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Re: Follow Up to Letter Dated May 4, 2010.

Dear Nick:

This letter is a follow up to my letter dated May 4, 2010, regarding Water District 34 water measurement matters. In that letter, I outlined a number of areas that I felt the Department could assist in to avoid the potential for a conflict of interest between newly elected Water Master, Jay Jensen, and the Big Lost River Irrigation District. We later visited by phone, and you indicated that you had a response to my letter pending, but that additional modifications were likely to be made. I am simply inquiring as to the status of that reply, and hope that it will be forthcoming the next week or so.

The impetus for my inquiry into the status of a reply letter is that I have heard that the Department may have taken the position that it does not and should not inspect measuring devices in the EIM system, despite the administrative rules that provide that it can be treated as a natural channel to the Big Lost River. As a general matter, it seems that IDWR would be in favor of appropriate measurement and monitoring, and would encourage some type of oversight or inspection to ensure that measuring devices and diversion works are of a sufficient standard that they can have water delivered and measured appropriately. The need for accurate measurement is underscored where this particular channel can be used as a natural channel of Big Lost River. I recognize that the EIM system may on its face appear to be a private canal system, but the administrative rules were adopted with the consent of those in Water District 34, including the Big Lost River Irrigation District. Therefore, we would anticipate that the Department would have a vested interest in ensuring those measuring devices and diversion works meet current Department standards to ensure compliance with IDAPA 37.03.12.

Please advise as to the current status of your reply letter. As always, we appreciate your attention to these matters in the Big Lost River Basin, which can sometimes be difficult. Nevertheless, we believe that with appropriate measurement and monitoring, the opportunity and frequency for conflict will be greatly reduced.

Best Regards,



Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

c: Leon Folkman  
Lance Shuster