

COPY

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August 14, 2002

Ron Shurtleff
Payette River Water Master
102 N. Main
Payette, ID 83661

RECEIVED

AUG 15 2002

WATER RESOURCES
WESTERN REGION

Re: Mud Creek Water Rights/Don Weilmunster Permit No. 65-13925

Dear Ron:

This letter will follow the message I left on your telephone answering machine on the morning of August 5th regarding the above-referenced matter. This letter also follows my letter to you dated March 18, 2002.

The purpose of this letter and my prior communications is to request your assistance in getting the process started so that Mr. Weilmunster can comply with his permit requirement that you (or a deputy water master) are regulating all of the Mud Creek surface water diversions. From my conversation with you last March, and from my conversations with Gary Spackman at IDWR, it is my understanding that, in order to comply with that permit requirement, adequate water measurement devices and adequate diversion works will need to be installed all along Mud Creek so that you (or a deputy water master) will be able to regulate all of the Mud Creek surface water diversions. It is also my understanding that a plan for regulating the diversions from Mud Creek will need to be approved by IDWR.

We need your help in getting this process started. The other water users on Mud Creek are going to ignore any attempt we make on our own to get them together to formulate the water regulation plan and to inform them of the need for the installation of adequate diversion works and measuring devices. In short, we need you to use your authority to bring pressure to bear on the other Mud Creek water users so that this process can begin and allow Mr. Weilmunster to comply with the requirements of Permit #65-13925.

As I am sure you are aware, the installation of new diversion works and measuring devices is typically best done in the fall and it seems to me that the process should be started now in order to allow all of the Mud Creek water users time to make preparations to do the necessary work

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this coming fall. Accordingly, will you please call me upon your receipt of this letter so that we can discuss what needs to be done in order to get the process started? Thank you.

Sincerely,

Brian L. McMahon

BRIAN L. McMAHAN

BLM/sp

cc: Don Weilmunster
Jim Fronk
Gary Spackman