



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 23, 2013

GEM IRRIGATION DISTRICT
ATTN RON KEISTER
PO BOX 67
HOMEDALE ID 83268

RE: Water Right Permit 2-10416

Dear Mr. Keister:

We are in the last stages of licensing your water right 2-10416. We ran into an area of concern when we were looking through the water rights that overlap this permit. During the Snake River Basin Adjudication (SRBA) process, Gem Irrigation District sent a letter to Dave Tuthill on November 27, 1992 asking questions about your water rights.

In this letter, you discuss the pumping plants for your now decreed water rights 2-64 and 2-65 from the Snake River. In this letter, you state that in the 1940's you removed a pumping plant near Homedale, and moved all of the equipment from the Homedale plant to your Marsing pumping plant. At that time, you were seeking authorization to construct a new pumping plant at Homedale at or near the pumping plant described in your water right permit 2-10416.

This letter also states the following:

"The Directors of the Gem Dist. contend that the pumping plant at Marsing is not capable of pumping the full amount of the water right which is 356 cfs. This contention conflicts with the information provided by Tim Luke of IDWR which shows the plant pumping at or above the 356 cfs of the water right. The Directors intend to move 25 to 30 cfs of the water right to the proposed #2 pumps at Homedale."

After reading this information, we have concerns that permit 2-10416 was filed only to attain permission to build the Homedale pumping plant #2 pumps at Homedale. SRBA decree 2-64 was issued with both the Marsing diversion and Homedale diversion. Therefore, we need to determine if there is need for water right permit 2-10416. Since pumping plant is already authorized under water right 2-64, the only way we can license water right permit 2-10416 is if there is more than 356 cfs being diverted from both the Marsing and Homedale pumping plants.

While we were at the Homedale pumping plant, we measured 20.65 cfs. Therefore, to give you the full amount of the 20.65 cfs, we will need proof that the Marsing pumping plant can produce the 356 cfs decreed under water rights 2-64 and 2-65. We can also license any amount of water that is diverted above the 356 cfs that is diverted from both the Marsing pumping plant and the Homedale pumping plant. For example --- If Marsing pumping plants maximum diversion rate is 340 cfs, then we can license 4.65 cfs under this new permit [(340 cfs from the Marsing plant + 20.65 cfs from the Homedale plant) - 356 cfs existing decrees = 4.65 cfs available for licensing]. Please provide any records that you have showing the amount of water diverted from the Marsing plant. These records should be of diversions after 2009 when water right permit 2-10416 was approved. After receive the diversion records, we will be able to determine the amount of water available for licensing under water right permit 2-10416.

If the Marsing pumping plant and the Homedale pumping plant when combined cannot provide the full amount of 356 cfs decreed under 2-64 and 2-65, the permit has served its purpose of allowing you to re-establish the Homedale pumping plant, and is no longer needed. If this is the case, we have attached a relinquishment of permit for you to remove this permit from our records. If you can't provide the pumping records and you do not submit the relinquishment form, then we will be required to go through the Notice of Intent to Void process, since it appears as though your existing water rights cover your current water use.

If you have any further questions please don't hesitate to contact me.

Respectfully,



Daniel A. Nelson

Staff Hydrologist

Telephone # (208) 287-4867

Fax (208) 287-6700 (attn: Dan Nelson)

Email dan.nelson@idwr.idaho.gov

Enclosure(s): Letter from Gem Irrigation District Dated 11/27/1992
Relinquishment Form

Mr. Dave Tuthill
Western Region Manager
ID Dept. Water Resources
1301 N. Orchard
Boise, ID 83706

RECEIVED

NOV 27 1992

Department of Water Resources

Rt.1 Box 1333
Homedale, ID 83628
27 Nov. 92

DEC - 3 1992

Dear Mr. Tuthill:

The purpose of this letter is to request from the ID Dept. of Water Resources certain determinations concerning the water right of the Gem Irrigation District from the Snake River at the Marsing Pumping Plant.

At this time the Directors of the Gem Irrigation District are actively engaged in planning and in the acquisition of rights of way, pipe, machinery and in negotiations for the delivery of power to a site on the Snake River approximately one mile northwest of Homedale for the construction of a new pumping plant and diversion of water from the Snake River at that point to the D Canal.

We, the undersigned water users of the Gem Irrigation Dist., are concerned that the Directors are proceeding with this pumping plant before receiving the necessary authorization from the IDWR and other controlling agencies. We therefore request the IDWR to make determination as to the right of the Gem District to divert additional waters from the Snake River at the proposed pumping plant #2.

Prior to 1940, the Gem Dist. was served only by water from the Snake River. With the completion of the Owyhee Project, the Dist. began to receive gravity water in addition to the pumped water. The pumping plant located northwest of Homedale was abandoned and the pumps and machinery moved to the plant at Marsing and the water right was transferred to Marsing in 1940.

The Directors of the Gem Dist. contend that the pumping plant at Marsing is not capable of pumping the full amount of the water right which is 356 cfs. This contention conflicts with the information provided by Tim Luke of IDWR which shows the plant pumping at or above the 356 cfs of the water right. The Directors intend to move 25 to 30 cfs of the water right to the proposed #2 pumps at Homedale.

These questions then arise:

1. Does the Gem District need authorization from the IDWR to move 25-30 cfs of the water right to Homedale?
2. Is the pumping plant at Marsing producing less than 356 cfs so that water is available within the water right to be transferred?
3. If the full amount of the 356 cfs water right has not been used, is that water still available for expropriation after over 50 years of non-use?
4. What liabilities are the Directors creating for themselves and the Gem District by proceeding with a new diversion of water from the Snake River without authorization from the IDWR and other agencies?

We hope you will be able to respond as soon as possible since the Directors are actively proceeding with this project.

Tim Luke
Bill Shunk
Paul L Shunk

Roy L Hunt
MICROFILMED
AUG 10 1994

Sincerely, 337-3407

Ron Geertson
Philip Geertson
M. B. Geertson