

MEMORANDUM

To: Water District 34 File

From: David Shaw 035

October 16, 1995

Subject: Water Delivery After October 15, 1995 for Irrigation

I received a call from Doug Rosenkrance on October 12, 1995 regarding requests he had received for the delivery of water after the October 15 normal end of the irrigation season. I told Doug I would need to review the Water District 34 Water Distribution Rules but my recollection was the season could be extended under certain conditions. Doug said the primary use was for fall irrigation in order to plow since the weather had been dry recently.

I spoke with Norm Young and he agreed the season could be extended as long as the provisions of the rules were followed. I reviewed the rules and found rule 40.04 addresses the duration of the irrigation season for surface water users in Water District 34. The rule provides for Big Lost River irrigation rights to be used as late as October 31 and for surface water tributaries "... either before or after the period of use for irrigation described in the water right ..." The rule does not address the use of ground water beyond October 15 for irrigation.

I called Doug's office on October 13, 1995 and left a message that it was okay to extend the season for surface water beyond October 15. I was not able to speak with Doug on the 13th but Doug returned my call on Monday, October 16, 1995 and I told him the extra time for irrigation was approved for surface water but not ground water.

Doug was concerned that a similar provision for extending the season of use for ground water may need to be addressed. It is Doug's view that if the surface water users need the additional time the ground water users will also need additional time and they should be treated the same. There are some lands irrigated by ground water that do not have a surface water right nor any way to deliver surface water to those lands.

cc: Norm Young