



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

JULY 23, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JAY JENSEN
WATERMASTER, WATER DISTRICT NO. 34
P.O. BOX 53
MACKAY, ID 83251-0053

RE: 2010 ANTELOPE CREEK FUTILE CALL REQUEST

Dear Jay:

I received your email requesting a futile call for delivery of water from Antelope Creek to senior users on the Big Lost River. Based on the information you have provided, it appears that senior users on the Big Lost River are not receiving water from Antelope Creek, and will certainly not be available as users on Antelope Creek finish their harvest and resume irrigating. Allowing users on Antelope Creek to divert out of priority with the Big Lost River will not reduce the amount of water available to users on the Big Lost River, but will allow junior Antelope Creek users to put that water to beneficial use. Therefore, your request to administer Antelope Creek separately from the Big Lost River is granted.

The information you have provided in your letter and telephone conversations indicates that the water from Antelope Creek had been diverted into the 3-in-1 ditch to water right 34-13 (with a priority date of 7/31/1905) as an exchange with the Big Lost River Irrigation District, so no Antelope Creek water has been reaching the Big Lost River via the natural channel for several weeks. Coincidentally, the flow from Antelope Creek ceased reaching the 3-in-1 on July 19, the same day the deliverable priority on the Big Lost River (including Antelope Creek) was reduced from 1905 to 1888 (resulting in the 34-13 water right being both non-deliverable and out of priority). As water right 34-13 is the only right that can be exercised by diverting Antelope Creek into the 3-in 1 ditch, senior users on the Big Lost River will only benefit from regulation of Antelope Creek if there is sufficient water for Antelope Creek to reach the Big Lost River by following the natural channel approximately an additional 1.5 miles.

Based on your records, it appears that many of the water users on Antelope Creek were not diverting their in-priority water rights while they harvested their hay crops, so the demand and total delivery from Antelope Creek has been relatively small with the majority of users diverting at or below the same priority date as the Big Lost River (11/1/1888 on July 19). However, it appears that the Hanrahan diversion was delivering 1897 water rights on June 19 and 1902 water rights on June 20. This is an additional approximately 6-9 cfs that should have remained in the river channel along with the approximately 3-5 cfs that you and Nick Miller of IDWR observed on July 22 passing the Hanrahan diversion. Although as much as approximately 14 cfs could and should have been left in the channel on July 19, measurements made in 2009 indicated that 30 cfs passed the Hanrahan diversion and was subsequently lost to seepage prior to reaching the Big Lost River. Given that the demand on Antelope will resume as users begin irrigating, and that the flow in Antelope Creek will likely continue to decline, it is unlikely that regulating Antelope Creek to the same priority (currently 10-2-1885) as the Big Lost river will provide additional water to senior users on that river.

SCANNED

7/26/2010

Please note, however, that deliveries on Antelope Creek and tributaries must continue to be regulated to ensure that water is delivered within the amounts authorized by the water rights and are delivered in priority with all other water rights on Antelope Creek.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nick Miller", written in a cursive style.

Nick Miller

Water Distribution Section

cc: IDWR Eastern Region – Idaho Falls

B:\Correspondence\2010\07232010Antelope Futile.doc