

MEMORANDUM

TO: Files 75-2041, 75-4029, 75-4395, 75-7032, 75-14179, 75-14180, 75-14448

FROM: Monica Van Bussum

RE: Meeting with Jacksons re: Sevenmile Creek water rights

DATE: November 6, 2008

I met with Cecil Jackson to discuss my field exam notes for Sevenmile Creek from September 30, 2008. Mr. Jackson wanted to clarify some of the points he felt were vague in my write-up. This memo will serve to clarify some of the points he was concerned about.

Mr. Jackson felt the report did not specifically state the only water diverted from the South Fork Sevenmile Creek ditch was to satisfy the 1972 agreement between Adams and Hyde. Mr. Jackson said my report made it sound like Hyde also had a claim out of South Fork Sevenmile Creek, but that was not the case.

Mr. Jackson also said he wanted to clarify the names of the sources. My report stated the topographic maps do not show North Fork Sevenmile Creek and South Fork Sevenmile Creek, but only a Sevenmile Creek. While this is correct, Mr. Jackson noted correctly many documents since at least the 1960s refer to North Fork Sevenmile Creek and South Fork Sevenmile Creek. Mr. Jackson also noted the SRBA claims show the two creeks as being differentiated.

Mr. Jackson had a couple of points regarding the 1972 agreement between Adams and Hyde. He said the agreement allowed the delivery of up to 0.40 cfs to the Hyde Creek Ranch under water right 75-4029 (this portion of 75-4029 is now 75-14180), but it stipulated the exchange was only for what was being used from the spring up to 0.40 cfs. Mr. Jackson stated Sunset Heights Water District often does not use 0.40 cfs from the spring under license 75-7032.

According to Mr. Jackson, Adams was supposed to be able to continue using overflow water from the spring and had a system for tapping into the spring overflow. However, Mr. Jackson does not use the overflow from the spring but notes there is overflow available.

The Jacksons bought the property 3 years ago and the South Fork Sevenmile Creek ditch water was open ditch. Rick Sager, who is a watermaster on the Lemhi River but was not acting in his official capacity at the time, installed a measuring device at the splitter just above where the South Fork Sevenmile Creek ditch meets the North Fork Sevenmile Creek ditch. At some point, the measuring device was removed, Mr. Jackson believes by Sunset Heights Water District. Mr. Jackson is interested in reinstalling the measuring device because he is no longer able to measure the amount of water at the splitter.