

RECEIVED

DEC 02 1996

Department of Water Resources

Water District 36 A
P. O. Box 487
Hagerman, ID. 83332
November 29, 1996

State of Idaho
Department of Water Resources
Statehouse Mail
Boise, ID. 83720-9000

Attention: Gary Spackman

Dear Gary:

The 36 A Advisory Board met with George Lemmon, Watermaster, today and reviewed your letter of Nov. 21, 1996 to him. We have several questions that need to be answered about this letter ordering him to curtail some waterusers because of a call for water from Aqua Life for water to fill their 1965 rights out of Billingsley Creek.

1. They are not now using any of this water and they have not used it for several years according to Bob Tupper who lives right next to the property. George Lemmon also says he observes it frequently and has not seen any use in those ponds for several years. George recently measured the water going by their headgate. It totaled about 100 cfs. Why shut someone off when they are not using what they have?
2. Why didn't the call also affect pumpers on the aquifer directly above the springs?
3. Is IDWR ignoring the 1932 decree which does not limit the time of use for the decreed water rights?
4. Have the rights in question been changed and finalized by the Adjudication Court? If not isn't the 1932 decree still the one we must adhere to?

Late this summer George tells us that he met at Tupper's place with you, Norm Young, Bob Tupper and Ken Ellis and that you all agreed to wait until the Supreme Court ruled on the appeal from the Adjudication Court's rulings. Is that the way you remember the meeting?

Until we have the answers to these questions we have a hard time knowing what to advise the Watermaster to do to carry out his duties. It seems there are serious conflicts in what he is supposed to do. We will await your reply.

Sincerely,

John R. LeMoyné
Chairman

John R. LeMoyné
901A Gridley Island
Hagerman, Idaho 83332