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Department of Water Resources
Eastern Region

Water Application 74-16004

In my Application to the Department of Water Resources for a permit to divert 5.76 CFS of water from Big Timber Creek I am listing the reasons for doing so.

1. I can not make a decent hay crop without the use of the high water for the 2 or three weeks that it is available when the snow pack is normal.
2. I need the high water to raise the sub in my field to have stock water for my cattle.
3. This additional water helps the aquifer and springs down stream and the Lemhi River System.
4. In addition to the above reasons I am sending you 2 copies of material that relate to the use of water that I believe will support my Application for a permit to divert the high water.

Let me relate my thoughts
on the issue of high water.

It has been permitted and
decreed through the Courts for
many years.

On Big Timber Creek there are
4 rights that are filled with
natural flow of the Creek.
The other 5 rights are filled
as the Creek raises from the
snow melt or high water.

The Department of Water Resources
for the last 100 yrs has issued
permits to divert the water
from the various Creeks which
is nothing more than high
water, after the natural flows
have been filled.

These facts support my Application
for a permit to use the high
water.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

May 17, 2013

Dan Smith
Watermaster, Water District 74-W
PO Box 22
Leadore, ID 83464

Re: Guidance Concerning Delivery of Water Permit No. 74-15613 Owned by James Whittaker

Dear Mr. Smith,

The purpose of this letter is to provide some documented guidance regarding delivery of the above referenced water permit (copy attached). This guidance is a follow-up to our phone conversation from earlier today and your question regarding delivery of the permit with respect to diversion of high flows on Big Timber Creek and tributaries in excess of recorded water rights as authorized by the Snake River Basin Adjudication (SRBA) General Provisions for the Lemhi River Basin.

Condition no. 8 of the approved permit specifies that there must be a flow of more than 13 cfs in Big Timber Creek between the confluence of Big and Little Timber Creeks and the confluence of Big Timber Creek and the Lemhi River before water can be diverted under the permit. The condition further states that the right holder can divert an amount that is equal to the difference between the measured flow on the creek and 13 cfs as long as the diversion rate does not exceed the amount authorized by the permit (4 cfs). Condition 10 of the permit provides that the flow of Big Timber Creek shall be measured at the existing measuring station on the creek near Leadore. Condition 9 of the permit states that diversion of water under the permit must cease anytime the flow of Big Timber Creek at the measurement station near Leadore is 13 cfs or less. Condition 5 of the permit requires the permit holder to install and maintain a measuring device, including a data logger, the permitted point of diversion.

Delivery of water to Permit 74-15613 shall be in accordance with the permit priority date and before delivery of any seasonal high flows that exceed recorded water rights if the following conditions are satisfied:

- The permit holder has made a call for delivery of water under the permit;
- The permit holder has installed an acceptable measuring device and a data logger at the permitted point of diversion (the data logger must be operable);

If these conditions are satisfied, then you must deliver an amount of water to the permitted point of diversion in excess of the 13 cfs measured at the measurement station on Big Timber Creek, but not to exceed the authorized water right rate of 4 cfs. As noted in your call to me, all other

Delivery of Permit 74-15613
May 17, 2013

recorded water rights on Big Timber Creek and tributaries for which delivery requests have been made, including permit 74-15613, must be satisfied before any high flows can be delivered. The effect of this guidance does mean that more than 13 cfs must be measured at the measurement station on Big Timber Creek before any high flows can be diverted at any other authorized water right diversion points, assuming of course that the conditions of permit 74-15613 listed above are satisfied. As you also noted, flows at the measurement station that are greater than 13 cfs already include 7.28 cfs under the Big Timber Creek rights held by Leadore Land Partners (Tyler) and Beyler Ranches.

Please contact me if you have any questions or concerns regarding this matter.

Regards,



Tim Luke
Water Distribution Section

Encl: Water Right Permit No. 74-15613

Cc: Kurt Bird, WD74-W Advisory Committee Chair
James Whittaker
Allan Purcell

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 74-15613

Priority: April 22, 2005

Maximum Diversion Rate: 4.00 CFS

This is to certify, that F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

and/or

PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

has applied for a permit to appropriate water from:

Source: BIG TIMBER CREEK Tributary: LEMHI RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK NW1/4SE1/4 Sec. 8, Twp 15N, Rge 26E, B.M. LEMHI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16N 25E 25									40.0				40.0	40.0	40.0	40.0	200.0

Total Acres: 200

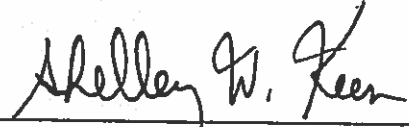
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2012**.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
3. This right does not grant any right-of-way or easement across the land of another.
4. Prior to diversion of water under this right, the right holder shall install and maintain a locking controlling works, subject to the approval of the Department, in a manner that will provide suitable control of the diversion.
5. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point(s) of diversion, in accordance with Department specifications.

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Permit to Appropriate Water
NO. 74-15613

6. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. At any time the flow rate in Big Timber Creek is greater than 13 cfs at all locations from the confluence of Little Timber Creek and Big Timber Creek down to the confluence of Big Timber Creek and the Lemhi River, the right holder may divert water under this right at a flow rate equal to the difference between the measured flow and 13 cfs, but not exceeding the flow rate authorized by this right.
9. The right holder shall cease diverting water under this right if the flow of Big Timber Creek is 13 cfs or less at any location between the point of diversion and the confluence of Big Timber Creek and the Lemhi River.
10. To determine whether water can be diverted under this right, the right holder and/or the watermaster shall measure the flows in Big Timber Creek at an existing measuring station near the Townsite of Leadore, located in the NENWNW, Section 31, T16N, R22E. The Department retains jurisdiction to require the right holder to install and maintain additional measuring sites to insure required bypass flows are maintained during diversions under this right.
11. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of June, 2011.


for GARY SPACKMAN, Interim Director

THE WEST B1

OUTDOORS

See Page B5

Managing Editor Rob Thornberry — phone: 522-1800, email: rthornberry@postregister.com

Reclamation slows Palisades' flows

Regional irrigators, state water managers urged reductions

By NATE SUNDERLAND
nsunderland@postregister.com

The Bureau of Reclamation reduced water flows from the Palisades Reservoir on Wednesday to conserve water for irrigators and hydroelectric power generators in the coming year.

The move comes after state water managers and regional irrigators urged the federal agency to reduce flows or risk being unable to meet the irrigation demands during the growing season.

Flows were dropped from

1,200 cubic feet per second to 900 cfs and will continue at least through Saturday. The average winter drawdown from Palisades following a dry year, such as 2013, is 800 to 900 cfs. Last year's dry summer, compounded by a dry year in 2012, left Palisades at less than 25 percent of its 1.2 million acre-foot capacity. One acre foot of water is the equivalent to 326,000 gallons.

But reclamation officials say the move wasn't the result of pressure from irrigators, but rather the latest spring runoff forecast.

"The forecast came out (earlier this week) and we decided that based on the information that is was time we pull back a little," said Roland Springer, reclamation's Upper Snake field manager.

The forecast projects local spring runoff at 92 percent of average.

Some irrigators are concerned that the bureau is diverting water they will need this summer in order to meet the demands of hydroelectric power generators. Idaho law stipulates the needs of irrigators be put before power generation or state fish-

ery requirements, water officials have said.

Springer said that concern was unfounded.

"Our highest priority is irrigation, and we always stay true to that priority," Springer said. "We hear both sides of the issue on this and we've managed the water so it will be where it needs to be come irrigation season."

Bureau officials said moving additional water downstream to the American Falls Reservoir this winter has been beneficial. The water increased power generation opportunities, which

offset lost opportunities typical of the irrigation season, when the amount of water sent downstream exceeds the capacity of the plants.

"Keeping water higher upstream in the system keeps your options open for later on in the summer," Water District 1 Watermaster Lyle Swank said. "You can always run down water when you need it, but getting water back upstream is pretty tough."

Reporter Nate Sunderland can be reached at 542-6763.

CLEAN SWEEP