

Webster, Clay

From: Rusty Krame [waterdistrict37b@outlook.com]
Sent: Tuesday, July 21, 2015 4:22 PM
To: Webster, Clay
Subject: RE: WR 37-8323 "Diversion to Storage" water bank question

They are trying to keep from putting a measuring device on this diversion is the only reason they are looking at the water bank. I am very sure that there was no diversion this season. The cap over the pipe was all grassed over and was defiantly not used this season.

Thanks

Rusty Kramer - Water Master

Water District 37B

208-870-3217

From: Clay.Webster@idwr.idaho.gov
To: waterdistrict37b@outlook.com
Subject: RE: WR 37-8323 "Diversion to Storage" water bank question
Date: Tue, 21 Jul 2015 22:17:12 +0000

Rusty,

I looked up this right and they should be able to put this in the bank as long as the diversion can be shut off. I don't know why they would want to bank this right. According to the conditions, this right is non-consumptive. The likelihood of anyone renting this right is pretty slim. However, there should not be a problem with leasing this right into the bank. We will have to evaluate if they diverted water into this pond this season. If they did, then the diversion already took place, and they would not be accepted into the bank for this season.

Sincerely,

Clay Webster

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From: Rusty Krame [<mailto:waterdistrict37b@outlook.com>]
Sent: Tuesday, July 21, 2015 3:09 PM
To: Webster, Clay; brglauner@gmail.com
Subject: WR 37-8323 "Diversion to Storage" water bank question

Clay,

Duaine Hagen had requested to put water right 37-8323 into the water bank. This water right has a "Diversion to Storage" of 1 CFS and a "Wildlife Storage" of 30AF. Section 7 of the conditions read

"7. Measuring devices shall be maintained at the point of diversion from Willow Creek and at the outlet of the reservoir."

I walked the creek with the foreman of the property and he showed me the inlet where it is diverted from Willow Creek. That inlet is capped and no water is being diverted into the pond/small reservoir. The pond is practically completely empty right now already. I have never put a "Diversion to Storage" right into the water bank but in this circumstance it looks like it should be allowed. Duaine can keep water from being diverted from Willow Creek and people have the chance to rent it if possible because it is left in Willow Creek. My question is two fold. Can this water right be banked and if so will the entire right (both the diversion to storage and wildlife storage) be protected?

Thank you

Rusty Kramer - Water Master

Water District 37B

208-870-3217