



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 25, 1996

RECEIVED

MAR 27 1996

Department of Water Resources
Eastern District Office

Mr. Ted Sorenson
Birch Power Company
5203 South 11th East
Idaho Falls, Idaho 83404

Re: Request for early call-on of District 32-D Watermaster

Dear Mr. Sorenson:

Your letter of March 21, 1996, requests that the watermaster of District 32-D be called on prior to the start of the irrigation season to accomplish measurement of a stockwater diversion by Mr. Mac Wagoner. Subsequent discussions with you and a review of the request indicate that the watermaster would not be able to provide the services you are seeking under his regular authorized duties. It is not appropriate for the watermaster to make measurements to assist in a flow test that may be used in a contested case proceeding involving other users within the district.

Likewise, the watermaster distributes water in accordance with recorded water rights. He is not authorized to enforce private agreements between water users unless the provisions of the agreement are incorporated into the recorded rights.

Section 42-608(5), Idaho Code, provides for the extension of a watermaster's term of service if the department finds the extension to be necessary. I am unable to find that the extension is necessary within the authorized duties of the watermaster.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Norman C. Young', is written over a faint circular stamp.

NORMAN C. YOUNG

Administrator

Water Management Division

c: Don Shenton, Watermaster
Eastern Region