



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 4, 2000

Mark Limbaugh, Watermaster  
102 N Main  
Payette, ID 83661

**RECEIVED**

**AUG - 9 2000**

Department of Water Resources

Re: Stockwater for Derroll Ellis

Dear Mark:

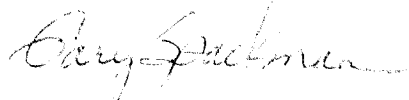
I received a letter this morning from Derroll Ellis stating that Chipps Creek, located in Round Valley, Valley County, is no longer flowing through his property, and Ellis has removed his cattle from some of his land because the cattle are without water. I've sent you a copy of Ellis' letter. Ellis also alleges that Frederick (Dave) Ringel is diverting water out of Chipps Creek upstream and is not allowing any water to flow down for Ellis' stock. I'm writing you this letter because the waters of Chipps Creek are ultimately tributary to the Payette River.

Enclosed is a summary of the water rights authorizing diversion of water from Chipps Creek. In addition, I've enclosed a mirror summary of the claims filed (some of which may have been decreed by the SRBA) for Chipps Creek. Both records show that Ellis owns the earliest priority right on Chipps Creek. Ringel should release sufficient water to satisfy the instream stockwater right owned by Ellis.

As we discussed this morning, perhaps if you call Ringel, he will release sufficient water from his diversion to satisfy Ellis' right. If Ringel doesn't voluntarily release water past his diversion, it is important that the diversion of water by Ringel be regulated to deliver the instream stockwater right.

Please call me this weekend at 939-0978, or, at the latest, on Monday morning (August 7) after you have spoken to Ringel. If Ringel either refuses or fails to release the water, you or a deputy of Water District no. 65, may need to physically regulate the diversion next week.

Sincerely,

  
Gary Spackman

cc. Derroll Ellis  
Dave Ringel  
Norm Young

August 4, 2000

State of Idaho  
Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705-5082

Att: Gary Spackman:

I am hereby notifying you and your office that the main channel of Chipps Creek in Round Valley ceased to flow today where it crosses under the Bacon Creek Road by the Ringel barn.

This stream is our only source of stock water under our Water Right 65-03854.

As we have discussed with you in the past, we feel this creek is being diverted illegally through an alteration of the channel without any measuring device to record the amount of diversion. An inspection last night of the headwaters of Chipps Creek verified that all the water is currently being diverted into the tributary, which is being used to irrigate the former Peterson pastures (and which we have filed a formal protest on 65-03681 and 65-05033c). (The point of diversion is located on Boise Cascade property, and was done by Ringel without their prior knowledge or permission approximately 4 years ago.) What water isn't soaking into the ground in the pastures is being stored in the pond by the Ringel house (former 65-12457), which you recently stated that they have no right to utilize.

We have had to remove our cattle from our pasture served by 65-03854 as they now have no water. We request that the State of Idaho, Department of Water Resources now take immediate and appropriate action to protect our priority dated stock water right.

Respectfully,

Derroll K. and Kyle F. Ellis  
9988 and 9982 Round Valley Road  
Cascade, Idaho. 83611

— 382-5156

OD-5813  
AJ5813NP  
SELECTION FILE: ELLIS-RINGEL2

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION WATER MASTER REPORT  
BY WATER SOURCE/PRIORITY DATE

DATE: 08/04/00  
TIME: 14:08:35  
PAGE: 1

\*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0  
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0  
N = No Multiple Pts of Diversion (1 or less)

WATER RIGHT		PRIORITY	S		F			*M
NUMBER	CURRENT OWNER NAME	DATE	T	POINT OF DIVERSION	L	TOTAL DIVERSION	POD DIVERSION NAME	P U
			G		G			O S
								D E

WATER SOURCE: CHIPPS CREEK

A65-03854	ELLIS, KYLE F	01/01/1887	D	11N 04E	6	NENE	0.050 CFS	N 04
65-03854	ELLIS, FERN R	01/01/1887	D	11N 04E	6	NENE	0.050 CFS	N 04
A65-05033A	KLING, JAMES E	01/04/1897	D	11N 04E	7	SWSE	0.480 CFS	N 01
A65-05033B	PETERSON, IRA L	01/04/1897	D	11N 04E	7	SWSE	0.720 CFS	N 01
A65-05033C	RINGEL, FREDRICK D	01/04/1897	D	11N 04E	7	SWSE	4.380 CFS	N 01
65-05033A	KLING, JAMES E	01/04/1897	D	11N 04E	7	SWSE	0.480 CFS	N 01
65-05033B	PETERSON, IRA L	01/04/1897	D	11N 04E	7	SWSE	0.560 CFS	N 01
65-05033C	RINGEL, FREDRICK D	01/04/1897	D	11N 04E	7	SWSE	3.880 CFS	N 01
A65-03681	RINGEL, FREDRICK D	01/15/1898	D	11N 04E	7	NENE	0.760 CFS	N 01
65-03681	RINGEL, FREDRICK D	01/15/1898	D	11N 04E	7	NENE	0.760 CFS	N 01

OD-5813  
WR5813NP  
SELECTION FILE: ELLIS-RINGEL11

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER MASTER REPORT  
BY WATER SOURCE/PRIORITY DATE

DATE: 08/04/00  
TIME: 14:11:01  
PAGE: 1

\*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0  
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0  
N = No Multiple Pts of Diversion (only 1)

WATER RIGHT	OWNER NAME	O	PRIORITY	T	S	F				*M
NUMBER		C	DATE	G	POINT OF DIVERSION	G	TOTAL DIVERSION	POD DIVERSION NAME	D	P U
										O S

WATER SOURCE: CHIPPS CREEK

65-03854	ELLIS, KYLE F.	C	01/01/1887	D	11N 04E	6	NENE	0.050 CFS		N 04
65-05033	PETERSON, IRA L.	C	01/04/1897	D	11N 04E	7	SWSE	5.100 CFS		N 01
65-03681	PETERSON, IRA L.	C	01/15/1898	D	11N 04E	7	NENE	0.760 CFS		N 01