

Skinner, Corey

From: Skinner, Corey
Sent: Friday, October 25, 2019 2:06 PM
To: 'RGustafson@amalsugar.com'
Cc: Bitzenburg, James
Subject: Water rights 47-8086 and 47-2116

Ryan,

As we discussed, IDWR recently issued license 47-8086 for diversion of 1.0 cfs of water from a drain tunnel for year round industrial use. The water right does not necessarily limit the right to consumptive or non-consumptive use. Condition #4 relates to how the right as a Trust Water right could be administered in the event that minimum stream flow rights in the Snake River at the Murphy Gage are not met. If a right is a Trust Water right, then one of two conditions is placed on the right....

When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.030.

Or

Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

The first condition (not used on 47-8086) indicates that the right will just be curtailed (shut off) and the second condition (the one used on 47-8086) indicates that it will not be curtailed (shut off).

As we also discussed, right 47-2116 (from Rock Creek) only allows for diversion from 9/15 to 6/01, so from 6/2 – 9/14 only right 47-8086 (from the Drain Tunnel) can be diverted. Right 47-8086 only allows for a diversion of 1.0 cfs (448.83 gallons per minute). Over a 24 hour period, this only provides 646,315 gallons of water. Data you provided indicates that from June 2 – September 14, diversions exceed this amount. It appears that Amalgamated Sugar may need to pursue another water source/right during this time of the year.

Let us know if you have any other questions,

Corey Skinner, PE
IDWR Southern Region Manger