

BIRCH CREEK RANCHES, INC.

5203 South 11th East
Idaho Falls, Idaho 83404
(208) 529-2469

July 7, 1995

Don Shenton
Water Master
Water District 32-D
P.O. Box 33
Dubois, ID 83423

RECEIVED

JUL 12 1995

Department of Water Resources
Western District Office

RE: DIVERSIONS FOR BIRCH CREEK RANCHES

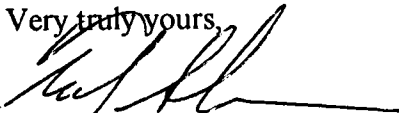
Dear Mr. Shenton:

It is now my policy to respond to all situations at Birch Creek.

I called you the last week of May to ask for an appointment to discuss diversions onto the ranch. We had an appointment and I met you at Birch Creek at 9 a.m. on either Monday, June 5 or Tuesday, June 6, 1995. I asked for permission to divert water onto the ranch. You indicated that you were going to notify my neighbors. We had scheduled the diversion to be on Wednesday, June 14, 1995. You called me on the afternoon of June 13, 1995 to indicate that the other water users had been in to speak to Ron Carlson. I ask you if you were going to allow me to divert at the scheduled time on June 14. You told me no. I received a copy of a letter addressed to you from Ron Carlson dated June 13, 1995. I received this letter from you on June 21, 1995. The letter was postmarked June 20, 1995. This letter would have allowed for diversion on June 14. On June 14, I went out to Birch Creek because I was scheduled to go out there, anyway. When I went to the powerhouse, I noticed that the bulk of the Newman water was not being diverted to Newman's place, but was being diverted to waste in the desert. There was more than enough water to do the test. This waste of water to the desert by Newman continued until the end of the week, June 16 or 17. I know this because Nate Bridges called me and commented on how odd it was that Newman began irrigating in the middle of a rainstorm in the middle of June when we received during that week approximately two inches of precipitation. I visited today, July 7, with Ron Carlson concerning this letter. Ron Carlson tells me that it was Don Shenton who had come to talk to him about these diversions. The bottom line is: We could have diverted and done what I wanted to do on June 14 had I known the rules. Apparently, my neighbor, Newman, knew the rules at least four or five days before I did, because he started to irrigate in the middle of a rainstorm after he had not been irrigating. Why wasn't I informed of the rules on June 13, 1995?

I look for a watermaster to be impartial and treat everybody the same. I hope this is the case and will be the case in the future.

Very truly yours,



Ted S. Sorenson