

W A T E R   D I S T R I C T   #32-D  
PO BOX 33  
DUBOIS ID 83423

June 22, 1994

JUN 23 1994

Mr. Ted Sorenson  
Birch Creek Ranches Inc.  
203 S 11th E  
Idaho Falls, ID 83404

Department of Water Resources  
Eastern District Office

Dear Mr. Sorenson,

In response to your request that if I find some portion of the first paragraph of your letter dated 6/16/94 unacceptable, that I let you know in writing. First, paragraph 3 states, that weirs will be installed, then later in the letter you state that a weir exists at the Lone Pine Diversion Ditch. I personally walked this ditch at the time water was being diverted from the point of diversion to the lands to be irrigated and certainly have not seen such a device. Therefore I suggest a weir be installed at a point where the old weir used to be located and not any further downstream without lining the ditch section being moved as per your request in the annual meeting in 1993. Mr. Wagoner asked to move his weir downstream enough to take back waters off his control gate to help with the moss problems and was met with resistance from you unless he lined the stretch being moved.

If this is done in this manner all users will comply with the same rules. I might also add that losses in this ditch appeared to be extreme as not much water was reaching the lands irrigated while the diversion rate was much more. Other than the above comments I find the condition in the first paragraph totally acceptable.

Normally when steps need to be taken to get compliance, I get the usual response I have from you, but if the needed corrections come about, further discussion is let go and we go about diverting and regulating waters, however since there was a need to write about the above I will comment on your assertions in your last letter. Putting these issues in letter form eliminate the need for recollection of verbal requests.

I did not state your water assessment was not paid at the time of the letter, but did state that I needed the assessment paid and a weir installed in a conversation with Mr. Simmons, before I could deliver water. At that time you can be assured that this assessment was due and not paid.

You state that the effect of diversion cannot be seen because of diurnal variation. I am not an engineer, but I find that if you divert 4.0 c.f.s. of water you become short that amount no matter what. If 4.0 c.f.s. is diverted someone will be short 4.0 c.f.s. somewhere. Also the diurnal variation will be short 4.0 c.f.s.

both at the top and at the bottom of that variation, unless there is a return flow from the diverted amount. I'm surprised at your assertion that upstream diversion would go unnoticed.

You state that the weirless diversion has been happening for sometime with my concurrence and I agree but not without my insistence to the contrary, and I further state one of the agents of Birch creek Power, or Birch Creek Ranches removed a very good working weir from the ditch with your backhoe and for whatever reason I don't know.

Finally Mr. Sorenson, my reason for the letter was not because you voted against myself as watermaster, but rather for the reasons stated in my first letter.

I might add that many such letters have been sent to water users to get compliance where all else fails, and further state that no one has ever voted against me at any election. I might also state that since my first letter to you a harsh action had to be taken by letter against a good friend and avid supporter of me and my position as watermaster for many years.

I agree that you have your right to vote for whoever you please and hope you would respect my right to administer the water in whatever way is needed to get compliance by all users in a Water District.

Sincerely,

*Donald W. Shenton*

Donald W. Shenton  
Watermaster  
Water District #32-D

cc: IDWR/Idaho Falls  
IDWR/Boise  
Bill Simmons  
Birch Creek Water Users