

Weaver, Mathew

From: Christensen, Kelly
Sent: Friday, September 05, 2008 8:14 AM
To: Jones, Doug; Weaver, Mathew
Subject: RE: Basin 37 Water Rights

Mathew,

This group is scheduled for a preliminary hearing in the SRBA Sept 17 @ 3:00. Travis Thompson (attorney for Flood) hasn't heard anything about the issues associated with 37-7014. Could you contact him as soon as possible to explain the issues and current activity? Travis is a little cautious about proceeding with settlements on the other claims without knowing where this one is going.

Travis L. Thompson

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Thanks Kelly

From: Jones, Doug
Sent: Thursday, August 21, 2008 11:23 AM
To: Christensen, Kelly
Cc:
Subject: FW: Basin 37 Water Rights

FYI, Kelly. You are working on the Flood part of this issue.

How, pray tell, can the same flow rate be delivered to two different owners?!!!! Stevenson has the senior right for all the flow and the junior right. Are there actually two wells at the location? There could be lots more going on than meets the eye.

DJ

From: Weaver, Mathew
Sent: Thursday, August 21, 2008 8:32 AM
To: Jones, Doug
Cc: Keen, Shelley; Luke, Tim; Merritt, Allen
Subject: Basin 37 Water Rights

Doug,

As you know we have been reviewing all water rights and recommendations in Basin 37 that have conditions requiring Watermaster regulation of groundwater rights. We are doing this in an attempt to understand the reasoning behind the conditioning and to prepare a master guidance document for the Watermaster that can be used to carry out the regulation of the water rights. In carrying out this task I have recently review a group of water rights that share a common point of diversion. The POD is the Lucke Well, which diverts groundwater for injection into Patton Creek, so the water may be re-diverted downstream on Silver Creek for irrigational purposes. The WRs that use the Lucke Well include **37-2649A**,

37-2649B, 37-7014, 37-7644. The Lucke Well is an artesian well whose flow rates have varied greatly over time. This has lead to inconsistencies in the conditional language of the WRs, which has further lead to inconsistencies in the conditional language of the Recommendations.

Of primary concern is the condition which limits the combined flow rate of groundwater diverted from the Well. Initially WR 37-2649 was licensed for the diversion of 7.44 cfs. Following the split of this water right the combined flow rate of the children rights, A and B, was still 7.44 cfs. During the field exam for 37-7014 a flow rate of 7.26 was observed at the Lucke Well (less than historical flows), as such this license was incorrectly issued with a condition that limited the combined flow rate of diverted water for WRs 37-2649[A & B] and 37-7014 to 7.26 cfs. During the field exam for 37-7644 a flow rate from the well of 4.35 cfs was witnessed, the Field Examiner's narration goes on to state that the measurement was taken in a drought year and that historical flow rates as high as 7.96 have been witnessed at the well. Apparently due to the lower observed flow rates, license 37-7644 was incorrectly issued with a condition that limited the combined flow rate of diverted water for WRs 37-2649A, 37-2649B, 37-7014, and 37-7644 to 5.00 cfs. The preparation of the SRBA recommendations for these WRs was handled by two different agents. One agent prepared the recommendations for WRs 37-2649A, 37-2649B, and 37-7644 and limited the combined flow rate at the well to 5.00 cfs. WR 37-7014 was prepared by a different agent and contains a condition limiting the combined diversion of groundwater at the well to 7.26 cfs. As you know the flow rate of a WR license can not be injured (in this case limited) by the conditions of subsequent water rights. Due to this fact, Shelley, Tim, and myself feel that the right holders associated with these water rights should be contacted, debriefed on our findings, and given the opportunity to request that their licenses be modified to reflect a combined use limitation on all of the WRs of 7.44 cfs. At the conclusion of our meeting yesterday we identified the following items that would need to be carried out to correct this matter.

- 1) Bring D. Jones up to speed (M. Weaver)
- 2) Prepare a NAP (D. Jones)
- 3) Communicate with right holders in an effort to have them request the changes. (M. Weaver)
- 4) Prepare an order correcting the licenses. (M. Weaver/S. Keen)
- 5) Update the SRBA recommendations. (D. Jones?)
 - a) Update combined use flow rate limitation to 7.44 cfs.
 - b) Update recommendation for 37-7014 to match its conditional language to that of WRs 38-2649B and 37-7644.
- 6) Prepare an NCAP. (D. Jones)
- 7) Instruct the Watermaster accordingly. (M. Weaver/T. Luke)

This email represents the first step is the list above. I hope to have a letter prepared and sent out to the right holders by the end of the week and will follow up with preparing the draft order once I have received return correspondence. Please give me a call or email if you have any questions. I also regularly attend our State Office/Southern Office coordination conference calls on Wednesday mornings.

Thank you,

Mat Weaver, PE
Staff Engineer
Idaho Department of Water Resource
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