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Department of Water Resources

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MAY 30, 2001

DEAR MR. LUME

1 ON TUESDAY MAY 8 2001 I MEASURED THE DEPTH OF THE WATER FLOWING THROUGH MY HEADGATE (IN THE CREEK) WHICH IS 12 FT WIDE. THE WATER MEASURED $9\frac{1}{2}$ INCHES DEEP WHICH TRANSLATES TO ABOUT 28 CFS IF WE CALL THE HEADGATE A 12' RECTANGULAR WEIR. IN THE AGREEMENT BETWEEN UTAH AND IDAHO ON JUNE 18, 1998 UNDER "DETERMINING WHEN THE FLOW SHOULD BE RELEASED TO IDAHO IN THE SPRING" IT WAS AGREED THAT "THE UTAH COMMISSIONER WILL TAKE MEASUREMENTS AT THE TEMPORARY WEIR AND AT THE DIVERSIONS ABOVE" THE WEIR WAS NOT INSTALLED THIS YEAR AND WAS PLACED WHERE I WOULD HAVE TO TRESPASS IF I WANTED TO INSTALL IT, OBVIOUSLY UTAH DECIDED TO NOT COMPLY WITH THIS REQUIREMENT.

IN THE AGREEMENT "WHEN THE FLOW OF THE CREEK REACHES 10 CFS, THE COMMISSIONER WILL BEGIN POSTING EACH OF THESE MEASUREMENTS PLUS THE TOTAL CREEK FLOW AT THE NAF STONE EACH DAY." NOTHING WAS EVER POSTED. OBVIOUSLY UTAH DECIDED TO NOT COMPLY WITH THIS REQUIREMENT.

"WHEN THE CREEK FLOW REACHES 12 CFS THE UTAH COMMISSIONER WILL NOTIFY THE IDAHO WATERMASTER." UTAH DID NOT COMPLY WITH THIS REQUIREMENT.

PAGE 1

- 4 ON WEDNESDAY MAY 9 THE STAFF GAUGE AT THE GUNBINS STATION SHOWED 1.42' WHICH WOULD BE 30 CFS OR MORE ACCORDING TO THE CHART COMPILED BY UTAH WHICH IS PAGE 3 OF THIS LETTER.
- 5 ON THURSDAY MAY 10 MAX BOOTH AND I TOOK THE PICTURES ON PAGE 4 OF THIS LETTER EXCEPT FOR THE TOP PHOTO. THE ~~BOTTOM~~^{MIDDLE} LEFT PHOTO WAS AT THE GUNBINS STATION. THE WATER WAS SPLASHING ABOVE AND BELOW 1.45' BUT AVERAGED A STEADY 1.45' WHICH WOULD EQUATE TO HALF WAY BETWEEN 1.38' AND 1.53' ON ABOUT 36-37 CFS. THE MIDDLE RIGHT PHOTO SHOWS THAT A DITCH FULL OF WATER WAS ALSO BEING DIVERTED ABOVE THE GUNBINS STATION. THIS STREAM WAS ALSO THERE ON MAY 9. SO I AM CONFIDENT THAT ON MAY 9 THERE WAS ABOUT 74 CFS AND ON MAY 10 THERE WAS ABOUT 40 CFS. MAX MEASURED THE WATER IN MY NEBRATE BELOW THE GUNBINS STATION AND IT WAS $10\frac{1}{2}$ INCHES DEEP WHICH WOULD BE ABOUT 33 CFS WHICH AGREES FAIRLY WELL WITH THE GUNBINS STATION.
- 6 ON FRIDAY MAY 11 THE GUNBINS STATION STAFF GAUGE SHOWED 1.55' = $46 \pm$ CFS. WITH THE STREAM ABOVE THERE WAS ABOUT 50 CFS TOTAL.
- 7 ON SATURDAY MAY 12, ABOUT NOON UTAH TURNED THE WATER TO IDAHO. I HAD TO WORK AT 1:00 PM SO I COULD NOT MEASURE ANYTHING SINCE IT WAS JUST STARTING TO REACH THE IDAHO WEIR AT 12:30.

Clear Creek Gaging Station - 1999 - 2000 Measurements

Meas. No.	Date	Gage Height	Measured Flow (cfs)	Table Flow (cfs)	Shift
1	06/28/99	1.53	44.39	52.00	-0.05
2	07/06/99	1.38	29.49	30.00	-0.01
3	07/12/99	1.26	24.97	19.00	+0.06
4	07/19/99	1.13	14.80	10.00	+0.07
5	07/27/99	1.06	9.60	7.80	+0.05
6	08/27/99	0.94	3.85	3.85	+0.01
7	03/28/00	0.82	2.77	1.80	+0.07
8	05/02/00	1.12	7.85	9.80	-0.04
9	06/13/00	1.32	23.34	25.00	-0.01
10	06/21/00	1.18	14.45	12.50	+0.02
11	07/21/00	1.04	4.80	6.40	-0.05
12	08/30/00	0.98	1.88	4.50	-0.14

PRELIMINARY
SUBJECT TO REVISION



TOP PHOTO

MAY 9 2001 THE GAUGING
STATION MEASURED 1.42'

~~TOP~~
MIDDLE LEFT PHOTO

MAY 10 THE GAUGING STATION
MEASURED 1.45 AVERAGE. THIS
PHOTO IS BETWEEN WAVES SO
IT IS A BIT LOW.

MIDDLE RIGHT PHOTO MAY 10 2001
WATER IN DITCH ABOVE THE
GAUGING STATION



BOTTOM LEFT PHOTO
MAY 10 2001
THE MEASURING DEVICE
WAS NEVER PUT IN
THE CREEK THIS YEAR

8 ON SUNDAY MAY 13 I MEASURED 1.6' AT THE GUBBING STATION AS SHOWN ON PAGE 6 OF THIS LETTER WHICH IS ABOUT 52 CFS (DOWN'S CHART ONLY GOES UP TO 153' = 44 CFS I ALSO MEASURED 1.05' AT THE IDAHO WEIR WHICH IS 35.23 CFS PLUS 7.1 CFS IN THE EAST DITCH OR 38.33 TOTAL.

9 IN 2000 ON JUNE 13 IT WAS DETERMINED THAT CLEAR CREEK LOSTS 7 CFS BETWEEN THE GUBBING STATION AND THE IDAHO WEIR WHEN THE CREEK IS DROPPING OFF AND THE CHANNEL IS WET, ON MAY 13 2001 THE STREAM WAS IN A DRY CHANNEL AND IT DOESN'T SURPRISE ME TO SEE 10-12 CFS LOSS ON THE FIRST DAY. I AM QUITE CONFIDENT THAT THERE WAS AROUND 50 CFS IN THE CREEK WHEN UTAH TURNED IT TO IDAHO THIS YEAR.

10 THE FEDERAL DECREE SAYS THE WATER SHOULD ALL GO TO IDAHO WHEN THE TOTAL FLOW REACHES 20 CFS, OBVIOUSLY UTAH DECIDED TO NOT COMPLY WITH THIS REQUIREMENT.

11 ON MONDAY MAY 21, 2001 I WAS PUT IN THE HOSPITAL WITH BROMEL PLBS. ON TUESDAY MAX BOOTH WAS THERE AND TOLD ME THE CREEK HAD DROPPED OFF DRAMATICALLY THE DAY BEFORE, (MONDAY), WEDNESDAY LEVON WILLETT AND KENNY ALLRE TOOK ME AROUND THE CREEK AND LEVON ADJUSTED AND MEASURED BECAUSE I COULDN'T DO IT. LEVON TOLD ME THE STAFF GAUGE AT THE IDAHO WEIR MEASURED 0.4' WHICH IS EQUIVALENT TO 8.5 CFS PLUS 3.1 CFS IN THE EAST DITCH. THIS IS A TOTAL OF 11.6 CFS. THE FEDERAL DECREE SPECIFIES THAT IDAHO SHOULD RECEIVE 57% OF THE TOTAL WHEN THE CREEK IS SPLIT. OBVIOUSLY UTAH DECIDED TO NOT COMPLY WITH THIS REQUIREMENT.



TOP PHOTO

ON MAY 13 2001
THE GAUGING STATION
MEASURED 1.6' OR
ABOUT 52 CFS



BOTTOM PHOTO

MAY 13 2001

THE WATER REACHING
THE IOAND WEIR 24
HOURS AFTER IT WAS
TURNED TO IOAND
MEASURES 1.05'
IN THE 10' WIDE WEIR
WITH 3.1 CFS IN THE
EAST DITCH

$$\begin{array}{r} 1.05' = 35.23 \text{ CFS} \\ + \quad 3.1 \\ \hline 38.33 \end{array}$$

- 12 SATURDAY MAY 26 MY SISTER AND HER HUSBAND CAME AND THEY TOOK ME TO THE IDAHO WEIR WHERE THE STAFF GUAGE MEASURED .42 ON ABOUT 9 CFS AND 3-1 CFS IN THE EAST DITCH FOR A TOTAL OF 12-1 CFS AS SHOWN IN THE BOTTOM PHOTO ON PAGE 8. WE ALSO TOOK PICTURES OF THE WATER WASTING OFF OF SECTION 25 LOT 1 IN UTAH WHICH BELONGS TO HEAPTONS AND HAS NO WATER RIGHT. THIS WATER WAS RUNNING UNDER THE ROAD AT THE STATE LINE ONTO SECTION 26 IN IDAHO WHICH BELONGS TO MONT CAMPBELL AND HAS NO WATER RIGHT.
- 13 DURING THE LAST WEEK THEY HAVE BEEN DIVERTING WATER IN 2 OTHER PLACES ACROSS THE CLEAR CREEK ROAD ONTO GROUND (HEAPTON'S) WHICH HAS NO CLEAR CREEK WATER RIGHTS; AT THE SOUTH EAST CORNER OF SECTION 36 AND ABOUT $\frac{1}{3}$ MILE NORTH OF THE S.E. CORNER OF SEC. 36.
- 14 ALTHOUGH I HAVE NOT BEEN TO THE GAUGING STATION THIS WEEK I AM CONFIDENT THAT THERE HAS BEEN MORE THAN 40 CFS AND IDAHO HAS BEEN CREATED OUT OF FROM 10-15 CFS FOR THE LAST 9 DAYS. THAT IS ABOUT 200 ACRE FEET.
- 15 BEFORE THE WATER WAS TURNED TO IDAHO THERE WAS MAY 8 28 ABOUT 300 ACRE FEET TAKEN IN UTAH WHEN IT SHOULD MAY 9 34 HAVE BEEN IN IDAHO. SO ALTOGETHER CAMPBELL AND HEAPTON 10 40 11 50 HAVE TAKEN ABOUT 500 ACRE FEET OF IDAHO WATER SO 152
 FALL THIS YEAR X 2
 304

SINCERELY DAVE SUNDBERG

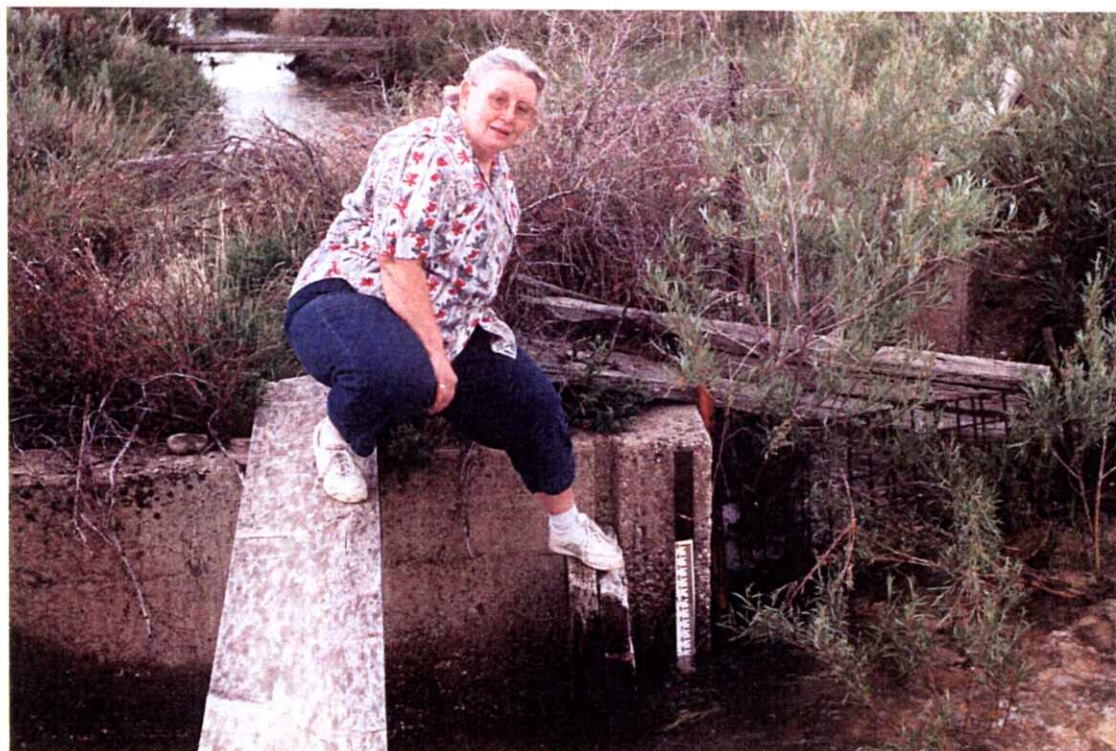
D. N.



MAY 26 2001
WATER RUNNING
OFF FROM LOT 1
SEC ~~25~~ 25
KEMPTON GROUND



MAY 26 2001
WATER FROM TOP
PHOTO RUNNING ON
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 26
IN IDAHO
CAMPBELL GROUND



MAY 26 2001
THE WATER REACHING
THE IDAHO WEIR
MEASURED ~~2.42~~ FT
3.1 CFS WAS GOING
OUT THE EAST DITCH

kept for use in Utah. This usually occurs in the end of July or August, however, any time the creek drops to an average of 17 cfs or below for 24 hours during the distribution season, the entire flow of the stream is kept for use in Utah.

PROCEDURES FOR COORDINATING THE DISTRIBUTION EFFORTS OF THE UTAH COMMISSIONER AND THE IDAHO WATERMASTER

DETERMINING WHEN THE FLOW SHOULD BE RELEASED TO IDAHO IN THE SPRING

The Utah commissioner will take measurements at the "Temporary Weir" and at the diversions above between 7:00 a.m. and 10:00 a.m. When the flow of the creek reaches 10 cfs, the Utah commissioner will begin posting each of these measurements plus the total creek flow at the Naf store by noon each day. When the creek flow reaches 12 cfs, the Utah commissioner will notify the Idaho watermaster. When the average of the current day's total creek flow and the previous day's total creek flow (based on the measurements posted at the Naf store) is equal to or greater than 20 cfs, the water will be released to Idaho. The Utah commissioner will contact the Idaho watermaster when he believes it is likely that the water will be released to Idaho the next day. Once the determination has been made that water should be released to Idaho, the Utah commissioner will immediately begin to open the control structures on the Utah diversions to release the flow downstream. He will begin at the lowest diversion on the Utah system and continue up the system until all control structures have been opened. Creek flow measurements will not be posted at the Naf store after the water has been released to Idaho.

DETERMINING WHEN THE 57% - 43% SPLIT SHOULD BEGIN

After the water has been turned to Idaho, the Utah commissioner will monitor the flow of the creek at the Idaho weir. When it appears that delivery of the 560 acre feet will be completed in the next day or so, the Idaho watermaster and the Utah commissioner will coordinate with each other about the start the 57% - 43% split. The Idaho watermaster will determine when the 560 acre feet has been delivered and the split should begin.

REVIEW OF WATER MEASUREMENT PRACTICES IN UTAH

At any time during the season, if the Idaho watermaster desires to accompany the Utah commissioner on his rounds, he should make arrangements with him the night before. It is anticipated that this will occur three times a season, however, more times a season will not create a problem as long as arrangements are made the night before.

There was a general consensus that because of the time of year the first and second of the procedures listed above would be implemented starting in 1999 and the third would be implemented immediately. These procedures are subject to review and may be modified from year to year as the need arises and as the Utah commissioner, Idaho watermaster, and the Utah and Idaho state officials can agree.