



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

CARY SPACKMAN
Director

September 13, 2017

DOUGLAS ROBINS
PAMELA L ROBINS
1959 FUREY LANE
MAY ID 83253

RE: Petition for Reconsideration of Transfer 81600

Dear Mr. Robins:

IDWR received the petition for reconsideration you sent via email from Karma Bragg, Custer Soil & Water Conservation District (CSWCD), in connection with Transfer 81600 (transfer) which authorized changes to Rights 73-192, 73-7041 and 73-10055. Your concern was the addition of the following condition to the Pahsimeroi River rights: *"This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use."*

The transfer proposed a new pressurized irrigation system for these rights. This condition was applied because irrigators should not apply more water than they can beneficially use. Idaho Code § 42-222 directs IDWR to consider the conservation of water resources within the state of Idaho when evaluating a transfer application.

Some irrigators may need more than 0.02 cfs/acre if they employ less efficient flood irrigation methods. Irrigators using sprinkler systems, however, have greater flexibility to manage and apply water than irrigators using flood irrigation. Except in special circumstances, properly operated sprinkler irrigation systems do not require more than 0.02 cfs/acre for irrigation of crops that can be grown in Idaho.

IDWR typically considers a diversion rate greater than 0.02 cfs/acre to be necessary for a sprinkler irrigation system in only two scenarios: (1) parcels less than five acres where certain economies of scale do not apply and (2) public spaces, such as golf courses, where application of water throughout the daytime impedes the function of the space. There may be other circumstances where a diversion rate exceeding 0.02 cfs/acre is necessary for sprinkler irrigation. Because they are atypical, however, IDWR expects requests for more than 0.02 cfs/acre to be explained in a report from an engineer or other qualified professional. The report must show that applying more than 0.02 cfs/acre with a sprinkler irrigation system employs efficient practices consistent with the conservation of water resources in Idaho.

Rather than require submission of such a report, I suggest that the standard condition be modified to address the specific change from flood irrigation to sprinkler irrigation proposed by the transfer: *"This right when applied to lands via sprinklers shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use."*

This condition would not apply if you return to a flood irrigation system for these rights at some point in the future.

Also, upon reviewing the transfer approval I found two other items that should be addressed. When is the senior surface water right is generally curtailed? If both the surface water rights are curtailed early in the irrigation season we will require designation of the specific location of the 160.0 acres authorized under the groundwater right within the 317.0 acre place of use. Please advise me of the typical time of the year the senior right is curtailed by the watermaster.

The other item is related to the total diversion rate of 9.60 cfs identified on the application and the transfer approval document. These decreed rights included a combined limit related to the total acres, but not the rate of diversion. The application fee paid was sufficient for 9.60 cfs, but not 11.24 cfs total rate of diversion available under these rights. Was this limit intentional related to the diversion and/or distribution system? If so, the combined diversion rate will be included in the combined right condition for each right. Assuming your junior surface water right is curtailed early, you may never exceed the combined limit of 9.60 cfs. If it was not intentional, an additional fee of \$160.00 must be submitted to allow the unrestricted rate of 11.24 cfs under this transfer approval.

Please advise me of your thoughts regarding 1) the condition, 2) curtailment timing and 3) the total rate of diversion. Since a petition for reconsideration must be addressed in a timely manner, please respond within 7 days or by September 20, 2017. I will copy this letter by email to both Scott King, SPF Water Engineering LLC, and Karma Bragg at CSWCD to insure time for review before responding. If a timely response is not received, I will move forward without your comments.

If you have any questions, please contact me at 208-287-4951.

Sincerely,



Pamela S. Skaggs
Water Rights Supervisor

Email copy to: Scott King & Karma Bragg