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June 26, 1997

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Department of Water Resources

Mr. Norm Young
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Dear Norm:

I am contacting you with regard to a problem that exists on Sinker Creek between Mr. Jay Hulet and Mr. Paul Nettleton of Joyce Land and Livestock.

As you are aware, there are a number of natural flow rights and storage rights on Sinker Creek held by both Mr. Nettleton and Mr. Hulet. Significant controversy has occurred in the past with regard to administration of the water on the creek which has lead to claims by Mr. Hulet that Mr. Nettleton has been allowed to divert more water than is allowed by his natural flow water rights during times of shortage. This appears to have resulted, at least in years past, in a situation where Mr. Hulet was unable to capture storable water in his reservoir as contemplated in his water right #57-07152. Additionally, there have been times when diversions into the canal have exceeded the inlet flow to the Hulet Reservoir which again is a violation of Mr. Nettleton's water right. Apparently the primary reason for this situation is confusion by the watermaster over how much water is deliverable to Mr. Nettleton during the irrigation season. Mr. Nettleton has a series of natural flow water rights which entitle him to divert 21.07 cubic feet per second from Sinker Creek, part of which may be taken through the Murphy Mutual canal for irrigation of lands on Murphy Flat.

Ms. Cindy Hodges and I discussed this at length and she indicated to me that you, she and Mr. Bob Sutter of the Department had discussed this issue as well and concluded that cumulative diversions on Sinker Creek and into the Murphy Mutual canal by Joyce Land and Livestock should not exceed 21.07 cubic feet per second. Additionally, it's my understanding you concluded that the diversion by Mr. Nettleton into the Murphy Mutual canal could not exceed inlet flow during the period of regulation.

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My reason for contacting you is to request that the watermaster immediately be given the appropriate instructions in order to eliminate the potential for similar problems to arise in 1997. It appears that the watermaster is confused with regard to how much water Mr. Nettleton is able to divert under his water rights, which has created significant controversy in the past. I would urge that you contact the watermaster and make sure that she understands that Mr. Nettleton's total diversions from Sinker Creek and through the canal cannot exceed 21.07 cfs and that if they do, Mr. Nettleton must be required to either curtail his diversion in the canal or from Sinker Creek in accordance with his water rights. It should also be made clear that the diversion from the reservoir into the canal or Sinker Creek must not exceed inlet flow or 21.07 cfs.

If you have any questions or wish to discuss the matter, please feel free to contact me at any time.

Sincerely yours,



Sheri L. Chapman
President

SLC:kje
Cc:Mr. Dan Steenson
Mr. Jay Hulet