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RECEIVED

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Department of Water Resources

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December 6, 2001

Norm Young

Idaho Department of Water Resources

1301 N. Orchard St.

Boise, ID 83706-2237

Re: Chipps Creek

Dear Norm:

We spoke earlier about the watermaster instructions which you discussed with Dave Ringel on November 26, 2001 when he met with Gene Gibson and then with you in Boise. The watermaster instructions are addressed to a headgate Mr. Ringel installed which can divert water out of Chipps Creek within the Payette River drainage. I appreciate your explanation of those instructions. Based on our conversation and the conversation you had with Matt Howard, I have the following understanding of the instructions that IDWR will give to the watermaster:

1. The only person who can open or close the headgate is the Payette River Watermaster, his deputy, or designee. No one else may open, close, or adjust the headgate.
2. The headgate is presently unlocked but closed.
3. On December 5 or 6, Deputy Watermaster Gene Gibson will return to the Chipps Creek area for the purpose of locking open the headgate and installing a berm in front of the open headgate. If Gene Gibson is unable to install the berm, the headgate will remain closed.
4. Except for high flood flows, the berm will keep Chipps Creek water from flowing through the open headgate.
5. The berm will remain in place through the nonirrigation season.
6. If the berm is washed out by flood flows or discovered to be gone, IDWR will instruct the watermaster to restore the berm or close the headgate.

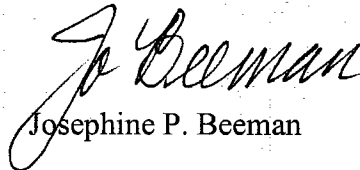
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7. If the berm is partially washed out or partially removed such that it does not keep Chipps Creek water from flowing through the open headgate, IDWR will instruct the watermaster to restore the berm or close the headgate.
8. If the headgate is closed for any of the above reasons, it may be opened by the watermaster to prevent its destruction by flood flows but will be closed after the flooding.

By copy of this letter I want to keep informed the counsel, private individuals, and IDWR personnel with whom I have talked. I also enclose a copy my letter to Mr. Ringel's counsel which was distributed earlier.

Sincerely,

BEEMAN & ASSOCIATES, P.C.



Josephine P. Beeman

JPB:krj

cc: Jim Kling
John Marshall
Charlie Honsinger
Darroll Ellis
Kyle Ellis
Mark Limbaugh
Gary Spackman
Gene Gibson

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