

Tim Luke 4/2

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July 28, 1994

Mr. Norm Young
1301 No. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

RE: Installation of Flow Meter on
Rangen Research Lab Pipeline from
Curren Tunnel

Dear Mr. Young:

I wanted to thank you for the opportunity I had to meet with you last week concerning Rangen's water rights on Curren Tunnel and most particularly the Department's desire to put a measuring device on their pipeline leading to the lab. It is my understanding, from our visit, that Tim Luke was going to be down to the Rangen lab and was going to check whether or not it was possible to put the non-intrusive type of measuring device on the pipeline. I expressed to you Rangen's desire to cooperate in any way possible but they were particularly concerned about the chance of nitrogen poisoning in the event their pipeline was compromised by putting a hole anywhere along that pipeline. You indicated you were going to let me know in a couple of days whether or not you felt it was possible to use the non-intrusive type to avoid damage to the salmon experiment (for some eighty thousand to one hundred thousand dollars) presently ongoing in the Rangen laboratory.

You expressed some disbelief that the intrusion into the pipeline to install the measuring device would in fact cause nitrogen poisoning, since in your estimation there would be a positive flow in the pipeline. I had an opportunity to discuss that with Mr. Bob Deisher, an employee of Rangen, and Bob indicated that there truly would be a problem and a great possibility of nitrogen poisoning were there to be any intrusion into the pipeline. He indicated it would be very much like a syphon with the water rushing through the inside of the pipe which would certainly suck air into the pipeline. The nitrogen is of particular concern because of the fact that the experiment is on the edge of maximum nitrogen concentration fish can withstand at the present time. If any more nitrogen at all were added even for

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a few minutes, it might cause the fish to absorb the bubbles, which they have no way to get rid of, and it would literally pop their eyeballs out of their head causing a failure of an experimental project on the salmon with a value exceeding close to one hundred thousand dollars. I cannot stress enough on Rangen's behalf that we cannot allow the intrusion into the pipeline even for a moment nor can Rangen handle a reduction in the water flow in the pipeline, if that is even being considered by the department.

When I questioned you about whether or not the water is going to be shut down depending, of course, on the measurement data, you indicated that while there would be no notice requirement you "could look me in the eye" and indicate that the department would let us know if such action would be forthcoming so we would have an opportunity to allow the court to decide whether that should be done.

Again, we want to cooperate in any way possible and, if there is any way the non-intrusive type of measurement can be used, that would certainly be preferred. Even with the non-intrusive method, however, we are somewhat concerned about leaving any equipment in the lab because of the possibility of injuring that equipment by Rangen employees or perhaps having the lab burn down, etc., and then being responsible for any damage. If the computer or any equipment is kept in the lab, Rangen would, of course, want an indemnification for any such problems from the department.

I might suggest to you a couple of things that may not have been considered by the department. First of all, with regard to measuring the water in the pipeline, in my conversations with Tim O'Keefe, another Rangen employee, he informs me that there are two methods of measuring that would give the department the information that they desire without intruding into the pipeline. Number one is for the department to go further up the tunnel towards the fork and taking the measurement there. Tim tells me that the pipeline when it goes just past the culvert dips down at a forty-five degree angle and at that point the water in the tunnel can be measured in total without the interference from the pipe. If the measuring device were placed there, there would be no need to go further down for a measurement of the pipeline. The entire amount of the water in the tunnel could be measured at that point. In addition, Tim informs me all the water that runs through the pipeline and into the lab is discharged out of the pipeline and back into the creek. It would be a simple matter to put a measuring device on the drain discharge pipe to measure the water at that point in time. Either of these suggestions, if followed, would avoid the danger of nitrogen poisoning as outlined above.

In addition, I would like to suggest a solution to the problem that is presently being encountered by the users of water from Curren Tunnel. We would suggest that the money being spent, as it presently is, that the water rights for Candy, Candlemeier, Musser and Rangen be handled as follows:

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All of the water would run through Rangen's facility which, of course, is a non-consumptive use. All of the water would flow through Rangen's facility down to a catch pond below the springs that comes in from Curren Tunnel and below the tunnel. It is anticipated that there is approximately thirty second feet available at that point of supply. A facility could be built at that point supplying water back to Candlemeier, Candy, Musser, etc., and, of course, since Rangen's water would be available at that point the other users would never be short of water. All that would be required is a lift pump to lift the water back up to the present level where the water is being taken from the tunnel.

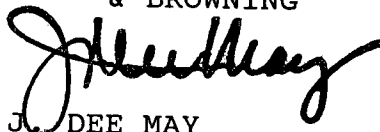
I strongly suggest that this alternative be looked at as a way of satisfying all of the water rights presently under concern.

Lastly, and by way of summary, we would strongly request that there again be no intrusion into the Rangen pipeline; if the non-intrusive measurement is used, that an indemnification from the department be forthcoming as outlined above and if there is going to be any reduction in the flow to Rangen's lab, that Rangen be notified so their rights could be protected and adjudicated prior to the reduction being implemented.

Thank you very much and I will wait to hear from you with regard to what you would propose from this point on.

Very truly yours,

SUDWEEKS, MAY, STUBBS, KERSHAW
& BROWNING



J. DEE MAY

JDM:mab

cc: Phil Jones
Bob Deisher
Tim O'Keefe
Christopher Rangen