

Lester, Steve

From: Lester, Steve
Sent: Wednesday, June 27, 2001 3:36 PM
To: Spackman, Gary
Subject: Rush Creek ... what's next?

Gary:

Here are the people not complying with the measurement order. The 3 diversions above Wiggins/Newbold pipelines are not listed if it is okay to let Bosco close and lock those 3 headgates (don't have measuring devices) as soon as regulation starts each year.

1) Robert Bumgamer and Ron Ford via the "City Ditch" in T15N R3W S34. Bosco told me this ditch is aka Bumgamer or Cambridge or Power House Ditch.

2) Kermit Wiggins and Melvin Newbold per shared pipeline in T15N R3W S3.

3) Bret Newbold per separate pipeline adjacent to above pipeline, same legal.

Question: is it true as Bosco stated that 1 pipeline is still shared by Wiggins & "Melvin" Newbold while the other pipeline separately serves "Bret" Newbold? Or does 1 line serve Wiggins while the other serves Newbold ... no more shared line? Maybe it doesn't matter for compliance with the order since neither diversion has a measuring device.

Other items for Rush Creek include:

4) Wiggins new pond, 67-7931, water right and maybe dam safety issues.

5) Bosco's question about whether or not Bret Newbold's NOV fine is waived ... probably not if out of compliance with measurement order (?).

6) Problems from last year and this year down the Ridenour Ditch ... is that the Pearson, Cutler et al situation?

You mentioned a strategy meeting once we got the names from Bosco. Ready anytime you are.

Steve

Rush Creek field check of
diversions with water master
on June 21, 2001

-JZ

Lester, Steve

From: Lester, Steve
Sent: Wednesday, June 27, 2001 11:44 AM
To: 'Bosco-Bosler'
Cc: Spackman, Gary
Subject: RE: City Ditch

Bosco:

Thanks for the information about the City Ditch.

Regarding your question about Newbold fines, I am going to defer that to Gary since he has worked on it while I haven't. I'll ask Gary to include this question in our overall Rush Creek list of things to do.

Gary is out of the office today working on other pressing issues. I will give him all the pertinent information about the measuring device situation so we can see what to do about regulation. Wiggins new pond by his home will be included in the process somehow.

Talk to you later.

Steve

-----Original Message-----

From: Bosco Bosler [mailto:boscob@ruralnetwork.net]
Sent: Wednesday, June 27, 2001 7:17 AM
To: SLester@idwr.state.id.us
Subject: City Ditch

Steve, forgot to say that I had a good time traveling with you last week. It is always nice to get anothers ideas about what I perceive. Heard you guys were up here yesterday in Midvale. Hope you got things worked out!

Robert Bumgarner and Ron Ford are the two people that use water out of the City Ditch. The ditch you are thinking of is the Ridenour Ditch, where they are having trouble with everything and everyone. The interesting part is, they won't tighten up their damn, so they aren't getting any water right now. The City Ditch is running a lot of water but I have no way of measuring.

Talking to Bret Newbold last Friday, he said "it is getting so late this year, maybe he should wait to put in measuring device". I was under the impression that IDWR waived his fines from last year with the stipulation that he put in a measuring device. Right or Wrong?

Have fun, Bosco

referred to Gary

Lester, Steve

From: Lester, Steve
Sent: Tuesday, June 26, 2001 8:28 AM
To: 'Bosco Bosler'
Subject: RE: Rush Creek and Tamarack Mill

Bosco:

Thanks for your quick reply. Aren't there some more users on the "city ditch" along with Bumgarner? I thought some other people were having problems somewhere along that ditch ... something about using ditch water for a pond or something? Please confirm who the other users are involved with that ditch if my assumption is correct.

Thanks again.

Steve

-----Original Message-----

From: Bosco Bosler [mailto:boscob@ruralnetwork.net]
Sent: Monday, June 25, 2001 5:35 PM
To: Lester, Steve
Subject: Re: Rush Creek and Tamarack Mill

Steve,

#1 is incorrect--it should be Robert Bumgarner, not James. Also, the ditch he is on is called the City Ditch--not the Bumgarner Ditch. The rest of #1 is correct. #2 and 3 are correct.

The guys name in Tamarack is Gary, I think. He said he would have no problem remembering my given name, so I think it is Gary. I also plan to stop by Tamarack the next time I go to Lost Valley--should be in a few days.

I'll wait to hear about the pond. Thanks for replying so quickly. Bosco

At 02:54 PM 6/25/2001 -0600, you wrote:

>Bosco:

>

>RUSH CREEK: Gary showed me his email reply to your earlier note today about
>what's next on Rush Creek per measuring devices and also Wiggins' new pond.

>

>For measuring devices, please confirm the following plus fill in any blanks
>as needed for water users who are using a diversion without adequate
>controls:

>

>1. James Bumgarner for bad weir in "Bumgarner Ditch" -- who are the other
>people receiving water from this ditch? We need to include all of them in
>the final warning.

>

>2. Kermit Wiggins and Melvin Newbold for the shared pipeline with no
>measuring device.

>

>3. Bret Newbold for the adjacent pipeline with no measuring device.

>

>(Our information is that Newbolds insist Melvin has the shared line but Bret
>has the separate line so we need to correspond with both of them.)

>

>The diversions above the two pipelines have lockable headgates but no

>measuring devices. Gary agreed this could be okay provided these upper
>diversions do not take any water when watermaster control is in place on the
>creek. For example, if Wiggins & Newbold pipelines were shut off and water
>became available to fill the upper diversions, the upper diversions still
>could not receive water because it could not be measured.

>

>Your confirmation/completion of items 1-3 will allow us to focus on the
>folks who are not in compliance. An email reply would be great.

>

>Gary mentioned that we are working on the situation about Wiggins' new pond
>so stay tuned on that one.

>

>TAMARACK MILL: I talked to Gary about this. He or I will get back to you and
>the mill shortly. Do you recall the guy's name at the mill ... was it Gary
>something? I didn't write it down. Anyway, looks like this situation should
>work out okay fairly quickly.

>

>Good touring with you the other day. Let me know on the Rush Creek names and
>we will get things going about enforcement.

>

>-- Steve Lester
>IDWR Western Region

>

>

>

Lester, Steve

From: Lester, Steve
Sent: Monday, June 25, 2001 2:54 PM
To: 'boscob@ruralnetwork.net'
Subject: Rush Creek and Tamarack Mill

Bosco:

RUSH CREEK: Gary showed me his email reply to your earlier note today about what's next on Rush Creek per measuring devices and also Wiggins' new pond.

For measuring devices, please confirm the following plus fill in any blanks as needed for water users who are using a diversion without adequate controls:

1. ^{Robert} James Bumgarner for bad weir in "Bumgarner Ditch" – who are the other people receiving water from this ditch? We need to include all of them in the final warning. *? see 6/27 email*

2. Kermit Wiggins and Melvin Newbold for the shared pipeline with no measuring device. } *correct*

3. Bret Newbold for the adjacent pipeline with no measuring device.

(Our information is that Newbolds insist Melvin has the shared line but Bret has the separate line so we need to correspond with both of them.)

The diversions above the two pipelines have lockable headgates but no measuring devices. Gary agreed this would be okay provided these upper diversions do not take any water when watermaster control is in place on the creek. For example, if Wiggins & Newbold pipelines were shut off and water became available to fill the upper diversions, the upper diversions still could not receive water because it could not be measured.

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TAMARACK MILL: I talked to Gary about this. He or I will get back to you and the mill shortly. Do you recall the guy's name at the mill ... was it Gary something? I didn't write it down. Anyway, looks like this situation should work out okay fairly quickly.

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-- Steve Lester
IDWR Western Region

Lester, Steve

From: Spackman, Gary
Sent: Monday, June 25, 2001 1:47 PM
To: 'Bosco Bosler'
Cc: Lester, Steve
Subject: RE: Rush Creek

Bosco,

Steve said he enjoyed his time afield with you. Steve and I talked this morning about what the two of you found. Steve and I agreed that I would send out a follow up letter to non-complying users informing them their diversion would be shut off in a short period of time (less than two weeks) if the devices are not in. Kermit's reservoir presents another problem Steve is checking on. He or I will get back to you shortly.

Gary

-----Original Message-----

From: Bosco Bosler [mailto:boscob@ruralnetwork.net]
Sent: Monday, June 25, 2001 12:15 PM
To: gspackman@idwr.state.id.us
Cc: jwestra@idwr.state.id.us
Subject: Rush Creek

Steve was up last week, and I hope that he has talked to you about what we found! Saturday I started setting ditches on Rush Creek, and found some interesting information. The bottom pond--the one in question about size--of Kermit Wiggins, is being used for irrigation return. They are using it instead of the ponds by his house that have the guage on the outlet!! They also intend to put a pump on this pond so they can pump from it for irrigation. I was under the impression that this pond was "NOT" to be used for irrigation at all. I need to know the right and wrong of this problem!

Wiggins nor Newbold have a measuring device in!!! What are we going to do? You are the one that sent a letter out saying we were going to shut them off June 1, but nothing has been done. It is real hard for me to tell other people to put in measuring devices, when they don't. I was under the impression that Bret's fine was reduced with the understanding that he put in a device. What am I to do?

People all over this country up here, are watching to see what the New Man On The Block will do! Let me know. Bosco

Lester, Steve

From: Lester, Steve
Sent: Monday, June 25, 2001 4:11 PM
To: Spackman, Gary; Westra, John
Subject: Wiggins & Rush Creek

Gary & John:

My 6/21 visit to Rush Creek with Bosco included a quick look at Wiggins' new pond located in SWSE Section 10 below his home. Viewed from the county road looking north to the pond and Wiggins' home, the pond looked quite full. Bosco thinks the dam and pond have been enlarged. The new pond is covered by permit 67-7931.

While I could not definitely tell in comparison to John's 5-4-99 photos in file 67-7931, the dam does look bigger now. It was curious that the new pond was full while the older ponds above Wiggins' home were less full. The water right records might suggest the opposite -- older ponds more full with Rush Creek water and newer pond less full based on unnamed stream.

We did not go onto Wiggins property in his absence. No water from the creek should be involved with permit 67-7931. See Attachment B map in this file: build a new pond to capture runoff and pump it from pond to acres in 3 tracts in Section 10 east and south of Wiggins' home.

Note that Transfer 4148 consolidated 3 Wiggins rights: storage from 67-7704 and 67-7723 plus natural flow from 67-4514. The latter right is useless once regulation starts. The storage rights include an exchange whereby stored water is released and measured in NWSE Section 10 (below pond 67-7704) to allow exchanged water to be diverted upstream at pipeline for upstream acres.

I recall flowmeters from examining the storage rights in 1991. See the system diagram in field exam 67-7704. Wiggins had 3 flowmeters then: 1 at P/D, 1 just past junction where Newbold branch came off mainline, and 3rd between pond 67-7704 and creek. The system is less in compliance now than it was then.

We should mention measurement requirements for use of stored water per T. 4148 in any enforcement of the recent measuring device order. Wiggins' licensed storage water should not be used without proper measurement.

Permits 67-7931 and 67-7930 (latter is a well for pond farther upstream ... east of Wiggins/Newbold pipeline P/D) show proof of b.u. filed. Perhaps we should do exams on these in conjunction with water district enforcement and any dam safety follow up if the latter is required.

I can visit with you about the data reporting required in T. 4148 if you want more background on what happened several years ago in that regard.

Steve

3 diversions not visit w/ Westermaster (Wm)
 in compliance w/ -FL 6/21/01
 meas. order for check compliance with 2/28/01
 Rush Creek using devices.

creek: near Cambridge:

Not
Acceptable

① Bungower aka Cambridge aka Power House pit -
 Lockath headgate
 → C.p. weir poorly installed - water flows around but
 not over. "City Ditch" per 6/27 email

② Wiggins ditch - for land formerly McCoy, Wiggins bought.
 Lockath headgate }
 Rect. weir } acceptable

③ Ridenour/Cutler ditch
 Lockath headgate }
 weir } acceptable

} this is the one
 w/ problems re pump
 etc. Gary has
 worked on per
 6/27 email

Mid part of creek above Wiggins home

④ Wiggins/Newbold (mehin) shared pipe - the distribution
 pipeline ... splits as go down mainline.
 open ditch to Lockath headgate

Not
Acceptable

→ no measuring device.

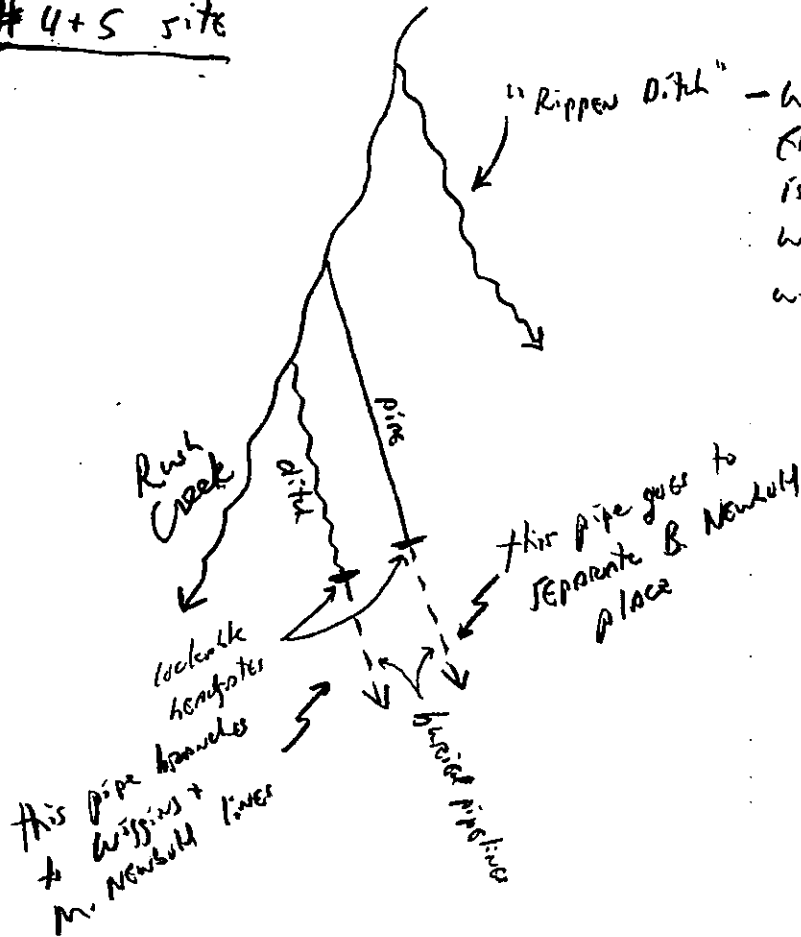
⑤ Bret Newbold pipe - upstream pipeline ... goes to separate Newbold property not associated w/ MSLWD N. place

pipe from creek, to lockable headgate

no measuring device.

Not acceptable

#4+5 site



Upper end of creek

Wm said 3 more diversions above #4-5 site ... all w/ lockable headgates but no measuring devices. Soil not capable of taking water except during high flows. Always closes & locks these 3 once Wm water gets short. Wm suggests ok as is.

probably ok?

ADD'L CONCERN

113

Wiggins new pond below his house-

Viewed from county rd. look north...

Wm thinks dam has been enlarged & was told by Wiggins' employees that Rush Cr. water goes to this pond.

2 photos taken, being developed

WR = 67-7931 ... no Rush Cr. water allowed in this pond.

WE viewed Wiggins' 2 older ponds W. of his home 67-7704 + 67-7723.

Pond 67-7931 looks fuller than either of older ponds... which does not make sense re drought & WR records.

Did not enter Wiggins P/H ... Wiggins not home.

- Continued.
- a) Rush Cr. flow goes to new pond? If so, where is here?
 - b) dam + storage within specs of WR & any dam safety limits ... or improperly enlarged?

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