

MEMORANDUM

To: File No. 57-07610; Junayo Ranch, Ltd. Partnership

From: Gary Spackman *Gary*

Re: Recommendations for Approval

Date: December 30, 1999

Junayo Ranch, Ltd. Partnership (Junayo) filed application for water right no. 57-07610 seeking to add a place of use to lands already irrigated by storage water authorized by water right nos. 57-07525 and 57-07583. Water right nos. 57-07525 and 57-07583 authorize storage of water in "Lower Macks Creek Reservoir" and irrigation from the reservoir. Application no. 57-07610 proposes the irrigation of an additional 200 acres that cannot receive water directly from Lower Macks Creek Reservoir. Application no. 57-07610 proposes diversion of water flowing in Macks Creek and Reynolds Creek, and simultaneous release of storage water from Lower Macks Creek to compensate water users downstream for the depletion of natural flows.

Application no. 57-07610 was protested by the Bureau of Land Management (BLM). Seventeen acres of BLM land was included as a place of use in the application.

Junayo and BLM negotiated an agreement regarding irrigation of the 17 acres. Apparently, the 17 acres is included in a special use permit issued by BLM to Junayo for use of those lands. The special use permit is referred to as the Macks Creek Cooperative Agreement. The agreement expires in 2009, but could be renewed.

BLM does not want Junayo to establish a water right appurtenant to its lands. On the other hand, Junayo does not want BLM to hold a water right for storage from its reservoir. The agreement between the parties dictates that BLM will hold a 17 acre water right with 17 acre feet of storage, but as soon the Macks Creek Cooperative Agreement terminates, the water right held by BLM will terminate because BLM will not be entitled to any water rights in Junayo's reservoir.

Water right 57-07610 should be split into two parts. BLM's portion of the water right permit approved should contain the following:

Place of use: T02S, R04W, all in Sec. 23, NENW: Two acres, SWNW one acre, SENW, 14 acres and: The total number of acres is 17 acres.

Storage volume: 17 acre feet.

The approval should also contain the following conditions:

1. When water cannot be delivered to a point of diversion located in the SW¼ SE¼ SE¼ of Sec. 22, T02S, R04W, Boise Meridian because of deliveries to prior water rights, storage water from Lower Macks Creek Reservoir must be released to compensate for the upstream depletion.
2. Measuring devices acceptable to IDWR must be installed at the natural flow points of diversion and measuring devices must also be installed to accurately measure the inflow and outflow from Little Macks Creek Reservoir. During any time that water is being diverted from Macks Creek in the exchange point of diversion located in the SW¼ SE¼ SE¼ of Sec. 22, T02S, R04W, the same flow rate plus the natural flow of Macks Creek must be released from the Macks Creek Reservoir outlet.
3. Delivery of water pursuant to this water right shall be under control of watermaster of water district no. 57R, Reynolds Creek.
4. This water right is issued to BLM for use specifically by Junayo Ranch Ltd. Partnership. A cooperative agreement between BLM and Junayo grants Junayo the right to use BLM property. Upon termination of the Macks Creek Cooperative Agreement and submittal of evidence of termination to IDWR, this water right shall be revoked.

JUNAYO RANCH PORTION

Junayo Ranch should receive the residual portion of the permit which will authorize the irrigation of 183 acres with 183 acre feet of water. The approval should be subject to the following conditions:

1. When water cannot be delivered to points of diversion located in the SW¼ SE¼ SE¼ of Sec. 22 (Macks Creek) the NE¼ NE¼ of Sec. 24 (Reynolds Creek) and the NE¼ NE¼ of Sec. 25 (Reynolds Creek), T02S, R04W, Boise Meridian because of deliveries to earlier priority water rights, storage from Lower Macks Creek Reservoir must be released to compensate for the depletions at the above described points of diversion.
2. Measuring devices acceptable to IDWR must be installed at the natural flow points of diversion, and measuring devices must also be installed to measure the inflow and outflow to Lower Macks Creek Reservoir.
3. Water shall be delivered under this right by the watermaster of water district no. 57R, Reynolds Creek.
4. No more than 450 acre feet may be stored and used pursuant to water right nos. 57-07525, 57-07583, and 57-07610.