

MEMORANDUM

John  
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MAY 26 1992

Department of Water Resources  
Western Regional Office

TO: DAVE TUTHILL *DT*  
FROM: GEORGE AUSTIGUY *GA*  
DATE: MAY 20, 1992  
RE: KEITHLEY CREEK

Tim and I met with Gerry Myers yesterday in Midvale. Gerry outlined the conflict as between two water users, Kenneth Seid and Howard "Junior" Keithley. At issue was the distribution of the 1877 water on Keithley Creek. Mr. Seid has 150 in. of 1877 water and Mr. Keithley has 100 in. The 1877 water rights are second in priority on Keithley Creek. The number one water right, for 6.5 in., is farther downstream and is not delivered because a sufficient quantity of water will not reach the diversion. Current flows are adequate only for delivery of 1877 water.

We met with Ken Seid, his two sons, Junior Keithley, and together visited the points of diversion in question. Keithley and Seid share two diversion points and two ditches. Mr. Seid has installed a concrete diversion structure and a headgate on the primary diversion point but no measuring device exists there. Down the ditch from the primary diversion Mr. Seid has installed a headgate and a weir on his diversion from the ditch. Seid's headgate on the ditch had a watermaster lock on it. Mr. Keithley has no structure to either control the water nor measure water on the ditch. Farther downstream exists another diversion point shared by the two parties. The diversion structure consists of a plastic and gravel dam which diverts all the flow in the river into a ditch. The ditch diverges into two channels after a short distance, one for Seid and one for Keithley. Each of these ditches had a small weir in the channel. Measurements at the lower diversion made by the watermaster indicated Keithley was diverting a considerable amount of water in excess of his water right allotment. Ken Seid claimed that Junior Keithley adjusted the headgate at the upper diversion in order to send water downstream to the lower diversion. At the time Mr. Seid was not diverting water at the lower diversion. In addition Mr. Seid claims that Junior Keithley has a history of obstructing his diversions on the ditches and beating locks off his headgates.

Tim and I served primarily as listeners at this meeting. Mr. Seid was a strong proponent of measuring devices and controlling works. Mr. Keithley was less enthusiastic, however he offered no opposition. I advised them that if they desired accountability for their water deliveries, measuring devices and controlling works would be necessary. I further advised them of their options explaining that the installation of devices/works could be done with an informal agreement or through the formal process of issuing a legally binding order. All agreed that the informal agreement was appropriate.

All the parties present agreed to calling the watermaster on to regulate diversions from Keithley Creek. In addition, they agreed to install measuring devices and control structures where needed.

Another issue which arose was how to assess the seepage loss in the natural stream channel when two water rights of the same priority are diverting at different diversion points. At the time I was not confident of the answer and promised to answer after researching the issue. I have attached my understanding and conclusion of the situation illustrated via an example. I would be interested in your comments on the seepage loss question.

I suggest we send a letter to the parties of interest summarizing the meeting and the decisions which were agreed to as well as an explanation of the seepage loss question.

(Responded to George via mail message. ① Concurred with his conclusions, ② indicated that users of equal priority should share in instream losses, and ③ requested that George prepare & send the letter as proposed.)

DW