

Moffatt Thomas

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March 8, 2004

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Tim Luke
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**Re: Measuring Requirement for Dr. Lynn Reno's Groundwater Diversion / Conference
Call of November 4, 2003**

MTBR&F File No. 19602.0

Dear Tim:

I am responding to your e-mail of February 14, 2004, and the attached draft letter regarding the above captioned matter. I have reviewed the draft letter and discussed it with Dr. Reno. Dr. Reno finds the letter acceptable and is willing to comply with the conditions set forth therein.

Having said that, I would like to point out a factual item of some importance in the context of the proposed measurement of the Reno-Unger well. Additionally, this fact plays into the regulation of the use of water from the well and the Upper Fish Hatchery canals. It is impossible for Dr. Reno to operate his sprinkler system from the Reno-Unger well when the Unger system is shut down. The pump produces too much pressure for the individual operation of the Reno sprinkler system. In short, the Reno system would be significantly damaged if the Unger system is not also using water. The pressure build-up is simply too great. Consequently, your principle concern that Dr. Reno might be using too much water from the well is not feasible. Consequently, I believe that the measurements described in your correspondence should evaluate that physical limitation of the Reno-Unger well irrigation system.

The second point that Dr. Reno would like me to bring to your attention is the additional disregard by David Stoecklein of the rules and regulations of the Idaho Department of Water Resources and state law. Based upon a telephone conversation with Bob Duke, the watermaster, conducted on February 26, 2004, Mr. Stoecklein has been illegally diverting 200 inches of water into a pond located on his property in violation of the limitations under his water right. In fact, Mr. Duke informed me that the winter diversion portion of the water right for the pond had lapsed. Moreover, Mr. Stoecklein has made these diversions with no headgate or measuring device and has not installed the "overflow" required for the pond for these

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diversions. According to Mr. Duke, Mr. Stoecklein professed ignorance to the diversions. Mr. Duke closed off the diversion on Monday, February 23, 2004.

I believe that it is entirely appropriate for the Idaho Department of Water Resources to take action against Mr. Stoecklein under its statutory authority contained in Idaho Code section 42-1701B.

Your immediate attention to this matter is requested.

Please provide me with a copy of the finalized letter concerning the measurement of Dr. Reno's well. I will also note that I have received confirmation from Bob Unger that this measurement of the well and both Reno and Unger systems is acceptable to Mr. Unger.

Please contact me if you have any questions.

Very truly yours,


Scott L. Campbell

SLC/dll

cc: Dr. Lynn Reno
Robert A. Unger
Bob Duke