



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

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DEPARTMENT OF
WATER RESOURCES

MEMORANDUM

December 18, 2008

TO: Monica Van Bussum

FROM: Tom Bassista, ^{T.B.} Stream Protection Specialist, Eastern Regional Office

RE: Jesse Creek Stream Channel and Farmers Market Point of Diversion

This memorandum is in reference to our site visit made to Jesse Creek and the Farmers Market Point of Diversion (POD) near Salmon, Idaho on October 1st, 2008. The purpose of the site visit was to assess whether the channel heading off Jesse Creek at the Farmers Market POD should be considered a jurisdictional channel under Idaho Stream Protection Act (Idaho Code Section 42-3802). The definition of stream channel means a natural watercourse of perceptible extent, with definite bed and banks, which confines and conducts continuously flowing water. It is my opinion that the channel heading off Jesse Creek at the Farmers Market POD should not be considered a natural steam channel but should be considered an irrigation ditch or canal. The reasoning for my opinion is that it appears that the channel coming off of Jesse Creek at the Farmers Market POD was created to carry water, it is manipulated by a diversion structure, and it does not reflect a natural water course based on the topography of the area. I recommend the following:

1. Keep the Farmers Market POD as the legal POD to be consistent with historic irrigation use on the Farmers Market Canal.
2. Maintain the Jesse Creek channel as the natural watercourse which would carry most of the spring run off flow into the Salmon River.
3. Because Jesse Creek has a direct connection to the Salmon River I recommend only the legal amount of water be diverted through the Famers Market diversion structure with all non allocated water going into Jesse Creek.

Please contact me if you have any questions or concerns.

Signature