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APR 04 2008

DEPARTMENT OF  
WATER RESOURCES

Nick Miller  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098

Dear Sir:

Enclosed please find photos of the diversion on Eddy Creek at the IDWR GPS location A0002590 which is owned by Sidlo.

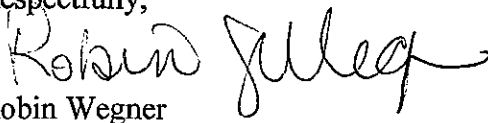
As we have previously discussed, this diversion removes approximately one half of the creek, measures the water right and dumps the remainder of the diverted water onto the ground. This diversion of the creek which does not leave the excess water in the creek, at times, prevents us from receiving our full water right.

We realize that this diversion seemed to receive preferential treatment from the previous District 72A watermaster and as such, that nothing has been done to correct this improper diversion of water.

As the Watermaster of District 170, which includes District 72A, we request that you look into this situation and correct the irregularity.

If the headgate were to be placed on the creek, as are the other headgates in the district, only the correct water right amount would be diverted and the excess water would not be dumped onto the ground but would remain in the creek where it belongs.

Respectfully,



Robin Wegner

7005 0390 0006 2694 0524

*NOTE:*

*I spoke w/ Ms. Wegner on 4/17/08, she said she will file an xter per an agreement w/ J. Challis that resolves this Sidlo issue. So, no response was sent.*

*Nick Miller*

**The enclosed Photographs were taken in November – AFTER the close of the irrigation season.**

**On the enclosed Photos Please find :**

**Photo 1 :**

At position A Wall of rocks placed to divert flow in the creek. While not illegal, it does prevent the natural flow and delivery of other Water rights.

At Position B Pile of Rocks and Man made objects, including Carpet placed in the creek.

**Photo 1B :**

Clearly shows Carpeting which had been placed in the Creek.

**Photo 2 :**

At Position A The man made dam is seen to divert a majority of the creek.

At Position B The piece of dimensional Lumber designates the end of the diversion area and the start of a ditch.

**Photo 3 :**

Again at Position B The piece of dimensional Lumber again designates the end of the diversion area and the start of a ditch.

**Photo 4 :**

Shows the ditch as it travels the distance to the Headgate.

**Please Note** in Photos 2, 3, and 4 The Walls of the Diversion area and the walls of the Ditch can clearly be seen to be substantially Vertical and to have been cut with a mechanical means such as an excavator or a backhoe.

**Photo 5 :**

Shows the ditch as it travels a further distance to the Headgate. This also shows trash diverting the ditch flow.

**Photo 6 :**

From the Headgate area, This again shows the ditch and another distance required to reach the Headgate. At A it shows that the bank had to be substantially built up to maintain the ditch flow.

**Photo 7 :**

At position A The locked Headgate which is mandated by law to be secured.

At Position B The Flow can be seen to be Dumped onto the ground, instead of remaining in the Creek and Not diverted, especially since this is Not Irrigation Season.

**Photo 7B :**

Clearly shows the Quantity of the Flow improperly diverted.

**Photo 8 :**

Clearly shows the Quantity of water which flows through the secured Headgate.

**Photo 9 :**

At position A The Next Diversion on the creek, secured, and the normal flow of the creek. This area is the access to that Diversion.

At Position B This clearly shows the Quantity of water which has been wrongfully diverted from the creek and dumped on the ground.

**Photo 10 :**

This shows the water which has been diverted and dumped on the ground as it is spread across the ground before it trickles back into the creek.



Photo 1



Photo 1 B



Photo 2



Photo 3



Photo 4

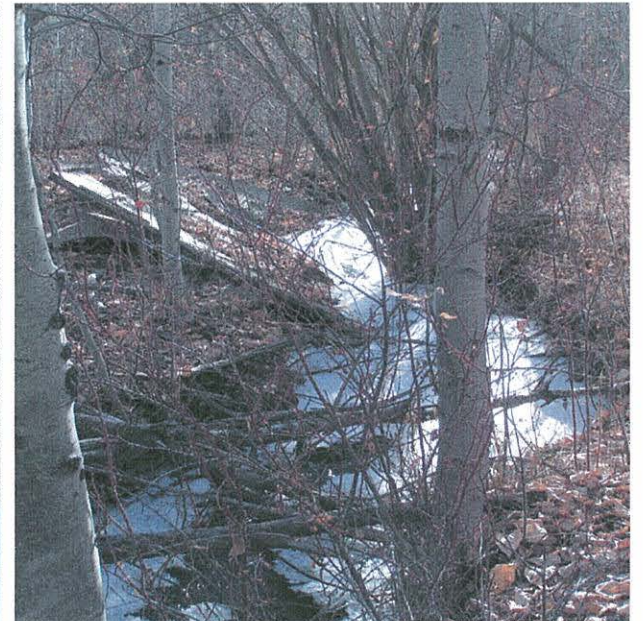


Photo 5



Photo 6



Photo 7



Photo 7B



Photo 8

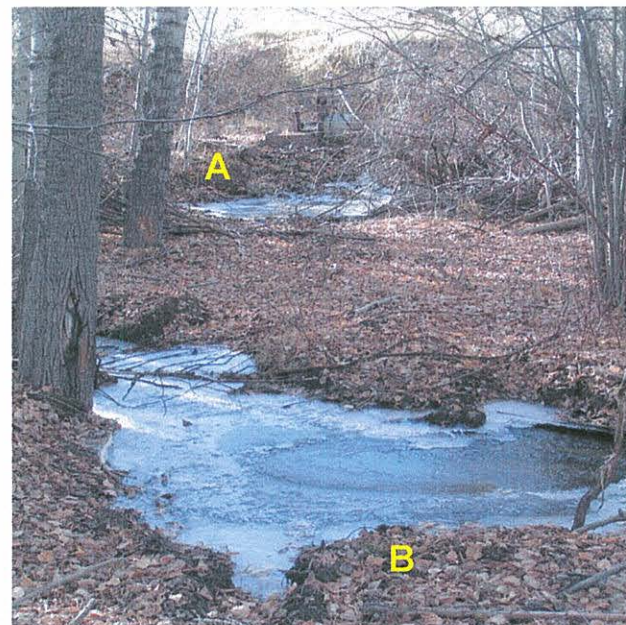


Photo 9

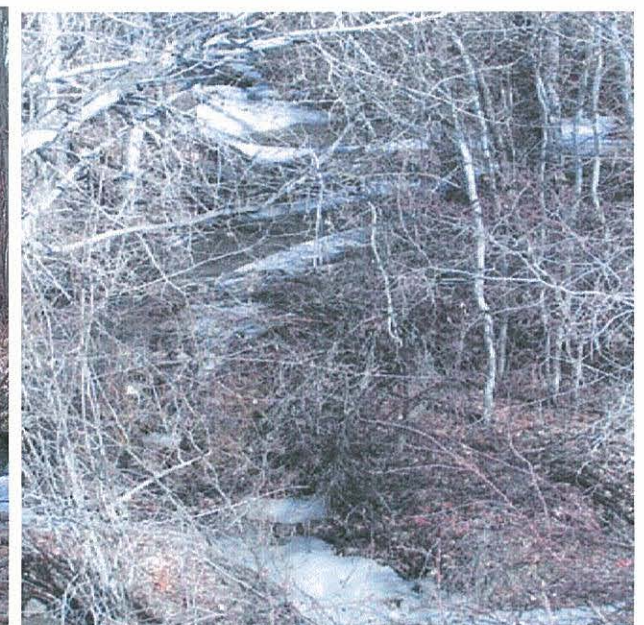


Photo 10