

RECEIVED

JUL 10 2000

Department of Water Resources

Gene Wise  
2712 South Marsh Creek Road  
McCammon, ID 83250

Mr. Wise

In response to your correspondence dated June 16, 2000, concerning the rotation agreement and the regulation of my headgate.

You refer to the fact that we are intitled to .98 cfs on our time-share. (This is in conflict with our phone conversations were you stated that we were allowed 1.2 cfs)

Sir in my opinion the water flow in walker creek is now at or below .98 cfs) I will continue to divert the water as I have been, until the creek can be measured and the level established.

We cannot take one measurement at a certain time of the year ,and by all means not in the spring ,and then state that this measurement will be the one we use to determine the level through out the year.

As your letter indicated you stated that you would be obtaining a WEIR to prove the flow of the creek. Until this measurement has been taken, I will not allow 1/3 of Walker Creek to flow through my diversion to the Wardle head gate, as you or someone else in your group desires. This was obvious when on my last rotation someone kept tampering with my head gate.

(No one is to tamper with the head gate on my rotation.)

I have allowed, what I feel is enough water for stock to flow through the diversion and down the creek, but I will not, when on my rotation provide the water for Mr. Wardles fish ponds. (This is more then likely the reason we are having this conflict, with the so-called excess water.)

Sir, I will allow some water to go through my diversion on my rotation, as required by the IDWR, but it will be myself that makes the determination of how much, until a true measurement is taken. Why should I have you, Mr. Thompson, Mr. Wardle or any of the other walker creek water user determine how much water should be allowed to go through the diversion, and how much I'm entitled to, when none of us really know what the flow is?

I need to make reference to the fact that during my last rotation my head gate was tampered with and the board removed. Also my son, was what I called harassed when trying to take care of the water for me.

In reference to the rotation contract, nowhere in do I read that you or anyone else will determine the amount of water I must allow to flow below my diversion point when on my time-share?

Gentlemen If you are going to dictate to me what it is I should be doing with the water, then you should be certain of the flow in the creek! Furthermore if I'm to allow the amount of water desired by Bob Wardle to flow through the head gate, I cannot adequately water my acreage during my time-share.

I do have to say here, that if you are to make requirements of me, you must make the same requirement of all the members of the Walker Creek Water Users.

On the last rotation when the water was diverted at the Wardle, Wise and Girard diversion, the water was almost totally shut off. It appeared to me that the amount they allowed to go down the creek was in close relationship to the amount I allow to go down the creek on my rotation.

In reference to your comments about April and May of this year, yes I had the water as there was high excess water, during this time. I in no way tried to slow the amount of water going down the creek, or deprive any other user of the water.

No other water rights were injured and the water was put to beneficial use. I simply opened my culvert to my property. All other walker creek water user had the same opportunity at this time to utilize the water. It is not my responsibility to see to it that they take their opportunity.

When I took the water in June and diverted the creek to my property and started the rotation, I was of the opinion that the flow in the creek was not in excess or high. Obviously you were not of this opinion, but you cannot dictate to me what should be done if you do not know the flow of the creek, and I will not allow you to do so.

In reference of Mr. Young's statement dated July 13<sup>th</sup>, 1993

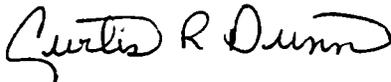
Mr. Young stated:

What you addressed in your letter, but you conveniently left out one small detail, Mr. Young makes reference to determining the flow of the creek.

Several provisions of the agreement refer to the process of determining the flow of the creek so that administration under the agreement can occur. These provisions apply as readily to a determination that flows exceed the authorized water rights.

Note- if you or anyone else from your group has a conflict with a water issue, you contact me. I do not want my wife or my son being harassed by your group.

Sincerely,



cc:

Harold Jones – IDWR Idaho Falls  
Ernie Carlson – IDWR Blackfoot  
Robert M. Wardle  
Chuck Thompson  
Kathy Shultz  
Norman Rademacher.

RECEIVED

JUL 10 2000

Department of Water Resources

Gene Wise  
2712 South Marsh Creek Road  
McCammon, ID 83250

Mr. Wise

In response to your correspondence dated June 16, 2000, concerning the rotation agreement and the regulation of my headgate.

You refer to the fact that we are intitled to .98 cfs on our time-share. (This is in conflict with our phone conversations were you stated that we were allowed 1.2 cfs)

Sir in my opinion the water flow in walker creek is now at or below .98 cfs) I will continue to divert the water as I have been, until the creek can be measured and the level established.

We cannot take one measurement at a certain time of the year ,and by all means not in the spring ,and then state that this measurement will be the one we use to determine the level through out the year.

As your letter indicated you stated that you would be obtaining a WEIR to prove the flow of the creek. Until this measurement has been taken, I will not allow 1/3 of Walker Creek to flow through my diversion to the Wardle head gate, as you or someone else in your group desires. This was obvious when on my last rotation someone kept tampering with my head gate.

(No one is to tamper with the head gate on my rotation.)

I have allowed, what I feel is enough water for stock to flow through the diversion and down the creek, but I will not, when on my rotation provide the water for Mr. Wardles fish ponds. (This is more then likely the reason we are having this conflict, with the so-called excess water.)

Sir, I will allow some water to go through my diversion on my rotation, as required by the IDWR, but it will be myself that makes the determination of how much, until a true measurement is taken. Why should I have you, Mr. Thompson, Mr. Wardle or any of the other walker creek water user determine how much water should be allowed to go through the diversion, and how much I'm entitled to, when none of us really know what the flow is?

I need to make reference to the fact that during my last rotation my head gate was tampered with and the board removed. Also my son, was what I called harassed when trying to take care of the water for me.

In reference to the rotation contract, nowhere in do I read that you or anyone else will determine the amount of water I must allow to flow below my diversion point when on my time-share?

Gentlemen If you are going to dictate to me what it is I should be doing with the water, then you should be certain of the flow in the creek! Furthermore if I'm to allow the amount of water desired by Bob Wardle to flow through the head gate, I cannot adequately water my acreage during my time-share.

I do have to say here, that if you are to make requirements of me, you must make the same requirement of all the members of the Walker Creek Water Users.

On the last rotation when the water was diverted at the Wardle, Wise and Girard diversion, the water was almost totally shut off. It appeared to me that the amount they allowed to go down the creek was in close relationship to the amount I allow to go down the creek on my rotation.

In reference to your comments about April and May of this year, yes I had the water as there was high excess water, during this time. I in no way tried to slow the amount of water going down the creek, or deprive any other user of the water.

No other water rights were injured and the water was put to beneficial use. I simply opened my culvert to my property. All other walker creek water user had the same oppportunity at this time to utilize the water. It is not my responsibility to see to it that they take their oppportunity.

When I took the water in June and diverted the creek to my property and started the rotation, I was of the opinion that the flow in the creek was not in excess or high. Obviously you were not of this opinion, but you cannot dictate to me what should be done if you do not know the flow of the creek, and I will not allow you to do so.

In reference of Mr. Young's statement dated July 13<sup>th</sup>, 1993

Mr. Young stated:

What you addressed in your letter, but you conveniently left out one small detail, Mr. Young makes reference to determining the flow of the creek.

Several provisions of the agreement refer to the process of determining the flow of the creek so that administration under the agreement can occur. These provisions apply as readily to a determination that flows exceed the authorized water rights.

Note- if you or anyone else from your group has a conflict with a water issue, you contact me. I do not want my wife or my son being harassed by your group.

Sincerely,



cc:

Harold Jones – IDWR Idaho Falls  
Ernie Carlson – IDWR Blackfoot  
Robert M. Wardle  
Chuck Thompson  
Kathy Shultz  
Norman Rademacher.

Q. 94 ?

Dunn unable to fulfill his right on his rotation if all diverted because creek lower than Q. 94,

but sounds like Wardle wants portion for fish ponds (should only be the excess, when there is any).

Dunn's stock water

> recommended V-notch weir, (Cippolletti for high spring flow)

Rademaker is making one, we sent specs

7.86346

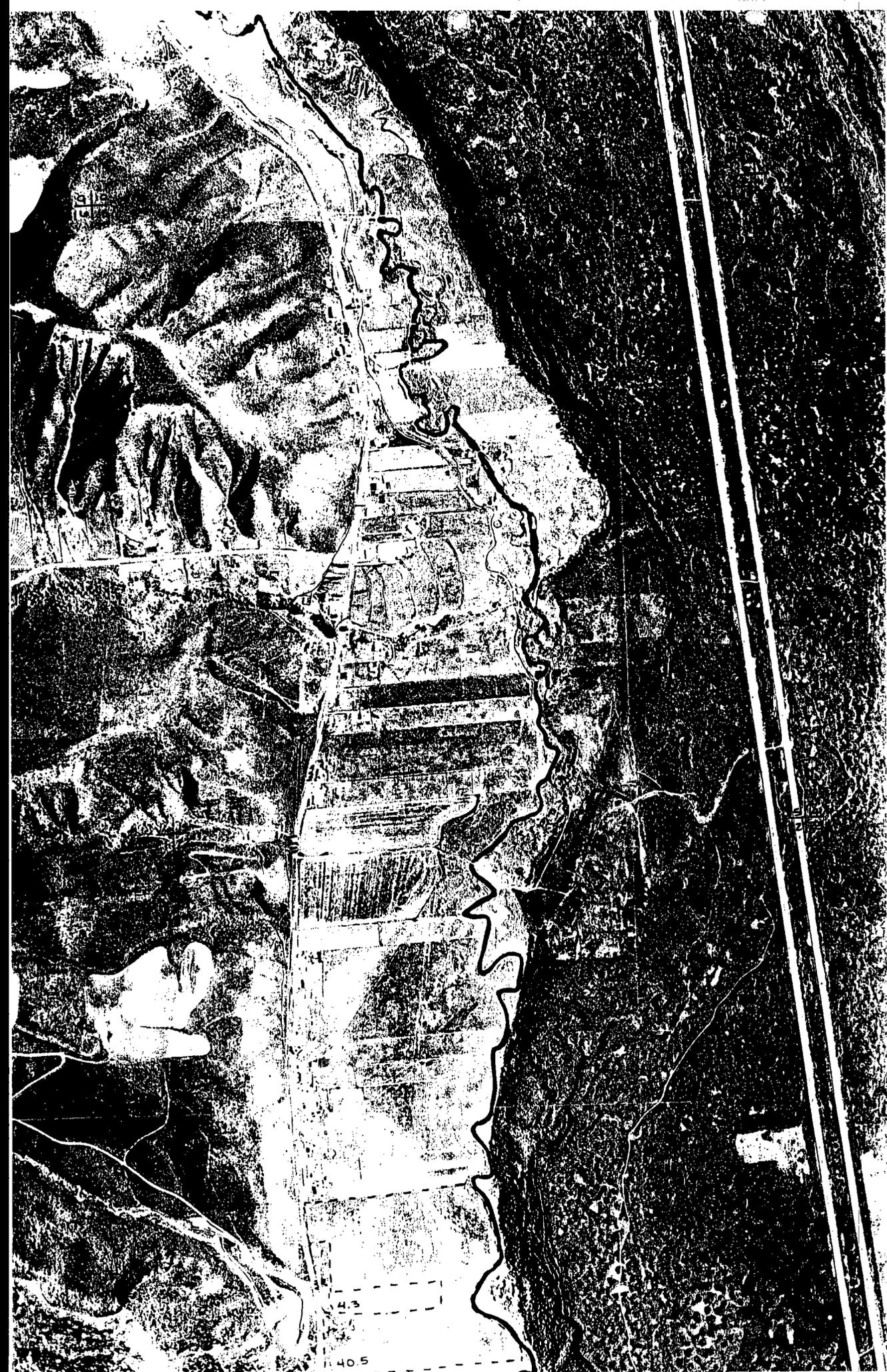
Dunn's statutory claim (father-in-law = Hendricks) has 1912 priority date, but they are rotating.

\*

The stock water that Dunn lets run down is also used in Wardle's fish ponds but when low Dunn wants to shut that off.







8 15  
10

43

405