
Re: Ditch Injury Concerns

From Cindy Yenter <cindy.yenter@gmail.com>

Date Wed 11/19/2025 1:51 PM

To Stewart, Christian <Christian.Stewart@idwr.idaho.gov>

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Hello Christian. There are a number of factors that preclude injury to the Simmons and Lee water rights, even with removal of rights 75-4183 and 75-14847 from the S-4A ditch.

The original S-4A ditch to Simmons and Lee is associated with the 1920 water rights 75-14137 and 75-14138. The ditch was split within SENE Sec 6, and in 1923, a separate conveyance ditch to what is now Smith and Yenter was presumed to be developed in association with beneficial use under right no. 75-4183. (75-4183 is a parent right of Yenter 14847).

All four rights diverted at S-4A are decreed at flows in excess of 0.02 cfs/acre. 75-14137 authorizes diversions of 0.027 cfs/acre. 75-14138, 75-4183 and 75-14847 all authorize diversions of 0.029 cfs/acre. This amounts to total authorized diversions in S-4A of 4.51 cfs, which includes up to 1.25 cfs in excess of the standard irrigation duty from all four rights. Hence, there appears to be some compensation for conveyance loss baked into these rights, in the form of excess irrigation flow.

The upper portion of the S-4A ditch, between the diversion and the split, is a well defined channel, not eroded and with a smooth bottom, and is believed to incur minimal losses. This reach is a gaining reach, receiving irrigation return flow from the Wylie property in S1/2 Sec 6. Gained flows in the upper reach of S-4A are available to the entire ditch system. The reach of the original ditch from the split to the Simmons property is also well defined and well maintained. From Simmons, flows enter a pipe to cross Lindberg Lane to the Lee property. The senior rights using the original ditch are typically fully deliverable throughout the irrigation season.

In contrast, the 1923 fork of the S-4A from the split to Lindberg Lane is long, shallow, meandering and heavily damaged by cattle; ongoing maintenance does little to improve the ditch. This portion of the ditch is a losing reach, as evidenced by boggy areas which have developed below the ditch in NENE Sec 6. Any additional flows in the S-4A are typically pushed down the 1923 ditch at the split to aid the delivery of 75-4183 and 75-14847.

Some or all of the Lee and Yenter places of use have been converted to sprinkler irrigation. Both parties have their Salmon River diverted flows delivered to pump ponds. Simmons and Smith are still using gravity irrigation. Use of sprinklers has increased the S-4A system efficiency some, but not enough to overcome ditch losses. The Yenter ditch,

which splits from the 1923 ditch north of Lindberg Lane and runs north across SESE S31 to the Yenter pond, is particularly prone to breaks and losses. Flows exiting this ditch create swampy areas on both Yenter and Smith pastures, and disrupt flows to the Yenter pond. Water users have discussed piping this ditch, but even getting flows to the pipe would remain a significant issue. The demand for conveyance flows is much higher in the lower reaches of the system.

Upon approval of the transfer, the 1923 ditch will be dammed at the split so that all diverted flows at S-4A, and any reach gains, would go to Simmons and Lee in the original ditch. Their remaining rights 75-14137 and 75-14138 contain up to 0.65 cfs of excess diverted irrigation flows (conveyance flows) The reaches of the ditch used by Simmons and Lee are well maintained and have minimal losses. Even without diversions under 75-4183 and 75-14847, the Simmons and Lee rights are expected to remain fully deliverable to the places of use with no injury.

The Salmon River in the Carmen area is not flow limited. The area has only recently been placed in regulation, but it is not anticipated that priority cuts would be required for the 1920 rights remaining in S-4A. Therefore those rights should always be able to be diverted in their entirety.

Thanks for the opportunity to provide additional information. If you have more questions please let me know.

Cindy Yenter

On Fri, Nov 14, 2025 at 1:29 PM Stewart, Christian <Christian.Stewart@idwr.idaho.gov> wrote:
Cynthia,

I am reviewing your water right transfer proposal. You are moving two rights off of the existing ditch, and Simmons and Lee will retain rights from that point of diversion. The ditch existing ditch presumably has a conveyance loss, and taking rights 75-4183 and 75-14847 could reduce the amount of water that could be pushed down to Simmons and Lees places of use.

Could you explain what you meant by "most ditch loss occurs in the section to be closed"? If there are intricacies in how they get their water rights to their places of use, please explain how they would not be injured.

If there is any chance that they could be injured, the Department will require signed letter from Simmons and Lee consenting the changes proposed by this transfer.

Thank you,

Christian Stewart
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