



State of Idaho
DEPARTMENT OF WATER RESOURCES

copy

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January 03, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

James Hudson
PO Box 173
Carmen, Idaho 83462

Mr. Hudson:

This letter is in regards to an irrigation diversion on Carmen Creek operated by yourself and John Aldous. The diversion is located on the Kenneth Rogers' property approximately four miles up Carmen Creek from Highway 93 N.

Mr. Rogers has expressed some concerns regarding bank erosion and property damage due to the fact there are no controlling works at the above-mentioned point of diversion.

In late November 1995, I made an on-site visit to the diversion site accompanied by Mr. Rogers and made the following observations, there are no headgates and/or controlling works at the diversion site, some bank erosion is occurring, and without any means of controlling the flow of Carmen creek at the diversion site, there seems to be the potential for additional damage to the Rogers' property at this location.

Idaho Code 42-701, requires the installation of satisfactory headgates and/or control works by the wateruser(s) to insure proper delivery of water right(s).

Idaho Code 42-1102, entitles a wateruser to maintain an irrigation diversion on the property of others provided the delivery system and/or diversion works are kept in good repair to avoid property damage to others. I have enclosed copies of the above for your information.

Based on my observations and relevant Idaho law, I would recommend the installation of adequate headgates and/or controlling works at the point of diversion to negate the possibility of further bank erosion and/or property damage, as well insuring the proper delivery of your water right(s).

I suggest contacting Mr. Rogers as well as Gina McFarland, Watermaster of Water District 75-D, to find a possible solution to this problem.

If you have any questions or if I can be of further assistance feel free to call me at (208) 756-6644 or Gary Spackman in our Boise office at (208) 327-5406.

Sincerely,

Robert E. Foster
Sr. Water Rights Agent

cc: Gina McFarland, Watermaster 75-D
Kenneth Rogers
Gary Spackman, IDWR Boise
John Aldous