



Twin Falls Office

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August 24, 1993

Mr. George Lemmon
Watermaster, District 36A
2727 South 1050 East
Hagerman, Idaho 83332

Mr. R. Keith Higginson, Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

Gentlemen:

Mr. John W. Jones, Jr., and Mrs. Delores D. Jones, my clients, are the owners of a licensed right to use 73.05 cfs of water for fish propagation. The water they are entitled to receive under that right is not being delivered to their diversion at Weatherby Springs. In fact, because water is not presently being delivered to the Jones' diversion, the Jones' fish propagation facility has numerous empty raceways. The lack of water at the springs is causing and will continue to cause significant financial injury to my clients.

In the Snake River Basin Adjudication, the Department of Water Resources has assigned the number A36-07071 to this licensed water right. It is important to note that according to IDWR's recommendation in the SRBA, IDWR agrees that the Jones' are entitled to that water according to a July 8, 1969 priority date for year-around use. Both I and my clients are also aware that IDWR admits that the springs are interconnected with the Snake Plain Aquifer; that junior right holders are pumping from the aquifer, and that every gallon pumped from the aquifer ultimately effects the amount of water available at the springs.

Consequently, Mr. and Mrs. Jones have instructed me to demand that you take whatever action is necessary in order for you to deliver to their diversion at Weatherby Springs the full amount of water the Jones' are entitled to receive under their licensed right.

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This demand for distribution and delivery of water is made pursuant to Idaho Code Section 42-601, et seq., generally, and more particularly under Idaho Code Section 42-602.

We look forward to receiving your response and the full amount of water. If I can be of any assistance, please do not hesitate to contact me.

Very truly yours,

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED

By: 

Patrick D. Brown

PDB:crh
(21530/tr.823)