



State of Idaho

DEPARTMENT OF WATER RESOURCES

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April 25, 1996

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GOVERNOR

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Re: Call for Delivery of Water

Dear Wateruser:

The purpose of this letter is to notify you that the Department (IDWR) has received three written notices for call on water of Billingsley Creek and its tributaries from Aqua Life, Inc. (Aqua Life). One of the three petitions is specific to Billingsley Creek and its tributaries upstream of the Aqua Life Billingsley Creek diversion at Tupper Grade. A copy of the petition is attached for your reference. This letter has been prepared for Billingsley Creek and tributary water right holders upstream of the Aqua Life diversion. The petition seeks curtailment of water rights which are junior to Aqua Life's water rights.

Aqua Life is the owner of water right license no. 36-02734 which authorizes diversion of water from Billingsley Creek for 100 cfs for fish propagation use and with a priority date of October 5, 1965. Aqua Life also owns beneficial use claim no. 36-04011 for fish propagation use with a priority of December 1, 1965. The original claim sought diversion of 50 cfs from Billingsley Creek. The IDWR Snake River Basin Adjudication (SRBA) Director's Report recommends a diversion rate under this claim of only 12 cfs from Billingsley Creek.

All water right holders who divert water from Billingsley Creek whose rights are junior to October 5, 1965, and December 1, 1965 may be affected by this delivery call.

The Department's records show that you are the holder of one or more water rights for non-irrigation purposes which are junior to Aqua Life's rights.

IDWR does not intend to curtail, or direct the water district watermaster to curtail any junior fish propagation use or other non-irrigation use where the diversion is non-consumptive and returns to Billingsley Creek at a point upstream of Aqua Life's

point of diversion. IDWR also does not intend to curtail, or direct the watermaster to curtail any fish propagation use while it is used in conjunction with diversion for irrigation. This letter is notice, however, that at the end of the irrigation season, IDWR will pursue the curtailment of non-irrigation rights which are subsequent to the rights held by Aqua Life.

If you divert water from Billingsley Creek or its tributaries upstream from Aqua Life's diversion for non-irrigation uses with water rights of priority later than October 5, 1965, and December 1, 1965, please be apprised that curtailment could result in less water being available for fish propagation or other non-consumptive uses during the fall and winter months.

Sincerely,



Gary Spackman

cc: George Lemmon, Watermaster  
Ken Ellis, Aqua Life, Inc.  
Southern Region