

RECOMMENDATION OF WATERMASTER

Application No: 79560
Water Right No: 36-7072
Applicant Name: IGWA

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application under the following terms:

Removal of mitigation use

Measurement and control devices required on the pipeline to Rangen.

Measuring device must be of a type approved by IDWR and appearing on the certified flow meter list. Both measurement and control shall be situated at or near the redirection pumping plant at Sea Pac and be accessible to the watermaster.

- c) ☒ I oppose approval of this application(s) for the following reasons:

The inclusion of mitigation use as proposed is speculative and constitutes an enlargement of use

- d) ☒ Additional comment:

There is no direct injury within Water District 130 which might result from this approval. There might be less obvious injury to the Snake River system downstream from Magic Springs if 10 cfs of this right are delivered into the Billingsley Creek drainage. It is not unreasonable to predict that 10 cfs injected at the head of Billingsley Creek will *not* be returned to the Snake River, but will be consumed by downstream creek diversions. Consequently this proposal is changing a non-consumptive use of water to one which is ultimately consumptive to the original source and tributary. Under normal Snake River operation, the resulting absence of 10 cfs will probably not impact direct diversions from the river, but it could have implications in the administration of the Swan Falls trust water agreement. Trust water conditions could be added to any portion of this right being delivered to Rangen to prevent "consumptive" out-of-basin diversions during those times when Snake River flows are compromised.

Additional comment, continued:

The above water right identifies nine spring pods within 4, 10-acre tracts. (See attached map) The IDWR spatial layer is not completely consistent with the right, representing only one point per QQQ tract. There are maps in the file which clearly identify the location of all 9 springs¹. The location identified by IGWA as the proposed pumping location for the 10 cfs pipeline is in a pool below springs 1 and 2, and in a QQQ *not* identified as a pod on the water right. This appears to be inconsistent with the transfer application which states there will be no change in point of diversion. However I believe this particular pool to be either a man-made or artificially enhanced structure, constructed for the purposes of collecting and re-distributing spring discharges. The pump station may be treated as a re-diversion point. The source of water for the 10 cfs pumping plant does appear to be limited to only springs 1 and 2, and perhaps spring 3, so it might not be appropriate to include all 9 pods on the 10 cfs split right.

There is a condition on the above right which reads as follows:

THE RATE OF DIVERSION FROM SPRINGS 1, 2 & 3 SHALL NOT EXCEED 38.5 CFS AND FURTHER, THAT OF THE 38.5 CFS, 13.5 CFS LESS THE AMOUNT OF WATER FLOWING IN THE BRAILSFORD PIPELINE, MEASURED AT POINT B, SHALL BE RELEASED AT EITHER POINT C (THE MEASURING DEVICE AT THE UPPER POND) OR THROUGH THE HILL FLUME INTO THE UPPER POND.

The purpose of this condition, applied at licensing in 1986, was evidently to protect flows into a series of ponds owned by an adjacent landowner, A G Hill, and to provide water to an otherwise subordinated hydropower right 36-7866 which was developed in 1979 and which diverted from Hill's largest pond. At this time, Sea Pac owns the Hill property and the power plant has been dismantled. The 13.5 cfs is being retained in the Spring 1 pool and is available to SeaPac when the Brailsford Pipeline is not diverting.

Dated: October 31, 2014

Water District 130



Cindy J Yerter, Watermaster

¹ All 9 pods will be updated to the right(s) as processing proceeds.

Diagram of Magic Springs Hatchery
 Permit No. 36-7072
 Measurements made 3/18&19/85

