

11/22/95

Don Gunderson

673 - 5355

I talked with him about his letter. I explained that there is SRDA claim that is not resolved & protested transfer of some right. I told him I didn't think it appropriate to issue a NOU on use of water covering historical users. I told him if district wished to participate they need to file intervention or objection to SRDA recommendation.

I also indicated they could protest new application if desired.

November 17, 1999

Allen Merritt, P.E.
Southern Region Manager
State Of Idaho Department of Water Resources

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NOV 19 1999

Department of Water Resources
Southern Region

Subject: Illegal Diversion ,Bennett Springs/Howell Creek Tributary to Marsh Creek
Water District # 45.

RE: United States Department of Agriculture ,Forest Service Permit #45-07745.

Allen :

I am sending this letter along with backup documentation as follow-up to a verbal protest and a copy of a letter received from the protestor Earl Warthen of Albion ,Idaho located in Water District #45-F. The letter is dated 9-06-99 from yourself to USDA Forest Service , Attn: Steve Spencer for application for a water permit for Pomerelle Ski Area # 45-07745.

I have followed up this matter and none of the data that I have on file shows a Water Permit or Water Right for the USDA Forest Service or Pomerelle Ski Area out of Bennett Springs. An on site Inspection by the Water District and myself found a diversion out of Bennett Springs that has been in use since 1976. It would appear that this is a violation of Idaho State Code # 18-304 (Wrongful Diversion Of Water).

Water District # 45-F at their Annual Water District Meeting held on March 1,1999 passed a resolution protesting any new water right filing until the Water District can determine if it will adversely effect its water.

Therefore as the WaterMaster of Water Disrict 45-F, unless The State Of Idaho Department Of Water Resources can produce a Legal Water Right filing. I Don Gunderson Watermaster of Water District # 45-F hereby request a Cease and Desist Order to stop the illegal diversion of water from Bennett Springs.



Donald G Gunderson
Watermaster, Water Dist. #45-F

November 18, 1999

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Department of Water Resources
Southern Region

Dear Allan:

I've included documentation which I find as valid data along with the protest that was presented to me around September 10th 1999 due to your letter dated September 6, 1999.

I will be submitting my own investigation of Earl Walthers protest as soon as it has been typed up by the Water District 45-F Secretary, but I had to get this first part in to you as to where I stand, as the Watermaster.

Any questions, please feel free to call me at ²⁴⁸⁻673-5359.

Sincerely;

Ronald E. Gunderson
Watermaster 45-F