



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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February 1, 1999

Vern Kempton, Commissioner
Clear Creek Distribution System
8C 72 Box 2324
Malta ID 83342

Dear Vern:

Enclosed is a corrected copy of the document that I sent to you earlier. Tim Luke from Idaho pointed out that there was an error in our description of the 57%-43% split. In the previous document we had stated that the split should continue until a total of 720 acre feet had been delivered; it should have read until a total of 750 acre feet had been delivered.

Please destroy the previous document that we sent and use the enclosed copy for distribution purposes. If you have any questions, please contact me at (801)538-7380.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee H. Sim'.

Lee H. Sim, P.E.

Assistant State Engineer
for Adjudication and Distribution

Enclosure

cc: Bob Fotheringham

DISTRIBUTION OF THE FLOWS OF CLEAR CREEK BETWEEN UTAH AND IDAHO

The following is from notes taken at a meeting held in Malta, Idaho on June 18, 1998. Those in attendance were Norm Young, Tim Luke, and Allen Merrit (State of Idaho); Dave Sundberg (Idaho watermaster); Lee Sim and Bob Fotheringham (State of Utah); Vern Kempton (Utah commissioner); and Mont Campbell (Utah wateruser).

DESCRIPTION OF WATER DISTRIBUTION PRACTICES

The basis of distribution in Utah has been the Christensen Decree, the Johnson Decree, and the Naf Irrigation Company rules (the company shareholders divert directly from Clear Creek rather than from a main company canal, so the Utah commissioner distributes water among shareholders). The distribution of water according to these documents was described as follows:

Depending on the weather, the Utah irrigators will start using water sometime in April or early May - the creek is usually at about 3 cfs at this point. The water continues to be entirely used in Utah until the flow increases to an average of 20 cfs or more for a period of 24 hours. The Johnson decree said this flow was to be determined by adding the measurement made at the USGS gaging station with the measurements made at the diversions above the gaging station. After the gaging station was abandoned, they started determining the flow by adding the measurement taken at the "stage crossing" (Kempton's diversions) and adding it to the measurements of the diversions above the "stage crossing". In 1995, in an effort to more closely follow the decree, they began taking measurements at the "temporary weir" (just below the old USGS gaging station and near the Sundberg and Campbell diversions) and adding the diversions above the "temporary weir" to determine the flow of the creek. There are six measurements that must be made to make this determination: two Scofield diversions, two Sundberg diversions, one Campbell diversion, and the flow over the "temporary weir". It was generally agreed at the meeting that measuring the water at these points would provide an adequate representation of the flow of the creek.

After the flow reaches an average of 20 cfs, it is turned down to the Idaho water users. They use the entire flow of the creek, except the Scofield right to 0.33 cfs and the Naf I.C. right to 0.5 cfs, until they have taken a volume of 560 acre feet. The flow used to determine this volume is measured at the Idaho weir.

Once the 560 acre feet has been delivered to the Idaho water users, the flow of the creek is then split between the water users - 57% to the Idaho water users and 43% to the Utah water users. The Idaho water is measured at the Idaho weir and the Utah water is the sum of the measurements taken at each of the diversions in Utah. The sum of the Idaho weir and the Utah diversions is taken to be the total flow of the creek. The water continues to be distributed on this basis until a total of 750 acre feet has been delivered under the 57%- 43% split.

After 750 acre feet has been delivered, if the flow of the creek is still above 36 cfs the water continues to be distributed according to the 57% - 43% split. If the flow drops below 36 cfs, then the entire flow goes to Idaho for 12 days (the "12 day run") except the Scofield right to 0.33 cfs and the Naf I.C. right to 0.5 cfs. After 12 days, the water is again split between the water users in the two states according to the 57% - 43% split until the flow of the creek drops to 17 cfs.

Once the flow of the creek drops to an average of 17 cfs for 24 hours, the entire flow is kept for use in Utah. This usually occurs in the end of July or August, however, any time the creek drops to an average of 17 cfs or below for 24 hours during the distribution season, the entire flow of the stream is kept for use in Utah.

PROCEDURES FOR COORDINATING THE DISTRIBUTION EFFORTS OF THE UTAH COMMISSIONER AND THE IDAHO WATERMASTER

DETERMINING WHEN THE FLOW SHOULD BE RELEASED TO IDAHO IN THE SPRING

The Utah commissioner will take measurements at the "Temporary Weir" and at the diversions above between 7:00 a.m. and 10:00 a.m. When the flow of the creek reaches 10 cfs, the Utah commissioner will begin posting each of these measurements plus the total creek flow at the Naf store by noon each day. When the creek flow reaches 12 cfs, the Utah commissioner will notify the Idaho watermaster. When the average of the current day's total creek flow and the previous day's total creek flow (based on the measurements posted at the Naf store) is equal to or greater than 20 cfs, the water will be released to Idaho. The Utah commissioner will contact the Idaho watermaster when he believes it is likely that the water will be released to Idaho the next day. Once the determination has been made that water should be released to Idaho, the Utah commissioner will immediately begin to open the control structures on the Utah diversions to release the flow downstream. He will begin at the lowest diversion on the Utah system and continue up the system until all control structures have been opened. Creek flow measurements will not be posted at the Naf store after the water has been released to Idaho.

DETERMINING WHEN THE 57% - 43% SPLIT SHOULD BEGIN

After the water has been turned to Idaho, the Utah commissioner will monitor the flow of the creek at the Idaho weir. When it appears that delivery of the 560 acre feet will be completed in the next day or so, the Idaho watermaster and the Utah commissioner will coordinate with each other about the start the 57% - 43% split. The Idaho watermaster will determine when the 560 acre feet has been delivered and the split should begin.

REVIEW OF WATER MEASUREMENT PRACTICES IN UTAH

At any time during the season, if the Idaho watermaster desires to accompany the Utah commissioner on his rounds, he should make arrangements with him the night before. It is anticipated that this will occur three times a season, however, more times a season will not create a problem as long as arrangements are made the night before.

There was a general consensus that because of the time of year the first and second of the procedures listed above would be implemented starting in 1999 and the third would be implemented immediately. These procedures are subject to review and may be modified from year to year as the need arises and as the Utah commissioner, Idaho watermaster, and the Utah and Idaho state officials can agree.