

Lester, Steve

From: Lester, Steve
Sent: Monday, September 10, 2001 2:23 PM
To: Spackman, Gary
Subject: Futile Call for Water - Keithly Creek

Gary:

This concerns the call from Bosco today seeking advice about a call for water from Ron Blendu. Blendu owns 67-149, the most senior Keithly Creek right. It is an 1871 right for .13 cfs irrigation.

Bosco told me Blendu has been diverting water but recently the flow at Blendu's downstream place near river reduced to a trickle and now is dry. Blendu called Bosco for delivery of his right to use it for *stockwater* (about 50 cattle). It must be assumed he has domestic water at his place (nothing found for ground water under Blendu in info search). Maybe he also has access to river for his stock. At least the domestic water could supply the stock.

About 100 inches or so is available upstream for less senior irrigation rights. The water is being diverted upstream and used for irrigation. Bosco said about 3-6 miles of dry creek sits between the current diverters and Blendu's p/d. The watermaster thought it would take more than a day (probably more like a week or more) to push the water downstream to satisfy the .13 cfs senior right. He also expressed great doubt about the water ever reaching the Blendu diversion.

The only information available in this regard is the local lore from years ago that a prior watermaster (well before Gerry Myers' time) tried unsuccessfully for many days (weeks?) to deliver water to 67-149 under similar circumstances.

I advised Bosco to use his best field judgment to make a decision but agreed the call sounded futile and we would support him in his decision. I mentioned that a possible fall back position might allow a very limited test to see if the downstream call is valid or futile -- maybe allow 24 hours to see if delivery works but anything beyond that sounds unreasonable under current conditions.

It is particularly troubling that Blendu asked for stockwater instead of his decreed irrigation use ... we know irrigation water is used for stock but it is a weak if not impossible basis to shut off upstream users in this case.

A copy of this message is routed to the 2001 water district file in case we need to revisit the issue for some reason.

Steve