



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May19, 2014

Rex Barrie, Watermaster
Water District 63
PO Box 767
Star, ID 83669-0767

Re: Administration of Water Rights Below Star Bridge

Dear Mr. Barrie,

The Idaho Department of Water Resources has become aware of questions and/or concerns regarding administration of water rights referred to as the "Bryan Decree Rights". As you are likely aware, historic adjudication of Boise River water rights led to subordination of the Bryan Decree Rights to rights decreed in the Stewart Decree ("Stewart Decree Rights"). It is my understanding that there is concern the Bryan and Stewart Decree Rights located below Star Bridge may be subject to the following step-down cut provision ("Provision") whenever Bryan and Stewart Decree Rights located above Star Bridge are regulated by the Boise River watermaster:

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in order of their priority dates, and after all the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decree below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

Rex Barrie
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The purpose of this letter is to confirm and clarify the Provision for purposes of administration. The first sentence in the Provision is included in those water rights on the Boise River with diversions below Star Bridge, but not in those rights with diversions above Star Bridge. The sentence was included because the Boise River watermaster has historically administered water rights with diversions from the Boise River above Star Bridge separately from those rights with diversions below Star Bridge. The separate administration is attributed to the fact that the Boise River below Star Bridge is considered a gaining reach where the natural flow is adequate to fill all the Bryan and Stewart Decree Rights below Star Bridge. In accordance with this historic administration, step-down cut regulation of Bryan and Stewart Decree Rights that are diverted from the Boise River above Star Bridge will not automatically result in step-down cut regulation of Bryan and Stewart Decree Rights below Star Bridge. Bryan and Stewart Decree Rights below Star Bridge will be regulated according to the Provision only if the available natural flow of the Boise River below Star Bridge is inadequate to fill those rights.

Please contact me directly at 287-4959 if you have questions regarding this matter.

Sincerely,



Tim Luke

Water Compliance Bureau Chief

cc. Bryce Farris, Attorney, Farmers Cooperative Ditch Company
IDWR Western Region
Carter Fritschle, IDWR Adjudication Section Mgr.