

May 25, 2000

E. Dan French  
Route 1 Box 94  
Salmon, Idaho 83467

Mr. French:

This office has been informed of an alleged unauthorized change in point of diversion from Lemhi River diversion known as L-6 to Lemhi River diversion known as L-3A.

It is alleged that you are irrigating ground(s) covered by Lemhi River diversion L-6 from Lemhi River diversion L-3A. If you believe this allegation is not correct, we ask that you contact our office immediately. If in fact you are irrigating ground covered by L-6 from L-3A, we ask you to do the following.

1. Cease irrigating the ground covered by L-6 from L-3A. The L-6 ground must be irrigated from the L-6 diversion only.
2. File an Application for Transfer to change the point of diversion for water right (s) from L-6 to L-3A if you wish to continue to irrigate those acres dedicated to the L-6 diversion from the L-3A diversion. If a transfer application is filed, you may resume irrigating the L-6 land from the L-3A diversion only upon final approval of the transfer.

Additionally, consideration of anadromous fish species in the Lemhi River Basin makes it imperative that water diversion and use be carefully managed and documented to comply with valid water rights established under state law.

Please contact this office at the above address or Bob Foster at our Salmon Field office no later than June 5, 2000 to discuss the above options. Please be advised that failure to respond to this letter may result in IDWR ordering the watermaster of Water District 74 to regulate your diversion at L-3A to the decreed amount of 3.19 cfs to insure only those acres under L-3A are being irrigated. Use of water not in conformance with your rights may also result in the issuance of a notice of violation from the department in accordance with Sections 42-351 and 42-1701B, Idaho Code. Such violation notices can carry civil penalties.

Sincerely,

Harold W. Jones  
Water Rights Supervisor

Cc: Bob Foster, Salmon Office  
Rick Sager, Watermaster, Water District 74