Big Lost River Irrigation District

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NICK:

HERE IS SOME LIGHT READING MATERIAL FOR YOU. SOME I FOUND VERY INTERESTING.

CALL ME YOU WANT TO, PROBABLE ON MY CELL PHONE WILL BE BEST CHANCE,

390-1447.

Good Luck

Bob Shaffer

03/01/2007 12:54 2085882863 PAGE 02 المراق

BIG LOST RIVER IRRIGATION DISTRICT

P.O BOX 205 · MACKAY, IDAHO 83251 · (208) 588-2231 · FAX (208) 588-2863

February 28, 2007

Nick Miller Water Distribution Section Idaho Department of Water Resources P.O. Box 83720 Boise Idaho 83720

Dear Nick,

Due to the never ending allegations by Mitch Sorensen I feel it is necessary to write this letter in response to letters from Mr. Sorensen's and Attorney Kent W. Foster.

The letter dated Feb. 14, 2007 we received did not go through the establish channels agreed upon by members of Water District #34. Which states that any problems first be directed to the Watermaster, then if a solution cannot be reached it is to be directed to IDWR only as a last resort.

This issue should have remained between Mr. Sorensen and the Big Lost River Irrigation District (BLRID).

On his claim of not receiving his full allocation of water on the Mickelsen account, we discovered a data entry error during the period from June 26th, to July 9th. This has been corrected based on the original ditch rider logs (copy enclosed). This brings the total delivered CFS to 718 up from 646.

Water was delivered in the Moore Canal through July 10th, 2006 with no conveyance loss to the point of rediversion. After that, the shrink averaged 18.78% for the rest of the season as stated in the BLRID letter dated Feb. 9, 2007 sent to Mr. Sorensen (copy enclosed). After reviewing the Ditchrider Log from Timber Dome Canal I can see no possible way anyone could calculate conveyance losses in this canal. Nowhere does it show the amount going into the canal or who really gets the water. There is no water shown for Mickelsens other than that they pumped into the Timber Dome for part of the season but no delivery was shown. There is also no mention of decreed water delivered to Timber Dome Canal for the P.U. Ranch, Todd Perks, Juel Aikele, Mark Hansen, Mickelsen Properties, or Mitchell Sorensen that I can see.

On the portion of the BLRID letter about reporting usage discrepancy's, we quoted a condition of the transport agreement with Mickelsen Properties. This was a reminder of what is currently in the agreement and not intended as any kind of threat.

In response to the letter from Attorney Kent W. Foster dated June 13, 2006 on behalf of a group from the lower valley. I address the second paragraph on page two.

"You are personally aware of the most recent difficulties experienced by the recharge committee for this basin in attempting to persuade the watermaster to deliver available water supplies for such recharge. Instead, he and the manager of Big Lost River Irrigation District seemed to insist on characterizing the extra water supplies as "free water" that they can deliver to the water users to whom they are personally loyal, without any accounting. We insist this practice be stopped and corrected".

In defense of the watermaster and myself, on this letter dated June 13, 2006 and another letter from July 19, 2006 both from Kent Foster on the allegations of delivery of free water and refusal of delivery of recharge water are totally false and misleading.

There was extra water delivered to anyone who wanted it, and to the best of my knowledge no one was denied except where the canals would not hold any more water. All extra water was accounted for and documented to the best of our abilities in the BLRID system, and not counted as recharge if used for irrigation during the period that recharge was allowed. Recharge water was put in every place possible. Examples are Farris Slough, Quist Pond, Moore gravel pit, Spring Creek, UC or Blaine canal, old back channel by Blaine Diversion, Leslie gravel pit, and small gravel pit off Sutter Ditch, plus anywhere else it was requested. Please note the BLRID is not on the recharge committee but yet did most of the work. I believe that Mr. Sorensen is the chairman of the recharge committee and is the source of the above mentioned letters. I would suggest you contact Chris Merrill at the Natural Resource Conservation Service in Arco @ 527-8557 and ask his opinion. Chris was an active member of the recharge committee during the 2006 water year.

I encourage you to review the ditchrider logs from Timber Dome which clearly document the use of recharge water from antelope into the Blaine canal which ends up in the Timber Dome canal for irrigation and not recharge.

When Antelope Creek was running high, water was allowed to freely flow down the UC/Blaine canal for recharge purposes. At this time Mr. Sorensen representing the Timber Dome canal members wanted delivery of a 1983 water right. The IDWR instructed the watermaster not to deliver this right because the current conditions did not meet the restrictions of the extreme flooding conditions required on this water right.

As Antelope Creek continued to run high, it deposited a large amount of gravel on the downstream side of the UC canal. It was then requested by the Timber Dome members that boards be placed in the control gates at the intersection of the UC and Antelope for more recharge and to remove the gravel bar. They were told by the watermaster that it was alright with him and BLRID, who owns this diversion works and canal. They also requested that BLRID furnish the boards and remove the gravel bar. The BLRID did not have time to do this work and felt that the recharge committee or Timber Dome could provide the boards and remove the gravel at there own expense. Unfortunately it took 1-2 weeks for this project to be done. And shortly thereafter flows in antelope receded and the water was no longer available for recharge.

At no point did the BLRID make a call on the Antelope Storage right because at the time the water was available it was not needed because the reservoir was full. Most of this was covered by Tim Luke in his Memorandum of June 29, 2006.

Hopefully this resolves some questions and issues and does not start more.

Sincerely;

Bob Shaffer General Manager Big Lost River Irrigation District

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Page i of 1

September 4th ~ September 10th total miners inches pumped during the week.

Tired of spam? Yahoo! Mail has the best spam protection around

A0006766 Gary Rogers, if possible we need to disregard all previous values for this well. Those values are what was co-mingled in the Timberdome Colection ditch, not what the well pumped. Instead use the field test report "PCC" not yet submitted. This PCC field test report will be submitted after the end of the irrigation season, October 15.

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BIG LOST RIVER IRRIGATION DISTRICT

P.O. BOX 205 · MACKAY, IDAHO 83251 · (208) 588-2231 · FAX: (208) 588-2863

January 8, 2007

Mickelsen Properties P.O. Box 438 Rigby, ID 83442

Dear Mickelsen Properties:

The transport agreement signed by you for the use of the Irrigation District's Canal System requires that you declare the number of acres irrigated with said water for your out of district lands. Please refer to item seven on page three of this agreement.

Our records reflect that there was 646 CFS of water delivered for the 2006 irrigating season. Would you please provide the number of acres that was irrigated in 2006 with the delivery of this water. We would appreciate receiving this information by January 31, 2007.

Sincerely,

Dawn Brown

Office Manager

Delivered Diverted Symply 646 cls on 1,281 AF

Ave. delivery rate in Moore Carol _____ 70%

Ave. delivery rate in Timberdone Camp 70%

627 AF

Annual Requirement per occre 2.5 AF

January 15, 2007

Big Lost River Irrigation District P.O. Box 205 Mackay, Idaho 83251

Dear Big Lost River Irrigation District;

Please find enclosed the 2006 acres irrigated report required by transport agreements between Big Lost River Irrigation District and Mickelsen Properties LLC. I have included on that report the method used to determine how many acres were adequately irrigated with 646 c.f.s. or 1,281 a.f. of conveyed water supply.

Also please find enclosed a copy of the NOTICE OF FARM LEASE AGREEMENT AND FIRST RIGHT OF REFUSAL entered into between Mickelsen Properties LLC, LESSOR, and Mitchell D. Sorensen and Elaine R. Sorensen, LESSEE. This lease agreement began in 2006 and will extend for many years. BLRID will be notified in the future when this arrangement changes. The purpose of providing BLRID with this notice is to inform you of the agreement regarding the use of certain water and conveyance rights, and request that <u>all</u> future communications and notices regarding those rights be mailed directly to Mitchell D. Sorensen at the mailing address of: 3871 West 2500 North, Moore, Idaho 83255.

It would also be helpful and greatly appreciated if future communications and notices from your office contained sufficient descriptions so as to make it clear which acreage, agreement(s), and/or water supplies were being referred to in those communications and notices. This is becoming ever more essential as additional property rights are continually being acquired. We will also try our best to kept BLRID apprised of any future relevant transactions.

Sincerely,

Matchell D. Sorensen

Enclosures:

Copy to: Mickelsen Properties LLC

BIG LOST RIVER IRRIGATION DISTRICT

P.O. BOX 205 - MACKAY, IDAHO 83251 - (208) 588-2231 - FAX: (208) 588-2863

February 9, 2007

Mitchell D. Sorensen 3871 West 2500 North Moore Idaho 83255

Dear Mitchell:

We received your report and calculations on the water used on the Mickelsen property leased by you in 2006. After reviewing your calculations on conveyance loss I figured the average weekly loss on the Moore Canal which was 0 from May 1, 2006 until July 9, 2006. The conveyance loss from July 10, 2006 thru the end of the season averaged 18.78%. I then got a copy of the Timberdome's ditch rider reports from Water District 34 and can not figure out any possible way shrink or conveyance loss could be figured or who is getting the water. Due to the lack of detail in the Timber Dome logs, I can see that Michelson's well was run but no deliveries to Mickelsen are shown? Using your calculations, this left me assuming that the shrink on the Timber Dome is the same as the Moore Canal as you did in your figures.

Our records indicate that 28,582 inches (571CFS) was delivered at the Crossover weir.

Total of shrink charge for last 14 weeks =263 %

Divided by 24 weeks

24

Equals a weekly average of

10.96 %

Using your formula;

571CFS = 1132 AF Amount delivered at Crossover headgate

- 11% 125 AF Assumed Loss in Timberdome Canal

1007AF at Mickelsen headgate

Divided by 2.5 AF

402 ACRES IRRIGATED

We believe you irrigated at least 402 acres of the 2025 possible acres and we will bill you for 402 acres unless you can prove other wise.

Reporting discrepancies such as this could jeopardize your transport agreements with BLRID. It states on page 4, number 12: Any breach of the covenants or conditions contained herein shall constitute a material breach of this agreement and a default hereunder. Upon such default occurring, the non-defaulting party may terminate this agreement upon giving ten days written notice of said default.

A possible solution to the discrepancies would be to have Mickelsens enter into a new transport agreement. The new transport agreements are for five year durations but are renewable. These new agreements are based on the water right CFS and eliminate the need to calculate acres irrigated. A new agreement would allow continuity among your already existing out of district accounts. We would still reference the Mickelsen account by name with you as a point of contact.

We hope that you will consider and discuss with Mickelsen Properties the possibility of entering into a new agreement. Enclosed is a new copy of our current transport agreements. We have one agreement for ground and one for surface transports. All the Mickelsen ground rights that are transported through district facilities could be combined into one ground agreement and likewise for the surface rights.

Please note upon sale of the property a new transport agreement will be required.

Sincerely;

Bob Shaffer General Manager **Big Lost River Irrigation District**

Copy to Mickelsen Properties LLC

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Canal Moone 1 of 2	Day	Ц	Monday	H	Tue	Tuesday	×	Wednesday	lay	ĪF	Thursday	_	Friday	_	Sa	Saturday	-	S	Sunday
Year 06 Date		<i>(</i>	£ -		7- (7		7		7	و		ر -ر		~	<u>ا</u>	1	1	9-6
DR Dean Andersen	Main Heading	Read	Inches	a	- P8	inches	Read	inches		Read	Inches	7. 2800	L	Inches	Read	Inches	Read	_	Inches
		_	/S 0x>	Н	67	2		512	P		300	_	6 8.3	9	7	4	ĵ.	ì	5
Name	ACCT	DET	PUM CRED		DEL PL	PUM CRED	E E	NO.	CRED	Ħ	PUM CRED	習口	Mind	CRED	핕	PUM CR	CRED DEL	M	1 CRED
Aikele, Herman	106	700		1,8	39,2		200			3		200	0		প্র		200	_	
Aikele, Juel	1194OD	266		5	.3		ij			Z,		375			5		7		
Andersen, Dean	65B	35		44.)	75		36-			100	_	1%			35-	-	35	-	
Andersen, Jay	64/65	00		11	00		9			2		0 0	0		8	<u> </u>	101	_	
Babcock, Harold	231			-	\vdash					Γ		Z	5		7.	_	183		L
Sorensen, Mitch/Browne	63	120		-	9		125	_		2		22	Ā		02/	_	02/	0	
Burnett, Boyd	230B/1	150		77	0.5		27	_		QS/		asi	2		QS/	-	5	5	
Carpenter, Nathan	221	160		1/7	9		16.0			3	H	460			80		09/		
Fries, Lorraine	1147A	S		* 8	32		25	1		7		3	,		25.5	_	35	<u> </u>	
Hansen, Marc	96/1147	34		**	15		325	3		3	ig	 	1		325	-	32 <	<u> </u>	
Garnett, Bud	199B			\vdash	\vdash	_						_				_		<u> </u>	
Inskeep, Ron	36AD		<u> </u>	<u> </u>	æ		06			95		3			8		20	L	
King, Stephen B.	177A			H	H							\vdash							
Mickelsen Prop.	12130D	3		7.	1 23		125	P		255		13.7	*		<u>د</u>		530	5	
Moss c/o Dennis	98	3		AC. 10	000		30	Ţ.		Q					ð		9	\vdash	
Paytor, Alan	202AA	75		Y	ود		78			28		25	J.		001		20	_	
Perkes, Todd	1204OD1	205		<u> </u>	Ş		306			3		300			ž,	_	3,	_	
Perkes, Tommy	1150A	9			احق		3/			1		8/			81		28/	L	
PU Ranch	12200D	र्		28	Z		20			35		200	0		300		300	٥	
Reynolds, Larry	₩ 96															, e ·			
Rindfleisch, Jim	202			\dashv															_
Siddoway, Dean	170AA	77		4	5		7			25		117	-		13	ż			
Southwick, Wm	101			\	757		30			25		25	T		157) '	ST.		
Slayton, Patty	170A			Z	Ω							120	~			ļ	/		
Smith, Trent	69/67A	100		7	8		03			V		35			Š	-	Š	_	<i>\\ \</i>
Sorensen, Mitch	1204OD	100			01		09			0		2			3		9		ļ
Stewart, Craig	104A	280			12		18(181		181			181	_	18/	L	
Stewart, Gerald	2	1.67		1	y		1/35			1321		3.5	1		135	_	133	_	_
Thomgren, Lydia	217	000		H	3,		26			96		9%			×	_	20	-	
Waddoups, Danny	97B/98	146		_	45,		145			75		Shi	1		145		5	<u>ا</u>	
Waddoups Ranch	104AB/67A	8		7	Z		490			1116		1/55	7		lhS		145		<u> </u>
Browne, Jerry	238A	222		9	7.7		222			لدد		22	7		222		122	~7	_
TERRY BROWN	63											-					ļ 		
END		a.			_		<u> </u>					-						ļ	
TOTALS					 .,						_	_				-	_	_	

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REVISED 2/27/07 BASED ON ORIGINAL DITCHRIDER

Report Date: 2/28/2007

Account Summary By Week

Mickelsen, Property LLC

Account Number: 1213OD

Canal: Moore

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Week Ending	Amount Delivered	Storage Delivered	Spring/Creek Inches	Pump Inches	Decree Charge	Storage Charge		
4/30/2006	0	Ö	··· 0	0	0	0		
5/7/2006	1,295	0	0	0	1,295	0		
5/14/2006	1,813	0	0	0	<u>1,813</u>	0		
5/21/2006	1,813	0	0	0	1,813	0		
5/28/2006	1,813	0	0	0	1,813	0		
6/4/2006	1,813	0	0	0	1,813	0		
6/11/2006	1,813	0	0	0	1,813	0		
6/18/2006	1,813	0	0	0	1,813	0		
6/25/2006	1.813	0	0	0	1,813	0		
7/2/2006	1,813	0	0	0	1,813	0		
7/9/2006	1,813	265	0	0	1,813	456		
7/16/2006	1,549	91	0	0	1,813	160		
7/23/2006	1,223	8	0	0	1,567	14		
7/30/2006	1,176	0	0	0	1,460	0		
8/6/2006	1.176	0	0	0	1,461	0		
8/13/2006	1,016	0	0	0	1,283	0		
8/20/2006	896	0	0	0	1,124	0		
8/27/2006	896	0	0	0	1,120	0		
9/3/2006	896	0	0	0	1,120	0		
9/10/2006	896	0	0	0	1,084	0		
9/17/2006	896	0	0	0	1,048	0		
9/24/2006	1,376	0	0	0	1,519	0		
10/1/2006	1,398	Ō	0		1,678	0		
10/8/2006	1,050		0	0	1,225	Ō		
10/15/2006	150	0	0	0	174	0		
10/22/2006		0	0	0	0	0		
Totals	Amount Delivered	Storage Delivered	Spring/Creek Inches +	Pump Inches	+ Decree *Charge *	Storage =	Total Charge	Total CFS
	32,206	364	0	0	35,288	630	35,918	718