

TO: Files 75-4, 75-7, 75-17A, 75-17B, 75-17D, 75-19B, 75-19C, 75-19E, 75-26A, 75-114, 75-10075, 75-10076

Summary for Settlement Meeting with Special Master Booth
4/14/2010

The City of Salmon's ("City") municipal water supply system needs to be understood to begin. Originally, the Salmon City Water Company diverted water from a single point on Jesse Creek near the town site. Around 1912, the City bought the water works and moved the point of diversion upstream on Jesse Creek. Then sometime after that, the City added new points of diversion upstream, to include Pollard Canyon and Chipps Creeks.¹ Currently, the City diverts from Chipps Creek ("Chipps") and conveys water by buried pipeline to Pollard Canyon Creek ("Pollard") where the pipeline dumps water into Pollard and then water is diverted from Pollard and again conveyed by pipeline to Jesse Creek ("Jesse") where the pipeline dumps into Jesse and then water is diverted from Jesse to the City's water treatment plant. See attached sketch, prepared by Monica Van Bussum to aid the court in understanding the general system. Thus, the water diverted from Jesse is not only Jesse water but, also the piped Chipps and Pollard water. The City also has supplemental water rights from the Salmon River.

Three decrees govern almost all of the water rights from Jesse Creek – the decrees of 1893, 1925 and 1939. The decrees do not call out specific points of diversion for Jesse Creek, stating they were for the water of Jesse Creek and its tributaries (at that time, Pollard and Chipps were known as forks of Jesse Creek, not by their current names). The water users in this dispute – Arrowhead Water District, the Edwards, and the City of Salmon – all have decreed rights. Arrowhead and Edwards have water exclusively from Chipps and Pollard. All three water users also hold some post-decree water rights for use on their respective properties/service areas.

Most of the decreed water from Jesse Creek was for irrigation. In the early days of the City of Salmon, water was diverted from Jesse Creek for fire protection and municipal use under license 75-2167, held by the Salmon City Water Company, which was not a city enterprise. In 1911 and 1912, the City bought the water works from the Salmon City Water Company and moved the diversion works from near the current townsite to further upstream on Jesse Creek. 75-2167 was never transferred into the City of Salmon's name and there is some question about its continued delivery based on the Jesse Creek watermaster records. 75-2167 has not been claimed in the SRBA.

As the City expanded in the 20th century, it purchased decreed Jesse Creek irrigation water rights from property holders and began diverting them through its Jesse Creek water works. The City was not granted any water in any

¹ The Department needs the City to provide information showing the date the City put in the new diversions on Pollard and Chipps Creeks.

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of the three decrees, although it was a party to the 1925 decree. Edwards were granted some decreed rights and Arrowhead has since acquired its decreed rights through purchase.

In the early 1990s, the City filed transfers on some of the decreed water rights it had acquired – 75-7, 75-17A, 75-17B, 75-19B, etc. These transfers changed the purpose of use from irrigation to municipal but kept the irrigation season of use and also assigned volume limits. All of the transfers cited Jesse Creek as the source and point of diversion and did not list Pollard or Chipps. A certain number of rights were left untransferred – 75-19C, 75-26A, etc.

The City filed claims in 1990. Some of those claims combined transferred and untransferred water rights. Some of the claims sought a year-round season of use. Claimed sources varied, with some claims only for Jesse Creek and others for Chipps and Pollard Creeks. Some sought to change the nature of use from irrigation to municipal.

The Department recommended most of the City's rights as claimed in its 2007 Director's Reports. These recommendations included Chipps and Pollard as sources for some of the City's rights. Both Edwards and Arrowhead filed multiple objections, citing injury to their water rights if the City was given rights from Chipps and Pollard.

Since the filing of the Director's Reports, the Department has gathered more information and would now change the recommendations for the City of Salmon. The Department would now include language to prevent injury to other water rights because of the adding of points of diversion on Chipps and Pollard Canyon Creeks. To prevent enlargement, the Department would include volumes on the water rights that have changed from irrigation to municipal. Finally, the Department would recommend a few other less significant changes. The Department is providing new draft recommendations to the parties in advance of the settlement meeting.

Objections were also filed on the recommendations for Arrowhead Water District but those areas are secondary to the City of Salmon objections and should be easily resolved.

As the Department sees the issues, there are two outstanding points of objection regarding the City of Salmon water rights: potential injury to Arrowhead and Edwards by recommending water in Chipps and Pollard, and preventing enlargement of the City's rights by including annual volume limits.

Compiled by: Monica Van Bussum, IDWR

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Schematic of Jesse Creek, its tributaries and diversions

Prepared by M. Van Bussum 4/12/2010

— — — buried pipe

