct violation of the intent of the now Defunct Carey Act Project.

5. The subsidies to these desert lands and the subsequent nefarious transfer of our surface and ground Water, has literally made millionaires out of some of these 'landowners, while' decimating and discriminating against the valley citizens.

6. Under these circumstances, telling the citizens of Big Lost River that the potential regeneration of our trees is a likelihood, has as much credibility as telling Vivian Elstuen that her lettuce patch will grow money this summer to replace the \$5,000 lawyer bill she inherited from IDWR's special interest group. This gift Vivian received was caused when she had the courage and integrity to challenge the special interest group and run for election in order to put a stop to the destruction of our valley, while at the same time fulfilling her civic duties.

What has Idaho become, when we hold the gates of anarchy and tyranny open to continue the plundering of Big Lost River water resources?

7. USDA - FSA OUTLAYS in Butte County in 1993, a yearly outlay, was \$2,148,164.40, which included \$81,866.00 for drought relief, along with \$333,789.00 paid out in 1994, making a total of \$416,655.00 for 1993 drought relief. The secretary of the benefactors of these taxpayer dollars and the "vocally approved" use of the valley's water resources, with the end result that turned our Lower River system into a wasteland is OUTRAGEOUS!

8. IDWR's anarchy and discriminatory policies, now over a half-century old, makes the youth too hot to handle!

C.F. John Traughey
Assoc

GOSSIPS IN SCANNERVILLE

Dear Editor:

I would just like to say how sick I am of living in "Scannerville." There are dozens of people out there who sit in their comfy little houses and listen to their scanners just so they can gossip about what happened to so-n-so. It is none of their business who got pulled over, who got a ticket, who got in a wreck or who got sick.

It makes me sick to hear all the unfounded rumors that fly around this town. People really need to sit back and think before they start "flappin' their gums." If your family was ever sick or injured, would you want everyone in town talking about it before you even knew what was going on? How would you like to find out all kinds of information about your family from someone who just likes to gossip. Gossip

lost river who were forced into 20 years of financial bondage for the purchase of the Carey Act Project.

3. The so-called recharge effort was a total sham as IDWR, at the request of the special interest group ordered Spring Creek shut down (A natural stream channel called East Fork of Big Lost River) although a full flow of water was crossing the Hwy. 13 miles south of Arco. Although vowing to protect the integrity of Spring Creek, IDWR has turned

is an evil thing. Everyone should take a good hard look at themselves and think about what good comes from gossip. Absolutely none!

Marny Artemis
Challis

Baby, it's
COOOOLD
outside!

Firestarter, 25¢ a bundle.
The Challis Messenger
310 N. Main • 879-4445

C.P. "JOHN" TRAUGHBER
P.O. BOX 678 ARCO, ID. 83213-067

JULY 10, 1997

RECEIVED

JUL 14 1997

Department of Water Resources

IDWR DIRECTOR
KARL DREHER
BOISE, ID. 83720-9000

Re: Big Lost River Valley & Spring Creek

Dear Mr. Dreher:

Now that the demise of Lower Big Lost River has been completed & the thugs are destroying Upper Big Lost River, it's a sad day for Big Lost River Valley.

I would at this time ask that you return my books and pictures.

Your cooperation in this endeavor would be very much appreciated.

Sincerely,

John

A handwritten signature in black ink, appearing to be "John Traughber", written over the printed name "John". The signature is fluid and cursive, with a long horizontal stroke extending to the right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 15, 1997

C.P. "John" Traughber
P. O. Box 678
Arco, Idaho 83213-0678

Dear Mr. Traughber:

As you requested in your letter of July 10, 1997, enclosed is the collection of pictures and books received over the last several years.

Sincerely,

A handwritten signature in cursive script, reading 'Rita I. Fleck'. The signature is fluid and elegant, with the first name 'Rita' and last name 'Fleck' clearly distinguishable.

Rita I. Fleck
Administrative Secretary

Enclosures

KARL —
(NCG)

C.P. "JOHN" TRAUGHBER
P.O. BOX 678 ARCO ID. 83213-2678 (208) 527-3920

IDWR DIRECTOR
KARL DREHER BOISE ID. 83720-0098

OCT. 26, 1997

RECEIVED

OCT 31 1997

RE: DEMISE OF BIG LOST RIVER -- "LETS MAKE A DEAL"

Department of Water Resources

Dear Mr. Dreher:

Having attended the Alosi compliance conference in Mackay, Idaho on Oct. 20, 1997, before receiving your letter dated Oct. 20, 1997, I must speak out.

This meeting was just another Smoke Screen Effort by IDWR to make a deal with a Violator of our States SCPA, and our FEDERAL CLEAN WATER ACT. As our late Governor C.A. Bottolfsen would say this is just a repeat of the P.U. Violation on Spring Creek, as well as several others that IDWR has made deals with. Almost every agency in Idaho testified against the P.U. Ranch disaster, and despite the assurances by this landowner who said he wanted to be a good landowner and obey the laws, now uses Spring Creek as a Stock Yard for his cattle. (PICTURES ENCLOSED) Also in an IDWR document dated 24-Jan-1994, signed by Eric Verner it specifically says "IDWR jurisdiction will be retained and if water is returned to the system, stabilization measures will be required to prevent erosion." The U.S. ACOE in their NOTICE OF VIOLATION # 930301410 dated Sept. 28, 1993, THAT THEY RESCINDED specifically says . . . "P. U. Ranch's discharge of top soil and fill material into channels and side sloughs of Spring Creek". . . "has more than minimal impact to the aquatic environment, is likely to substantially impact flood flows, and may cause downstream property damage."

Also in a document from the IDAHO FISH & GAME dated February 11, 1994 "The proposed farming of the channel would cause a highly erodible situation that could not be remedied until after flows recede. During flows, erosion and sedimentation would adversely affect downstream habitat quality." This letter signed by Don E. Wright also states "The stated legislative intent of the Stream Channel Protection Act is that the public interest 'requires that the stream channels of the state and their environments be protected against alteration for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality'." This legislative intent of the SCPA is violated on a regular basis by IDWR.

Flows did return to Spring Creek & Reays' and Traughbers' Stream Channel was the recipient of the DOWNSTREAM CHANNEL DAMAGE, caused by erosion and silt from the P.U. disaster due to the failed policies of IDWR & U.S. ACOE.

Although IDWR brought all their heavy hitters to the Mackay Conference in an attempt to make a deal there were absolutely no solutions for the Ellweins' nor the Urestis' whose INDIVIDUAL RIGHTS HAVE BEEN VIOLATED.

The only deal or progress as IDWR calls it was the capitulation to the Violators by lowering the agreed civil penalty of \$750.00, that was set by IDWR. I was very surprised that IDWR didn't accept the \$1.00 fine proposed by the Spokesman for Mr. Olosi. This spokesman, who was involved in this violation as an operator, also bragged about being a knowledgeable landowner of river front property. This landowner failed to inform those in attendance that he allowed a dead cow to rot on his land on the banks of the Big Lost River, and also uses Big Lost River Channel for a garbage landfill. (pictures enclosed). We also have the yellow ear tag from the rotted carcass of the cow shown, and it has the U.S. FOREST SERVICE ICON ON IT WITH # V.S. 82AJK1702. STAMPED ON THE METAL TAG.

The failed policies of IDWR have turned Lower Big Lost River below the Moore Diversion into a destroyed lifeless river, void of all trees, willows, bushes, fish, ducks, and all other aquatic life. Parts of our Lower Big Lost River & its Tributaries are now used to plow and plant crops, as well as used for stockyard uses, and we recently had a "BOIL ORDER" for the "CITY OF ARCO" when "COLIFORM" was suspect in contamination of our City's water supply. IS IT ANY WONDER? PICTURES DON'T LIE!

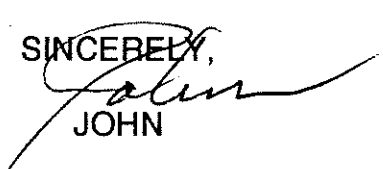
Although pictures and documents have been shown or sent to Gov. Batt & most all of Idaho's 105 congressional members, the State of Idaho continues to discriminate against the honest citizens of the Big Lost River Valley!

As I have said before, until IDWR & the U.S. ACOE observe their MANDATED LAWS as well as their FIDUCIARY responsibilities, they cannot be trusted.

~WHEN THE LAW ENDS -- TYRANNY BEGINS~

~THE TRUTH WILL PREVAIL~

SINCERELY,


JOHN

C.C. GOV. BATT
U.S. ACOE
E.P.A.

U.S. SEN. LARRY CRAIG
ID. FISH & GAME

I.R.U. S.R.B.A.
U.S.D.A.--N.R.C.S.

FOR YOUR REFERENCE -- PICTURES WILL ONLY BE SENT TO GOV. BATT
SEN. CRAIG ID. FISH & GAME EPA