

MEMORANDUM

TO: RON CARLSON

FROM: NORM YOUNG *NY*

RE: REPORTED EXPANSION IN USE AND REQUEST FOR
MEASURING DEVICES ON TEXAS CREEK AND TIMBER
CREEK

DATE: June 29, 1999

As a follow-up to our telephone conversation this morning, attached are copies of several letters from Eva Sellack and Larry Clark asking for the Department to investigate and stop unauthorized uses of water from Timber Creek, Texas Creek and Warm Springs. Also requested is a review of the adequacy of measuring devices on these creeks and an order to bring the devices up to standards.

Ms. Sellack was in my office yesterday concerned that although these complaints were made last year to personnel at Idaho Falls, Salmon and the state office, nothing seems to be happening. She indicated that several others from Leadore had contacted the Department with similar concerns. These include Dare Anderson, Ralph McRea, and Allen Purcell. I am sure that Ms. Sellack and probably the others mentioned will be willing to provide additional information as needed to review these complaints.

Ms. Sellack indicated that she had been told by the Department that no regulation would occur until the flows receded to require the watermaster to deliver by priority. This response is accurate for diversion in excess of authorized rates on the Lemhi and tributaries for use on land having valid rights. Unauthorized use on land without a valid right should not occur even if water is in the stream in excess of that necessary to satisfy all valid rights.

I told Ms. Sellack that we would respond to her complaints within 2 weeks of yesterday. Please work with Bob Foster to have the unauthorized uses checked out and the adequacy of the measuring devices field inspected. I understand that Bob has been working with the watermaster to schedule a time to make this field review when stream flow and road conditions will allow access and inspection. I also suggest that headgates and other control works be looked at for adequacy. If unauthorized uses are found or inadequate measuring devices and control works, please have appropriate NOV's and orders prepared for me to review and sign.

c. Bob Foster, Tim Luke

Larry L Clark
4333 East 300 North
Rigby Idaho
83442

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise Idaho
83720

Dear Mr. Johnson

Water District No 74 on Texas
Creek and Big Timber Creek there
is a problem with no measuring
devices and some of these devices
that don't work.

On 9-22-98 I showed some
of these to Bob Foster of the
Salmon Water Department.

Inclosed is some pictures

need attention
Larry L Clark

Larry I Clark
4333 E 300 North
Reidy Idaho 83442
208 445 7764

Idaho State
Department of Water Resources
1301 North Orchard Street
Boise Idaho 83720
Dear Mr. Johnson

Inclosed is some Pictures of
The Water enlargement in Water
District NO 74W. This is a
Follow up on the letter Eva
Selleck wrote.

On 9-22-98 Bob Foster
out of the Salmon office and
I looked at some of this.

He said he would send me
a copy of his Report. Have not
got as of yet.

Very attention
Larry I Clark

Larry I Clark
4333 East 300 North
Rigby Idaho
83442

State of Idaho
Department of Water Resources
1301 NORTH Orchard Statehouse Mall
Boise Idaho
83720

Dear Mr. Johnson

Inclosed is a picture of
Water Being used in Big
Timber Creek that should off
Be turned off on or before
July 23. 1998.

This should Be the Water
mainly Duties to see this
is done.

Need attention
Larry I Clark

July 21, 1998

Jim Johnson
Water Rights Supervisor

RE: Increase in acreage

Dear Jim:

This letter is to notify you of an increase in land being irrigated in district 74W.

The water from Warm Springs, Township 15 N, Range 26 E, Section 21 has been piped into a new sprinkler. It now covers land in sections 21, 28, and more land in sections 27 and 22.

There has also been an increase in land irrigated in the SW 1/4 of Section 22, T 15 N, R 26 E.

On Section 22, ~~N~~^W 1/4, T 15 N, R 26 E, the sprinkler which was installed and ran in a 3/4 circle in 1993, now covers a full circle and has three additional towers. The land this water was removed from has been irrigated this summer. Also the water has been used to irrigate land in Section 27, T 15 N, R 26 E. when it was not running in the sprinkler.

This matter needs to be investigated by someone who doesn't work in the Eastern Region.

Thank you for checking into this matter.

Sincerely

Eva J. Selleck
1189 S. Eagle Rd.
Kuna, Id 83464

Phone 208-922-5074

cc:
Kent Foster

May 26, 1999

COPY

Eva Selleck
1189 S. Eagle Rd.
Kuna, Idaho 83634

Herald Jones
D.O.W.R.
Eastern Region
900 N. Skyline Dr.
Idaho Falls, Idaho

RE: Water rights 74-00039B and 74-00063

Dear Mr. Jones:

Water rights 74-00039B and 74-00063 are being used to irrigate more land than they are decreed for. The pivot to which they are decreed to should be measured. Part of the water is also running by the pivot and being used elsewhere. I hope these expansions will be taken care of promptly, I reported this problem to you last July and they are still being misused.

Thank you

Eva f Selleck
Eva Selleck

CC:
Kent Foster
Jim Johnson

P.S.

Water was on old Clark place May 26, 1999 also