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WATER RESOURCES
WESTERN REGION

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February 12, 2015

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Mr. Tim Luke
Mr. Rob Whitney
Water Compliance Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

is handling this

Re: Cold Springs Creek

Dear Messrs. Luke and Whitney:

Enclosed with this correspondence I am providing you information developed by Double Anchor Ranch's consultant Hydro Logic, Inc. regarding two items: (1) an illegal diversion of a Cold Springs Creek tributary to the Ryegrass Creek drainage; and (2) the continued progress of Cold Springs Creek's wetting front toward the Snake River.

My client understands that it is providing a large quantity of information, and that its continued provision may become time consuming. However, my client desires to provide IDWR and the water master all of the data and analysis it has found helpful, to document the same through the accompanying correspondence, and to make the information part of the public record. Moreover, the collective information, together with IDWR's and the water master's help, has resulted in flows of Cold Springs Creek that have not been seen in almost a decade. On behalf of Double Anchor Ranch, I thank you for that.

The information submitted to you today is grouped and discussed below according to the two subjects mentioned above.

1. Illegal Diversion of Cold Springs Creek Tributary to Ryegrass Creek Drainage

Please refer to Figure 1. The alphabetized locations on Figure 1 correspond to a series of photographs taken on February 4, 2015 and February 9, 2015 (enclosed as Figures 4 - 6). Casa Del Norte's 4-Mile Ditch diverts water from the Cold Springs Creek drainage to the Ryegrass Creek drainage. On BLM property, before 4-Mile Ditch runs across the divide separating the Cold Springs Creek and Ryegrass Creek drainages, a tributary to Cold Springs Creek is diverted into 4-Mile Ditch. Photographs at location "A" (see Figure 4) show that the natural drainage leading to Cold Springs Creek is dammed, and water that should be flowing freely to Cold Springs Creek and thence downstream is now flowing down 4-Mile Ditch across the Ryegrass/Cold Springs divide toward Ryegrass Creek.

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Figure 3 shows a close-up aerial photo of 4-Mile Ditch and the tributary to Cold Springs Creek that is diverted into the ditch. It is important to understand that this water is not from "overland flow." This is an estimated 3 cfs diverted from a defined natural channel that would otherwise be contributing to the flows of Cold Springs Creek.

The water diverted from the Cold Springs Creek tributary travels downstream to location "B" where photos (see Figures 4 and 5) show that a defined natural channel tributary to Ryegrass Creek is similarly dammed and diverted into 4-Mile Ditch. These flows cannot be seen at the end of 4-Mile Ditch where it runs into Casa Del Norte's Walker Well reservoir, because a blowout at location "C" (shown in Figure 5) releases water from the ditch into another natural drainage tributary to Ryegrass Creek. Photographs from locations "D" and "E" (see Figure 6) show that 4-Mile Ditch is dry or very close to dry below the blowout at location "C." Conversely, the photo at location "F" (see Figure 6) shows the flows released from the 4-Mile Ditch blowout into the natural channel tributary to Ryegrass Creek.

These flows should be in Cold Springs Creek. It is obvious this unauthorized diversion of water has been occurring all winter long. It must be stopped now so that the Cold Springs Creek downstream water right holders have the opportunity to divert the water to which they are entitled. The absence of this water in Cold Springs Creek has already negatively impacted the down stream water right holders by depriving them of flows that would have contributed to the wetting of the stream channel. If 4-Mile Ditch is to continue to be used, siphons or other bypass mechanisms must be installed to allow the continued free flow of water down natural drainages.

2. Continued Downstream Progress of Cold Springs Creek's Wetting Front

Double Anchor and its consultant believe that the critical time to document the flows of Cold Springs Creek as its "wetting front" moves downstream is right now so that a thorough and proper analysis of issues related to a futile call can be completed before that call is made.

To that end, we are providing IDWR and the water master with Figure 2, showing the continued progress of the Cold Springs "wetting front" since our last submission. As you can see, the wetting front as of February 9 was well below Old Oregon Trail Road. As discussed in my correspondence of February 6, 2012, this advancing "wetting front" precludes the assertion of a "futile call" by upstream water right holders.

3. Administration of Cold Springs Creek Water Rights

As mentioned above, my client is very appreciative of the work IDWR and the water master have done trying to insure uninterrupted flows of Cold Springs Creek downstream so far this year. Figure 7 photos from locations G, H, and I on Figure 2 show the extent of the Cold

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Springs Creek flows in locations where it has not flown in this quantity for many years. As discussed in section 1 above, additional work to ensure uninterrupted flows remains to be done.

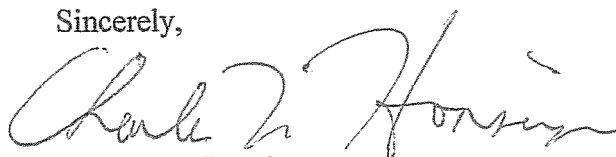
Finally, according to the enclosed table of Surface Water Rights on Cold Springs Creek, at current estimated Cold Springs Creek flows, it would appear the following water rights can be filled at the beginning of the irrigation season:

<u>No.</u>	<u>Holder</u>	<u>Quantity</u>	<u>Priority</u>
61-338	Charter Mountain Ranch	1.84 cfs	6/30/1870
61-323	Double Anchor Ranch	1.00 cfs	5/1/1872
61-10349	Double Anchor Ranch	1.26 cfs	5/1/1873
61-339	Charter Mountain Ranch	1.50 cfs	5/1/1875
61-332	Charter Mountain Ranch	2.72 cfs	5/18/1875
61-318	Half Moon Ranch	0.50 cfs	5/1/1877

Once again, we sincerely hope that IDWR and the water master will use the enclosed information to assist them in administering the diversions and distribution of water from Cold Springs Creek as the irrigation season begins on February 15. With the increased flows reaching more downstream users this year, administration of water will be more complex prior to and after the inevitable futile call. Double Anchor has increased and improved its monitoring of stream flows this year to better monitor uses from Cold Springs Cree and it will continue to provide that data to assist IDWR and the water master in their administration and distribution efforts.

Please feel free to contact me with questions or concerns at any time. Thank you.

Sincerely,

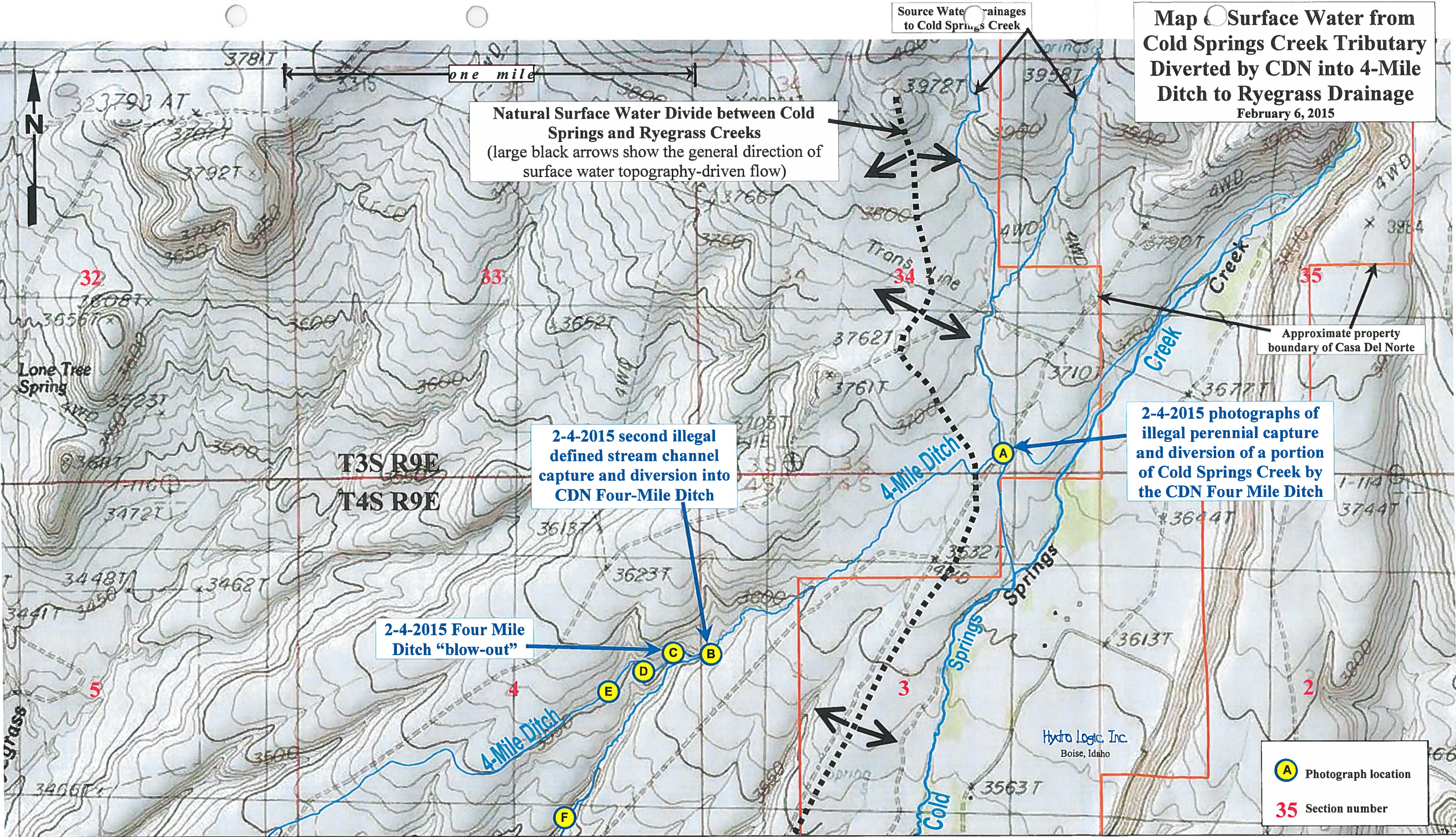


Charles L. Honsinger

enclosures

cc: Client
Bruce Smith
Steve Lester
Ed Squires
Rich Neal

Map Surface Water from Cold Springs Creek Tributary Diverted by CDN into 4-Mile Ditch to Ryegrass Drainage
February 6, 2015



USGS topographic Series base map showing surface water features of the Cold Springs and Ryegrass Creeks area of Elmore County, Idaho. Yellow-circled letters with blue outline are keyed to associated photographs of Figures 4-7. We are unable to locate any water rights under which these diversions can occur. Photo "F" is a Ryegrass Creek tributary that is flowing only because of the blow out of the Four Mile Ditch at "B" allowing captured Cold Springs Creek water at "A" to flow down it.

Figure 1.

Aerial Photographic Base Map of the Downstream Progression (Wetting Front) of Cold Springs Creek by Date during Spring of 2015

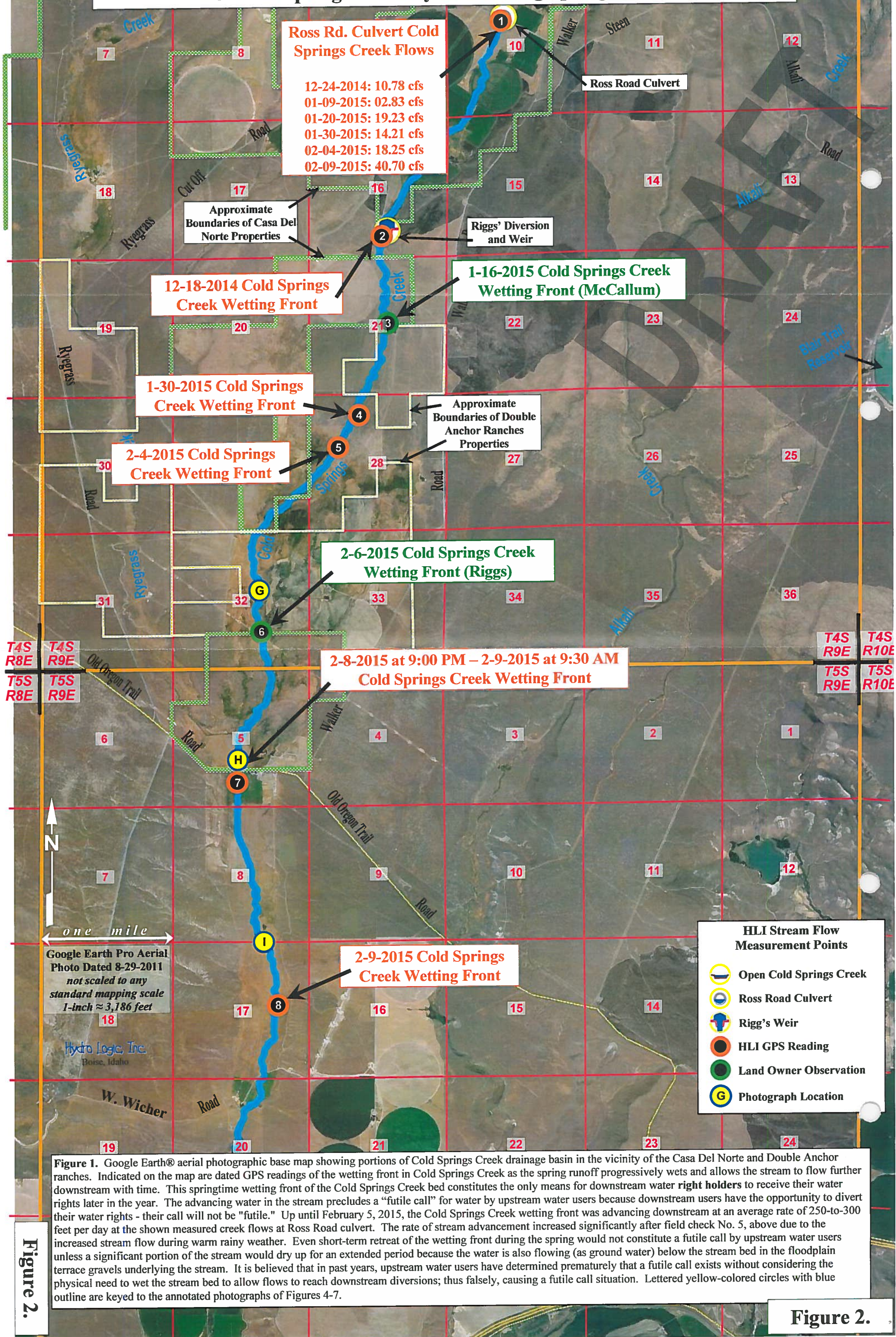
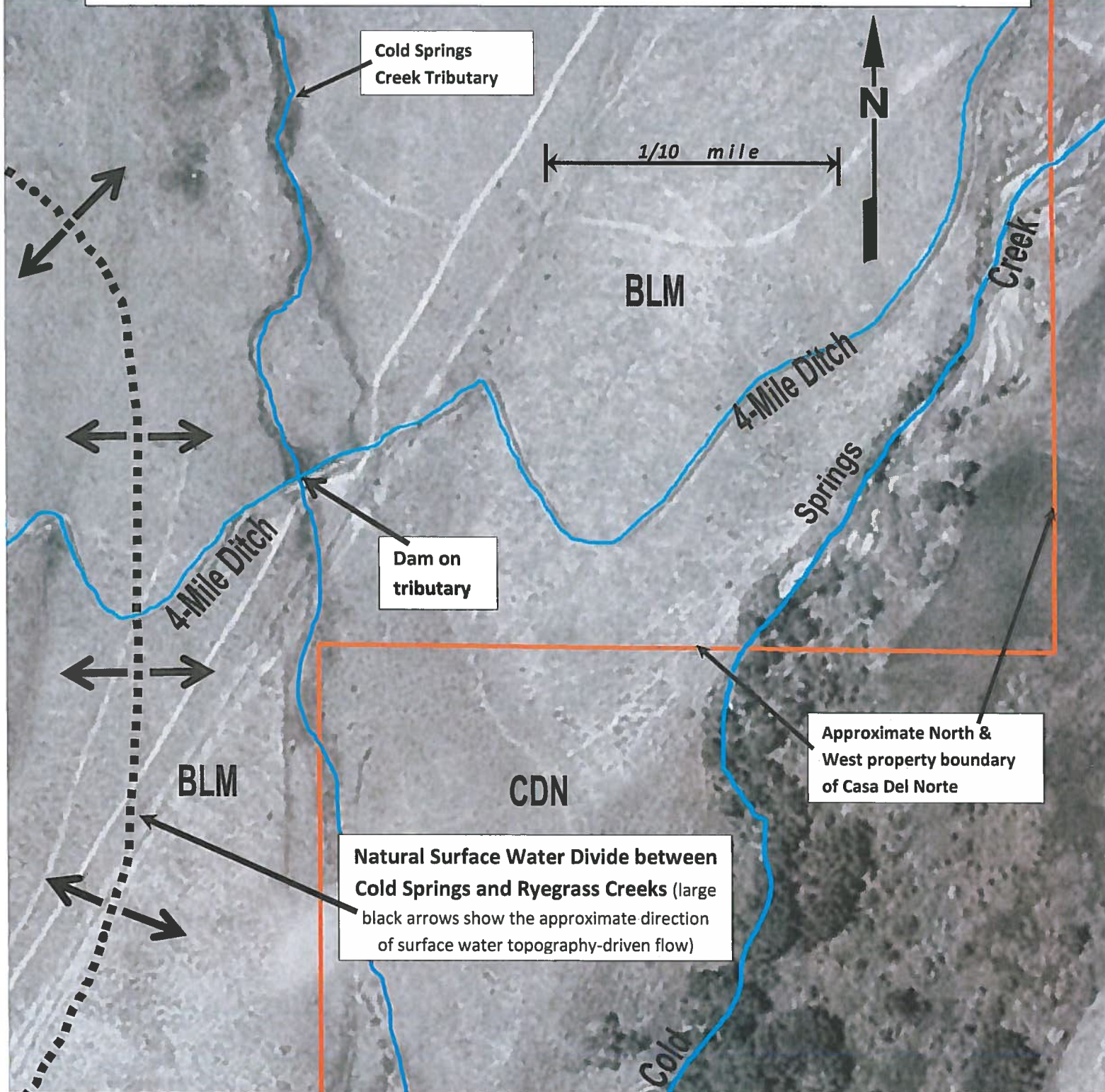


Figure 2.

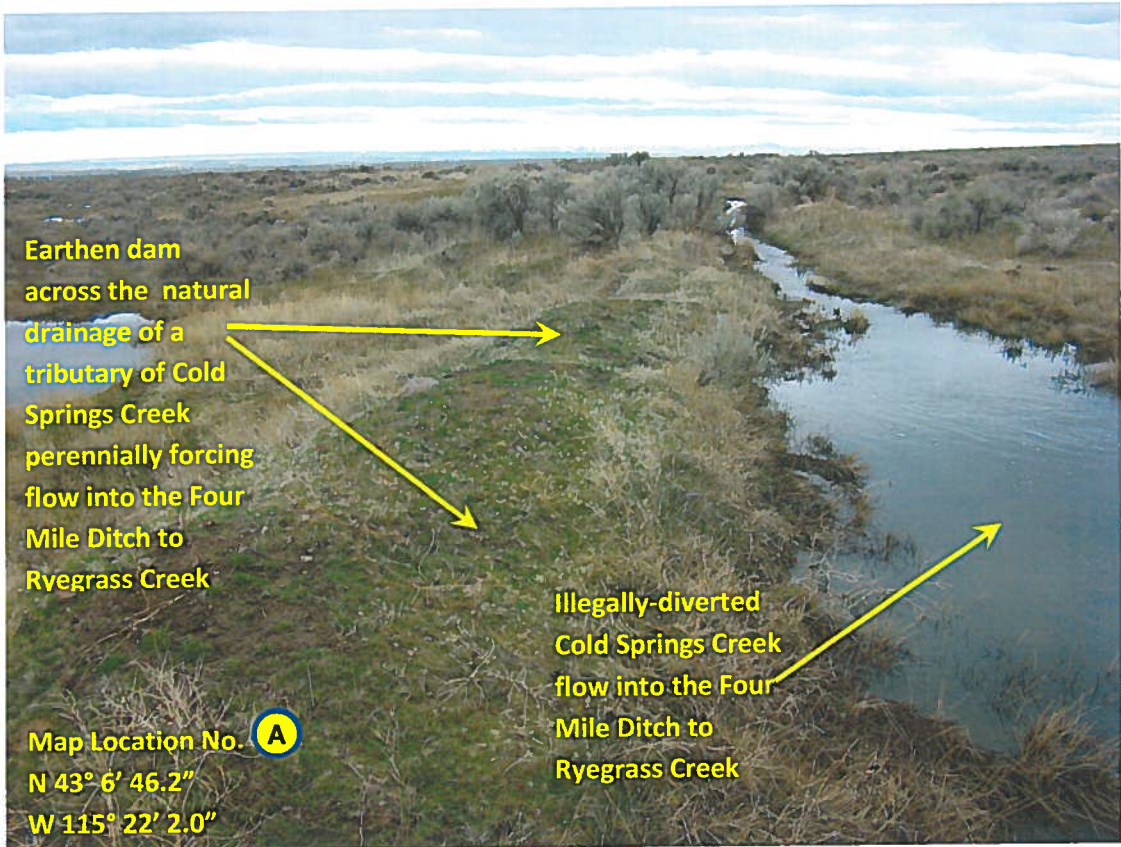
Figure 2.

Historic (May 31, 1998) aerial photograph showing the natural stream bed of a tributary of Cold Springs Creek that is currently dammed resulting in all flows being illegally diverted to the Ryegrass Creek drainage basin. Hydro Logic, Inc.

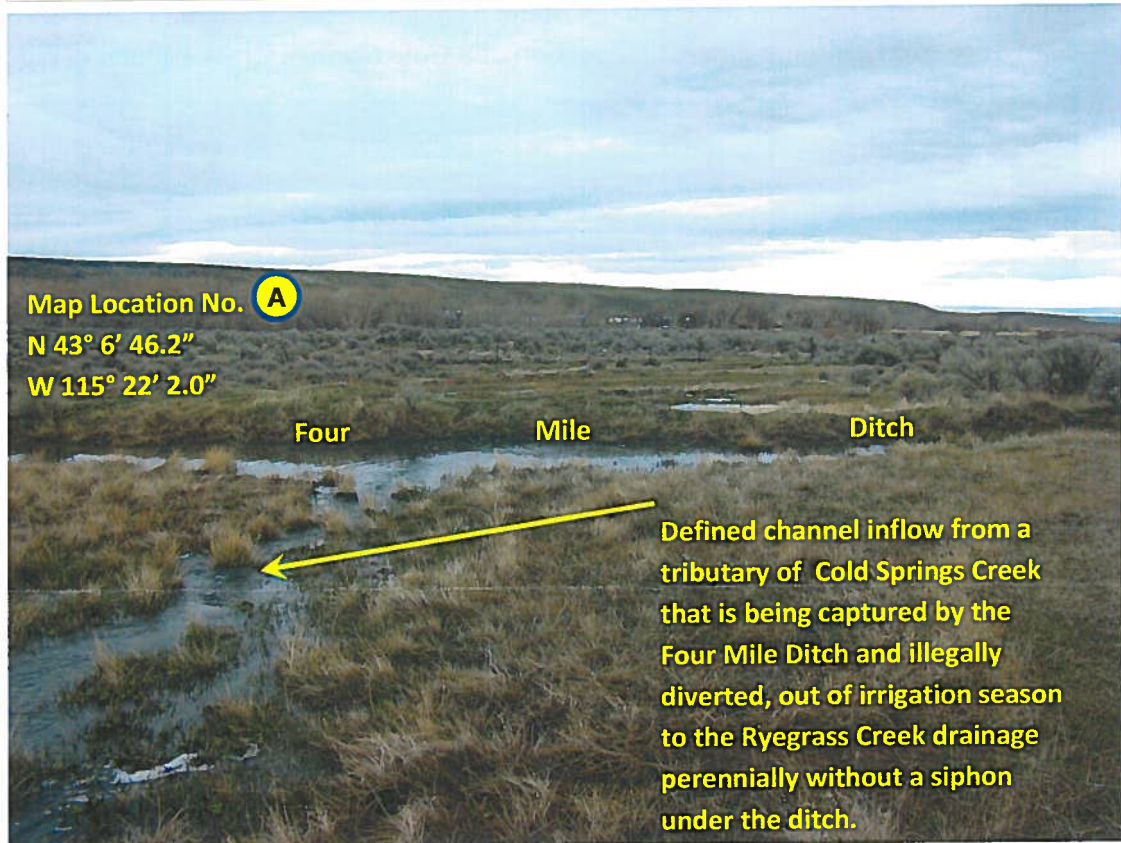


Google Earth® aerial photograph base map showing the surface water divide between Cold Springs Creek and Ryegrass Creek in Section 34, T3S, R9E of Elmore County, Idaho. Also shown is the location at which a significant tributary of Cold Springs Creek has been dammed to force the stream flow into the CDN Four Mile Ditch for diversion over to the Ryegrass Creek drainage. See Figure 1 for a topographic map showing the drainage divide.

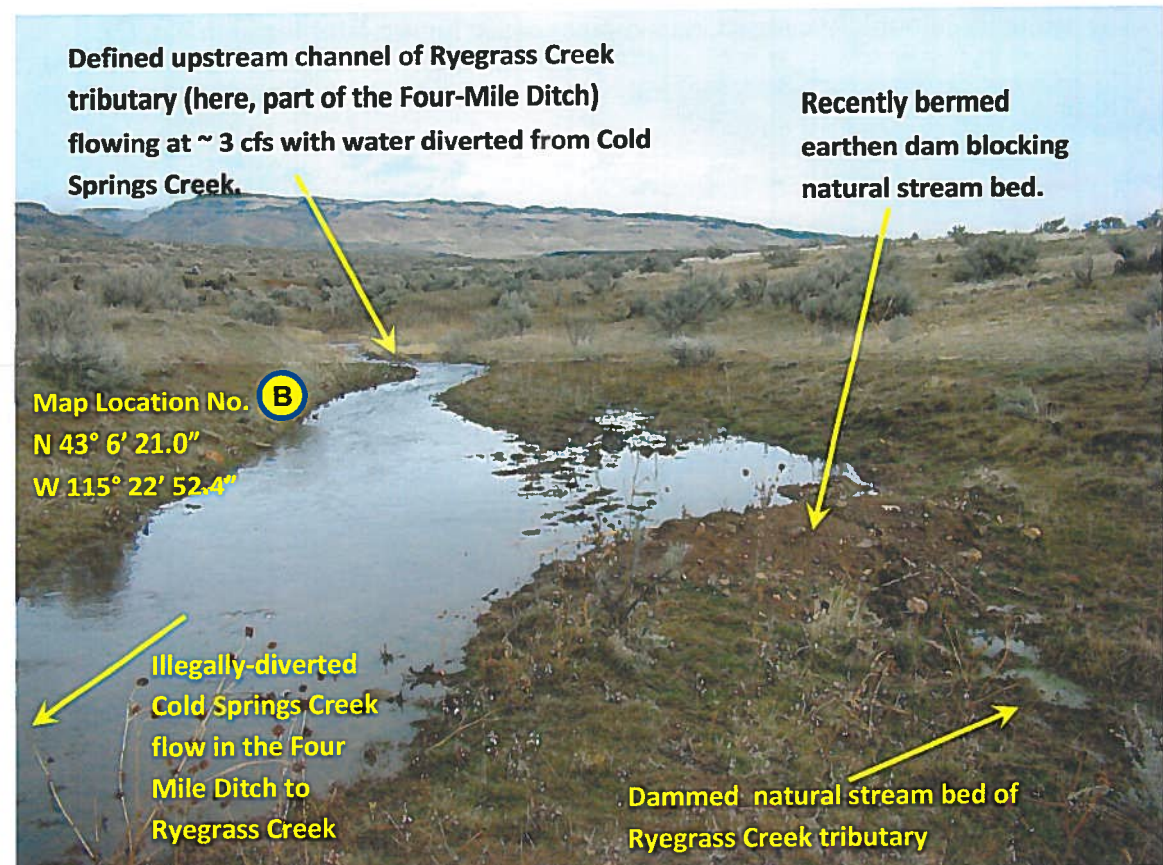
Figure 3.



2-9-2015 photograph looking west and downstream along the Four Mile Ditch at a location where a defined channel of a tributary of Cold Springs Creek is captured and diverted to the Ryegrass Creek drainage (See Figure 1 for location No. A).

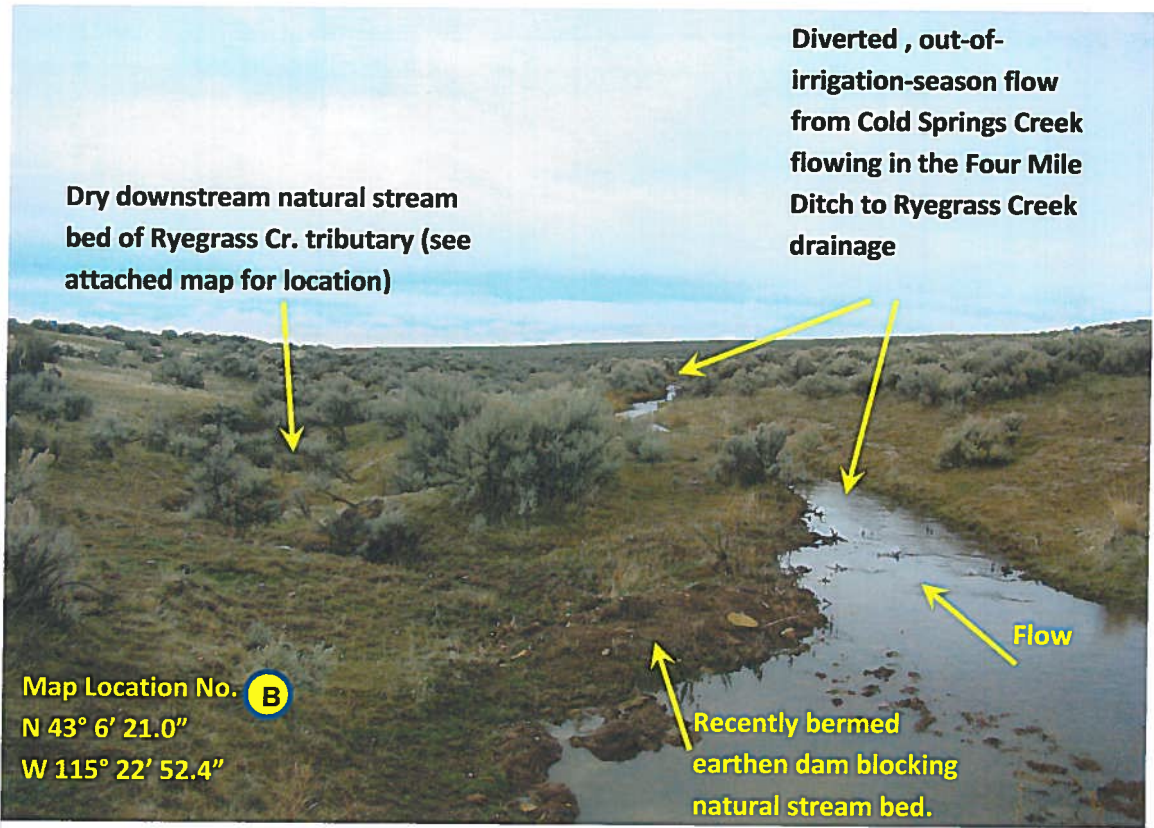


2-9-2015 photograph of a Cold Springs Creek tributary flowing at 3 cfs (foreground) before being captured by the Four Mile Ditch where the natural drainage is dammed by an earthen berm perennially blocking downstream flow. This natural flow from Cold Springs Creek is the sole source of the flow observed in the ditch without a valid water right.



2-4-2015 NE-looking photograph of the flowing CDN "Four-Mile Ditch" where the defined channel of a tributary of Ryegrass Creek is illegally dammed to divert a Ryegrass Creek tributary flow into the ditch (with zero flow to stream below) outside the irrigation season. The natural drainage should have a siphon to allow natural flow in Ryegrass tributary to continue under and past the ditch.

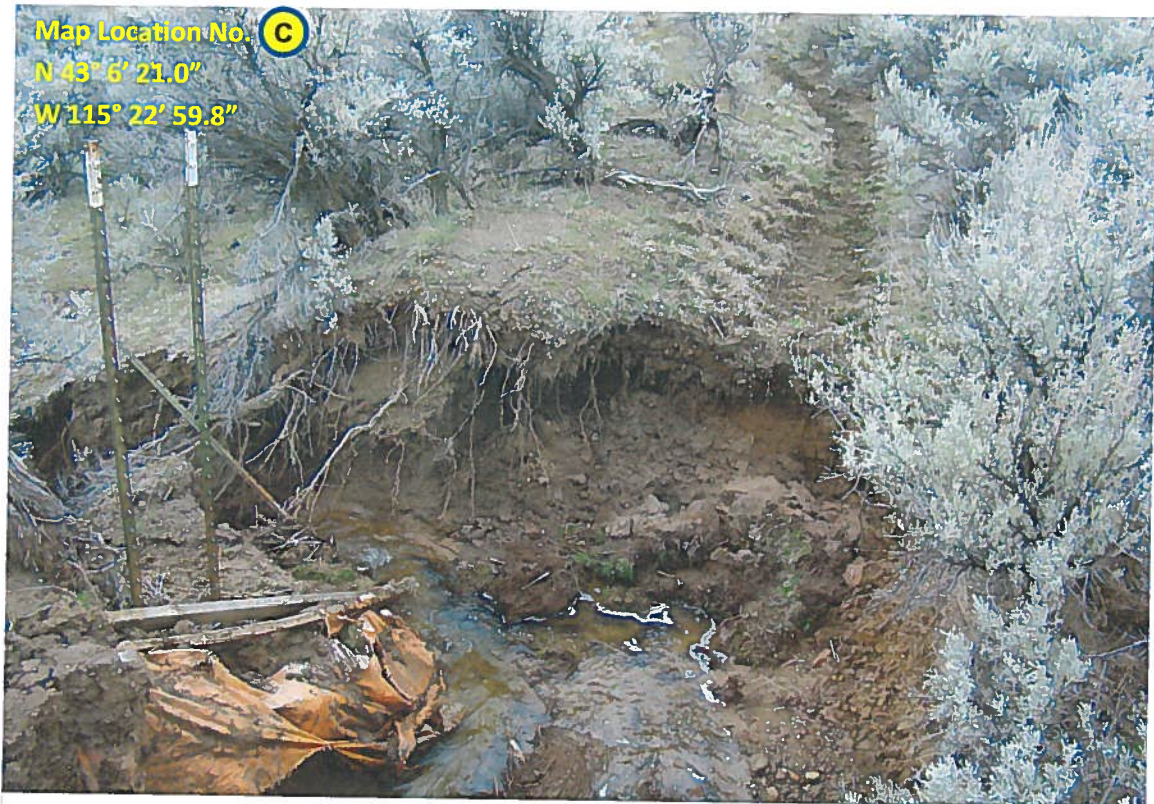
Figure 4.



2-4-2015 SW-looking photograph of the brim-full, CDN "Four-Mile Ditch" where the defined channel of a tributary of Ryegrass Creek has been dammed to force surface water flows into the Four Mile Ditch without a siphon under the ditch. Flows shown above are from a similar dammed diversion of a Cold Springs Creek tributary (Fig 1).



2-4-2015 photograph of the CDN "Four Mile Ditch" where it is breached (on right of photo) thus spilling ~ 3 cfs of surface water diverted from a Cold Springs Creek tributary into the Ryegrass Creek drainage (see Figure 1 for location No. C).



2-9-2015 photograph showing an estimated 3 cfs of illegally-diverted Cold Springs Creek surface water being spilled to the Ryegrass Creek drainage where the CDN Four-Mile Ditch is breached, thereby depriving downstream users of pre-irrigation season, stream-wetting flows. Later, downstream water users should be able to rely upon these flows for irrigation purposes, which would postpone a futile call on Cold Springs Cr.



Map Location No. **D**
 N 43° 6' 18.2"
 W 115° 23' 3.9"

2-9-2015 photograph looking east along the dry Four Mile Ditch downstream of the “blow-out” shown on photo location No. C on the attached Figure 1. This portion of the ditch would have Cold Springs Creek water in it if the ditch was not breached as shown (See Figure 1 for location No. D).



Map Location No. **E**
 ~N 43° 6' 16.0"
 ~W 115° 23' 10.5"

2-4-2015 photograph of slight standing water in the Four Mile Ditch from recent rains (see Figure 1 for location No. E). The ditch does not contain the flows from the Cold Springs Creek tributary at this point because of the blow out upstream.

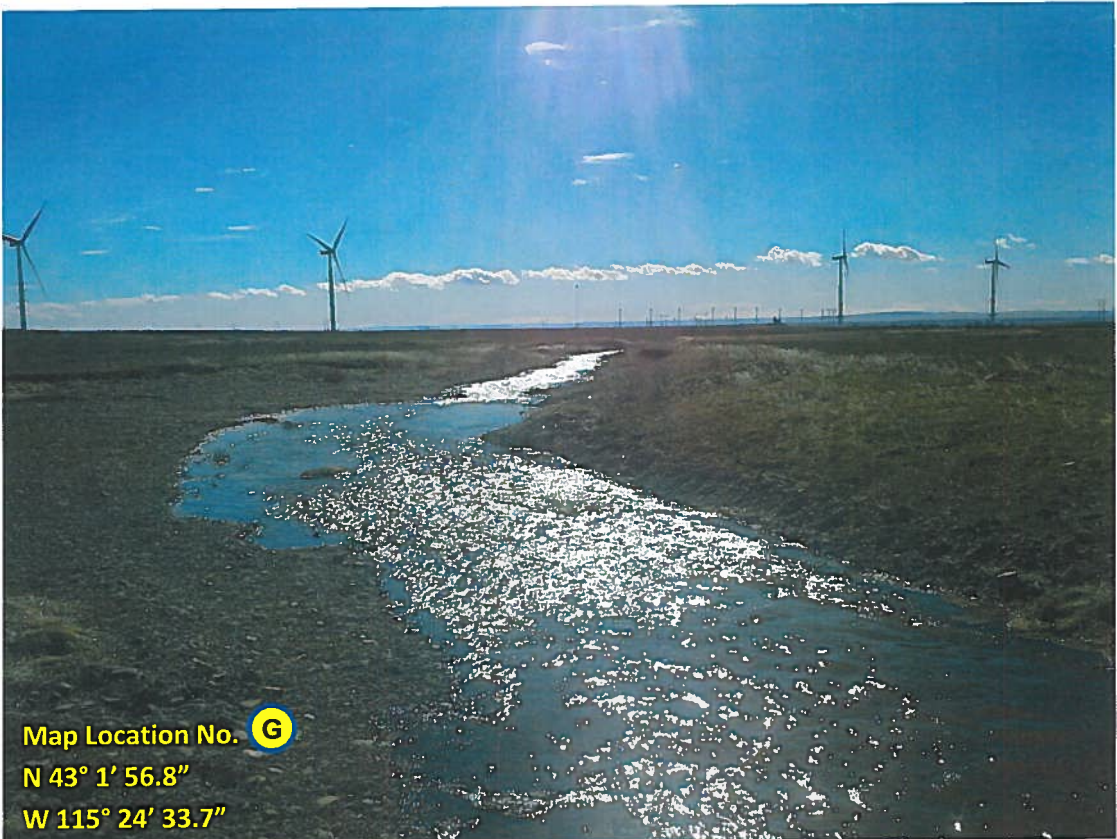


Map Location No. **F**
 N 43° 5' 58.7"
 W 115° 23' 18.4"

2-4-2015 photograph of a tributary of Ryegrass Creek showing ~ 1-2 cfs of illegally diverted Cold Springs Creek surface water flowing out of irrigation season and, apparently, all winter (see Figure 1 for location No. F).

Figure 6.

Figure 6.



2-7-2015 photograph looking downstream (S) of a strongly flowing Cold Springs Creek directly West of the Riggs' ranch house (See Figure 2 for location No. G).



2-9-2015 upstream-looking (N) photograph of Cold Springs Creek at Old Oregon Trail Road Crossing at an estimated flow of 4-to-6 cfs at 9:30 AM just below the Half Moon Ranch diversion (See Figure 2 for location No. H).



2-9-2015 upstream-looking photograph of Cold Springs Creek ½ -mile upstream from the measured wetting front and 1¼ miles downstream from Old Oregon Trail Road (See Figure 2 for location No. I).

Figure 7.

Figure 7.

Surface Water Rights on Cold Springs Creek

Water Right No.	Priority Date	Div. Rate		Cum. Tot.	Cum. Water Use	Owner	Comments
		cfs	gpm				
61-11906	5/18/1870	1.54	691	1.54	stk.	CHARTER MOUNTAIN RANCH INC	Max = 10,000 gal/day - 365-day use if stock present
61-338	6/30/1870	1.84	826	3	irr. 1.34	CHARTER MOUNTAIN RANCH INC	
61-323	5/1/1872	1.00	449	4.38	irr. 2.84	DOUBLE ANCHOR RANCHES INC	
61-10349	5/1/1873	1.26	565	5.64	irr. 4.1	DOUBLE ANCHOR RANCHES INC	
61-339	5/1/1875	1.50	673	7.14	irr. 5.6	CHARTER MOUNTAIN RANCH INC	
61-332	5/18/1875	2.72	1,221	9.86	irr. 8.3	CHARTER MOUNTAIN RANCH INC	Source is Cold Springs Creek and Spring
61-318	5/1/1877	0.50	224	10.36	irr. 8.8	HALF MOON RANCH	
61-328	5/1/1877	1.40	628	11.76	irr. 10.2	ARK PROPERTIES LLC	Below Riggs on Cold Springs Creek
61-319	5/1/1878	0.80	359	12.56	irr. 11.0	HALF MOON RANCH	
61-326	5/1/1878	1.00	449	13.56	irr. 12.0	DOUBLE ANCHOR RANCHES INC	
61-327	5/1/1879	2.50	1,122	16.06	irr.	DOUBLE ANCHOR RANCHES INC	
61-345	6/30/1879	0.50	224	16.56	irr.	MULE SHOE LLC	
61-317	5/1/1880	1.36	610	17.92	irr.	BARBER CAVEN RANCHES	
61-320	5/1/1881	0.70	314	18.62	irr.	HALF MOON RANCH	
61-321	5/1/1883	0.90	404	19.52	irr.	HALF MOON RANCH	
61-309	6/1/1883	0.58	260	20.10	irr.	ARK PROPERTIES LLC	Below Riggs on Cold Springs Creek
61-330	5/1/1884	0.36	162	20.46	irr.	DOUBLE ANCHOR RANCHES INC	
61-347	5/1/1884	3.20	1,436	23.66	irr.	MULE SHOE LLC	
61-333	5/1/1885	0.54	242	24.20	irr.	CHARTER MOUNTAIN RANCH INC	
61-346	5/1/1885	0.70	314	24.90	irr.	BARBER CAVEN RANCHES	
61-331	5/1/1886	1.00	449	25.90	irr.	DOUBLE ANCHOR RANCHES INC	
61-334	5/1/1886	0.50	224	26.40	irr.	CHARTER MOUNTAIN RANCH INC	
61-364	5/1/1887	0.12	54	26.52	irr.	CHARTER MOUNTAIN RANCH INC	
61-341	5/7/1887	1.22	548	27.74	irr.	BLACKWELL, SAMUEL D	
61-340	6/30/1887	0.50	224	28.24	irr.	CHARTER MOUNTAIN RANCH INC	
61-342	6/30/1887	1.18	530	29.42	irr.	BLACKWELL, SAMUEL D	
61-343	6/30/1888	0.60	269	30.02	irr.	CHARTER MOUNTAIN RANCH INC	
61-335	5/1/1889	0.48	215	30.50	irr.	CHARTER MOUNTAIN RANCH INC	
61-336	5/1/1895	0.80	359	31.30	irr.	CHARTER MOUNTAIN RANCH INC	
61-337	12/1/1895	2.40	1,077	33.70	irr.	CHARTER MOUNTAIN RANCH INC	
61-2008	02/26/1908	6.96	3,124	40.66	irr.	CHARTER MOUNTAIN RANCH INC	Also stock water
61-2007	02/29/1908	2.10	942	42.76	irr.	MULE SHOE LLC	
61-2038	07/10/1913	1.20	539	43.96	irr.	DOUBLE ANCHOR RANCHES INC	
61-2048	07/16/1916	0.40	180	44.36	irr.	BARBER CAVEN RANCHES	
61-2052	12/19/1917	0.64	287	45.00	irr.	MULE SHOE LLC	
61-11899	03/15/1920	3.18	1,427	48.18	irr.	HALF MOON RANCH	
61-2064	06/14/1922	1.28	574	49.46	irr.	NEUER, OTTO	
61-12236	06/14/1922	0.44	197	49.90	irr.	HUNT, JOANN	
61-12237	06/14/1922	0.46	206	50.36	irr.	DENNY, SUSAN	
61-12238	06/14/1922	0.38	171	50.74	irr.	NEUER, EDUARD	
61-10718	02/01/1931	0.02	9	50.76	stk.	WILBUR F WILSON RANCH	
61-11502	06/28/1934	0.02	9	50.78	stk.	UNITED STATES OF AMERICA	
61-11503	06/28/1934	0.02	9	50.80	stk.	UNITED STATES OF AMERICA	
61-11507	06/28/1934	0.02	9	50.82	stk.	UNITED STATES OF AMERICA	
61-11552	06/28/1934	0.02	9	50.84	stk.	UNITED STATES OF AMERICA	
61-10299	03/15/1943	6.73	3,020	57.57	irr.	BLACKWELL, SAMUEL D	
61-2031	05/20/1952	2.02	907	59.59	irr.	BEAN, ANNABETH N	
61-2100	09/21/1953	5.42	2,432	65.01	irr.	CHARTER MOUNTAIN RANCH INC	Also domestic water
61-2111	07/05/1955	1.02	458	66.03	irr.	CHARTER MOUNTAIN RANCH INC	
61-11885	07/05/1955	0.48	215	66.51	irr.	CHARTER MOUNTAIN RANCH INC	
61-11904	07/05/1955	0.72	323	67.23	stk.	CHARTER MOUNTAIN RANCH INC	
61-2338	07/03/1957	1.51	678	68.74	irr.	WILBUR F WILSON RANCH	
61-4147	03/15/1971	10.00	4,488	78.74	irr.	DOUBLE ANCHOR RANCHES INC	
61-7200	10/01/1974	0.76	341	79.50	irr.	ELLIS LIVING TRUST	
61-7763	11/15/1999	0.22	99	79.72	stk.	CHARTER MOUNTAIN RANCH INC	
61-7764	03/03/2000	4.21	1,889	83.93	irr.	ARK PROPERTIES LLC	Also stock water
61-12209	11/28/2008	2.01	902	85.94	irr.	ARK PROPERTIES LLC	

Hydro Logic Inc