



State of Idaho
DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 8, 1994

William D. Collins
Westberg, McCabe & Collins, Ctd.
PO Box 2836
Boise, ID 83701-2836

RE: Water Deliveries in Water District No. 63-S

Dear Mr. Collins:

I am replying to your letter dated September 2, 1994 regarding delivery of water under Watermaster control in the water district. You raise a number of concerns which I am addressing.

A brief background summary of events might be helpful. I discussed water conditions with the greenhouse owners (Flora Co. and Edwards) last Wednesday morning, August 31. They told me that conditions were marginally acceptable at that time and that water delivery calls were not expected within the next one or two weeks. This provided a short period for the department to receive and analyze data from Ed Squires' aquifer tests that were discussed at the August 23 meeting. I prepared a memorandum during the afternoon of August 31, and the memo summarized current conditions along with several management options for department administrators to consider. I hoped to produce a department decision defining Watermaster instructions in the event of a call for water by a senior user. Such instructions could be made available to the water users prior to such a water delivery call.

However, events overtook this process when the senior user decided to call for water later in the day on August 31 or early in the day on September 1. The Watermaster was able to respond by late afternoon on September 1 but was not able to coordinate his response with the expected department staff due to other staff commitments.

The Watermaster acted under the instructions that were in operation during 1993 - he acted in a manner consistent with department guidelines that were in place although under revision at this time. Although he is not required to coordinate control activities with the water users, as a courtesy it is expected that he would do so. Regrettably, an oversight occurred and the Terteling windsock well was shut down by the Watermaster without the knowledge

Mr. William Collins
September 8, 1994
Page 2

of the Tertelings. I subsequently discussed this with the Watermaster and with Tom Terteling. Also, I was informed that those two straightened out this problem. It is anticipated that future actions will be more properly coordinated with well owners.

The department cannot instruct the Watermaster to regulate well usage in the water district until a proper call for water is made by one of the water users. Therefore, it is not possible to begin regulating a junior well or wells in anticipation of an undeterminable date when water shortages will occur. Your suggestion that the Watermaster "clearly should have shut off the Quail Hollow wells before now (Sept. 1)" does not meet allowable water district procedures.

Additionally, the response time for senior wells to adequately recover once regulation of junior wells commences is unknown at this time. As you are aware, we are trying to quantify this relationship as circumstances allow. Indeed, the department continues to be willing to review any information provided by interested parties in an effort to better understand the aquifer dynamics. However, solid data does not exist to allow reasonable forecasts of well responses under given conditions.

Based on the data available at this time, the department intends to satisfy junior rights to the extent possible within water district and water right constraints. If the senior user calls for all water to be made available as soon as possible, the Watermaster would be instructed to regulate all junior rights, including the Edwards well. If, however, the senior user is willing to possibly delay senior well(s) recovery time by allowing some water to be used by a junior party, the Watermaster can allow a junior user to continue to divert. This assumes that proper controls are in place and that junior uses occur in the order of priority of the water rights.

This is precisely the situation that has occurred since September 1. Flora Co. has expressed a willingness to allow Edwards to continue to divert while Terteling and Quail Hollow wells do not. The senior user is willing to risk a delayed response period to the extent that Edwards' use might impact the recovery period but not to the extent that additional junior uses would add to this timeframe. If Flora Co. had not expressed this flexibility, all of the junior wells would be shut down at this time.

Measured flows at Flora Co. wells have recovered somewhat since September 1 but remain far below the necessary amount requested by the owner. Use at Edwards' well remains significantly below their water right. This junior use is acceptable with the senior's permission as it would be in any water district. The senior user is not obligated to provide even more water to junior parties.

The senior Flora Co. right for .14 cubic feet per second (cfs) will probably be satisfied sometime soon. The next use is Flora's .66 cfs right. This is followed by Edwards' .84 cfs right and then Flora's .80 cfs use. The Terteling right follows Flora Co. and Edwards.

Mr. William Collins

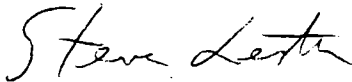
September 8, 1994

Page 3

Once wells at Flora Co. and Edwards have reached a satisfactory recovery level within the limits of the water rights and calls for water, the Watermaster and department will coordinate a limited test of the next senior right (windsock well) to determine the feasibility of additional use. This may provide some irrigation water for the Terteling land in question and might offer insights into future water district management procedures.

I hope this explanation answers your concerns. Please contact me if you have other issues to discuss.

Sincerely,



Steve Lester
Water Rights Supervisor

c: Ed Young, Watermaster

From: DWR80::SLESTER 12-SEP-1994 15:17:38.48
To: DTUTHILL, LGRAVES, SLESTER
CC:
Subj: STEWART GULCH WATER DISTRICT

I WILL BE GONE THIS WED-FRI & RETURN ON MONDAY THE 19th. WATERMASTER ED YOUNG HAS BEEN CALLING WITH STATUS REPORTS OF FLORA & EDWARDS WELLS. HE USUALLY CALLS AFTER HIS MORNING ROUNDS -- NOW @ EVERY OTHER DAY SINCE WELL RECOVERY IS PROCEEDING RATHER SLOWLY. I TOLD HIM TO CALL LORI, OR DAVE IF LORI GONE, IN MY ABSENCE. AT LAST RESORT HE COULD JUST LEAVE MESSAGE.

HE WILL MAKE ROUNDS THIS WED A.M. & SEE IF SHOULD GO ALSO ON THURS OR JUST WAIT UNTIL FRI FOR NEXT VISIT. BASED ON HIS RECOLLECTION OF LAST YEAR, PSI AT EDWARDS NEEDED TO REACH @ 20 FOR FLORA TO HAVE SUFFICIENT RECOVERY.

AS OF THIS A.M., EDWARDS WAS 14.5 PSI (WAS 13.4 PSI 9/9 A.M) & 90 GPM. FLORA HAS 2 WELLS RECOVERING: SHED WELL BETTER THAN TRIANGLE (AKA "PIT") WELL. THIS A.M. FOUND: SHED WELL 3.3 PSI (WAS 2.1 PSI 9/9 A.M.), PUMP BROKE DOWN & BEING REPLACED/REPAIRED BUT HAS MINOR ARTESIAN FLOW WHILE TRIANGLE WELL ~ 0 PSI (MINIMUM REGISTERS = 1 PSI ON GAUGE) WITH TRICKLE FLOW (WAS NOT REGISTERING AT ALL 9/9 A.M. BUT TOTALIZER SHOWS ~10 GALLONS FLOWED SINCE 9/9). V-NOTCH WEIR AT BACK OF PROPERTY MEASURED .19' HEAD (.04 CFS) TODAY.

THE NET RESULT FOR FLORA IS THAT ARTESIAN FLOW AT LSD HAS RESUMED FOR BOTH WELLS BUT TOTAL WATER AVAILABLE MINIMAL SO CALL FOR WATER NOT YET SATISFIED.

EDWARDS APPEARS TO BE DOING RATHER WELL. FLORA HAS NOT CALLED FOR EDWARDS TO CUT BACK AT ALL, ALTHOUGH WATERMASTER HAS DISCUSSED THIS OPTION WITH FLORA. FLORA NEEDS THE WATER TO HEAT ADD'TL GREENHOUSES (IN CASE ANYONE WANTS TO KNOW IF NEED IS THERE IN THIS CALL FOR WATER).

WHEN WATERMASTER CALLS WITH REPORT, I HAVE BEEN DOCUMENTING THIS WITH CONV. MEMO PLUS LOGGING DATA INTO "1994 DATA REPORTED" SHEET KEPT IN 63-S FILE (SEE JOHN'S OFFICE).

WHAT I HAVE TOLD THE WATERMASTER IS THAT WE DO NOT WANT TO TEST TERTELING'S WELL WITHOUT HAVING WHATEVER IN PLACE TO MEASURE EFFECTS AT FLORA & EDWARDS. I WANTED TO AVOID A SITUATION WHERE TERTELING WAS ALLOWED TO TURN ON & WE MISSED THE CHANCE TO SEE RESPONSE. KEN NEELY WILL BE GOOD REFERENCE FOR US ON THIS TOPIC IF NECESSARY.

ALONG THESE LINES, JOHN HOMAN CALLED TODAY -- HAS LEGAL MEETING THIS P.M.:

HE HAS TO MEET WITH JUDGE & BILL COLLINS TO DISCUSS STATUS OF TERTELING'S PENDING LEGAL ACTION AGAINST IDWR @ REGULATING WINDSOCK WELL. JOHN WONDERED IF WE COULD OFFER TO TURN ON TERTELING'S WELL BEFORE FLORA WAS SUFFICIENTLY RECOVERED. IF FOUND ADVERSE IMPACT @ FLORA, COULD SHUT TERTELING DOWN RIGHT AWAY. I DON'T SEE WHY WE COULDN'T DO THAT IF WE CAN REASONABLY ASSUME THAT THIS WON'T INTRODUCE TOO MUCH ADDED TIME INTO RECOVERY. MAYBE WE DON'T KNOW & CAN'T KNOW IF THIS TEST WILL ADD TOO MUCH TIME TO RECOVERY UNLESS WE TRY IT. WHAT WE DO KNOW FROM ED SQUIRES PRESENTATION IS THAT TURNING ON WINDSOCK WELL HAD IMMEDIATE IMPACT @ FLORA & PROBABLY EDWARDS WELLS. SO THE PROBLEM IS HOW CAN WE TURN ON TERTELING WHEN AT LEAST FLORA DOES NOT HAVE ENOUGH TO MEET ITS NEEDS NOW? WHAT WOULD BE THE POINT OF THAT?

ANYWAY, I DON'T ANTICIPATE THAT A TEST WILL BE DONE DURING THIS WEEK BASED ON CURRENT CONDITIONS. SO IF YOU COULD BE THE ONES TO KEEP TRACK OF NEW INFO RECEIVED LATER THIS WEEK, I WOULD APPRECIATE IT. I HAVE MY OWN 63-S FILE ON TOP OF BOOKCASE & HAS LISTS OF WR'S, AJ CLAIMS, MAPS ETC. IF YOU NEED IT.