



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

August 9, 1996

RECEIVED

PHILIP E. BATT  
GOVERNOR

Kent Campbell  
Judith Pedersen Campbell  
PO Box 724  
Arco, ID 83213

AUG 14 1996

KARL J. DREHER  
DIRECTOR

Department of Water Resources  
Eastern Region

Re: Diversion of Water to Ditch near Munsey Canal Heading

Dear Waterusers:

The Department was advised last week by the watermaster's office and the Big Lost Irrigation District that water was being diverted to a ditch which had not been used for a number of years and located near the Munsey Canal. We were further advised that the water is being delivered to you and that you own water rights which are appurtenant to land serviced by the ditch. Neither the watermaster or the Irrigation District identified the water rights which you own and are diverting to the ditch.

Our office has researched all water rights under your name and find that you are listed as the current water right holder of record for water right nos. 34-00264 and 34-00265. The source of water under both rights is the Big Lost River. The Department's recommendations of these rights in the Snake River Basin Adjudication (SRBA) list the Munsey Canal as the point of diversion and conveyance system for these rights. There is no recommendation about delivery of these rights to any point of diversion or ditch other than the Munsey Canal.

We wish to notify you that the watermaster of Water District 34 and IDWR is distributing water rights in the Big Lost River pursuant to a court order by Fifth District Court and SRBA Judge Daniel Hurlbutt. This order provides for interim administration of water rights using the SRBA Basin 34 Director's Report. Delivery of water is also guided by IDWR Administrative Rules and Regulations Governing Distribution of Water in Water District 34, Big Lost River Basin. Rule 035.03 of these administrative rules requires that a measuring device be installed and maintained at the water user's expense, at all points of diversion.

Since the above referenced water rights list only the Munsey Canal as the point of diversion to which the rights should be delivered, there is an issue that the delivery of these rights to the smaller ditch is an unauthorized diversion. We wish to advise you that a water right transfer may be required to formally change the point of diversion from the Munsey Canal to the smaller ditch. You should also be aware that the water district and IDWR may have additional authority to cut off



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Eldon Jacobsen  
3711 Winding Creek Rd.  
Sacramento, CA 95864

RECEIVED

AUG 14 1996

Department of Water Resources  
Eastern Region

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Re: Diversion of Ground Water to Island Canal near Arco  
Water Right No. 34-07052, Diversion Exceeding Water Right

Dear Mr. Jacobsen:

The Department was advised several weeks ago by the watermaster's office that water was being diverted from a well owned by you. This well injects water to the Island Canal and is re-diverted downstream. It is our understanding that the well has not been used for a number of years. A review of water right records indicate that you are the owner of the above referenced water right which authorizes diversion of 6.0 cfs of ground water to be injected to the Island Canal. The 6.0 cfs rate of diversion is the rate for which the water right was licensed. This flow rate was also recommended for the right in the Snake River Basin Adjudication (SRBA) Director's Report.

The water district office has made measurements of your well discharge and reports that the diversion rate is 7.0 cfs. This rate of diversion exceeds the authorized flow rate under your water right.

We wish to notify you that the watermaster of Water District 34 and IDWR is distributing water rights in the Big Lost River pursuant to a court order by Fifth District Court and SRBA Judge Daniel Hurlbutt. This order provides for interim administration of water rights using the SRBA Basin 34 Director's Report. Delivery of water is also guided by IDWR Administrative Rules and Regulations Governing Distribution of Water in Water District 34, Big Lost River Basin. Rule 035.03(b) of these administrative rules states:

if the certified system capacity exceeds the diversion rate of the water right for the ground water use, the water user shall ... limit the system capacity to no more than the diversion rate of the water right .

We request at this time that you limit the rate of diversion from your well to the 6.0 cfs rate of diversion authorized under your right. This must be done within 48 hours of receiving this letter or no later than August 16. Please contact Water District 34 watermaster Doug Rosenkrance at 208-588-3137 to