



State of Idaho
DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 1, 1994

George Lemmon
Watermaster, Water District 36A
1050 E. 2727 South
Hagerman, ID

Re: Complaint Concerning Use of Water on Brailsford Ditch

Dear George:

The purpose of this letter is to verify our phone conversation which took place this morning and the Department's direction regarding the complaints from the Hagerman National Fish Hatchery and United States Department of Justice about wasting of water along the Brailsford Ditch. The United States has specifically asked that the water spilling into the Idaho Fish and Game turnout as documented by Mr. Brian Kenworthy's letter of March 31, instead be delivered to the National Fish Hatchery.

The Department is not aware that the Idaho Fish and Game Department has made a call for irrigation water from Len Lewis Spring or that there is any apparent irrigation use by Fish and Game at this time. Any water beneficially used by Fish and Game resulting from this spill water is being made under a water right that has a priority date junior to the National Fish Hatchery right from Len Lewis Spring.

Pursuant to the United States' complaint and request, the Department directs you to immediately investigate the spilling of water down the Idaho Fish and Game turnout. If there is continued spilling of water at this turnout, then you should immediately direct the Brailsford Ditch ditchrider to close the Fish and Game headgate. If the ditchrider does not correct this problem on or before April 2, then you are further directed to reduce the flow into the heading of the Brailsford Ditch. The reduced flow should be equivalent to the amount of water spilling to the Fish and Game turnout.

You should also make an investigation of the entire Brailsford Ditch and confirm that water is being beneficially used and not being turned out to areas which either are not entitled to receive water or can not benefit from the application of water. Any clear or obvious non-beneficial use of water from additional points along the Brailsford Ditch should be corrected in the manner prescribed above.

Thank you for your prompt attention in responding to this matter. Please contact me or Lynne Krogh at this office if you have any questions or need assistance.

Sincerely,



Tim Luke
Hydrologist, Water Allocations

cc: Lynne Krogh, IDWR
Brian Kenworthy, USFWS
Micheal Gheleta, USDJ
John Lezamiz
John Mavencamp
Shelby Wise
Ron Smith
Nevada Omohundro
Flying Triangle Inc.
Dave Parrish, IDFG
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