



State of Idaho

DEPARTMENT OF WATER RESOURCES

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February 4, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

WALLACE KIMBLE
33244 EGLON ROAD NE
KINGSTON, WA 98346

RE: Measurement and Control for Little Wickiup Ranch LLC water rights

Dear Mr. Kimble:

This letter responds to your letter of June 2, 2008 and our telephone conversation this morning. You had asked in your letter that the diversions for water rights 72-219C and 72-219A be exempted from the February 20, 2007 order requiring controlling works and measuring devices in Water District No. 170 (the Order). In your letter, you state that the East Fork diversion (water right 72-219A) has a lockable headgate and a "fish weir that controls the water volume". You also ask for an exemption for the Little Wickiup Creek diversion (water right 72-219C) because the water right diversion rate is below the 0.24 cubic feet per second (cfs) rate described in the Order.

As we discussed during our telephone conversation this morning, I have visited the diversions and have confirmed that the East Fork diversion has an adequate headgate, but you must install a measuring device since the fish bypass structure does not measure or regulate the flow. You indicated you will acquire a prefabricated ramped flume and install it in the ditch just below the pipe across the river. This is an acceptable plan for measuring this diversion.

The diversion from Little Wickiup Creek is composed of a stainless steel screened collection box that diverts water into an approximately two-inch diameter plastic pipeline. Although the maximum authorized diversion rate for water right 72-219C is less than the 0.24 cfs threshold stated in the Order, the right authorizes irrigation of more than five acres. As such, that diversion is not exempt from the controlling works and measuring device requirements of the Order.

The control requirement may be satisfied for the Little Wickiup diversion by installing an inline valve if one is not already present. However, as we discussed this morning, the measurement requirement would best be satisfied with a totalizing flow meter of a type that does not project into the flow of water and catch debris. IDWR recommends magnetic flow meters due to their simplicity and durability, but they are fairly expensive. Although we must comply with the measurement requirement, I would like to limit the need for you to spend more than necessary. Given that this is a small diversion that does not likely experience fluctuations in diversion rate throughout the season, it is reasonable to first evaluate whether other options would suffice before requiring a totalizing flow meter. As such, I recommend you contact me when you begin irrigating this summer and we can meet on site to measure your diversion with a

Mr. Wallace Kimble

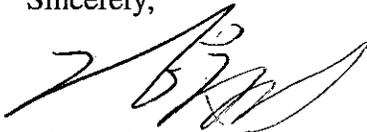
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portable flow meter, discuss your irrigation system and use, and determine whether a flow meter is needed or if another option would be satisfactory.

Please feel free to contact me if I can be of further help or if you have any questions regarding this issue. Thank you for the telephone conversation this morning, and I look forward to meeting with you this summer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Miller', written over a horizontal line.

Nick Miller, P.E.

Water Distribution Section

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