

● *Water District No. 65* ●

*Payette River Basin, State of Idaho
102 North Main Street
Payette, Idaho 83661*

*Watermaster
Mark Limbaugh*

*Phone (208) 642-4465
Fax (208) 642-1042
E-Mail wdist65@primenet.com*

October 24, 2001

Mr. Frederick (Dave) Ringel
P.O. Box 582
Cascade, ID 83611

Re: Chipps Creek Water Rights Administration

Dear Mr. Ringel:

I appreciated meeting with you on October 4th concerning the administration of Chipps Creek water rights. As per our discussion, I will not be billing any water right holders for my time and expenses in administrating these water rights the past two seasons, even though water users from Chipps Creek do not pay into Water District No. 65 for water rights administration as other users from the Payette River do annually. However, also per our discussion, if in the future Water District No. 65 is called upon to administer Chipps Creek water rights, the water right holder who is not following my recommended actions described below shall pay for all past expenses as well as the expenses incurred in any future trips to Round Valley for this purpose.

Estimated expenses to date include three trips to Round Valley at 100 miles round-trip, and an average of five hours of my time per trip (including time devoted to correspondence and phone calls). These expenses total approximately \$855.00 through the end of 2001. Any additional trips to Round Valley for the purpose of settling a dispute or water right call on junior rights from Chipps Creek will result in an additional \$285.00 per trip.

My recommendations for the administration of Chipps Creek water rights include the following actions:

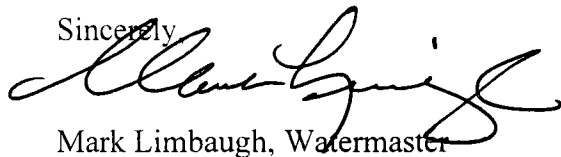
- 1) An amount sufficient to keep Chipps Creek channel moist should flow in the main channel of Chipps Creek at all times during the stockwater season. This can be accomplished by allowing some bypass flow at your headgate on Chipps Creek to flow through the Ellis headgate back to the main channel. A small amount of flow in the main channel should allow the creek bed to remain "wet" in case the natural flow in the creek drops and the timely delivery of the Ellis stockwater right must be made through the creek's main channel. Obviously, you are entitled to the delivery of your water rights so long as this small amount of water remains in the main creek bed. How you manage the balance of the Chipps Creek water and the delivery of the Ellis'

water right downstream (see #2 below) is up to you, but must be in accordance with your water rights and the laws of the State of Idaho.

- 2) Ellis shall install a readable measuring weir at the head of their field at their south property line, at which the amount of water necessary for the delivery of the Ellis stockwater right shall be maintained while the creek has sufficient water to deliver their priority right. The minimum amount of overpour at the weir shall be approximately .05 cubic feet per second (2.5 miners inches), or about 1.2 inches of overpour on the 6" rectangular weir, at all times during the stock watering season, subject to available flows from the creek. This weir shall be readable from the property line in order that all parties may evaluate this water delivery at any time. When creek flows drop below this amount, your water right shall be cut off and your headgate must be shut to allow all remaining flow to be delivered to the Ellis weir through the natural Chipps Creek channel.

If you have any further questions or have any other concerns, please do not hesitate to contact me at (208) 642-4465. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Limbaugh".

Mark Limbaugh, Watermaster

cc: Gary Spackman, IDWR

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Watermaster
Mark Limbaugh

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E-Mail wdist65@primenet.com

October 24, 2001

Mr. Kyle Ellis
Mr. Derroll Ellis
9982 Round Valley Road
Cascade, ID 83611

RECEIVED

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WATER RESOURCES
WESTERN REGION

Re: Chipps Creek Water Rights Administration

Dear Mr. Ellis:

As a result of my trip to Round Valley on October 4th, and my meeting with the both of you and Mr. Ringel on that date, I have reached the conclusion that the following actions will be required of water right holders from Chipps Creek for the future of water rights administration from the creek.

I will not be billing any water right holders for my time and expenses in administering water rights from Chipps Creek the past two seasons, contrary to our discussion on October 4th. However, if Water District No. 65 is called to administer Chipps Creek water rights in the future, the water right holder who is not following my recommended actions described below, or who calls on the District Watermaster when in fact these recommendations are being followed and water rights are being delivered as explained below, shall pay for all past expenses as well as the expenses incurred in any future trips to Round Valley for this purpose.

Estimated expenses to date include three trips to Round Valley at 100 miles round-trip, and an average of five hours of my time per trip (including time devoted to correspondence and phone calls). These expenses total approximately \$855.00 through the end of 2001. Any additional trips to Round Valley for the purpose of settling a dispute or water right call on junior rights from Chipps Creek will result in an additional \$285.00 per trip.

My recommendations for the administration of Chipps Creek water rights include the following actions:

- 1) An amount sufficient to keep Chipps Creek channel moist should flow in the main channel of Chipps Creek at all times during the stockwater season. This can be accomplished by allowing some bypass flow at your headgate on Chipps Creek to flow to the main channel. A minimal flow in the main channel should allow the creek bed to remain "wet" in case the natural flow in

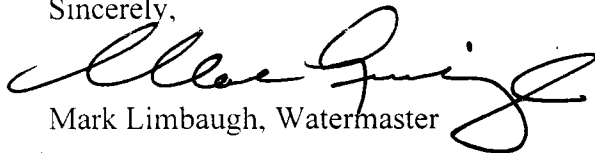
the creek drops and the timely delivery of the Ellis stockwater right must be made through the creek's main channel. Ringel is entitled to the delivery of his water rights so long as this small amount of water remains in the main creek bed.

- 2) Ellis shall install a readable measuring weir at the head of their field at the south property line, at which the amount of water necessary for the delivery of the Ellis stockwater right shall be maintained while the creek produces sufficient water to deliver their priority right. The minimum amount of overpour at the weir shall be approximately .05 cubic feet per second (2.5 miners inches), or about 1.2 inches of overpour on the 6" rectangular weir, at all times during the stock watering season, subject to available flows. This weir shall be readable from the property line in order that all parties may evaluate this water delivery at any time. When creek flows drop below this amount, the Ringel water right shall be cut off and the Ringel headgate should be shut to allow all remaining natural flow to be delivered to the Ellis weir through the natural Chipps Creek channel.

In another matter, I was interested in the reason for the large hose placed in the water at the road on the north end of your field. My first reaction was that water was being moved to another location for stockwater, but I have no proof this was the case. As a matter of clarification, an instream stockwater right is only for the use of livestock physically on the place of use, i.e. your field. Any other use of water under a stockwater right, especially under the conditions of your call on the junior Ringel water right, is not considered a proper use of water under Idaho law and would result in the reinstatement of the junior water right until such time livestock was physically located on your property associated with the stockwater right in question. Please make a note of this in order to properly use your stockwater right in the future.

If you have any further questions or have any other concerns, please do not hesitate to contact me at (208) 642-4465. Thank you for your cooperation in this matter.

Sincerely,



Mark Limbaugh, Watermaster

cc: Gary Spackman, IDWR