



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

December 30, 1996

GEORGE LEMMON
1050 EAST 2727 SOUTH
HAGERMAN ID 83332

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Diversion of Water from Bar-S Ditch

Dear Mr. Lemmon:

I was asked today by a local Hagerman water user why the Department's correspondence of December 17 to you did not address use of water from the Bar-S Ditch. Specifically, I was asked if Buckeye Farms was diverting water from Weatherby Springs via the Bar-S Ditch for fish propagation use and if that water returns to Billingsley Creek.

I have not been aware of any diversion of water to the Bar-S Ditch for purposes other than domestic and stockwater during this non-irrigation season. I also have not made any recent investigation of diversions to the Bar-S Ditch. However, water right records on file with the Department do not authorize the diversion of water to the Bar-S ditch for fish propagation, or other non-irrigation uses other than stockwater. It is my understanding that if Buckeye is diverting water to the Bar-S Ditch for fish use, then the water is not being returned to Billingsley Creek.

Please be advised that diversion of water to the Bar-S ditch during the non-irrigation season must be limited to that amount of water necessary for stockwatering. If water is being diverted by Buckeye Farms from the Bar-S Ditch for fish propagation, then that water must be curtailed by January 13, 1997, unless other arrangements are made with the Department.

Sincerely,

A handwritten signature in black ink that reads "Tim Luke". The signature is written in a cursive style with a large, sweeping 'T' and 'L'.

Tim Luke

cc: Buckeye Farms, Inc.
John Simpson
Southern Region
Flying Triangle Inc.
Stanly Hoskovec
Gertrude Bybee
Sharlene Smith
Nevada Omohundro
D. Jensen



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George Lemmon
1050 East 2727 South
Hagerman ID 83332

Re: Aqualife Call For Water Involving Big Spring water and
diversion from Big Spring to Billingsley Creek Ranch

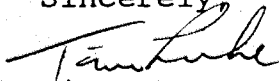
Dear Mr. Lemmon:

I received calls today from Donnie McFadden of Billingsley Creek Ranch (BCR), and Ken Ellis of Aqualife regarding IDWR's earlier directive to you to curtail BCR's use of water from Big Spring for fish propagation.

Mr. McFadden has been out of town for the past several weeks and did not read the IDWR letter of December 17 until this past weekend. Mr. McFadden asked if the December 30 deadline to curtail his diversion could be extended to allow him some additional time to respond our directive and/or work out some other arrangement. I told Mr. McFadden that IDWR could consider extending the deadline for another two weeks. I spoke with Mr. Ellis afterward and he was agreeable to IDWR allowing BCR some additional time.

The purpose of this letter is to advise you that IDWR has granted BCR an additional two weeks, until January 13, 1997, to remove fish from raceways receiving water from Big Spring, unless other arrangements are made with the Department. IDWR will notify you on or before January 13 if BCR makes other arrangements that might change this directive.

Sincerely,


Tim Luke

cc: Don McFadden, Billingsley Creek Ranch
Ken Ellis, Aqualife
Lynn Babbington
Southern Region