



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 24, 2020

Robert & Carol Doberstein,
854 Upper Road
Weiser, ID 83672

Dear Mr. Robert & Carol Doberstein

I am writing to you to provide you information on how to bring your water rights into alignment with your irrigation practices which currently do not conform to Idaho water right law. The Idaho Department of Water Resources (IDWR) conducted a beneficial use field exam on July 30 and August 10, 2020. The purpose of the exam was to verify the beneficial use developed under water right permit 3-10282. IDWR staff found that the new permit was being used on 2 acres which did not overlap with land covered by existing water rights. Your water use at the time of the field exam is shown in Table 1. At the farmhouse pump (associated with 3-2032) you had a measured diversion of 1.87 cfs. At the slough pump (associated with 3-2036A) you had a calculated diversion of 1.72 cfs. Your total diversion at the farmhouse and the slough was 3.59 cfs of Snake River water. As indicated in Table 1 you were irrigating 42.5 acres using Snake River water that was not authorized under your existing Snake River water rights and were exceeding the allowable diversion rate of your Snake River water rights by 1.575 cfs.

Table 1 Compares the allowed use under existing water rights (wr) to the measured use at the time of the field exam on July 30 and August 10, 2020. Water right 67-2226 was not used and is not included with these water rights. The blue numbers represent the amount of water diverted from the Snake River and acres being irrigated without a valid water right.

	Allowed Use		Measured Use	
	wr rate [cfs]	wr acres	diversion [cfs]	acres
3-2036A	0.135	7	0.135	7
3-2032	1.82	91	1.82	86.5 *
3-10282	0.06	2	0.06	2
no right			1.575	42.5
Total	2.015	100	3.59	138

**4.5 acres (within POU for 3-2032 not irrigated)*

Had your groundwater right (67-2223) been in use at the time of the field exam you would have been limited to the irrigation of 116 acres and 2.32 cfs under the combined limitations on water rights (3-2036A, 3-2032, 67-2223). With permit 3-10282 you would have been able to irrigate 2 additional acres for a total of 118 acres at a diversion rate of 2.38 cfs, which includes 0.06 cfs from the permit. Since you are currently irrigating 138 acres, if you were using your groundwater right you would still have to cease irrigating 20 acres. Table 2 describes the combined water right limits when your groundwater right is in use.

Table 2 Allowed use under your combined water rights (3-2036A, 2-2032, and 67-2223) and permit (3-10282). The rate and acres under the individual rates are based on the individual use of the right without combined use of the rights. The combined limit applies only when groundwater is used along with at least one surface water right.

	max rate [cfs]	wr acres
3-2036A	0.135	7
3-2032	1.82	91
67-2223	0.70	87
Combined	2.32	116
3-10282	0.06	2
Total	2.38	118

The beneficial use field exam revealed two problems with your current irrigation practices (see Table 1). You were over diverting water at the slough pump and you were irrigating 42.5 acres without an authorized water right. To rectify this problem, you can file a water right transfer that will add both the Snake River pump and the slough pump onto both water rights. This would allow you to divert up to (1.82 cfs + 0.135 cfs) 1.995 cfs of Snake River water from the slough pump or the farmhouse pump when either both pumps are operating or just one pump is operating. This would also allow you to irrigate a total of 98 acres under the 3 pivots, the small field south of the farm house, and the 4.5 acre field east of the slough.

In order to irrigate your farm using Snake River water from the farmhouse pump and the slough pump at the full capacity of both pumps and cover the full 138 acres you need to apply for a new application for permit to divert from the Snake River at your two existing points of diversion for the remaining 42.5 acres of ground currently not authorized by a water right from the Snake River.

The results of this field exam will be shared with IDWR's Compliance Bureau. Based on these findings you could be subject to enforcement procedures described in Idaho Code 42-1701B for the 42.5 acres being irrigated from Snake River water without a valid water right authorization. If your groundwater pump is in service next year, you will still need to cut back on the diversion of the 20 acres south of the farmhouse, which is

outside of the 118 acres allowed under the combined use of your existing water rights and permits.

To assist you in rectifying your irrigation practices with Idaho water right law, I have included with this letter a list of water right examiners certified by the State of Idaho. A certified water right examiner can assist you with the suggested water right transfer and permit. I have also included a form for a water right transfer and water right permit.

If you have any questions please feel free to contact me.

Sincerely,



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