



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 7, 1996

JAY HULET  
HC 79 BOX 2020  
MURPHY ID 83650

*RE: Delivery of Sinker Creek Senior Rights*

Dear Mr. Hulet:

Recently, you inquired about the effect of a Final Order, issued in connection with the approval of Permit 57-07522, on delivery of Sinker Creek natural flows at Hulet Dam. You have asserted that a statement made by the Department within the Findings of Fact accompanying the Order, should be construed as altering the delivery of the senior Sinker Creek rights held by Murphy Irrigation District (protestant) and by Joyce Livestock Company (applicant).

The statement you have referenced appears on Page 4 of the Final Order and reads "During the irrigation season the senior water right in Sinker Creek is a 0.60 cfs water right controlled by the protestant. The next 25.17 cfs of water rights are controlled by the applicant and Tyson Ranch." This statement is a generalization which should have been further clarified to explain that protestant's 0.60 cfs is a combination of a 0.20 cfs portion of right no. 57-00180 and right no. 57-00179 in the amount of 0.40 cfs, both with dates of priority of 4/1/1865, and also that the first 1.0 cfs of the "next 25.17 cfs" is the balance of right no. 57-00180, owned and controlled by the applicant and also with a date of priority of 4/1/1865.

Historically, deliveries to the first priority rights on Sinker Creek, totalling 1.6 cfs, have been pro-rated among those rights when available flows fall below 1.6 cfs. The intent of this Final Order was not to change that delivery schedule by the inclusion of the above statement. Rather, the purpose of the Final Order was to evidence and to state that the approval of Application for Permit no. 57-07522, from a ground water source, either would not injure previous rights, or that the injury could be satisfactorily mitigated. The senior Sinker Creek rights were mentioned only in the context of showing that applicant did in fact have deliverable rights from Sinker Creek which could be used to offset injury.

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The Sinker Creek Watermaster, by copy of this letter, is notified of this discussion and instructed to continue delivery of senior natural flow rights in the established manner.

If you have additional questions, please feel free to call me.

Sincerely,

*Cindy Hodges*

Cindy Hodges  
Sr. Water Resource Agent

cc: Mary Blackstock, Sinker Creek Watermaster