

8/13/2007

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WATER RESOURCES
WESTERN REGION

Vicky Music:

Vicky, I have Hi-Lited the part of Mr. Brands letter that I would like to have clarified by the D.W.R.

There is about 2 miles of Picket Creek that dries up. But because of the springs further down stream, we have always felt that by keeping the water in the creek, that helps those springs to keep flowing.

Bob Thomas is still getting approximately 25 inches of water from the creek, because of those springs. (As of this letter 8/13/2007)
This is the way it has been for almost 20 years. If it is wrong we need to know so that we can distribute the water to the users correctly.

Sincerely,



William L. White

August 2, 2007

Water Master:
Rohl Hipwell
Oreana, ID 83650

Water Advisory Board:
Dave Alley
Rohl Hipwell
Bill White
Oreana, ID 83650

To Whom It May Concern:

Response to a complaint filed by Mr. Warren Gretz of Oreana, ID. On July 18th, 2007.

1.) At no time do we feel we were taking water out of turn or illegally. Our intent is to follow the laws and agreements regarding water use for our property.

2.) When water in Picket Creek passes through Mr. Gretz's property, it has approximately 4 miles to go before getting to Oreana. There are no others using the water on this stretch of the creek. ~~As Picket Creek water levels recede, the water does not make it to Oreana at all. At this time, all senior current water users, other than Mr. Gretz and myself, are out of the picture.~~

Water Right Priority Dates: Mr. Gretz- 1868
1875

Mr. Brand- 1876
1880

At this point in the water cycle Mr. Gretz is only able to use approximately 1/50 of the amount of water going down Picket Creek as he only has an 8" diameter diversion pipe.

When I bought this property in 2001 Walter Watkins explained this water cycle and set up the agreement that when he started running short of water he would give us a call for water and we would stop all surface water use. This same arrangement was established with Mr. Gretz. His first year here he called the Water Master. Rohl Hipwell came to see us and we stopped pumping from the creek. We talked to Mr. Gretz at that time and he agreed that there was no reason to involve the Water Master as long as we would abide by a call from Mr. Gretz for water.

For two years this system worked fine: Mr. Gretz contacted us to stop pumping from the creek and we shifted our irrigation pumping to our well at that time. This year we had been expecting a call from Mr. Gretz at any time. Instead, Mr. Gretz chose to appear on our property on the night of July 17th at 10:15PM, after dark, unannounced. His unexpected visit badly frightened my wife Carol, who was home alone, as I was out of

town at the time. He asked her if we were pumping out of the creek. She said yes, but that if this was a "call for water" we would stop immediately, which she did.

After I returned from my trip on July 31st I asked Mr. Gretz why he did not call us about pumping water as per our prior agreement. He said (on Aug. 1st) "The Water Master told me it was illegal and I can't call you." This statement seemed particularly odd since I had just been to the Dept. of Water Resources in Boise the day before and they said that it is their policy to encourage agreements between users of just this sort and to work things out among themselves. I was told this by Vicki Music of Water Resources.

3.) The Ground Water Right that I have stipulates that I must use all Surface Water Rights before pumping from our well.

In conclusion, I protest the fine of \$45.00, as I feel we did our part in keeping with IDWR rules and regulations and our agreements with our neighbor.

Also, Mr. Gretz is under the belief that no one up the creek from him has any Surface Water Rights. We find this strange because everyone up the creek from him has Surface Water Rights, which the IDWR website shows. In addition, the literature left to him by Walter Watkins also shows this. Perhaps he should study this as he will find that both Raaum and Kluge (the 80 acres above Gretz) have water right equal in Priority Dates to his!

Regards,
Edmund V. (Rick) Brand

Edmund V. Brand 8-03-07

15507 Bates Creek RD
Oreana ID 83650