



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 16, 2015

CHARLES E BROCKWAY, PHD, PE
2016 N WASHINGTON ST SUITE 4
TWIN FALLS, IDAHO 83301

RE: Water Right No. 37-577BP, Eccles Flying Hat Ranch

Dear Dr. Brockway:

This letter is a follow up to your letter dated August 5, 2015, our meeting on August 25, 2015, and your letter dated August 31, 2015 regarding conveyance losses in the Hiawatha Canal and water right no. 37-577BP owned by Eccles Flying Hat Ranch. At our meeting, I expressed concern about granting your request absent notice and input from other potentially impacted water users. I committed to respond to your request after further review. After our meeting, I asked staff to review the technical information that you submitted and information supporting prior decisions about conveyance losses in the Hiawatha Canal.

I understand Allen Merritt previously estimated conveyance loss for the Hiawatha Canal. Allen's analysis was based on delivery of March 24, 1883 water rights through the canal, including water rights left in the Hiawatha Canal for conveyance of water. Although later priority water rights are delivered in the Hiawatha Canal for conveyance of water, those later priority water rights are generally curtailed early in the season. Allen recently updated his prior analysis to account for the canal liner placed in the Hiawatha Canal by the Valley Club and the transfer of water rights out of the canal. I've asked staff to forward the results of the updated analysis to you for your review. Allen's analysis estimates a shortage of 0.65 cfs for conveyance loss, even with 1.4 cfs from water right no. 37-577BP remaining in the canal. Removal of 1.4 cfs from the Hiawatha Canal would place an additional burden on other water rights delivered through the Hiawatha Canal to convey water once rights junior to March 24, 1883 are curtailed.

This letter does not address other issues that have been raised and discussed, but I believe the issue discussed above raises significant injury concerns that would preclude a decision to move 1.4 cfs out of the Hiawatha Canal without notice and formal proceedings, likely through a transfer application.

Dr. Brockway
September 16, 2015
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I hope this letter addresses your questions. Please feel free to contact the Department if you have additional questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Spackman", with a long horizontal flourish extending to the right.

Gary Spackman
Director

cc: Evan Robertson