



State of Idaho

DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 28, 1993

RECEIVED

SEP 30 1993

Department of Water Resources
Southern Region Office

George Lemmon
Water District 36-A Watermaster
1050 E. 2727 South
Hagerman, ID 83332

Re: Distribution of Water From Curran Tunnel and Curran Ditch, and
Weatherby Springs Water Rights

Dear George:

I have received your letter of September 27, 1993 which you sent in response for information I requested by letter dated September 23, 1993.

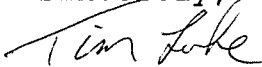
In my previous correspondence, I had asked for some clarification about the commingling of water in Curran Ditch along with an explanation as to why more than 15 cfs of water was delivered to the ditch during most of the 1993 irrigation season as evidenced by your measurements. I had asked for an accounting of the diversions to the Curran Ditch including identification of the water rights in the ditch which were receiving water. Your clarification of the commingled water in the ditch seems appropriate. While you did not provide the type of accounting I was anticipating, it appears from your letter that you indicate that right no. 36-00018 is partially filled when more than 15 cfs of water is delivered to the head of Curran Ditch. If this is true, then I assume that rights on Billingsley Creek with priorities up to 1917 were filled or satisfied throughout much of the 1993 irrigation season. The annual watermaster report which you have been reminded to submit should verify this assumption.

In regards to your comments and information you sent regarding water rights no.s 36-00177 and 36-00086, I must again admit that the Department's records do not appear to correspond with your information. In addition, I still do not find that any adjudication claims have been filed on any portions of right no.s 36-0086 or 36-0177 which list Big Springs as the source of water. Furthermore, decisions made at an annual water users association meeting regarding transfers of water do not substitute for actual water rights transfers. Any further involvement which you may have concerning delivery of these two rights should not deviate from the way they are described in the list which I have provided you.

Finally, I wish to note that as I reviewed my files, I noticed a letter from the Director to you dated September 7, 1993, which directed you to take certain actions regarding water delivery for the Curran Tunnel and Curran Ditch. In particular, I noted that

you were to contact or re-contact each of the tunnel users and all other users on Billingsley Creek who rely upon water from the Curran Tunnel, to inquire whether they wanted their water delivered by priority and amount, or pursuant to a rotation scheme. You were to immediately notify the Director if the request was for delivery by rotation. You were also requested to document their responses in the annual watermaster's report. I recall that on about September 17, you called me and we had some discussion about your re-contacting the Curran Tunnel users and discussed some options about delivery of rights from the tunnel. I do not specifically remember though if you explained whether the users wanted delivery by rotation or by priority. In any event, I want to remind you that our conversation does not replace the direction provided you by the Director's September 7 correspondence. You must still include the responses to your inquiry and the dates thereof in your annual watermaster's report pursuant to Idaho Code, Section 42-606.

Sincerely,



Tim Luke
Hydrologist
Water Allocations

cc: Southern Region
Pat Brown