

To: Lyle Swank, Water District #1 Watermaster
From: Tony Olenichak, Water District #1 Program Manager
Date: September 26, 2013
Subject: Water Right Transfer 78646, Teton Pipeline Association

Water Right Transfer 78646 seems rather innocuous on the surface but I have some concerns. The transfer intends to add a point-of-diversion for the Teton Pipeline water rights, including the groundwater exchange pumping, that previously only applied to four points of diversion in the water-right accounting: Clementsville Pipeline; Boelke Pipeline; South Pipeline; and J. Ricks Pump. These four separate pump stations from the Teton Canyon are all equipped with flowmeters and Hydromet telemetry so the water district doesn't need to send daily gage readers to these remote locations each day to record the diversion.

I think another reason for the Hydromet telemetry was to make the diversion data from the Teton Canyon available on a real-time basis for Fish & Game to monitor (based on a previous agreement when approving an earlier water right or transfer for the existing points-of-diversion out of the canyon) because of a concern for low discharges in the Teton River Canyon. The transfer does not include any additional flow rate added to the Teton Pipeline Association (for the natural-flow rights). However, the new diversion could expand the amount of storage that potentially could be pumped from the Teton River Canyon by Teton Pipeline Association. **Therefore, if the new point-of-diversion at Linderman Dam is approved, it seems appropriate to require it to be equipped with a flowmeter and Hydromet telemetry similar to the other four Teton Pipeline diversions.**

The current place-of-use for the existing Teton Pipeline water rights is for 13,062 irrigated acres. Transfer 78646 proposes to increase that total to 13,077 irrigated acres (adding only 15 acres) but it also proposes to expand the existing permissible place-of-use for the Teton Pipeline Association from the 13,062 acres to 19,111 acres (an increase of 6,049 acres).

I periodically get phone calls in the office and questions at water-user meetings from inquisitive (angry) water users about the "expansion" of newly irrigated acres along Highway 33, which I think is the area irrigated by the Teton Pipeline diversions. My response is always, "Water District #1 doesn't regulate place-of-use." I'm not sure if Teton Pipeline Association is irrigating a larger place-of-use than allowed under its water right, but approving Transfer 78646 makes it easier for them to do it by expanding their permissible place-of-use to 19,111 acres without monitoring the actual acres they are irrigating each year. Also, since the Teton Pipeline Association has shares in Fremont-Madison Irrigation District storage, it could lead to the irrigation of the additional 6,049 acres within the permissible place-of-use utilizing storage water in addition to the other 13,062 acres irrigated by the natural-flow and exchange-well water rights.

Therefore, it would seem reasonable to limit Teton Pipeline Association to irrigating only 13,077 total acres from the five diversions (including any storage being diverted) and require Teton Pipeline Association to identify which 6,049 acres within their permissible place-of-use they are not irrigating each year, and then have an IDWR agent field check the place-of-use for accuracy during the year. If any of the 6,049 acres were found to be irrigated, Teton Pipeline Association would be subject to a fine as a result of exceeding their water rights. This would help to extinguish the accusations I've heard from other Teton River water users accusing Teton Pipeline Association of exceeding the acreage they are permitted to irrigate from the Teton River.