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February 13, 2006

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WATER RESOURCES
WESTERN REGION

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DEPARTMENT OF
WATER RESOURCES

John Westra
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Permit No. 63-32067 – Ann and/or Greg Obendorf

Dear Mr. Westra:

This letter responds to your letter of January 26, 2006 regarding Mr. Williams and Tree Top Ranches, L.P.'s complaint regarding the Obendorfs' diversion of water under Permit No. 63-32067.

As you know, Permit No. 63-32067 authorizes the diversion of water from Sand Run Gulch Creek for wildlife purposes during the non-irrigation season. This Permit authorizes the diversion of 90 cubic feet per second ("cfs") from Sand Run Gulch Creek. The 90 cfs diversion rate was based on USGS flow data for Sand Run Gulch Creek during the non-irrigation season. I enclose a copy of this data for your reference. As you will note, during the non-irrigation season (11/15-3/15) this data indicates that flows generally do not exceed 90 cfs. It also is my understanding that virtually all of the flows diverted under Permit No. 63-32067 return to Sand Run Gulch Creek within a short distance. To the extent any impact to Sand Run Gulch Creek occurs, it does not extend for more than 100 yards, at most. There is no dewatering of the Creek because of seepage recharge to the Creek from the habitat project starting immediately after the diversion point. I also note that the 100 yard length of stream between the diversion point and the point of return flow runs entirely on the Obendorfs' property.

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Overall, the Obendorfs' diversion of water under Permit No. 63-32067 increases the amount of "habitat" in the vicinity. The short stretch of Sand Run Gulch Creek between the diversion point and the location of return flow does not appear to have been adversely affected. There is no information indicating that a bypass flow is necessary or beneficial for fish, wildlife, riparian or aquatic habitat in this instance.

This year due to precipitation, the flows of Sand Run Gulch Creek occasionally have been somewhat higher than normal. On those infrequent times when precipitation has caused Sand Run Gulch Creek's flows to exceed 90 cfs, Mr. Obendorf has adjusted the diversion structure so that the extra quantities that he does not need flow over the diversion works. Accordingly, there is no basis for requiring the installation of an expensive measuring device.

This year, the Obendorfs' diversions for this habitat project ceased on January 27, 2006. Accordingly, the Obendorfs cannot provide any photographs or data concerning these diversions at this time. However, this information can be obtained next season, if it would be helpful to the Idaho Department of Water Resources. Please let me know if you would like the Obendorfs to provide any further information or if you have any further questions. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

Dana Hofstetter

Dana L. Hofstetter

Enclosure
cc: Greg Obendorf w/ enclosure
D:4027.2/6788

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USGS

Water Resources

Data Category: Surface Water | Geographic Area: Idaho | GO

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Notice! http://water.usgs.gov/ will be unavailable due to scheduled maintenance on Wednesday December 8, starting at Noon EST, for approximately 20 minutes.

This server(nwis.waterdata.usgs.gov) is currently experiencing network and database connectivity problems which prevent Real-Time data from being updated. We are actively working on resolving this issue.
All real-time data continues to be available at http://waterdata.usgs.gov/nwis/rt.

Daily Streamflow Statistics for Idaho

USGS 13213072 SAND RUN GULCH NR PARMA ID

Available data for this site: Surface-water: Daily streamflow statistics | GO

Canyon County, Idaho
Hydrologic Unit Code 17050114
Latitude 43°47'59", Longitude 116°58'29" NAD27

Output formats
HTML table of all data
Tab-separated data
Reselect output format

Day of month	Mean of daily mean values for this day for 3 years of record[1], in ft^3/s											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	67.0	63.5	56.0	52.5	97.0	135	113	119	158	119	85.0	72.0
2	66.5	60.5	56.0	52.0	99.0	136	110	121	152	119	85.0	74.5
3	66.5	61.0	56.0	52.5	105	133	113	122	149	109	85.0	74.0
4	67.0	60.0	55.5	51.5	101	131	122	127	145	107	85.0	73.5
5	67.5	60.0	55.5	51.0	93.5	133	128	132	140	102	85.0	72.0
6	65.5	60.5	55.5	51.5	84.5	144	134	128	145	100	86.5	72.0
7	65.0	60.0	55.0	52.0	82.5	151	138	118	147	102	87.0	71.5
8	65.0	59.5	54.5	53.0	84.5	152	137	113	144	98.5	87.0	70.5
9	66.0	59.5	54.5	52.0	95.0	128	134	114	131	94.5	81.5	69.5
10	67.5	59.5	54.0	51.0	103	121	129	112	130	96.5	76.0	69.5

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11	67.0	59.0	54.0	62.5	107	135	124	116	144	98.5	76.5	68.5
12	70.0	58.5	53.5	72.5	95.0	147	127	118	143	102	76.0	68.0
13	70.5	59.5	53.5	70.0	98.5	156	126	154	135	110	75.5	67.0
14	69.0	64.0	53.0	63.0	116	151	124	145	139	114	75.0	67.0
15	68.5	62.0	52.0	60.0	127	142	127	136	134	114	75.0	67.5
16	69.0	62.0	51.5	62.0	133	131	123	135	133	102	74.5	67.0
17	68.5	62.0	51.0	72.5	130	119	119	137	133	89.5	74.5	66.5
18	67.5	63.5	53.0	74.5	129	118	124	136	134	84.0	74.0	66.0
19	65.5	63.5	53.0	80.5	130	119	133	136	125	85.0	74.0	66.0
20	65.5	63.0	57.5	87.0	133	119	140	135	122	82.0	74.0	66.0
21	65.0	62.0	63.5	96.0	119	114	136	137	123	81.5	73.5	67.0
22	65.0	62.0	57.5	89.5	114	119	135	131	120	80.5	75.0	67.0
23	65.5	61.5	55.0	85.5	114	117	134	134	118	80.0	75.5	65.5
24	68.0	61.0	53.5	88.5	121	117	118	133	122	77.5	75.0	68.5
25	67.0	59.5	54.0	112	130	117	119	130	124	79.0	74.0	80.0
26	66.0	59.0	54.0	111	131	110	126	133	126	82.0	73.5	74.0
27	65.0	58.0	56.5	112	135	110	130	131	130	83.5	72.5	71.5
28	66.0	57.5	54.0	111	137	113	128	130	131	83.0	72.5	70.0
29	65.0	58.0	54.5	93.5	130	118	127	137	128	80.5	72.5	68.5
30	65.5		53.0	93.5	130	119	123	150	131	80.5	71.5	68.0
31	65.0		52.0		139		124	158		82.0		68.0

1 -- Available period of record may be less than value shown for certain days of the year.

Questions about data Idaho NWISWeb Data Inquiries
Feedback on this website Idaho NWISWeb Maintainer

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Explanation of terms

Surface Water data for Idaho: Daily Streamflow Statistics
http://waterdata.usgs.gov/id/nwis/dvstat?

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USGS Water Resources of Idaho
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