

MEMORANDUM

Date: May 24, 2011
To: Water Right File 75-4107A, 75-14169 and 75-14597(Osgood) and 75-14598(Hutchings)
From: medl
Re: locked headgate

I spoke with Sharon Osgood at some length yesterday May 23, 2011 and again today. She called requesting assistance from the Department regarding her water rights 75-4107A, 75-14169, and 75-14597. The owner of the property containing the headgate to the distribution system, Mr. Marvin Hutchings, had failed to unlock the controlling works and provide water to her and the other users.

I understood from Ms. Osgood that Mr. Hutchings has moved to Marsing, Idaho, and leased his property to a tenant but did not leave a key with his tenant or anyone else in the vicinity. I also understand that this was not the first year Mr. Hutchings has failed to timely provide water to the users dependent on this headgate.

Ms. Osgood said she had been in contact with Mr. Hutchings several times this year, that he had agreed on several occasions to visit his property and unlock the headgate, and that he had in fact visited his property at least once this season but failed to unlock the headgate.

Ms. Osgood stated that she was unwilling to hire an attorney. I promised to follow-up by making inquiries on her behalf with state office staff and with staff from the attorney general's office. I have done so.

The Department is reluctant to get involved when all other means to the end have not yet been exhausted. I proffered several suggestions from staff office staff which did not seem to satisfy Ms. Osgood. The Department has limited authority to act in these cases and I believe that I explained that to her. However, I am also documenting appropriate water right files with this memo.

The season-of-use for this area is 4/1-10/31.