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Moore Idaho

Nov. 18, 1989

Department of Water Resources

RE: Lost River Advisory Committee

To Director Higginson:

As the committee met Nov. 7th in Arco, each member was given the opportunity to roster questions and issues that they thought might be pertinent to water problem of the valley. Please find enclosed a draft of such questions and issues. Also, I will bring to the Nov. 29th meeting a copy of excerpts from BLRID's plan of operation that was prepared some years ago by J. Dolye Jensen, a copy of the IW Boyer Application, and copy of the BLRID vs. TCC memorandum decision. Other minutes and records might be useful also.

This initial compilation of information has helped sort out and focus on those items of importance. Hopefully this will continue as we gather other rosters from committee members and move into committee discussions. I feel we need to keep these rosters open so as to add to and subtract from as needed.

After the committee has had an opportunity to gather and review information that is relative to the issues, I believe it would be helpful to have a communications monitor present to help get thru the more difficult problems. Maybe instead of a committee chairman it would be better to have a committee spokesman that can act as a liason to the public.

Thank you for participating in our local water concerns and giving us a forum for discussion. I look forward to IDWR's assistance and hope it will prove beneficial.

sincerely,


Mitchell D. Sorensen

HYDROGEOLOGY questions and issues

- × -- What are the volumes in surface and underground flows?
- × -- How much of each flow is appropriated and developed?
- × -- What is the high and low range of flow leaving the basin?
- × -- What is the relationship between surface and ground water as it flows down the basin?
- What is the effect on the balance of the basin from pumping....
 - up-basin from the Mackay Res.?
 - from Mackay to Lesile?
 - from Lesile to Moore?
 - from Moore to Arco?
 - below Arco?
 - What is the increasing/decreasing effect of pumping in each of these zones relative to diversions closer to the river vs. the shoulders of the basin?
- Is the cfs diversion from ground flows equal to cfs losses in surface flows?
- Is there a point in the basin where ground water can be economically retrived before it sinks, without adversely affecting surface flows?
(see follow up questions a b & c in Law and Regulation section)
- What were the historic ground water lows before the advent of pumping?
- How much of the lowering of ground water levels can be attributed to the drought conditions, and how much to pumping?

BASIN MANAGEMENT and DISTRIBUTION questions and issues

- What are the surface water rights at the various points of diversion in the basin? (please roster all points of diversions with rights)
- What are the ground water rights and there points of diversion? (please roster)
- What effect does over diversion~~s~~ of both surface and ground water beyond specific rights have on the hydrogeology?
 - What is the best way to check this practice?
- Are there specific areas in the basin that are excluded from the appropriation and use of water?
- What can be done to solve the lack of measuring water diversions?
- What is the relationship between the Water District/Watermaster and the various storage and conveyance systems?
 - What water rights should the watermaster administer?
 - Is there any difference from public or privately conveyed waters?

LAWS/REGULATIONS questions and issues

- a. What is or how do we determine a reasonable pumping level?
- b. What in the strictest and loosest sense constitutes injury?
- c. How is this effect of injury balanced against reasonable developement of the resource?
- What constitutes a legal entity?
- What are the legal properties and duties of Water Dist. #34, Big Lost River Irrig. Dist., Timberdome Canal Co., ect.?
- Are the functions of these water entities exclusive rights?
- What are "riparian rights" and how do they differ from other water rights?
- What are the beneficial uses of water for agricultural purposes?
 - Is the intentional sinking to fill subterranean levels such a use? *recharge*
 - How does the "efficient water use" policy impact this and other such practices?
- What is the relationship between State and Local laws/regulations; and which is given priority?
- Are groundwater pumping levels guaranteed?

LOCAL DECREES, JUDGEMENTS, PLAN of OPERATIONS, BY-LAWS questions & issues

- Is BLRID and it's members the sole benefactors of the basin resource?
(explanation and opinion)

There exists a myth of "exclusive supremacy" relative to the duties, functions, powers, and rights of the BLRID and it's members. This myth is a result of interpretation from statements such as the following taken from BLRID's plan of operation. p.44 #5

"The operation and control of all irrigation works and rights being acquired from the Utah Construction Company and the private water rights to be purchased, when used in conjunction with the existing system now owned by landowners within the District, would provide for a concentrated application of all available water from Big Lost River and principal tributaries within the District, with an anticipated result that the underground water table would gradually be built up through such operation, accruing material benefits to decreed water users within the District."

Such thinking excludes the development of the resource for use on land outside the Irrig. District. Hence there is opposition to transfers, exchanges, permits, licenses, etc. for land not lying within the historic boundaries of the Irrig. District. On the other hand, there is the philosophy that within Irrig. District boundaries anything and everything relative to diversion and distribution of the resource is cosher. In short, a "pork-barrel" approach is embraced.

- How does the IW Boyer Application affect this philosophy?
(It allowed the transfer of decreed waters)

- What is the legal description of BLRID as originally constituted?

-- Does this exist?

-- How much development of lands beyond the 27,000 acres, as stipulated in the plan of operation, has occurred?

- What does this plan of operation say about the value of certain water rights?

- What is the impact of surface rights having been augmented already by storage rights?

LOCAL DECREES, ETC. cont---

-- What can be done to ensure voting rights and fair representation
in Water District #34?

FISH & GAME and RECREATION questions and issues

✓ -- How should water rights be acquired to fill these needs?

-- by new appropriations?

-- by forfeiture of someones existing rights?

-- by claiming mandated minimum flows?

✓ -- Are these minimum flows adequate for the use?

✓ -- Can stream flows be maintained when considering historic cycles of drought?

✓ -- Are these flows protected against re-diversion?

PUBLIC INTEREST questions and issues

- What tax revenues have been lost or gained by development of the resource?
- Are the tax revenues for these lands porportionate to services rendered?
- What is the impact on the local economy from development?
- (based on environmental concerns and water quality pressures ...)
What would the quality of water be when water continually rises and sinks connecting surface contaminates of fertilizers and chemicals to the aquifer?
 - Would this practice be detrimental to the public health and welfare?
 - Should the basin be managed so that reasonable efforts be made to keep shallow and deeper water stratums seperate?
 - Would a minimum pumping level for domestic wells help protect the saftey of the public?
 - How do we protect the river from being used to flush waste down stream?