

Memorandum

Date: October 10, 2003

To: Tim Luke, State Office

From: Bob Foster, Salmon

Re: Agency Creek

On October 9, 2003, I met with Jerry Eastman, Watermaster of WD-74M. The purpose of this meeting was an on-site visit to the location where the L-32 ditch intersects and captures the majority of the flow of Agency Creek.

The L-32 ditch crosses Agency Creek and consists of a gravel and rock berm with no bypass. The berm effectively cuts the channel off and intercepts the majority of the creek. Jerry Eastman stated the berm has been in place as long as he can remember, at least 25 to 30 years. Eastman also stated that in a normal water year Agency Creek is dewatered approximately one-quarter mile above the L-32 crossing.

Eastman said there are two diversions below the L-32 crossing but one diversion is a very junior right. Eastman said both rights are filled due to the fact the creek rises again approximately 300 yards below the L-32 crossing as well as some Lemhi River and Agency Creek water leaking from the L-32 berm.

There may be a water right issue involved with water users capturing Agency Creek and then co-mingling the Agency Creek water with Lemhi River water. Eastman stated that water right 74-249 is diverted into L-32 and then re-diverted. The nearest upstream Agency Creek diversion is approximately one-quarter mile above the L-32 crossing.





