

Wilmoth Kinsey  
3497 E 3000 N  
Kimberly, ID 83341

RECEIVED  
FEB 28 2014  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Dear Wilmoth,

On behalf of WT Williams Inc., with whom we share a diversion point and water delivery system, McMullin Ditch, we feel that it is necessary for the two of us to jointly install a head gate at your diversion point out of the ditch. This along with several water measuring devices will help to ensure fair water delivery to both parties, as well as help stop the potential damage to your property and loss of water if an earthen dam or plastic dam should fail at that point.

As you are aware, we have experienced tampering at the main diversion point in McMullin at least two times this year already, which on one occasion has caused the ditch to overflow. We have now installed a chain and lock to help protect this from happening again. We had met earlier with the BLM, as was required, to receive permission to install the head gate and permission was granted from them.

The IDWR informed us that under Idaho Water Laws, both parties on such a system are required to take a reduction of water due to the loss that may occur from the main point of diversion to the other points of diversion. Therefore, there will be a need for several measuring devices. The first will be at the POD (point of diversion) from McMullin Creek, the second below the Kinsey POD from the ditch and the third either above or below the Kinsey's POD.

Upon review of the water filing, it would appear that the Kinsey's have two filings: Right Nos. 47-2028 and #47-2466 and are limited to a total combined conversion rate of 3.2 cfs from March 15<sup>th</sup> thru November 15<sup>th</sup>.

We have also been informed that should the two parties be unable to fairly regulate the flows delivered, that they will have to go to the local water district, which our area is assigned to Rock Creek District. They will then, at both parties expense, provide a ditch rider to regulate the flows.

We recognize that the installation of a head gate will probably not be completed this spring, however we would like to get started with the plans and look at the cost as soon as possible. We look forward to working with you on this project.

Cordially,

Bill Williams  
3094 N 3200 E  
Twin Falls, ID 83301

Cc: Idaho Department of Water Resources  
Alan Merrit