

October 29, 2001

Mr. Mark Limbaugh  
Payette River Basin 65 Watermaster  
102 North Main St.  
Payette, Idaho 83661

Dear Sir:

Thank you for your letter of October 24, 2001 outlining your conclusions on the water rights in Chipps Creek for current water users. We do have one or two questions that we're really confused on that we hope you can help explain to us.

You mention that you have had to make three trips to this location in the past to solve disputes arising from water usage. So that we clearly understand, were these three trips; August 2000 when all of the water from Chipps Creek was diverted onto the Ringel pastures for irrigation use and the creek channel was completely dried up – again in June of 2001 when all of the water from Chipps Creek was diverted onto the Ringel pastures for irrigation and the creek channel ceased to flow out of the north end of our pasture – and again on October 4<sup>th</sup>, 2001 when you came up to divert all the water from Chipps Creek onto the Ringel pastures? As we informed you on your October 4<sup>th</sup> trip, our senior (1887) water right (65-3854) is from January 1 through December 31 of each year. The Peterson water right (65-05033) that Ringel has applied for part of is junior to ours (1897) and is for the period April 15 through October 15 of each year. Since one of the major reasons for your writing the letter to us was to warn that any future trips by you would result in several hundreds of dollars of charges for your time and travel; would you please explain why you chose to drive up here in an attempt to divert water when the period of its usage was ending in 11 days?

We are also confused as to your current decision that we should relocate our measuring device and weir from the road at the north end of our property to the South end of our property. You requested in your letter of August 22, 2000 that we place the measuring device and weir next to the roadway at the North end of our field, you stated "This weir shall be readable from the road in order that all parties may evaluate this water delivery at any time." We assume you are aware that two additional parties to Ringel have also applied for part of the Peterson junior water right 65-05033? How are they to view the measuring device and weir when it will be located several hundred yards from the roadway? Have you obtained permission from Ringel for those other parties to cross his property to view our measuring device and weir, since you have not requested permission from us?

You state in your letter addressed to us on October 24, 2001 that on October 4, 2001, you discovered a large hose located at the road at the North end of our property in the stream, and go on to define illegal diversion of water.

**RECEIVED**

**OCT 30 2001**

**WATER RESOURCES  
WESTERN REGION**

October 29, 2001

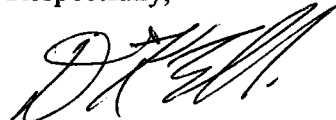
Page 2

We respectfully suggest that you make your allegations and accusations directly to the Valley County Road Department water truck crew, or the Valley County Road Superintendent Gordon Cruickshank.

As mentioned previously there are three parties upstream from our senior water right: 65-05033A for Jim and Carolyn Kling, 65-05033B for the Lola Peterson Estate, 65-05033C Fredrick Ringel, and each of them has filed with the State of Idaho Water Resources for some portion of the water available – after our senior water right has been met. Would you please state the location of each of the measuring devices and weirs that you have these water users place in the stream so that all of the involved parties can evaluate the water delivery as you outlined in your letters?

Lastly, please be advised that Dave Ringel was witnessed going to the headgates of Chipps Creek at approx. 9:30 AM yesterday October 28, 2001. My father, Kyle Ellis, accompanied by Ron and Lydia Zehr and myself inspected the headgates at 3:15 PM on October 28, 2001 and as you can see by the enclosed photograph, the Chipps Creek headgate has been completely closed, and the Ringel headgate has been opened up all the way. This is in complete contradiction to the wording on our Water Right 65-3854, which clearly states it is for the period from January 1 through December 31, and also of the wording on Water Right 65-05033, which states it is for the period April 15 through October 15 of each year.

Respectfully,



Derroll K. Ellis  
9988 Round Valley Road  
Cascade, Id. 83611

Cc: Gary Spackman, IDWR  
Norm Young, IDWR