

MEMORANDUM

TO: GARY SPACKMAN
FROM: DANIEL A. NELSON *DAN*
DATE: 5/26/2000
SUBJECT: FIELD VISIT WITH WATERMAST FOR COLD SPRINGS CREEK

On May 22, 2000 our office received a faxed letter from Jim Chambers from Half Moon Ranch requesting Idaho Dept. of Water Resources (IDWR) to intervene and investigate the watermaster on Cold Springs Creek, Cheral McCallister. I called Ms. McCallister on May 22, 2000, and left a message on her answering machine to review the diversions on Cold Springs Creek on May 23, 2000. Ms. McCallister returned my call in the morning of May 23, 2000. We set an appointment for her and Harley Riggs, the former watermaster of Cold Springs Creek, for 1:00 pm on that same day.

The morning of May 23, 2000, I began to prepare an updated list of water rights on Cold Springs Creek. This list was compiled from the water rights listed in the Modified Judgement and Decree in the case of Stanfield v. McGinness, (4th Judicial District, 1903); the IDWR water right database; and the Snake River Basin Adjudication (SRBA) recommendations. The list that I created instructed the water master to deliver the water according to the Stanfield v. McGinness decreed rights first and other licensed or permitted by IDWR later than the date of the decree. The new watermaster list was a draft list that had not been double-checked, but I did not have the opportunity do the double check before my meeting with Ms. McCallister.

At approximately 1:20 pm I met with Ms. McCallister at the head of Harley Riggs driveway and handed her the draft water right list and the letter you prepared for her. I forgot to bring a copy of the letter sent by Mr. Chambers and told her that I would send her a copy of the letter and a corrected watermaster list by the end of the week. I went through the letter you sent with me with her and the watermaster list while waiting for Harley Riggs. I then told her that she was to check the diversions on a daily basis starting on that day. I also informed her that she would need to perform the measurements of the water on her own and not with the assistance of any of the water users on the creek. I then went over how she needed to record everything that she did while acting as the watermaster. I told to her write down the times and the measurements that she was taking for each day and to keep an accurate log of the events. Ms. McCallister then asked whom she should charge for her time and I informed her to submit her time to water districts secretary and let them decide how the payments would be distributed.

At approximately 1:30 Harley Riggs arrived and we drove to the upper most diversion on the creek. This diversion is owned by Charter Mountain Ranch. While on our way to the diversion we were intercepted by the owner of Charter Mountain Ranch, John McCallum. Mr. McCallum told me that he did not want to have Mr. Riggs on his property and demanded that he get off the property immediately. I did not want to force the issue so we left the Charter Mountain Ranch diversions and looked at the remaining diversions on the creek.

The first diversion that we visited was the Double Anchor Ranch (Upper Diversion). This diversion did have a controllable headgate, but was not lockable. The weir was located down stream and was in a fairly good location. The weir pool was clogged with weeds effecting the accuracy of their cipoletti weir. We went ahead and measured the weir and it showed that approximately 3.0 cfs was being diverted. I was fairly confident that this device was in the $\pm 20\%$ accurate.

We then visited the 2 points of diversion between the upper Double Anchor Diversion and the lower Double Anchor diversion. These 2 diversions did not have water and were not being delivered. Neither of these diversions have a headgate or measurement device. There is another diversion off of the Double Anchor Ditch, but this diversion was not being delivered and would not be for the rest of the year.

The next diversion was the Double Anchor lower diversion. This diversion did not have a head gate or measurement device. The stream channel at this point was still muddy, but no water was in the creek.

The next stop was the Ark Properties diversion. This diversion is the diversion that I reported on earlier this year. No measurement devices or locking head gates have been installed at this point of diversion. A little water was flowing in the creek at this point. The water was probably seepage and waste water from irrigation on the Double Anchor Ranch. Mr. Riggs told me that about the only water that gets to this point is wastewater.

We then went to the diversion for Half Moon Ranch. A spring or runoff water from some nearby sprinklers was supplying a small amount of water in the Creek. All the water at this point was being diverted into the Half Moon Ranch headgate. There was no measurement device, but there was a lockable head gate. The amount of water being diverted was estimated at about 10 inches of water or 0.20 cfs.

Mr. Riggs stated that no one down stream of Half Moon Ranch has or expects to have water at this time of year. Therefore, we took Mr. Riggs back to his home and went to the Charter Mountain Diversions. Mr. Riggs drew us a map and told us approximately where to find the diversions.

The next diversion that we visited was the middle diversion for Charter Mountain Ranch. This diversion was dry and was not diverting water. This diversion did not have any head gate and no measurement device.

Then we went to the upper diversion for Charter Mountain Ranch. This diversion was the only diversion that had water for Charter Mountain. Mr. McCallum joined us as we looked at this diversion. This diversion has been changed since the SRBA agents recommended the diversion. Currently the water can be diverted on either side of the creek. The West diversion has a controllable head gate that was closed. There was an estimated 0.50 cfs leaking around the diversion. A dam had been constructed across the creek creating a small pond (less than 1/2 acre). The East diversion consisted of a 37 inch wide controllable head gate that could be modified to allow it to be locked. The water from the East diversion traveled approximately 3 feet and went into a buried pipe. An accurate measurement could not be performed on this diversion. I did measure it and estimate the diversion rate at approximately 6.90 cfs using .6 ft of head and the formula for a 4 foot contracted weir. Since this was not a weir and was fully suppressed and submerged, I estimated the accuracy of this measurement to be between 30 and 40 % accurate. I estimated that between 6.0 cfs and 7.0 cfs was being diverted. I tried to measure the diversion with the Polysonic meter, but the pipe was not full and the meter would not work. Mr. McCallum had counted his sprinkler heads and pivots and came up with 6.30 cfs with 100 gpm for possible pipe leakage. With the measurement that I had taken this amount seemed reasonable to me.

CONCLUSION:

After reviewing the water rights and the amount of water in the creek it looked at the time of my field work that the Half Moon Ranch's call for water was a futile call. Most of the stream bed is dry, and the only water in Cold Springs Creek below the Charter Mountain Ranch lower diversion came from run off and/or springs. The approximate 1.5 cfs remaining in the creek below the Charter Mountain diversions was sinking approximately 3/4 to 1 mile down stream. At the time of the field exam, I was convinced that if all of the senior rights were ignored the water still could not make it to the Half Moon point of diversion.

I telephoned Harley Riggs on 5/26/2000 to determine if it would be possible to get water down to Half Moon ranch if we shut off all rights on the creek including the senior rights of Charter Mountain Ranch and Double Anchor. He stated that the water would take a long time to make it to Half Moon Ranch on top of the ground and only a small portion would be left by the time it traveled to lower diversion. However, he also added that the water that sinks helps recharge the springs that supply water to Double Anchor Ranch. Mr. Riggs did say that there is a possibility that some of the water could make it down to Half moon. The only reason that this much water would make it down is because some of the stream channel is still wet. I then asked Mr. Riggs if he thought the 2.0 cfs not covered under the senior decreed rights would make it to Half Moon Ranch. Mr. Riggs said no that that much water would take to long to rewet the dry spots on the creek and by the time the ground was soaked up enough the creek flow would be too low to maintain the needed flow.

I am confident that there is not enough water in the creek to deliver the decreed water right for Half Moon Ranch this season. The water master currently can only deliver water to Charter Mountain and Double Anchor ranches at this time. I did not find any evidence that the watermaster was not performing her duty during my exam. I did not have access to the watermaster's telephone records to determine if she did not respond to calls earlier this year. The watermaster said she did receive a few telephone calls on the Thursday in question, but she stated that no one left a message to deliver water. She also said that she checked her caller ID and it did not show that Half Moon Ranch's foreman had called. She did say that she may have received a number from the foreman's cell phone company and would not know which of their customers would be calling.

I STRONGLY RECOMMEND THAT ALL WATER USERS ON THIS CREEK INSTALL AND MAINTAIN CONTROLABLE AND LOCKABLE HEAD GATES AND STANDARD OR CALIBRATED NON-STANDARD MEASUREMENT DEVICES PURSUANT TO THE MODIFIED JUDGEMENT AND DECREE IN THE CASE OF STANFIELD V. MCGINNESS, (4TH JUDICIAL DISTRICT, 1903). Without these devices the users of this water district will continue to have problems concerning the delivery of water and the water master will be powerless to help them. It is impossible for a watermaster to be held accountable for delivery of water on a stream that does not have controllable and lockable head gates and measurement devices.

ENCLOSURES:

- 1.) Letter to I sent to Ms. McCallister with corrected watermaster list.
- 2.) Watermaster listed sent to watermaster.
- 3.) Supporting documentation for watermaster list (SRBA water district list, Allocation water district list, Stanfield V. McGinness Decree list, and list showing Arc Properties rights from SRBA)