

Scan to: 75-2 75-10075
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Edwards

Notes from meeting re: ~~City of Salmon~~ SRBA claims
Meeting date 08/28/2008
Agent: Monica Van Bussum

Today I met with three members of the Edwards family about their water rights from Chipps Creek. Edgar Edwards is the oldest, born in 1925, and is the current owner of the water rights. Dale and Laura Edwards are Edgar's son and daughter-in-law, respectively. Dale Edwards has been responsible for the family's ditch and diversion from Chipps Creek for 32 years, since he was 16 years old. The following is a write-up of notes I took during that meeting.

The Edwards have few objections filed on their own water rights, but filed a number of objections to City of Salmon and Arrowhead Water District recommendations.

The Edwards wanted to know why there is a potential 70 AF limit on Arrowhead's reservoir right. Dale Edwards said that seems to be a standard limit issued by IDWR and wanted to know the reasoning behind it. I told them I did not know if 70 AF was a standard IDWR limit but that I would investigate that.

I asked Edgar about the City of Salmon's water treatment plan and if he had memories of the previous plant. Edgar said he remembered the settlement pond at the base of Jesse Creek being in place by at least the early 1930s because he remembers the City was having trouble with kids swimming in the pond. Edgar said he would have been 6 or 7 at the time.

The Edwards then spent some more time talking about the history of the City of Salmon's water treatment plant. They have no problems with the historic use of the water. Part of their concern is that, the way the current recommendations are written, they believe the City of Salmon will have to measure water from each of their diversions -- measure at Chipps Creek, Pollard (Canyon) Creek and Jesse Creek. The Edwards want the measurement to be in its historic location, which is at D5 on Jesse Creek right above the water treatment plant. They believe if the City of Salmon is made to measure at Chipps and Pollard Creeks in addition to at D5, it will negatively impact the Edwards' water rights.

The Edwards are concerned that the City of Salmon recommendations currently only list Chipps and Pollard Creeks as sources and do not include Jesse Creek. If the recommendations are partially decreed this way, the Edwards believe that will give the City of Salmon the right to divert all of their water rights (>6 cfs) from Chipps Creek alone, which would injure their ability to irrigate their own property. The Edwards want particular attention paid to the sources of the City of Salmon's water rights. Currently, and I have not confirmed this myself, the City of Salmon water rights show Chipps Creek and Pollard Creek as the source, not Jesse Creek. The Edwards want Jesse Creek to be mentioned as a source of the City of Salmon's water rights.

The Edwards want the recommendations to reflect the historic use of the water by the City of Salmon. In other words, they want the recommendations to explicitly state the City of Salmon must first take its water rights from Jesse Creek, then Pollard Creek to supplement and then, finally, from Chipps Creek to supplement the Jesse and Pollard Creek flows. If I may interject my own thoughts here, that is how City of Salmon Superintendent Mickey Verbeck, Jesse Creek Winter Watermaster Paul Stokes and Jesse Creek Summer Watermaster Harry Shanafelt told me they administer the City of Salmon water rights. There does not appear to be an inherent conflict between Edwards and the City of Salmon, but a desire on the Edwards' part to have this historic administration explicitly reflected in the water rights. In the alternative or in addition, the Edwards want to have the City of Salmon measure their water rights at D5 off of Jesse Creek and not off of Chipps or Pollard Creeks.

Dale said he remembers a time when the City of Salmon did not divert any of their municipal water from Chipps Creek. Dale, Laura and Edgar said they had discussed this at length and, while they all agreed, they were unable to pinpoint a date when a diversion was put on Chipps Creek by the City beyond saying it was in the late 1970s or early 1980s. A reason for concern regarding this diversion from Chipps Creek is that Edgar filed for high water from Chipps Creek in 1960 and was granted the water right. Again interjecting my own information, the Salmon Municipal Watershed Plan from the USFS has pictures of a Chipps Creek diversion in 1974, so I believe the diversion was put in around this time

Edgar said the City of Salmon did not take any water out of Pollard Creek before a 1978/1979 photo in their possession. I saw the photo and there is a callout on it showing a low POD off of Pollard Creek, but someone else wrote, "Not a point of diversion." The Edwards pointed to a comment by Kay Walker in the water right report for 75-7563 that I wish to further research.

Dale and Edgar both remember when the headgate was put in on Pollard Creek by the City of Salmon. They said the City had moved their POD up from downstream. They said that, at that time, there was no pipe dumping out of Chipps Creek and neither recalled the actual installation. They advised I talk to a relative, Paul Edwards, who might have more information.

The Edwards are concerned for other reasons about the current recommendations on City of Salmon water rights. Similarly to Arrowhead Water District, they are concerned about the omission of acre-foot limits on City of Salmon water rights that were transferred and the transfer explicitly stated an AF limit. The Edwards want to see those AF limits reinstated.

Ed says he remembers when the City was taking water down by the Shady Nook when it was still the old hospital and they had a water right there. He could not recollect exactly when that was, however.

The Edwards want to ensure water from the Jesse Creek watershed is not just allowed to run down to the river once their water rights are curtailed. They expressed that, generally when they get a new watermaster, the new watermaster will curtail their rights early and, upon examination, there is still ample water running down the Jesse Creek channel. On those occasions, the Edwards have refused to supply water to the City until the City resolved the issue.

The Edwards have a specific issue with City of Salmon claim 75-10076, which is a combination of decreed rights 75-4 and 75-114. The Edwards' concern is not necessarily with 75-114, which has an approved transfer. Their concern is with 75-4. Laura said she has watermaster reports for 20 years showing no delivery of 75-4 and will bring them to initial hearings. Laura said only once in 20 years has the right been mentioned and that was in the water district secretary's report in 1992 or 1993, but it did not show in the watermaster's report for that year. The Edwards want to see claim 75-10076 split into its two decreed rights and agree that 75-114 can be recommended because of the transfer work but they are opposed to seeing 75-4 recommended and I believe will try to prove either forfeiture or abandonment of the right.

The Edwards also filed objections against some of the recommendations written for Arrowhead Water District. For Arrowhead's 5 cfs right, 75-5, Edwards say Arrowhead claimed a point of diversion off of Chipps Creek. The Edwards provided me with a copy of an affidavit from Harry Shanafelt, current Jesse Creek summer watermaster and City of Salmon Wastewater Superintendent, and Mickey Verbeck, current City of Salmon Superintendent and past watermaster, saying 75-5 has been delivered from Pollard Creek only and for irrigation only as long as they have been involved with the system.

The affidavit also addresses water right 75-22. The affidavit says 75-22 has been diverted only from Chipps Creek and has been used for storing water for irrigation of the Smedley Subdivision (Arrowhead's area of service's previous name). It has been the Edwards' understanding that 75-22 was not used for domestic and only for irrigation. They know there were some transfers of water rights by Arrowhead over the years, including one where 75-22 was on a transfer application and then removed upon amendment of the transfer application, and do not want to see 75-22 retroactively transferred. The Edwards want it known that all of Arrowhead's Chipps Creek water fills their reservoir. The Edwards do not want Arrowhead to be able to make a call on Edwards to provide water to run through the reservoir. The Edwards do not want to be forced to turn water down Chipps Creek to fulfill what they see as a Pollard Creek right because Arrowhead did not transfer that water right to Chipps Creek.

Dale said he knows there has always been leakage from their Chipps Creek ditch that provides additional water to the Chipps Creek channel to fill Arrowhead's reservoir and he does not want to see 75-22 moved to Chipps Creek. The Edwards all agreed the reservoir was put in in 1978 or 1979 and they want Arrowhead to be able to fill the reservoir only once from Chipps Creek.

Laura also had a question about hardened acres, meaning those acres that are no longer under irrigation either because of building or lack of irrigation. I explained, and she already knew, that the water rights we recommend through the SRBA are of how the water right stood in 1987 and any reduction of irrigation by the water user after that would have to be addressed in a different venue.

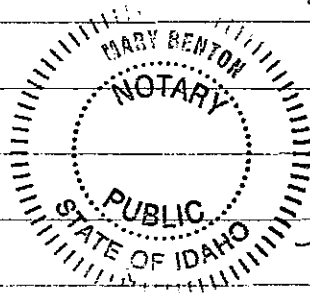
Laura also expressed a desire to have me look at the City of Salmon's split 75-19B (from the water right record). She said the paper advertised the split on the transfer as the City of Salmon having 0.30 cfs under that right and the records became changed to show the City of Salmon having 0.493 cfs under that right. I reviewed the file and spoke with Craig Saxton about this on 09/02/2008. The initial transfer application 3615 said 0.30 cfs, but it was voided and the next application said 0.493 cfs. The advertisement was for 0.30 cfs but the approved transfer 3615 was for 0.493 cfs, so the 0.493 cfs is the valid transferred amount.

This is an Affidavit from Harry Sharnfelt and Mickey Verbeek.

As past and present Water Masters of water district 75-A, we are stating that the delivery of Arrowhead Water District water right # 75-0005 in the amount of 5 CFS has as long as we have been Water Masters of water district 75-A been delivered off of Pollard Creek and has been for Irrigation only. Also water right # 75-00022 for Arrowhead Water (2.0 cfs) District has as long as we have been Water Masters of district 75-A has been delivered off of its own diversion on Chips Creek and has been used for the purpose of filling a Storage Reservoir for Irrigation on Smedley Subdivision.

Present Water Master
Harry J. Sharnfelt

Past Water Master
Mickey Verbeek



Mary Benton
Exp. 4/19/11

received during meeting w/ Edgan, Dale & Laura Edwards
M. Van Bussum 2/28/2008