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DEPARTMENT OF
WATER RESOURCES

memorandum

May 10, 2019

TO: 74-15536 File

FROM: Cindy Yenter, Watermaster WD170

RE: Conditions of Use Applied on Approval of Transfer 82523

74-15536 was decreed in 2007 from an Unnamed Stream tributary to the Lemhi River, with POD in NWSW Sec 33, T18N R24E. The local name for this source is Indian Springs.

Transfer 74837 was approved in 2009 to add a second POD to 74-15536. The alternate POD is from a nearby unnamed stream tributary to Lemhi River in SWNE Sec 32. This source is identified by USGS as Little Sawmill Creek. The original POD on Indian Springs was retained. The purpose of this change was to enable the water user to install a gravity pressurized system for wheel lines on a portion of the place of use. The Indian Springs source and a smaller spring in SENE Sec 32, tributary to Little Sawmill (original decreed source for 74-1865) continued to be used for flood irrigation on the south part of the ranch.

A condition on the 74837 transfer approval is that "The appropriator is entitled to the quantity of water described for irrigation purposes at a point of measurement where the delivery ditch enters the place of use described located in the SWNWNW Sec 33....." This is also the approximate point where the two streams converge before crossing Hwy 28 and entering the Lemhi River, also within NWNW Sec 33. This condition appears to authorize the full decreed amount from both water sources, equal to 1.82 cfs at the field headgate, and it could be interpreted to enable enlargement in use of the right.

Indian Springs is a consistent cold water source which contributes to fishery habitat in the Lemhi River. Little Sawmill is a small stream which warms quickly and has reduced water quality. Transfer 82523 in 2018 consolidated 74-15536 with an overlapping Lemhi River right no. 74-15534, and the spring right 74-1865, to a common delivery system which maximizes the ability to utilize Little Sawmill Ck under gravity pressure, and minimizes use of Indian Springs and the Lemhi River for irrigation, as those sources must be pumped. Under the combined system, the POD for 74-1865 was moved upstream to the head of the Little Sawmill gravity pipeline. Rights 74-15536 and 74-1865 are diverted from Little Sawmill to a gravity pressured pipeline serving the entire place of use, until flows decline in Little Sawmill. At that time, diversion under 74-15536 is switched to Indian Springs, and only 74-1865 is diverted in the Little Sawmill pipeline to a 4-acre isolated pasture. A pump was installed in Indian Springs which can deliver water to the balance of the POU. If Indian Springs declines, Lemhi River water under 74-15534 may be turned out to the same pump station.

The original Indian Springs source is the larger of the two Unnamed streams and likely always supplied the full decreed flow under 74-15536. The addition of the Little Sawmill pod on the 2009 transfer was not due to a shortage of water in Indian Springs. The 2018 system upgrades were done in the name of water conservation and the system design capacity is 1.36 cfs (plus 0.08 under 74-1865), well under the decreed rate of flow of 74-15536. Still, it is appropriate to condition right 74-15536 to prevent future enlargement.

Condition X49 from Transfer 82523 reads: "Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in unnamed stream at the original point of diversion located in NESWNE, Section 32, T18N, R24E and at the point of diversion from the Unnamed stream located in NWSW, Section 33, T18N, R 24E."

Condition X53 from the 2018 transfer 82523 reads: "Diversion of unnamed stream located in NWSW Section 33 T18N, R24E is limited to those times water is available for diversion under this right and priority from the unnamed stream located in NESWNE Section 32 T18N, R24E and actually reaches the Lemhi River."

The original source of this right was Indian Springs, in NWSW Section 33, T18N R 24E. These conditions have the legal descriptions switched, limiting the Indian Springs diversions to available flows in Sawmill Creek. This would cripple the operation of this system since Little Sawmill dries up during late summer while Indian Springs continues to flow.

The conditions are still appropriate, but should read as follows:

X49: "Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in the unnamed stream at the original point of diversion located in **NWSW, Section 33, T18N, R 24E** (Indian Springs) and at the point of diversion from the Unnamed stream located in **NESWNE, Section 32, T18N, R24E** (Little Sawmill Creek)."

X53: "Diversion of unnamed stream located in **NESWNE Section 32 T18N, R24E** (Little Sawmill Creek) is limited to those times water is available for diversion under this right and priority from the unnamed stream located in **NWSW Section 33 T18N, R24E** (Indian Springs) and actually reaches the Lemhi River."