

Please file this in the file for our property.
Thanks!

April 7, 2001

Kevin Rice, Ditch Master
127 Corbett Lane
Salmon, Idaho 83467

Dear Kevin,

Since we bought this property April 20, 1999, I have tried to talk with you on several occasions about our difficulties receiving our rightful share of water. Last summer we were without water for approximately two weeks, even though you and your father, George, had a continuous supply of water. Since I have had no success resolving this problem with you, last month I talked with the previous owner of my property, Tom Bonn, to find out what his arrangements with you were. During my discussion with Tom, it became apparent that you have changed the diversion point of my water supply. Neither Tom, nor myself, were aware of this until we discussed this subject.

It was at this point that I decided that I needed to consult an attorney. This is the first time in my forty-seven (47) years that I have consulted with an attorney. In my business, I have had many occasions to work with attorneys who were representing my clients, but, personally, I have always resolved my problems with people without an attorney's aid. But since my water supply problems still continue after two years of trying to resolve them, I felt that I have no other choice. It was my attorney's recommendation that either he or myself should write a letter to you as the first step.

If you will remember, you put in a new mainline in April of 1999, during the same period of time that this property was changing ownership. Before you placed the new mainline the point of diversion for my water supply was in, or near (without a survey we cannot be sure), the county road right-of-way. You have moved the diversion point of my water supply approximately eighty feet (80') up the mainline. Tom Bonn paid you for the new irrigation line fixtures, but he was not aware that you moved the diversion point.

The current location of the diversion point is higher in elevation, and closer to the headbox which charges the mainline. The result of this is that I can be, and have been, deprived of my rightful water supply, while you and your father have a continuous supply.

I have been irrigating since I was old enough to carry a shovel. My experience has been mostly with flood irrigation systems. Piped irrigation systems are somewhat new to me, but what is not new is the way in which neighbors can deprive each other of their rightful water supply. I do not know whether or not your moving the diversion point was an intentional move on your part to gain more control over my water supply. I do not know you well enough to say, but the thought has certainly crossed my mind.

Because you are leasing Bill Gattung's ranch, whose diversion is up the ditch from your own, and you are working both yours and Bill's ranches jointly, you can effectively control my water supply by lowering the water level in your headbox below the top of the mainline inlet pipe. This, in effect, cuts off my water supply completely, yet still allows

you and father to have water because your connections to the mainline are lower in elevation. In addition, I am further damaged by the current location of the diversion because you have installed approximately eighty feet (80') of one inch (1") PE pipe across your property, from the current diversion point to the approximate county road right-of-way, where I still access my water. This eighty feet (80') of one inch (1") line creates so much head loss and friction loss to my water supply that it is questionable whether I can receive my rightful water supply through it. I am currently consulting with hydraulic engineers to ascertain the facts.

Whether you intended it or not, I am being deprived of my rightful water supply, and you have an unacceptable amount of control over my water supply. On three or four occasions, when I have tried to discuss my water problems with you, you have said, "It looks like you are keeping your place green." There is more to agriculture than "keeping the place green." My wife and I have started an agricultural based business that will require our full water right. I am being damaged by the current water delivery system, and we must take steps to correct this. My diversion must be moved back to its original location. To show my good will, I will pay for the materials and labor to do so.

I realize that outsiders moving into the area have created difficulties for you and other ranchers. Even though I am not a rancher, I was cut from the same stock as yourself. I have long been a defender of the rights of ranchers. But I am not only being deprived of my rightful supply of water, I am also being deprived of my opportunity to be a good neighbor. When you can control my water supply, then, my only choice is to resist. You know this better than I. I hope that you do not define a "good neighbor" as a person who rolls over and plays dead when they are not receiving what is rightfully theirs.

Please respond with a plan to relocate my point of diversion to its original position.

Sincerely,



Mike Broce

cc: Department of Water Resources, Salmon, Idaho
cc: Department of Water Resources, Idaho Falls, Idaho
cc: Milt Slavin, Attorney at Law
cc: Bill Gattung, Ditch Secretary