



State of Idaho

DEPARTMENT OF WATER RESOURCES

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RECEIVED  
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Department of Water Resources  
Eastern District Office

Dear Water Users:

Because of recent proposals to construct or reconstruct many diverting works and fish screens in the Lemhi River Basin, the Department of Water Resources has reviewed some of the proposals and the water rights authorizing diversions from the Lemhi River. This letter summarizes the review, and suggests adjustments which will improve the operation and viability of the proposed projects.

In 1982, a judgment was issued by the District Court of the State of Idaho, decreeing water rights within the Lemhi River Basin. In addition to quantifying the rights held by the individual parties, the decree also granted water users the right to divert water in excess of the base water right during high water flows:

"The practice of diverting . . . "high waters or flood waters in addition to the quantified rights as described in the recommended decree of water rights (and future rights that may be established pursuant to statutory procedures) is allowed provided:

(A) The waters so diverted are applied to a beneficial use.

(B) The existing quantified rights (including future appropriation of water) are first satisfied."

The decree contained a finding of fact which stated:

Beneficial use rights from surface water sources are those rights which were commenced by diversion and application of water for a beneficial use prior to May 20, 1971. All other rights to the use of water must have been initiated by an application filed with the Department of Water Resources.

Shortly after the commencement of the Lemhi River Adjudication, the Department of Water Resources measured all of the diversions from the Lemhi River, and determined the maximum

capacity of the diversions. A copy of the measurements is enclosed. The Department views these measurements as presumptive evidence of the maximum capacity of diversion systems in 1971. Diversions in excess of these measured maximum capacities should either be justified by new water rights or transfers recorded with the Department of Water Resources, or a showing that the measurement at the time did not represent the maximum capacity.

Many new fish screens, headgates and diverting structures will be constructed in the Lemhi River drainage at a substantial cost. An example is the Bureau of Reclamations Lemhi River demonstration Project. In recent meetings with the Bureau regarding the Bureau's demonstration project, the Bureau estimated the costs of headgates, fish screens and diversion structures. The Bureau estimated a total cost of approximately \$4,000,000.00 for five diversions, and estimated the cost of headgates and fish screens to increase by approximately \$7,000.00 per cfs. The Bureau represented that much of its cost is related to (1) designing headgates and fish screens for large spring time diversion rates, and (2) designing headgates and screens for a wide range of flows. For instance, some systems may be designed for a high flow rate of almost ten times the base water right flows. Not only is the design for large variations in flow difficult, and construction costly, but the screens may not always operate efficiently at the various flows.

Some have suggested a limiting standard for high water diversion in the range of two to three times the base rate. While I don't initially endorse a fixed number, I encourage the Lemhi Irrigation District, Water District Number 74 and the users within the Lemhi drainage to voluntarily propose more, uniform reasonable diversions from floodwater.

I will attend the annual meeting for Water District No. 74 on March 7, 1994, and am willing to discuss this matter further with the water users.

Sincerely,

  
\_\_\_\_\_  
Gary Spackman

Enclosure

LEMHI RIVER MAXIMUM DIVERSION

L-1	6.59	L-19	10.86
L-2	7.27	L-19A	7.80
L-2B	0.34	L-20	48.18
L-2C	16.34	L-21	7.39
L-3	19.23	L-22	34.30
L-3A	23.60	L-22A	20.30
L-4	16.02	L-23	8.49
L-5	19.37	L-24	3.77
L-6	53.63	L-25	6.25
L-7	42.83	L-26	6.98
L-7A	4.75	L-27	6.81
L-8	2.02	L-28	17.77
L-8A	28.10	L-29	25.07
L-9	32.45	L-30	33.11
L-10	22.18	L-30A	3.40
Jolley Ditch near Barrack Lane	13.77	L-31	Old ditch not used
L-11	21.56	L-31A	30.65
L-12	14.21	L-31B	7.82
L-13	13.51	L-32	31.63
L-14	5.14	L-33	33.16
L-15	14.16	L-34	1.53
L-16	9.07	L-35	3.47
L-17	10.05	L-36	10.18
L-18	3.48	L-36	11.34
L-18A	3.00	L-38	6.10

L-39	2.17
L-40	16.84
L-41	19.14
L-42	11.18
L-42A	22.00
L-42B	10.90
L-43	15.81
L-43A	10.91
L-43B	7.56
L-43C	14.15
L-44	9.52
L-45	4.48
L-45A	5.72
L-45B	3.79
L-45C	9.00
L-45D	27.58
L-46	14.52
L-46A	6.25
L-47	20.69
L-48	12.52
L-49	28.05
L-50	0.53
L-51	6.66
L-51A	12.35
L-52	7.61
L-52A	-----
L-53	7.82
L-54	3.49
L-57	2.63

L-58	4.62
L-58A	6.75
L-58B	14.48
L-58C	16.34
L-59	5.11
L-60	11.06
L-61	19.01
L-62	6.05
L-63	17.32

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