

File: WD 75-B

Luke, Tim

From: Young, Norm
Sent: Monday, February 24, 2003 11:42 AM
To: Foster, Bob
Cc: Luke, Tim
Subject: Williams Creek

Bob: Thanks for faxing a copy of the letter the High Line Ditch folks sent to Mr. Benzon. Do you think I need to respond to Rigby's January 24, 2003, letter? I had not planned to respond because it did not seem to demand anything further from us than was already covered in my December 23, 2002, letter. That letter indicates we will instruct the watermaster to deliver the 15.2 cfs from the creek to the ditch. The responsibility for delivery from the ditch lies with the ditch owners. If the lateral users provisions of Chapter 13, Title 42, Idaho Code, apply, the users should meet and elect a lateral manager. If they do not do this (if the concept applies), IDWR could be asked to appoint a lateral manager. It would be at this point that the question would be before us to instruct the lateral manager whether or not to deliver to Mr. Benzon. We might then have to gather information on the validity of his claim and the right to use the ditch. Norm