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WATER RESOURCES  
WESTERN REGION

Diary of Notes and Entries  
2003 57-R Watermaster: Connie Brandau

March 3, 2003 57-R meeting and elections in Muphy, Idaho.

April 11, 03 Friday Jerry Muller paid his bill in person and said he wanted to start water in the West Reynolds ditch. It hasn't been burned out or water turned in yet this year. The creek is cutting around their diversion dam ( in Hendersons horse pasture) making a new channel - with lots of help from beavers. LaVar Young talked to Rich and they would like me to make a run up the creek to assess the water situation, at my convenience.

April 13, 2003 Sunday 8:30 AM Tony Richards called. He says Owen Orndorf has a field that can only be wet up with Tonys waste water. Owen is trying to tell Tony that he has to move his water so that Owen can use or get some waste water on that dry field. Tonys question was "Does he have a right to do that?" and "I thought he might know something I don't, him being a water lawyer and all." I told Tony that Owen can't make a call on waste water and I would check to see if he even had a "waste water right" or had filed on one. Tony also wanted to know if he could make a ditch to dump it (waste water) back in the creek. Would it then become live water again? Connie to ask IDWR Westra. Tony asked me to call Rex and let him know results too.

9AM I left a message with Rex Evans "No water to storage, I've had request from lower users, so I will probably be out today 4/13, or tomorrow."

9:45 AM Rex returned my call. He thinks they shut water off going out of reservoir, but there is still water going in. He gave me Owens phone number at his house in Reynolds 495-2862 (still listed under Harvey Orndorf). Rex said he had a question for me on the Babbington field (the first field below connecting fence on the West side (of creek). He said Owen claims he has a waste water right there. He said Tony had had a conversation with Owen "about stealing water and stealing grass." Rexs question was "Does Owen have a 50 inch waste water right out/off of Babbington like he claims?"

Afternoon Jerry Muller put water in West Reynolds lateral. 3 1/2 inches over 4 foot cipoletti weir - but there is about 100 inches going through a hole around/under the weir. I estimated about 200 inches of water that he has turned in. The weeds he has not pulled are plugging the culvert under the feedlot road (Wilson Creek Road). Who has the liability for damages if he breaks the ditch? Beaver have plugged the Henry Brandau diversion pipe.

It rained this morning and then we had a real soaker this afternoon.

April 14, 2003 Monday The creek is up. LaVar Young, Tom Hook and Dan Muller (West Reynolds) said that Jerry Muller will be sole user in West Reynolds lateral at this time.

I phoned IDWR. John Westra stated that Owen Orndorf cannot make a call on waste water. I called Tony Richards and left a message about Westras statement.

I went up to measure/check his afternoon but saw that Owen is building more dams below Macks Creek reservoir. I just came back home. Need to call IDWR.

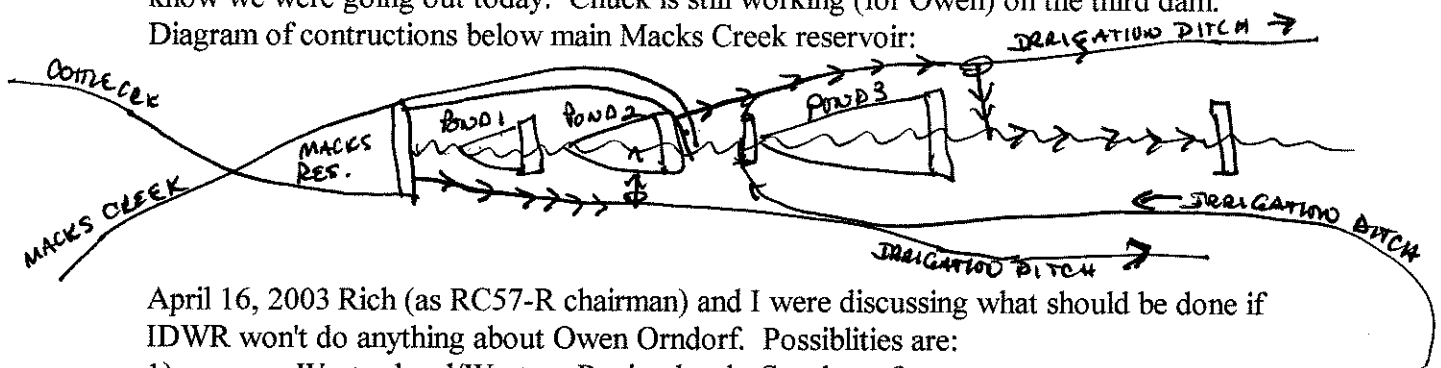
April 14, 2003 I called John Westra 334-2190 about Owen and asked "Does he have permits for on stream dam on Macks Creek?" John said he would meet me at 1 PM at Ferry Service to go up and look at the situation..

Saw Tristan Hook at the store, told him about the hole around the West Reynolds weir.

I met Westra at the store and we drove up to Junayo Ranch in his IDWR pickup. We went to the Macks Creek reservoir dam and saw the "new dams" below on Macks Creek. When I again asked Westra if Owen had permits for any new construction/works he stated "Not that I am aware of." It should have been advertised and/or notification sent out if he did.

There is no way for me to regulate live flow out of Macks Creek reservoir and back into the Reynolds Creek system without filling three dams which only have overflows - no valve controls. I took pictures #14 to #24 with my camera. Westra had an IDWR digital camera that he took pictures with. He said that he had called Owen to let him know we were going out today. Chuck is still working (for Owen) on the third dam.

Diagram of constructions below main Macks Creek reservoir:



April 16, 2003 Rich (as RC57-R chairman) and I were discussing what should be done if IDWR won't do anything about Owen Orndorf. Possibilities are:

- 1) go over Westas head/Western Region level - Spackman?
- 2) talk to Tuthill
- 3) go to state IDWR
- 4) go to Bureau of Rec - is this a federal offence?
- 5) go to media
- 6) check with EPA or DEQ or other federal agencies

Who has the liability if Owens dams go out? because they are not very stable looking structures and they are using logs for the core of the dam. Should 57-R officers or patrons do something or is it just me as watermaster?

April 19, 2003 Owen still has Chuck working in/on Macks Creek below the reservoir on the third dam.

Owens east ditch headgate is wide open and it is dry immediately below at the Packrat diversion.

I spoke with Jim Hoagland on the road. He knows where there is some used neoprene ditch liner if anyone is interested. His phone # is 495-2468.

I talked to Jerry Hoagland. He will put pressure to his headgates. He is not taking water at the Dobson right now.

I talked to Rex about their Cemetery west side ditch weir at the trees. If it goes out it will take all of the weirs with it. It will be Junayo liability, responsibility, to put all-

everything back in. This has been an ongoing discussion. They have promised to repair the undercut from their weir in the past and it hasn't been done yet. Rex promised it will get done this fall (after the water is off). Their weir is tilted and leaning and about ready to fall off into the undercut, which will take out the whole ditch, then go through Hooks field and across the county road. Write August on the calendar to notify Rex to repair it!

April 19, 2003 I went out and measured / noted water use today. There was a total of 46.87 CFS being used, 11.10 cfs on the lower reach and 35.77 cfs on the upper reach. That should deliver part way through priority #23, a 12/24/1889 priority date which should be 33.81 cfs on the lower reach and 19.35 cfs for the upper reach (including Mack creek).

Tomorrow I need to have:

Jerry Hoagland tighten up to 5.22 CFS (2'x.76)

Rex Evens Lower Place tighten up to 3.00 CFS (9"x1" or 2'x.53)

Macks Creek has .90 CFS right still

Cemetery Place 2.00 CFS OK but just one head of water - not 2 - so where do you want it? 2 CFS = 9"x.75 or 1'x.64

Hooks - all of their available rights total 6.18 CFS

Tony's - 2.56

Rex Cemetery 1.63

Equals community ditch total \_\_\_\_\_ Community ditch OK but if Jerry shuts down spill some past - stay at 1.22' x 2" = 10.90 CFS

Jacas 1.14 plus Benson right of 2.64 = 3.74 so they are OK

Henderson has only one head of water

April 20, 2003 Easter Sunday 8:30 AM I called everyone to let them know I am officially on as watermaster.

-2194 Mike Henderson wants to split his head of water to 50 or 60 inches each ditch

-2810 Jerry Hoagland has total of 5.22 CFS / 1889 rights plus 25%

466-8801 Elias Jaca Ok with what he has.

-2667 Rex Evans - shut off one head at the lower place

- shut off one head at the cemetery place (take 1889 rts plus 25%)

- .90 CFS out of Macks Creek OK

- call if you need help with the measurements

-2863 Theron Hook Keep community ditch at 1.2'x2'=10.90 CFS -that is all of Hooks (Nbar, WR & LD) Tony and Rexs rights plus 25% - about

Buzz @ Junayo Lower shut down to one head of 3.00 CFS (or two @ 1.50 CFS)

3.00 CFS=1'x9" or .5'x2'

-2819 Jerry Muller OK to have your right plus 25% 1.80+25%=2.30CFS (3.5"x4')

you have a hole around your weir - there is a beaver problem at your point

diversion - if your water goes down you need to check for beaver plugs

Tom Benson - couldn't contact at #s I have 250-2988 or 340-1006

-1133 LaVar Young. The creek will be up and down as I bring water down

2003 57-R

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Ed DeGeus I also phoned this Junayo employee with measurements at both weirs and Macks Creek

3:15 PM Rex called back. He wants Junayo east side ditch shut off and all of the water put in the potato patch (west side) 150"/3cfs per Ed DeGeus, irrigator. He said all of the ram field ditch is now going to Tony Richards, Rex will adjust the headgate to the appropriate amount. All of the Cemetery place water will be out of the community ditch at the trees and put on the cemetery field. I will go out with Rex Tuesday after the creek settles to measure Macks Creek.

April 21, 2003 the creek is up a little this AM from everyone tightening up above. I will go out to adjust water on lower reach today.

Jerry Hoagland called at 8:30 AM. He did nothing to the home place diversions. He put pressure on the ran ditch headgate. He put pressure on the community ditch headgate and it is still at 1.2 on the staff gauge. He shut the high ditch down to .49'x2'=2.65cfs.

9 AM Rich Brandau asked me to stop and look at what he and Mike Henderson put in the RID lateral for Mikes right and for W7 and PP stock water and to adjust it to where I thought it should be.

April 22, 2003 Tuesday It rained in the hills off and on yesterday, then last night about 10 PM we had a good all night gentle soaking rain. The creek is up a little more this morning - rain or pressure? - running clear. Bearded moss is starting to form already. We have a real beaver problem though Hendersons.

April 23, 2003 Wednesday I called Dave Tuthill today about 3:30 pm - as a friend and as my past "mentor" when I was first elected watermaster. He was always understanding and if I had questions could and would point me in the right direction to get the answers. I hadn't heard back from Westra on Orndorfs continuing dam construction on Macks Creek below the reservoir. Whenever I had called John W back he was always out in the field. Dave said that Gary Spackman is now Western Regional Manager and he would be another person to visit with.

I called Spackman at 4 pm and we had a 35 minute conversation about the situation out here. He had talked to Westra about it... but they didn't know what they were going to do yet, he said. I got pretty worked up and vocal about that. Gary said he and John did agree that Orndorfs action was:

- 1) an illegal use of water
- 2) he had no right for constuction
- 3) this was a violation of stream channel alteration (which is a function of the Army Corp of Engineers)

Gary said that it was their intent to determine with the Army Corp of Engineers what is happening and will probably issue a "notice of violation." He also said that it was his understanding that construction of their new dams was finished... I told him it is not and they are still being worked on. New piles of dirt and higher since John and I were out. He

said that he hadn't gotten the "same sence of urgency from Westra that I am getting from you."

He wondered if Owen was building these dams "in ignorance of the law" I informed him that it was more like in flagrant violation of the law since Owen had to go through this process twice before - Macks and Eastside reservoirs - and claims to be a water lawyer. It is my opinion that if Owen is not stopped now he will just keep on building dams across the creek. Gary stated that I needed to "understand the bureaucratic decision making process," that it took time. Then he said that he and John had talked about letting Owen go back and get the "right permits" for this ongoing construction - and apply them in retrospect. That is when I stated loosing it and got a little hot (according to Rich who was listening in on my end of the conversation). These dams interfere with the water delivery system - block it actually - have been done without proper applications and permits, done with knowledge of neccessity for same, done without proper notification to 57-R water users or legal noticing. I told John that I had talked to 57-R elected officials about this matter and if IDWR didn't or wouldn't pursue the matter they were ready to look into the legal aspects, he asked lawsuit? maybe/yes.

I told them I was seeking direction from IDWR but perhaps I should go to EPA, DEQ or Army Corp of Engineers if IDWR didn't want to take immediate action. He asked what I meant by immediate action and I told him at least a cease and desist order to stop construction now. He is going to talk to Westa.

April 24, 2003 7:30 AM Westra called. They are going to issue a "notice of violation" to Owen. He said the Corp will be out to look at constructions and that they will be removed. I asked him who I should contact if constuction continues. He said it will stop. If it does continue contact IDWR.

I rode to Junayo Ranch with Gene Gibson and John Westra today and was present when they presented Chuck (not Owen) with a cease and desist order. I took a whole roll of pictures while Gibson and Westra were looking over the constructions. Gibson says only the last (third and newest) dam is under Corp jurisdiction. Gene Gibson said that he would bring Greg Martinez, ACE out to explain to Owen. I asked them how I was to deliver water throught the system as it existed. They said that I probably shouldn't because the last new construction may wash out. They suggested that I contact Gary Spackman. We all went to look at the Macks Creek ditches. The weir site is located about one half mile from the diversion point. The weir blades were present but not installed. Owen is to have his men pull the boards out of the front of the culvert under the dam on Cottle Creek and fix the hole which allowed the water to flow under the culvert. Gibson decided that would be an appropriate place to measure the Cottle Creek flows that store in the Macks Crk reservoir. Estimated flows at Macks Creek and Cottle Creek totaled 170 inches or 3.4 cfs which is the amount of live flow water that should have been being release from the Macks Creek reservoir to satisfy downstream calls.

On the way back to Junayo farmyard I had Westra and Gibson stop at the bridge to look at the "drop structures" Owen had built across Reynolds Creek. I took pictures at the first structure. We could see two more downstream from the first one. I don't know how many more there might have been. Gibson said this would be under Army Corp jurisdiction.

April 25, 2003 The creek is up a little more today AM. I called Forrest Stimpson (RID ditch rider) Dan Muller and Calvin Johnston (last ditch) to see if they could use a little more water (their rights have not been being filled) but I can't say how long it will last. Forrest said no, their ditch hasn't been pulled and the river pumps are on already. Calvin put a little more water in. Dan Muller said yes. He put water in but most of it was going out a huge gopher hole (left over from last year) between the head of their ditch and the hiway. He was working with his backhoe on getting the leak stopped this PM.

Rich and I went up to look at reservoir this evening so he could see what/how 57-R is effected. I wasn't comfortable with my opinion that the Charlie field on the northwest side of Macks Creek was being irrigate with "seep" water only. No water has been turned out of Macks Creek reservoir this year. Owen has continued the construction of the Potato Patch ditch on around the confluence point, piped it over Macks Creek streambed and is irrigating the Charlie field with live flow Reynolds Creek water (I later found out that he does have a RC water right for this field).

April 29, 2003 I asked Westra about Charlie field water right, where it originated from. He faxed me a copy of the water right for that application. I asked him for guidance on the matter of delivery through the Macks system. It is freezing at night and the creek is dropping.

May 1, 2003 Thursday 11:30 AM I still haven't heard back from IDWR. Nothing seems to have been done. 334-2190 Spackman is out until afternoon. Westra is away from his desk and receptionist will have him call me back. Army Corp of Engineers 345-2154 Greg Martinez with regulatory office. I left a message that I need contact and direction. Attorney Generals office 334-2400 Pat said Natural Resources Division oversees stream channel alteration. The deputy AGs out of Water Resources are Steve Streck, David Barber and John Conmanik. Clive Strong is the division chief. I called the Idaho Attorney Generals Office at 12:41. Pat Beams with the IAGs office said she spoke with Clive about my problem with illegal water diversion and he recommends I call Tim Loucks with DWR at 327-7864. He is the overseer of all watermasters in my area. His secretary is Dana Ball and she said she is aware of my problem and she had sent me some documents earlier this week (which I never received). 1-208-334-4124 is Pat Beams number.

Greg Martinez returned my call concerning the check dams (drop structures) in Reynolds Creek. He said that as far as the Corp of Engineers "Gene Gibson does not represent the ACE but works for IDWR and was not representing ACE that day." He also said that Gibson has not been back out on site with Orndorf. Erv Ballou - State 327-5448. Greg Martinez said he has never met or talked with Orndorf. He also said that Gibson had told him (Martinez) that "it had nothing to do with Army Corp of Engineers but was all under IDWR jurisdiction.

IDWR called back, they don't know where Gary is, but that Gene Gibson had met with Owen Orndorf on Monday.

Tim Loucks called and said "he works with districts." He tried to explain Gene Gibsons position and joint responsibility and the 404 permitting process. He asked for and I faxed to 327-7866 a map of Macks Creek. He will call me back midmorning.

At 4:30 PM Erv Ballou called back. He is State co-ordinator for stream channel protection with the IDWR State office. He said Gene Gibson is in adjudication. He said a site visit is planned for next Thursday.

May 4, 2003 Sunday 8:04 AM Buzz Walters (Jundayo) called and asked Rich if I was in. When I got to the phone Owen Orndorf introduced himself and asked if water rights being delivered are still at 1889. I told him yes, as far as I was concerned. He asked if he would see me on the 8th. I said yes, if not before because I would be out tomorrow. Then Owen said "I'll have Chuck out here (the 8th) and we'll see if we can't work wonders with the department of water resources." I am sure he called because the creek is up this AM. But the tip-top of my "marker rock" is still out of the water (rule of thumb - when the water is below the top of my marker rock there is not enough to fill the lower reach rights). I called these people whose rights haven't been being filled or who have been short:

- 1121 Gary Stoller Boise Trust ditch
- 1133 LaVar Young Boise Trust ditch
- 2395 Tritan Hook Last ditch
- 2807 Dan Muller Last ditch
- 2819 Jerry Muller West Reynolds
- 2712 Tom Hook West Reynolds & Last ditch

Rex Evans called at 10 AM about getting more water. I told him not to take more that the added pressure created (don't open headgates anymore) and that the creek was not going past Hiway 78 yet when I was there at 3 PM.

May 5, 2003 Creek reached Hiway 78 about 8PM yesterday, 200-300 inches going past. I called Rex Evans at 7:30 PM today and suggested that he could take another 100 inches more, but not much more. Tony Richards called, he can use more in ram field ditch, 50-100 inches OK.

I called my advisory committee to ask them to go out with me on 5/8/03 to Junayo with IDWR. Jerry Hoagland said I should check with IDWR to see if it is OK. Will call tomorrow.

I was going to go out to measure today but with everyone running pressure and creek up due to rain I felt it was unnecessary. I couldn't reach Tom Hook or Elias Jaca this PM. At 9:50 Rex Evans (Junayo) called and thanked me for the message. He will check and get back to me if they need or want to up their water.

May 6, 2003 Only about 50 inches of water going past the hiway.

May 7, 2003 I called IDWR about 8:30 AM and asked to speak to either Gary Spackman or John Westra. Gary came on the line. I told him that I had spoken to Jerry Hoagland about having the 57-R advisory committee (Tom Hook and Jerry Hoagland) come up with me tomorrow to the scheduled on site meeting with IDWR and Owen Orndorf. Gary said that he has reconsidered some of what needed to be done after reading my notes (Tim Luke had requested them and had forwarded them on to Gary at Western Region IDWR). Gary said that the meeting tomorrow may be cancelled. He said "The meeting tomorrow

is attempting to resolve a conflict of illegal use of water - ONLY!" Gary then told me (and I quote) "This seems to have elevated to an extreme level of acrimony on your part." I asked Gary how he perceived this problem will be solved. He said he didn't know yet. He then stated that in relation to Gene Gibson, he was working for IDWR now, (does that mean Western Region or State?) and that "at the State level there is no funding for stream channel alteration work." He also said that we had best work under the assumption that our "first responsibility is that water is deliverable" and "We don't want the dam construction to result in greater difficulty in delivery of water." He said that access by 57R (Rich Brandau, Tom Hook and Jerry Hoagland) was dependant entirely upon Owen, but that legally he couldn't deny me, as watermaster, access. Spackman said that it was his inclination to say no to 57R advisory committee inclusion in meeting tomorrow. He said the meeting may be cancelled because he feels that he should view the situation first hand, and he already has other plans for tomorrow. I asked him to let me know if the meeting is cancelled and to let me know for sure about the 57R (governing body/advisory committee, 3 people) attending. Otherwise we would see them there at 9 AM. I called Jerry Hoagland at 1 PM to let him know that it might be cancelled or Owen/IDWR might deny them access. I also asked him if I should go ahead and contact EPA about what the standard procedure is for stream channel alteration violations. He said yes, it was appropriate to ask that question of EPA.

I called EPA 378-5746 and spoke with Judy who said I should probably speak to either John Olson or Carla Fromm about unauthorized stream channel alteration. Carla Fromm was in a meeting this AM. I called back and was told she would be out to lunch until 2 PM. When I called back again she told me that I should let IDWR, Army Corp and EPA know that I had talked with her and that I should speak to Erv Ballou. She asked me to call her back in a month with a progress update. I can email photos to her at [fromm.carla@epa.gov](mailto:fromm.carla@epa.gov) When we got home at 11:45PM there was a message on the answering machine from Gary Spackman at 9:05 that he had been trying to reach me all day. He had made arrangements for John Westra and Gene Gibon to be on site 5/8/03.

May 8, 2003 I saw Gary Stoller at Ferry Service. He had questions about the Boise Trust ditch, its maintenance, water rights and priority dates as they related to he and LaVar Young, as they both use the ditch. I showed him how to measure their odd sized weir and have him a Daily Record book that shows the various charts for measurements and how to build and install a weir. I also explained that the Boise Trust is a lateral ditch and what that entailed. He was asking because they have no weirs at the point where their ditches divide.

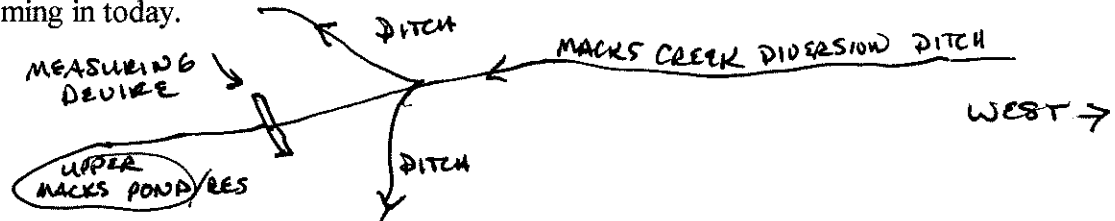
Rich and I met Jerry Hoagland and Tom Hook and drove up to Junayo Ranch. There we were met by John Westra, Gene Gibson, Rex Evans and Owen Orndorf. Gene Gibson would not allow the advisory board to come with us even though Owen said it was OK. I rode in the IDWR vehicle with Rex and John Westra. I took videos while we were on site. Our first stop was at the big Macks Creek Reservoir. We looked at the release valve and the original cement box where water was discharged back into Macks Creek per the 1994 IDWR schematic and specifications. Then we looked at where the discharge pipe had been welded up for irrigation purposes. We saw the state of disrepair the measuring device was in, viewed the pipe by which water is directed back into the



second pond. We looked at the culvert out of the second pond. It had check boards and dirt in front of it. We saw how the dam had been raised. We looked at the ditch that transfers water to the Charlie field. The ditch is above the third pond (which makes it feasible to store water out of Reynolds Creek in the third pond). We looked at the ditch that transports the water around the third pond and through a pipe into a ditch along the face of the third pond with an abrupt drop into the streambed. Gene Gibson immediately required Owen to face the drop. The third dam was still under construction. Logs were being used as the core of the earth dam. Gibson made a comment on that. Then we walked on down to the place that had been identified in 1994 as an appropriate location for the discharge measuring device. It had never been installed. I don't think that Gene Gibson realizes what a cost of time it will be to a watermaster to have to put dams in the ditches to direct the water through that maze of ditches to get it to the place it is to be measured.

Then we went to Macks Creek where the diversion ditch splits. It is about a mile downstream from the actual point of diversion, which is moot because Owen has the whole creek dammed so it all goes into the diversion ditch. They have constructed a cement face to which a measuring device is attached. The problem is that the measuring device does not fit the cement structure. Again any watermaster will have to dam upstream ditches to get the water through the measuring devices. Estimated 120 inches / 2.40 cfs coming in today.

Diagram:



Then on to Cottle Creek. Owen has had a plethora of dams constructed (over 15 that we could see and count that day) since 1994, some of which are higher than allowed without going through the permitting process. When we arrived at Cottle Creek we walked down to a culvert under a road crossing the creek. The culvert was boarded and diked up creating a pond behind it. Owen said that he can store Bensons waste water. Gibson pointed out to him that once the water reaches the streambed it becomes measurable live flow waters. There was water washing out around the culvert which Gibson directed him to fix as soon as possible. It was agreed that this would be a good site to measure the Cottle Creek water that Owen stores in Macks creek reservoir. Rex and I estimated 50 to 75 inches / 1.00 to 1.50 cfs. Note: Gene Gibson said that he thought there was about 40 inches of seep water coming out of the Macks creek reservoir which he thought would be an adequate exchange amount, even though it was not reaching the streambed below the ponds. He also estimated the combined Macks and Cottle Creek flows much lower than the 3.90 cfs that Rex and I had estimated. Rex had to leave at this point.

It was agreed that Owen will put the weir in the Macks Creek diversion ditch and put in a weir at the Cottle creek site tomorrow. He will install a measuring device below the main reservoir as soon as possible.

I told Westra and Gibson that I planned to go out to measure the whole creek on Saturday May 10th. But Gibson said that I should probably wait until I had heard from

IDWR and that would depend on when Owen could get Chuck back to "put in the apron" and Rex needed to put in the weir blade below Macks creek reservoir. So IDWR will call me when they hear from Owen. They said that I needed to talk to Gary (Spackman) about specific dates for when all of this needs to be done.

I asked if we could stop at the Reynolds Creek bridge to look at the check dams Owen had Chuck build in Reynolds Creek. Gibson said I should refer to Spackman with my questions on dams. Then he started talking about jurisdiction; that the Corp is federal and State IDWR has the stream channel protection program, but my questions to channel alteration need to be addressed to Gene Gibson. Then he said that these check dams "will blow out as constructed." He said that something would be resolved but they probably will not be reconstructed until fall. He will allow Owen to go through the permitting process on Reynolds Creek dikes and drop structures. He also said that if Owen didn't go through the permitting process he will/would have to remove them (drop structures).

When we got back to the houses and while Gene Gibson and Owen were talking, John and I discussed how this situation could be avoided in the future. John said that some districts pass a resolution at their annual meeting which basically says that measuring devices have to be in place when the watermaster is called out or there will be no water deliveries.

I requested a copy of the IDWR field notes on today's onsite visit be sent to me.

May 9, 2003 I got a call from Rex Evans at 8 AM He wanted to review what Owen had committed him to do for today:

- 1) Put in upper Macks measuring device
- 2) put in weir or make sure water can be measure through the Cottle creek culvert
- 3) get scour apron faced ASAP
- 4) put in measuring device below big Macks reservoir close to fence and below the crossing

Rex says it is raining now and he can't get up there this AM but will try later. He will call back to let me know when they are in. He also requested a copy of my notes to IDWR. He wanted to know my perspective of what needs to be done. Rex would also like a copy of IDWR field notes that I requested for Westra per yesterdays visit. (I never received them.) 9:15 AM I received a fax from IDWR of the water right for the Charlie field that Westra had said he would get to me.

Evening - Rex couldn't get equipment up to Macks / Cottle to put in weir blades (they are huge). Discussion about weirs. He asked if I could fax him a copy of IDWR publication that shows how a weir should be properly constructed and installed. It went to 495-2440 ARS for him to pick up.

It rained again this AM, the creek is up to top of marker rock again. It is fluctuating a lot because of the weather.

May 10, 2003 I called all the water users with this message: There was about 400-500 inches of water going to the river yesterday evening (compared to about 50 inches at noon yesterday). If you need more water this is an opportunity to divert more. I will not be measuring water while there is water going to the river. I will be going back out to

measure and reset headgates when the creek goes down and/or someone makes a call for water.

Tom Hook called and told me that he had called Gary Spackman yesterday to voice his concerns with the dam construction and stream channel alteration. The gist of the conversation, Tom said, was that he assured Gary this was not a "personal vendetta" as had been suggested, but that Owen needs to follow the law. A vendetta would be making Owen go above and beyond the law. That the entire district was concerned with the activities taking place as they effected the whole district/creek. Spackman told Tom that he (Gary) should probably go take a look himself. Spackman said that if/when a meeting were called by 57R he would come and speak and let everyone know what IDWR was doing.

Gary Stoller called 11:42 AM about creek water.

Rex Evans left a message at 8:43 PM The weir for Macks Creek diversion is fitted, but they pulled it out. He will put it back with 12 hour notice. He pulled the boards at Cottle Creek and dug it out so that most of the water is going through the culvert. With a little more shovel work and 12 hours notice he can have it measurable. He is ready to go measure with 12 hours notice. He said that Owen turned on more water today, out of Reynolds Creek he thought, which was OK with me.

May 11, 2003 Sunday Mothers Day 8:45 AM Owen called "How are we?" Me: "Creek is starting to settle down from yesterday. What you took is OK for now" sort of a "free for all" until no more water is going to the river, then I will be back out again.

I got the ARS moisture report for May 1 yesterday. It shows we are at 71% of normal for Basin 57R source - up from 30% report as of March 1. It kind of shows / follows how a watermaster can get called out early and water levels can increase after that to the point of high flow, making regulation immaterial until someone makes a call when flows start back down. ARS report in file.

May 12, 2003 10 AM I called Ron Hartsman from ARS 422-0726. He said I could get flow reports on Toll Gate and Outlet Weirs by calling Zane Cram at 422-0704. I did call and asked to have it faxed to me weekly.

July 30, 03 I worked for about 5 hours on the watermaster recommendation for permit 57-11629 Junayo Ranch. I drove to town for color copies for IDWR and 57R secretary Jerry Hoagland. Mailed it from town. Postage \$1.76 Copies \$18.20 Mileage \_\_\_\_\_

December 18, 2003 I attended IDWR conference at Murphy, Idaho concerning Junayo permit application and protests filed against it. Steve Lester IDWR conducted the conference. In attendance were Owen Orndorf and his daughter Lori Dingel, Tom Hook, Elias Jaca, Richard Brandau and Jerry Hoagland. I took three pages of notes. The outcome of the conference is that a hearing will be scheduled.