

CONVERSATION MEMORANDUM

DATE

7/3/96

FILE

57D

NAME OF PARTY

Jay Hulet 834-2738

EMPLOYEE

Steve Lester

RE:

Request for guidance

Said @ 7 cfs into river from Sinker Creek.
Would like to divert @ 5 cfs add'l into M.M.C.
Is this ok?

My response was that to the extent he is operating within a valid W.R. (s) & if excess water is available, he could do so. If any problems occur, a user can activate Watermaster. All Watermaster forms etc. are complete for regulated deliveries if that need should arise.

Then called Watermaster & left msg. just to let her know what's up. (896-4512)

CONVERSATION MEMORANDUM

DATE 3/13/95FILE 57DNAME OF PARTY Sinker CreekEMPLOYEE Cindy HodgesRE: Early Season Diversions

0800 Jay Hulet phoned, requested copies of Joyce Livestock decreed + SRBA recommended irrigation rights. We discussed season of use & historical early uses.

I said court is deciding that, I would not ~~interfere~~ ^{offer an} opinion at this point. I prepared the copies and left them for pick-up.

3/14 Paul N. phoned - asked essentially same question - can he irrigate w/ reservoir spilled flows? Reservoir is spilling & there are flows in the creek. I said, as nearly as I can recall: "I cannot tell you that you can, but I am not in a position to stop you at this time." I also reiterated that the court would be the final decision on early season beneficial use.

Related info: Paul just recently submitted District paperwork to County, therefore no bills have been sent. WM still not paid for '95 but has agreed to work in '96 for \$50/trip + .30 mile from home.

CONVERSATION MEMORANDUM

DATE 3/15/95

FILE 57D

NAME OF PARTY Sinker Creek

EMPLOYEE Cindy Hodges

RE: Diversions at Hulet Res. Control Structure.

9:00 Phone call from Dan Steenson/Jay Hulet. Paul has raised wood headgate @ control box to get flows

Related info:
Paul is also making some diversions directly from MMC, but Jay acknowledged that we have no jurisdiction and was not asking for assistance there.

to div #1, in addition to making diversions from creek. Is this a Water District issue? After discussion w/ Dave T, I phoned Dan back with the following info:
- Jay is diverting at MMC under a valid permit.
- Paul does not have an acknowledged right to divert prior to April 1, therefore,
- This is a Water District issue, However
- No Watermaster has been appointed because last year's salary is not paid. If Jay & Paul have unresolvable issues at the MMC control structure the WM must be called.

The following must happen before WM will be appointed:

- Someone must give some money to Owyhee County for Sinker Cr. account (suggested Jay call for agreement ~~WM salary~~ of his assessment & pay up)
- If funds are ^{then} sufficient, request WM be paid immediately
- Once verification of payment is rec'd, WM may be called & appointed and may go secure the wood gate as necessary.

CONVERSATION MEMORANDUM

DATE 3/15/95FILE 57DNAME OF PARTY Smucker Ck.EMPLOYEE Cindy HodgesRE: Early Season Diversions (Part II)

1000 : Jay phoned, having talked to Don Steenson.

He feels Paul ^(Paul & me) inferred from our conversation that Paul could use any available flows so long as the reservoir was spilling. I assured Jay

that I was only speaking of naturally spilled flows, ~~and~~ and I had no control over the message

Paul got, however I could see how he read more into it. I agreed that I would call Paul &

clarify but I would not do anything else. If

that information does not solve the problem,

Jay will have to take the steps to call the WM.

Jay ~~is~~ says he is not concerned with the diversions

further down the creek, and is only challenging

Paul's diversion @ the outlet. I concur w/ Jay.

1010 Phoned Paul & left a message that wood gate should be closed.

CONVERSATION MEMORANDUM

DATE 3/15/96

FILE 57D

NAME OF PARTY Sinkerck.

EMPLOYEE Dave T / Cindy H

RE: Diversions at Hulet Dam

² 3pm Paul Nettleton returned my call. He doesn't see any difference between taking spillings or excess flows from the creek channel or from the control box.

Dave explained that until April 1, the storage rights are senior. To the extent that there is excess water after all storage rights have been filled (ie Hulet ^{upper} Res. full & flows diverted as desired to lower Hulet Res.)

Paul may divert under his irrigation rights.

However, diversions at the control box must be coordinated with Jay. If resolution cannot be reached, WM must be called. Diversions by Paul from MMC not under our jurisdiction.

We subsequently phoned the same info to Jay & then Dan Steenson at Jay's request.