

The South Boise Water Company
Dr. A.H. Chatburn, President
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Told to Steve Sweet who recorded the conversation and had it transcribed. There is some editing in italics by Barry Eschen March, 2014.

Historically speaking, this area got its big boost back in the 1860's when gold was discovered in the Boise Basin. There are some people who readily found out that they could make more money providing provisions for the miners rather than digging for gold. So that's how the Boise Valley agricultural stuff really got started. One of those very early ventures was a natural slough out of the Boise River which is known as Loggers Creek. Some of the early farmers diverted from that slough to raise crops. That continued for quite some time. The water right of the South Boise Water Company dated back to 1865 – 16th oldest on the river, out of the 139 rights.

As indicated in Tuthill's letter (*We have not found a copy yet.*), Ridenbaugh and Reese entered the picture, primarily Ridenbaugh, through the construction of a sawmill and, there was actually a power plant in addition to the sawmill in the vicinity of what we now call Protest Road. You could identify the location of that sawmill by going to an historic residence at 1715 Boise Avenue. Immediately south, approximately southwest of that house, was a sawmill, a big log pond and they had the power plant on the west side of Protest where a bunch of fancy homes are right under the hill now. That was where there was a power plant. The Ridenbaugh-Rossi Mill Ditch continued in operation after the sawmill and the power plant were discontinued. Eventually the Mill Ditch was owned by a fellow by the name of George Reese. He had sole possession and through a court case, the South Boise Water Company and early pioneers (I should go back to the farmers – I'm getting a little out of chronological order here). There was a court case involving that Mill Ditch and the water rights and it was settled that Reese owned the Mill Ditch in its entirety from Loggers Creek down to the power plant. The South Boise Water Company, which was incorporated in about 1918 with 5 original incorporators (I met 2 of them before they passed on) was set up to run initially for 50 years and, it would have been had not Boise's Junior College become a member.

Reese, as the sole owner of the ditch, in effect, operated a public utility and he charged the South Boise Water Company even though the South Boise Water Company had a water right dating back to 1865. It had to pay a tribute to George Reese to run water through his ditch (\$100 - \$200). When I went on the Board in March of 1951, he had jacked up, through permission of the County Commission, (He had to get the permission of the *county* to raise it.) But nobody knew what was going on so he got it up to \$900 annually, and, that made us see red. We had 5 new Board Members that were really green behind the ears and we just were *incensed* at paying that annual charge to run water through the ditch particularly in view of the fact that he didn't maintain the ditch and he didn't maintain a satisfactory flow of water. When I went on the Board, the Mill ditch effectively ended at Broadway. From Broadway on down to Protest, it was a stagnant health hazard, a dead body of water. So we were at wit's end. We couldn't get much cooperation out of Reese. Then a very fortuitous circumstance occurred. And, he isn't getting much credit for having been president now-a-days but fortunately a lot of people do remember what Gene Chaffee did as president of Boise Junior College and Boise College. He wasn't president when it became Boise State College. I've never known anyone as dedicated as Gene Chaffee – a brilliant man. One of his major loves was developing the beautiful campus, 110 acres. Some of the faculty members, who were a little bit not entirely happy with everything, said that he should have been the superintendent of buildings and grounds because he spent so much time trying to develop that beautiful campus. One of the major concerns back in those days, was getting an adequate supply of water. When the college was relocated from over at St. Margaret's Hall to the old airport site, wells were dug – a well to start with, one well – to get water to sprinkle irrigate the campus. The water supply was quite adequate during the height of the irrigation season when the water table was high. But during the early spring the water supply was pretty short. Hence, Dr. Chaffee had the well, by that time there were two of them, deepened to get

more water. Same thing – lots of water, when the water table was up, not much water until about the early part of June and the college campus needed water badly in April and May. They checked into getting water out of the Boise River and some regulator, (The Idaho Department of Water Resources wasn't in effect then, so we can't blame them,) said he couldn't do it. So then he tried to get water from the Ridenbaugh Canal – 50 foot head and run it down the hill near Protest and he wasn't able to do that. I had told him in passing that I had just become President of the South Boise Water Company and he approached me and said “How about our getting water from the South Boise Water Company? So I called the Board together and we had a fellow back in those days who had a lot of ideas, also. We made a proposal which staggered the other four Board members. We were really set back on our heels. He said “let's buy the Mill Ditch and serve Boise Junior College”. So we dickered and were able to get the Mill Ditch from George Reese for \$2750 – lock, stock and barrel. Where did we get the money? We borrowed it at 6% interest from our stock holders. They came through and they put up the money in a hurry. We got it paved back as soon as we could and, they were all very gracious about it.

We found, much to our surprise, an old culvert under Boise Avenue and an old ditch which ran directly to the campus. So we started to roll water. We soon encountered difficulty; however, because we rolled so much water down there that the water ran all over what was then a vacant field where all those houses are. There were only about 6 or 8 houses in there at that time and we flooded some basements. Hence, we saw that something would have to be done differently from that, so Gene Chaffee then consulted the engineers and came up with the idea of piping the ditch from its beginning at Protest Road – right across Protest Road where the Mill Ditch ended. Incidentally, if you'll pardon my going back just a moment, we had to agree as a condition of George Reese's selling the ditch to us, that we would provide water to the Ridenbaugh Estate, as it was called, for a period of 30 years which was up to 1981.

The pipeline is located approximately 30 feet west of Protest Road, right where, in effect, the Mill Ditch ends. The University has its headgate there. They used to keep it padlocked and I still think it ought to be padlocked and, I've told the superintendent of buildings and grounds it wasn't padlocked. A year ago, about this time, somebody closed the gate and the Protest Hill apartments were flooded. But the University has done one thing that I recommended; and that is a good adequate trash guard at the beginning of that pipeline which prevents sticks from going into the pipeline. From an engineering standpoint, I think one would probably be a little bit horrified. We do have about two gentle curves in that thing in order to make it line up, but we haven't had any problem; with the exception of vandals who dug into the pipeline for irrigation purposes but we've got them on the Water Company now. The pipe is fifteen inch diameter *cenviro*. That's the rubber reinforced gadget which will take fifty pounds pressure. It runs *under* University Boulevard, and goes into a sump from which the University pumps the water and sprinkles the ground under pressure. It *supplies* all the campus irrigation. There are several places on the campus where there's just a small headgate that they can open up under *gravity* pressure; the water flood irrigates. So some places they don't pump. Initially, that was the way the whole thing was – gravity flow. Gene Chaffee felt that that was working so well, that with further development of the campus, more shares *would be needed*. The University bought an additional 100 shares bringing the total up to 200 shares. We had the understanding that the University would maintain the pipeline. We delivered the water to the pipeline thirty feet west of Protest. I should mention also, that the Mill Ditch dumps into a drain approximately sixty feet west of Protest and goes under Boise Avenue, under Capital Boulevard, and the drain is the water you see flowing through Ann Morrison Park. Another fact that is extremely important in this whole business; the Ada County Highway District dumps into the Mill Ditch in four or five places, hence, if push ever comes to shove, we feel that we have a legitimate reason for asking the Ada County Highway District to help maintain that Mill Ditch. Also, the South Boise Mutual Water Company (ours is a mutual non-profit group) irrigates the area south of Boise Avenue, generally speaking. We irrigate the area north of Boise Avenue, generally speaking. South Boise *Mutual* dumps its waste water into the Mill Ditch. We've never been able to get them to assist in the maintenance of the Mill Ditch because they've been almost belly-up for a long time.

We got this thing up to about 1953. Development proceeded rather rapidly in the area between Boise Avenue and the University in the 50's and 60's and as housing developed, as houses were built, the pressure on our system increased a great deal. Because of FHA regulations, that houses be built on a pyramid, not very many people were interested in flood irrigation. So a lot of ditches were closed and one of our biggest problems is trying to get a ditch relocated or piped so the water will flow through it. The laws read that anyone may enclose or pipe a ditch as long as he does nothing to interfere with the flow of water. But the builders generally sneak this stuff in during the winter season and we just have to patrol regularly so we've had a lot of problems with pipelines and continue to do so and that is the greatest financial hazard to the health of the Company.

Loggers Creek derived its name from the fact that logs were floated down the Boise River into Loggers Creek hence to the Ridenbaugh-Rossi Mill Ditch which in those days was heavy plank lined on both sides and also the bottom. A flume was what it was and those logs went down that Mill Ditch according to one of our old-time members, Martin Nelson, Sr., with great velocity. And, while the kids and the adults get their kicks now-a-days from tubing the river, the kicks according to Martin Nelson Sr., in those days, was to get on one of those logs and ride it all the way to the pond at what is now Protest Road. The old-timers built a kind of diversion structure out there *in the river* which eventually was upgraded to the plank piling which you saw half of it still intact.

To divert water from Loggers Creek to the Mill Ditch, another wooden structure was built again with pilings and big planks which dropped into place. You can still see the vestiges of that old dam where Larkey Dam is located. Back in those days we would laboriously take those planks out about the 15th of October to the 1st of November each year and carefully store the planks. Between April 1st and April 15th we would reinsert the planks to build up the pool so the water would go into the Mill Ditch. But for six months of the year the Mill Ditch was a kind of swamp; not much water in it except the drainage from the Ada County Highway District street drainage.

Loggers Creek wasn't much better. It was a kind of swamp also. The integrity certainly wasn't anything to brag about. We saw that it was necessary to replace that wooden structure *that diverted from Loggers Creek to the Mill Ditch* so we started saving money. When I was President the first time, back in the 50's, we set up a sinking fund and we put a few hundred and whatever we had on the side to draw interest. When Joe Brogden became President there were many other Board Members who felt that that sinking fund should be used to upgrade and make the whole system function better. But, I fought like a tiger to maintain that sinking fund. I remained on the Board but not as President during the 60's and part of the 70's. We finally saved up ten thousand dollars and then we built it; it's been there about fourteen years and it's a food structure. It is an overbuilt structure. Some of us on the Board said three tubes were enough; three culverts were enough. The fellow who succeeded Joe Brogden as President, a fellow by the name of Walter Mall, carpenter-contractor, said five would be better. He took himself out of contention in the bidding and whereas we had three bids in excess of \$10,000, he built the dam for a little over \$9,000. Again, I would have to go back to the records to find out exactly what it was. He did a good job. He was assisted by then-Watermaster, Amos Larkey and that's the reason why I suggested, and the Board approved, naming that dam the Larkey Dam. Well, Mall got so fed up with being President of the Company, he never allowed himself to be called President. He always insisted on the title "acting President". He had a beautiful farm on the corner of Williams and Londoner. When he moved out of the area, that left the vacancy of President. An unsuspected stockholder attended the meeting when we needed the President and we railroaded a fellow by the name of Delbert Moore in as President and I agreed to serve as Vice President – I had been Vice President all this time. Poor Del Moore, a retired jeweler, was just overwhelmed – he just couldn't fathom the system or anything else – he took it for one year and resigned. So I went back as President about ten years ago or so; I've forgotten when.

Chronologically, the next major *event* (and I would call this as important as Boise Junior College's joining the Company) was the entrance of River run; this was something. I was approached by Bill Chronic who, along with Tony Peterson and Peter O'Neill, had a plan for developing a

wasteland jungle. Bill Chronic had told me about the grand plan that he and his two partners had. He said that it involved the use of a lot of water by way of amenities flowing through the property. He wanted to do something about getting a more uniform flow into Loggers Creek with a dam which would regulate the flow more evenly - make it more uniform. But he said that the Corps of Engineers would not deal with River run Development Company; that it had to deal only with an entity with an established water right. So he wanted to work through the South Boise Water Company with his being designated as the agent as the South Boise Water Company. I took this to the Board and the Board bought the idea. The old structure was located in the traditional channel, the old slough channel, the structure which had been put in as a flood control measure was torn out. That consisted of three-foot culverts and that was put in the early 60's (*actually 1974*). We had one of those really high flow spring runoffs and Martin Nelson had just completed *a home* where Ken *Hollenbough* lives now and he and all the other people along the river were worried about being flooded out. It was touch and go there for a while - the water was really high and it looked for a while as if it was going to spread out and cover all that area where Parkway Drive is now. So, we passed the hat and got as many donations from people living along Loggers Creek as possible and they kicked in \$10-\$20 or \$50 and South Boise Water Company made the largest donation and I've forgotten what it was. It was something just under \$1, 000, as I recall (*actually \$525*). The county commissioners got the country involved and they said "let's build something that would prevent that water from coursing down Loggers Creek during spring runoff". So we built a dam with those three whistle tubes, as they were called in those days. We regulated it and old Fred Wagle was the head honcho in the regulation. He's the guy that lived in that house for many, many years - ran his cattle there. He would drop plywood down there in front of one, two, or three of those *pipes* to regulate that. There was no turnstile; it was strictly magnet; no gate. But the point I want to emphasize is that prior to River Run coming into the scene, we did have a structure; nothing fancy, but it served our purpose. It was all that the South Boise Water Company had, and as a result, the fact that we put in more money than anyone else, with the exception of whatever the county commissioners did, we laid a *claim* to Loggers Creek, but it was a pretty tenuous claim until the drought of 1977. Water was in short supply during the season of 1977 and South Boise Water Company had heard that various people residing on both sides of Loggers Creek were helping themselves to water and they weren't doing it with criminal intention; they just figured the land was there; the water was there; must be theirs to use.

It so happened that that summer I had two grandkids; one 15, one 16. The 15 year old, now the head tennis pro at the Denver County Club, had just won the Western Regional Championship tennis in Las Vegas. The 16 year old from California and this 15 year old from Colorado, I said "How would you like an interesting project?" They were water enthusiasts; swimmers, water skiers, tubers, you name it; they like the water. How would you like to wade Loggers Creek from Myers Lane on down to find out how many people are pumping?" Well, what if somebody wants to know what we're doing? Well tell them that you are conducting an ecological study of wildlife habitat. So they waded the stream and they were challenged by three or four people. They waded not once but three time and they found some pumps that were pretty well hidden. So I took this information to the Watermaster, Hank Koelling, and each one of those people received a very short to-the-point abrupt letter. "We have evidence that you are pumping water from Loggers Creek. All the waters of the Boise River are completely adjudicated. Either remove your pump or prove that you have a right to pump from Loggers Creek." His phone started to ring. "Well," he said, "I think maybe the South Boise Water Company might have some shares to sell." We got nineteen of them and one fell through. It took a little doing, but we got them. So that gave us, I think, since we have so many customers on both sides, in effect, legally we could say we own Loggers Creek as much as anybody else and probably a lot more.

It started actually in '81; this was the agreement that we hammered out. I think maybe Bill Chronic actually approached me in 1980 on this thing. He had prepared all the legal documents. I kept the Board informed on this. I signed as President of the South Boise Water Company and designated Bill Chronic as our agent to deal with the Army Engineers and that structure which we now call the Chronic Dam. I think it was built for a very good reason and it's a good one; well engineered and it does the job. Bill spent a lot of time studying the river; he just slipped on one

thing; and that is the sand accumulation at the southernmost gate. But we still have plenty of water that we can shoot through those other two gates. The contractor also failed to live up to one part of his agreement; and that was to put a catwalk above the trash guard. So we started running water through the first amenity of River Run which was Creekside Lane; and that provides water to Barbara Little too. As indicated in Tuthill's letter of October 9th, they {*Meeves Association*} have two rights there that go back quite a ways, but they can't get water on the north side of the property which is now owned by Barbara Little; can't get water on the north side of Loggers Creek and the Mill Ditch without its being backed up by our Larkey Dam. I approached Chuck Little while he was still living to give us some financial aid in building that dam. He said, "No way, I'll flume across Loggers Creek from Meeves 1." I can't remember which one is Meeves 1 and Meeves 2, but he said he would flume from one ditch on the south side, across Loggers Creek to his Meeves Ditch on the north side, and he would never contribute anything financially to the welfare of the Company although his predecessor, H.G. Myers, where *Little was* living, would. That was a dairy farm and a dandy one. H.G. Myers always helped us in maintaining that old wooden structure both financially and with labor because he saw that he couldn't back up water and get it into his ditch on the north side without that dam. But we've never been able to get cooperation from Barbara Little following the death of her husband. She refuses thus far to join the Company. But we'll maybe get it done someday. She did indicate this last spring that she would be willing to join the Company if we would maintain the Meeves ditch on the south side of Loggers Creek. It is a long narrow deal which has one section right next to a drain and it's a very delicate ditch. It *would* cost us a lot more to maintain it than the revenue we probably *would* get with her joining unless we could maybe work something out.

In 1981 the water started to flow but we had disagreements right from the outset with what the level of water should be in the reservoir back of the Larkey Dam. When Walter Mall constructed the dam, he put a piece of wood in the concrete, which is still there, which indicated the level in which we should back up the water to and show an adequate flow into the Mill Ditch. But we found that did not get sufficient water into the amenities. So we started running it not at five, which was the level where the wooden marker was, but we started running it at eight and got it up to nine and then one of our stockholders, Dr. Schultz, returned and his place was flooded. So we'd been trying to get some level there which will satisfy everyone and it hasn't. We think that maybe seven will do it. But we aren't just sure.

In 1982, we received a letter from the attorneys of River Run Development Company asking us to turn over control of the whole system to them and they would ensure that we had ample water into the Mill Ditch. On the face of that thing, it sounded like an excellent idea. That letter also indicated that River Run owned the dam which we call Chronic Dam now, since they built it. I had our attorney answer that to the effect that River Run tore out an operative structure which was serving our purposes quite well and *it* was our viewpoint that River Run no more owned the Chronic structure than the old structure they tore out and furthermore all of this was done in the name of the South Boise Water Company with Bill Chronic acting as our agent. So that took care of that. Then, Bob Schwartz and Peter O'Neill (Bill Chronic was out of it, as you know, when Tony Peterson suddenly died of a heart attack and Bill Couldn't stay in because he couldn't raise the finance to stay in.) So Peter O'Neill and a company from California assumed ownership of River Run. But Bill continued as the engineer and he was, and maybe still is, doing engineering for you. Peter O'Neill's office then was quite close to where Bob Schwartz's office was so we met repeatedly in Bob Schwartz's office and hammered out this agreement. And I circularized this to all members of the Board of Directors and asked them to indicate approval, disapproval, or a meeting to discuss it further. We had unanimous approval and River Run bought 100 shares of stock. So in the agreement the agreement was hammered out that we have control of the structures on Loggers Creek. We have absolutely no control of the amenities whatsoever and by the way it's worked out we don't want to touch the Fred Wigle Dam. Fred, over the years, had a whole bunch of logs and debris that he piled in there and that was the Wigle Dam. So he could divert water into his ditch where he irrigated his place and also the twelve or fourteen acres which the Stewart's owned. They had a beautiful little farm in there.

So this about brings us up to the years we had been wanting to do something about the diversion structure *portion of* the dam. I didn't mention that well-intentioned people went out there and did a chainsaw job on the pile and the plank. As long as we had the pile and the plank in there we were able to get a pretty good flow of water into Loggers Creek but they took out about half the dam. Then we had to go in and place aggregate into the river to insure a sufficient flow of water into Loggers Creek during August, September, and October. The plank was cut out when the tubers started floating about twenty-five years ago. As I mentioned in the letter that was written to Tuthill, and answered his October 9th letter, long before River Run came into the picture, we were going up there on an annual basis and dozing that aggregate in there. We consulted many engineers, geologists, and recreationists on how to build a dam. We had lots of ideas. The Boise River Watermaster said build a loaf of bread. The more we looked into that, the more we felt that hydraulic jump would sure kill some tubers with the whirlpool. So at the annual meeting in '85, stockholder Leonard Eisenman said, "with the \$22,000 you've saved up, we think, as I think, that I can give you designs which will do the job." And then, of course, you, (*Steve Sweet*) too, were in on this and I'm very happy that you talked us out of using those broken concrete deals below the surface of the river that was the original deal. So we paid a little bit more money to get the whole thing built out of basalt and it was built. Whether we did any good or not in July, I don't know. Whether we made it safer or not, but it seemed the tubers went over a little bit sooner. (*In July the diversion structure was modified to provide a channel for the tubes and a sign to show where it was.*)

I want to come back to the attorney who represented himself as being the attorney for Boise State University. He's on retainer, he said. He said that in August he did his annual tubing of the river and when he saw that red warning sign he got scared. He went over our dam and was quite surprised. He was looking for something that was dangerous. He said that there were two other dams that were just as bad as that one on the river.