State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
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JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 19, 2006

BOB DUKE
WATERMASTER
WATER DISTRICT NO. 34
PO BOX 53
MACKAY, ID 83251-0053

CHARLES HUGGINS
Rt 1 BOX 216
ARCO, ID 83213

RE: Delivery of Big Lost River water rights for Charles Huggins

Gentlemen,

This letter is a follow up to phone calls to each of you on July 14, 2006 regarding delivery of Big Lost River natural flow to Charles Huggins' 1900 water right (34-13725) with a diversion rate of 1.27 cfs (63.5 miner's inches). A copy of the water right proof report is attached for reference.

Note that the legal point of diversion for this water right is at the McLaughlin canal heading and that there is a point of injection and a point of rediversion from the Big Lost River in the NW SW of section 17, T3N, R27E (near the Huggins Pump). This right allows Mr. Huggins to divert 63.5 inches from the Big Lost River at the McLaughlin Canal heading and that he may elect to convey that water from the McLaughlin Canal back into the river channel at the point of injection described above. Mr. Huggins may then use his pump to redivert the water from the river channel and into his irrigation system. Alternatively, Mr. Huggins may elect to pump directly from the McLaughlin Canal (or a lateral ditch there from) without reinjecting the water to the river channel. In either case, the amount of water Mr. Huggins is entitled to is 63.5 inches *at the McLaughlin Canal heading* However he chooses to have the water delivered, he will have to accept the losses incurred in transport.

Note also that rule 30.02 of the Water Distribution Rules for Water District 34 allows that the watermaster may elect to deliver McLaughlin Canal water rights through the Munsey. Delivery of water rights to the alternate point of diversion is subject to approval of the Director of IDWR and is subject to several conditions as specified in rule 30.02.

Mr. Huggins also owns two other water rights from the Big Lost River with a point of diversion at the Huggins Pump. These rights have their legal point of diversion at that location and are entitled to their full diversion rate at the pump when those rights are in priority.

However, these two rights (34-13727 and 34-13729) bear fairly late priority dates (1962 and 1975) and, to my knowledge, are not in dispute.

Please contact IDWR if you have any questions.

Sincerely,

Nick Miller
Water Distribution Section

Enclosures:
Proof Report for 34-13725
Copy of WD34 distribution rule 30.02

cc:

IDWR Eastern Region, Idaho Falls
Big Lost River Irrigation District, 101 S Main Ave Mackay, ID 83251

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Water Right Report 34-13725

WATER RIGHT NUMBER: 34-13725

Owner Type	Name and Address
Current Owner	CHARLES D HUGGINS 2132 N 2900 W ARCO, ID 83213 (208)527-3351

Priority Date: 09/24/1900

Basis: Decreed

Status: Active

Source	Tributary
BIG LOST RIVER	SINKS

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	05/01 to 10/15	1 270 CFS	
	Total Diversion:	1.270 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER BUTTE County	NW1/4SW1/4 (Injection)	Sec 17,	Twp 03N, Rge 27E, B M
BIG LOST RIVER BUTTE County	NE1/4NW1/4SE1/4	Sec 12,	Twp 03N, Rge 26E, B M
BIG LOST RIVER BUTTE County	NW1/4SW1/4 (Rediversion)	Sec 17,	Twp 03N, Rge 27E, B M

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	27E	17										2 0	14 0						16 0
03N	27E	19	32 0	35 0	35 0	35 0													137 0

Total Acres: 153

Conditions of Approval:

1. X27 This right is limited to the irrigation of 61 acres within the place of use described above in a single irrigation season.
2. X35 Rights 34-13725, 34-13727 and 34-13729 when combined shall not exceed a total diversion rate of 3 44 cfs and the irrigation of 153 acres.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-13725

Comments:

1. scurtis 12/4/2002 3:59:23 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 69608

2. nmiller 5/25/2006 POD
Comment: Correlated PODID 562236 from SpatialDataID 215045 to SpatialDataID 215042

Water Supply Bank:

Range 26 East, B M. (10-26-94)

f. Moore diversion to Arco diversion located in the NW1/4NW1/4NW1/4, Section 26, Township 4 North, Range 26 East, B M. (10-26-94)

g. Below Arco diversion to the Arco Gage. (10-26-94)

02. **River Reach Computations**. For each reach of the river the natural flow will be computed as the natural flow entering the reach plus gains entering the reach minus losses from the reach. The natural flow thus calculated will be allocated as described in Rule 40. (10-26-94)

03. **Gage Station or Other Flow Measuring Facility**. 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. The Howell, 2-B and Arco gages shall be maintained as part of the USGS Cooperative Program, or equivalent measurement program, and operated continuously. Water District 34 shall continue to contribute to the maintenance and operation of these gage sites in the same proportion as is currently contributed. All other gages shall be operated when water diversions, other than solely storage in Mackay Reservoir, are being made from the river. The cost of installation, operation and maintenance of these other measuring facilities is the responsibility of Water District 34. (10-26-94)

026. -- 029. (RESERVED).

030. NATURAL FLOWS (RULE 30).
Natural flow shall be delivered through the natural river channel to the point of diversion of record except as provided in these rules. (10-26-94)

01. **Eastside Canal**. The watermaster, with the approval of the director and after consultation with the Big Lost River Irrigation District, may elect to deliver the natural flow of the river through the Eastside Canal when the following conditions are met: (10-26-94)

a. The full flow of the river, including impounded water, to be delivered downstream of the Moore diversion is not greater than the capacity of the Eastside Canal. (10-26-94)

b. More natural flow water can be delivered to calls for natural flow than could be delivered by using the natural river channel. (10-26-94)

c. No water right is injured. (10-26-94)

d. Measuring devices of a type acceptable to the director are installed and maintained where the flow leaves the river channel and where it returns to the river channel. (10-26-94)

e. When used for the delivery of natural flow to the Arco diversion, the Eastside Canal is considered to be the river channel for water delivery accounting purposes and the watermaster shall protect the natural flow for delivery to prior water rights. Water rights diverting water from the river channel downstream from the point the Eastside Canal returns to the river channel shall be measured at their point of diversion from the river downstream from the Eastside Canal return. (10-26-94)

f. Conveyance losses in the Eastside Canal, when considered to be the river channel, shall be proportioned between the river flow, the diversions from the Eastside and pumps that inject ground water into the Eastside Canal. The proportioning will be based upon the ratio of total Eastside diversions and injected ground water to the total inflow to the canal. (10-26-94)

02. **Alternate Point of Diversion**. The watermaster may elect, with the approval of the director, to deliver natural flow water rights to the alternate point of diversion described in Rule Subsection 030.02.a. below when conditions in Rule Subsections 030.02.b. through 030.02.f. below are met: (10-26-94)

a. This rule may be used to deliver water rights through the Munsey diversion located in the NW1/

4NW1/4NW1/4, Section 26, Township 4 North, Range 26 East, B.M. as an alternate point of diversion for water rights with a recorded point of diversion at the McLaughlin diversion located in the NE1/4NW1/4SE1/4, Section 12, Township 3 North, Range 26 East, B M. (10-26-94)

b. The additional delivery losses through the natural channel to the recorded point of diversion for a water right prevents delivery of natural flow to one (1) or more other water rights then calling for water. (10-26-94)

c. The user receives the same amount of water at the field headgate from the natural flow water right that would be delivered to the field headgate had the natural flow right been delivered at the recorded point of diversion. (10-26-94)

d. Delivery of the water right at the alternate point of diversion is limited to the period of time the water right could have been delivered to the recorded point of diversion based upon the natural flow available at any time delivery is called for and the loss of the river channel at the time the alternate point of diversion began to be used for the delivery of this water right. (10-26-94)

e. No water right is injured by the use of the alternate point of diversion (10-26-94)

f. The owner of the diversion works at the alternate point of diversion and the ditch(es) used to deliver the water to the field headgate from the alternate point of diversion concurs in the use of those facilities. (10-26-94)

031. -- 034. (RESERVED).

035. MEASURING DEVICES AND CONTROL WORKS (RULE 35).

01. Installation and Maintenance of Measuring Devices and Control Works. In addition to measuring devices or control works specifically described in the listing of the water right, each water user, except small domestic and stock water users from ground water, shall, at the water user's expense, install and maintain measuring devices and control works of a type acceptable to the director, at all points of diversion and any other points, as determined necessary by the director for the proper administration of the use of water. The director may prohibit or prevent the diversion of water by a water user who refuses or fails to comply with this rule in accordance with the provisions of Chapter 7, Title 42, Idaho Code (10-26-94)

02. Measuring Ground Water Diversions. All ground water diversions, excluding small domestic and stock water diversions, shall be measured by one of the following methods Any ground water diversion requiring an instantaneous flow measurement as described in Rule Subsection 035 02 a or for checking of an in-line flow meter as described in Rule Subsection 035.02 b. which is not properly configured to permit an accurate measurement must comply with Rule Subsections 035 03 a through 035 03 c. (10-26-94)

a. Instantaneous flow rate will be measured by the water district utilizing a polysonic flow meter or other means of measuring instantaneous flow acceptable to the director. Annual volume will be determined by electrical power consumption records which the water user must release from the electrical energy provider to the watermaster. (10-26-94)

b. Where an in-line flow meter with totalizing capabilities is installed, the meter will be periodically checked for accuracy by the water district staff. (10-26-94)

c. An open channel measuring device of a type and installed in a location acceptable to the director will be read and recorded daily by water district staff. (10-26-94)

03. System Configuration for Accurate Measurements. All ground water diversions, excluding small domestic and stock water uses, shall configure their diversion systems so that accurate measurement can be accomplished. The polysonic flow meter requires a straight and uniform section of pipe which is free from obstructions, valves and couplings for a minimum distance of ten (10) pipe diameters upstream from the measurement site and five (5) pipe diameters downstream from the measurement site. If a pump is nearby up to thirty (30) pipe diameters of a straight uniform pipe section may be required upstream from the measurement site