



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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

September 1, 1993

Patrick D. Brown  
HEPWORTH NUNGESTER & LEZAMIZ  
P.O. Box 389  
Twin Falls, ID 83303-0389

RE: Demand for Delivery of Water Right No. 36-7071 from Weatherby Spring, Three Springs, and Hoagland Tunnel

Dear Mr. Brown:

Enclosed are copies of memorandums prepared by Mr. Tim Luke describing his field inspection of the various sources supplying the John and Deloris Jones water right, measurement of the flow from these sources, the diversions being made, and an analysis of the distribution of the available water to the water rights. This information indicates that the rights senior to right 36-7071 diverting from the sources are not taking more than the amount to which they are entitled. The information also indicates that the water supply from the sources at the time of the measurement is not adequate to supply the prior rights and the fish propagation right held by the Jones. IDWR has instructed Watermaster George Lemmon to limit the water diverted for irrigation to the amount that can be beneficially used under the prior rights and distribute any water made available to right 36-7071.

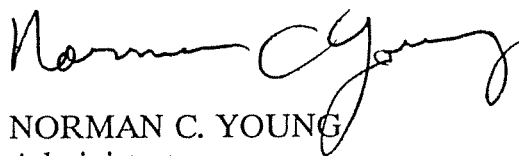
IDWR is evaluating whether pumping of specific wells may be directly reducing the water available from these sources. The water level sensor and recorder that will be installed in the nearby Curran Tunnel will be useful for determining whether the pumping of wells in the area produces an immediate effect on the flow from the springs and tunnels. If fluctuations are observed that appear to be related to pumping of wells located in the aquifer above the springs, an effort will be made to correlate these fluctuations to pumping of particular wells. Based upon such correlations, administrative action can be taken.

If pumping of the wells in the immediate area is not causing reduction in flow, and the reduction appears to be associated with general water supply conditions of the aquifer as a whole, the actions taken by IDWR will depend upon the adoption of rules for conjunctive management of the surface and ground water resources in the Snake River Basin. As you are aware, IDWR has announced an intent to adopt such rules with negotiated rule making to occur this fall, draft rules to be issued this winter, and proposed rules published next March. Another alternative would be to petition for a contested case hearing before the Department. We can help you identify the closest and largest wells to the Jones' water right for that purpose.

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I will keep you informed on the results of the water level measurements and our efforts to identify specific nearby wells affecting the water availability to your client's right.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman C. Young". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

NORMAN C. YOUNG  
Administrator

NCY:dc  
Enclosures

cc: Peter Anderson  
George Lemmon