

**Keen, Shelley**

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**From:** Keen, Shelley  
**Sent:** Friday, January 31, 2014 2:26 PM  
**To:** 'Lana Esplin'  
**Subject:** RE: IDFG transfer questions

Ms. Esplin,

I am writing to provide an answer to your question about the status of the completion of Transfer No. 74584 moving IDFG's point of diversion to Henrys Lake. This morning I spoke with Walt Poole of IDFG about the timetable for completing the point of diversion change authorized by Transfer No. 74584. Walt indicated that new pumps have been ordered, and their installation in Henrys Lake is imminent. I asked Walt to notify me as soon as the new point of diversion is complete.

Walt and I also discussed the measuring requirements imposed by the transfer. We both recognized that it is not realistic for IDFG to be able to match its pumping to the discharge of Pittsburg Creek into Henrys Lake in real time. We discussed the possibility of allowing IDFG to divert based on a monthly average flow from Pittsburg Creek, but we ultimately decided not to match diversions to monthly averages. Doing so could result in an enlargement of IDFG's water use during those times when the average flow exceeds the actual flow. Therefore, we agreed that IDFG would do its best to match its diversion to the Pittsburg Creek flows within a reasonable time interval. Because IDFG's ability to divert will rise and fall with the flow of Pittsburg Creek, IDFG will design its diversion system so that it can valve down the amount being pumped or shunt the unauthorized portion of the pumped amount back to the lake prior to the beneficial use.

Walt also indicated that IDFG thinks it may be dangerous and costly to require staff members to make regular measurements at the old point of diversion on Pittsburg Creek. The concern is about grizzly bears and travel time. I explained that the need to match diversions from Henrys Lake to the flow at the old point of diversion is to ensure that IDFG is not improving its water right, i.e. obtaining more water than it had historically, via the transfer. I suggested that IDFG submit a letter expressing its concerns and offering an alternative solution that could be discussed.

Sincerely,

Shelley Keen  
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