



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 2, 2018

STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE ID 83720-0065

RE: Questions included on Request for extension of Time for Permit 43-13740

Dear Ladies and Gentlemen:

On June 27, 2018, the Idaho Department of Water Resources ("Department") received a Request for Extension of Time to Provide Proof Beneficial Use ("Extension") form for permit 43-13740 ("Permit"). In the Extension form, you asked two questions that I have been asked to try and answer those questions for you.

The first question was "where the measurement device will go." The location of the measurement device is dependent on the individual location and the type of measurement device used. As a general rule of thumb, you would want the measurement device as close to the point of diversion as possible. I have included a copy of the Minimum Acceptable Standards and Requirements for Open Channel and Closed Conduit Measuring Devices. This document walks you through the different standard measurement devices, and where the best place to install a measurement device. If you need additional assistance, I would recommend that you contact a water engineering firm to help you find the best place to install a measurement device for your system.

The second question you asked concerned the purpose of the lockable device. You then describe how the watermaster is only on duty a portion of the year. Your Permit does only authorize the diversion of water from April 1 to October 31 of each year, which is during the irrigation season when the watermaster is on duty. You are not allowed to divert water under this permit during the non-irrigation season. However, you also own water right 43-13106 that does authorize water diversions during the non-irrigation season. Idaho Code § 42-608 gives the water district and the Department the ability to require the watermaster to work year round if it is determined that there is a need for the watermaster during the non-irrigation season.

The determination of whether or not a measurement device is required can be found in Idaho Code § 42-701 that states the following:

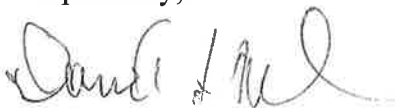
The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of public water. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of water resources.

As an appropriator and user of the public waters of the State of Idaho you are required to have a lockable controlling headgate. The only way a water district can regulate a stream to provide water to all of the water users on the stream under the rules and laws of the State of Idaho is to require that each water user have a lockable and controllable head gate and a measurement device. As you know, water rights in the State of Idaho are delivered by the priority system, where the senior water rights are fulfilled first before junior water rights are allowed to use water. Your Permit would have one of the lowest priority dates on the stream, so the watermaster has to have the means to regulate your water use if the senior water rights are not being fulfilled.

You can petition the Department to waive the measurement device. I do recommend that if you do seek a waiver, that you include comments from the watermaster with the petition. Even if the watermaster feels you do not need a measurement device, the Department may determine that a measurement device is needed to properly regulate the water in the district.

I hope this answers your questions. If not please don't hesitate to contact me, and I will do what I can to help you or provide you with a contact from other staff in the Department that may be able to give additional information.

Respectfully;



Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Email: dan.nelson@idwr.idaho.gov
Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

Enclosure