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**Department of Water Resources**  
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**Date:** March 6, 2003

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Department of Water Resources  
Southern Region



**Number of pages including cover sheet: 7**

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Following is a letter dated June 6, 1995 to Water District 47-C Waterusers, regarding Water Measurement Devices and Controlling Works from Tim Luke.

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June 6, 1995

Department of Water Resources  
Southern Region

Water District 47-C Waterusers

Re: Water Measurement Devices and Controlling Works

Dear Wateruser:

On May 26 I attended a meeting at the Guerry Residence with Water District 47-C waterusers to discuss options for water measurement and controlling works. Those present at the meeting included Jack Eastman, watermaster, Larry Heil and Preston Davis of Cedar Mesa Reservoir and Canal Company (Cedar Mesa), George Swan, Mike Guerry, Randall Brewer, Rollie Patrick, and Scott Tverdy. The parties present first discussed measurement options on House and Cedar Creeks, and later discussed measurement options for Devil Creek and tributaries.

I learned at this meeting that measuring devices had not been installed on many of the diversions in the drainages above the Cedar Mesa Reservoir. It is my understanding also that no control gates have been installed. I am aware that much of this work may have been delayed due to wet field conditions and spring runoff. I am also aware that there has been some discussion concerning the Department's measurement order and that some of the upper users had proposed water measurement alternatives to the water district and Cedar Mesa.

At this meeting and in prior discussions, some water district members have expressed concerns about the burdens imposed by water measurement requirements. Some of these concerns, as expressed to me are outlined below.

- 1) Measuring device and controlling works requirements are economically burdensome.
- 2) Permanent measuring devices and controlling works may be subject to washing out during times of high runoff and/or may need to be relocated as stream channels change naturally.
- 3) Water diverted at most or all of the diversions is returned back to the creek with no losses, and because of topographic and hydrologic conditions, diversions above Cedar Reservoir have little or no impact on reservoir inflows.
- 4) Many diversions are difficult to access by both operator and watermaster, thus making regulation or control on any regular schedule difficult. The watermaster's contract with the water

6/6/95 page 2

district and availability presents a problem regarding watermaster control over diversions.

The upper watershed users proposed measurement of the creeks above and below their diversions rather than measure individual diversions from the creeks. Data collected under this monitoring effort would then be reviewed for deciding whether additional measurement of individual diversions would be needed. Under this proposal, the users reasoned that they would be monitoring stream reach inflows and outflows. I believe there was further reasoning that individual diversions need not be measured as long as outflows are the same or more as inflows. I understand this to mean that there should be little or no concern regarding the amount of water diverted and/or the limits of water rights as long as the outflows exceed inflows.

All of the meeting attendees, including the Cedar Mesa representatives, appeared to support the proposal for measuring reach inflow and outflow. The Cedar Mesa officials did emphasize that such monitoring efforts should be done over the course of several years and that it not necessarily be considered permanent. It is my opinion that this proposal should be pursued at least during 1995 since it appeared to be supported by all of those present. Although I personally struggle with the reasoning to this approach, I believe IDWR should remain flexible at this time and provide the users the opportunity to implement their proposal and present their findings. I wish to point out however that this proposal and the notion that water which is diverted for irrigation is not consumed, that it all returns to the stream, and that junior users will not be injured, is not consistent with hydrologic principles. Moreover, the proposed method will not accurately determine natural reach gains and losses if individual diversions are not measured.

After looking at several diversions and potential measuring sites on House Creek and Little House Creek with meeting attendees, the following recommendations and comments are made regarding measurement on the House and Cedar Creek drainages.

- 1) A measuring device shall be installed for Swan's East Ditch diversion which is located near the mouth of House Creek Canyon.
- 2) A measuring device shall be installed on House Creek near the mouth of the canyon, either above or below the East Ditch. This House Creek measurement will represent the natural flow (inflow) of House Creek above George Swan's diversions (the flow of East Ditch can be added to this measurement if necessary).
- 3) A measuring device shall be installed on House Creek below all of Swan's diversions, and above Devil Creek Ranch's diversion.
- 4) A measuring device shall be installed on Little House Creek

6/6/95 page 3

just above the confluence with House Creek. This measurement will quantify inflow to House Creek by Little House Creek. If Guerry installs a separate measuring device on his upper diversion, then Swan should be solely responsible for installation of a device at the bottom of Little House Creek. Otherwise, both Swan and Guerry may be responsible for installation of this device.

5) The lower Guerry diversion on Little House Creek shall be measured separately. The rectangular weir which has already been installed on this ditch is adequate for measurement. The upper Guerry diversion should also be measured separately and if it can not be measured separately, then a weir should be placed on Little House Creek above the upper diversion in order to measure the total inflow of Little House Creek.

6) A measuring device should be installed on the Devil Creek Ranch diversion from House Creek. If this diversion can not be measured, then a measuring device should be placed in House Creek below this diversion. This device would then be used with Swan's lower House Creek measuring device to monitor the Devil Creek Ranch diversion reach and inflow and outflow.

7) Stream channel alteration permits shall be obtained from IDWR by each individual who wants to install measuring devices in House and Little House Creeks.

8) No inspection was made of any diversions or potential measuring sites on Cedar Creek. It is my understanding that there are several diversions on Cedar Creek above the reservoir which are operated by Tews Land and Livestock. Cedar Creek was not included in the 1994 water measurement order. However, IDWR does encourage Tews to install measuring devices. To be consistent with the House Creek proposal, measuring devices should at least be installed on the Creek above and below the diversions. The owner may opt to install measuring devices on each diversion.

9) All proposals regarding inflow-outflow measurements in lieu of individual ditch measurements are temporary and applicable to 1995 only. IDWR and the water district advisory board will work together after the 1995 season to evaluate the data and decide how to proceed for the following season.

Upon review of diversions and measuring sites on Devil Creek, the following recommendations and comments are made regarding measurement and control on this drainage.

1) Devil Creek Ranch has agreed to install a weir on the upper ditch diversion from the Cross-cut Canal. This weir will replace measurement by the meter gate. A weir has already been installed on the lower Cross-cut Canal diversion. This weir appears to be acceptable. The headgates are also acceptable for purpose of providing control.

6/6/95 page 4

2) Rather than install weirs on each ditch diversion above the highway, Devil Creek Ranch put forth a proposal to install weirs on each of the three Devil Creek tributaries from which they have diversions, including the East, Middle and West Forks. The weirs would be placed above the respective diversions. A fourth weir would be placed in Devil Creek immediately above the highway and the confluence with the Cross-cut Canal. The latter weir will provide measurement of the amount of natural flow from Devil Creek entering the Cross-cut. A fifth weir was proposed for the ditch diversion which crosses the highway near the upper Cross-cut Canal weir. This proposal had the general support of the Cedar Mesa representatives and is thus acceptable to IDWR.

3) If weirs are installed on Devil Creek or tributaries, stream channel alteration permits must be obtained from IDWR.

4) As consistent with the proposal on House Creek, Devil Creek Ranch should be entitled to divert its full Devil Creek water rights from the Cross-cut as long as that water is available at the lower weir site. This condition should be allowed for at least 1995. After measurements are made and data collected, IDWR and the water district may propose changes concerning the distribution of the Devil Creek water. As with House Creek, this inflow-outflow approach is temporary and applicable to 1995 only. IDWR and the advisory committee will evaluate the situation at season's end and determine direction for the following year.

In regard to Deadwood Creek, I was informed by George Swan that weirs have been installed on the two Deadwood Creek diversions located above the Cross-cut Canal diversion (Swan operates the Drown diversion). These measuring devices are deemed acceptable unless the watermaster has some concern pursuant to his inspection. The measuring device installed by Devil Creek Ranch for its Deadwood diversion is acceptable to IDWR and the watermaster.

The Department will keep the orders of June 15 and May 26, 1994, in effect for 1995 but will suspend enforcement of the orders if the waterusers will adopt and implement the above recommendations as soon as possible. Temporary suspension of enforcement is applicable only to the 1995 season and may be void if users do not move forward with implementing the recommendations of this letter. IDWR will not insist upon installation of headgates during 1995, but will require that headgates remain in place where they already exist. This suspension does not in any way diminish the watermaster's ability to measure and/or estimate unmeasured diversions and require water users to reduce diversions according to water availability and rights of prior appropriation. As headgates have not been installed on most diversions, water users are expected to cooperate with the watermaster and divert according to the honor system. Water measurement and headgate orders will be enforced for those users who can not work under this honor system and who can not cooperate with the watermaster.

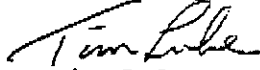
6/6/95 page 5

Upon installation of the measuring devices, I will visit the area to inspect the devices and make measurements with watermaster Jack Eastman. I am expecting the measuring devices to be installed within the next 30 to 40 days. After an initial visit, I will expect Mr. Eastman to make weekly or bi-weekly measurements at all of the measuring device locations. Mr. Eastman will be responsible for recording measurements and providing these measurements to IDWR and the water district advisory committee at the end of the irrigation season.

Users should be aware that complaints from at least one junior water right holder regarding these recommendations may block the implementation of the recommendations and the inflow-outflow proposal. This may result in full enforcement of the order.

If you believe any recommendations in this letter are significantly different from what was discussed on May 26, please contact me immediately. I will accept comments for ten days following your receipt of this letter. If I do not hear from you, I will assume you agree with the recommendations and are working toward their implementation.

Sincerely,

  
Tim Luke

cc: Southern Region

## CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 10<sup>th</sup> day of June, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing LETTER to the following:

Swan Land & Livestock Co.  
House Creek Ranch  
Rogerson, ID 83302

Preston Davis  
791A 2400 N  
Castleford, ID 83321

Maurice Guerry  
653 E 3800 N  
Buhl, ID 83316

Scott Tverdy  
Castleford, ID 83321

Devil Creek Ranch, Inc.  
c/o Randall Brewer  
Rogerson, ID 83302

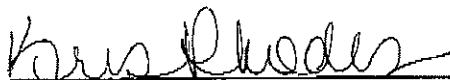
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KRIS RHODES  
Secretary