

May 23rd, 2011

Interim Director Gary Spackman
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-6700

Re: Request for the Diversion of Additional Flows for the 2011 Irrigation Season

Dear Interim Director Spackman:

This letter is intended to be a request for additional surface water flows pursuant to Rule 40.06 and Water District 34 Procedures Manual Guideline 7.7.5. This request is made in the context of current projected irrigation water supplies for the 2011 irrigation season.

Due to recent storms the snow pack in the watershed appears to be well above normal in Basin 34. The Mackay Reservoir was reported to be 85% full at the March 7, 2011 Annual Water District Meeting and 88% full at the Big Lost River Irrigation District's regular board meeting last month.

At the April BLRID meeting it was reported the board authorized their manager to stop diverting water for impoundment into the reservoir and begin releasing previously stored water in anticipation of potential flooding. These releases have been occurring since early April. The justification for such operations is the expected high "run-off" from the watershed as temperatures warm this spring and summer and/or the likelihood of spring rain showers.

The cessation of impounding the natural surface flow and the release of previously storage water from the reservoir prior to the irrigation season provides at least two real benefits to the valley.

- 1.) It reduces and may even avoid the adverse effects of flooding to the low-lying lands adjacent to the river.
- 2.) It results in immediate incidental recharge to the valley's aquifer and possibly accelerates and prolongs the period of time when managed recharge can occur.

Both benefits are significant to all interests within the basin.

The only risk in this practice is that it can affect the annual volume limitation of the irrigation district's storage water rights, and/or, cause very junior surface water priorities (often called "flood water rights") not to be satisfied for the brief period of time they may otherwise be available. Fortunately that risk is partially minimized by the following remark contained in BLRID's storage water right partial decrees.

"A VOLUME OF WATER IN ADDITION TO THE VOLUME DESCRIBED ABOVE FOR STORAGE PURPOSES MAY BE STORED IN A SINGLE YEAR IF: A) THE ADDITIONAL VOLUME IS STORED USING THE STORAGE CAPACITY OF MACKAY RESERVOIR, AND B) ALL WATER RIGHTS EXISTING AT THE TIME OF STORAGE (INCLUDING WATER RIGHTS WITH JUNIOR PRIORITY AND OTHER RIGHTS FOR STORAGE PURPOSES) THAT ARE WITHIN THEIR PERIOD OF USE ARE STAIISFIED." Emphasis Added.

It is the provision of "additional volume" that is the subject of this request. The irrigation district and patrons who receive storage water can minimize the risk of releasing stored water supplies and/or elect not to impound available natural flows when flows are available by anticipating the subsequent filling of the reservoir at a later time with "additional volumes" or "second fill" high water runoffs, thus insuring they receive their full irrigation water supplies.

Unfortunately, water users above the Mackay Reservoir, on tributaries such as Antelope Creek, holders of very senior natural flow priorities who do not receive a supplemental storage allocation, or surface water users below the reservoir whose lands are outside the boundaries of the irrigation district (storage water can not be used of lands it is not appurtenant to) are not protected by the "additional volume" remark contained in the description of storage water rights.

It is for these reasons I/we are requesting (pursuant to Rule 40.06) we be allowed to divert surface water in addition to the "diversion rate" described in our water rights. Conditions "a. b. c. d." of the rule would obviously apply in all instances when "additional flows" are allowed. Listed below are some of the surface water rights subjected to this request. There will no doubt be other holders of surface rights not listed below that could benefit from like approval. This request is also intended to assist those water users.

<u>Water Right No.</u>	<u>Rate of Div.</u>	<u>Owner of Record</u>
34-0496A	1.2 cfs	Mitchell Sorensen
34-0692D	1.2 cfs	Mitchell Sorensen
34-10319	3.00 cfs	Mitchell Sorensen
34-13710	1.97 cfs	Leon Folkman
34-13712	0.79 cfs	Leon Folkman
34-13714	1.44 cfs	Leon Folkman
34-00556	2.80 cfs	PU Ranch
34-00170	1.20 cfs	PU Ranch

We believe a doubling or tripling of the rate of diversion could be put to beneficial use. Would you please consider this request and respond as soon as possible so we could make the final preparations to divert and use such "additional volumes" when they are available.

Thank you for your consideration to this matter.

Sincerely,

