

RECEIVED

SEP 08 2006

DEPARTMENT OF  
WATER RESOURCES  
FAX: (208) 878-2548

E-MAIL  
wkf@pmt.org

W. KENT FLETCHER  
ATTORNEY AT LAW

FLETCHER LAW OFFICE  
1200 OVERLAND AVENUE  
P.O. BOX 248  
BURLEY, IDAHO 83318-0248  
(208) 678-3250

September 6, 2006

David R. Tuthill Jr., P.E.  
Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

RE: Water District 34 Guidelines

Dear Mr. Tuthill:

I represent the Big Lost River Irrigation District. The Director's of the District have recently reviewed the Water District 34 Guidelines for Operation and a Memorandum dated August 3, 2006 dealing with administration of the BLRID storage rights.

The Directors are concerned about wording contained in the Memorandum stating that if water is released for flood control, the flood control releases count toward the annual volume limit.

Could you please provide me the legal authority upon which you rely concerning IDWR's position on flood control releases?

In addition, could you please advise me how it is determined by IDWR that water released for flood control purposes is considered stored water? For example, if the releases for flood control purposes do not exceed the inflows into the reservoir, how is it determined that the releases are part of the annual volume limit?

I look forward to hearing from you.

Sincerely,

FLETCHER LAW OFFICE

Kent Fletcher

KF/kjh