



State of Idaho
DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT
Governor

KARL J. DREHER
Director

Bennie Smyer
PO Box 128
Albion, ID
83311

March 13, 1996

Dear Mr. Smyer;

It is come to our attention that water is again being diverted into your reservoir on Summit Creek. As you are well aware, you have no right to store any water at this site. Your application for a storage permit (45-07605) has been protested, and will not be acted upon until at least the end of the Snake River Basin moratorium on January 1, 1998.

Therefore, please take the necessary steps to insure the integrity of the diversion ditch around your dam. This ditch needs to be in proper condition to carry all the flow of Summit Creek around the dam so that no storage occurs. Illegal water diversions, and the possible penalties for such diversion, are covered under Sections 42-351 and 352 of the Idaho Code. Copies of these statutes are enclosed for your information.

Watermaster Don Gunderson needs to be satisfied with your efforts in this matter. Thank you for your cooperation.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

cc: Don Gunderson
Allen Merritt, IDWR
Norm Young, IDWR