

Luke, Tim

From: Luke, Tim
Sent: Monday, January 31, 2011 7:36 PM
To: 'Jim Speck'
Subject: RE: Laatz/73-12038

Jim,

My legal description at the bottom of Attachment A for the Laatz right 73-12038 and diversion was incorrect. My reference to the GPS site tag no, A000764, was correct. The correct location for the ditch heading is SENE Sec 21, 13N 24E, which is the same description given for decreed right 73-12038, so the water right POD is correct as your client stated. I apologize for the typo and confusion.

I did observe the flume crossing Big Ck and the ditch on the south side of the creek on my visit of August 4, 2010. I did not inspect the head gate. At the time of my visit, no water was being diverted and it did not appear that water had been diverted to this ditch system for quite some time - the ditch was not in good condition. The place of use did not appear to be irrigated in 2010 or probably for some time. The watermaster reported that he had not seen the place of use irrigated since about the time he was in high school. I have a photo of the flume and head gate from another IDWR staff member who visited the ditch in 2003 (he no longer works at IDWR). The staff member did not complete an inventory form for this diversion in 2003 but his spreadsheet from 2003 indicated that there was no diversion of water at the time and no measuring device. BLM and IDWR field notes from 2001 indicate that there is a second head gate device about 20 feet below the main gate that can return water back to the creek

If your client does intend to use the ditch this year please advise him to install a measuring device. Our notes from 2003 indicate that there is a slide gate for control at the main head gate but it is not lockable.

I will place a copy of this e-mail thread in the water right file.

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Monday, January 31, 2011 1:32 PM
To: Luke, Tim
Cc: 'Dave Laatz'
Subject: Re: Laatz/73-12038

Tim,

After reading your comments at the bottom of Attachment A to your letter (a copy of which is attached), I contacted my client, Dave Laatz, the owner of 73-12038. I noted that the description in your letter of the location of the point of diversion for his water right differs from that in his partial decree (copy also attached). Dave confirmed the decree is correct and then drew in the diversion and delivery system on a map I had printed from your website (see attached map). He explains that the headgate delivers water into a ditch (the white line) on the North side of Big Creek, the ditch then conveys the water to a flume which takes it across to the South side of Big Creek and into another ditch (the second white line) that delivers the water to his property line.

The decreed point of diversion, as identified on this map, is and has been used by my client every year. Please put a copy of this e-mail in the IDWR file for this water right. Contact me if you have any questions.

Thank you.

Jim

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