

**IDWR'S REPORT REGARDING ERROR IN THE
SPECIAL MASTER'S PRELIMINARY REPORT AND RECOMMENDATION
IN SUBCASE NO. 36-00003G**

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Acting Adjudication Bureau Chief

August 27, 1996

The Director of the Idaho Department of Water Resources (IDWR) submits this report in response to the Special Master's invitation for IDWR to submit the basis for its conclusion that the Special Master's Preliminary Report and Recommendation in Subcase 36-00003G filed July 1, 1996 is in error with respect to its conclusion regarding conveyance loss. This report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill Jr., Acting Adjudication Bureau Chief for IDWR.

SUBCASE NO. 36-00003G

The Special Master's Preliminary Report and Recommendation in subcase 36-00003G concluded that the Worstell Method of calculating conveyance losses led to a recommended conveyance loss of .03 cfs out of the total recommended diversion rate of .12 cfs, or a 25 % conveyance loss. The Report and Recommendation then applied the 25 % figure to the Special Master's total recommended diversion rate of .26 cfs, resulting in a recommended conveyance loss of .06 cfs. This method of calculating conveyance losses is in error because it assumes that IDWR's calculates conveyance losses varying in proportion to the quantity of water flowing in a ditch.

In fact, the Worstell Method for the calculation of conveyance losses is not dependent on the quantity of water flowing in a ditch. In its application of the Worstell Method, IDWR determined the total conveyance loss for the ditch through which this right is delivered based on soil seepage rates, ditch width and ditch length. The ditch width and length are used to determine the surface area of the soil where seepage occurs. These factors are not expected to change significantly without a change in the historical capacity of the ditch. Since the calculation is not dependent on the quantity of water flowing in the ditch, the total conveyance loss would not change even if the determinations of individual water rights were to vary from IDWR's recommendations.

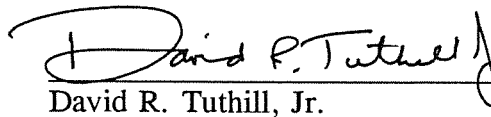
Water pursuant to claim no. 36-00003G is delivered from the Buckeye ditch. The total conveyance loss for the Buckeye ditch was allocated among the various rights based on the quantity of water delivered within a given reach of the ditch and on their delivery locations along the ditch. In cases where multiple users are delivered water from the same reach, the conveyance losses were divided equally among those users.

It would not be practical or meaningful for IDWR to re-evaluate the conveyance loss attributable to this right because a change to the conveyance loss recommended to a single water right would upset the balance of the total conveyance losses determined for the ditch as a whole. Since not all of the water rights on the ditch are contested, and of those that are contested, not all are presently before the Special Master, an equitable re-allocation could not be accomplished. IDWR thus respectfully recommends that the conveyance loss for this right remain as originally recommended in the Director's Report. Thus, the conveyance loss should be .03 cfs. Adding this amount to the .20 cfs found by the Special Master as the diversion quantity yields a total diversion rate of .23 cfs.

STATE OF IDAHO)
) ss.
County of Ada)

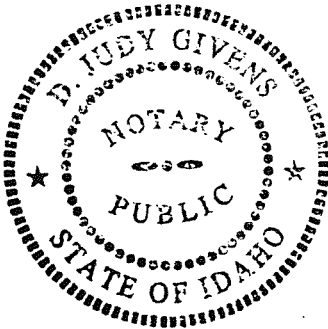
David R. Tuthill, Jr., being first duly sworn, upon oath, deposes and says:

That I am the Acting Adjudication Bureau Chief for IDWR, that I have read the foregoing report, know its contents, and that the statements contained therein are true to the best of my knowledge and belief.



David R. Tuthill, Jr.

SUBSCRIBED AND SWORN to before me this th27 day of August, 1996.

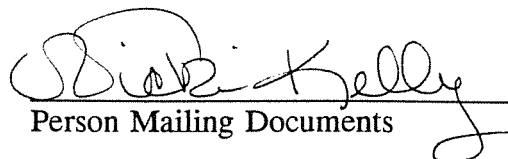



Notary Public for the State of Idaho
Residing at: Meridian, ID
My commission expires: 8/12/2002

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of ^{August}~~July~~, 1996 I caused to be served by First Class U.S. Mail, a true and correct copy of the foregoing document on the following person(s):

Cleave and Betty Lloyd
Route 1, Box 14
Hagerman, ID 83332



Person Mailing Documents