



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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April 27, 1994

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

MARY BLACKSTOCK  
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RE: Sinker Creek

Dear Mary:

Enclosed is some information relative to Sinker Creek which I thought would be useful for your library.

The first is a copy of the Montini agreement which obligates Nettleton to deliver minimum creek flows under certain conditions to Nahas Ranch. The specific language addressing this requirement is on page three, and is highlighted. The legal description which is referenced is located in Murphy Mutual Canal (MMC) just upstream from Nettleton's first and smallest canal pump. According to this, the bench field is within the Sinker Creek drainage, and Sinker Creek flows may be used by Nettleton on the bench field without invoking the agreement requirements.

Until final actions have been taken concerning the formation of Murphy Mutual Canal Water Users Association, use the following procedure to implement the Montini agreement:

1) Verify whether or not Nahas is receiving 180 inches of flow during times when Nettleton is diverting into MMC. If Nahas Ranch is receiving the requisite 180 inches (3.6 cfs) then Sinker Creek flows in the canal do not have to be monitored. Simply record the Nettleton canal diversion amount on the watermaster worksheet.

2) If Nahas is not receiving 180 inches, check to see if Nettleton Sinker Creek flows in MMC are being carried past the bench field for use further down. If no other water is in the canal, this is easy because there should be a tarp check dam installed just downstream from the bench field headgate which can be seen from the road. If groundwater is being pumped in or storage water is being delivered, you may need to take a bench field measurement with the portable weir (which is still supposed to be there) to see if the amount of Nettleton Sinker Creek water entering the canal is more or less the same amount which is being diverted at the bench field (use your judgment - plus or minus 10% is good enough for me). Record the Nettleton canal diversion and note that flows are being used on the bench field only.

3) If Nahas is not receiving 180 inches and there appears to be Sinker flows going past the bench field, contact Paul and make arrangements for him to turn more into the bench field or for you to turn all the Sinker water back to the creek, etc. Make recordings and notes accordingly.

4/27/94

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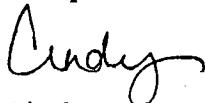
The second piece of information concerns the Nettleton well in Section 16, just above the Tyson Ranch on Murphy Flat. A few weeks ago you were told that use of this well was not within the jurisdiction of the water district. Recently, an Order was issued by the department which changes the status of the water right permit and makes it subject to the jurisdiction of the Sinker Creek watermaster. That particular well has been found to be possibly constructed into the same water-bearing zone which feeds the springs arising in Sinker Creek below the Tyson Ranch. If the well and the springs are in fact hydraulically connected, excessive pumping of the well could cause reductions in natural spring flows and impacts to the availability of water to Nahas Ranch.

My interpretation is that the well is in an inactive portion of the Water District and will only be regulated if IDWR sees a need. This means that you do not have to include it in your visits and Paul may pump at his discretion unless downstream Sinker Creek rights are considered impacted by the pumpage. Then you may have to regulate Paul's augmentation plan, which involves the closing of the Nettleton Sinker Creek diversions so that the Nettleton rights are supplied to Nahas. I would imagine that shutting down the well is a second alternative and that may also need to be regulated until flows come back up.

Fortunately, IDWR feels that regulation of this well will be very rare, but may be possible, so I felt you needed to be aware of the water right and of the augmentation requirement. I've included a copy of the water right permit and the augmentation Order which has the watermaster conditions on page 2. I don't know how much Craig Baker knows about this, but if he has further questions please refer him to me.

Please call as you have more questions.

Sincerely,



Cindy Hodges  
Sr. Water Resource Agent

Enclosures