

Merritt, Allen

From: Merritt, Allen
Sent: Thursday, February 26, 2009 3:34 PM
To: Olenichak, Tony
Cc: Swank, Lyle; Reeder, Jana
Subject: RE: SWID new point of diversion

Tony,

Awhile back Randy Brown with SWID filed an application for permit No. 45-14183 for diversion of wastewater at the tail end of the BID system with a PD at a pond that empties into the Snake River. (You could look at this application in ArcMap) We have not advertised this... Jana Reeder is the agent processing this.

Yesterday I again spoke with Randy Brown at a meeting and he indicated that they also needed a PD on the river since they may desire at times to divert water from the Snake River into this same pond. I presumed they would need to file a transfer to establish such a PD. Randy indicated they have water rights on the Snake River and also they rent storage water. As Randy Brown explained the existing pond is proposed to be enlarged and excavated below the water level of the Snake River. At times when water is being pumped from the pond to the SWID's proposed pumps and pipeline, water would either come from wastewater, Snake River, or a combination of both depending on flow into the pond. Randy indicated they would measure the wastewater coming in and measure what they were pumping out.

In that same meeting I talked with Randy Bingham with BID and he was concerned about what would be required as far as measurement. He didn't know if the pipeline connecting the pond to the river would need to be measured directly or if the contribution of the Snake River could be calculated using the two measurements described above. (I think depending on the situation the water could be flowing either direction in the pipe... But there may be times when wastewater was flowing in and directly to the river so you could not assume all wastewater was being used so just subtracting wastewater from pumped would not necessarily be Snake River flow. Timing of flows would be an issue.)

I appreciate any feedback regarding these matters. I figured when we advertise the application it would likely be protested by TFCC or someone down river. I thought BID was getting credit for return flows but seems they are onboard with the project. You probably know more about the credit issues than I do.
 Allen

From: Olenichak, Tony
Sent: Thursday, February 26, 2009 2:45 PM
To: Merritt, Allen
Subject: SWID new point of diversion

Allen,

Lyle mentioned that you had inquired what to do about a new diversion on a tributary to the Snake River that Southwest Irrigation District (SWID) is proposing to install. Lyle indicated there was a possibility of using either a water-right transfer or for SWID to apply for a new water right documenting the new diversion.

SWID has one water right (1-23, described in transfer #4859) that Water District #1 delivers from the Snake River. The right has three points of diversion: Southside Minidoka Canal, Milner Irrigation Pumping Plant, and Twin Falls Canal. It is SWID's responsibility to notify Water District #1 of the proportional amounts of flow rate (cfs) and volume (ac-ft), along with the start date, to be delivered to the three diversions prior to the start of each irrigation season. The right is for 77.9 cfs with an annual volume limitation of 6,725 ac-ft. For example, SWID may designate 15% of the right to be delivered to Southside Minidoka, 35% of the right be delivered to Milner Irrigation, and 50% of the right delivered to Twin Falls Canal beginning on May 15th. The percentages and start

date may change from year-to-year depending on the annual needs of SWID but, once the percentages are declared at the beginning of a season by SWID, they remain unchanged until the following season.

A fourth point-of-diversion could be added to 1-23 to include the new pump, whereby SWID would be required at the beginning of the season to declare the portion of 1-23 they will be diverting through the new pump in addition to the three other pumps. This could be accomplished through a transfer to add a point-of-diversion.

A second option (more preferable to Water District #1) would be to have SWID apply for a new water right, and they could then assign their Palisades storage or rental storage to be delivered (exchanged) for water diverted at the new pump.

Two things came to mind when Lyle and I discussed this new diversion. 1) Water District #1 hasn't historically regulated or accounted for diversions on tributaries that flow into the Snake River below Blackfoot. 2) I think there are several additional pumps that re-divert wastewater in that area that historically have not been regulated. They may not even have a water right to do so. My understanding is that when canal-water finds its way back to a natural watercourse, it becomes available for re-appropriation. Therefore, a water right would be required to divert it. Historically, I don't know if this is how these types of diversions have been treated in the past.

If the tributary where the new pump diverts its water does not reach the Snake River, then neither Snake River storage nor water right 1-23 can be delivered to the new diversion because no water can be exchanged between the tributary and the Snake River.

Give me a call if you have any questions.

Tony