

memorandum

August 31, 2018

TO: Transfers 81963 and 81964, Flying Joseph Ranch

FROM: Cindy Yenter, WD170 and Ted O'Neal, WD73

RE: Joint Watermaster Comments

The following reflect consolidated comments from watermasters of Upper Salmon WD170 and Pahsimeroi River WD73.

The transfers as proposed do not accurately reflect certain elements of the diversion and distribution systems as those are known to the watermasters. Both forfeiture and enlargement are concerns raised by these filings.

Transfer 81963

We do not believe that all acres are under an interconnected or common distribution system. There are at least two distinct delivery systems within the proposed place of use which should require the submittal of two or more separate transfers.

Upper (south) system, surface and ground water:

Pahsimeroi, Big Creek and Bear Creek rights (15A, 150C, 4001, 4003, 10024, 10023, 188B) are diverted or re-diverted at the P-19 diversion in SWNW Sec 28 T13N R23E, are pressurized near the diversion and appear to only be deliverable to the pivots within Sections 20 and 29 (691 acres in PPU). Irrigation under the above surface water rights is limited to 370 acres and is augmented by the wells under gw right nos. 73-2159, 2162, 12171, and 12172 (total 785 acres). To the best of our knowledge those four wells are interconnected and tied to the surface pump. The upper system is not interconnected with other rights included on this application.

73-150C would divert at P-19 only in this system, and would not use the P-19C diversion (NESW Sec2, T12N R23E); the POD at P-19C could be removed from the right.

There is a portion of a pivot in E ½ NE ¼ Sec 19, T13N R23E which does not appear to be covered by the proposed POU. Acres in NENE are on BLM. Are there plans to modify the location of this pivot?

Lower (north) pivots, ground water only:

The pivots are located in sections 1, 12, and 13, T13N R22E, and sections 7 and 18, T13N R23E, to our knowledge are irrigated with ground water only and receive no surface water. There are four wells associated with right nos 73-7102, 10020A, 10020B and 11840 (total 708 acres) which are used to irrigate the 4 ½ pivots.

We have received information from the ranch irrigator and from SPF that indicates the four wells are not interconnected and are dedicated to specific pivots. The two wells authorized under 73-10020B and 11840 were disconnected in 2017 in order to facilitate the installation of flow meters and are serving separate pivots.

The included portion of 73-32 is not deliverable to this system, as the diversion from Goldberg Ck in SESW Section 18 does not exist. Because of the overlap with 10020B and 11840 at least a

portion of 73-32 has to remain with the ground water acres. The balance of acres under 73-32 do not appear to have been irrigated recently.

Transfer 81964

- 35 acres from 73-189 are part of contested transfer 81861 pursuant to right 73-12260 (Pahsimeroi River Farm). These acres are stacked with acres under 73-10041 and 12110 and any approval of transfer 81964 which includes the 35 stacked acres would constitute enlargement of use. We object to approval under those conditions. Abandonment of 35 acres under 73-10041 and 12110, or inclusion of the acres on transfer 81861, would eliminate enlargement under transfer 81964.
- The Pines ditch, P-19C in NESW S2, T12N 23E is still in use and is presently the only way to deliver water pursuant to 73-147A, 150D, 189 and 10040 to some irrigated lands situated in sections 19 and 30 within the PPU. How would those lands be irrigated if this POD is removed from the rights? We do not understand why the water user would remove this diversion and believe this request may be in error. The water user should provide more information.
- This system utilizes a number of commingled water sources and has never been properly controlled or measured. Condition D09 which appears on all Pahsimeroi and Big Creek rights requires measurement at the diversion P-18B, plus measurement at 4 points below the pond. We request that this condition stays in place on all rights as all measurement and control conditions will be enforced.
- The diversion from Spring Creek under right nos. 73-147B and 259 is being routed into the pond. Storage is only authorized pursuant to right nos 73-12146, 147A, 10041, 12110 and 12146 and is not authorized from Spring Creek. Can the water user show why it is necessary for Spring Creek flows to travel through the pond? How can the water user show that Spring Creek water is not being stored?
- This transfer proposes a PPU which is nearly 1200 acres larger than the total authorized acres. A map depicting current irrigated acres must be submitted prior to transfer approval, and condition 206 added to all affected rights.