August 22, 2000

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

Re: Chipps Creek Water Rights Administration

Dear Mr. Ringel:

On Thursday, August 17, 2000, Gary Spackman, IDWR Western Region Manager, and I visited your farm on Chipps Creek in the afternoon. First, I want to thank you and your hired man for allowing us to visit the diversion and giving us a tour of the system.

We found that you were not diverting any water from the main channel of Chipps Creek and that all of the water was flowing down the main channel of the creek toward your barnyard and the Ellis place. The water flow last Thursday had not yet made it to the Ellis place, but was about half way across their field. As of today, however, I have been informed that the flow has made it to the bottom of the Ellis field. The flow is currently sufficient to fill Ellis' priority stockwater right from Chipps Creek.

In discussing the water right administration for Chipps Creek with the Ellis', I have come to the conclusion that a .05 cubic feet per second (cfs) stockwater flow should be measured at the bottom of the Ellis field in order to satisfy their right. Obviously, during runoff season, this is not a problem. But when the flow in the creek recedes below the total of all the water rights on Chipps Creek, then the amount of water necessary to water cattle in the Ellis field must be delivered to the end of the field.

One problem I noticed on my visit was after you turned the water back to Chipps Creek, the water did not immediately flow through the Ellis property. This may have been due to the fact that Chipps Creek was dry when you turned the water back to the creek. The flow was probably soaking the creek bed as it proceeded to the Ellis field, slowing the delivery to the Ellis stockwater right downstream.

I would like your cooperation in assisting me in administering the Chipps Creek water rights – protecting the priority water rights on the creek and allowing for the efficient and cost-effective delivery of these water rights, including yours. I am hereby recommending the following actions on Chipps Creek:

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. Obviously, you are entitled to the delivery of your water rights in the manner in which you are accustomed to, 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, in accordance with your water rights.

2) Ellis shall install a readable measuring weir at the end of their field at the road, 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. This weir shall be readable from the road in order that all parties may evaluate this water delivery at any time.

I hope this scenario is acceptable to you as well as to the Ellis', as this is a cost-effective plan to address and protect priority water right deliveries from Chipps Creek. If you have any further questions, please contact me at (208) 642-4465.

Sincerely,

Mark Limbaugh

cc: Kyle and Derroll Ellis
      Gary Spackman, IDWR