

**Luke, Tim**

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**From:** J. R. "Jack" Challis [jack@randrforhorses.com]  
**Sent:** Thursday, May 17, 2007 8:36 PM  
**To:** Luke, Tim  
**Subject:** RE: Delbert Hughes Request

**Tim:**

It is my opinion the delay is primarily (if not solely) a result of the Hughes' procrastination. To my knowledge the only involvement IF&G has is they have agreed to do the demolition on the old Lowline Canal structure in return for the cooperation of the others who had a prior right to use that diversion and agreed, to the Hughes' primary benefit, to allow the Hughes' transfer to the Highline and subsequent abandonment of the Lowline. (IF&G also have the benefit of not having to install that fish screen.) Though I think IF&G was attempting to schedule this demolition even as soon as yet this season I'll can follow up on that with Larry Weeks.

Be that as it may I have no problem with a delay until after this irrigation season. I am rather confident I will have no problem to get the other two users to agree. However, I feel it should be emphasized to the Hughes' in this extension approval that by next spring they need their new diversion installed and operative as their Lowline diversion right-of-way on the Thornton property and ditch right-of-way across the Thornton and Hasskamp properties will expire at the end of this season; and the Hasskamp's have told me they intend to fill in the ditch, level it and make it useable pasture.

Unfortunately the measuring device in the Lowline ditch is in serious disrepair (as you can see on the attached photo taken 4-25-07). I went there earlier this evening and the head gate is leaking so badly (under, around & through) to fix this now (during high water) is all but impossible. Unless you have a better idea I will tell the Hughes' we will release their rights "guessing" the accuracy as best we can until the high water subsides. Then they will need to dig out the silt buildup so we can accurately measure their flow as we progress into the season, flows diminish (which won't be long) and measurement becomes critical.

Sound good to you?

Jack

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**From:** Luke, Tim [mailto:Tim.Luke@idwr.idaho.gov]  
**Sent:** Thursday, May 17, 2007 1:16 PM  
**To:** Challis, Jack (E-mail)  
**Cc:** Spackman, Gary; Miller, Nick; Peppersack, Jeff; Foster, Bob  
**Subject:** Delbert Hughes Request

Jack,

Our office received a written request from Delbert Hughes to extend the deadline for completion of the water right transfer regarding rights 72-10276 and 72-10272. A copy of the request is attached. The transfer was approved July 27, 2006 and he had one year from that date in which to complete the transfer. Hughes says there is a construction delay associated with the project. I had heard that Fish and Game is involved in this project and I assume the construction he is talking about must be associated with re-diversion of the water from the Highline.

5/18/2007

What are your thoughts or comments on the request? Is there any reason(s) we should not grant the extension? Is there any alternative to re-diverting the water from the Highline to his place of use absent the necessary construction he mentions in his letter?

Tim Luke  
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<<051407 LTR fr Hughes RE request extension of time for xfr on 72-10276-10272.pdf>>