

LAVA HOT SPRINGS, IDAHO 83246

RECEIVED

OCT 12 1999

Department of Water Resources

October 1, 1999

Water Distribution
Idaho Department of Water Resources
1301 North Orchard St., Box 83702
Boise, Idaho 83702-0098

ATTN: TIM LUKE

Dear Sir:

On September 29, 1999 the Directors of Topaz Irrigation Company, Dempsey Irrigating Company and Fish Creek Irrigation Company met jointly to address your letter of September 2 concerning placing of measuring devices in Fish Creek and in the Dempsey-Topaz canal at the golf course prior to emptying into Dempsey Creek. Our feelings were unanimous that this requirement is unnecessary and we strongly protest it for the following reasons:

First - The canal system has been working very satisfactorily for about one hundred years with no complaints from the many water masters or IDWR personnel. Topaz Irrigation Company is entitled to 13.44 cfs from Dempsey Creek with priority date of April 1, 1883 and their share of water from the upper ditch out of the Portneuf River is often not even used. When it is used the water from the river is cut off before Dempsey Creek and the only purpose of an expensive measuring device would be to measure a dry ditch.

Second - Any device placed in Fish Creek would be subject to high spring floods and would likely fill with gravel or be repeatedly washed out.

For these reasons we would respectfully ask you to please seriously reconsider your demand for these devices. Barring this, could you make a trip to Lava Hot Springs and meet with the undersigned company personnel for an on-sight tour of the two locations?

If this is not possible, we hereby request a letter clearly explaining the reasons for such a demand and pinpointing exact placement locations and the person responsible for enforcing the rule. In the event of any resulting property damage, we would thereby be absolved of any financial responsibility since we strongly oppose having to install

these devices. Also, the watermaster has no problem fairly distributing water under the present system.

Sincerely,

Lynn Bowman

President, Topaz Irrigation Company

Wallace K. Whitehead

President, Dempsey Irrigating Company

Dean Day

President, Fish Creek Irrigating Company

Note: The above action was discussed and deemed unnecessary at River District meeting March 1, 1999

cc: Harold Jones
Gary Spackman
Howard Hall
Arline Olson