



State of Idaho
DEPARTMENT OF WATER RESOURCES

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GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 3, 1993

Mr. Jay Hulet
HC 79, Box 2020
Murphy, ID 83650

Mr. Paul Nettleton
Murphy, ID 83650

RE: Use of Water From Murphy Mutual Canal

Gentlemen:

On May 28, 1993, this office received a complaint regarding alleged misuse of water by Joyce Livestock Company on land located within the SW1/4 NE1/4 Sec. 19, Twp. 3 S, Rge. 1 W, B.M. We received a response to the initial allegation from Joyce Livestock Company on June 15, and another letter from Mr. Hulet dated August 21, 1993. It appears from our file that both parties have copies of all of this correspondence.

The conclusion that I draw from the information provided in this matter is that Joyce Livestock Company is entitled to use water diverted via the Murphy Mutual Canal on the identified place of use, to the extent that the water is beneficially used. Based on our field review last month it appeared that the water that had been applied this year on the property had done little to grow cattle feed in a beneficial manner. Accordingly, this letter serves as a warning to Joyce Livestock Company that Section 42-916, Idaho Code states in part, "No person entitled to the use of water from any such ditch or canal, must, under any circumstances, use more water than good husbandry requires for the crop or crops that he cultivates..." Accordingly, any water diverted for the irrigation of this field must be placed to a beneficial use.

Any further pursuit of this matter would be a civil action instituted by one of the parties. My recommendation would be to use 1993 as a learning year, and to ensure that no violations of these provisions take place in the future.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cc: Mary Blackstock
Norm Young