



State of Idaho

DEPARTMENT OF WATER RESOURCES

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October 22, 2007

EDDIE BAKER JR
HC 68 BOX 375
CLAYTON, ID 83227

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RE: WATER USE FROM BIG BOULDER CREEK AND EAST FORK SALMON RIVER

Dear Mr. Baker:

This letter is a follow up to our meeting on October 4, 2007 in Challis, ID, during which we discussed your existing water rights and your current water usage. As we discussed, your water rights authorize you to divert less than the rates specified in your flow agreements with the Idaho Fish and Game. We also discussed the permissible place of use described on your water rights and identified a number of irrigated acres that are not authorized by a water right. Finally, we discussed a number of actions you may take to amend your water rights and acquire additional water rights to meet your needs. However, until you have accomplished changes to your water rights and/or acquired additional rights, you must immediately cease irrigation of any lands not described by your existing water rights and limit your diversion rates to the rates authorized by your water rights.

As we discussed, your current water rights limit the diversion of water from each point of diversion to no more than the rate shown in the rightmost column on the attached tables when all rights are in priority. Additionally, the total instantaneous rate of diversion from all locations cannot exceed 13.8 cubic feet per second (690 miner's inches) when all rights are in priority. Again, until water rights authorizing additional water are secured, you must limit the individual and combined diversion rates to that authorized by your rights (as shown in the attached tables).

The attached map depicts land ownership, diversion locations, and water right place of use. The base image is an aerial photograph taken in 2004. The areas outlined in yellow may be irrigated under your current water rights. You must cease irrigating all areas outside of the permissible place of use (the yellow outlines). Note that you may apply for a transfer of your existing water rights to allow those rights to be used to irrigate acres within your property that are not currently authorized by any water right. However, the Department will not grant a transfer that seeks to irrigate lands not owned by you without the consent of the landowner.

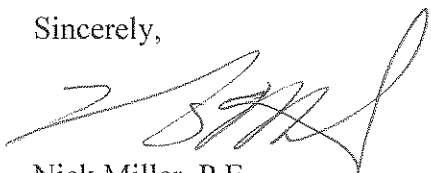
The yellow shading on the attached map indicates lands owned by the Bureau of Land Management (BLM). During our meeting, you confirmed you have irrigated BLM lands with water diverted under your water rights. These areas may be seen on the map as dark green areas within the yellow shading on the base image. Although you indicated you hold a lease

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agreement with the BLM for use of these lands, no water rights authorize irrigation of the BLM lands you have irrigated. If you seek to continue to irrigate the BLM lands, you must receive permission from the BLM and a valid water right must be obtained. I have contacted BLM staff at the Salmon Field Office to inform them of the irrigation and of your intent to cease irrigation of those acres.

I trust you find this information consistent with our discussions at the October 4 meeting and during subsequent phone conversation on October 9, 2007. If you have any questions, or if I can be of further help on this issue, please feel free to contact me at (208)-287-4956.

Sincerely,



Nick Miller, P.E.
Water Distribution Section

enclosures:

Diversion rate limits tables – 1 page at 8.5”x11”

Map showing land ownership and water right place of use– 1 page at 8.5”x11”

cc:

IDWR – Southern Regional Office, Twin Falls, ID

IDWR – Salmon Regional Office, Salmon, ID

Alan Bittner – BLM Salmon Field Office, 1206 South Challis Street, Salmon, ID 83467

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DIVERSION RATE LIMITS

	MAX DIVERSION RATE - In Cubic Feet Per Second (CFS)							TOTAL MAX
	72-10302A	72-10302B	72-10302C	72-10303	72-10304	72-204	72-2048	
EF-14	0.0	0.0	0.0	6.4	0.0	0.0	1.2	7.6
EF-15	1.1	0.0	0.0	6.4	2.2	0.0	1.2	10.9
EF-16	0.0	0.0	0.4	6.4	2.2	0.0	0.0	9.0
EF-17	1.1	0.0	0.0	6.4	2.2	0.0	0.0	9.7
EF-18	0.0	0.8	0.0	0.0	2.2	1.2	0.0	4.2
BBC-1	0.3	0.0	0.0	0.0	0.6	0.0	0.0	0.9
BBC-2	0.0	0.0	0.0	0.0	0.6	1.2	0.0	1.8
BLC-1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.1
BKC-1	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.1
Total CFS	1.5	0.9	0.4	6.4	2.2	1.2	1.2	13.8
East Fork	1.1	0.8	0.0	6.4	2.2	1.2	1.2	12.9
Boulder	0.3	0.0	0.0	0.0	0.6	1.2	0.0	2.1
Bluett	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Baker	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.1

Diversion Rate Limits:

Each water right has a maximum allowable diversion rate, and all the rights together have a maximum diversion rate limit of 13.8 cfs. Most of the rights have multiple points of diversion, but are limited to a total diversion rate, so the total amount that can be diverted from a particular point at a given time depends on how much is diverted from other points of diversion.

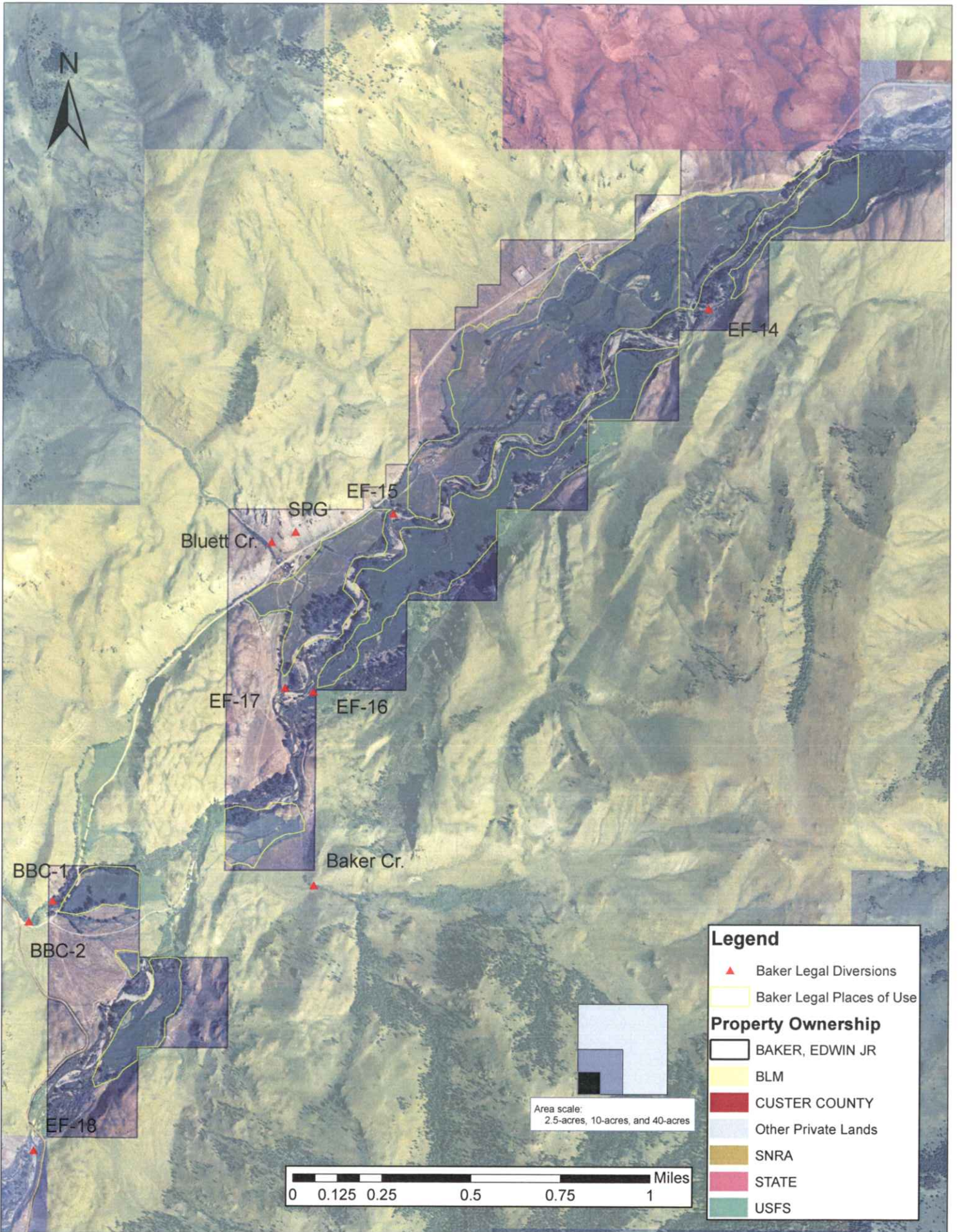
This table can be used to sort this out when all rights are in priority. The following two rules dictate how much water may be diverted from each point of diversion when all rights are in priority:

1. No individual diversion can exceed the value in the "Total Max" column.

AND

2. The sum of all the diversions cannot exceed 13.8 cfs (690 inches).

	MAX DIVERSION RATE - In Miner's Inches							TOTAL MAX
	72-10302A	72-10302B	72-10302C	72-10303	72-10304	72-204	72-2048	
EF-14	0	0	0	320	0	0	60	380
EF-15	55	0	0	320	110	0	60	545
EF-16	0	0	20	320	110	0	0	450
EF-17	55	0	0	320	110	0	0	485
EF-18	0	40	0	0	110	60	0	210
BBC-1	15	0	0	0	30	0	0	45
BBC-2	0	0	0	0	30	60	0	90
BLC-1	5	0	0	0	0	0	0	5
BKC-1	0	5	0	0	0	0	0	5
Total CFS	75	45	20	320	110	60	60	690
East Fork	55	40	0	320	110	60	60	645
Boulder	15	0	0	0	30	60	0	105
Bluett	5	0	0	0	0	0	0	5
Baker	0	5	0	0	0	0	0	5



Legend

- ▲ Baker Legal Diversions
- Baker Legal Places of Use

Property Ownership

- BAKER, EDWIN JR
- BLM
- CUSTER COUNTY
- Other Private Lands
- SNRA
- STATE
- USFS

Area scale:
2.5-acres, 10-acres, and 40-acres

