



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 3, 2016

Big Lost River Irrigation District Board of Directors
PO Box 205
Mackay, ID 83251

Lucas Yockey, Water District 34 Watermaster
Water District 34 Advisory Committee
PO Box 53
Mackay, ID 83251

Re: Notice of Intent to Suspend Rotation Credit

Dear Gentlemen:

The practice of rotation credit in Water District 34 is authorized, subject to conditions, by the *Order of Partial Decree for General Provisions in Administrative Basin 34, Snake River Basin Adjudication, May 8, 2001* ("General Provisions"), and Rule 40.02 of the Idaho Department of Water Resources ("Department") Water District 34 Water Distribution Rules ("IDAPA 37.03.12" or "WD34 Rules").

Provision 3 of the General Provisions, states in pertinent part:

Water rights from the Big Lost River diverted below Mackay Dam and Reservoir may be rotated into storage with the consent of the Big Lost River Irrigation District when such practice improves the efficiency of water use. Such Rotation is subject to the following conditions and review and approval by the Director of the Idaho Department of Water Resources.

- a. Water may only be rotated into storage if it will be beneficially used at the place of use under the water right during the year in which it is stored.

Rule 40.02 of the WD34 Rules, states in pertinent part:

Water rights that do not include storage as a purpose of use may not be stored. Water rights whose source is Big Lost River with their point of diversion below the Mackay Dam may, however, be rotated for credit when such practice improves the efficiency of water use as contemplated by the Big Lost River Irrigation District's plan of operation subject to the following conditions:

- a. Rotation for credit must be approved by the director as provided by these rules.
- b. Rotation for credit must be pursuant to the Big Lost River Irrigation District's approved plan of operation.

Notice of Intent to Suspend Rotation Credit

March 3, 2016

Page 2

This letter is notice that I intend to indefinitely suspend the practice of rotation credit for the following reasons:

- The Big Lost River Irrigation District's plan of operation contains very little mention of rotation credit and provides essentially no guidance on the matter;
- The Big Lost River Irrigation District has reported in recent years that some water rotated to and stored in the reservoir is not beneficially used at the place of use under the water rights during the year in which it is stored. Rotation credit that is not used in the same year it is stored contradicts General Provision 3.a. and may cause injury to the holders of other Big Lost River water rights;
- The Department has received complaints in recent years that some water users rotate their Big Lost River water rights in the reservoir while using supplemental ground water rights at the same time. The Department views this practice as injurious to the holders of other Big Lost River water rights; and
- The WD34 Rules recognize that senior water rights are not fully satisfied due in part to depletions caused by ground water pumping. Additionally, data from recent years show that river seepage losses are significant, ground water pumping is about double the amount estimated as per the WD34 Rules, and ground water levels between Mackay and Arco are in decline. Rotating natural flow water rights into storage and not using it in the same year, and pumping ground water to supplement surface water rights that may simultaneously be rotated to the reservoir, further deplete the flows of the Big Lost River below Mackay Dam.

On or before April 1, 2016, I will issue an order suspending rotation credit in Water District 34 for the 2016 irrigation season and indefinitely thereafter. I may consider reinstating rotation credit in any subsequent year if the Big Lost River Irrigation District consents to the practice and develops a plan of operation for rotation credit that improves the efficiency of water use. The plan of operation for rotation credit should also protect against injury to holders of Big Lost River water rights.

Please contact me or Department staff referenced in this letter if you have questions concerning this directive.

Respectfully,



Gary Spackman
Director

cc: Kent Fletcher, Attorney, Big Lost River Irrigation District
IDWR Eastern Region
Tim Luke, IDWR Water Compliance, Boise
Cindy Yenter, IDWR Water Distribution, Twin Falls