



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Robert L. Morgan
State Engineer

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RECEIVED

MAY 07 1998

Department of Water Resources

May 5, 1998

Dave Sundberg
HC 72
Malta ID 83342

Dear Mr. Sundberg:

It has been reported to us that on Saturday, May 2, 1998 the flow of Clear Creek reached 20 cfs and according to the decree the Utah diversions were to be shut off and the water was to go to Idaho. Around 5:00 p.m., when the Utah Clear Creek Commissioner went to make these changes, he found that you had already closed the Utah headgates to send the water to Idaho.

As the Idaho Clear Creek Commissioner, you have certain responsibilities to work with the Utah Clear Creek Commissioner to determine when changes need to be made in the distribution of water between Utah and Idaho in compliance with the court decree. **However, you have no authority to close or open headgates on Clear Creek in Utah!**

If you have concerns about the distribution of water between Utah and Idaho, you must communicate those to the Utah Clear Creek Commissioner and work out a solution with him. Any future attempts on your part to open or close headgates which are being regulated by the Utah Clear Creek Commissioner could jeopardize the cooperative working relationship between Utah and Idaho on Clear Creek.

If you have any questions concerning this letter, please contact Lee Sim, Assistant State Engineer for Adjudication and Distribution, at (801)538-7380 or Bob Fotheringham, Regional Engineer, at (435)752-8755.

Sincerely,

A handwritten signature in cursive script that reads "Robert L. Morgan".

Robert L. Morgan, P.E.
State Engineer

cc: Lee Sim
Bob Fotheringham
Vern Kempton
Tim Luke
Allen Merrit