

# Water District #31

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Department of Water Resources  
Eastern Region

Mr. Norm Young  
Idaho Department of Water Resources  
1301 North Orchard Street  
PO Box 83720  
Boise, Idaho 83720

Dear Norm,

Enclosed you will find comments to the Final Draft of the Water Management Rules.

As you have stated before, this issue has been hotly debated at all our meetings. The issue is still before us and must be addressed. The debate from our side has been presented many times, however we elect to make our final plea in writing as for the record and future outline to be used in future meetings, hearing's, and legislative appearances. If the rate of diversion issue isn't resolved this controversy will continue and even become worse, which in turn will make passing these rules very difficult or even impossible. Then we will have a committee forming battle lines rather than one which could fully support the year of work and a set of rules.

## 033. ENFORCEMENT OF DIVERSION RATE AND VOLUME (Rule 33)

Open discharge of well water into delivery canals, to lands to be irrigated have a very high seepage loss and also a very high loss when moss gets heavy from prolonged periods of pumping flows. These canals need shut down for a period of a few days to let moss dry out and die, along with a period of time needed to shut down for harvesting. These canals are not charged again until a large demand is required. Operation of the system for light demand creates much higher losses per A.F. of delivery for small diversion to lands to be irrigated. However, when the demand is great all users want water and the need to exceed a rate of flow is needed for a few days and at a critical time period to eliminate crop damage. After this critical time period flows remain normal and below until a need arises to shut the system down again for harvest and demossing and some channel seepage loss control and maintenance. The time cycle needed to exceed the rate of flow would be necessary for short periods of time, three times a year. The first heavy draft would be near the 10th of May at the time most canal company's get to a maximum head, then after 1st haying and then after 2nd haying. Most licenses and decrees allow pumpage April 1 and April 15, however they hold off until critical need arises, because of the losses, and expensive costs of power.

The rate of diversion would be near 25% over in May, slightly over 10-15% in June-July and near normal or less in September-October. Some years the authorized rate of flow cannot be reached in late summer during extended drought periods.

This practice occurred since the time the canal company's were formed from the late 1920's and early 1930's. Most water priorities are 1926 thru 1938 with some later. This practice is one of necessity, survival, and economics, and not one of convenience, as one committee member has charged. This practice has not made a over use of the annual volume of 3.5 A.F. at the field headgate.

One other member stated that exceeding the diversion rate would drop his canal company's water level at a critical time of irrigation. How on earth could a Mud Lake Canal Company drop a Twin Falls Canal Company's water level when the pumped water is above the Mud Lake barrier and some 200 miles away, when the annual volume was not exceeded. The water pumped by practice above would be much less than pumping steady from April 15 to October 15 and suffering extreme losses from moss and seepage and excess power consumption. No water organization I know of pumps water not needed as they can't afford to.

The other real concern is that the Mud Lake water users are pumping and losing some 16,000 to 20,000 A.F. of water into Mud Lake storage. This lake is their reservoir storage area, but lands are owned by Idaho Department of Fish & Game, and they have a remarkable fish, bird, and wildlife habitat fully supported by Mud Lake pumpers waters. Whatever amount of water is lost to storage factors is water pumped over the rate or volume. This has to be accounted for by the right to pump one or both over the rate proposed by the rules. If the pumpers were held to licensed or decree rate of diversion from the point of diversion, then there would be little water for irrigation.

Due to the fact this has been going on since the 1920's and 1930's is this not a constitutional water right? If not why is it not and if it is how can you adopt a set of rules taking that right away?

Water being pumped in closed conduit's can easily survive a rate of diversion but open discharge water cannot. Therefore this diversion rate as written cannot be accepted and we recommend the draft rules dated July 1, 1998, before they were changed to the present ones.

#### 086. STANDARDS FOR MEASURING FLOW IN AN OPEN CHANNEL. (Rule 86)

02. The requirement that a rating section be calibrated by a licensed professional engineer taking flow measurement with a meter seem quite harsh, questionable, and costly. This district has several rated sections which have been rated by the water master and some checks and measurements made by the U.S.G.S Water Measurement Technicians. These people do mostly current meter measurements and rating sections on

a daily basis, but would not qualify as per this rule. This language needs changed for the above reasons.

I apologize for these written reasons for rule changes rather than solutions but have worked hard on solutions during this process of rule writing and we made progress toward solutions but then stepped backwards to where we are now.

Those written reasons are to document why these rules won't work as written. These reasons have been brought to the committee's attention, but have fallen on deaf ears, on the environmental and federal agency's side of the issue. Please do something to correct these discrepancies before sending these rules to the next level.

Sincerely,

Donald W. Shenton

Donald W. Shenton  
Committee Member