



State of Idaho
DEPARTMENT OF WATER RESOURCES

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June 18, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

John T. Lezamiz
HEPWORTH, NUNGESTER &
LEZAMIZ, CHARTERED
P.O. Box 389
Twin Falls, ID 83303-0389

VIA FAX

Re: Delivery of Water from Curran Tunnel

Dear Mr. Lezamiz:

This letter responds to your letter of June 16, 1993, to Norman C. Young, Department Administrator, on behalf of your clients J. Alvin Musser, Tim Musser and their tenant, Howard "Butch" Morris, from Hagerman Idaho. The purpose of your letter, as I understand it, is to make a demand for the delivery of water from Curran Tunnel for these clients similar to the demand made earlier by your office to the Water District 36A Watermaster on May 25, 1993, on behalf of your clients Messrs. Crandlemire and Candy, and Rangen, Inc.

Your June 16, 1993, letter is a "demand on behalf of Messrs. Musser and Morris for the full and immediate delivery of their decreed irrigation water rights from the Curran Tunnel." This demand is consistent with state law and should be performed by the watermaster to the extent water is available from the Curran Tunnel source. In my June 8, 1993 letter to George Lemmon, the Water District 36A watermaster, I directed the watermaster to deliver whatever water flows from the Curran Tunnel to those entitled to its use in the order of priority.

To the extent your demand letter requests relief that legal authority prohibits me from granting, your demand is denied. For example, the director is not authorized to direct the watermaster to conjunctively administer ground and surface water within Water District 36A short of a formal hydrologic determination that such conjunctive management is appropriate. Additionally, various statutory and due process requirements must be satisfied before the director could order the conjunctive management of ground and surface water within Water District 36A.

Sincerely,


R. KEITH HIGGINSON
Director

cc: George Lemmon