

Moore, Idaho
April 12, 1999

David R. Tuthill, Jr., P.E.
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-0098

Re. General Provisions for Basin 34

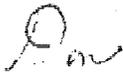
Dear David:

I would like to make a few comments on the Department's proposed General Provisions for '34'. I feel the department has done a very good job in it's recommendation with the possible exception of Provision 2 subpart a. Concerning the 750-300 cfs rule. This rule came into being from the Utah Construction decrec. Prior to the decree, the river was recognized as of a single unit for the administration of water rights. Users below the dam have never felt that the 750-300 rule was justified. The river never needed to be as high as 750 cfs to reach the dam and would continue to be connected far below the 300 cfs rule.

If the basin is to go to a 'Conjunctive Management Plan' I feel the entire basin should be administrated on the first in time-first in right basis. We now know that any water sinking in the upper river returns farther down. Why should a right up stream from the dam, be treated any different from one below?

Please consider this in your final decision. Thank you.

Sincerely,



DON A. AIKELE
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