

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No(s).: 82251

Applicant's Name KELLY DAVID HILL

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:
*Water right is delivered at either point of diversion,
but not both.*
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☒ Additional Comment:
See attachment memo from Tony Olenichak.

Dated this 4th day of June, 2018.

Water District No: 01

Lyle Swank
Watermaster's Signature

Swank, Lyle

From: Olenichak, Tony
Sent: Monday, June 04, 2018 4:01 PM
To: Swank, Lyle
Cc: Chandler, Craig
Subject: Kelly Hill transfer 82351

Lyle,

In the *"Support of Application for Transfer Water right No. 01-10028"* Kelly Hill wants to transfer his Mattson-Craig water right to a pump in a pond that can be fed by either the Mattson-Craig Canal or the Dry Bed. The documentation says, *"Water levels in the pond are directly related to water in the Dry Bed; the pond fills by itself when the Dry Bed canal, about 60 feet away, is full"*. However, in the *Summary* section of the report, he intends to continue to divert water right 01-10028 from the Matteson-Craig Canal into the pond while pumping out of the pond, and continue pumping out of the pond *"when the Hill water right is out of priority or when water from the Mattson-Craig Ditch is not reasonably available but water is still flowing in the Dry Bed canal."*

The description of this new delivery is not administrable because Water District #1 will not know whether the pump was re-diverting water that was injected from the Mattson-Craig Canal into the pond or whether the pond pump was diverting water that seeps into the pond from the Dry Bed resulting in an expansion of the right after the entire right has been delivered at the head of the Mattson-Craig Canal. If this transfer was approved allowing the additional point of diversion for 01-10028, it would be difficult to prevent users of the Mattson-Craig Canal from using all of 01-10028 delivered at the head of the Mattson-Craig Canal before it reaches the pond, while the pond pump continues to divert additional Dry Bed water from the pond under 01-10028 when it is in priority.

Therefore, the only practical way for the Watermaster to administer this change without resulting in an expansion would be to move the entire water right 01-10028 from the head of the Mattson-Craig Canal and have 01-10028 only delivered at the point-of-diversion at the pond (or from the Dry Bed next to the pond).

Tony Olenichak