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May 27, 2019

State of Idaho Dept of Water Resources

To whom it may concern regarding Matter of Applications for Permit to appropriated water nos 96-9683, 96-9685, and 96-9686:

I have been maintaining the Carr Creek diversion to Hornby creek since 2004. Every spring I check out the route to the diversion point on Carr Creek and evaluate any needed repairs after spring run off. I would build the diversion dam every spring, and then monitor it through out the summer until fall when I would close the diversion ditch back off.

April 16, 2019, I made my normal spring trip up to the diversion point. When I arrived I found a brand new trail had been built, and along a portion of it a 12 inch culvert had been placed and the original water canal covered over and filled in with rock, gravel, and dirt. I traveled on up to assess what would be needed for the diversion dam, and found that the Carr creek bed had been altered with part of the stream bed narrowed, and a pool dug to accommodate pooling of water to divert the water to Hornby Creek. I could not find the end of the culvert to check how to open it etc. I called Dave, the caretaker for Marc Brinkmeyer's property, to ask about the newly placed culvert. Dave became angry and informed me I had no right or business being up there at the diversion. I was told to leave and not to return. I left. A few weeks later I drove up to the entrance gate to the property and put in the entrance code that I had been given for access to the property. It didn't work, I tried several times to see if I made a mistake. The access code had been changed, thus blocking our easement access.

In May I hiked into the diversion point via Carr Creek drainage. I found the culvert did have water flowing, but was only a few inches in volume. I looked hard and still could not find the access for the water flow. Shortly after that, May 25, 2019, I went to the access gate, put in the access code and found it had been returned to the code I had been given for access.

Respectfully submitted,



Charles W. Shobe

Exhibit 302

