

Dear Mr. Cefalo,

I have read over the conditions for approval and can agree to everything except condition number 4 for several reasons.

My main reason for not seeing this as agreeable is because I have been significantly dewatered in L9 from loss of recharge that occurred on the Lemhi in the past. I am not trying to say that people on their property don't have the right to switch from flood irrigation to pivot irrigation, but our ranch feels the effects of what happens every time that switch is made. I feel loss of recharge has been overlooked by the Water Department.

There are a good number of these projects that have been funded by various agencies that have certainly affected us on our ranch. One that has hurt us the most occurred on the property formerly known as the Eagle Valley Ranch. We used to have springs that would run 4 cfs into L9 starting mid-June, and last through the irrigation season. The springs have lowered with each change they made. This last project pushed by Fish and Game has all but dried up our previously dependable springs.

I have tried everything I can to keep my place irrigated throughout the water season as it historically has been, but changes have happened so fast that it has been impossible to keep up and is a losing battle at this point.

I know it would be much easier and convenient for the Water Department to turn a blind eye to this and pretend this is not the reality. I am asking you to acknowledge what is happening and not just think of how things appear on paper and make a compromise with me. My suggestion is this: When L9 is turned off no more than 6 cfs can be diverted at L3AO, the 2 cfs already there plus 4cfs. That would make up for the loss of the spring water that used to flow down L9 before all the Eagle Valley irrigation projects happened. This solution does not even consider the recharge issues on the Lemhi itself but is still a compromise I could accept. I feel this would show that the Department does understand that people have been dewatered by many of these projects that have happened. It would also allow my ranch to at least partially be as productive as it once was.

My ranch is in a unique position, being located on the lower Lemhi but mostly getting its water from L9. There would be no other water users able to switch their Point of Diversion like I have the ability to do. This would mean there would not be a concern of dewatering the Lower Lemhi. I have contacted Rick Sager on this matter and he said he agreed with me and thought I was taking the correct approach. I hope his opinion still counts for something where he has the most real-world experience on the Lemhi.

As far as the other users on the ditch go, after talking to many of them I do not feel that they would be opposed to me making this change and using water even if L9 is off. If they were, they would have protested what I am trying to do when they had the chance. I have not been quiet on this matter. I've been hoping to make this change for several years and have had many meetings

about this. Some of the meetings were with the water users on L9. Never has anyone suggested that I shouldn't be allowed to irrigate if L9 is off, especially since water is available at this point.

In condition for approval number 5, I am being asked to leave a portion of my water in L9 which I have been told is to help protect the other water users from suffering a water loss. I am not opposed to this, but it would appear very odd for the Water Department to look out for the other water users on the ditch but turn a blind eye to the losses I have experienced.

I hope you will put serious thought and consideration into this compromise.

Thanks for your time,

Orie Cockrell