

Site Visit – June 9, 2014 – Cedar Lake Creek (Buck Creek)

On June 9, 2014 a second visit was made to Cedar Lake Creek (Buck Creek) to locate illegal points of diversion from the stream.

Cedar Lake Creek is a spring fed perennial system, flowing north towards the Portnuef River. Department records indicate that there are two water rights to the stream channel, 29-10787 and 29-7128. Water right 29-10787 authorizes irrigation and recreational storage use at the spring head. Water right 29-7128 authorizes irrigation use.

The point of diversion for water right 29-7128 is a four inch PVC pipe, located approximately 300 feet downstream of Cedar Lake dam (Photo #4 & #5). This pipeline runs underground to the northwest through several private property lots. The pipeline continues north under Cedar Lake drive, and ends on the north side of Cedar Lake drive between the properties of Michael Dunlap and Douglas Gushwa (taxlot data as of 1/20/2014). The water is carried through a ditch system into ponds on the Dunlap and Gushwa property before continuing northeast to David Wise's property where the water is used for irrigation. There is substantial return flow from the Wise property which continues northeast through a culvert under Johnny Creek road. All return flow is captured on property owned by Mitchell Johnson and conveyed through a pipeline to the north (photo #9). The channel below this diversion is dry.

The balance of water flowing down Cedar Lake Creek (Buck Creek) continues northeast crossing under Cedar Lake Drive near property owned by David Doerr. Immediately north of Cedar Lake Drive, there is a small black hose buried in the channel, this hose captures water and directs a portion back towards the Northwest (Photo #7). The channel continues flowing northeast towards Johnny Creek Road, takes a hard left following Johnny Creek Road for approximately 225 feet before crossing under Johnny Creek Road. The channel then continues north through the condominium development, crossing under Cedar Hills Drive twice. Within the channel approximately 180 feet north of the second Cedar Hills Drive crossing there is an in-stream pond with a paddle wheel (Photo #10 & #11). The paddle wheel diverts water through a series of constructed waterfalls before returning the water to the channel. The channel continues flowing to the northeast crossing under Bannock Hwy. The channel then turns to the east and runs parallel to Golf Drive. At Farm-Tech road the water enters an underground system turns to the north and continues running parallel to the road until entering the Portnuef River.



Kerrie Mathews



Field Exam June 9, 2014 – Cedar Lake Creek (Buck Creek)



Photo # 1 -112.425957, 42.823617.. Looking SW.. Not sure what this is... water and brown sludge flowing in surrounding the pipe and lots of algae growth downstream. Suspect it is a toilet drain, didn't see any paper and didn't want to get to close.



Photo # 2 looking NE, downstream algae growth from the pipe, the pond outlet is indicated in the photo..



Photo # 3 -112.425835, 42.823667 Pond Outlet looking NW.



Photo #4 -112.425656, 42.824374, POD 29-7128, looking NW



Photo # 5 close up of POD for 29-7128



Photo # 6 -112.425082, 42.824558, doesn't appear to be a diversion point looks like a storm water return pipe.



Photo # 7 -112.424932, 42.824889, Hose in the stream gravity fed to property.



Photo # 8 -112.425629, 42.826117 David Wise Pond.



Photo #9 -112.424757, 42.826493 This diversion was taking all the return flow and the creek was dry below this point. The hose was pulled out to show flow out of this area.



Photo #10 -112.423102, 42.829805 POD water is pumped from stream through a waterwheel and down through this waterfall.



Photo # 11

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/6/2014

Water Right 29-7128

Owner Type **Name and Address**
Current Owner DAVID L WISE
 115 S 15TH
 POCA TELLO, ID 83201
 (208)234-0012

Current Owner SHARON B KATZ-WISE
 115 S 15TH
 POCA TELLO, ID 83201
 (208)234-0012

Priority Date: 5/15/1973

Basis: Decreed

Status: Active

Source
CEDAR LAKE CREEK

Tributary
CEDAR LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.075 CFS	
	<u>Total Diversion</u>		0.075 CFS	5.3 AF

Source and Point(s) of Diversion

CEDAR LAKE CREEK SENWSE Sec. 12, Twp 07S, Rge 34E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	34E	12														1.5			1.5

POU Total Acres: 1.5

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/6/2014

Water Right 29-10787

Owner Type **Name and Address**
Current Owner KRAIG C MC GEE
1420 CEDAR LAKE RD
POCATELLO, ID 83204
(208)232-4779

Current Owner KAREN MC GEE
1420 CEDAR LAKE RD
POCATELLO, ID 83204
(208)232-4779

Priority Date: 4/1/1948

Basis: Decreed

Status: Active

Source
SPRING

Tributary
CEDAR CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.040 CFS	
RECREATION STORAGE	01/01	12/31		5.8 AF
	<u>Total Diversion</u>		0.040 CFS	5.8 AF

Source and Point(s) of Diversion

SPRING SWNWSE Sec. 12, Twp 07S, Rge 34E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	34E	12														2.0			2.0

POU Total Acres: 2.0

RECREATION STORAGE within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	34E	12														X			

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Cefalo, James

From: Cefalo, James
Sent: Wednesday, August 20, 2014 2:18 PM
To: 'tholmesid@gmail.com'; 'mistysmasters@cableone.net'; 'browdona@cableone.net'; 'tajowalsh@yahoo.com'
Subject: Unauthorized Diversions on Buck Creek
Attachments: Buck Creek Field Report.pdf

Dear Parties,

*I don't have an email address for Mr. Anderson. Please forward this report to him.

Attached is the field report prepared by Kerrie Mathews. There are three diversions from the creek that are not authorized: 1) A small black pipe placed in the creek diverting water to an unknown place of use (photo #7); 2) The blue barrel collection system on the Johnson property (photo#9); and 3) the Walsh water wheel and pond. In the next couple of weeks, I will send someone from our office to pull the black pipe and blue barrel out of the creek and mark these diversions as locked.

One other note. Kerrie found a suspicious pipe discharging brown sludge into the creek near Cedar Lake. It appears to be a toilet drain or overflow from a septic system. Our office has no jurisdiction over water quality or discharge into public waterways. However, it might be good to keep the kids out of the creek.

My notes state that the Browns will now initiate a dye test to track the hydrologic communication between the creek and the spring. Sharla has already scheduled and mailed a notice for a status conference on October 15th. We will discuss the results of the dye test as part of that meeting.

James Cefalo
Water Resources Program Manager
IDWR Eastern Region
(208) 525-7161