

Memorandum

To: File: Water District 36-A; Big Spring Water User Assoc. Water Measurement File
From: Tim Luke
Date: February 7, 2000
Re: Call from Donnie McFadden, Response to 2/4/2000 Letter

Donnie McFadden called me this morning and left a message concerning the letter he received from the department dated 2/4/2000. The letter concerned his use of water from Big Spring for fish propagation. Donnie explained that he has a 1971-priority water right for his hatchery and that this priority is ahead of George Lemmon's hatchery. He also said that based on the measurements described in our letter, we should only need to cut Lemmon's use to satisfy Ken Ellis/Aqua Life's water right.

I was at a meeting at the time McFadden called. His message said I needed to contact him within a half-hour because he was leaving to travel overseas. I called back and it appeared that he had already left. I left a message for someone to call me back. I explained in my message that IDWR did not know of any rights that McFadden owned that entitled him to divert water from Big Spring for either fish propagation or his recreational ponds. I advised in the message that IDWR would likely proceed to shut the Big Spring water off to the hatchery.

I also reviewed McFadden's water rights again. I noted that McFadden had claimed both Big Spring and Three Springs as sources of water under claim A36-11060 with a 3/1/1971 priority for recreational use. IDWR recommended this right for recreation and recreational storage with the source as Three Springs only. I spoke with Steve Clelland of IDWR concerning the recommendation of this claim. Steve said that IDWR did not include Big Spring because McFadden is only a share holder in Big Spring Water Users Association and not the owner of the conveyance system or infrastructure that is used to deliver the Big Spring rights. IDWR took this same approach with respect to other claims in the Hagerman area. Additionally, claim 36-11060 was partially decreed on 8/18/1998, without Big Spring as a source. McFadden has lost his opportunity to object to the exclusion of Big Spring from this particular right.