



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

April 12, 1999

Harold A Jones
Sublett Rt.
Malta, ID 83342

RECEIVED

APR 19 1999

Department of Water Resources
Salem, Oregon

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Response to Your Letter Dated February 17, 1999

Dear Mr. Jones,

I have reviewed the above referenced letter and discussed your questions with staff who have been involved with these issues. Our responses to your concerns are given below in the order presented in your letter.

1. Election of water Commissioner or Watermaster

IDWR recognizes that voting procedures in both Idaho and Utah allow a watermaster to be selected without agreement of all water users. However, irrespective of the individual selected, water is distributed under the appropriation doctrine in accordance with valid rights to use water. If you have concerns or questions that are not resolved by the watermaster or commissioner, contact the appropriate state agency. You are encouraged to do so while the problem is ongoing. Complaints expressed after the irrigation season are more difficult to resolve.

2. Measuring Devices at the Old USGS Gaging Station:

As your letter suggests, IDWR officials have discussed this matter with local water users a number of different times. The 'devices' referred to in your letter that we may have in storage are not measuring devices but are mechanical water level recorders. These devices measure water level only. These recorders have a float and pulley device that must be installed in a stilling well. A small pipe submerged in the stream and connected to the stilling well transmits water to the well, which holds the water level of the stream. Assuming that a functional stilling well exists at the site, a number of stream discharge measurements must be made at various water levels in order to develop a water level-stream discharge relationship. We call this a stage-discharge rating. The mere installation of a recorder and recording of water levels will not provide a measurement of flow rate unless the levels can be related to a rating or to a standard measuring device such as a weir or a flume that has been calibrated to the range of water levels encountered.

IDWR is willing to loan a mechanical water level recorder if such a device is found to be useful. However, the most recent discussions with Idaho and Utah watermasters, agency personnel and water users were focused on using the wooden weir below the old gage. A guideline jointly issued by IDWR and UDWR, called a 'protocol' has been issued for improving the coordination of water distribution activities between the two states. A copy of this protocol is enclosed. The Idaho watermaster, Dave Sundberg, and the Utah commissioner, Vern Kempton provided input toward developing this protocol. It is my understanding that both Dave and Vern agreed that using the wooden weir below the old gage and adding in the upstream diversions was satisfactory for measuring the discharge of the creek.

In the protocol, the wooden weir has been proposed for use instead of repairing the gaging station because the old USGS stilling well structure would need considerable repair work. The USGS site is somewhat questionable due to the stream channel changes that have occurred here from high water events. Among the problems: the stilling well intake pipe sits several feet out of the water and does not extend far enough into the main channel. Vegetation and brush around the stilling well would also have to be removed. It may actually be more beneficial and cost effective to simply build a new stilling well at a new location above the old USGS structure or consider alternative monitoring equipment.

Again, IDWR is willing to provide a mechanical recorder for installation at a rehabilitated or new stilling well, and provide assistance to establish a rated section to improve measurement of the flow of the creek. However, the cost of construction of the gauging station, including the installation or modification of stilling wells is the responsibility of the water users.

I encourage you to review the enclosed protocol. If you find that delivery of water in accordance with the protocol does not adequately protect your rights please contact Allen Merritt (208-736-3033), Tim Luke (208-327-7864) or me (208-327-7900) so that we can promptly follow up on your concerns.

Installation of measuring devices of Sessions Diversion under Permit 43-07321

You are correct in noting that Jeff Sessions' reservoir permit does include a condition requiring the installation of suitable measuring devices. IDWR regional staff will conduct an inspection later this month. The inspector will coordinate this visit with you, Mr. Sessions, and the watermaster.

Dam Inspections and Certificate of Approval

IDWR has made at least four separate inspections of the Sessions reservoir since 1994. The last inspection was made on December 3, 1997. A Dam and Reservoir Certificate of Approval was issued by IDWR on January 21, 1998 (copy enclosed). The

certificate is valid until November 1, 1999. IDWR will make another inspection of the reservoir later this year.

I am sorry I can not give an answer to all of your questions. We should be able to make a decision or take some course of action regarding the measuring device issue after we complete our investigation. I trust that your questions regarding the dam inspections and the measurement of Clear Creek have been fully addressed. Please contact this office again if you have further concerns.

Sincerely,


Norman C Young
Administrator, Water Management Division

cc: Allen Merritt, Southern Region
Tim Luke, IDWR
Dave Sundberg, Watermaster

Enclosure: Water Distribution Protocol
Copy of Dam and Reservoir Certificate of Approval, Sessions Reservoir

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DAM AND RESERVOIR
CERTIFICATE OF APPROVAL

This is to certify that ROUND MOUNTAIN RANCH (SESSIONS) Dam and Reservoir, located in
NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 13, Township 16S, Range 27E, B.M., Cassia County,

State of Idaho has been inspected by the Department of Water Resources of the State of Idaho, as provided in

Title 42 Chapter 17, Idaho Code, and approval is hereby given to impound water in accordance with and subject

to the following terms and conditions: None

This certificate shall remain valid until revoked or modified by the Department of Water Resources or until the

1st day of November 1999

This certificate has been issued and the seal of the
Director affixed at Boise, Idaho this

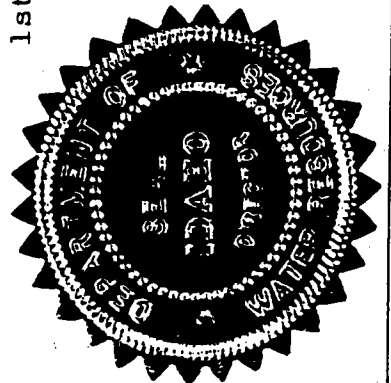
27th day of January 1998

Doyle D. Helms

Chief-Resource Protection Bureau

MICROFILMED

FEB 18 1998



DISTRIBUTION OF THE FLOWS OF CLEAR CREEK BETWEEN UTAH AND IDAHO

The following is from notes taken at a meeting held in Malta, Idaho on June 18, 1998. Those in attendance were Norm Young, Tim Luke, and Allen Merrit (State of Idaho); Dave Sundberg (Idaho watermaster); Lee Sim and Bob Fotheringham (State of Utah); Vern Kempton (Utah commissioner); and Mont Campbell (Utah wateruser).

DESCRIPTION OF WATER DISTRIBUTION PRACTICES

The basis of distribution in Utah has been the Christensen Decree, the Johnson Decree, and the Naf Irrigation Company rules (the company shareholders divert directly from Clear Creek rather than from a main company canal, so the Utah commissioner distributes water among shareholders). The distribution of water according to these documents was described as follows:

Depending on the weather, the Utah irrigators will start using water sometime in April or early May - the creek is usually at about 3 cfs at this point. The water continues to be entirely used in Utah until the flow increases to an average of 20 cfs or more for a period of 24 hours. The Johnson decree said this flow was to be determined by adding the measurement made at the USGS gaging station with the measurements made at the diversions above the gaging station. After the gaging station was abandoned, they started determining the flow by adding the measurement taken at the "stage crossing" (Kempton's diversions) and adding it to the measurements of the diversions above the "stage crossing". In 1995, in an effort to more closely follow the decree, they began taking measurements at the "temporary weir" (just below the old USGS gaging station and near the Sundberg and Campbell diversions) and adding the diversions above the "temporary weir" to determine the flow of the creek. There are six measurements that must be made to make this determination: two Scofield diversions, two Sundberg diversions, one Campbell diversion, and the flow over the "temporary weir". It was generally agreed at the meeting that measuring the water at these points would provide an adequate representation of the flow of the creek.

After the flow reaches an average of 20 cfs, it is turned down to the Idaho water users. They use the entire flow of the creek, except the Scofield right to 0.33 cfs and the Naf I.C. right to 0.5 cfs, until they have taken a volume of 560 acre feet. The flow used to determine this volume is measured at the Idaho weir.

Once the 560 acre feet has been delivered to the Idaho water users, the flow of the creek is then split between the water users - 57% to the Idaho water users and 43% to the Utah water users. The Idaho water is measured at the Idaho weir and the Utah water is the sum of the measurements taken at each of the diversions in Utah. The sum of the Idaho weir and the Utah diversions is taken to be the total flow of the creek. The water continues to be distributed on this basis until a total of 750 acre feet has been delivered under the 57%- 43% split.

After 750 acre feet has been delivered, if the flow of the creek is still above 36 cfs the water continues to be distributed according to the 57% - 43% split. If the flow drops below 36 cfs, then the entire flow goes to Idaho for 12 days (the "12 day run") except the Scofield right to 0.33 cfs and the Naf I.C. right to 0.5 cfs. After 12 days, the water is again split between the water users in the two states according to the 57% - 43% split until the flow of the creek drops to 17 cfs.

Once the flow of the creek drops to an average of 17 cfs for 24 hours, the entire flow is

kept for use in Utah. This usually occurs in the end of July or August, however, any time the creek drops to an average of 17 cfs or below for 24 hours during the distribution season, the entire flow of the stream is kept for use in Utah.

PROCEDURES FOR COORDINATING THE DISTRIBUTION EFFORTS OF THE UTAH COMMISSIONER AND THE IDAHO WATERMASTER

DETERMINING WHEN THE FLOW SHOULD BE RELEASED TO IDAHO IN THE SPRING

The Utah commissioner will take measurements at the "Temporary Weir" and at the diversions above between 7:00 a.m. and 10:00 a.m. When the flow of the creek reaches 10 cfs, the Utah commissioner will begin posting each of these measurements plus the total creek flow at the Naf store by noon each day. When the creek flow reaches 12 cfs, the Utah commissioner will notify the Idaho watermaster. When the average of the current day's total creek flow and the previous day's total creek flow (based on the measurements posted at the Naf store) is equal to or greater than 20 cfs, the water will be released to Idaho. The Utah commissioner will contact the Idaho watermaster when he believes it is likely that the water will be released to Idaho the next day. Once the determination has been made that water should be released to Idaho, the Utah commissioner will immediately begin to open the control structures on the Utah diversions to release the flow downstream. He will begin at the lowest diversion on the Utah system and continue up the system until all control structures have been opened. Creek flow measurements will not be posted at the Naf store after the water has been released to Idaho.

DETERMINING WHEN THE 57% - 43% SPLIT SHOULD BEGIN

After the water has been turned to Idaho, the Utah commissioner will monitor the flow of the creek at the Idaho weir. When it appears that delivery of the 560 acre feet will be completed in the next day or so, the Idaho watermaster and the Utah commissioner will coordinate with each other about the start the 57% - 43% split. The Idaho watermaster will determine when the 560 acre feet has been delivered and the split should begin.

REVIEW OF WATER MEASUREMENT PRACTICES IN UTAH

At any time during the season, if the Idaho watermaster desires to accompany the Utah commissioner on his rounds, he should make arrangements with him the night before. It is anticipated that this will occur three times a season, however, more times a season will not create a problem as long as arrangements are made the night before.

There was a general consensus that because of the time of year the first and second of the procedures listed above would be implemented starting in 1999 and the third would be implemented immediately. These procedures are subject to review and may be modified from year to year as the need arises and as the Utah commissioner, Idaho watermaster, and the Utah and Idaho state officials can agree.