

~~Marsh Creek Water District 45-F~~
P.O. Box 125 * 1040 E 1000 S
Albion, Idaho 83311
Phone: (208) 673-5359, E-mail gundy@safelink.net

April 23, 2002

RECEIVED

APR 26 2002

Department of Water Resources
Southern Region

Allen Merritt, PE
Southern Region Manager
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID. 83301-3380

Dear Mr. Merritt:

I am submitting this letter to you along with a written protest that I received from Mr. Gary Erickson who owns the Marsh Creek Event Centre and Erickson Construction who are located just south of Albion City. The complaint is against Mr. Roger Jenkins who purchased ground on the other side of the Event Centre.

Late last fall Mr. Jenkins went in and leveled his ground and in doing so he covered up the main delivery ditch and channel of Brim Creek to Land Creek, especially at high water in the Spring run off's. Mr. Erickson had spent quite a bit on culverts and landscaping in preventing any flooding and offered Mr. Jenkins help in doing his part in keeping the delivery ditch open, nothing has happened and Mr. Erickson finally give me something in writing as I asked him back in November 2001.

It is getting down to the new water season and as of today, he has yet, returned my phone call. The Albion Highway District did offer to assist him in reopening the delivery channel in keeping water out of the burrow pit and flooding their road. I have also included their letter as documentation. Property boarder's Hwy 77 and 900 S. T12s-R25E-S06 (A45-266D) effecting A45-266E (Erickson Construction).

Sincerely;



Don G. Gunderson, Watermaster
Marsh Creek Water District 45F

Attachments enclosed: (7)

4/29/02
Called Don back and
told him it seemed to
be a civil matter unless
it was a natural stream



Albion Highway District
P.O. Box 71
Albion, Idaho 83311

RECEIVED

APR 26 2002

Department of Water Resources
Southern Region

April 8, 2002

Donald Gunderson
Water Master Water District # 45-F
1040 East 1000 South
Albion, Idaho 83311


Mr. Donald Gunderson,

Regarding the blockage of the water drainage by Mr. Roger Jenkins at the intersection of Highway 77 and 900 South, it is the position of The Albion Highway District that this drainage must be kept open, i.e. either in an open ditch or a buried pipe of sufficient capacity to handle the runoff.

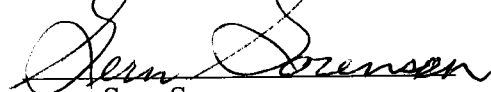
*
900 South
JG

Albion Highway District in light of the problem has offered to either reopen the old original drainage ditch or dig a trench for a buried pipeline of sufficient capacity to handle the water flow at no cost to Mr. Jenkins. As of this date we have not received any reply to our offer.

Cordially,


Lee Jolley
Commissioner


George Kelley
Commissioner


Sern Sorensen
Commissioner

February 19, 2002

Don Gunderson
P.O. Box 125
Albion, ID 83311

RECEIVED

APR 26 2002

Department of Water Resources
Southern Region

Dear Don,

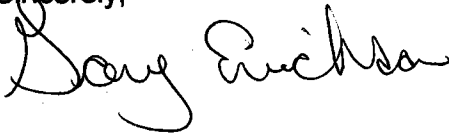
I would like to bring your attention to a matter concerning the property located across Highway 77 from The Marsh Creek Event Centre and Erickson Construction.

The property owner has filled in the delivery ditch to the water rights for the Event Centre, Erickson Construction and others. Also the drainage ditch on that property has been filled in.

I am very concerned about this matter and hope you will give it prompt attention.

Thank you.

Sincerely,



Gary Erickson
P.O. Box 545
Albion, ID 83311

*Property Owner:
Mr. Roger W. Jenkins
345 E. North St.
Albion, ID. 83311
Ph # 673-5329*

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. A45-002660

OWNER CODE NAME & ADDRESS
C LA VON CUNNINGHAM
C VIOLA CUNNINGHAM
BOX 104
ALBION ID 83311
(208) 673-6648

PRIORITY DATE WATER USE
06/15/1875 IRRIGATION

USE PERIOD FROM TO
03-15 11-15

DIVERSION RATE
0.10 CFS

DIVERSION VOLUME
52.70 AFA

TOTAL DIVERSION:
CONSUMPTIVE USE:

Water Source: LAND CREEK Tributary to: MARSH CREEK
Point(s) of Diversion: T12S R25E S07 NENWSW
Stage: DECREED
CASSIA County

Place of use Legal Description for: IRRIGATION

T	R	S	NE		NW		SW		SE		SUM	
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
12S	25E	6	NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE		
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
			14		18						32.4	
			TOTAL ACRES								32.4	

POU County: CASSIA
Other Rights: A45-00309A

Remarks: GEN THIS CLAIM REPRESENTS A SPLIT OF A45-00266A AND THE DIVERSION WAS
CALCULATED AS 39 ACRES FROM 100 IRRIG. ACRES (SEE 45-00309) X 0.6
CFS WHICH EQUALS 0.234 CFS.

OWNERSHIP CHANGE RESULTED IN A SPLIT. A45-00266D (.1064 CFS)
BELONGS TO CUNNINGHAM WITH 32.4 ACRES. A45-00266E (.1276 CFS)
BELONGS TO WIJENHEFT WITH 6.6 ACRES.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 45F Field Inspection Flag:
Presumption Flag:
Audit: 08/09/95 TBACKLUN

*The SESE, 2 belong to
the ground that Cunningham
sold to Jenkins*

OWNER CODE: C
 NAME & ADDRESS: JOHN R ERICKSON, DARLENE ERICKSON, ERICKSON CONSTR MASONRY INC, 3000 BUILDERS AVE SUITE B, LAS VEGAS NV 89101, (702) 379-8887
 PRIORITY DATE: 06/15/1875
 WATER USE: IRRIGATION
 USE PERIOD FROM TO: 03-15 11-15
 DIVERSION RATE: 0.12 CFS
 DIVERSION VOLUME: 64.30 AFA
 TOTAL DIVERSION: 0.12 CFS
 CONSUMPTIVE USE:

Water Source: LAND CREEK
 Tributary to: MARSH CREEK
 Stage: DECREED
 Point(s) of Diversion: T12S R25E S07 NEWSW
 CASSIA County

Place of use Legal Description for: IRRIGATION

Y	R	S	NE	ENE	NW	WNE	SE	ENE	SW	WSE	SE	SUM
12S	25E	6										06
											TOTAL ACRES	6.6

POU County: CASSIA
 Other Rights: A45-00309A

Remarks: GEN THIS CLAIM REPRESENTS A SPLIT OF A45-00266A AND THE DIVERSION WAS CALCULATED AS 39 ACRES FROM 100 IRRIG. ACRES (SEE 45-00309) X 0.6 CFS WHICH EQUALS 0.234 CFS.

 OWNERSHIP CHANGE RESULTED IN A SPLIT. A45-002660(.1064 CFS) BELONGS TO CUNNINGHAM WITH 32.4 ACRES. A45-00266E(.1276 CFS) BELONGS TO WIEDENHEFT WITH 6.6 ACRES. WARRANTY DEED WITH LEGAL DESCRIPTION INCLUDED. 8/9/95 BY TLB.
 *****8
 CHANGE OF OWNERSHIP WIEDENHEFT TO ERICKSON PER NOTICE REC'D 2-19-98 - VH

Dates: Exam Made Date: Verified Date: Objection Filed Date:
 Misc: Water District Number: 45F Field Inspection Flag:
 Presumption Flag:
 Audit: 08/09/95 TBACKLUN 03/17/98 VHANCOCK

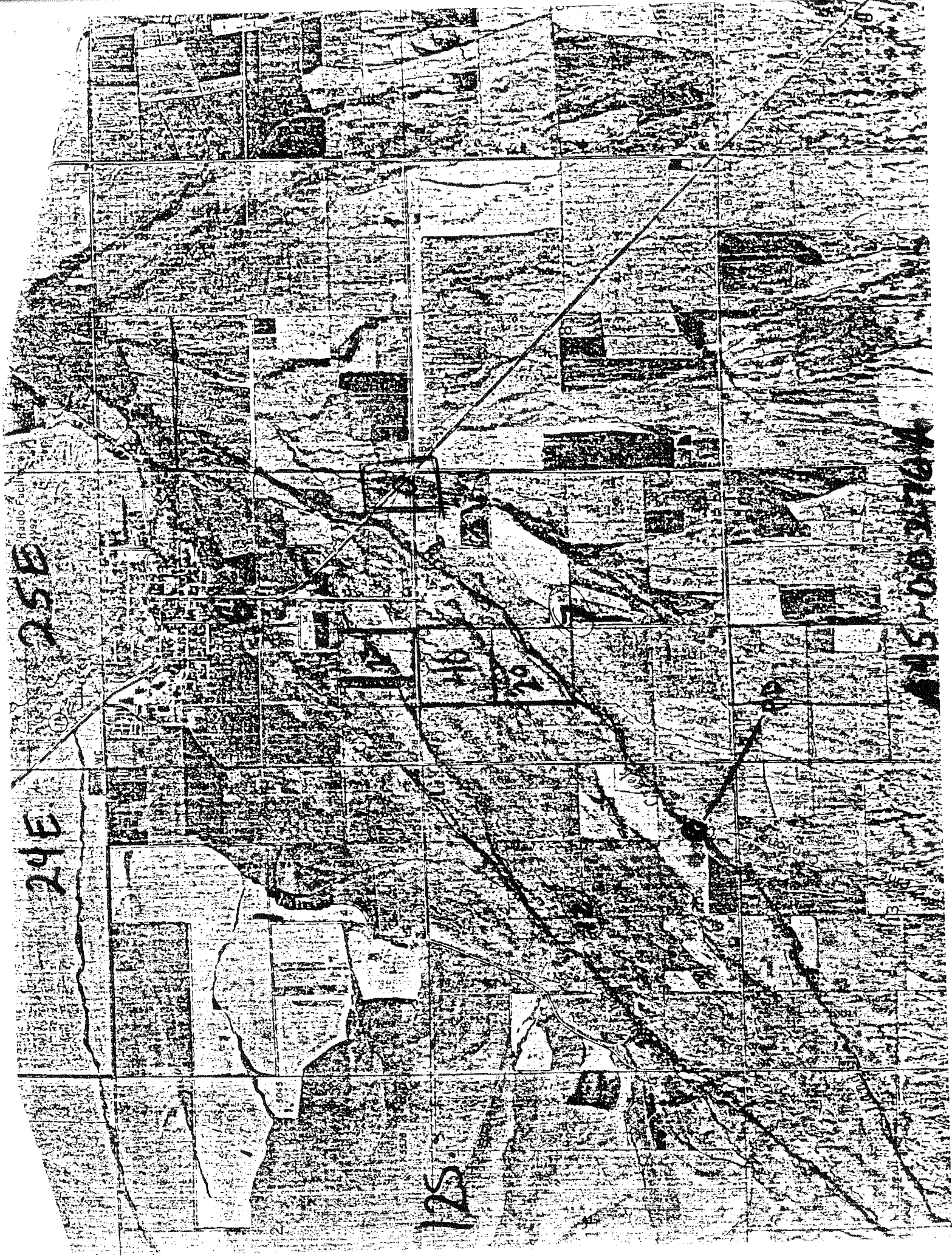
Radio Facility

25E

24E

125

15-00-2164



31

