



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

May 27, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Elese D. Teton
Tribal Water Engineer
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83221

Re: Your correspondence Dated May 14, 2008 Regarding IDWR Water Measurement Device Order on Toponce Creek and Shoshone-Bannock Tribal Rights on Toponce Creek

Dear Ms. Teton,

I have reviewed your letter of May 14, 2008 concerning the above referenced matter. I concur with the actions proposed by the Tribes and outlined in your correspondence with respect to the Tribes' rights on Toponce Creek.

I do remain concerned about the rights for allotments 71 and 72 leased by CV Ranches (or CV Cattle Inc. as per the decreed water right records). The rights in question are 29-238 and 29-239. It has been my understanding that CV Ranches has been diverting these rights through the Portneuf-Marsh Valley Canal Company Chesterfield Reservoir feeder canal (PMV feeder canal), which is the legal point of diversion for three of CV Ranches' four rights (non-Tribal rights) from Toponce Creek. It has been my further understanding over the past year that the Tribes do not support diversion of rights 29-238 and 239 through the PMV feeder canal. We would appreciate clarification concerning where these rights are to be diverted since the decreed rights and Fort Hall Agreement do not precisely describe the point of diversion for these rights. The clarification is necessary so that we can properly direct the watermaster as to how to deliver water on Toponce Creek between Tribal rights and non-Tribal rights.

Please contact me directly at 208-287-4959 if it is necessary to discuss this matter further.

Regards,

Tim Luke
Water Distribution Section

Cc: Steve Hebdon, Watermaster, Water District 29
Jeannette Wolfley, Special Counsel
Eric LaPointe, BIA Fort Hall Superintendent
Garrick Baxter, Deputy Attorney General for IDWR