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State of Idaho
DEPARTMENT OF WATER RESOURCES

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June 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Dave Sundberg
Watermaster, Water District 43-B
PO Box 1
Malta, ID 83342

Re: Guidance Document for Distribution of Clear Creek Water Rights and Flows

Dear Mr. Sundberg:

I received your comments regarding the draft guidance document concerning distribution of Clear Creek. Your only objection was to my interpretation of delivery of excess flows and the relationship between Clear Creek and the Upper Raft River. I appreciate your comments and I agree with your position. As a result, the second paragraph under section E, page 7 should be omitted. The first paragraph of section E, page 7 concerning distribution of excess flow is a reiteration of the Order Modifying Interim Administration on Clear Creek signed by Judge Hurlbutt, June 3, 1998. Since that was ordered for interim administration, I believe that IDWR and the water district need to follow that position.

In addition to your comments, I also received some objections and questions from Round Mountain Ranch regarding that part of the document pertaining to Round Mountain Creek. Since I do not have a lot of time to respond to those objections immediately, and because I feel it is important for you to have some confirmation regarding distribution of Clear Creek rights, I recommend that you follow that portion of the guidance document that pertains to Clear Creek (except the second paragraph under section E, page 7). You should temporarily disregard that portion of the document that pertains to Round Mountain Creek until the department provides you with further notice. I hope to finalize this latter part of the document shortly.

Separate cover letters will also be sent to both Round Mountain Ranch and Harold Jones regarding the condition of their weirs in the Jones/Round Mountain Ranch ditch diverting from Clear Creek. Our last field inspection indicates that there are some problems with the weirs below the Jones/Round Mountain splitter box.

Thanks again for your input on the guidance document. Please call me directly or the regional office if you have further questions or need assistance regarding distribution matters on Clear Creek.

Sincerely,

Tim Luke

Water Distribution Section

Cc: Mailing List

C:\Word_Docs\WtrDistricts\ClrCkCovLet2.doc

Mailing List

Arimo Corporation
C/O Christopher Robinson
139 S Temple
Salt Lake City UT 84111

Holmgren Land & Livestock
PO Box 78
Bear River UT 84301

Boyd & Afton Hoskins
C/O NAF Store
Strevell Rd Box 2350
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6/15/99