



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

JULY 30, 2009

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

### RE: 2009 ANTELOPE CREEK FUTILE CALL REQUEST

Dear Bob:

I received your email requesting a futile call for delivery of water from Antelope Creek to senior users on the Big Lost River. The information you have provided indicates that users on Antelope Creek are being regulated to the same priority date as the Big Lost River (6/1/1887 on July 30), with the exception of approximately 2.6 cfs of uncontrolled diversions. In fact, it appears that many of the water users are currently not diverting their in-priority water rights while they harvest their hay crops. Despite that fact and as evidenced by your measurements, over 30 cubic feet per second of flow is passing the Hanrahan diversion and is subsequently lost to seepage prior to reaching 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 except, perhaps, for a short time in the early morning. However, the small amount that may be reaching the river at that time appears to be rapidly declining and will certainly not be available as users on Antelope Creek finish their harvest and begin to irrigate. 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.

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. I have seen in your notes reference to several uncontrolled diversions on Antelope Creek, including one diversion without a measuring device. In accordance with prior orders issued by the Department, you are directed to refuse deliveries to any user on the creek that does not have adequate control works and measuring devices. If it is not possible to regulate the flow of water to any diversion that is not in compliance with Department orders, please forward the appropriate information to the Department for potential enforcement action.

Sincerely,

Tim Luke  
Water Distribution Section

cc: IDWR Eastern Region – Idaho Falls  
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