

BIG LOST RIVER IRRIGATION DISTRICT

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Nick Miller
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Nick,

At the next meeting of the Big Lost River Irrigation District Board of Directors that is scheduled to be held February 5, 2008 at 7:00pm, The Board will be discussing the practice of using rotation credit in District 34.

There are some questions on what authority the board has in controlling the rotation credit concept. In reviewing the rules as written in the Idaho Department of Water Resources Water Distribution Rules-Water District 34 (37.03.12), we would like a clarification of Rule 040 ALLOCATION OF NATURAL FLOW. In 040.02, there is a section addressing Rotation Credit. The conditions that govern rotation credit are quite explicit and straight forward. However there is some question about the implementation of rotation credit and to what options the Board of Directors have in dealing with this issue.

Does the Big Lost River Irrigation Board of Directors have the authority to discontinue the use of rotation credit or withdraw from the past implementation or practice of using rotation credit? Please provide advice on their authority on regulating or eliminating the rotation process or if there is a law that controls this issue?

Another issue regarding rotation credit is the concept of rotating decreed water while the land that has the water right being rotated is being irrigated with ground water by a pump. Please advise if it is legal to rotate that decree water while irrigating the specified land with ground water?

If there are any questions please contact me at 208-390-1447.


James Rindfleisch, Mgr

cc. Bob Schaffer, Water Master District #34
W. Kent Fletcher, Attorney