



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 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

December 4, 2013

Johnny Unser  
Unser Hay Co. LLC  
PO Box 2817  
Sun Valley, ID 83353

**Re:** Water Measurement Plan Submitted for Ground Water Right No. 37-7779; Irrigation of Land not in Conformance with a Valid Water Right and Potential Unauthorized Use of Water

Dear Mr. Unser:

I am writing in regards to two issues concerning your ground water right no. 37-7779 as follows:

1. The measurement plan you submitted as required by the Preliminary Order issued by the Idaho Department of Water Resources (IDWR) on September 21, 2011; and
2. Irrigation of land not in conformance with water right 37-7779.

Your measurement plan requested a variance from installing the standard magnetic flow meter and using instead a Power Consumption Coefficient (PCC) to determine water use from your well. IDWR staff inspected the well site on November 25, 2013. The measurement plan indicates that the well serves only a single pivot with a small end gun but staff did observe a 4 inch pipe coming off the mainline that went to the south east corner of the pivot. Staff observed or found just one riser valve in the southeast corner so it is not clear whether this or additional corners are irrigated from the well. We have noted further in the consultant's comments attached to the plan that the well was reconditioned one to two years ago to increase production. We are aware anecdotally from other water users in the area that this and other wells near the foothills north of Fairfield may be subject to production issues and more seasonal variability in water levels. Review of measured static water levels from a nearby well indicates that water levels may vary up to twenty feet in this area. Your plan however indicates that pumping water levels do not decrease over the irrigation season. Significant changes in water levels during the irrigation season can reduce the reliability and accuracy of the PCC measurement method. IDWR is reluctant to approve a flow meter variance for the well given our concern about potential production issues, seasonal variability of water levels, and uncertainty about the number of discharge points and flow conditions associated with the well. IDWR requests that you provide clarifying information about the number of discharge points from the well and any updated information about well level fluctuations and well production. IDWR can further consider approval of the variance request upon your submittal of the additional information. IDWR may consider a conditional approval of the variance and request to use PCC if the Water District 37-B watermaster makes several flow measurements and PCC determinations at the well

over the next irrigation season. The additional measurements during the season can be evaluated to verify whether the PCC method is reliable for accurately estimating total water use from the well.

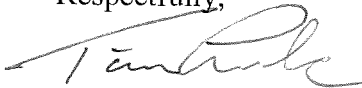
The second issue this letter addresses concerns the fact that your irrigation pivot is being used in a location that does not match or conform to the place of use authorized by right 37-7779. The map attached to this letter shows the water right place of use and the pivot location. Please note that about 29 acres in the eastern portion of the pivot is not included in the water right. It does appear however that a significant number of acres authorized by water right 37-7779 located just west of the pivot are not irrigated. It does not appear that more acres are being irrigated than authorized by the water right, but the water right place of use should nonetheless be corrected so that all of the irrigated acres are properly identified by the right. This place of use discrepancy can be corrected by filing a water right transfer with IDWR. Application forms and instructions may be obtained from IDWR's website as follows:

<http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/WaterRightForms.htm>

IDWR requests that you initiate a water right transfer application prior to the 2014 irrigation season to address the place of use issue under right 37-7779. Failure to timely file the transfer and correct the place of use water right problem may result in IDWR issuing a Notice of Violation for using water not in conformance with a water right.

If you have any questions concerning this matter, please contact me directly at 208-287-4959 or via email at [tim.luke@idwr.idaho.gov](mailto:tim.luke@idwr.idaho.gov).

Respectfully,



Tim Luke

IDWR Water Compliance Bureau

- c. Kevin Lakey, Hydrographer, Upper Wood Rivers Water Measurement District  
Dave Tuthill, Idaho Water Engineering



# Idaho Department of Water Resources

Adjudication Recommendation

37-7779

(IRRIGATION)

● Point of Diversion



Place of Use



State Outline



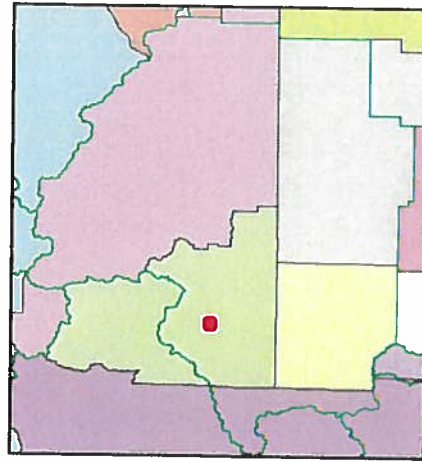
Townships



PLS Sections



Quarter Quarters

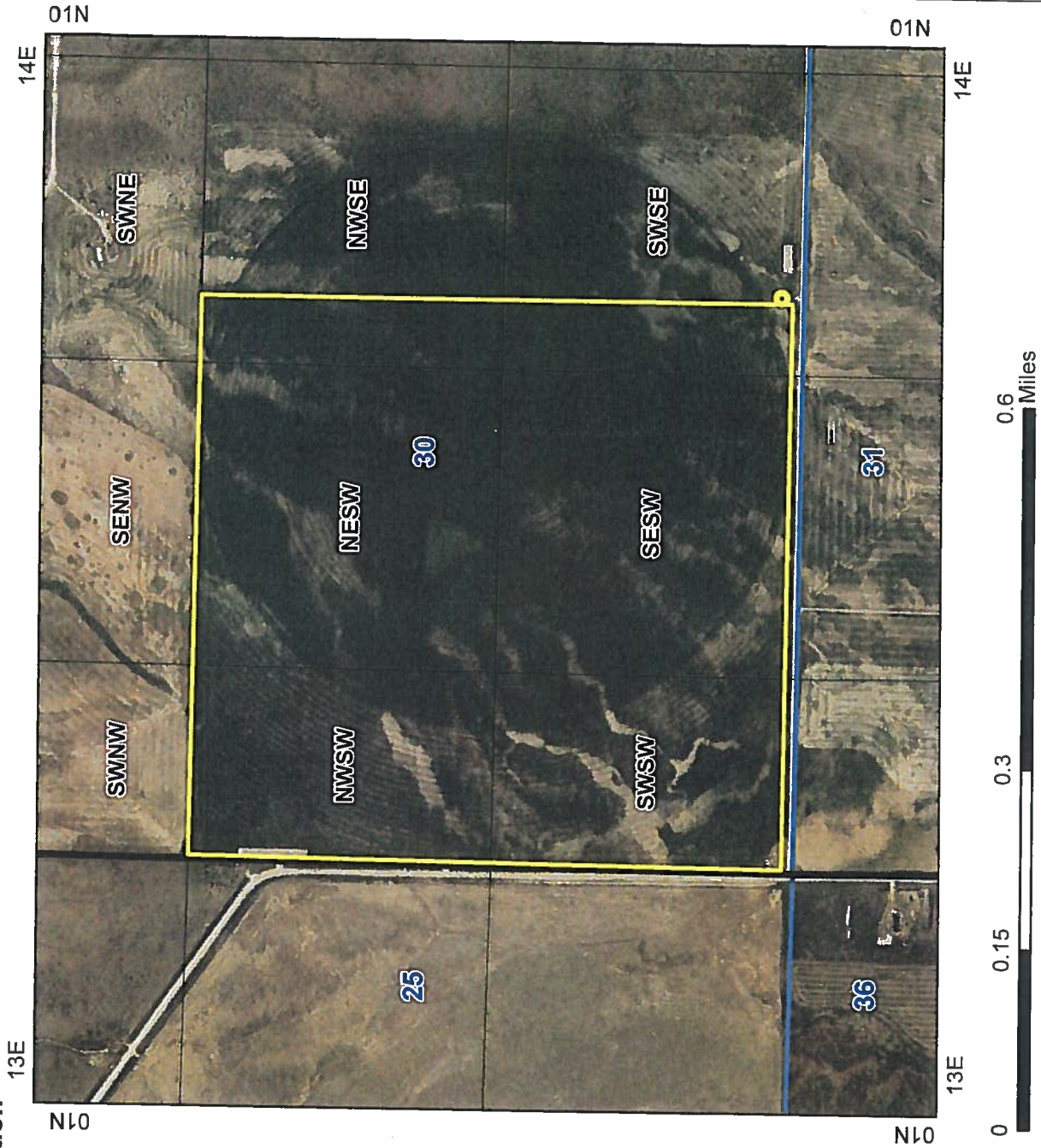


Camas County  
IDWR Basin 37

Prepared by Luke, Tim

On December 04, 2013

2009 Aerial Photography



Owner: Unser Hay Co Llc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.