

Comment Report

2-7157C

1. dnelson 10/14/2005 POD

Comment: Updated shape

2. dnelson 10/14/2005 POU

Comment: Updated Shape

3. dnelson 10/17/2005 Field Report Narrative

Comment: This permit was diverted through the Mud Flat Canal. The Mud Flat Canal ceased operation in 1986, and all of the pumps and power lines have been removed from the system. The owner's pumps and power lines have also been removed. Therefore, in order to perform the field exam on this permit, some assumptions were made. I also had to attain the pump information for the point of diversion and point of re-diversion from the Bybee canal from previous exams, since these pumps are no longer on site.

The water from this permit was diverted from C J Strike Reservoir on the Snake River in Lot 9, SESW S34 T5S R4E. The water from the river was diverted into the Bybee Canal by two 250 Hp pumps owned by the Mud Flat Canal Company. The water in the Bybee Canal flowed in a westerly direction for approximately 3 miles where the Mud Flat Canal water was diverted from the Bybee Canal by two 200 Hp pumps and one 600 Hp pump. The Mud Flat Canal flowed in a southern direction for approximately 3 miles and then turned west and flowed another 4 ½ miles to the owner's property.

The owner supplied an equipment bid from Layne of Idaho in Nampa, which he claims were the 5 pumps used on the permitted acres. The pump stations and diversion structures from the canal for these pumps are still in place, so I assume this information is correct. The owner stated that the water diverted by the pumps flowed through a mainline that bisected the property and went along the western edge of the property. While on site, I did see the location of one of the main lines that had recently been removed. This was the mainline that dissected the property on the north side of the canal.

There were several water rights that used the Mud Flat canal system. These rights are either no longer being used or are now being diverted directly from the Bybee Canal. John Noyes measured the Mud Flat Canal in 1985 with a diversion rate of 48.44 cfs. Whereas the owner placed his land into CRP in 1986, I am confident that the system had not been enhanced after Mr. Noyes measurement. According to the owner, the use of the canal ceased in 1986 or 1987.

When all of the Mud Flat canal water rights are combined, the total diversion rate from all rights is 73.98 cfs. Therefore, this permit should have a condition that limits the amount of water allowed to 48.44 cfs when all of these rights are combined. The priority date for this right is sufficient to allow them to irrigate as they wished, when

priority date for this right is sufficient to allow to them to irrigate as they wished, when the regulation of the canal required all junior users above the 48.44 cfs to cease use of the canal water.

This right and several of the other rights from the Mud Flat Canal are currently enrolled in the water bank. These rights are being used for fish flushing and mitigation purposes. The combined conditions should be placed on all of the rights that were diverted from the Mud Flat canal to avoid enlargement issues when rented from the water bank. Hopefully, this will be done during the Snake River Basin Adjudication (SRBA) recommendations for these rights.

I cannot confirm or deny that this permit was ever fully developed. However, the CRP records do show that 368.6 irrigated acres were entered into the program in 1986. The owner does have records that show that pumps could have been purchased for this property. The 1987 aerial photography does show the outline of 368.6 acres. Even though the cost of putting this ground back into production would be cost prohibitive and is very unlikely, it does appear that the water right was put to beneficial use at one time. Therefore, I would recommend this permit for licensing for the amounts shown in this report with a condition that shows the combined limitations of the canal.

I would recommend that the following conditions be incorporated into the license:

This right when combined with water rights 02-7059, 02-7060A, 02-7060B, 02-7061 02-7062, 02-10180, 02-10181, 02-7064, 02-7168A, 02-7168B, 02-7168C, 02-7237A, 02-7275, 02-7279A, 02-7279B, and 02-10012 is limited to 48.44 cfs.

Prior to this right back into use, the owner must design the new system to allow for proper measurement of the water being diverted.

This right must comply with the limits or restriction of the Swan Falls agreement that may apply to this water use.

Have conditions of permit approval been met? ☒ Yes ☐ No

PLEASE NOTE: The system was no longer operational, and the pumps and mainlines were no longer in place. Therefore it is impossible to determine if a suitable measurement port or suitable measurement point was available. However, I am assuming that the measurement port was available, since Mr. Noyes did attain a measurement for the canal in 1985.

4. kwalker 11/23/2005 Priority Date

Comment: During licensing review of this permit I found that the priority date had been advanced to a date earlier than when the application was submitted. The priority date has been corrected per order dated 11/22/2005.