

Skaggs, Pam

From: Spackman, Gary
Sent: Thursday, March 18, 2010 1:13 PM
To: Skaggs, Pam
Cc: Keen, Shelley
Subject: RE: Bell - Application for Transfer

Pam,

Thanks for the thorough and thoughtful analysis. I concur with your conclusions. Will you ensure that someone contacts Bell once an agreed-upon-process is determined with Eastern? Thanks.

Gary Spackman

From: Skaggs, Pam
Sent: Thursday, March 18, 2010 12:39 PM
To: Spackman, Gary
Cc: Keen, Shelley
Subject: Bell - Application for Transfer

Gary,

I looked into the Bell transfer application matter as you requested.

Previous Transfer 4110 proposed to add a point of diversion for a portion of Right 34-518 approximately 2-3 miles upstream known as the Munsey ditch at the Arco diversion. The existing Bell point of diversion to the Miller ditch is approximately 1 mile above the protestants point of diversion to the McLaughlin ditch. The protestants argued injury & enlargement concerns. The transfer was rejected 10-19-1993

Administrative rules 37.03.12 Idaho Department of Water Resources Water Distribution Rules – Water District 34 were adopted on 10-26-1994. Rule 30.02 allows for an Alternate Point of Diversion at the Munsey ditch for rights with a recorded point of diversion at the McLaughlin ditch when Rule Subsections 30.02b-f are met. The subsections address injury & enlargement issues.

The new application for transfer should be considered in light of the automatic changes allowed for other right holders in the same reach of the river through Water District 34 Rules. It appears that all the protestants concerns were resolved by the rules, providing the alternate point of diversion sought by Bell for their rights.

Nick Miller contacted the water district regarding actual delivery of the current Mr. Bell's rights. They noted that they have been unable to deliver Mr. Bells right's in recent years & he has not been irrigating the property, but receiving insurance money. The new application includes a recommendation from the Water District stating that the rights would be deliverable through the Munsey ditch and would be a great conservation of water from natural channel losses (60 to 80 cfs passing the Arco diversion to deliver 8 cfs to the Miller ditch). It is current water district practice to divert as much water as possible at the Arco diversions to conserve water lost in the natural channel.

Big Lost River Irrigation District concurs with the Water District recommendation noting that while water could be delivered to the Miller ditch for a short period of time, it would not be long enough to finish a crop.

If you agree we should proceed with processing the new application, I will coordinate with Eastern. I also have some processing questions since the application number on the copy of the application has been used for another applicant & the status of the associated receipt is curious.

Pam

Pam Skaggs
WR Supervisor
287-4951