



State of Idaho

DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 26, 1997

Dave Sundberg  
PO Box 1  
Malta, ID 83342

RECEIVED

JUN 30 1997

RE: Clear Creek

Department of Water Resources

Dear Mr. Sundberg:

This office received your recent letter June 23rd and a phone call on June 24th from Mr. Sessions expressing his concern about the content of the letter and particularly the potential non-delivery of water to his ranch until July 4th (a period of at least another 10 days; I do not know when water was first shut off).

I have reviewed your letter in detail. In reviewing your letter I have created the enclosed tables utilizing a computer spreadsheet to help eliminate some simple math errors and help me demonstrate the mechanics of delivery. Please find enclosed the table labeled "Adjusted Watermaster Data". This table is based on the charts you have provided with the addition of the columns "Idaho W" and "Jo+Ses" which I have calculated. It compares very closely with your chart with only minor differences. Please note that:

- "Idaho W" = "Wmflow" - ("Jones"+"Ses"+"Hos")
- "Jo+Ses" = "Jones"+"Ses"
- "Holm" = "Wmflow" - ("Jones"+"Ses"+"Hos"+"Stew"+"Arimo")

Please also find enclosed the table labeled "Adjusted Data Based on IDWR Measurements". This table is created using the adjustment factors calculated as mentioned in my June 11th letter as well as an adjustment factor calculated for the Idaho Weir based on analysis of the first table described above. These factors are:

Idaho W	0.833
Jo+Ses	0.887
Ses	0.708
Hos	1.028
Stew	1.000
Arimo	1.000

\*Note these figures differ in precision from my June 11th letter.

"Arimo" = "Idaho W" - ("Stew"+"Arimo")

Please also find enclosed the table "Clear Creek Water Rights". This table was created based on my analysis of the Hurlbutt Order & the Jobe Adams decree. This table is similar and supports the

chart you have created. \*Note that the Jobe Adams decree has other rights from Clear Creek that I understand have not been called for or delivered.

Based on the three tables listed above, the "Summary Table" was created to compare all user's calculated delivery with what they should have been getting according to "real time" delivered rights. This table is similar to the one you developed. The period of analysis for this table is May 10th through June 9th since that is the period in which I presently have a complete record for all waterusers.

Based on this analysis it is calculated that the users have been delivered the following percentages of their calculated full water rights over the analysis period of May 10th through June 9th.

Jones	126.4%
Sessions	94.6%
Hoskins	135.8%
Stewart	107.2%
Arimo	127.8%
Holmgren	88.5%

Considering that there are few good measuring devices and control works on the creek for you to base your delivery and adjustments, the outcome seems reasonable and I again conclude you have done a prudent job considering the circumstances. However, these figures do support the concern expressed by Mr. Sessions when he compares his delivery to Jones' delivery.

Since my June 11th letter I understand that you have made adjustments in delivery to Mr. Sessions. Your letter is not clear as to adjustments, if any, to other users. I must presume you are using the factors listed above to correct the measurements to get a better picture of the flows on the creek.

Mr. Sessions' present concern for being without water for an extended period of time bears looking at. I understand that from June 10th through June 17th Mr. Sessions was provided additional water by you in an effort to "Makeup" any past shortage and because lower users were satisfied due to mild and very wet weather conditions. I understand that the water may have been turned to Sessions with little communication about the consequences of delivery. Now Mr. Sessions faces non-delivery until after July 4th with expected hot weather. In reviewing this situation it specifically points to the problem of the local rotation scheme by the watermaster and others. As my June 11th letter indicated, I recommended the advisory board review the rotation and advise. Since problems have surfaced prior to this being accomplished, I specifically give the following direction for delivery through the remainder of the season.

-Immediately deliver all water according to the priorities listed on the enclosed table on a "real time

basis" based on current flows in the creek. The determination of flows and deliveries should utilize the factors discussed above.

-Rotation of water should continue in the shared ditch between Jones and Sessions as Hurlbutt's order directs.

-Rotation of other water between other users shall continue only if there is full agreement between all directly affected parties and the watermaster about how things will be balanced and the consequences of the rotation. If full agreement cannot be made, then the water is to be delivered on a "real time basis" and any un-used, un-deliverable or not called for water shall be distributed to the next junior appropriator(s) on the creek.

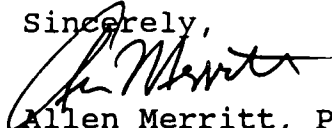
-Pending further direction you should not take it upon yourself to rotate water. The water charged to Sessions beyond his full entitlement during the period of June 11th through June 17th should not be counted against his future "real time entitlement". (For example: for each day he should be charged for 1.7 cfs-days for a total of 10.2 cfs-days instead of the 39.95 cfs-days) Any excess delivery after June 17th should be adjusted likewise.

-As soon as practical, the department requests a meeting be scheduled between the department and the waterusers and/or their representatives to discuss the matter of repair and/or installation of standard measuring devices as well as discussion of the rotation system. As watermaster I request you make these arrangements and we will work with you to schedule this meeting.

Please note, I have attempted to contact you by phone on numerous times throughout the day and night but have not succeeded. If there is a specific time or number in which you can be reached, please advise.

Thank you for your efforts and I again encourage you to work with all waterusers to affect equitable distribution of the water. If you need further explanation about these matters please contact our office.

Sincerely,



Allen Merritt, PE  
Southern Region Manager

CC:: Roger Ling  
Ray Jones  
Jay Harper  
Jeff Sessions

Norm Young  
Phil Rassier  
Pat Brown

Bob Hope  
Doug Freestone  
Boyd Hoskins

ADJUSTED WATERMASTER RAW DATA

DATE	WMFLOW	IDAHO W	JO + SES	JONES	SES	HOS	STEW	ARIMO	HOLM
5/10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5/11	14.80	12.00	2.80	2.80	0.00	0.00	0.00	0.00	12.00
5/12	33.00	28.00	5.00	5.00	0.00	0.00	0.00	0.00	28.00
5/13	43.00	35.00	8.00	8.00	0.00	0.00	0.00	0.00	35.00
5/14	52.00	36.50	12.00	5.70	6.30	3.50	0.00	0.00	36.50
5/15	66.00	48.40	14.10	7.10	7.00	3.50	5.86	0.00	42.54
5/16	73.00	52.54	16.30	10.00	6.30	4.16	10.90	0.00	41.64
5/17	51.20	38.00	10.00	6.80	3.20	3.20	10.00	0.00	28.00
5/18	53.20	37.00	12.70	7.80	4.90	3.50	10.00	0.00	27.00
5/19	60.30	43.00	13.80	8.50	5.30	3.50	10.00	0.00	33.00
5/20	55.20	39.50	12.50	7.60	4.90	3.20	9.00	3.50	27.00
5/21	54.70	38.50	12.70	7.80	4.90	3.50	9.00	3.50	26.00
5/22	65.70	49.50	12.70	7.80	4.90	3.50	9.30	4.20	36.00
5/23	67.80	49.62	14.50	8.90	5.60	3.68	8.50	4.60	36.52
5/24	81.00	59.20	17.20	10.60	6.60	4.60	8.50	6.30	44.40
5/25	59.70	43.80	12.70	7.80	4.90	3.20	7.20	4.80	31.80
5/26	41.30	32.10	6.70	5.00	1.70	2.50	7.10	4.00	21.00
5/27	37.50	34.00	3.50	0.00	3.50	0.00	8.40	4.60	21.00
5/28	33.40	30.40	3.00	0.00	3.00	0.00	8.40	2.00	20.00
5/29	41.65	36.45	5.20	5.20	0.00	0.00	8.40	2.00	26.05
5/30	59.90	44.00	12.70	7.80	4.90	3.20	8.40	0.60	35.00
5/31	64.20	52.60	8.40	3.50	4.90	3.20	8.40	3.50	40.70
6/1	87.30	67.50	15.30	8.60	6.70	4.50	8.40	6.90	52.20
6/2	82.00	60.30	17.20	10.60	6.60	4.50	8.40	4.50	47.40
6/3	66.80	50.50	12.70	7.80	4.90	3.60	8.40	6.10	36.00
6/4	64.20	47.70	13.00	8.00	5.00	3.50	7.50	7.20	33.00
6/5	66.40	49.20	13.40	8.50	4.90	3.80	8.60	8.60	32.00
6/6	56.20	40.30	12.70	7.80	4.90	3.20	8.40	7.20	24.70
6/7	53.40	38.50	11.70	7.80	3.90	3.20	8.00	1.60	28.90
6/8	53.40	38.60	11.60	7.80	3.80	3.20	8.00	5.00	25.60
6/9	46.00	37.50	6.50	4.80	1.70	2.00	8.00	5.00	24.50
TOTAL	1684.25	1270.21	330.60	205.40	125.20	83.44	221.06	95.70	953.45

ADJUSTED DATA BASED ON IDWR MEASUREMENTS

DATE	CALCFLO	IDAHO W	JO + SES	JONES	SES	HOS	STEW	ARIMO	HOLM
TOTAL	1437.10	1058.08	293.24	204.80	88.64	85.78	221.08	95.70	741.32
5/10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5/11	12.48	10.00	2.48	2.48	0.00	0.00	0.00	0.00	10.00
5/12	27.76	23.32	4.44	4.44	0.00	0.00	0.00	0.00	23.32
5/13	36.25	29.16	7.10	7.10	0.00	0.00	0.00	0.00	29.16
5/14	44.65	30.40	10.64	6.18	4.46	3.60	0.00	0.00	30.40
5/15	56.42	40.32	12.51	7.55	4.96	3.60	5.86	0.00	34.46
5/16	62.50	43.77	14.46	10.00	4.46	4.28	10.90	0.00	32.87
5/17	43.81	31.65	8.87	6.60	2.27	3.29	10.00	0.00	21.65
5/18	45.68	30.82	11.26	7.80	3.47	3.60	10.00	0.00	20.82
5/19	51.66	35.82	12.24	8.49	3.75	3.60	10.00	0.00	25.82
5/20	47.28	32.90	11.09	7.62	3.47	3.29	9.00	3.50	20.40
5/21	46.93	32.07	11.26	7.80	3.47	3.60	9.00	3.50	19.57
5/22	56.10	41.23	11.26	7.80	3.47	3.60	9.30	4.20	27.73
5/23	57.98	41.33	12.86	8.90	3.96	3.78	8.50	4.60	28.23
5/24	69.30	49.31	15.26	10.58	4.67	4.73	8.50	6.30	34.51
5/25	51.04	36.49	11.26	7.80	3.47	3.29	7.20	4.80	24.49
5/26	35.25	26.74	5.94	4.74	1.20	2.57	7.10	4.00	15.64
5/27	31.43	28.32	3.10	0.63	2.48	0.00	8.40	4.60	15.32
5/28	27.98	25.32	2.66	0.54	2.12	0.00	8.40	2.00	14.92
5/29	34.98	30.36	4.61	4.61	0.00	0.00	8.40	2.00	19.96
5/30	51.21	36.65	11.26	7.80	3.47	3.29	8.40	0.60	27.65
5/31	54.56	43.82	7.45	3.98	3.47	3.29	8.40	3.50	31.92
6/1	74.42	56.23	13.57	8.83	4.74	4.63	8.40	6.90	40.93
6/2	70.11	50.23	15.26	10.58	4.67	4.63	8.40	4.50	37.33
6/3	57.03	42.07	11.26	7.80	3.47	3.70	8.40	6.10	27.57
6/4	54.86	39.73	11.53	7.99	3.54	3.60	7.50	7.20	25.03
6/5	56.78	40.98	11.89	8.42	3.47	3.91	8.60	8.60	23.78
6/6	48.12	33.57	11.26	7.80	3.47	3.29	8.40	7.20	17.97
6/7	45.74	32.07	10.38	7.62	2.76	3.29	8.00	1.60	22.47
6/8	45.73	32.15	10.29	7.60	2.69	3.29	8.00	5.00	19.15
6/9	39.06	31.24	5.77	4.56	1.20	2.06	8.00	5.00	18.24

# CLEAR CREEK WATER RIGHTS

PRIORITY	ID	HOLM	STEW	JONES	SES	ARIMO	HOS	TOTAL CK
06/01/1881	43-00033	2.40						
06/01/1881	43-00034	5.4 3.00						
06/01/1881	43-00035	8.4 3.00						
06/01/1881	43-00036	10.6 2.20						
06/01/1881	43-00039	11.1 0.50						11.10
06/01/1881	43-00037			1.40				12.50
01/02/1882	43-00116		2.00					14.50
06/01/1882	43-00045				1.70			16.20
01/31/1884	43-00117		4.0 2.00					18.20
06/05/1886	43-00206					2.00		20.20
06/15/1886	43-00038	12.8 1.70						21.90
06/15/1886	43-00042	15.0 2.20						24.10
06/01/1887	43-00040	17.2 2.20						26.30
06/01/1887	43-00041	19.9 2.70						29.00
06/01/1887	43-00044	24.3 4.40						33.40
06/11/1897	43-00118		6.8 2.80					36.20
05/01/1908	43-00043	26.9 2.60						38.80
05/21/1910	43-00347	28.1 1.20						40.00
01/17/1911	43-00349	28.63 0.53						40.53
06/14/1911	43-00084			2.8 1.40				41.93
11/23/1911 1	43-00286 P			6.0 3.20			3.20	48.33
11/23/1911 2	43-00286 P				3.30 1.60			49.93
07/14/1912 1	43-00085			7.8 1.80				51.73
07/14/1912 2	BY HURLB				4.90 1.60			53.33
07/14/1912	43-00350	30.13 1.50						54.83
04/10/1914	43-00119		8.4 1.60					56.43
04/01/1921	43-00415					4.8 2.80		59.23

TOTAL DECREE                      30.13                      8.40                      7.80                      4.90                      4.80                      3.20

SUMMARY TABLE

	DATE	CAICFLO	JONES	JONES	SES	SES	HOS	HOS	STEW	STEW	ARIMC	ARIMC	HOLM	HOLM	TOTAL
TOTAL		1437.10	204.60	161.9	88.64	93.67	85.78	63.16	221.06	206.3	95.70	74.9	741.32	837.2	RIGHTS
															ALLOCATE
5/10	0.00	0.00	0	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
5/11	12.48	2.48	1.4	0	0.00	0	0.00	0	0.00	0	0.00	0	10.00	11.08	12.48
5/12	27.76	4.44	1.4	0	0.00	1.7	0.00	0	0.00	4	0.00	2	23.32	18.66	27.76
5/13	36.25	7.10	1.4	0	0.00	1.7	0.00	0	0.00	6.8	0.00	2	29.16	24.35	36.25
5/14	44.65	6.18	4.16	0	4.45	1.7	3.60	1.36	0.00	6.8	0.00	2	30.40	28.63	44.65
5/15	56.42	7.55	7.8	0	4.96	4.9	3.60	3.2	5.86	8.39	0.00	2	34.46	30.13	56.42
5/16	62.50	10.00	8.23	0	4.46	5.17	4.28	3.38	10.90	8.86	0.00	5.07	32.87	31.79	62.5
5/17	43.81	6.60	3.74	0	2.27	1.7	3.29	0.94	10.00	6.8	0.00	2	21.65	28.63	43.81
5/18	45.68	7.80	4.68	0	3.47	1.7	3.60	1.87	10.00	6.8	0.00	2	20.82	28.63	45.68
5/19	51.66	8.49	7.73	0	3.75	3.3	3.60	3.2	10.00	6.8	0.00	2	25.82	28.63	51.66
5/20	47.28	7.62	5.48	0	3.47	1.7	3.29	2.67	9.00	6.8	3.50	2	20.40	28.63	47.28
5/21	46.93	7.80	5.3	0	3.47	1.7	3.60	2.5	9.00	6.8	3.50	2	19.57	28.63	46.93
5/22	56.10	7.80	7.8	0	3.47	4.9	3.60	3.2	9.30	8.07	4.20	2	27.73	30.13	56.1
5/23	57.98	8.90	7.8	0	3.96	4.9	3.78	3.2	8.50	8.4	4.60	3.55	28.23	30.13	57.98
5/24	69.30	10.58	9.13	0	4.67	5.73	4.73	3.74	8.50	9.82	6.30	5.62	34.51	35.26	69.3
5/25	51.04	7.80	6	0	3.47	4.41	3.29	3.2	7.20	6.8	4.80	2	24.49	28.63	51.04
5/26	35.25	4.74	1.4	0	1.20	1.7	2.57	0	7.10	5.85	4.00	2	15.64	24.3	35.25
5/27	31.43	0.63	1.4	0	2.48	1.7	0.00	0	8.40	4	4.60	2	15.32	22.33	31.43
5/28	27.98	0.54	1.4	0	2.12	1.7	0.00	0	8.40	4	2.00	2	14.92	18.88	27.98
5/29	34.98	4.61	1.4	0	0.00	1.7	0.00	0	8.40	5.58	2.00	2	19.96	24.3	34.98
5/30	51.21	7.80	7.28	0	3.47	3.3	3.29	3.2	8.40	6.8	0.60	2	27.65	28.63	51.21
5/31	54.56	3.98	7.8	0	3.47	4.9	3.29	3.2	8.40	6.8	3.50	2	31.92	29.86	54.56
6/1	74.42	8.83	9.8	0	4.74	6.16	4.63	4.02	8.40	10.55	6.90	6.03	40.93	37.86	74.42
6/2	70.11	10.58	9.23	0	4.67	5.8	4.63	3.79	8.40	9.94	4.50	5.68	37.33	35.67	70.11
6/3	57.03	7.80	7.8	0	3.47	4.9	3.70	3.2	8.40	8.4	6.10	2.6	27.57	30.13	57.03
6/4	54.86	7.99	7.8	0	3.54	4.9	3.60	3.2	7.50	6.83	7.20	2	25.03	30.13	54.86
6/5	56.78	8.42	7.8	0	3.47	4.9	3.91	3.2	8.60	8.4	8.60	2.35	23.78	30.13	56.78
6/6	48.12	7.80	5.9	0	3.47	1.7	3.29	3.09	8.40	6.8	7.20	2	17.97	28.63	48.12
6/7	45.74	7.62	4.71	0	2.76	1.7	3.29	1.9	8.00	6.8	1.60	2	22.47	28.63	45.74
6/8	45.73	7.60	4.7	0	2.69	1.7	3.29	1.9	8.00	6.8	5.00	2	19.15	28.63	45.73
6/9	39.06	4.56	1.4	0	1.20	1.7	2.06	0	8.00	6.8	5.00	2	18.24	27.16	39.06

NOTE THAT SMALL PRINTED VALUES ARE THE IDWR ADJUSTED DATA  
 THE LARGE PRINT IS THE AMOUNT OF RIGHT TO BE DELIVERED BASED ON THESE ADJUSTED FLOWS