

RECEIVED

JUL 29 1997

WATER RESOURCES
WESTERN REGION

DATE: July 29, 1997 *of Gary*
TO: Gary Spackman and John Westra
FROM: Cindy Hodges *cyh*
RE: *Attached Recent Activity, Sinker Creek WD*

I prepared a response to Sherl Chapman's attached letter which includes an updated version of the Sinker Creek Watermaster Report, a letter of instruction to the Watermaster and a letter of notice to Paul Nettleton. Before the letters are signed and sent, Norm would like you to review my response and offer any comment.

Please respond by the end of the week if you have concerns or questions. I am planning on being out on Thursday and Friday, so you might want to e-mail me or call Norm.

Thanks.



State Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 10/28/97

TO: Cindy Hodges

FROM: Steve L

DOCUMENT DESCRIPTION: Jay Hulst Letter: Before I root endlessly
through files thought should send you cc of this in case you
had answer at tip of your fingers. If not, what do you
suggest as good way for Region to sort through info to respond?

TOTAL PAGES SENT: ~~2~~ 1 + COVER SHEET

CONTACT: _____

Thanks,
-JL

From: DWR80::SLESTER 28-OCT-1997 10:42:31.57
To: DWR03::CHODGES
CC: SLESTER
Subj: JAY HULET

Hey Cindy - looking for your ideas before I reply to Jay's letter. Just sent you a fax of his letter. Please take a peek & see what you think.

thanks,

Steve

From: DWR06::"chodges@idwr.state.id.us" 29-OCT-1988 16:22:34.88
To: slester@idwr.state.id.us (Lester, Steve)
CC:
Subj: Hulet Letter

Hi Steve-

I've been out of the office but have received copy of the letter you sent. =

I have a hunch this request, as usual, has an ulterior motive, that being =
that Hulet and Nettleton have recently been to court over SRBA objections =
and Mr. Hulet is seeking data to substantiate his own argument. Perhaps the =

best thing is for me to send you a copy of the affidavit I prepared for Dan =

Stenson to use during the hearing. This topic of delivery was a hot one =
and one that I tried not to answer too directly! The issue of April 1 =
start-of-season is related to Jay's storage season. Nettleton would like =
that changed to March 15, which would likely damage Jay's storage right (?). =

Don't know exactly what Jay is fishing for but it may be related to that.

My personal recommendation would be to invite Jay to come browse through the =

Water District records himself if he would like to verify any earlier start =

dates....(yeah, right!) Or, you might phone John Marshall (IDWR attorney) =
or Roxanne for more details about the objections.

I will go fetch a copy of the above-mentioned affidavit (my first, =
incidentally; I'm proud of it) and send it to you as soon as I can. Call me =
later this week if you have more questions. Enjoy!!

cjh

*Copy to reply
good*

From: DWR80::SLESTER 30-OCT-1997 14:07:55.76
To: @WESTERN.LIS
CC:
Subj: *** URGENT *** SINKER CREEK CONTACTS

Jay Hulet and/or Paul Nettleton might contact regional office regarding water deliveries on Sinker Creek per recent things going on in SRBA and water district.

We have been asked to refer any Sinker Creek contacts directly to S.O. - either Cindy H. or Dave T. who have been working with Norm and legal staff about appropriate dept. responses regarding calls for water.

thanks,

Steve

57D
file

INTER-DEPARTMENT MEMO--1

FROM Steve Lester

DATE 10/30/97

TO John Marshall

SUBJECT Jay Hulet & Sinker Ck.

Attached is Jay's 9/16/97 letter & cc's of Iowa
mail mssg. & response.

Looks like you have been advised of this & will
be in touch with Don Stearn & letter.

If there is anything Region can do in this
matter please let me know


SIGNATURE

From: DWR80::SLESTER 30-OCT-1997 13:38:18.37
To: DWR06::"chodges@idwr.state.id.us"
CC: SLESTER
Subj: RE: Sinker Creek Part II

Thanks for the newest & most convoluted update -- that is a real thriller!

I will alert region folks about this and will forward Jay's letter to John Marshall while keeping cc here along with our cc's of our mail messages. John can then use the letter as he sees fit.

Whew went from fairly complex to barely followable real fast!

thanks,

Steve

From: DWR06::"chodges@idwr.state.id.us" 30-OCT-1991 13:31:19.25
To: slester@idwr.state.id.us (Lester, Steve)
CC: chodges@idwr.state.id.us (Hodges, Cindy)
Subj: Sinker Creek Part II

When it rains, it pours, I guess.

Partial decrees have been awarded in Basin 57 for at least some of the =
Nettleton Sinker Creek irrigation rights and possibly the Hulet storage =
right which, in essence, may extend the irrigation season to Nov 15 and =
shorten the storage season by the same period. Paul Nettleton just called =
inquiring as to how we will administer the new decrees "when Jay goes to =
shut down his reservoir on November 1" as he is accustomed to doing. Paul =
indicates he is still irrigating and will call for natural flows thru 11/15 =
= under the new decrees.

I do not yet have an answer for this; Dave and I will likely go to Norm for =
= consult before we make a decision. Primary among our concerns are 1) have =
the partial decrees in fact been issued and for what rights, 2) how will the =
= Watermaster be formally notified and 3) are we even obligated to deliver any =
= partial decrees this season when not all may be awarded yet.

I would suspect you will receive at least one call over this as the
situation ripens. Would you please notify all Western staff, especially =
your office day folks for today and tomorrow, to refer all end-of-season =
calls of this nature to me or to Dave for the time being. We'll let you =
know when we have something firm to advise the Watermaster.

As far as Jay's letter goes, John Marshall has determined he really cannot =
= contact Jay directly because Jay has retained his own counsel in that matter =
= (Dan Steenson), and that Jay's circumventing his counsel to contact the =
department was neither ethical or appropriate, therefore, John is going to =
forward the entire thing to Dan and let Dan deal with Jay.... I like it.

More later.....cjh