State of Idaho
DEPARTMENT OF WATER RESOURCES
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JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 30, 2006

BOB DUKE
WATERMASTER WD34
P.O. BOX 53
MACKAY, ID 83251-0053

RE: Additional Instructions to the Watermaster of WD34 – Big Lost River

Mr. Duke,

This letter is a follow-up to a letter of May 19, 2006, written by Nick Miller, listing a number of recommendations for administration of water in Water District No. 34. The letter was written to address complaints raised in the March 17, 2006 letter from Kent Foster to IDWR requesting an investigation and removal of you as Watermaster of WD34. Mr. Foster, in a June 26, 2006 letter, consented to delaying a hearing for your removal, but also expressed a concern that any progress is not being communicated to water users. Furthermore, he requested that IDWR issue additional written instructions to you.

In the May 19, 2006 letter, Mr. Miller indicated that the document "Water District 34 Guidelines for Operation" (hereafter referred to as "the Guidelines") was written to provide guidance for administration of water in WD34. The Guidelines are your primary reference regarding your duties and responsibilities as Watermaster of WD34. IDWR is providing the additional instruction Mr. Foster requested through an updated version of the Guidelines. The document has been updated to provide additional detail and clarification for many Watermaster functions including record keeping, reporting, and administration of rotation into storage. You should become familiar with the entire document.

I have enclosed a copy of the instructions, and also a copy with the edits highlighted in color. The updated version will be available on the IDWR Internet site as well.

To the extent this updated document does not provide clear instruction about a given topic, you must contact IDWR and request additional clarification. Upon request by you or any WD34 user, IDWR will consider the request, and, if necessary, revise the document.

Given the level of scrutiny and detailed accounting that is expected, IDWR has directed (in the guidance document) that you keep more detailed records than you have kept in the past. To streamline your record keeping and ensure you have the complete records in a useful format, IDWR has prepared several spreadsheets you should begin using. IDWR will email these files to you shortly. Use of these spreadsheets will improve your ability to provide useful data to IDWR and concerned users in a timely fashion and will facilitate IDWR oversight and development of improved accounting.

An updated list of water rights is posted on the IDWR Internet site and was mailed to your office. Thoroughly review the list and contact IDWR if you have any questions or comments.

The May 19, 2006 letter raised several additional issues:

1. Draft a resolution to assess for 2007 and vote at the 2007 annual meeting using actual 2006 deliveries, phasing in average deliveries until a five-year average is possible in 2011. This is a task that the Advisory Committee and water district staff can accomplish this fall and that the users can adopt at the 2007 annual meeting. The resolution may include a plan for eliminating debits and credits.
2. Draft a voting policy and a resolution to adopt the policy. The resolution should be adopted at the 2007 annual meeting. Again, the Advisory Committee can assist with this later this year. The Chairman of the Advisory Committee indicated during a phone conversation with Nick Miller of IDWR, they are willing to pursue this.
3. The Advisory Committee and WD34 staff should meet and discuss the need for additional funding, equipment and staff.

These issues should be addressed prior to the next annual meeting.

The signatories of the March 17th petition to remove the Watermaster have indicated a desire for some level of independent, random verification of diversion measurements by a consultant, IDWR, or some combination thereof. The May 19th letter stated that IDWR may conduct some verification of reported measurements. IDWR has determined that IDWR staff will randomly verify delivery measurements for the remainder of this irrigation season. IDWR will determine the frequency and schedule of the verification field trips for this year and in the future. The decision that IDWR should verify water administration activities in Water District No. 34 is consistent with §4.0 of the *Water District 34 Guidelines for Operation*, and Rule 40.08 of the Water Distribution Rules for WD34. The Watermaster or the Advisory Committee did not resolve the situation, and IDWR has received a written petition for involvement.

Please thoroughly review the attached guidance document and contact IDWR if you have any questions.

Sincerely,

David R. Tuthill, Jr., Administrator
Water Management Division

Enclosures:

(1) *Water District 34 Guidelines for Operation* (Updated June 2006) – Updates Highlighted (Appendices on website)
(2) *Water District 34 Guidelines for Operation* (Updated June 2006) – Updates Not Highlighted (Appendices on website)
(3) June 30, 2006 Memorandum from Nick Miller and Dave Tuthill to Appendix of *Water District 34 Guidelines for Operation*

cc w/ enclosures (1) and (3):

IDWR Eastern Region, Idaho Falls
Loy Pehrson – Rt 1 Box 48, Darlington, ID 83255
Lin Hintze – PO Box 125, Mackay, ID, 83251
Logan Williams – HC 86 Box 4160, Mackay, ID 83251
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Seth Beal – 2827 N 3375 W, Moore, ID 83255
Kieth Waddoups – Rt 1 Box 62A, Moore, ID 83255
Darrell McDonald – PO Box 102, Arco, ID 83213-0102
Mitchell Sorenson – 3871 W 2500 N, Moore, ID 83255
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Dean Anderson – Rt 1 Box 40, Moore, ID 83255
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Kent Harwood – PO Box 463, Moore, ID 83255
Big Lost River Irrigation District, 101 S Main Ave Mackay, ID 83251

WATER DISTRICT 34 GUIDELINES FOR OPERATION

(Updated June 30, 2006)

Prepared by Idaho Department of Water Resources

Water Distribution Section

Boise, Idaho

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FIGURES

APPENDIX

1.0 PURPOSE

This manual is being compiled and maintained by the Water Distribution Section of IDWR to establish standard procedures for operations in Water District 34 (WD 34). Need for the manual is justified by concern among WD 34 patrons about IDWR's level of over site in the district. Compiling and maintaining a central document with summary of, and reference to the numerous guidance letters, SRBA court documents, and WD 34 Rules is appropriate to consistently address the complexity of issues encountered in this district. This document is intended to serve as the primary reference for water users and the Watermaster regarding operation of Water District 34.

2.0 SCOPE

- Procedures in this manual are to be used by the Watermaster, Advisory Committee, Water District patrons, and IDWR regional and state office staff.

- Content of this manual is taken from the Idaho Administrative Procedures Act (IDAPA) Water District 34 Rules (IDAPA 37.03.12), Idaho Code, IDWR Watermaster training workshops, IDWR standards, General Provisions 1-6 in the SRBA partial decree, and correspondence with WD 34 personnel/WD 34 patrons/IDWR staff regarding implementation of the aforementioned documents. With the exception of the Idaho Code and IDWR Watermaster training workshop materials, all of these referenced documents are attached in the Appendix.

- This manual is a "living document". It may be updated and revised to include more detailed procedures from the Rules, General Provisions, and guidance letters, as needed. Input from WD 34 personnel, WD 34 patrons, other involved parties, and IDWR staff will be used to initiate revisions. Revisions will include document format and organization, as well as content.

3.0 GENERAL WATER DISTRICT OPERATIONS

These procedures are established in accordance with the provisions of I.C. (Idaho Code) Title 42, particularly Chapter 6. Water Districts formed under I.C. Title 42 shall operate in the manner described below.

3.1 Water District Meeting

3.1.1 Hold at least once per year in accordance with I.C. Section 42-605.

3.1.2 Set a budget with sufficient funds to provide for accomplishment of all minimum standards described herein. Establish assessments.

3.1.3 Establish resolutions necessary for conducting meetings, collecting assessments and delivering water within the Water District.

- 3.1.3.1 Watermaster shall serve all year.
- 3.1.3.2 Voting/Assessment procedures including those for purchasing and administrating mitigation storage water.
- 3.1.3.3 Water not to be delivered if assessment not paid.
- 3.1.3.4 Watermaster shall acquire and hold property for district.
- 3.1.3.5 Annual meeting dates and locations.
- 3.1.3.6 Method for choosing an Advisory Board.
- 3.1.3.7 Advisory Board functions (see Appendix materials for examples of resolutions defining Advisory Board duties).
- 3.1.3.8 Granting authority to Watermaster for appointing deputies, or other means for hiring.

3.1.4 Select Advisory Board members as per resolutions.

3.1.5 Elect a Watermaster that can complete the tasks in §3.2

3.1.6 Conduct other business as needed - special problems, information updates, scheduling of next year's meeting, etc.

3.2 Watermaster Duties

3.2.1 Manage the Water District office, including preparation and maintenance of district budgets, preparation and collection of assessments, and to hire, train and supervise all employees of the Water District.

3.2.1.1 Perform immediate oversight/supervision of Big Lost Irrigation District personnel also deputized by Water District to be certain of proper delivery of natural flow water rights within irrigation district canals.

3.2.1.2 Periodically verify reported diversion rates. The Watermaster will personally visit each point of measurement in the district (both above and below the reservoir) at least once a month and maintain a spreadsheet of his measurements and corresponding measurements submitted by his assistants. He should compare his measurements with those submitted to him by his assistants and verify that the reported diversions are generally consistent with his own observations, recognizing that differences may be observed due to natural fluctuations in flow. Furthermore, the Watermaster should submit this spreadsheet to IDWR with the annual distribution report and as requested by IDWR staff.

3.2.2 Operate, or supervise the operation of, all office and field equipment utilized by the Water District.

3.2.3 Maintain detailed records of water district operations as specified in §3.4.

3.2.4 Analyze water measurement data, and apply the data to make water delivery determinations in accordance with Water District 34 Rules and I.C. Title 42.

3.2.5 Coordinate with IDWR in receipt and transmittal of all pertinent water right and water use data or information.

3.2.6 Investigate and stop illegal uses of water.

3.2.7 Distribute water to rights in accordance with I.C. Title 42, Water District 34 Rules, and using decrees, partial decrees, Director's Reports, permits, licenses and transfers.

3.2.8 Properly administer ground water diversions that are subject to mitigation requirements of Rule 50 (IDAPA 37.03.12.50).

3.2.8.1 Curtail ground water diversions that are not covered by a basin wide mitigation plan, stipulated agreement or an individual mitigation plan approved by IDWR.

3.2.9 Curtail illegal diversions.

3.2.9.1 Regulate water rights by both point of diversion and place of use.

3.2.9.2 Assist IDWR to issue and follow-up on Notices of Violation as required, and follow other curtailment provisions in accordance with I.C. Title 42 and Water District 34 Rules.

3.2.10 Curtail diversions for which assessments have not been paid in accordance with adopted resolutions.

3.2.11 Prepare an annual report meeting I.C. Section 42-606 requirements and as described in §3.6.1.

3.2.12 Prepare a proposed budget for the upcoming year, including an annual work plan. This proposed budget report must be submitted to IDWR at least 30 days prior to the WD34 Annual Meeting and must be in a format acceptable to IDWR as described in §3.6.2.

3.2.13 Work longer hours during the irrigation season.

3.2.14 Maintain good working relationships with water users, advisory committee, and government agencies.

3.2.15 Provide an annual statement of Water District finances, and provide for independent financial audits of Water District finances in accordance with minimum requirements of I.C. Section 67-450B.

3.3 Acceptable Management

3.3.1 Informal agreement or arrangement is acceptable where all water users are satisfied with water delivery situation. Any method the Water District chooses to meet this goal is acceptable if all Water District patrons agree to it, and it follows existing state law (I.C. Titles 42 and 43 and Idaho Administrative Rules IDAPA 37.01 through 37.03).

3.3.2 The only water rights eligible for Watermaster delivery are those identified by a decree, license, or permit.

3.3.3 The proper list of deliverable rights will be supplied to the Watermaster by IDWR periodically, and upon request by the Watermaster.

3.3.4 Ideally, all diversions calling for Watermaster delivery of water during water shortage periods will have standard measuring devices and lockable diversion works - typically a screw-valve metal headgate at the creek and a weir in the ditch near the headgate to allow practical adjustment and measurement by Watermaster.

3.3.5 If measuring devices are installed for all diversions, the Watermaster delivers available water on priority basis, delivering the most senior right first, then the next senior right and so on until all available water is delivered. Junior diversions are shut off, unless senior rights are completely filled.

3.3.6 In the above scenario, the Watermaster records water deliveries, and then sums the total amount of water per right delivered to each individual user in one irrigation season. The total flows delivered form the basis for determining costs per water user for Water District expenses.

3.3.7 Without measuring devices the Watermaster uses recorded water rights as the basis for water-delivery billing purposes. An exception is in the case of ground

water wells where power records are used to estimate annual volumes. The Watermaster makes his or her best effort to see that each water user receives a fair share of water based on priority dates. This is acceptable as long as all water users are satisfied.

3.4 Diversion Measurements

3.4.1 *Frequency*. Each surface water diversion from the Big Lost River and tributaries will be measured at least once a week, but preferably twice per week. At times where flows are changing, the Watermaster may elect to measure some diversions more frequently. Where practical, gage readings should be recorded daily for all established diversions in WD34. In remote locations, such as Antelope and Alder Creeks, and Big Lost River and tributaries above Mackay reservoir, diversions may remain nearly constant for several days in a row. In these cases, daily visits aren't necessary by the Watermaster to record gage readings. Diversion can be interpolated from readings for the days in between.

3.4.2 *Method.* Most diversions are equipped with a measuring device. The devices should be used if present and in a functioning condition. If the diversion lacks a measuring device, or if the device is not functioning or not properly calibrated, an alternative method should be employed and the records should indicate how the measurement was made.

3.5 Record Keeping

3.5.1 Current water rights lists. The Watermaster will deliver water in accordance with the most current list of water rights provided by IDWR. At the time of this writing, the most current list was provided in June 2006. Updated lists will be made available upon request.

3.5.2 Calls for Water. The Watermaster will maintain a record of calls for water. This record will be in the form of a spreadsheet listing all WD34 water right holders and noting the dates each user called for their water and the dates each user called their water off.

3.5.3 Priority dates. The Watermaster will keep a daily record of the priority date above the reservoir, below the reservoir, and on Antelope Creek if a futile call determination has been made. The daily record will also note whether the river is connected or disconnected, as described in General Provision 6, and any futile call determinations that have been made. The Watermaster will keep records of calculations used to determine priority dates.

3.5.4 Canal Headings. The Watermaster will submit daily diversion rates at each of the canal headings to IDWR via the IDWR Internet application.

3.5.5 Field Records. The Watermaster will keep a complete file of original field documents made by his assistants. These original documents will serve as verification of the records submitted to IDWR. The field records will clearly indicate the priority date in effect each day, the total canal heading, and the amount of flow being diverted for each user on the canal (including recharge).

3.5.6 Additional Records. The Watermaster will maintain any additional records required for administration of water rights. Examples include records of winter stock water deliveries, and records of water deliveries on Alder Creek per: *Guidance for Distribution of Alder Creek Water Rights and Flows, Water District 34 (6/11/1999) Paragraph* 1.C.2.E. – *"Record Keeping Procedures".*

3.5.7 Rotation Credit. The Watermaster will maintain daily records of which water rights are being rotated into storage and will document all requests to rotate into storage.

3.5.8 Oversight records. The Watermaster will maintain records of the measurement verifications described in §3.2.1.2

3.5.9 Ground water Records. The Watermaster will maintain records of ground water withdrawal measurements where available, and records of PCC examinations, where applicable.

3.6 Reporting Requirements

3.6.1 Distribution Report (Watermaster's Report). The annual Watermaster's report will contain the following information in a format acceptable to IDWR:

- Summary discussion of the irrigation year and notable events. Summary should include delivery statistics, such as total water delivered, total ground water, total surface water, and should note any out of priority or excessive diversions.
- Summary Table listing all water right holders in the district, and listing for each user: total water delivered for the year, total ground water deliveries for the year, total surface water delivered for the year, number of days the user had called for water, the proposed assessment to be levied for the year and any previous years used to calculate voting rights and assessments.
- Summary Table listing each day of the year and noting for each day whether the river was connected or disconnected, and what priority date was in effect above and below the reservoir. Also note on the table the dates of any futile calls, the date the reservoir filled, periods when recharge was occurring, and any other notable events.
- Recharge Summary Report. Summary table listing each point of diversion used for recharge and providing monthly and annual totals by diversion and in total.
- Oversight Summary table listing the Watermaster's verification measurements of his assistants' reported diversions. Any significant discrepancies should be noted.
- Supporting data. Printouts of diversion, stream gage and reservoir contents summaries from the IDWR database. Include any additional stream measurements made during the course of the year.

3.6.2 Proposed Budget Report. The proposed budget report must be submitted to IDWR at least 30 days prior to the annual meeting, and must contain the following information in a format acceptable to IDWR:

- Summary Table listing all water right holders in the district, and listing total water delivered for the year, and any previous years used to calculate the average deliveries, the proposed total budget amount, the proposed cost factor, each user's portion of the proposed budget amount, any debits and credits, and the proposed billing for each user.

3.6.3 Adopted Budget and Annual Meeting Minutes. Following the Annual Meeting, the water district will submit to IDWR a certified Adopted Budget form and a copy of the minutes of the Annual Meeting listing any resolutions that were passed.

3.6.4 Recharge Report. *The Plan of Operation for Basin 34 Recharge* specifies that an annual report of recharge diversions is to be submitted to the recharge committee and IDWR. In addition, the Watermaster will provide daily records of recharge deliveries to the recharge committee or IDWR upon request.

4.0 WATER DELIVERY PROBLEMS

4.1 Water District Involvement First

Refer all water delivery problems to the Watermaster to see if they can be successfully resolved locally to everyone's satisfaction. Water users and/or the Watermaster can call on the Advisory Committee for help. Rule 40.08b provides this protocol:

4.1.1 In the event a water user feels inappropriate delivery of natural flow water is occurring on any lateral or canal, the water user can request the Watermaster to investigate. In the event the Watermaster determines that delivery of natural flow water rights within a lateral or canal is being improperly conducted he shall:

- Notify the ditch rider and the water delivery entity of the results of his investigation and coordinate efforts to make proper delivery of the natural flow.

- If the situation has not been sufficiently resolved within twenty-four (24) hours the *Watermaster* will notify the Director who may take all actions authorized by law to remedy the situation [emphasis added].

4.1.1.1 Some past IDWR experiences with inappropriate delivery problems in Basin 34 involved the water user contacting IDWR directly, rather than the Watermaster, contrary to the protocol in Rule 40.08 b. In the event a water user contacts IDWR about inappropriate delivery, IDWR will refer them to the Watermaster to initiate contact with IDWR, in compliance with Rule 40.08 b.

4.1.1.2 If the Watermaster does not contact IDWR within 24 hours as considered in Rule 40.08 b, and the water user is still needing a problem resolved, the water user should initially confer with the Advisory Committee to obtain the cooperation of the Watermaster.

4.1.1.3 If the advisory committee is unable to initiate compliance by the Watermaster to Rule 40.08 b, the aggrieved water user could then submit a written petition to IDWR describing the unresolved situation and requesting the Director's intervention. The written petition should clearly define what title and section of Idaho Code, WD 34 Rules, or General Provision of the SRBA partial decree is not being adhered to, and explicitly describe the situation to which the problem applies.

- Taking the step of submitting a written petition likely will result in a much more formal investigative and mandating process than is described in 4.2 through 4.4.

- The level of response to a written petition resulting from lack of response by the Watermaster and Advisory Board to a water delivery problem will be determined on a case-by-case basis.

4.2 IDWR Involvement Second

Upon notification to IDWR by the Watermaster of an unresolved problem, IDWR will make a site assessment with the Watermaster, Advisory Committee (as needed), and the water users to see what is needed to correct the problem.

4.2.1 IDWR Solutions

4.2.1.1 Step 1 - The first time a problem is brought to IDWR's attention, IDWR will try to identify a local solution requiring minimal disruption to normal operations, and help the Watermaster and water users implement this.

4.2.1.2 Step 2 - if Step 1 is not useful, in some particular cases IDWR will host a mediation effort provided that all involved parties are willing to attend the mediation and abide by the outcome of the mediation. There is no

guarantee that this will work but past experience has shown that it is worth trying this option. IDWR will determine on a case by case basis whether or not this step is used.

4.2.1.3 Step 3 - If Steps 1 and/or 2 fail and problems persist; a more formal process will be used. This involves IDWR issuing guidance or direction to the Watermaster as is allowed under I.C. Titles 42 and 43.

5.0 WINTER OPERATIONS

5.1 Stockwater delivery, extended season requests.

5.1.1 Administer winter stockwater as per the direction given in General Provision 2, and per addition instructions provided by IDWR (attached letter of November 17, 2003).

5.1.2 Stockwater is allowed for winter diversion at the rate listed in the decree. If water is conveyed to the place of use through a private ditch, and the legal point of diversion is at the heading of the private ditch, additional flow, up to the full irrigation right, may be allowed to convey stockwater from point of diversion to the place of use if, as determined by the Director, water is not being wasted in the process. Guidance on this issue was provided in the attached memo by Susan Hamlin, Deputy Attorney General for IDWR, dated October 15, 2003.

5.1.3 Accounting for water is to be done with stockwater deliveries in winter (per rule 60: Water diversions shall be accounted for continuously, throughout the year by the Watermaster.).

5.1.4 Extended-season requests should be handled as per instructions provided by IDWR (see attached phone conversation record of October 9, 2003).

6.0 SPECIAL INSTRUCTIONS FOR ADMINISTRATING DIVERSIONS

6.1 Above the Reservoir

6.1.1 Nielson Ditch and Fish Hatchery Canal with Supplemental Wells

- Measure Reno/Unger wells along Warm Springs Creek and Upper Fish Hatchery Canal in accordance with IDWR instructions (in attached letter of March 9, 2004).
- Measure and regulate Warm Springs Creek/Nielsen Ditch in accordance with IDWR instructions (attached letters of May 1, 2003 and February 13, 2003).

6.1.2 Back Channel Regulation

- The Back Channel is described in General Provision 1.d (GP-1.d)
- Back Channel regulation shall be as described in Rule 20.03, and as described in General Provision 3 (GP-3), with GP-3 prevailing when conflicting with Rule 20.03 (see 2nd to last paragraph of March 23, 2004 memorandum, attached).

6.2 Below the Reservoir

6.2.1 Alder Creek

- Deliver water on Alder Creek in accordance with 6/11/1999 guidance document -*Guidance for Distribution of Alder Creek Water Rights and Flows, Water District 34.*
- Record water deliveries per: *Guidance for Distribution of Alder Creek Water Rights and Flows, Water District 34 (6/11/1999) Paragraph* 1.C.2.E. – "Record Keeping Procedures"

6.3 Pertinent Enforcement Orders

6.3.1 Inspect diversions located in the sub-basin areas identified by the following listing of Administrative Orders for compliance, and keep daily records, if practical, of the measured flows at all diversions covered under these orders.

4/28/2000 Order	In the Matter Requiring Measuring Devices and Controlling Works on Warm Springs Creek and Tributaries
10/11/2001 Order	In the Matter Requiring Measuring Devices and Controlling Works on Ground Water Diversion Discharging to the Timberdome Canal
12/4/2001 Order	In the Matter of Requiring Measuring Devices and Controlling Works on the Big Lost River Above Mackay Reservoir
2004 Order	Installation of controlling works and measuring devices on Antelope Creek.

7.0 SURFACE WATER ADMINISTRATION

7.1 Connected River Determination

Determine state of river connectivity as described in General Provision 6 (GP-6) and Rule 20.01, with elaboration on implementation of GP-6 in June 15, 2001 Letter from D. Tuthill (attached). When Rule 20.01 conflicts with GP-6, GP-6 is used.

7.1.1 If diversions are made from the Big Lost River or its tributaries above the Howell Gage, then the amounts diverted will be added to the amount of the flow at the Howell Gage for the purposes of determining the connectivity of the river (paraphrased from Rule 20.01).

7.1.2 Surface water rights diverted from Warm Springs Creek, Pole Stackyard Creek, Parsons Creek, and the Big Lost River above Mackay Reservoir will be administered separately from those diverted below Mackay Reservoir from the beginning of the irrigation season until the maximum flow at the Howell gage has exceeded 750 cfs for three consecutive days. This is the "connected river" condition.

7.1.2.1 To determine the maximum flow, the 15-minute gage readings and flow measurements reported via the USGS Internet site are used. When the 15-minute flow, adjusted by adding flows identified in 7.1.1, exceeds 750 cfs one or more times each day, for three days in a row, with a day starting at midnight, then the river is connected.

7.1.3 After the river is connected, surface water rights diverted above and below the reservoir will be administered conjunctively until the minimum flow at the

Howell gage is less than 450 cfs for three consecutive days. After this, the river is again administered separately as described in 7.1.2.

7.1.3.1 The minimum flow is determined by observing the 15-minute flows reported by the USGS, taking midnight as the start of a day. When the 15-minute flow, adjusted by adding the flow identified in 7.1.1, drops below 450 cfs one or more times for three consecutive 24-hour periods, each period starting at midnight, the river is "broken", or disconnected.

7.1.4 In most irrigation seasons, the river will only connect and disconnect once. Connection will occur during the rising stage of peak runoff of snowmelt, and disconnection occurs during the falling stage of peak snowmelt runoff. Two snowmelt peaks have occurred historically, thus the possibility of two periods of conjunctive administration of the entire Big Lost River system exist (see attached letter of June 15, 2001 from D. Tuthill).

7.2 Surface Water Administered Separately

7.2.1 General Provision 5 and Rule 20.02 list tributary streams to the Big Lost River and water right numbers that are administered separately from the Big Lost River. These water rights listed in General Provision 5 and Rule 20.02 are not regulated by the priority date determined for the Big Lost River. When Rule 20.02 conflicts with GP-5, GP-5 is used.

7.3 Big Lost Irrigation District (BLID) Storage Rights

RIGHT NO.	PRIORITY	QUANTITY	PERIOD OF USE	REMARKS
34-00012	02/07/1916	17205 AF	01-01 12-31	Additional Vol. Allowed
34-00013	07/31/1905	100CFS	05-01 10-15	Antelope Cr Exchange w/ 3 in 1
34-00810	06/01/1888	3.2 CFS/556.5AF	05-01 10-15	
34-00811	06/30/1881	1.7 CFS/294 AF	05-01 10-15	
34-00817B	03/01/1902	0.8 CFS/140 AF	05-01 10-15	
34-00818	06/30/1880	3.2 CFS/556.5AF	05-01 10-15	
34-02507	09/02/1959	6000 AF	01-01 12-31	Additional Vol. Allowed
34-10873	10/02/1905	20646 AF	01-01 12-31	Additional Vol. Allowed
34-10935	06/01/1896	6.4 CFS/1113 AF	05-01 10-15	

7.3.1 During the non-irrigation season, storage rights are superior to winter stockwater (Rule 55.06). During the non-irrigation season, from October 16 through April 30, except as modified by Rule 040.04 that extends the season from April 20 to as late as October 31, the storage of water in Mackay Reservoir is superior to all rights from the Big Lost River with points of diversion downstream from Mackay Dam, subject to the minimum release of 50 cfs required by Rule 040.07.

7.3.2 If after the start of the irrigation season the reservoir is not full, storage rights are filled in priority. After the irrigation season has started (after April 30, or Rule 40.04 April 20), and the river is not connected (GP-6a or 6b in effect), the continued filling of the reservoir storage is according to priority date of the river segment below the Reservoir.

7.3.3 Junior rights above the reservoir are curtailed when the river is not connected per GP 6a or 6b and a call is made by BLID for storage. Also, users below the reservoir cannot make a call on the BLID storage water made available by the curtailment of users above the reservoir when the river is not connected per GP 6a or 6b (attached letter of May 19, 2003 from J. Berkey).

7.3.4 As per General Provision 6c (GP-6c), when Mackay Reservoir is not full, calls can be made on upstream diversions, in priority, to make water available for storage. Measurements of flow are made at the Pence and Donahue bridges to determine the amount of water made available by curtailment of upstream diversions through a reservoir storage right call. The water made available through such curtailment is only available to the reservoir storage rights, and not downstream users, i.e. it is not considered as inflow to the reservoir or as natural flow (attached memorandum of March 23, 2004 from D. Tuthill, Bullet 2).

7.3.4.1 Current metering equipment is needed to make measurements, and to develop a rating at both Pence and Donahue bridge sites. Staff gages have been installed at both these sites. Presently, the Water District does not own current metering equipment. As a courtesy, IDWR will do current metering if time and resources permit, unless the Watermaster purchases current metering equipment and does the measuring, or contracts with others.

7.4 Accrual of Natural Flow Rights as Storage in Mackay Reservoir (Rotation Credit)

7.4.1 Rotation credit is allowed as per GP-3. GP-3 supercedes Rule 40.02 when in conflict.

7.4.2 Rotation credit storage is allowed until the reservoir fills (Rule 40.02.f). If 1905 and junior rights are on after the reservoir fills, all rotation storage credit becomes property of BLID. If rights junior to 1905 are off, then rotation credit storage remains property of the individual users.

7.4.2.1 Clarifications and interpretations for implementation:

- Rotation is not allowed when the River is connected and rights junior to 10/1/1936 above the reservoir are being curtailed. Rotation is allowed when the river is disconnected (see attached letter of June 4, 2001 from D. Tuthill, and the attached June 30, 2006 memorandum from Dave Tuthill).

- Rotation into storage is allowed before river connection (GP-6a) and after river connection (GP-6b), and delivery of this rotated storage can occur any time during the irrigation season (attached letter of May 16, 2002 from D. Tuthill).

- Delivery calls on the rotation credit storage of 3500 AF river charge water (37.03.12.040.02.d.iii) are not allowed (attached memorandum of March 23, 2004 from D. Tuthill, Bullet 3).

- Losses are assigned proportionally according to the amount of BLID storage and the portion up to the total 3500 AF amount stored (attached letter of April 30, 2004 to Bob Duke from J. Berkey, Item 2.).

7.5 River Reaches and Gage Sites

7.5.1 The Big Lost River is divided into reaches for determining losses (shrink), river gains, and calculating and accounting for natural flow. These reaches are specified in Rule 25.01 to be:

1. Above Howell Gage.
2. Howell Gage to Chilly Bridge
3. Chilly Bridge to the 2-B Gage.
4. 2-B Gage to Leslie Gage
5. Leslie Gage to Moore diversion
6. Moore diversion to Arco diversion
7. Below Arco diversion to the Arco Gage.

7.5.1.1 Currently reach 2 (Howell Gage to Chilly Bridge) is not used, thus Reach 2 is Howell Gage to the 2-B gage. The Water District should work towards establishing the Chilly Bridge Gage site.

7.5.2 Gage station and flow measuring facilities are described in Rule 25.03. A gage station or other flow measuring facility as approved by the Director, shall be located at the Howell Gage, Chilly Bridge, 2-B Gage, Leslie Gage, Moore diversion, Arco diversion, and Arco Gage (see Figure 1).

7.5.2.1 The Howell, 2-B and Arco Gages are maintained as part of a USGS and state of Idaho cooperative program.

7.5.2.2 All other gages shall be operated when water diversions, other than just storage in Mackay Reservoir, are being made from the river. The cost of installation, operation and maintenance of these other measuring facilities is WD34's responsibility.

- IDWR has maintained the Leslie Gage rating as a courtesy, and will do so in the future, unless the Water District or others take over this task.

7.6 Futile Calls (Rule 20.04)

When curtailment of junior upstream surface water rights will not make water available for delivery and use to senior downstream surface water rights, without unreasonable waste as determined by the Director, the Watermaster will not curtail the junior water rights in a futile effort to deliver water to the senior rights. The Director may consult the Water District 34 Advisory Board, the Big Lost River Irrigation District and other impacted water users when determining whether attempting to deliver senior downstream surface water rights would be futile.

7.6.1 For the Big Lost River below the Beck Diversion, follow procedures as per attached IDWR letters of 5/17/2004 and 7/28/2004- Futile Call Requests.

7.6.2 For all other regulated streams, the Watermaster shall provide data satisfactory to the Director (or designee) that proves the futile call is legitimate. Approval from the Directory or designee is necessary to initiate and implement a futile call. Streams that may anticipate implementation of the futile call doctrine include: Antelope Creek/Cherry Creek, Alder Creek, and the Big Lost River above the reservoir when curtailment of junior rights to fill reservoir storage rights or natural flow water rights below Chilly Bridge is futile. GP-6c covers some of the requirements for measurements when determining futile calls above the reservoir.

7.6.3 Water must be delivered to the senior priority if called for. If insufficient water for beneficial use is reaching senior priorities, they may voluntarily withdraw calls and make water available to the junior priority users upstream. No futile call determination and order from the Director is necessary.

7.6.3.1 If senior downstream priorities continue to call for water, it must be delivered and upstream junior priorities must be shut off. Continued attempts to deliver senior priorities must be made until a futile call order is issued by the Director.

7.6.3.2 In requesting a futile call, data to be provided to the Director should include:

- Priority date in effect on stream. Antelope and Alder Creek priorities should correspond to the Big Lost River priority in effect downstream of Mackay Reservoir. Upstream of Mackay reservoir, priority will be the same as the Big Lost River, either in it's disconnected (GP-6a and 6b in effect) or connected administrative state

- Recent daily diversion measurements on the affected stream reach, with indication of the water right number(s) and priority date(s) being served by each diverted amount. Diversions on tributary streams, such as Cherry Creek on the Antelope Creek drainage, or Warm Springs/Pole Stackyard Creek on the Big Lost River above Mackay Reservoir also need to be included.

- Any stream flow measurements, conveyance loss estimates, maps showing the reaches in question, and other information that may be useful.

- A representative from IDWR may assist in making flow measurements and collecting other pertinent data if requested by the Watermaster.

7.6.3.3 The Watermaster should make a written (fax is ok) request for a futile call determination to the Director. IDWR will then coordinate with the Watermaster to obtain the above listed information efficiently, and issue the futile call order quickly if the Director (or designee) so approves.

7.7 Water Deliveries and Priority Date Calculation

7.7.1 Measuring Devices And Control Works (Rule 35). Rule 35.01 provides for the Director to refuse delivery of water per Chapter 7, Title 42, Idaho Code where an acceptable measuring device and control works is not in place or properly maintained. Costs for installing and maintaining measuring devices and control works is born by the water user.

7.7.2 Where practical, gage readings should be recorded daily for all established diversions in WD34. In remote locations, such as Antelope and Alder Creeks, and Big Lost River and tributaries above Mackay reservoir, diversions may remain nearly constant for several days in a row. In these cases, daily visits aren't necessary by the Watermaster to record gage readings. Diversion can be interpolated from readings for the days in between.

7.7.2.1 Diversion data should be entered electronically at least once a week, but preferably twice a week, through the Water District data entry program accessed through the IDWR Internet site. The data entry program has options for interpolating between non-daily readings to get estimated daily readings.

7.7.2.2 Use the IDWR data entry program to enter data consisting of daily reservoir stage/contents, exchange wells, flow stations, and diversion readings from WD34 deputy(ies) and BLID ditch riders deputized by WD34.

7.7.3 Rule 40.01b requires that all water deliveries must be called for by the water user at least 48-hours in advance of the actual water delivery, but water which can be delivered by the Watermaster in less than forty-eight hours may be used by the water user. The Watermaster will not deliver water to a user until that user has called for delivery of the water right. It is the responsibility of the water user to contact the Watermaster or his assistants to call for a water right to be delivered or to be shut off. However, if the Watermaster observes that a water right is not being beneficially used, he will contact the user and cease delivery of that water right until the user calls again for delivery. The Watermaster must document when a user calls for water and when a call is made to cease delivery.

7.7.4 Rule 40.01 describes the administration of surface water rights. Administration of surface water rights is based upon the list of water rights approved for interim administration by the court or as subsequently decreed by the court in the SRBA. Water not diverted or rotated for credit is available for the next in time water right. Natural flow rights are delivered to the point of diversion from the natural waterway with no conveyance loss assessment. A natural flow water right delivered through a lateral or canal of a water conveyance entity shall be assessed the conveyance loss for the canal through which the water right is delivered.

- Rule 40.01a - All natural flow will be allocated based upon a four (4) day moving average of the natural flow computed by the Watermaster.

7.7.4.1 Implementation of Rule 40.01 to calculate natural flow (Q_{NAT}) by the Watermaster is done according to these formulae:

$\Delta STOR = (S_{DAY-4} - S_{TODAY})/4$
INFLOW = ΔSTOR + 2B+SHARP
TOTAL WATER = Σ EXCH + 2B + SHARP
HEADING TOTAL = Σ DIVERSIONS
SHRINK = HEADING TOTAL/TOTAL WATER
Q_{NAT} = SHRINK * INFLOW

Where:
S_{DAY-4} = storage from 4 days ago
S_{TODAY} = storage today
ΣEXCH = sum of exchange well flows for current day
2B = flow rate for current day at 2B Gage
SHARP = flow rate for current day at Sharp diversion
ΔSTOR = 4 day average of change in storage
INFLOW = total inflow to the river reach below Mackay Dam
TOTAL WATER = total water in the river from all sources
HEADING TOTAL = sum of all diversions below Mackay Dam for current day

The Watermaster uses the calculated Q_{NAT} to select a priority date from a list of decreed right diversion rates summed in order of increasing priority.

7.7.4.2 Natural flow is computed for the reach of the Big Lost below Mackay Reservoir using the method in §7.7.4.1. This method does not meet the requirements of Rule 40.03, which requires conveyance losses to natural flow be calculated on a river reach basis (Rule 25.01, and §7.5.1 above). Also, the Watermaster does not calculate Q_{NAT} and priority for the river reach above Mackay Reservoir. For meeting the requirements of Rule 25.01 and Rule 40.01, IDWR has developed and maintained a computer program, Big Lost Water Right Accounting (BLWRA) to do iterative calculations that enable river conveyance losses to be determined on a reach-by-reach basis, both above and below Mackay Reservoir. BLWRA also determines Q_{NAT} used in each river reach, evaporation losses incurred by reservoir storage, and determines priority for the river in either the connected or broken condition.

7.7.4.3 The BLWRA program is adapted from the same water rights accounting (WRA) program used by Water Districts 01 for the Upper Snake River[1]. Basins 11, 63, and 65 (Bear, Payette, and Boise Rivers, respectively) also use adaptations of this program to calculate the amount of water available and allocate the water by priority date. BLWRA is encoded to reflect operations in accordance with the SRBA decree General Provisions for WD 34.

- IDWR's policy is to operate and/or update the WRA programs in WD's 01, 11, 34, 63 and 65 because of the similarity in the complexity of operations in these districts. IDWR provides this function as a matter of policy to aid in the efficient administration of water in the state.

7.7.4.4 The Watermaster provides daily diversion, exchange pump, and flow data two times a week. Data are transmitted through the Internet data entry application to IDWR for running the BLWRA program (also, see §7.7.2). These data are to be submitted throughout the irrigation season (May 1 through October 15), including after futile call orders are issued for below the Beck Diversion on the Big Lost River. Data are also entered for stockwater diversions occurring during the winter (October 16 through April 30).

- The surface diversions, flows, and exchange wells to be reported are as listed in the Water District data entry program on IDWR's website for WD 34. This list is to be updated in coordination with the Watermaster from time to time to reflect on the ground changes, additional measurement stations, etc.

7.7.4.5 The computations and results from the BLWRA program are intended to assist the Watermaster in determining priority cut dates for river rights, river shrink incurred on natural flow by reach, and reservoir inflows. IDWR posts the BLWRA results on the IDWR web site for public access throughout the irrigation season.

- Priority date from the BLWRA for the river reach below Mackay Reservoir will be similar to what the Watermaster calculates using the method in §7.7.3.1. Determining what priority to use from the results of the two methods is at the discretion of the Watermaster.

- Implementation of BLWRA to the river above Mackay Reservoir is still incomplete because of insufficient flow measurement stations (see §7.5.1.1 and Rule 20.03.d). Revisions to the program will proceed as better flow monitoring abilities are developed for the reach above Mackay Reservoir.

[1] Sutter, R.J., R.D. Carlson, and D. Lute, 1983. Data Automation for Water Supply Management, *Journal of Water Resources Planning and Management*, Vol. 109, No. 3, July. Am. Soc. of Civil Eng., NY, NY.

- Rule 60 requires accounting by the Watermaster for all deliveries in WD 34 all year. This rule is met during the irrigation season by the daily records kept by the Watermaster and the BLWRA program. Accounting of winter stockwater delivery is currently not done by IDWR in the BLWRA, but must be done by the Watermaster. This task includes weekly submittal of data to IDWR showing winter stockwater deliveries.

7.7.5 Rule 40.06 describes the process for allowing diversion of additional flows above the decreed amount for irrigation. The Director may allow the diversion of surface water in addition to the quantity of surface water described in a water right for irrigation use to be diverted for irrigation of the described place of use where:

- The waters so diverted are applied to a beneficial use, as determined by the Director.
- All surface water rights, regardless of priority, unless subordinated to the water right or class of water rights being called for, existing at the time of diversion that are within their period of use can be satisfied.
- The diversion and use of the water does not conflict with the public interest as determined by the Director.
- Additional flows diverted pursuant to Rule 040.06 are natural flows and will not be assessed as impounded water.

7.7.5.1 This rule is intended to allow the practice of diverting of rights above the legal maximum diversion rate for purposes of "building up the sub", or increasing soil moisture by spreading of water when high runoff is occurring. This practice would be used to the greatest benefit in areas not able to receive storage water, such as above Mackay Reservoir, and on tributaries such as Antelope Creek. *The rule allows this practice only with permission (i.e. under an order) from IDWR's Director (or designee) when all users are receiving their full right, and other qualifying conditions listed in §7.7.4 are met.*

7.8 Use of Eastside Canal or Other Facilities for Alternative River Channel (Rule 30)

7.8.1 To reduce conveyance losses in the Big Lost River, use of the Eastside Canal (Rule 30.01) or other facilities (Rule 30.02) is permitted for carrying natural flow, per instructions contained in these rules.

8.0 GROUND WATER ADMINISTRATION

8.1 Measurement of Ground water Diversions

8.1.1 All ground water diversions within WD 34 (Figure 2), excluding small domestic and stock water diversions, shall be measured by Water District staff using one of the methods below. Each pumping plant and system should be evaluated for it's suitability for the measurement method chosen with the use of guidelines provided in *State of Idaho Department of Water Resources (IDWR) Minimum Acceptable Standards for Measurement and Reporting of Surface and Ground Water Diversions* (attached). Additional specifications for system configuration

requirements and measurement accuracy are in Rule 35.03. Rule 35.03 requires flow certification by a licensed engineer for diversions that cannot be measured using the methods below.

8.1.1.1 Power Consumption Coefficient (PCC) method. Instantaneous flow rate is measured by the Water District utilizing a polysonic flow meter and the annual volume determined by electrical power records. PCC exams shall be performed by WD 34 staff when the system configuration changes, or periodically if the system configuration remains static.

8.1.1.2 In-line flow meter with totalizing capabilities. Meters will be periodically checked for accuracy by the Water District staff. Annual volumes will be recorded at the end of the irrigation season by WD 34 staff from the odometer on the meter.

8.1.1.3 An in-line orifice or manometer. Accuracy should be checked initially using a polysonic flow meter by WD 34 staff. Daily readings by WD 34 staff are necessary to accumulate annual volume data.

8.1.1.4 An open channel measuring device of a type and installed in a location acceptable to the Director. Device is to be read and recorded daily by Water District staff

8.1.2 Water district staff enters the PCC information for wells measured by this method, and submit electronically to IDWR. Using the local electric utility power records, IDWR calculates annual volumes for the PCC wells. Volumes for the PCC wells are then submitted back to WD 34 prior to the annual meeting. Improvements in an on-line database, have been implemented by IDWR in 2006, and will enhance the Water District's capabilities for better monitoring of PCC wells.

8.1.3 Water district staff will calculate annual volume for the other methods of measurement, with assistance from IDWR if requested.

8.2 Administration of Ground water Rights

8.2.1 Senior ground water users can call for curtailment of junior ground water users. Curtailment of junior ground water rights for protecting senior ground water right(s), will use administrative procedures based upon reasonable pumping levels and the prior appropriation doctrine as required by law.

8.3 Conjunctive Management of Surface and Ground Water Rights

8.3.1 Hydrologic studies conducted prior to the adoption of Rule 50 verified that ground water pumping depletes surface water in the Big Lost River. An annual depletion rate to the river of 13% of the annual pumping volume was established in Rule 50. This 13% depletion was calculated to be 6110 Acre-feet in 1994, based on an annual pumping volume of 47,000 acre-feet per year. According to Rule 50, IDWR should revise the 13% depletion rate each year. IDWR has not revised the depletion rate since flow augmentation has only been called for once in 2004. Rule 50 establishes that all ground water rights within the Big Lost Basin are subject to conjunctive administration, except as follows:

8.3.1.1 The ground water user can show to the satisfaction of the Director, that due to well construction or location, the diversion of ground water from a particular point of diversion does not reduce the flow of the Big Lost River above the last (most downstream) diversion from the Big Lost River.

8.3.1.2 Ground water rights in the list of water rights containing a remark noting that the right will be administered as separate from the Big Lost River and its tributaries.

8.3.1.3 Ground water rights located south of the "A"-line (See Figure 3).

8.3.1.4 Small domestic and stockwater wells.

8.3.2 Surface water users with priority dates of 1905 and earlier may request mitigation water when they make their initial call for water.

8.3.3 Flows will be augmented from the time period starting when 1905 water rights are being called for and cannot be filled through October 15.

8.3.4 Mitigation water consists of storage in Mackay Reservoir purchased by the Water District.

8.3.4.1 The Big Lost Irrigation District (BLID) must approve storage arrangements in Mackay Reservoir. Procedures for negotiating with BLID for obtaining storage are not defined in the WD Rules. WD 34 Resolutions may be an appropriate method to establish the procedures, such as giving the Watermaster authority to negotiate with the BLID board of directors.

8.3.4.2 Augmentation will occur at a rate of 1/3*(6110) for the first semester of the period and at 2/3*(6110) during the second semester. The augmentation rate for the second semester should follow the pattern of crop consumptive use for the period (attached letter of March 18, 2005 from Gary Spackman)

8.3.5 If use of storage in Mackay Reservoir is not possible for augmenting river flows, other means of augmentation are allowed for in Rule 50.04.c.iii which states: Augmentation of natural flow for purposes of mitigation may be accomplished

by making additional water available for diversion from the Big Lost River, including increased river flows resulting from recharge efforts approved by the Director, or by adding water to canals or laterals.

8.3.5.1 Additional consultation is needed with IDWR to use this scenario. Also, see guidance in attached IDWR letter of March 18, 2005.

8.3.6 The Watermaster can add additional assessments to the district water users for administering mitigation water. A special resolution may be adopted at the annual meeting, or at a special meeting to add this assessment at a later time when actual costs are known.

8.3.7 Single or small groups of users can submit individual mitigation plans that are administered separately from the Water District. The mitigation volume requirement will be set at 13% of average annual pumping for past years, unless revised by IDWR in accordance with Rule 50. Individual plans should be submitted to IDWR pursuant to Rule 43 of the "Rules for Conjunctive Management of Surface and Ground Water Resources," IDAPA 37.03.11 (attached).

8.3.8 If any ground water users continue to pump while mitigation is called for, and they are not operating under an approved mitigation plan, the water master shall curtail use under the Director's guidance as per IDAPA 37.03.11.40 (attached).

8.3.9 Any revised estimates of annual depletions (see §8.3.1) will be presented at the WD34 annual meeting, prior adoption of the values by Order of the Director (Rule 50.04.c).

Memorandum

To: Append to *Water District 34 Guidelines for Operation* Document

From: Nick Miller and Dave Tuthill

Date: June 30, 2006

Re: Interpretation of Basin 34 General Provision 3G – Rotation into Storage

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This memo clarifies how the Watermaster of WD34 is to implement General Provision 3G in basin 34. Written instruction is necessary to resolve disagreement of how and when water rights can to be rotated into storage.

The General Provisions for Basin 34 were decreed with the following provision (provision 3G):

> *"When the river is connected as specified in General Provision No. 6 while a right is rotated into storage, it is subordinate to all rights diverted above Mackay Reservoir with a priority date earlier than October 1, 1936."*

The Watermaster has interpreted this to mean that he delivers all rights senior to 10/1/1936 above the reservoir whenever a water user desires to rotate while the river is connected. Furthermore, he assumes that users want to rotate unless a user specifically calls for his water and calls for the curtailment of rights above the reservoir, at which time, no users are allowed to rotate and the rights above the reservoir are curtailed to the priority date in effect on the river.

IDWR provided some guidance about rotation in a letter dated June 4, 2001, which stated:

> *"... rotation into storage can continue when the river is disconnected ... and while the river is connected when curtailments are not being made to water rights upstream from Mackay Reservoir for priority dates senior to October 1, 1936."*

In other words, when the river is connected, and rights above the reservoir senior to 10/1/1936 are not being curtailed, rotation can occur. The issue is: (1) Whether the desire to rotate effectively changes the priority date above the reservoir to 10/1/1936 and does not change the priority date below the reservoir; or (2) whether rights senior to 10/1/1936 must already be in priority above the reservoir before rotation into storage can occur. The answer is: **When the Big Lost River is connected, water rights can only be rotated into storage when the priority date on the entire river is junior to 10/1/1936, unless all rights that have been called for have been satisfied**. The following section describes how the Watermaster is to implement General Provision 3G during the connected period and discusses why this interpretation is consistent with the General Provision, the 2001 guidance, and the prior appropriation doctrine:

Two situations can occur while the river is connected:

1. *The priority date on the river is 10/1/1936 or later*. Users downstream of Mackay Reservoir can rotate their in-priority water rights to storage subject to the remaining conditions of General Provision 3 and rule 40.02 of the WD34 Distribution rules (IDAPA 37.03.12.40.02). During this period, when a user makes a request of the Watermaster to

rotate that user's natural flow right into storage, the watermaster should verify that the conditions of General Provision 3 and Rule 40.02 are met, then instruct his assistants to stop delivering the water that the user wants to rotate and inform the Big Lost Irrigation District (BLRID) of the rotation. The BLRID will then place the rotated water into storage and begin crediting the user's rotation storage account. **Rotation can only be initiated by a request to the Watermaster from a water right holder seeking rotation. The Watermaster must document all such requests.** While the right is in rotation, it is subordinate to 10/1/1936 relative to rights above the reservoir, but the right retains its usual priority relative to rights below the reservoir. During this period, the rights senior to 10/1/1936 are not being curtailed and rotation is consistent with General Provision 3G and the June 2001 guidance. Rotation during this period is not generally in dispute.

As the flow recedes and the natural flow is not sufficient to satisfy the called-for rights above the reservoir with priority dates earlier than 10/1/1936, the Watermaster should notify the BLRID that all rotation must cease. The holders of the rotated rights must contact the Watermaster and request delivery of their rights when they can put water to beneficial use. The water that is no longer being rotated into storage, and has not been called back on by the holders of the previously rotated rights, is available as natural flow to the next in time right holder. This additional available natural flow may be sufficient to satisfy rights senior to 10/1/1936, which implies that rotation can be started again. Such a situation will likely be short-lived and flows will likely continue to diminish. However, if the Watermaster receives a request to rotate, and all other conditions are met, rotation can occur.

2. *When the priority date on the river is earlier than 10/1/1936*. During this period, rights with a priority date earlier than 10/1/1936 above the reservoir are being curtailed because the river is connected and the priority date for curtailment is earlier than 10/1/1936. Also, during this period, we can assume users have called for delivery of rights above and below the reservoir that bear priority dates later than the priority date for curtailment on the river, but earlier than 10/1/1936. If a user were to rotate a natural flow water right into storage, General Provision 3G states that the rotated right is then subordinate to all rights above the reservoir senior to 10/1/1936. However, the rights above the reservoir with a priority date earlier than 10/1/1936 must be filled in priority with the other rights that have been called for, including those rights with priority dates earlier than 10/1/1936 below the reservoir. **This means that the quantity of water the user desires to rotate cannot be stored until all rights with a priority date earlier than 10/1/1936 that have been called for and would be deliverable are satisfied.** Otherwise, the diversion of junior rights above the reservoir would be out of priority relative to users below who have called for their water but do not wish to rotate it into storage.

   When a user calls for his water, he is also calling for the curtailment of junior upstream rights to deliver his right. This is the basis of the prior appropriation doctrine. Therefore, any user who desires to rotate during the connected period when the priority date on the river is earlier than 10/1/1936 cannot do so because the rotated right immediately becomes curtailed in order (ultimately) to deliver another user's right that is junior to the right being rotated. If all the rights that have been called for that are senior to 10/1/1936 above the reservoir have been satisfied, regardless of the curtailment date on the river, the user may, in priority, rotate his right into storage. In such a case, the Watermaster would proceed as outlined in #1 above. Again, rotation can only be initiated by a request to the Watermaster from a water right holder seeking rotation. The Watermaster must document all such requests.

This interpretation is consistent with the general provision because rotated rights are being subordinated to rights senior to 10/1/1936 above the reservoir, and the implementation is consistent with the prior appropriation doctrine because out of priority diversions are delivered in this scenario.

When the river is disconnected:
When the river is disconnected, as described in General Provision 6, rotation into storage can occur for currently deliverable rights that are in priority. Users can rotate into storage and get storage credit for 100% of their water right regardless of the priority and availability of water to users above the reservoir.

General Information Related to Rotation
The Watermaster must be made aware of the request to rotate water into storage, and documentation must be submitted clarifying when rights have been called for.

Users that rotate rights into storage accrue a volume of storage water in Mackay Reservoir. BLRID keeps a rotation storage account for users that rotate their water rights. BLRID charges conveyance losses for delivery of the rotated storage water. This means that a user may store a 2 cfs right for 10 days, accruing 20cfs-days of water, but the amount of rotated storage water that is ultimately delivered to the canal heading is less than 20 cfs-days due to conveyance losses.

The rate at which the water is accrued in the reservoir is limited by the water rights being rotated and any combined limits at the time the right is stored. The user is not limited, however, in the rate at which he can withdraw the water stored in this manner.