

MEMORANDUM

June 29, 1998

TO: Gary Spackman

FROM: Cindy Hodges *cjl*

RE: Junayo Ranch Protested Application 57-07610

In your office you have the above protested application. I confess I don't know anything about its present status other than it is still listed as protested.

As you are aware, this application was originally filed to facilitate an exchange of water at Junayo Ranch above the Macks Creek reservoir. I was responsible for drafting it after the I conducted the field exams at Junayo Ranch. The Reynolds Creek Watermaster had described to me Mr. Orndorf's practice of supplying Macks Creek bypass flows using water held in Macks Creek reservoir while irrigation from Macks Creek continued above the reservoir. Because of the relatively junior priority of the Macks Creek rights, irrigation of the lands above the reservoir should have been ceased.

I have completed all the beneficial use recommendations for storage at Junayo Ranch, including the two permits for the Macks Creek Reservoir. I used to know but can't recall the nature of the protest on 57-07610; will the recommendations help resolve the protest concerns?

The condensed version of my recommendations are as follows:

57-07525/07584³, Macks Creek Reservoir, recommended combined 340 AF stored water for 68 acres of land below the reservoir (5 AF/ac). Reservoir capacity is 469 AF.

57-07454, Upper Macks Creek Reservoir, recommended for 25 AF (capacity) on 53 acres of land situated between the two reservoirs. Place of use does not overlap with the Macks Creek Reservoir POU. Permit 57-07473 recommended for cancellation because no development was found.

Based on the above analysis, there is unappropriated storage in Macks Creek Reservoir which could be permitted on 57-07610. Place of use would need to be limited to acres above the reservoir, since maximum storage has been achieved for acres below Macks Creek Reservoir.

Post-it® Fax Note 7671		Date <u>2-5-04</u>	# of pages <u>2</u>
To <u>Lori Dingel</u>		From <u>Kay Walker</u>	
Co./Dept. <u></u>		Co. <u>IDWR</u>	
Phone # <u>343-8880</u>		Phone # <u>327-7944</u>	
Fax # <u>345-0314</u>		Fax # <u></u>	

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Also, based on my discussions with the Watermaster, this proposal is viable and issues of accountability which were prominent a few years ago have been largely resolved. There is an acceptable portable weir available at the Upper Macks Creek diversion (no flows diverted to storage after 3/15) to measure total inflows to the Macks Creek system when the Watermaster is on duty and until flows decline to the point of futile call. According to the Watermaster, a similar weir is available for the Macks Creek channel downstream from the lower reservoir to measure flows bypassed to Reynolds Creek. There is also supposed to be a weir on Cottle Creek (Cottle Creek is tributary to Macks Creek Reservoir; Junayo Ranch leases lands irrigated from this source) but I don't know the status of this installation or the relative priority of the rights involved.

I had at first thought the modification of I.C. 42-105 (exchange of water) might be applicable to the above situation. Because the Macks Creek Reservoir is not fully appropriated, the application for permit seems to remain the most fitting action. An application for exchange would be required for exchanges which may exceed the available 129 Acre-feet, or if a similar exchange were desired for acres irrigated from Cottle Creek.

I spoke to Shelley and the exchange application forms are not quite finished but he is still ambitiously targeting July 1.

Call me if you would like to discuss.