

MEMORANDUM

TO: Water Rights File 75-7594
FROM: Sandra Thiel
DATE: May 4, 2018
SUBJECT: Point of diversion and required measuring device

Rex Tolman applied for a permit in March 2006. The Department issued the permit on June 30, 2006 with the following conditions:

Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

I conducted a field exam on August 21, 2012 and found no measuring device. I sent a letter on July 15, 2013 to Mr Tolman to explain that the measuring device was required before a license could be issued. On May 26, 2014 I stopped by the Tolman place and found that he had installed the device (see pictures below)

*Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
The approach velocity at the point of diversion shall not exceed 0.5 feet per second.*

Right 75-7594 shares a point of diversion from the Salmon River with 21 water rights. All 21 rights have a priority date of 5/11/1893. These rights are diverted into the Fife Ditch (A0017445) in T20N R21E Section 12 Lot 1 (SESE). There is a fish screen downstream from the point of diversion. Water flows north, northwest, from the Salmon River approximately 0.9 miles to a small pond. Water is pumped from the pond to irrigate fields to the west of the pump. The closed conduit measuring device is within 10 feet of the pump.

On April 12, 2018, I called Ed Tolman seeking clarification about the source of permit 75-7594 He filed the permit on the Salmon River through the Fife Ditch. The Fife Ditch carries water to the north parallel to the Salomon River. Simms ditch splits from Fife approximately three-quarters of a mile southeast of the pump.

Evidently, both the Simms and Fife Ditches have increased flows when other ditches are flowing from the west and south. This water may be wastewater from the irrigated fields causing the Fife and Simms to gain water as they flow to the north. Mr. Tolman should file an application for a wastewater permit with the point of diversion at the existing pump.

The permit authorizes the point of diversion in T20N R22E Section 6 NWNE. The Fife Ditch's point of diversion is in T20N R21E Section 12 Lot 1(SESE). The permit must be amended to reflect the correct point of diversion.





Lockable device

location of measuring device



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

July 15, 2013
Director

C.L. "BUTCH" OTTER
Governor

EDWARD REX TOLMAN
41 CORBETT LN
SALMON ID 83467

RE: Water Right Permit No. 75-07594

Dear Mr. Tolman:

The Department of Water Resources (IDWR) is reviewing the above referenced permit so we can issue a license for the uses developed. On August 21, 2012, I conducted an examination to verify the water use developed under permit 75-7594. During this field examination, I noticed that you have not complied with the following condition of approval of the permit:

Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to employ an alternative method to determine and record the amount of water diverted.

You must resolve this issue before a license can be issued. Pursuant to Idaho Code § 42-219(8), if the conditions of approval on a permit are not complied with, IDWR may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

You have some options to resolve this problem. You can submit documentation that you have complied with this condition and I was not informed of the compliance at the time of the exam, you can install the required measuring device and submit documentation of the installation, or you can request removal of this requirement from your permit. If you request a waiver of the requirement, IDWR will consider your request and notify you of the decision in writing. Any irrigation supply company should be able to help you find and install a magnetic flow meter with a totalizer. This device will be acceptable for the data logger specified in the condition above.

IDWR will withhold further action on your permit for 30 days from the date of this letter in order to allow you time to respond. If IDWR does not receive a response from you within this time period, it will be assumed that you are not interested in pursuing a water right license, and action will be taken to void your permit. If you need additional time to respond, please contact me to discuss your options.

If you have any questions in regard to this matter, please do not hesitate to contact me. My phone number is (208) 287-4879, Fax (208) 287-6700 (C/O Sandra Thiel), email sandra.thiel@idwr.idaho.gov

Sincerely,

Sandra Thiel
Water Resource Planner

March 25, 2013

EDWARD REX TOLMAN
41 CORBETT LANE
SALMON ID 83467

RE: Water Appropriation Permit No. 75-7594

Dear Mr. Tolman:

There are two things we need to license your water right.

1) MEASUREMENT DEVICE

The Department of Water Resources (IDWR) is reviewing the above referenced permit so we can issue a license for the uses developed. On August 21, 2012, I conducted an examination to verify the water use developed under permit 75-7594. During this field examination, I noticed that you have not complied with the following condition of approval of the permit:

Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications.

You must resolve this issue before a license can be issued. Pursuant to Idaho Code § 42-219(6), if the conditions of approval on a permit are not complied with, IDWR may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

You have some options to resolve this problem:

- You can submit documentation that you have complied with this condition and I was not informed of the compliance at the time of the exam
- You can install the required measuring device and submit documentation of the installation
- You can request a variance from the Department to employ an alternative method to determine and record the amount of water diverted.

If you request a variance of the requirement, IDWR will consider your request and notify you of the decision in writing. Any irrigation supply company should be able to help you find and install a magnetic flow meter with a totalizer. This device will be acceptable for the data logger specified in the condition above.

2) LICENSING AMENDMENT

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed. Based on the examiner's report, the following elements were developed differently than described on your permit.

The permit for this water right identified the location for the point of diversion as being in Township 20 North, Range 22 East Section 6 NWNE. The point of diversion from the Salmon River is actually in Township 20 North, Range 22 East, Section 7 NWNE. Any change in the point of diversion requires a licensing amendment.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee.

IDWR will withhold further action on your permit for **30 days** from the date of this letter in order to allow you time to supply the documentation that the measurement device has been installed or waived and return the signed application for amendment with the \$100 filing fee. If IDWR does not receive a response from you within this time period, it will be assumed that you are not interested in pursuing a water right license, and action will be taken to void your permit. If you need additional time to respond, please contact me to discuss your options.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208) 287-4879 or email at sandra.thiel@idwr.idaho.gov

Sincerely,



Sandra Thiel

Water Resource Planner

Enclosure(s)