



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 28, 2015

Daryl K Mullinix
521 Park St
Grangeville, ID 87720

Re: Your Correspondence Dated April 14, 2015

Dear Mr. Mullinix,

I have reviewed your letter dated April 14, 2015 regarding my memo of April 10, 2015, *Measuring Device Recommendations for the Killgore-Mullinix Pipeline Diversion from Joe Creek near Lucille, Idaho*. The Idaho Department of Water Resources ("Department") received your letter on May 26, 2015. Your letter asks that I clarify several items from my memo. My response or clarification to the questions identified in your letter follows.

- 1) You note that the 8 inch mainline from Joe Creek reduces to a 6 inch line as it leaves the Mullinix property. You ask how the pipe reduction affects the measuring device.

You are correct that my memo did not mention the pipeline reduction you describe and which I believe was discussed between you, me and the Killgores during my site visit. My memo recommended installation of a meter "on the Joe Creek 8 inch mainline at a point just downstream of the Mullinix lateral pipe that comes off the Joe Creek mainline." This meter location would measure the flow to Killgore. My recommended meter installation location on the 8 inch line is well above the location of the 8 to 6 inch mainline reduction. The downstream pipe reduction should not affect the meter on the 8 inch line at the location I recommended. An 8 inch meter or pipe diameter must be specified for the location that I recommended. It would be best to confirm actual pipe diameter and thickness prior to installation or at the time of installation.

- 2) Determination of Mullinix irrigated area.

Attached to this letter is a map showing the area that I delineated as the 11 to 12 acre "irrigated area on the Mullinix property." My delineated area includes a portion of your orchards. My delineation was based on my interpretation of irrigated land from 2013 aerial imagery. I acknowledge that there may be some additional area of irrigation as described in your letter. You have also clarified in your letter that your "connection also serves a buried sprinkler system" in addition to the hand line and risers. Your clarification is duly noted. A copy of your letter and attachment describing the irrigated area will be added to the water right file for clarification. A copy of this response letter to you will also be added to the water right file.

- 3) You expressed concern with a statement in my memo in the fourth paragraph of page 3 regarding the pipeline easement and access by Killgore.

The fourth paragraph, page 3 of my memo states the following:

The location of the two meters would be on the Mullinix property but the two parties agreed during the site visit that an easement exists for the mainline across the Mullinix property and that Killgore has a right to access the pipeline across the Mullinix property. Installation of meters at this location will allow both parties to inspect both meters.

I did not intend to imply that Killgore has access anywhere across your property. The intent of my language was to specify that Killgore's access is limited to the recorded or "decreed" pipeline easement. I agree my verbiage could be interpreted differently than I had intended. I apologize for any confusion caused by this language.

I hope this response addresses your questions and concerns satisfactorily.

Sincerely,



Tim Luke
Water Compliance Bureau

Encl: Map of Mullinix Irrigated Area

Copy: File - Water Right 79-14234

RECEIVED

MAY 26 2015

DEPARTMENT OF
WATER RESOURCES

**MULLINIX ENGINEERING & SURVEYING
521 PARK STREET
GRANGEVILLE, IDAHO 83530
208-983-2408**

April 14, 2015

Department of Water Resources
322 E. Front Street
P.O. Box 87720
Boise, Idaho 83720-0098

TO: Mr. Tim Luke, Water Compliance Bureau

This letter is in response to your MEMO dated April 10, concerning Measuring Device Recommendations for Killgore-Mullinix Pipeline Diversion from Joe Creek, near Lucille, Idaho. I fully agree with your recommendation for the measuring devices;

Install a magnetic or ultrasonic flow meter on the 8" mainline pipe at a point just downstream of the Mullinix lateral pipe that comes off the Joe Creek mainline;

And Install a magnetic flow meter on the Mullinix lateral pipe coming off the Joe Creek 8" mainline.

I take exception to and would ask for some clarification on some other points in your MEMO:

1) I think it is important to note that the 8" Joe Creek line has been reduced to a 6" line as it leaves the Mullinix property and goes through an inverted siphon. It was also reduced to a 6" line when it crosses under U.S. 95. How does this affect the measuring device?

2) I disagree with your statement in the last paragraph page two "Mullinix water rights are not more than 11 or 12 acres". Attached is a copy of survey done by me and calculation of the current tilled area of my property for oats. Also shown on the survey are the current buried water lines serving my orchard and the area northeast of my access Road? The only area of my 20 acre parcel of land that has not been irrigated is the access road, parking area and the immediate 8" Joe Creek Main line. I note you stated that my connection to the 8" main line connects to 4" irrigation line with risers for connecting sprinkler hand line. It should be clarified that my connection also serves a buried sprinkler system and is not just for hand line.

I would like copy of your measurements and calculations you made to arrived at my water right being only 11 or 12 acres. Also were observations, measurements and calculations taken to confirm the Killgore claim of 50 acres? If so, can you supply that to me?

3) I'm very concerned about your statement in the forth paragraph of page 3, "Killgores have a right to access the pipeline across the Mullinix property". This was a major issue clarified in the District Court and was affirmed by the Supreme Court. Killgores access to the water line across the Mullinix property is the surveyed location of the water line with 7.5 feet either side as decreed. The court decreed no other right of access. I think it is very important that you clarify your statement to say access across the Mullinix property via. the decreed easement. I don't see a problem with using the deeded access to monitor the measuring devices. It can be accessed with a four wheeler via the court ordered easement.

4) I apologies for not getting the diversion points transferred. I thought it had been done but will submit the application earliest opportunity.

Please respond to my items 2 & 3. I look forward to working with you on these concerns.

Thanks.

Sincerely,



Daryl K. Mullinix

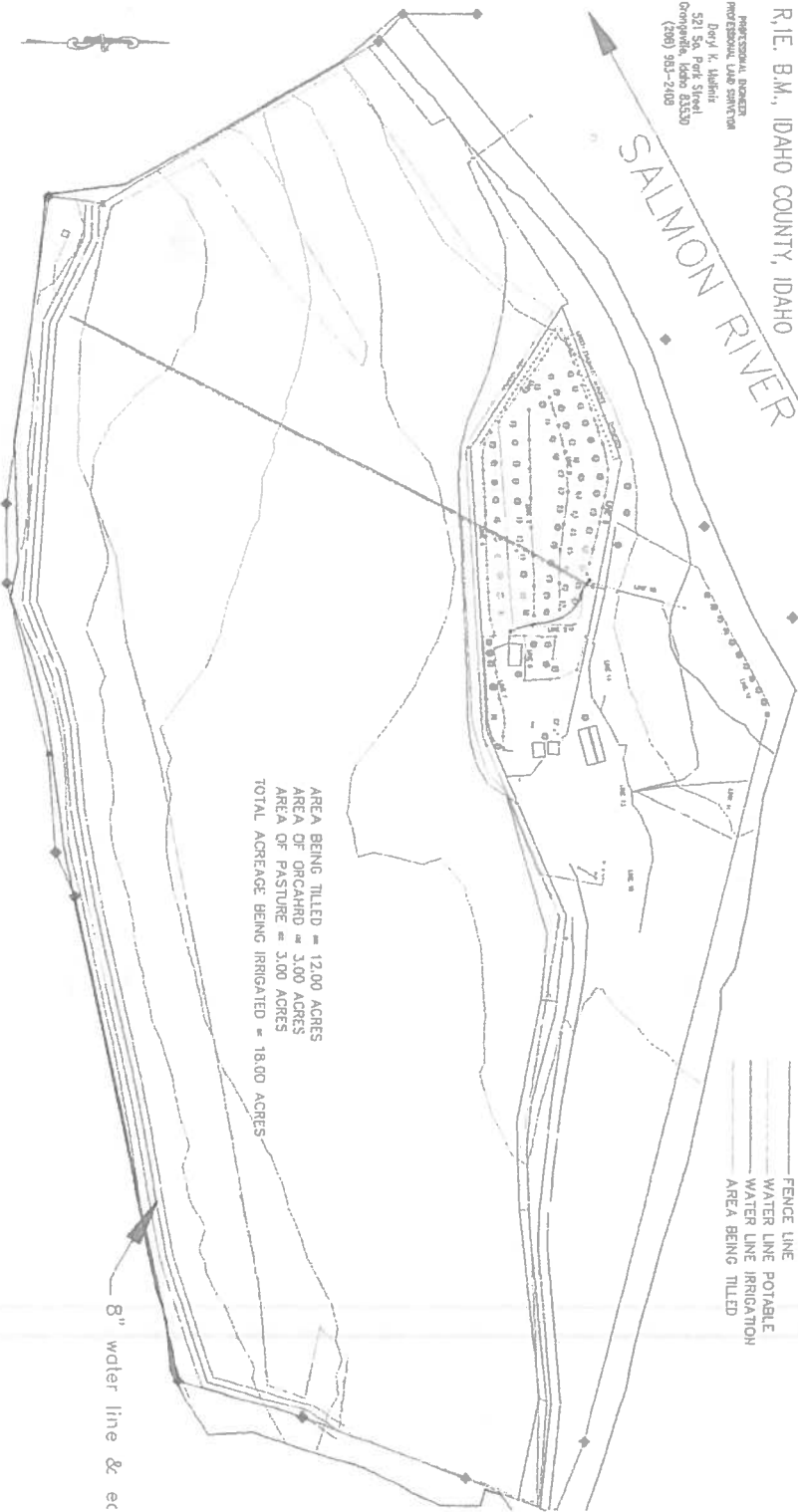
Cc: APB

BEND OF THE RIVER VINEYARD AND FRUIT ORCHARD

SECTION 23, T.27N., R.1E, B.M., IDAHO COUNTY, IDAHO



DAVID K. MURPHY
PROFESSIONAL LAND SURVEYOR
Boyle, K. M. M.
521 S. 1st St.
Owensboro, Idaho 83530
(208) 985-2408



Notes
 [[Traverse: FIELD3 Area: 520795.24SqFt 11.956Acres Distance Factor: 1.000000000]]

Point	Type	Bearing	Horiz Dist	Radius	Arc Length	Delta	Northing	Easting
Description								
1F							12592.1700	17629.6000
2F		N88°51'32"W	94.9088				12594.0600	17534.7100
3F		N87°49'00"W	541.2229				12614.6800	16993.8800
4F		S66°49'49"W	209.3235				12532.3200	16801.4400
5F		S86°35'23"W	317.7127				12513.4200	16484.2900
6F		N57°02'06"W	174.6835				12608.4700	16337.7300
7F		S34°13'17"W	101.4063				12524.6200	16280.7000
8F		S55°24'42"W	250.8829				12382.2000	16074.1600
9F		S29°33'25"E	100.2454				12295.0000	16123.6100
10F		N73°30'41"E	126.0642				12330.7800	16244.4900
11F		N59°43'01"E	151.7235				12407.2900	16375.5100
12F		S77°33'51"E	22.0575				12402.5400	16397.0500
13F		N90°00'00"E	0.0016				12402.5400	16397.0516
14F		S52°22'34"W	282.2877				12230.2100	16173.4700
15F		S27°00'51"E	110.0805				12132.1400	16223.4700
16F		S76°34'22"E	151.0694				12097.0600	16370.4100
17F		S89°21'01"E	133.1386				12095.5500	16503.5400
18F		N67°55'21"E	109.8549				12136.8400	16605.3400
19F		N83°27'37"E	91.9282				12147.3100	16696.6700
20F		N78°25'18"E	720.4091				12291.9000	17402.4200
21F		N85°06'39"E	104.8917				12300.8400	17506.9300
22F		N18°14'34"E	42.4222				12341.1300	17520.2100
23F		N78°56'17"W	81.5655				12356.7800	17440.1600
24F		N47°52'54"E	45.1493				12387.0600	17473.6500
25F		S83°23'16"E	79.5491				12377.9000	17552.6700
1F		N19°44'59"E	227.6617				12592.1700	17629.6000

