



State of Idaho
DEPARTMENT OF WATER RESOURCES

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RECEIVED

PHILIP E. BATT
GOVERNOR

JAN 02 1995

KARL J. DREHER
DIRECTOR

December 29, 1995

Department of Water Resources

Distribution: See Attached

RE: Water Deliveries from East Fork Ditch

Dear Interested Parties:

On September 29, 1995, Watermaster Gerry Myers and I conducted a meeting in the Adams County Courthouse with persons interested in East Fork Ditch issues. After the meeting many of us toured various sites along the ditch, and I indicated that I would follow up in writing with my observations about the meeting and field review. I apologize for the delay in providing this written response.

The original purpose of the meeting was to discuss a request that we had received to appoint a lateral manager for the East Fork Ditch in accordance with Section 42-909, Idaho Code. To analyze the need for this appointment, we asked for specific examples of concerns about ditch operations. Six examples were identified, and I will discuss each in turn by stating the allegation or concern and then providing a response. While I recognize that the responses represent only a first look at complex issues, they do begin to provide a written record regarding these situations. I would appreciate comments from interested parties that might serve to upgrade or improve the responses.

Question 1. At Mill Creek a distribution box was installed or upgraded in the 1980's. What is the distribution between East Fork Ditch shareholders downstream from the box?

Response: During the field visit we inspected the box to the north of Mill Creek and the box to the south of Mill Creek. Enclosed please find a document labeled Attachment A which is utilized by the East Fork Ditch Board to identify the number of shares delivered through each of the diversion boxes. Note that the first box is to provide for the delivery of 85 shares in the names of Harvey, Hill, Kelly and Hansen. While we did not trace the re- diversion of these flows from Mill Creek, Attachment A implies that these 85 shares are fully paid by these 4 users and that the water is rediverted accordingly by them from Mill Creek. In a similar fashion, the second box is supposed to deliver 42 1/4 shares to Harvey and Engles, and so on.

Question 2. The diversion of 174 shares into the ditch used by the pipeline system occurs during high water and during low water. How can so much water be available at this site? The diversion point has been moved upstream -- is this proper? Also, has water diverted at this location been spread to adjacent land, thus causing an expansion in place of use?

Response: Attachment A shows that 175 shares are delivered at this box, so there appears to have been a one share discrepancy between our courthouse discussion and the records provided by the Company.

As we discussed in the courthouse, the proper way to divide water when the ditch is not receiving its full allotment is to reduce each delivery along the ditch by a proportionate share so that each user is reduced by an equal percentage. Based on our discussion and after viewing the ditch box settings it appears that the historical method of delivery has been for each of the users to take their proportion of the ditch as measured at their headbox. This method works well when ditch losses are low and when there is enough water for all. However, during low flow/high ditch loss periods this method results in more water for those high on the ditch than for those low on the ditch, which is contrary to our interpretation of the meaning of "shares."

A more equitable system of delivery of water rights of equal priority is for all users to absorb equal portions of loss in the main ditch. For example, in the Boise Project the losses throughout the system are computed and subtracted from the deliveries to all users, so that the first headgate next to the Boise River has the same percentage reduction as the last headgate located tens of miles away. This could be done on the East Fork Ditch wooden boxes by having a ditch rider or lateral manager nail or clamp a wooden plug on the side of the delivery chute of each delivery box. This would reduce the amount of flow in the upper ditches to allow for losses in conveying water to the lower ditches. Sizes of plugs could be determined by trial and error.

The the point of diversion from the main ditch for the 174 or 175 share delivery appears to have moved been a distance less than 100 feet. The objective of this change appears to be enhancement of ditch stability rather than irrigation of more acres.

Relative to the concern about expansion of place of use for the shares delivered from this box, it is possible to see why an expansion would cause a reduced supply for downstream users. Surface delivery systems typically have higher rates of runoff than do sprinkler systems, so irrigation of land above the ditch historically would have provided runoff supplies for the ditch. It

Response: We did not spend much time on this issue during the field review. However, a couple of principles apply. First, the East Fork Ditch Company is responsible to deal with problems of flooding caused by flows carried in its ditch. Second, Serenson-Reinhart is likewise responsible to deal with problems of flooding caused by flows carried in its ditch. Improvement of flow control at the Grossen Creek crossing will enhance the Company's control of flows in the lower end of the ditch. Also, it appears that additional coordination with representatives of the Serenson-Reinhart ditch and the City of Council regarding dealing with flood flows would be useful to further address this situation.

Other Issues

One key issue regarding ditch loss computations is the identification of the end of the ditch. For delivery purposes the end of the ditch is the last headbox where water is delivered, in this case the 40" box on the upper end of the Camp property.

At the meeting Mr. Joe Jordan, member of the Idaho Water Resource Board, mentioned that the Company might seek a grant of up to \$5,000 from the Board to study the potential for piping water from the ditch through the City of Council. It is my understanding that some steps toward approaching the Board have been made since our meeting.

We discussed the concept of "futile call." This concept applies when flows are reduced to the point where ditch losses are so high that flows to lower points in the ditch are cut off and only upper points of diversion are served. In my letter dated December 2, 1994, I indicated that we understood that a committee would be comprised of users at the upper and lower ends of the ditch to determine the flow rate and conditions at which a futile call would be declared. While such a call was not needed in the good water year of 1995, this concept might be needed in future years.

Conclusions and Recommendations

My September 18, 1995 letter indicated that based on the results of the meeting the Department and the Watermaster would jointly decide on the need for appointment of a lateral manager. Mr. Myers and I have discussed this issue and have determined that the modifications above represent a start toward resolving the problems that have been identified on the ditch. It appears that during most of the season for most years sufficient water is available to satisfy all users. However, the ditch company needs to develop a system for monitoring flows during periods when sufficient water is not available for all. This system could potentially include

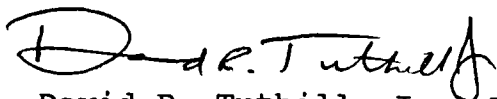
December 29, 1995

hiring a lateral manager for low flow periods.

At this point Mr. Myers and I would be interested in hearing from the East Fork Ditch Board of Directors regarding the reactions to provisions in this letter. We will plan to communicate back and forth during the coming months to develop a plan that is acceptable for the Board as well as for the Watermaster and the Department. My experience has been that water delivery problems such as those that have been identified herein are solvable if the solutions are exposed to provide opportunity for input by all affected parties.

Recognizing that many of the issues identified in this letter are difficult to resolve, the Watermaster and I would be willing to revisit one or more of the issues. Your Board of Directors is committed to resolving the problems that have been addressed, and they have already moved forward on some issues. The local control system that we have in Idaho works remarkably well due to the willingness of local people to donate their time and efforts to the solution of locally identified problems. To the extent that the Department can aid in this local problem resolution process, this office is very willing to work with you in the future.

Sincerely,



David R. Tuthill, Jr., P. E.
Manager, Western Region Office

Enclosures: Distribution List
 East Fork Ditch Box Settings

FRED &/OR ANNA LISA TURNER
2399 ORCHARD RD
COUNCIL ID 83612

B W BAKER
N OR COUNCIL
COUNCIL ID 83612

MARK EDWARDS
2428 ORCHARD
COUNCIL ID 83612

THOMAS HILL
2198 MISSMAN RD
COUNCIL ID 83612

JOHN CAMP
202 N EXETER
PO BOX 505
COUNCIL ID 83612

DANNY KRUPP
2131 MISSMAN RD
COUNCIL ID 83612

JANET MEYER
PO BOX 481
COUNCIL ID 83612

JOE HANCOCK
975 WHITLEY AVE
COUNCIL ID 83612

MERRILL CHILDERS
2096 N GALENA RD
COUNCIL ID 83612

JERRY E BALDERSON
MILL CREEK RD
COUNCIL ID 83612

DONALD HARVEY
2216 US HWY 95
COUNCIL ID 83612

DAVE RUDGER
2139 MISSMAN RD
COUNCIL ID 83612

MARK EDWARDS
2428 ORCHARD RD
COUNCIL ID 83612

GERRY MYERS
HC 70 BOX 2010
MIDVALE ID 83645

GARY L NEAL ESQ
PO BOX 1926
BOISE ID 83701

LARY C WALKER ESQ
PO BOX 828
WEISER ID 83672

JOE JORDAN
PO BOX 102
FRUITVALE ID 83620

THEODORE J COENEN
LARY C WALKER LAW OFFICES
PO BOX 828
WEISER ID 83672

JIM CAMP
1325 MILL CREEK ROAD
COUNCIL, ID 83612

RODMAN BURKE
P.O. BOX 129
COUNCIL, ID 83612

VONDA LAWRENCE
2466 ORCHARD ROAD
COUNCIL, ID 83612

CHARLEY STOVNER
2436 ORCHARD ROAD
COUNCIL, ID 83612

NORM YOUNG
IDWR -- STATEHOUSE MAIL

ATTACHMENT A
EAST FORK DITCH BOX SETTINGS

(Formula) Box setting = $\frac{(\text{shares}) \times (\text{box width})}{\text{total shares left}}$

1994

Box width 60"

BOX NAME	NUMBER SHARES	SHARES AT BOX	BOX SETTING IN INCHES
Harvey 35, Hill 41, Kelly 2 Hansen 7	85	838.75	6.08
Harvey 25, Engles 17 1/4	52 1/4	753.75	4.15
Balderson 10	10	701.50	.85
Williams 67	67	691.50	5.81
Vaile 15, Barker 24, Kesler 5, Robinson 5	49	624.50	4.70
Stovner/Whitlock 45	45	575.50	4.69
Nelson 11	11	530.50	1.24
Christenson/Douglas 15, Edwards 18	33	519.50	3.81
Turner 25, Muller 3, Abide 22.50, Mason 23, Rudger 18, Schwartz 10 Krupp 60.50, Hamilton 13	175	486.50	21.58
Kesler 55, Robinson 20	75	311.50	14.44
Cowger 4, Schumacher 15, Green 12, Cahill 2, Bailey 3, Barnett 4, Upah 5, Eastlick/Combs 5	50	236.50	12.66
Jolly 11, McCready 9,			

Howell 13, Rudder 8	41	186.50	13.19
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Woods 5	5	145.50	2.06
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M. Childers 54, C. Childers 2,
Combs/Eastlick 10, Hospital 7,
Shelton 2.50, D. Childers 2.50,
Krause 2.50,
Michenfelder 18.50

	99	140.50	42.27
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- 40" box width -

Hancock 2 1/2	2 1/2	41.50	2.4
Camp 14	14	39.00	14.35
Johnson/Meyers 25	25		