

Henman, Christina

From: Yenter, Cindy
Sent: Monday, August 24, 2020 12:58 PM
To: Henman, Christina
Subject: FW: Smith applications 74-16241, 74-16242 Withington Ck

Additional comment: Christina, after talking to IDFG regarding these applications, I have two additional comments.

1. IDWR has agreed to include the standard fish screen condition on surface water rights in the Upper Salmon. Please make sure this condition appears on both rights. There will be a screen required for 74-16241 from Withington Creek, probably not from the spring but the condition is usually applied anyway.
2. Also on 74-16241, it would be a good idea to include language that diversions for fire protection be limited to times where there is an actively burning fire. The purpose would be to ensure that the entire authorized flow rate is used for irrigation purposes.

IDFG had these concerns but does not want to protest. I agree. If you have a problem with either condition please let me know.

*Cindy Yenter
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From: Yenter, Cindy
Sent: Friday, August 14, 2020 12:45 PM
To: Henman, Christina <Christina.Henman@idwr.idaho.gov>
Cc: Stosich, Scott <Scott.Stosich@idwr.idaho.gov>; 'Steve Adams' <sadams1411@gmail.com>
Subject: Smith applications 74-16241, 74-16242 Withington Ck

These two applications represent two existing developments on upper Withington Creek that are not covered under any recorded water rights. The two systems are separate. Both diversions are upstream from the uppermost diversion administered by WD74J. The unauthorized diversions were found by a prior watermaster, but the downstream water users have never complained about them so they were not curtailed. There is most potential for injury to the upper 2 Withington irrigation diversions which are immediately downstream, but the diversion rates are sufficiently small that calls by senior rights further downstream are likely to be futile. Withington Ck is separately administered from the Lemhi River and there is no injury to the Lemhi minimum flow right.

Domestic uses from all water sources were excluded from Lemhi water districts in the 2018 WD170 Expansion Order. If these applications are not protested, their status should remain excluded (**WD Flag = EXC**). If the applications are protested it may be necessary to include them in WD74J for administration.

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