



State of Idaho

DEPARTMENT OF WATER RESOURCES

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November 6, 1996

John R. Coleman
COLEMAN, RITCHIE & ROBERTSON
156 Second Ave West
P.O. Box 525
Twin Falls, ID 83303-0525

RE: WATER DELIVERY - INGRAM DITCH

Dear Mr. Coleman:

Your letter dated October 17, 1996 to Karl Dreher concerning water use in connection with the Ingram Ditch in Custer County, Idaho has been referred to me for response.

To obtain background relative to the use of the Ingram Ditch and the questions you have raised, I contacted Ernie Carlsen in the department's Eastern Regional office in Idaho Falls. Ernie advised that he has discussed the use of the Ingram Ditch several times with your client Richard Kendall, with water users on the ditch and with the watermaster. Ernie relayed the following information:

- The location of the Kendall property is in Section 6, T8N, R22E, B.M.

- The Ingram Ditch is located upstream from Mackay Dam about a mile south of the Chilly Buttes and is located on a section of the Big Lost River which meanders and is unstable.

- The users of the Ingram Ditch have had difficulty maintaining a permanent control structure at the head of the ditch.

- The arrangement sequence of facilities on the ditch beginning at the head of the ditch is as follows: The uncontrolled point of diversion of the ditch is in the NE1/4NE1/4SE1/4 Section 1, T8N, R21E, B.M., the two 36 inch diameter side-by-side culverts installed by Kendall, the headgate where flow in the ditch can be regulated by turning excess water back to the Big Lost River and then the continuing ditch.

- The culverts have tended to catch debris adding to the debris/flooding problem.

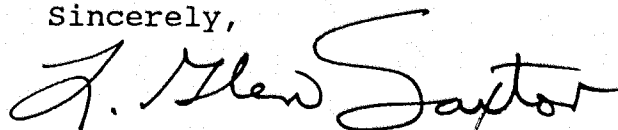
- Ernie has suggested to some of the parties that some sort of facility to keep debris away from the ditch heading or culverts is a potential solution which all the appropriate parties should perhaps jointly pursue.

Diversion of water from unstable sections of water courses is common in Idaho. Such diversion sites generally are difficult to maintain in one location and are not conducive to the construction of permanent controlling works. In such cases, the department has allowed the controlling works to be located a reasonable distance downstream from the actual point of diversion on the source of water. This has been the case with the Ingram Ditch. Flooding damage which could occur as the result of negligence is a civil matter outside the jurisdiction of the department.

Since an agreed upon proposal to remedy the matter is always desirable, the department is willing to make staff available to meet on site to review the diversion and ditch facilities. Based on the observations and comments of Ernie Carlsen, however, the department encourages the parties to jointly seek a structural solution of some sort to the problem. If work is anticipated below the mean high water mark, the department will assist the parties in obtaining a stream channel alteration permit which would be required for work not associated with the diversion of water.

If you have questions, please feel free to contact this office or our Eastern Regional office in Idaho Falls at 525-7161.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region
Ernie Carlsen
Doug Rosenkrance
Eric Verner

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Department of Water Resources
Eastern Region