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JAN 30 1995

Department of Water Resources

DEPT. OF WATER RESOURCES  
ATTN: ALAN MERRITT  
222 Shoshone St. East  
Twin Falls, Id. 83301  
Jan. 25, 1995

Dear Mr. Merritt,

We on the Bench Ditch Irrigation Company in Water District 41 protest any change in measuring structures in this District. WE feel that some people in the district may be thinking about changing their structures and would probably end up diverting more water than they have used in previous years. Following are the facts as we see them.

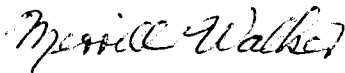
1. The arbitration for the use of water of Rock Creek and its Tributaries states "That all water herein awarded shall be measured in a box or flume placed at the head of every ditch through which the same is to be conveyed of the length of 8 & 1/4 feet with a fall of 1/2 inch to said box the water at notime in said box to be more than 6 inches in depth at the head thereof"
2. These devices have been used since 2/04/1890.
3. To date there have been only 5 pumps installed directly into the creek with meters to tell how much water is being diverted. These pumps total 190 inches, and at the time they were installed, we were not aware of problems in the measuring devices.
4. In the summer of 1994 Steve Clelland started to study this basin as part to the Snake River Adjudication. He found along with James Robinson as watermaster that out of the five or six ditches that they checked, all had their boxes set at the above specifications, and all were actually measuring 20 to 40 percent less water than claimed.
5. An informational meeting was held in November to explain the problems this brings up. It was stated in that meeting that most people appear to have not been getting their water, and haven't been for 100 plus years. A demonstration area was also set up on one ditch to show the differences in measuring devices.
6. We believe that if people begin changing their structures, they will be taking water that has been used to fill other rights for 100 years. This will hurt the youngest rights, turning many of them into dryfarms after 100 yrs.
7. We ask that a letter be sent to all users in the District stating

A. No changes to different measuring devices will be allowed, until a full study of the use of water has been made, and the courts have approved the amount of water to be delivered to each ditch or user.

B. Every ditch should have in place a measuring device as provided for in fact #1, so that accurate measurements actual water used can be made.

We ask that your prompt attention to this matter be given, as the 1995 irrigation season is rapidly approaching.

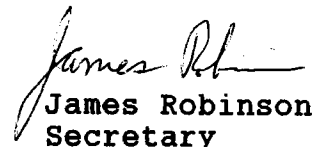
Sincerely,



Merrill Walker  
President



Curtis Munk  
Vice President



James Robinson  
Secretary

P. O. Box 157

Rockland Id.

83271

JR

cc: R. Keith Higginson  
Director  
Dept. Of Water Resources