



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 7, 1993

George Lemmon
Watermaster, District 36-A
Rt. 1 Box 218
Hagerman Id 83332

Re: Distribution of water out of Curran Tunnel, Billingsley Creek and Water District 36-A

Dear George:

I am writing to you to clarify the actions you must take to distribute water in Water District 36-A. I have attached five affidavits to this letter which raise significant questions regarding whether you are properly distributing water. On August 26, 1993, Tim Luke and Loren Holmes met with you to discuss these affidavits. At the meeting you were asked to provide the Department with a written explanation for the apparent discrepancy between the affidavits and your oral statements to Dave Shaw on August 12, 1993. The Department has not received your response.

Having received no response, you are directed to take the following actions to ensure that water is properly distributed:

- First, the affidavits suggest that you have not contacted the water users as you were instructed to do by letter dated August 10, 1993 from Tim Luke. You are hereby instructed to contact or re-contact each of the water users who filed an affidavit, and contact all other water users on Billingsley Creek who rely upon water from the Martin-Curran Tunnel, to inquire whether they want their water delivered by priority and amount, or pursuant to a rotation scheme. You are to treat an instruction to deliver water by priority and amount as a standing call for water. You are instructed to notify me immediately if the request is for delivery by a rotation scheme. Their response to your inquiry, and the dates thereof, must be included in your watermaster's report pursuant to Idaho Code, Section 42-606.
- Second, irrespective of the other responses to your inquiries, you are to treat the affidavit of Mac Knight as a standing call for water, unless he directs you otherwise in writing. You are directed to measure the diversion from the creek through which he receives his water at least weekly to ensure that his water is being placed into the delivery ditch. You are further directed to shut off any junior water right within

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Water District 36-A to ensure Mr. Knight receives his water at the point of diversion. The results of your measurements, and actions taken to distribute water to Mr. Knight must also be included in your watermaster's report.

- Finally, you are reminded of your duty to file a watermaster's report pursuant to Idaho Code Section 42-606. The Department must receive your report prior to the expiration of your appointment. Your report this year should include any written records of measurements or water distribution you have taken during any year in which you were Watermaster in Water District 36-A. The report must also include records of all water distributed by you this year, and a record of all requests for distribution received by you.

Failure to comply with these directions to you will be looked upon very seriously by the Department including, but not limited to, instituting a hearing for your removal as Watermaster in Water District 36-A. Please contact the Department in writing if you have any questions regarding these directives.

Sincerely,


R. KEITH HIGGINSON
Director

RKH:dc

Enclosures