



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

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Department of Water Resources

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 24, 2001

Lee Peterson
Watermaster District 37
PO Box P
Shoshone, ID 83352

RE: Delivery of natural flow below Magic

Dear Lee:

Based on our phone conversation earlier this week about the potential for renewed water delivery on the Big Wood River below Magic Reservoir, I have discussed the matter with Phil Rassier (deputy attorney general), Tim Luke and Norm Young.

We understand that for some time the storage from Magic Reservoir has been cut off due to depleted supply which in turn has caused you to cut all natural flow rights below Magic Reservoir since the natural flow rights could not be delivered absent storage water in the river. We understand from you that the Big Wood Canal Company may before the end of the irrigation season attempt to release some storage water to provide shareholders stockwater.

You have posed the question about renewing natural flow rights below Magic if such a stock run takes place during the remainder of the irrigation season. The department concurs that if natural flow is available and water is called for by a water user with a water right in priority to provide a beneficial use, then delivery should be made. The determination whether natural flow is available should take into account the amount of water naturally flowing into Magic Reservoir, the total rate of flow released from Magic Reservoir, the total rate of flow in the river at the point(s) of delivery and the equitable sharing of conveyance losses in the river between the natural flow and storage water.

If you have questions, please feel free to contact the department.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Lynn Harmon - Big Wood Canal Co.
Tim Luke - IDWR