

67A file

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WATER RESOURCES
WESTERN REGION

August 21, 1995

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

ATIN: Steve Lester

Dear Steve,

Reference our meeting on August 17, 1995 at the Josephine Thomason place, with Josephine and others.

I left that meeting feeling rather frustrated and confused. Via this letter, I am hoping to clear up my confusion.

My understanding is that all water right licenses for floodwater use end on June 15 of each year unless an extension is approved by the watermaster. This year I extended this use until July 7. If any of my water customers had continued to use floodwater out of the Little Weiser beyond this date after I told them not to, I would request assistance from the IDWR in the form of a Cease and Desist order. OK so far?

None of my water customers did this!

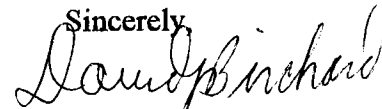
However, in late July when most of the water being used in the Little Weiser River Valley was flowing from the Ben Ross Reservoir, Mrs. Thomason, without my approval or knowledge started diverting water from the Mickey/Wilkerson Ditch for water right 67-7494.

I responded to her action with my letter dated August 5, 1995.

When I am delivering Reservoir water and she or anyone else takes water they are not entitled to use and I take action to stop this illegal use, 1) how can this be considered selective enforcement?, 2) what do measuring devices and lockable headgates or lack thereof have to do with stopping someone from taking Reservoir water that they are not entitled to use?, and 3) what controls, regulations, assistance, etc. does IDWR have or provide on water I am delivering from the Reservoir? For three years I have been getting rules, regulations and direction from the Little Weiser Irrigation District Board of Directors.

Your written response to my quandary would be appreciated.

Sincerely,



David J. Birchard
Watermaster, 67A

Little Weiser Irrigation District

Copy: Isaac Ward