

W A T E R D I S T R I C T #32-D
P O B O X 33
D U B O I S I D 83423

10/15/97

Mr. Ted Sorsensen
Birch Creek Ranches
203 S 11th E
Idaho Falls, ID 83404

RE: Wrongful diversion of Birch Creek Waters

Dear Ted,

On Saturday, October 11, I received a call from Lewis Newman stating his waters from Birch Creek had been shut off and wanted an explanation from me as to why? He stated that his sprinkler pumps had ceased to get water and he was upset.

At a later time in this day, Lavar Newman called stating he and Lewis had contacted you and you stated you shut the flow off Birch Creek down and that you wanted to do some maintenance on your plant. He also stated that you had shut the flow down on three occasions.

My questions to you are, by what authority do you take it upon yourself to shut the flow of water from the source of Birch Creek from the water users. Why was I not contacted as the watermaster with the regulating authority? I was at home all day of the 11th. Why was not Newman's or their employees informed or asked if you could do this? Why didn't you wait until no water was being used by the users?

I feel this was a very wrong and flagrant act by yourself and could have some severe consequences. Damages resulting from pumps without water could be very extensive.

My main concern however is the disregard for the water right user and the disregard for the laws of the State of Idaho pertaining to the regulation of the waters of the state.

I would hope this would not happen again as the consequences might be different than those on this 11th day of October. I will send a copy of this to the I.D.W.R. and President of the district along with the affected water users.

Sincerely,



Don Shenton, Watermaster

RECEIVED

OCT 20 1997

Department of Water Resources
Eastern Region