



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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*Gary J.*

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 16, 2002

Kyle F. Ellis  
9982 Round Valley Road  
Cascade, ID 83611

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

*Re: May 7, 2002 letter concerning irrigation by David Ringel.*

Dear Mssrs. Ellis:

This letter is in response to your letter dated May 7, 2002. In that letter you inquire as to the reasons why the Idaho Department of Water Resources has not "cancelled" Mr. David Ringel's use of his pond for storage and irrigation use. You are also concerned about why the headgate for Chipps Creek was completely closed and why Mr. Ringel was allowed to divert all of Chipps Creek water into his pond.

I have done some investigation into this matter and have discovered the following relevant information. First, Mr. Ringel has a claim in the Snake River Basin Adjudication, claim number 65-05033C, which claims storage and irrigation of Chipps Creek water. Second, the Department has issued its recommendation on claim number 65-5033C which does not recommend storage or irrigation from storage of Chipps Creek water. The Department's recommendation provides Mr. Ringel 4.06 cfs from Chipps Creek at two points of diversion to irrigate 203 total acres in various quarter-quarters in Township 11 North, Range 4 East, Section 7. Third, the Department's field investigation on Mr. Ringel's claim, conducted in August 2001, determined that Mr. Ringel is using water from an unnamed stream to irrigate some of his property and to fill his pond during the late part of the irrigation season. The Department also found that Mr. Ringel is using wastewater from Chipps Creek and from the unnamed stream to fill his pond and irrigate property located in Section 6. Use of this unnamed stream and use of wastewater on land other than from which it originates is not authorized.

Because there is an active subcase in the SRBA concerning whether Mr. Ringel has a right to store Chipps Creek water in the pond and irrigate from it, the Department does not intend to commence a separate administrative enforcement action to prohibit the storage and use of water from the pond from Chipps Creek. However, because you are a party to the SRBA, you may consider filing a Motion for Interim Administration before the SRBA District Court to order the Department to deliver water based on our current recommendations.

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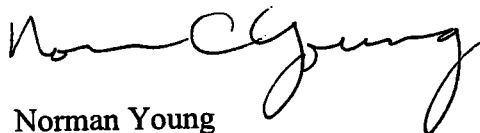
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Kyle and Derroll Ellis  
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As we have previously stated, the Department will not allow Mr. Ringel to dry up Chipps Creek and injure senior, downstream users. Furthermore, the Department will consider diversion and storage of the unnamed stream and/or wastewater from Chipps Creek or the unnamed stream as an unauthorized use. By copying this letter to his attorney, Charlie Honsinger, Mr. Ringel is put on notice to cease diverting and storing water from the unnamed stream and to cease diverting and storing wastewater without a water right.

If you have any other questions concerning this matter, you can reach me at (208) 327-7900.

Sincerely,



Norman Young  
Administrator  
Water Management Division

cc: Charlie Honsinger  
Gale Merrick  
Ron Shurtliff, Watermaster  
✓ Gary Spackman, IDWR Western Office  
Ron Howerton, IDWR Western Office  
Candice McHugh, IDWR Attorney