

WD 34 2003



Water District No. 34

P. O. Box 53

Mackay, ID 83251

(208) 588-3137

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Department of Water Resources

To: Jennifer Berkey

Date: June 4, 03

of Pages: 2
(including cover sheet)

Comments: From: Bob Duke

May 28, 2003

Charles Huggins
2132 No.; 2900 W
Arco, Idaho 83213

Bob Duke
Water District #34
P.O. Box #53
Mackay, Idaho 83251

Robert Shaffer
Big Lost River Irrigation District
P.O. Box #205
Mackay, Idaho 83251

RE: WATER IN BIG LOST RIVER

Gentlemen:

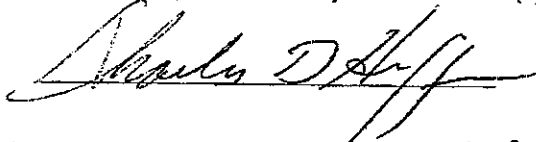
To date, none of my storage, permit, or decreed irrigation water has been delivered to either of my headings for my land located in Butte County. Per our May 28, 2003 conversation via phone (with both of you), you have informed me that you do not plan to deliver any of this water to either of my headings.

As you are aware, the Irrigation District Board voted to use six percent (6%) of the district's storage water to "wet" the delivery systems of the Basin. My delivery system is via the river.

You have verbally justified your actions by stating that IDWR has given you the approval to: (1) Not wet all of the delivery systems of the valley in opposition to the decision that the board voted for; and (2) Not deliver my water (including my storage) through my decreed delivery system.

Your unilateral decision has caused, and will continue to cause, extensive damage to my property, resulting in financial damage to me. As such, please provide me with the exact details of the circumstances that have allowed, and continues to allow you to make this decision. This detail needs to include the name of the individual within IDWR who gave you "permission" to make this decision and the means by which this "permission" was conveyed; (ie. letter, phone conversation, etc.). If you are relying on "permission" based on a phone conversation, provide the exact verbiage that resulted in this "permission". I also request any phone notes, file notes, copies of letters or any other records that you are relying on.

I request your written response within four (4) days of receiving this letter.



6/4/03 Per Bob Duke, he & Bob Shaffer discussed this issue with Huggins on 6/3/03 and do not plan to send a written response. Huggins requested a letter from IDWR ~~confirming~~ concurring with the WD's decision to deliver his rights through the Munsey/McLaughlin ditches