



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
 Governor

KARL J. DREHER
 Director

September 6, 2002

Craig D Hobdey
 PO Box 176
 Gooding, ID 83330-0176

Re: Big Wood Canal Co./Upper Wood River Valley – Your Correspondence of
 September 4, 2002

Dear Mr. Hobdey,

I have reviewed your letter of September 4, 2002 regarding the interest and intention of the Big Wood Canal Company (BWCC) to make certain improvements and/or conduct certain maintenance of the Bypass Canal and the Big Wood River channel below the Bypass Canal. This letter provides comments to several items or issues raised by your correspondence.

1. Maintenance of Bypass Canal and Big Wood River Channel

The described work on both channels is potentially subject to approval under the Stream Channel Protection Act and may require a 404 permit approved jointly by both IDWR and the US Army Corps of Engineers. Removal of diversion dams on the river is a particular concern to the Department not only for stream protection issues but because removal of the dams could interfere with delivery of valid water rights depending on when the dams are removed. We encourage both you and the BWCC to consult with the Department's Stream Channel Protection specialist in either Twin Falls or Boise with respect to any projects on both the Bypass Canal and the Big Wood River. Additionally, we also encourage you to consult with the water users and owners of diversion dams on both the Bypass Canal and the river before doing any work.

2. Role of Watermaster in Maintenance Projects

The watermaster should in no way be involved in any project involving either maintenance or removal of diversion dams on either the Bypass Canal or the Big Wood River. The watermaster's role should be limited to providing information about the water rights and delivery of those rights. The watermaster should follow any direction that the Department provided him earlier this year with respect to Bypass water rights and the By-pass canal.

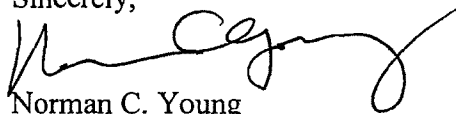
3. Memorandum of June 2, 1922

Your correspondence refers to the S.H. Chapman Memorandum of June 2, 1922 as an "agreement". The department views this document as only a memo from the watermaster of the Big Wood River water district. We do not view this document as

any type of agreement between the BWCC and other parties. The document should not be relied upon as an easement to go upon lands for the purpose of maintaining canals or the river.

I hope that this letter provides any clarification that you sought. Please contact me or Tim Luke at the office and address above or contact either our regional manager, Allen Merritt, at our Twin Falls office.

Sincerely,



Norman C. Young
Administrator, Water Management Division

cc: Lee Peterson, Watermaster WD37
Allen Merritt, IDWR Southern