

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No(s).: 82657

Applicant's Name Teton Partners LTD

Watermaster's Recommendation:

a) ☐ I do not oppose approval of this application.

b) ☒ I do not oppose approval of this application if it is conditioned as follows:

See attached memo from Tony Olenichak.

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this 24th day of Sep., 2018.

Water District No: 01

Lyle Swank
Watermaster's Signature

MEMORANDUM

TO: Lyle Swank, Water District #1 Watermaster
FROM: Tony Olenichak, Water District #1 Program Manager
Date: September 24, 2018
Subject: Watermaster Recommendation for Transfer No. 82657

Transfer No. 82657 proposes to add a point-of-diversion to water rights that previously had a single point-of-diversion at the Hog Canal headgate on South Leigh Creek. The additional point-of-diversion will be a pump located on South Leigh Creek downstream from the Hog Canal. The transfer application explains that there are times during the irrigation season when the water rights described in Transfer No. 82657 are in priority but are not of sufficient quantity to reach the place-of-use and have been undeliverable through the Hog Canal.

The applicant desires to add a more efficient pump diversion downstream from the Hog Canal to convey the water rights described in Transfer No. 82657 to the existing place of use when the water rights otherwise could not be delivered to the place of use through the Hog Canal. However, if approved without conditions, this transfer could interfere with the historical delivery of water to junior water rights that have their points-of-diversion between the proposed new point-of-diversion and the existing point-of-diversion at the Hog Canal.

When the Hog Canal has shut off its headgate because water rights conveyed by the Hog Canal couldn't reach their places of use, this has enabled more water to become available to satisfy junior South Leigh Creek water rights downstream. By adding a new point-of-diversion for the senior water rights and enabling diversion of these water rights after they have historically been curtailed on the Hog Canal could be interpreted as being an expansion of the water rights. Enabling the diversion of an additional amount of water by the Hog Canal that otherwise historically did not occur can potentially interfere with the delivery to junior water rights between the Hog Canal and the new point-of-diversion when the water rights described in Transfer No. 82657 can't be delivered through the Hog Canal.

The following condition should be placed on Transfer No. 82657 to prevent the potential interference by the new diversion on junior water rights that historically received water ahead of these undeliverable Hog Canal water rights when the quantity of water conveyed by the Hog Canal was insufficient to reach the place of use:

Water rights described in Transfer No. 82657 shall have an effective priority date junior to all South Leigh Creek water rights diverted between the Hog Canal headgate and the secondary point-of-diversion when the water rights described in this transfer are not being diverted through the Hog Canal.

Secondly, to ensure proper allocation and delivery, there must be an appropriate measuring device installed on the new point-of-diversion to enable the Deputy Watermaster to monitor the amount of water being diverted by the new point-of-diversion and reduce the amount of water rights available to be diverted at the Hog Canal headgate.