



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
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July 28, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Logan E Williams
PO Box 96
Mackay, ID 83251

Re: Your Correspondence Dated July 27, 2004

Dear Mr. Williams,

The Idaho Department of Water Resources ("Department") is in receipt of a letter from you dated July 27, 2004 to Gary Spackman. The Department received your correspondence on July 23, 2004. The date on your letter therefore may be in error.

Your letter references several points of diversions for water rights 36-2316A and 34-2316B. Our records indicate that you and D& L Partnership are the current owners of record for right 36-2316A, but that the estate of Orvil S Adams owns water right 34-2316B. In addition to the description of water rights and points of diversion, your letter states only that you are "in compliance with IDAPA 37.03.12, Department of Water Resources Water Distribution Rules Water District 34, Rule 50.03".

The Department does not know the intent of your letter or how to interpret it given the very limited information you provided. Please contact either Gary Spackman or Tim Luke at the above office to clarify the intent of your correspondence.

In the interim, you are advised that the Department received a petition for hearing and a request for stay of the Department's order on July 20, 2004 from the law firm of Rigby, Thatcher, Andrus, Rigby and Moeller ("Rigby") on behalf of numerous individual ground water right holders in Water District 34. Your name appears on an attachment to the petition from Rigby in which you are identified as being represented by the Rigby law firm. On July 23, 2004, the Department amended the above referenced order and issued a Notice of Status Conference in response to the Rigby petition. A copy of the amended order and Notice of Status Conference was mailed to you on July 23, 2004. Specifically, the Department scheduled a status conference for the contested case created by the Rigby petition on August 2, 2004, at 10:00 a.m., at the Mackay High School Auditorium, 411 Rose Ave., Mackay, ID. You are encouraged to attend the Status Conference on August 2nd for further information about this matter.

Please also be advised that the Department's amended order delays the date in which ground water rights bearing a priority date junior to June 30, 1883 must be covered by an effective mitigation plan or else be subject to curtailment. The amended order requires that holders of these junior ground water rights that are not covered by an effective mitigation plan shall cease and desist diverting ground water on the later of: a) the date that the Jensen water rights are no longer deliverable; or b), August 3, 2004. Please refer to the amended order of July 23, 2004 for more detailed information.

Respectfully,

Tim Luke
Manager, Water Distribution Section

Cc: Gary Spackman, IDWR
Ray Rigby, Rigby, Thatcher, Andrus, Rigby and Moeller
Bob Duke, Water District 34 Watermaster

July 27. 04

MacKoy, Idaho
83251

RECEIVED

JUL 23 2004

Department of Water Resources

DEPARTMENT OF
WATER RESOURCES

Gary Spackman

water rights 34-02316A

Point of Diversion

SEWNINE

TOLN R25E 505 (Lot 2)

TOLN R25E 505 (Lot 2)

Right W 34-02316B (NWNE) 20

SWNE 40

Is in compliance. IDAPA 37.03.12

Department of Water Resources

Water Distribution Rules Water District

34.

502 rule .03.

D & L

Logan E Williams P.O.

Box 96

MacKoy, Idaho 83251