



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

May 18, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Arlin Olson
Water Master, District 29
PO Box 644
Lava Hot Springs, Idaho 83246

Mr. Olson:

I have discussed the CV Cattle transfer problem with our Boise office. The response I received was that is a Memo #1 of May 26th 1992, an opinion of former Director Keith Higginson and paragraph on page 15 of the Draft Water Rules that support the concept of an accomplished transfer.

This implies that if water has been historically delivered to a point of diversion such as the Toponce Feeder Canal for Rondo Perkins use and that delivery occurred prior to Nov. 19, 1987 the delivery can continue until the Snake River Basin Adjudication finds other wise.

Mr. Perkins contends that Decree 29-00236 (0.031 cfs) 29-00239 (1.679 cfs) and 29-00240 (0.862 cfs) for a total of 2.851 cfs, belong to him and has been historically diverted at the Toponce Feeder Canal.

If that is true then you are instructed to continue sending him the July 08, 1868 rights. The one tribal Right #29-00238 for 1.733 cfs is not to be delivered as Mr. Perkins has no permission to take this right.

If you have any questions please call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Harold W. Jones', is written over the typed name.

Harold W. Jones
Water Rights Supervisor

HWJ/ck