



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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June 16, 2008

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

Kevin Lakey  
Watermaster, Water Districts 37/37-M  
107 West 1<sup>st</sup>  
Shoshone, ID 83352

Re: Responses to Your Correspondence Dated February 12, 2008 regarding Resolution No. 14  
at Annual District Meeting and Request for Guidance from IDWR

Dear Kevin,

The purpose of this letter is to document that the Department hand delivered to you a document on May 23, 2008 that included responses to most of the twelve items that you requested guidance pursuant to your correspondence dated February 12, 2008. The document, including attachments, was included on a compact disc (CD) and given to you at the Water District 37/37M advisory committee that Allen Merritt and I attended. Attached to this letter is a hard copy of the same document included on the CD. Also included on the CD were spreadsheets of water rights for several different ditches that you had requested via separate correspondence dated March 12, 2008.

Please note that we still owe you a response on your questions regarding the Comstock Ditch and the KOA Campground. Field inspection and/or further research was required for these items. We also intend to provide more detailed guidance or information for many of the individual ground water rights that have watermaster control conditions pending further review of those water rights. You had requested some additional explanation regarding these ground water rights in your March 12, 2008 letter.

Except for the several items we have not fully responded to, I hope that the information given so far provides the necessary direction you sought in your two letters. Please call me directly at 208-287-4959 if you have additional questions or need any further assistance.

Regards,

Tim Luke  
Manager, Water Distribution Section

Cc: Allen Merritt, IDWR Southern Region Manager

## Question/Item 1: Lane Ranch

The back file explaining how to administer this diversion contains 333 pages. There are two surface water rights out of two different streams (Big Wood River and Elkhorn Creek). There are also ground water rights but how many is not exactly known. The uses listed on the IDWR public website include: aesthetic, irrigation, recreation, and wildlife. There are also issues of water storage in multiple ponds. The district needs help sifting through all of this data to determine how to administer these rights.

### Background and Response:

Lane Ranch was historically irrigated as farm ground from the Big Wood River and Elkhorn Creek. Rights 37-81 and 37-82 were decreed in the Frost decree from the Big Wood River and Elkhorn Creek respectively with a common priority of 6/1/1884. *Note that Elkhorn Creek is not listed as a Dry Stream in the Frost Decree although Elkhorn Creek has not been historically regulated by the watermaster of WD37.* A reservoir was constructed on Elkhorn creek that was initially recorded by statutory claim 37-4016 with a claimed priority of 4/1/1884 for 10 cfs. The Department recommended a priority of 4/1/1949 in the SRBA. This reservoir stored water for irrigation. In the 1960's in an effort to augment the water supply a horizontal drain ("groundwater") was constructed that drained swampy land adjacent to Elkhorn Creek upstream from the ranch. This drain was licensed under 37-2635 for irrigation on the historical Lane Ranch. Over the years this drain diminished in flow to now only a trickle. The drain's outflow enters Elkhorn Creek at the Sunrise pond downstream from the Sunrise Subdivision. In 1973 by reason of the Elkhorn resort development being constructed up basin it was surmised that water would be developed or imported into the basin and discharged down Elkhorn Creek. Based on this improved water supply Permit 37-7201 was sought and eventually licensed for irrigation. Right 37-7201 has a priority of 3/21/1973.

In the late 1980's or early 1990's the historical ranch was subdivided and the rights modified by transfer 3609, approved in 1990. The transfer changed portions of some and all of others of the historical irrigation rights into wildlife, aesthetic and recreation uses by drying up acres. This transfer left 24.4 acres to be irrigated by 37-81 and 37-82 with the remaining flow rate converted to wildlife, aesthetic and recreation (W, A & R) uses. It is important to note that right 37-2635 was discounted by the owner as not being used for irrigation, presumably since the flows had diminished...it was only in the SRBA that this right was resurrected. In 1993 transfer 3881 dried up another 1.1 acres to allow for the building of more ponds.

The water right records on IDWR's WR database for the above transfers seem to be in disarray. The ownership and affect of the transfer does not currently match what was intended or constructed at the ranch.

The rights listed above were recommended in the SRBA with limitations but all have been objected to in the SRBA by the Lane Ranch Homeowners Assn. as well as other interested parties.

### Regulation issues:

-Appears Big Wood and Elkhorn Creek should be regulated together. Measuring devices need to be maintained at the following sites:

- At the point of diversion (POD) from Big Wood River (I assume there is one there but never seen it). The maximum rate of diversion at this diversion for all uses under Right 37-81 is 4.00 cfs from April 15 to October 15. The right also has a condition that limits the total maximum diversion rate for irrigation purposes to 0.71 cfs when combined with right 37-82 from Elkhorn Creek. Absent any irrigation use, the diversion from the river should be limited to 3.29 cfs from April 15 to October 15.
- On Elkhorn Creek entering Subdivision (there is a structure in the creek) and leaving Subdivision (none present). Difference limited to reasonable channel loss determined by watermaster.
- At site of diversions from Elkhorn Creek (Center Stream) to ditches conveying water to side ditches or channels. (There is an East channel that has a headgate but no measuring device. There is a pump from the creek to the West channel with no measuring device.) Limit diversions to listed uses of rights for W,A & R and irrigation. Curtail these ditches or channel diversions when reasonable channel loss is excessive or rights are out of priority.
- At pump station pumping water to irrigation system (not known if measuring device present). Limit to 0.71 cfs when in priority. Rights 37-81 and 37-82 (Big Wood and Elkhorn Creek) are limited to a combined diversion of 0.71 cfs and 69.9 afa. A flow meter on the irrigation pumping station with a totalizing volume meter will assure compliance with the 69.9 afa limitation.
- If water is to be accounted for from the drain under right 37-2635, then a measuring device needs to be installed at the point of injection into Elkhorn Creek. (Historically this water has been assumed to be tributary to Elkhorn Creek and not measured. It would be good to measure this flow because it is likely the drain right will be subject of future attempts of transfer and currently there is not measurement record of this water flow.)
- As per condition of approval on Transfer 3609 and condition of SRBA recommendation for 37-4106, this right is limited to a one-time spring fill of 19 ponds (15 on stream and 4 off stream) and a volume of 17 acre-feet. If this right were diverted at full capacity, it would be limited to less than a 24-hour period (about 21 hours total). Since this right is a statutory claim and not yet decreed, it is immediately cut or non-deliverable as soon as the watermaster begins regulation and priority cuts on the Big Wood River.
- Delivery of Elkhorn Creek rights 37-81 and 37-7201: Elkhorn Creek water rights should be administered with Big Wood River priority water rights and not separately from the Big Wood River. In addition to discussion regarding delivery of 37-4016, rights 37-81 and 37-7201 should be regulated as follows:

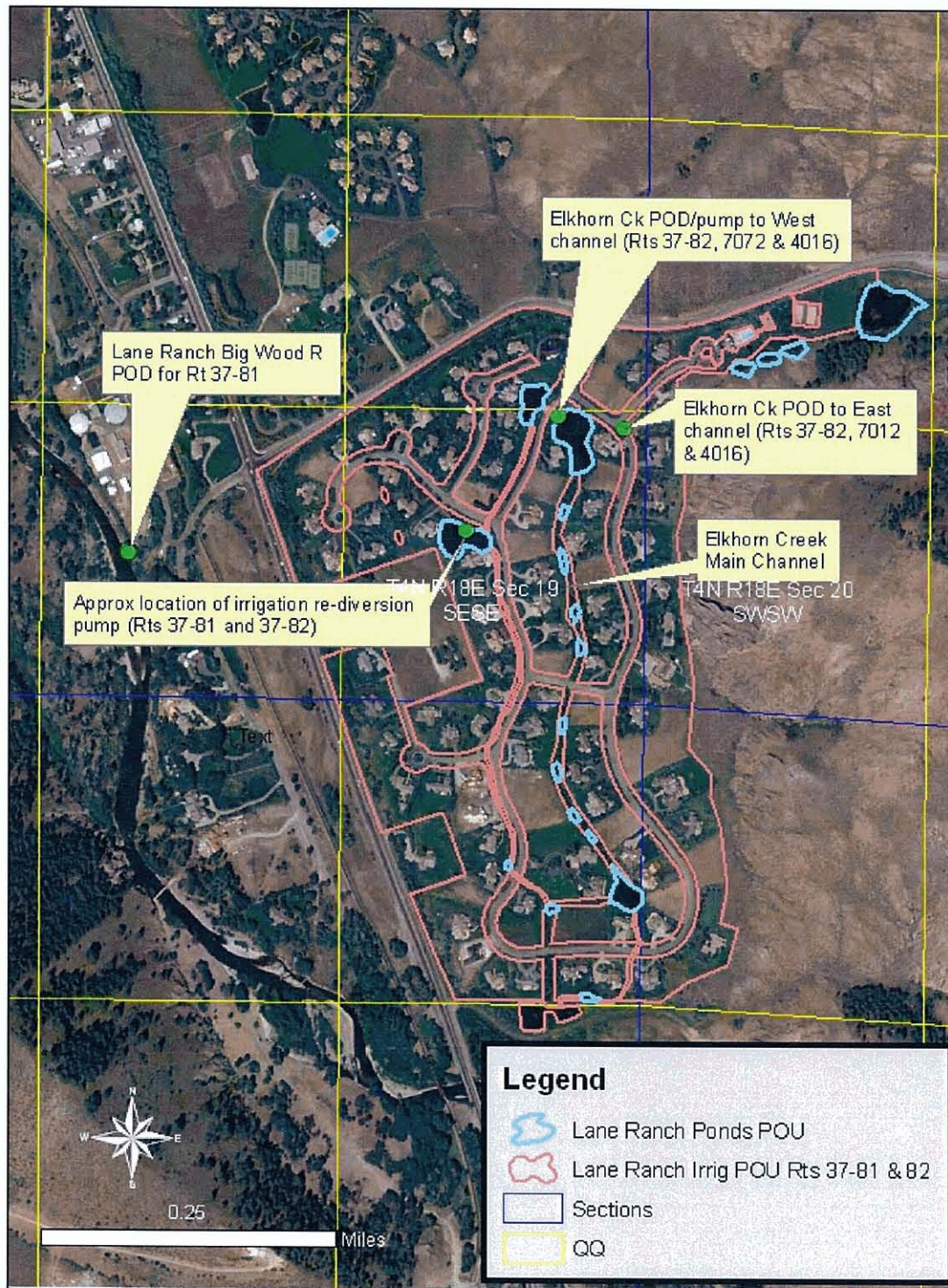
The combined rate of diversion under rights 37-81 and 37-7201 to the east and west channels off of Elkhorn Creek (POD located in the NESESE Sec 19, T4N, R18E), when both rights are deliverable in priority, should be limited to no more than 2.20 cfs. When 37-7201 (3/21/1973 priority) is not deliverable based on Big Wood River priority determination, the maximum diversion to the two channels should not exceed the 1.20 cfs allowed under right 37-81 with 6/1/1884 priority. Both right 37-81 and 37-82 should be curtailed if the 6/1/1884 priority date is not deliverable on the Big Wood River. If there is any remaining flow in the creek, it may pass down through the creek and any of the on-stream Lane Ranch ponds. The

watmaster should not need to be too concerned with the irrigation diversion or use under 37-81 from Elkhorn Creek to the west channel as long as the irrigation redirection/pumping station does not exceed the combined 0.71 cfs rate of diversion authorized by rights 37-81 and 37-82.

- There are certain limiting conditions pursuant to transfer 3609 that are difficult to understand. The records after transfer 3881 discounted existing W, A & R uses on subdivision and ownership of rights was messed up. This was attempted to be straightened out in the SRBA but ownership still remains an issue.

See attached reference maps of area

# Lanch Ranch Subdivision Water Rights Points of Diversion and Places of Use







## Question/Item 2: Golden Eagle Subdivision

There are 8 different water rights tied to this property that the district is aware of. On one right specifically (37-154C), the district's records show a diversion rate of 2.85 cfs. The state's records show an additional 6 cfs is allowed for aesthetic use on this right. Why the discrepancy exists is unknown at this time. The groundwater rights although tied to surface aesthetic (non-consumptive) rights are not regulated at this time. Recent transfers from Homeowner's Associations to individual ownership further complicate this diversion. The district needs help administering all of these rights.

### Background and Response:

Golden Eagle subdivision rights summary

#### Surface Water Rights

37-153A	Greenhorn Creek	2 Pds		4.74 cfs	Irrigation
37-154C	Big Wood River	2 Pds	Sec 18 NENE Sec 32 SENW	2.85 cfs 6.00 cfs 6.00 cfs <b>8.85 cfs total</b>	Irrigation Recreation Aesthetic
37-364D	Big Wood River	1 Pd	Sec 18 NENE	0.24 cfs	Irrigation
37-14260A	Big Wood River	1 Pd	Sec 18 NENE	0.08 cfs	Irrigation
37-20749	Big Wood River	1 Pd	Sec 18 NENE	0.02 cfs	Irrigation
37-20750	Big Wood River	1 Pd	Sec 18 NENE	0.21 cfs	Irrigation
37-22060	Big Wood River	1 Pd	Sec 18 NENE	0.127 cfs	Irrigation

#### Ground Water Rights

37-2627C	Ground Water	3 Pds	0.79 cfs 1.15 cfs	137.6 Af 46.0 Af 144 Af 144 Af 144 Af <b>1.15 cfs total</b>	Irrigation Diversion to Storage Aesthetic Storage Recreation Storage Fire Protection Storage
37-2632	Ground Water	3 Pds	1.94 cfs 2.30 cfs	339.5 Af 142 Af 142 Af 142 Af <b>2.30 cfs total</b>	Irrigation Diversion to Storage Aesthetic Storage Recreation Storage Fire Protection Storage
37-8854	Ground Water	3 Pds	0.44 cfs 0.31 cfs <b>0.44 cfs total</b>		Irrigation Domestic



## **Regulation Issues:**

### **Summary of Surface Water Rights**

There is no combined diversion rates limiting the rights listed above. However, 37-153A can be diverted from two different diversion points from Greenhorn Creek and the total combined diversion from those two points of diversion is limited to 4.74 cfs.

Right 37-154C is also recommended for 2 PODs from the Big Wood River. It is not explicitly defined in the right but the POD in Sec 18 NENE is for irrigation use at 2.85 cfs and the POD in Sec 32 (POD from Purdum Slough) is for the recreation /aesthetic use at 6.00 cfs. This can be confirmed by reviewing the irrigation place of use, which is in Sections 7 and 18 only, and capable of delivery only from the POD in Sec 18 NENE while the rec/aest place of use is in Section 32 only, and capable of delivery only from the POD on Purdum Slough. The two uses and PODs under right 37-154C probably should have been split into separate rights. The maximum combined diversion rate for the Golden Eagle Subdivision irrigation rights diverted from the POD in Sec 18 NENE is 3.527cfs.

A measuring device and controlling works must be installed on the Golden Eagle diversion from the Big Wood River.

### **Summary of Ground Water Rights**

All three rights are diverted from the same three wells. There are no combined diversion rate limits on any of the three rights. Other conditions are as follows:

37-2627C and 37-2632 have the following condition;

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

37-2627C is further conditioned;

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.

37-2632 is further conditioned;

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.

37-8854 has no watermaster regulation conditions.

Additional remarks are appurtenant to these rights but are not reproduced in this report.



#### **Question/Item 4: Purdum Slough**

Harry Rinker Company owns water rights in this system that can also be delivered to the Hiawatha Canal. The district has never been contacted by the Rinker Company to say when and/or where the water is to be delivered. The district is concerned that double delivery could take place, but we are unsure of what water still exists in this system, because multiple transfers to multiple locations took place. In times past this system used to return to the river, but because of development and/or poor maintenance that is no longer the case. Consequently, the district is not sure whether to administer this system as a natural stream or a canal. The District needs help understanding how to administer this system.

#### **Background and Response:**

The Purdum Slough should be regulated as a natural stream. The information acquired concerning this channel suggests that there has never been a headgate or any diversion works at the point where the channel separates from the Big Wood River. Although the slough has been altered by man, it still cannot be considered a ditch or canal. Water flowing into the channel is the result of historic flows and cannot be enhanced or reduced in anyway. Water rights that were diverted from the slough prior to man's channelization or alterations of the slough are still diverted from the slough. Therefore, we cannot change the designation of the channel. Taking this into account, all the water rights diverted from the slough should be regulated the same as any other stream or the Big Wood River.

A review of all the rights with a source of Purdum Slough shows that most of the rights were historically diverted directly from the slough and they seem to be standard deliveries. Water rights 37-577CG, 37-657E, 37-577CA, 37-659A, 37-21419, and 37-21421 originally had ties to the Hiawatha canal. These rights were involved in transfers that moved water from the Hiawatha Canal diversion to a new point of diversion on the Purdum Slough. With the exception of 37-577CG and 37-657E, it appears as though the above mentioned rights can only be diverted through the Purdum Slough at this time.

Water rights 37-577CG and 37-657E in the name of Cottonwood Creek Investments, Inc. still appear to be able to divert water from both the Purdum Slough and the Hiawatha Canal diversion on the Big Wood River. Both diversions would need to be monitored to prevent double delivery. The Hiawatha Canal diversion and the diversion from the Purdum Slough are supposed to have controlling works and measuring devices to allow the watermaster to monitor both sites. Although it will be difficult to chase both diversions, the watermaster is required to monitor both diversions to ensure that excessive deliveries do not occur.

Rinker has one right in his name, 37-154C, that can be diverted out of either the Purdum Slough or a POD in T3N, R18N, Section 18 NENE (see discussion in Item 2, Golden Eagle Subdivision). Although Rinker is listed as the owner of this right in the SRBA Director's Report, the current owner of record per IDWR records is the Golden Eagle Ranch Homeowners Association Inc. Note that both water right 37-154C and the SRBA recommendation for 37-154C have conditions that subordinates the aesthetic and recreation use (6 cfs) to all of the other water rights on the Purdum Slough. Whereas 37-154C is the last diversion on the slough, they would have the ability to divert if there is water available in the slough at their diversion. They can't call for more water or ask that other diversions be shut off, since all the other water rights on the slough must be

delivered first. It also appears as though only the aesthetic and recreation uses under water right 37-154C are diverted from the slough, and the irrigation use appears to be diverted from the Golden Eagle Homeowners POD in T3N, R18E, Sec 18, NENE. If this is the case, it would be best if the owners of this right filed a transfer or worked with the Snake River Basin Adjudication (SRBA) to split this right to make it easier to deliver.

### **Rinker Rights on Purdum Slough**

Regulation of Right 37-154C (now in name of Golden Eagle Ranch Subdivision):

The watermaster should deliver no more than 6 cfs from the Purdum Slough (subject to priority date delivery) for the aesthetic and recreational use under this right. The aesthetic and recreational portion of right 37-154C is subordinated or last to fill relative to all other rights on the Purdum Slough. No more than 2.85 cfs shall be delivered for irrigation purposes under this right, but said 2.85 cfs must be delivered to the Golden Eagle Homeowners POD in T3N, R18E, Sec 18, NENE.

Rinker Co. is listed as the current owner of SRBA recommended right 37-20751 that can be diverted out of the Hiawatha Canal or the Purdum Slough. Both PODs under the right are required to have headgates and measurement devices. The watermaster will need to determine which diversion point the owner wants the right delivered. At 0.13 cfs, it would be reasonable to require that the full amount be diverted at one point or the other, instead of splitting up such a small diversion rate.

A review found water rights 37-20417, 37-20421, 37-20425, 37-20842, 37-21239, and 37-21241 all currently owned by Riverview Cloverly Irrigation Inc., but formerly owned by Rinker Co. Rights 37-523C and 37-522D are currently owned by Harry Rinker. Rodrick Rinker is listed as the current owner of 37-577AK. All of these rights can only be diverted from the Purdum Slough. The watermaster therefore will need to monitor the diversion for each of the prospective rights.

Attached is a map and spreadsheet showing point of diversion locations and water rights diverted from the Purdum Slough.

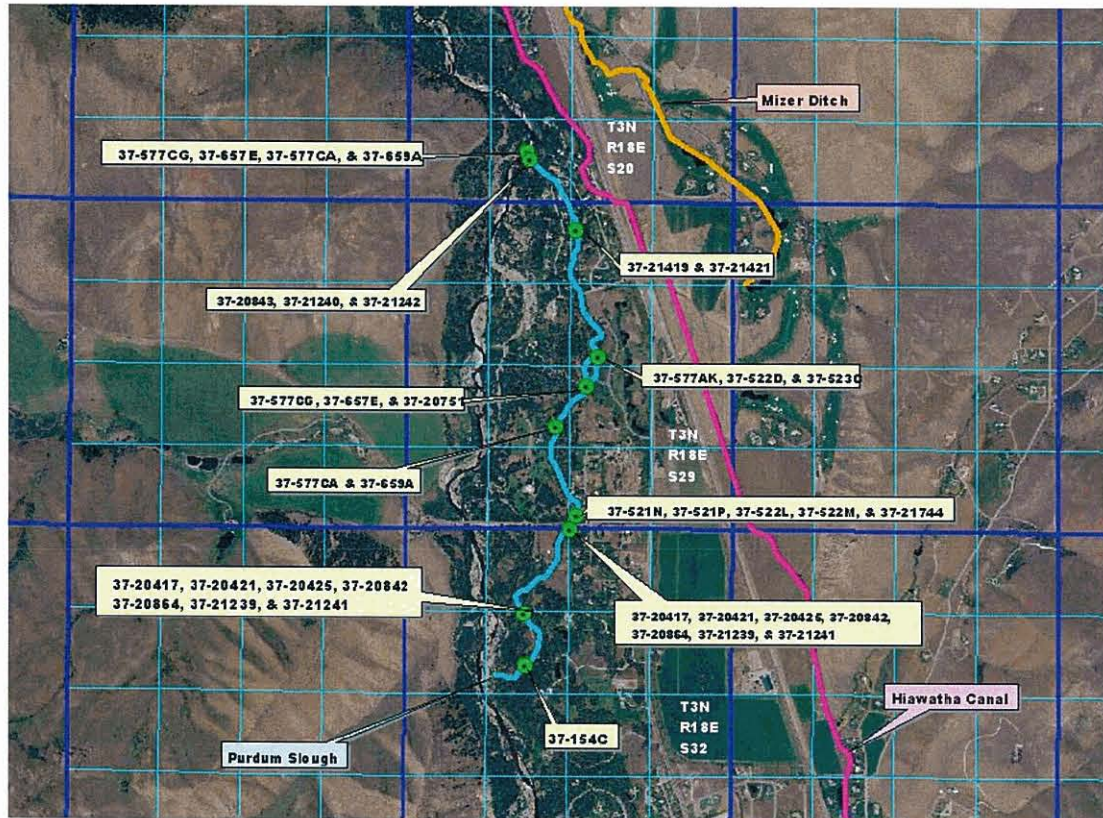
### **Question/Item 5: Fuld Estate (Old KOA Campground)**

No Surface water rights exist at this location, but irrigation in excess of 10 acres has taken place in the past. This location is also served by the Ketchum City Municipal place of use. The district is not sure what water rights are used at this location and/or how to administer them.

### **Background and Response:**

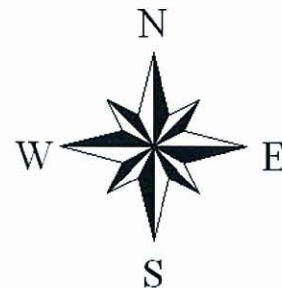
The ten acres in question are likely served by the City of Ketchum water rights. IDWR staff from Twin Falls will make a site inspection of the ten acres and water system serving the land this spring.

# DIVERSIONS FOUND ON PURDUM SLOUGH



0.7 0 0.7 1.4 Miles

- Purdum Slough Related Diversions
- ~ Purdum Slough
- ~ Mizer Ditch
- ~ Pu hiawatha canal.shp
- Section Lines
- Quarter Quarter Lines



Created by  
Dan Nelson  
3/18/2008  
2004 NAIP Aerial Photo



**Question/Item 6: Demi Moore/Bruce Willis/Aspen Lakes Canal Co./Aspen Lakes Homeowners/Perry Thomas**

There are multiple owners of multiple water rights with multiple uses delivered from one pump. How to enforce consumptive vs. non-consumptive rights to respective owners is problematic at best. The Willis property also owns non-consumptive rights out of spring-fed sources that are tied to irrigation rights of other individuals who claimed their source as the Big Wood River. How to establish priority of delivery on this system is an ongoing struggle. The District will need to devote more resources to solve the problems of this system.

**Background and Response:**

A review of surface water rights shows that there are four rights with two points of diversions from the Big Wood River. One of the diversions is located in the NESESW of Section 32, T3N, R18E, and the other in the SENENW of Section 5, T2N, R18 E. Separate water right transfers for the four rights appear to show the same two points of diversions for all four rights, and the diversion names are Aspen 27 and Aspen 27-A. However, the most recent transfers are not consistent as to which diversion is Aspen 27 and which diversion is Aspen 27-A (the names are flipped in the two most recent water right transfers application approvals, 3575 and 3776). Water rights 37-557, 37-558, and 37-559 are combined and allow Aspen Lakes Canal Company to use the two points of diversions for irrigation purposes only. These rights provide for the irrigation of 125.6 acres and a combined total diversion rate of 6.60 cfs as per Transfer No. 3575 approved in 1989. SRBA recommendations for these three rights are consistent with Transfer 3575, and all three were recommended under the name of Aspen Lakes Canal Co. Aspen Lakes Ltd was the current owner of record when Transfer 3575 was approved in 1989.

SRBA recommended water right 37-577CH also uses the same two diversions as rights 37-557, 558 and 559, at least as shown in the water rights records and most recent water right transfer involving 37-577CH (see Transfer No. 3776). SRBA water right recommendation 37-577CH represents 37-30013 in the IDWR water right records/database. Recommendation 37-577CH authorizes current owners River Grove Farms and Peter M Thomas Trust (formerly Peter Trust, DBA River Grove Farms) to divert from these diversions for aesthetic, recreation, and fish propagation for year round use at a diversion rate of 1.20 cfs and a total diversion volume of 180 acre feet per year. A condition is included in the right that limits the total diversion to 180 acre-feet, and limits consumptive use to 150 acre-feet. The SRBA recommended rates, points of diversions, conditions and ownership are all consistent with Water Right Transfer No. 3776, filed in 1990 and approved in 1994. Again, documentation in Transfers 3776 and 3575 show that rights 37-577CH, 37-557, 37-558 and 37-559 share the same two points of diversion. There is some question among staff and the watermaster as to whether the diversions are really shared or if there is a separate point of diversion for this right. A field investigation of the diversions and uses with the watermaster is recommended. The site visit and confirmation of the diversion locations would help in cleaning up the Department's GIS diversion point data for this area.

The ponds authorized by right 37-577CH, as per the place of use described in the right and approved Transfer 3776, and as per the SRBA recommendation, are located in the SENE and NESE of Section 5, T2N, R18E. There is some question as to whether the pond and property in the NESE of Section 5 is owned by the current owners of right 37-577CH.

In February of 1996, W. Bruce Willis filed water right transfer application no. 4988 (renumbered by the Department to 66412) to make certain changes to water right 37-577CH. The changes sought were to reflect Mr. Willis' use of the right at the time, including a change in the place of use, and removal of fish propagation as a nature of use. Evidence exists in Department files indicating right 37-577CH and the property to which it is appurtenant was sold to Mr. Willis in December of 1991. Evidence also existed in 1996 that Mr. Willis owned most of water rights 37-557, 37-558 and 37-559. Sometime after 1996, the Department learned that the property for at least water right 37-577CH had been split or had come under multiple ownership. Transfer No. 4988 was finally rejected by the Department in December, 2006 due to failure of the applicant to provide additional information to the Department concerning ownership of right 37-577CH and due to a general lack of interest in pursuing approval of the transfer application. As a result, water right 37-577CH is still shown as being owned by River Grove Farm and the Peter M Trust, and the authorized place of use (pond locations) is still in the SENE and NESE of Section 5 (see attached map).

In addition to the four rights above, water right 37-7767 was licensed in 1993 (permit approved in 1979) for diversion of 10 cfs from two spring sources for use in two recreational ponds. The right was licensed to Flying Heart Ranch II. The SRBA recommendation for 37-7767 shows the current owner as Flying Heart Ranch II Subdivision Homeowners Association. SRBA recommendation for 37-7767 is consistent with the licensed version of the right except that the points of diversion in the SRBA recommendation are given in the same QQ sections as the pond locations whereas the licensed POD locations were further north in Section 32 where the spring sources are located at the head of two natural channels.

Water right permit 37-8822, owned by Bruce Willis, authorizes an aesthetic storage pond in the NENE and NWN of Section 5, T2N, R18E. The source of water on the permit is listed as a spring but the original application and supporting information in the file appears to show that the water is diverted from the large pond in the NENE of Section 5, which is one of the two spring-fed ponds under right 37-7767. It appears that a pipeline and controlling valve have been installed in the large pond in the NENE of Section 5 that diverts water to a small aesthetic pond in the SENWNE of Section 5. Recent aerial imagery shows that there may be two ponds in the SENWNE, unless one of the two ponds is actually a large swimming pool. Proof of beneficial use was submitted for this right in 1994 and a field exam should be completed this summer for the permit.

No surface water rights were found for Parry Thomas, although he does own a ground water right authorizing diversion of 0.20 cfs for domestic, commercial, fire protection and irrigation of 5 acres. The POD/well and domestic POU is located in the NESE of Section 5, and the irrigation is within the SWNW of Section 4 and the SENE of Section 5, T2N, R18E. The commercial POU is in the NWSW, Sec 4. There are no watermaster regulation conditions for this ground water right.

### **Regulation Issues:**

Until a field investigation is made, the Department assumes that there are still two points of diversion from the Big Wood River for rights 37-577CH, 37-557, 37-558 and 37-559.

IDWR staff will coordinate with the watermaster to GPS the points of diversion for these rights, and take any necessary steps to update the water rights points of diversions in the Department's databases and the SRBA recommendations if necessary. Department staff may conduct the field

exam for 37-8822 at the same time.

Right 37-577CH: It is not clear from review of the water right file how water under this right diverted from the shared points of diversion with the Aspen Lakes irrigation rights is conveyed to the storage ponds. Measurement diversions and lockable controlling headgates must be installed and maintained at the points of diversions for Big Wood River rights 37-577CH, 37-557, 37-558 and 37-559. If right 37-577CH does indeed share the same points of diversion with the other three rights, then the water users may need to provide the watermaster with some means to determine the amount of water being diverted for irrigation and the amount of water being diverted to the aesthetic and recreation uses under right 37-577CH. If that isn't possible, the irrigation users should be limited to the standard diversion volume for this area of 3.5 acre feet per acre for a total of 439.6 acre feet for irrigation purposes ( $3.5 \times 125.6 = 439.6$ ). Combine that total with the amount allowed for aesthetic storage from water right 37-577CH of 180 acre feet, and the total volume allowed from these diversions is 619.6 acre feet. Water right 37-577CH has the earliest priority date, so it will hold preference over the irrigation rights. After the water is diverted from the point of diversion, it would be up to the Aspen Lakes Canal Company to deliver the water rights on the delivery system, and provide the watermaster with the proper assurances that the water is being allocated per the uses on the water rights. If the watermaster discovers or determines that water diverted for irrigation is being used for aesthetic purposes, then the watermaster would need to take the proper steps to cease the illegal practices. The same would be true if water for the aesthetic use were being diverted for irrigation purposes.

Right 37-7767: The licensed right authorizes storage of water for recreational use, with a diversion rate of 10 cfs from springs sources located in the SWSE of Section 32, T3N, R18E that form several natural channels that run through the subdivision area and to two ponds, one in the NENE/NWNE, and one in the SENE, all in Section 5, T2N, R18E. The use is non-consumptive other than evaporative losses in the ponds. Although the license right lists only recreation use, the recommended right is probably more correct in showing aesthetic storage in addition to the recreational use (the licensed right did include a facility volume of 18.8 acre-feet). Note that the aesthetic storage has a volume limit of 18 acre-feet per year, which should cover evaporative losses from the ponds. Little or no regulation should be required of this right since the spring sources under the right essentially flow through the natural channels and ponds. The points of diversion should be considered as the points of inflow to the ponds on the natural spring-fed channels, which match fairly close to the SRBA recommended PODs, although IDWR should check the channels and ponds and field verify the appropriate point of diversion descriptions. The license file includes evidence of measuring devices at the inflow or outlet of the ponds, but this should be confirmed by a field investigation. The watermaster and IDWR on any field investigation should make sure that there are no irrigation diversions occurring from the ponds or springs under this source, and/or check that the springs and ponds are not being used for purposes other than authorized by this right.

Permit 37-8822: In 1994, the Department issued an order waiving the measurement device and lockable controlling works requirement or conditions of the permit. The conditions can be reinstated at any time although it is recommended to delay such determination until the licensing process. According to the information in the file, the pipeline from the larger pond to the east of this permitted pond carries less than 0.10 cfs. Therefore, regulation of this right would allow the diversion through the pipeline for the amount of time it would take to fulfill the water right volume of 0.20 acre feet per year. A diversion rate of 0.10 cfs can provide 0.19835 acre feet of water within a 24 hour period. Therefore it would take slightly over 24 hours to fill this storage facility



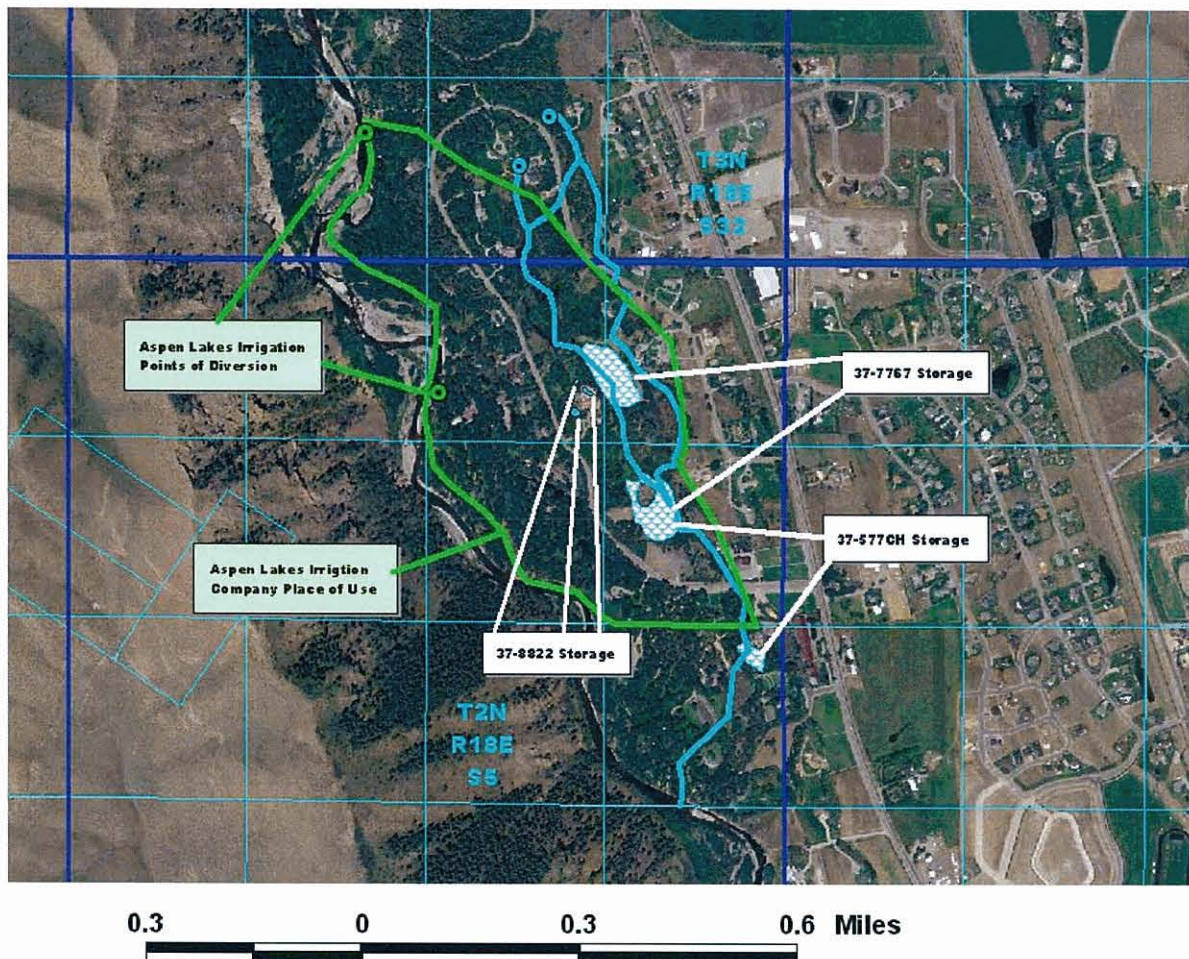
at this diversion rate. As a result, the spring can be diverted to the pond for approximately 25 hours before it needs to be shut down. Department staff, in coordination with the watermaster, need to verify the extent or number of ponds in the permitted place of use as well as affirm the source of water to the pond or ponds.

Review of recent aerial imagery shows evidence of additional ponds within the Aspen Lakes/Willis/Moore area. Further field investigation by Department staff is needed to determine the nature, extent and authorization of ponds other than those authorized by existing rights.

See separate attached spreadsheet for listing of water rights. The list shows the SRBA recommendations unless there is a significant difference with the water right version, in which case both versions are shown. No SRBA recommendation exists for permit 37-8822.

Note: Regulation recommendations made here are subject to revision upon further review and field investigation by the Department.

**POINTS OF DIVERSION AND PLACE OF USE  
FOR WATER RIGHTS 37-557, 37-558, 37-559, 37-577CH, 37-7767, & 37-8822.  
AND KNOWN AESTHETIC AND RECREATIONAL STORAGE WATER RIGHTS**



- POINTS OF DIVERSION FOR 37-557, 37-558, 37-559, & 37-577CH
- PLACE OF USE FOR 37-557, 37-558, & 37-559
- STORAGE PONDS
- SPRINGS FEEDING PONDS ASSOCIATED WITH 37-577CH
- ~ CHANNEL FROM EXISTING SPRINGS FEEDING PONDS ASSOCIATED WITH 37-577CH
- SECTION LINES
- QUARTER QUARTER SECTION LINES

Created by:  
Dan Nelson  
3/18/2008  
2006 NAIP Aerial Photo



PLEASE NOTE: This is a photo showing the place of use and points of diversion for water rights 37-557, 37-558, 37-559, and 37-577CH. Water rights 37-557, 37-558, and 37-559 are for irrigation within the border of Aspen Lakes Canal Company, which is surrounded by the green line. Water right 37-577CH is for aesthetic storage and the ponds are marked in blue. Two springs also feed these ponds, and they are also shown on the map in blue. Water right 37-7767 also supply the ponds with storage water. Water right 37-8822 appears to supply one to 3 ponds around the owners home. A field examination will need to be done to accurately describe water right 37-8822.



## PART 1

Recommendations based upon wrong POD legal description (Twp 02N, Rge 18E, Sec. 16, SW1/4NE1/4)									
Bas No.	Seq No	Split Suf	PriorityDa	Div rate	Owner	Water Distr	Source	TributaryO	DiversionN
Ж37	363	G	1883/04/12	0.22*	JEANETTE MC ILHENNY	37	BIG WOOD RIVER	MALAD RIVER	Cove Cana
Ж37	364	G	1887/05/01	0.16*	JEANETTE MC ILHENNY	37	BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	481	D	1882/08/01	3.00	ECCLES FLYING HAT RANCH		BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	482	J	1884/08/01	3.00	ECCLES FLYING HAT RANCH		BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	483	D	1902/8/1	3.00	ECCLES FLYING HAT RANCH		BIG WOOD RIVER	MALAD RIVER	Cove Cana
Ж37	562	D	1887/05/10	1.14	WALTER J LACHEWITZ JR	37	BIG WOOD RIVER	MALAD RIVER	Cove Cana
Ж37	562	G	1887/05/10	0.20	DIBBLE FAMILY TRUST THE MELANIE R MC CRAY 1965	37	BIG WOOD RIVER	MALAD RIVER	Cove Cana
Ж37	562	F	1887/05/10	0.48	TRUST		BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	577	AQ	1883/03/24	0.02	WAYNE L BURKE		BIG WOOD RIVER	MALAD RIVER	Cove Cana
Ж37	577	BP	1883/03/24	7.00*	ECCLES FLYING HAT RANCH		BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	707		1884/07/10	1.60	NICK VANOFF PRESENTS INC	37	BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	833	P	1936/11/12	0.08*	SUN VALLEY TRUST		BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	917		1940/4/1	2.54	ECCLES FLYING HAT RANCH	37	BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	10725		1884/07/10	0.10	ELLEN M SCOFIELD		BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	11975		1891/06/15	3.20	ECCLES FLYING HAT RANCH		BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	11976		1884/06/01	0.70	ECCLES FLYING HAT RANCH		BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	11977		1891/06/15	0.80	ECCLES FLYING HAT RANCH		BIG WOOD RIVER	MALAD RIVER	Cove Cana
37	11978		1883/03/24	3.50	ECCLES FLYING HAT RANCH		BIG WOOD RIVER	MALAD RIVER	Cove Cana
Ж37	Objection filed in SRBA			28.88 cfs	* rRates to be left in the Big Wood fo .mitigation		* 1.40 cfs of this right is to be left in the Hiawatha Canal for mitiga purposes.		
			total						

## REMARKS

- 37-363G This right mitigates for the depletion of water resulting from the diversion and use of water under Rights 37-8696 and 37-8811. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.22 cfs of this right, which shall remain undiverted in the Big Wood River.  
If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Rights 37-8696 and 37-8811. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Rights 37-8696 and 37-8811 that are being mitigated shall be reduced by the same proportion as the reduction to this right.
- 37-364G This right mitigates for the depletion of water resulting from the diversion and use of water under Rights 37-8696 and 37-8811. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.22 cfs of this right, which shall remain undiverted in the Big Wood River.  
If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Rights 37-8696 and 37-8811. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Rights 37-8696 and 37-8811 that are being mitigated shall be reduced by the same proportion as the reduction to this right.
- 37-8696 This right is still a permit.
- 37-8811 This right is still a permit.
- 37-562D Right Nos. 37-562D and 37-7215F are limited to a total combined diversion rate of 1.14 cfs.  
Right Nos. 37-562D and 37-7215F are limited to a total combined annual diversion volume of 85.4 AF.
- 37-562F Right Nos. 37-562F and 37-7215H are limited to a total combined diversion rate of 0.48 cfs.  
Right Nos. 37-562F and 37-7215H are limited to a total combined annual diversion volume of 49 AF.
- 37-562G Right Nos. 37-562G and 37-7215J are limited to a total combined diversion rate of 0.20 cfs.  
Right Nos. 37-562G and 37-7215J are limited to a total combined annual diversion volume of 15.8 AF.
- 37-577AQ The quantity of water under this right shall not exceed 13,000 gallons per day.
- 37-707 No combined rights limits
- 37-833P Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.



This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-8760. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.08 cfs of this right, which shall remain undiverted in the Big Wood River.

If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 37-8760. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 37-8760 shall cease.

Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.

The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

Mitigation use is for water left in the Big Wood River undiverted to allow diversion and use of right 37-8760 diverted from ground water.

37-8760

Upon finding an annual diversion volume exceeding 14 acre feet, the watermaster shall lock the controlling works until the next upcoming year.

For purposes of regulating ground water in conjunction with flows of the Big Wood River, water may be diverted pursuant to this right if right no. 37-00833P is deliverable because the Rockwell Bypass is operating.

A flow rate of 0.08 cfs authorized by right no. 37-00833P must remain in the Big Wood River at its described point of diversion to compensate for depletion caused by the diversion of ground water authorized by this right.

37-10725

No combined rights limits

### Eccles Flying Hat Ranch

**37-481D** The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-482J 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713 and 37-7356 when 37-483D combined shall not exceed 26.74 cfs and a total annual maximum diversion volume of 4172.0 af at the 37-577BP field headgate.

**37-917** This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied 37-11975 by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for 37-11976 irrigation of the lands above.

**37-11977** Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights 37-11978 in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

**37-577BP** And in addition ---

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter until June 3, 2007, to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time

## PART 2

### Recommendations based upon correct POD legal description (Twp 02N, Rge 18E, Sec. 16, NE1/4SE1/4)

Bas No	Seq No	Split Suf	PriorityDa	Div Rate	Owner	Water Distr	Source	TributaryO	Data Source	Metal T No
37	113	G	1884/07/10	0.66	ROSE ELLA BECK	37	BIG WOOD RIVER	MALAD RIVER	GPS	A00117
37	577	BY	1883/03/24	0.10	MITCHELL T GUTCHES		BIG WOOD RIVER	MALAD RIVER	GPS	A00117
37	577	CB	1883/03/24	0.10	RICHARD D MILLER		BIG WOOD RIVER	MALAD RIVER	GPS	A00117
37	11382	B	1883/03/24	0.04	RICHARD B ANDERSON	37	BIG WOOD RIVER	MALAD RIVER	GPS	A00117
37	22248		1883/04/12	0.32*	W GRANT STEVENS	37	BIG WOOD RIVER	MALAD RIVER	GPS	A00117
37	22249		1883/04/12	1.28*	EAGLES NEST INVESTMENT GROUP	37	BIG WOOD RIVER	MALAD RIVER	GPS	A00117
* Objection filed in SRBA				* When they are combined they are limited to 1.57 cfs. 0.03 cfs is to remain in the Big Wood						
total				2.47						

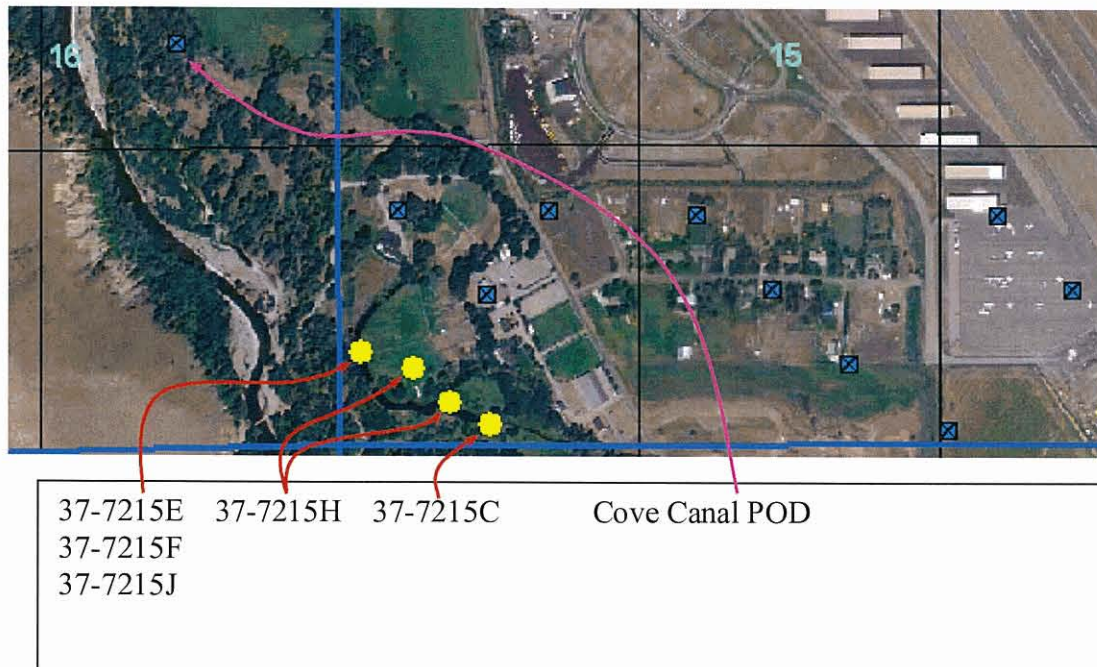


Total combined diversion rates for	Part 1	28.88
	Part 2	2.47 cfs
		<b>31.30 cfs</b>

## REMARKS

- 37-113G The right holder is entitled to use no more than 0.56 cfs of water measured at the point where water from the Cove Canal is diverted into the Whitton Ditch.
- 37-577BY No combined rights limits
- 37-577CB No combined rights limits
- 37-11382B No combined rights limits
- 37-22248 No more than 1.57 cfs can be diverted for right nos. 37-22248 and 37-22249 from the point of diversion in SWSE Section 16 T2N R18E based on Transfer No. 2244. This represents a 2% conveyance loss between original point of diversion and the new point of diversion designated in the transfer.
- To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using 0.03 cfs of this right, which shall remain undiverted in the Big Wood River.
- The total combined diversion rate for irrigation and stockwater purposes under this right shall not exceed .29 cfs.
- 37-22249 No more than 1.57 cfs can be diverted for right nos. 37-22248 and 37-22249 from the point of diversion in SWSE Section 16 T2N R18E based on Transfer No. 2244. This represents a 2% conveyance loss between original point of diversion and the new point of diversion designated in the transfer.

## OTHER RIGHTS IN THE AREA



- 37-7215C No combined rights limits
- 37-7215F Right Nos. 37-562D and 37-7215F are limited to a total combined diversion rate of 1.14 cfs.  
Right Nos. 37-562D and 37-7215F are limited to a total combined annual diversion volume of 85.4 AF.
- 37-7215H Right Nos. 37-562F and 37-7215H are limited to a total combined diversion rate of 0.48 cfs.  
Right Nos. 37-562F and 37-7215H are limited to a total combined annual diversion volume of 49 AF.

37-7215J      Right Nos. 37-562G and 37-7215J are limited to a total combined diversion rate of 0.20 cfs.  
Right Nos. 37-562G and 37-7215J are limited to a total combined annual diversion volume of 15.8 AF.

**Question/Item 10: Partial Decrees for Areas 1 and 2:**

When Partial Decrees for Areas 1 and 2 were issued, the district received the information on 2 discs. The discs contain information on groundwater as well as surface water and disallowed water rights as well as recommended water rights. The problem is that the information on the discs is not in a format that the district can use to adapt the old decree books. Many hours of paper work lay ahead to rewrite the decree books for areas 1 and 2, but the IDWR has offered little if any help in organizing the information. It is imperative that the decrees books for areas 1 and 2 be somewhat finished before the partial decrees for area 3 are issued, but the manpower requirements to finish such a task are beyond the resources of Water Districts 37 & 37M.

**Response:**

IDWR staff provided to WD37 updated electronic files of all surface water right partial decrees for Area 1 in April, 2008. Michael Ciscell of IDWR provided the data files to watermaster Kevin Lakey and coordinated with Kevin on file formats. Contact Michael Ciscell for any further assistance. We feel it is premature at this time to provide data for Reporting Area 2 since very few of the recommendations in those areas have been partially decreed and because there are so many objections to the Department's SRBA recommendations and general provisions in those areas. Previous direction was given you regarding administration of rights in Area 2 as per the Department's letter of February 22, 2008 signed by Tim Luke. Specifically, that letter advised the following:

The Department recommends that you adhere to the status quo in 2008 in terms of watermaster administration of any water rights in the Camas Creek area. We understand that the traditional status quo for that area is limited to response or investigation of complaints from right holders in that area or upon the request and guidance from the Department. The Department does plan to address administration of water rights in the Camas Creek area after most of the main or important objections are resolved.



### **Question/Item 11: Ground Water Sources with Surface Water priorities**

In the past, these sources were issued curtailment notice by mail, but no personal contact was made between the District and the water right owner. The District is concerned that many of the notices were disregarded and diversion of ground water continued without interruption. The Watermaster is personally developing a daily enforcement route to administer these rights. With this added enforcement, the Watermaster will be less available to address other issues listed above and the district will be forced to seek additional resources to make up for the added time requirements.

#### **Response:**

In January of 2008, the Department sent the WD37 watermaster a spreadsheet of ground water rights that have conditions regarding WD37 watermaster control. This spreadsheet included the rights that SPF Engineering had originally sent to the watermaster and IDWR in 2007 on behalf of the Big Wood Canal Co., who had concerns about watermaster regulation of ground water rights in the district. The spreadsheet provided some general explanation of how and/or why watermaster conditions were assigned to the rights. This list has been updated to include owner name and address, water district number, water right acres, POD legal description, watermaster control comments and water measurement condition information/comments. This updated spreadsheet was sent to the watermaster on May 20, 2008. Many of the individual ground water rights on the spreadsheet still require further review by Department staff and possible written direction or guidance to the watermaster. Written guidance will either be included in the spreadsheet or in a separate document sent to the watermaster. Further written guidance may be similar to the guidance given to the watermaster by IDWR via e-mail on March 25, 2008 for water rights 37-7775D and 37-7775E. This review and guidance is time consuming and is still a work in progress, but should be completed in the summer of 2008.

Based on continued discussion with the watermaster, the Department understands that roughly half of the ground water rights on the list are ones that the watermaster is already regulating in some manner as a result of exchanges or transfers. Many of the remaining rights may require active regulation or monitoring by the watermaster in the future, and some of the rights currently administered by the watermaster may require more active or robust regulation or monitoring.

## **Question/Item 12: Rinker 11 & 11A Canals and Gimlet #9 Canal**

Changes in the river channel have caused all of these systems to undergo major changes in headgate construction. Return flow measuring devices are being installed this year in conjunction with take out measuring devices at the newly installed head gates. Water right owners in these systems have also become accustomed to never having their water shut off because their rights are largely non-consumptive with small irrigation rights attached. Extremely dry years like 2007 prove that these systems do consume water when the water table drops low enough to prevent gaining reaches within the systems. Considerable time and resources will be dedicated to these systems in educating the water right owners of how the system will be managed in the future. The district will likely use support from the Idaho Department of Water Resources in this education process.

### **Background and Response:**

**Gimlet #9** has two water rights as follows:

Right 37-7836, 10 cfs for year-round Aesthetic and Recreation uses with a 6/4/1980 priority. The right is not specifically conditioned as non-consumptive. The right is objected to in the SRBA. The diversion appears to be a flow-through ditch that returns to the Big Wood River.

SRBA Recommendation 37-833Q, which is the same as 37-833M in the IDWR water rights database. This right is for diversion of 0.08 cfs for irrigation of 1.2 acres located in the SESE, Section 31, T4N, R18E, which is near the tail end of the Gimlet Ditch. In addition, this right is one of the saved rights from the Rockwell By-Pass decree. Certain conditions apply regarding delivery of Rockwell By-Pass rights. See the Department's letter dated March 18, 2003 to former WD37 watermaster Lee Peterson for further direction regarding delivery of Rockwell By-Pass rights (copy attached).

### **Rinker 11 & 11A:**

Licensed right 37-7822 is diversion of 20 cfs from the Big Wood River for year-round Aesthetic and Recreation uses. The right does have a volume limit of 7,300 acre-feet, which at a continuous rate of 20 cfs, would be limited to use at about 182 days. On top of that there is permit 37-8838 for diversion of 2.50 cfs from the Big Wood River for storage use (aesthetic and wildlife) in one or more ponds at the end of the system originally constructed for 37-7822 (number and size of ponds needs to be confirmed by license field exam). Neither of these rights is included in the SRBA because the uses were developed or completed after the SRBA commencement date in 1987. Right 37-7822 is conditioned as non-consumptive. Permit 37-8838 is mitigated by rights 37-21329 and 37-21331 (formerly 37-154D and 37-577BT). Other rights diverted into same system for irrigation include 37-21330 and 37-21332 for irrigation around lower ponds. These latter two rights are limited to a combined diversion rate of 0.23 cfs and 14.3 acre-feet per year for irrigation of 4.1 acres. Right 37-7822 has not been required to be mitigated although 37-154B was claimed for that use but was disallowed in the SRBA. Objections have been filed against all of the SRBA recommendations on this system.

### **Regulation issues:**

Gimlet #9/Right 37-7836: Although not listed as non-consumptive, it is generally considered non-consumptive and if found to reduce the quantity available for other rights, then the right should be curtailed unless some sort of mitigation is provided. The diversion for this right should have a

measuring device at the headgate from the river and a measuring device at the return flow site. The Department recommends delivering this right in 2008 as a non-consumptive use right, meaning that the right does not need to be curtailed in accordance with priority. The Department further recommends close monitoring of the measuring devices at the heading and return flow site to determine extent any losses. Regulation and/or mitigation requirements may apply in the future if any significant losses are found.

Right 37-833Q should be delivered in accordance with prior IDWR guidance on delivery of Rockwell By-pass rights. The total combined rate of diversion of rights 37-7836 and 37-833Q should not exceed 10.08 cfs. Right 37-833Q would not likely be delivered in the event of any future curtailment of right 37-7836.

The Rinker 11 & 11A system should have a measuring device at both diversions and at the discharge back to the river. If uses on these systems are found to be consumptive, then the diversions should be curtailed or mitigated. Permit 37-8838 was intended to use water already diverted by license 37-7822. Therefore, rights 37-7822 and 37-8838 when combined should not exceed a total diversion rate of 20 cfs. The total maximum diversion under these two rights and rights 37-21329, 37-21330, 37-21331 and 37-21332 shall not exceed 20.32cfs, or an annual volume of 7,317.5 acre-feet. When rights 37-21329 and 37-21331 used for mitigation are curtailed by priority then diversions under 37-8838 should cease.

The Department's file for permit 37-8838 shows photos of a diversion pump from the aesthetic channel going to the pond or ponds authorized under the permit. A valve and 8 inch McCrometer flow meter are installed in the pipe line that diverts water from the channel to the ponds, and a 10 inch McCrometer flow meter is shown installed in an outlet pipe where water is released from the reservoir back to the aesthetic channel. The watermaster should check whether these flow meters are operable for compliance with conditions of the permit. Calibration checks or measurements of the two meters are advisable. If the meters are operable, measurements should be recorded to check the inflow and outflow measurements of the ponds.

The Department understands the aesthetic uses from the Rinker 11 and 11A diversions are limited primarily to the irrigation season. If that is the case then the 7,300 acre-foot volume limit for right 37-7822 is probably not an issue. However, if the diversions are run longer than the standard irrigation season and the 7,300 is exceeded, then the diversions may need to be curtailed. Measurement and recording of the two diversions is therefore important to assure compliance with the water right conditions.

To aid WD37 IDWR staff may be available for meetings or education.

The Department encourages the installation of the measuring devices that are to be installed this year on these systems as referenced in the watermasters questions/correspondence to IDWR. The devices will help provide data regarding questions about the extent of any losses on the systems. It is important that WD37 record and report these measurements. The water district may wish to give consideration to installing continuous recorders on the measuring devices for one or two years. Additional funds collected from 2008 assessments that were to be used for a contractor and additional water delivery issues could be expended for data loggers or similar continuous recorders on these diversions and return flow sites.

## **LIST OF ATTACHMENTS**

- Attachment 4.A: Purdum Slough Water Rights**
- Attachment 6.A: Aspen Lakes/Willis/Moore/Flying Heart Ranch II Sub Water Rights**
- Attachment 7.A: East Fork/Big Wood River Water Rights**
- Attachment 7.B: Letter on Futile Call Delivery Dated August 21, 2007**
- Attachment 8.A: Hiawatha Canal Water Rights List**
- Attachment 12.A IDWR Letter Regarding Delivery of Rockwell Bypass Water Rights  
Dated 3/18/2003**



# ATTACHMENT 4.A

## PURDUM SLOUGH WATER RIGHTS LIST.

Basin	Sequence	Suffix	Priority Date	Twp	Range	Sec	QQQ	Rate(cfs)	Volume(af)	Water Use(s)	Owner(s)	Comments
37	577	CG	3/24/1883	3N	18E	20	SWNW	0.69		IRRIGATION	COTTONWOOD CREEK INVESTMENTS INC.	Formerly water right 37-30037. can be diverted from Hiawatha Canal or Purdum Slough. When 37-577CG and 37-657E are combined they are limited to 38 acres and 133 acre feet.
				3N	18E	20	SESW					
				3N	18E	29	NWSE					
37	657	E	5/1/1881	3N	18E	20	SWNW	0.76		IRRIGATION	COTTONWOOD CREEK INVESTMENTS INC.	Formerly water right 37-657B in water right database. can be diverted from Hiawatha Canal or Purdum Slough. When 37-577CG and 37-657E are combined they are limited to 38 acres and 133 acre feet.
				3N	18E	20	SESW					
				3N	18E	29	NWSE					
37	21774		7/18/1893	3N	18E	29	SWSE	0.04		DOMESTIC, STOCKWATER	LAWRENZ, DONALD R (Current)	No known water right in water right database
37	577	CA	3/24/1883	3N	18E	20	NESESW	0.26		IRRIGATION	LYNN H. CAMPION	No known water right in water right database
				3N	18E	29	SENESEW					
37	659	A	7/15/1889	3N	18E	20	NESESW	0.26		IRRIGATION	LYNN H. CAMPION	No known water right in water right database
				3N	18E	29	SENESEW					
37	20843		6/1/1886	3N	18E	20	SESW	0.18		IRRIGATION	SILVER SAGE ASSOCIATION INC.	Split from 37-521L in SRBA database and 37-521B in water right database. When combined water rights 37-20843, 37-21240, and 37-21242 are limited to the irrigation of 14 acres.
37	21240		5/4/1889	3N	18E	20	SESW	0.149		IRRIGATION	SILVER SAGE ASSOCIATION INC.	Split from 37-522J in both the water right and SRBA databases. When combined water rights 37-20843, 37-21240, and 37-21242 are limited to the irrigation of 14 acres.
37	21242		5/21/1890	3N	18E	20	SESW	0.177		IRRIGATION	SILVER SAGE ASSOCIATION INC.	Split from 37-521G in SRBA database and 37-521B in water right database. When combined water rights 37-20843, 37-21240, and 37-21242 are limited to the irrigation of 14 acres.
37	20751		3/24/1883	3N	18E	29	NWNWSE	0.13		IRRIGATION	HARRY S. RINKER	
37	577	AK	3/24/1883	3N	18E	29	SENW	0.2		IRRIGATION	RODRICK H. RINKER	37-577AK and 37-8322 are limited to 7.6 acres. This right is also known as 37-30014 in the water right database.
37	20425		5/21/1890	3N	18E	32	NWNWNE	1.02		IRRIGATION	RIVERVIEW CLOVERLY IRRIGATION INC	This is a portion of water right 37-523H in SRBA database an a portion of 37-523B and 37-523C in water right database. This split was the result of a transfer so use this right to deliver the water. When water rights 37-20417, 37-20421, 37-20425, 37-20842, 37-21239, and 37-21241 are combined they are limited to 4.79 cfs and when 37-20417, 37-20421, and 37-20425 are combined they are limited to 61.7 acres of irrigation.
				3N	18E	32	SENW					
37	20842		5/1/1886	3N	18E	32	NWNWNE	0.34		IRRIGATION	RIVEVIEW CLOVERLY IRRIGATION INC	This is a portion of water right 37-521B in SRBA database an a portion of 37-5221D in water right database. This split was the result of a transfer so use this right to deliver the water. When water rights 37-20417, 37-20421, 37-20425, 37-20842, 37-21239, and 37-21241 are combined they are limited to 4.79 cfs and when 37-20417, 37-20421, and 37-20425 are combined they are limited to 61.7 acres of irrigation.
				3N	18E	32	SENW					

# ATTACHMENT 4.A

## PURDUM SLOUGH WATER RIGHTS LIST.

Basin	Sequence	Suffix	Priority Date	Twp	Range	Sec	QQQ	Rate(cfs)	Volume(af)	Water Use(s)	Owner(s)	Comments
37	20421		5/4/1889	3N	18E	32	NWNWNE	1.32		IRRIGATION	RIVEVIEW CLOVERLY IRRIGATION INC	This is a portion of water right 37-522K in SRBA database an a portion of 37-522B and 37-522C in water right database. This split was the result of a transfer so use this right to deliver the water. When water rights 37-20417, 37-20421, 37-20425, 37-20842, 37-21239, and 37-21241 are combined they are limited to 4.79 cfs and when 37-20417, 37-20421, and 37-20425 are combined they are limited to 61.7 acres of irrigation.
37	21239		5/4/1889	3N	18E	32	NWNWNE	0.28		IRRIGATION	RIVEVIEW CLOVERLY IRRIGATION INC	This is a portion of water right 37-522J in SRBA database an a portion of 37-522B and 37-522C in water right database. This split was the result of a transfer so use this right to deliver the water. When water rights 37-20417, 37-20421, 37-20425, 37-20842, 37-21239, and 37-21241 are combined they are limited to 4.79 cfs and when 37-20417, 37-20421, and 37-20425 are combined they are limited to 61.7 acres of irrigation.
37	21241		5/21/1890	3N	18E	32	NWNWNE	0.34		IRRIGATION	RIVEVIEW CLOVERLY IRRIGATION INC	This is a portion of water right 37-523G in both the water right and SRBA database. This split was the result of a transfer so use this right to deliver the water. When water rights 37-20417, 37-20421, 37-20425, 37-20842, 37-21239, and 37-21241 are combined they are limited to 4.79 cfs and when 37-20417, 37-20421, and 37-20425 are combined they are limited to 61.7 acres of irrigation.
37	20417		6/1/1886	3N	18E	32	NWNWNE	1.49		IRRIGATION	RIVEVIEW CLOVERLY IRRIGATION INC	This is a portion of water right 37-521B in both the water right and SRBA database. This split was the result of a transfer so use this right to deliver the water. When water rights 37-20417, 37-20421, 37-20425, 37-20842, 37-21239, and 37-21241 are combined they are limited to 4.79 cfs and when 37-20417, 37-20421, and 37-20425 are combined they are limited to 61.7 acres of irrigation.
37	20864		6/1/1886	3N	18E	29	SWNE	0.38		IRRIGATION	HARRY S. RINKER	<b>DON'T DELIVER THIS RIGHT. IT HAS BEEN RECOMMENDED AS DISALLOWED DUE TO NO BENEFICIAL USE FOUND.</b>
37	154	C	12/31/1887	3N	18E	32	SENW	6.00		AESTHETIC AND RECREATION USES	GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION INC.	This is the same as the water right record. It appears as though the aesthetic and recreation use is diverted from the Purdum Slough and the irrigation use is diverted from the Mizer Ditch
37				3N	18E	18	NENE	2.85		IRRIGATION		

PLEASE NOTE: Water rights 37-4420, 37-8199, 37-22120, 37-22255, and 37-22256 all list Purdum Slough as the source, but the diversions appear to south of Purdum Slough. They appear to be diverted from a water channel that flows out of a pond that is fed by springs, so I didn't include them on this list.



# ATTACHMENT 6.A

Water Rights for Aspen Lakes/Willis/Moore/Flying Heart Ranch II Subdivision Area												
Basin	Source Table	Source	Priority Date	Twp	Rng	Sec	QQQ	Rate (cfs)	Vol (af)	Acres	Water Use(s)	Owner(s)
37-557	AdjudicationRecomr	BIG WOOD R	1884/05/15	03N	18E	32	SESW	1		125.6	IRRIGATION	ASPEN LAKES CANAL CO
37-557	AdjudicationRecomr	BIG WOOD R	1884/05/15	02N	18E	5	NENW	1		125.6	IRRIGATION	ASPEN LAKES CANAL CO
37-558	AdjudicationRecomr	BIG WOOD R	1886/06/01	03N	18E	32	NESESW	2		125.6	IRRIGATION	ASPEN LAKES CANAL CO
37-558	AdjudicationRecomr	BIG WOOD R	1886/06/01	02N	18E	5	SENENW	2		125.6	IRRIGATION	ASPEN LAKES CANAL CO
37-559	AdjudicationRecomr	BIG WOOD R	1888/06/01	02N	18E	5	SENENW	3.6		125.6	IRRIGATION	ASPEN LAKES CANAL CO
37-559	AdjudicationRecomr	BIG WOOD R	1888/06/01	03N	18E	32	NESESW	3.6		125.6	IRRIGATION	ASPEN LAKES CANAL CO
37-577CH	AdjudicationRecomr	BIG WOOD R	1883/03/24	02N	18E	5	NENW L3	1.2	180		AESTHETIC, FISH PROPAGATION, RECREATION	PETER M THOMAS TRUST: RIVER GROVE FARM
37-577CH	AdjudicationRecomr	BIG WOOD R	1883/03/24	03N	18E	32	SESW	1.2	180		AESTHETIC, FISH PROPAGATION, RECREATION	PETER M THOMAS TRUST: RIVER GROVE FARM
37-7767	AdjudicationRecomr	SPRINGS	1979/02/27	02N	18E	5	NWSENE	10	18		AESTHETIC STORAGE, FISH PROPAGATION, RECREATION	FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
37-7767	AdjudicationRecomr	SPRINGS	1979/02/27	02N	18E	5	SWNESE	10	18		AESTHETIC STORAGE, FISH PROPAGATION, RECREATION	FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
37-7767	wrWaterRight	SPRINGS	1979/02/27	03N	18E	32	SWSE	10			RECREATION	FLYING HEART RANCH II
37-8822	wrWaterPermit	SPRING	1993/09/01	02N	18E	5	SWNESE L1	0.1	0.2		AESTHETIC STORAGE, DIVERSION TO STORAGE	WILLIS, WALTER BRUCE



# ATTACHMENT 7.A AJ RECOMENDATIONS

## EAST FORK/BIG WOOD RIVER

Basin	Seq	Suffix	Source Table	Basis	Source	Tributary	Priority Date	Twp	Rnge	Sec	QQQ	PD Type	Rate (cfs)	Volume (af)	Acres	Water Use(s)	Owner(s)
37	159	D	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1888/07/30	03N	18E	8	NESW		0.1	15	5	IRRIGATION	FLAMMER JR, JACK W (Current)
37	260		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	22	NESWSW		3.2		150	IRR, STOCK	PIONEER MOON LLC (Current)
37	260		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	NWSSENW		3.2		150	IRR, STOCK	PIONEER MOON LLC (Current)
37	260		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	NWNWSW		3.2		150	IRR, STOCK	PIONEER MOON LLC (Current)
37	260		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	NESENW		3.2		150	IRR, STOCK	PIONEER MOON LLC (Current)
37	260		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	SWSSENW		3.2		150	IRR, STOCK	PIONEER MOON LLC (Current)
37	260		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	29	SENESE		3.2		150	IRR, STOCK	PIONEER MOON LLC (Current)
37	260		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	29	NENESE		3.2		150	IRR, STOCK	PIONEER MOON LLC (Current)
37	337	A	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1887/06/01	03N	18E	8	NWSESE		0.12		3.6	IRRIGATION	ATKINSON, DON R (Current); ATKINSON, JUDY H (Current)
37	387	B	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1888/06/01	04N	18E	35	NWSE		0.13		6.3	IRRIGATION	DOWERS, DANA L (Current); DOWERS, ETHEL LYNN (Current)
37	387	C	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1888/06/01	04N	18E	35	SESW		3.37		103.7	IRRIGATION	THUNDER MEADOWS OWNERS ASSN INC (Current)
37	387	D	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1888/06/01	04N	18E	35	SENE		0.5	47.25	13.5	IRR, MITIGATION	BARSHICK, KAREN (Current); BARSHICK, RAY (Current)
37	539	D	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	NESW		0.26		4.3	IRRIGATION	MATSON, SHANON H (Current); MATSON, THOMAS L (Current); SHANON H MATSON RESIDENCE TRUST NO 2 (Current); THOMAS L MATSON RESIDENCE TRUST NO 2 (Current)
37	539	F	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	SWNESW		0.08		1.3	IRRIGATION	WILLIAMS, SAMUEL (Current); WILLIAMS, SHELLEY THOMAS (Current)
37	539	G	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	NESENE		0.85		22.4	IRRIGATION	HYNDMAN PEAK HOMEOWNERS ASSN (Current)
37	539	G	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	SWSWNE		0.85		22.4	IRRIGATION	HYNDMAN PEAK HOMEOWNERS ASSN (Current)
37	539	H	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	SENE		0.53		14.1	IRRIGATION	MITCHELL, ROBERT L (Current)
37	539	I	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	SENE		0.15		4	IRRIGATION	MITCHELL, ROBERT L (Current)
37	539	J	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	NENESW		0.16		2.5	IRRIGATION	BRANDMAN, CRAIG (Current); BRANDMAN, DELEYS (Current)
37	539	K	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	NESENE		0.06		1	IRRIGATION	SAMWAY, JACQUELINE (Current)
37	539	L	AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	NESENE		0.3		8	IRRIGATION	MITCHELL, ROBERT L (Current)
37	8252		AJ-Recom	License	E FORK WOOD RVR	BIG WOOD RVR	06/01/1986	04N	18E	35	NENWSE		2	1448		AESTHETIC	DOWERS, DANA L (Current); DOWERS, ETHEL LYNN (Current)
37	20140		AJ-Recom	Beneficial Use	E FORK WOOD RVR	BIG WOOD RVR	28/06/1934	03N	18E	9	NWSWSW	Ending Stream Flow	0.02			STOCK	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	20140		AJ-Recom	Beneficial Use	E FORK WOOD RVR	BIG WOOD RVR	28/06/1934	03N	18E	9	NESWSW	Beginning Stream Flow	0.02			STOCK	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	20379		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	SWNE		0.33		10	IRRIGATION	HOUSE, RUPERT (Current)
37	20380		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/03	03N	18E	3	SWNE		0.07		2	IRRIGATION	LYNN-BONTRAGER LLC (Current)
37	21473		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	SENENW	Injection	0.52		20.3	IRRIGATION	PIONEER MOON LLC (Current)
37	21473		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	NWNWSW	Rediversion	0.52		20.3	IRRIGATION	PIONEER MOON LLC (Current)
37	21473		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	29	SWNESE	Rediversion	0.52		20.3	IRRIGATION	PIONEER MOON LLC (Current)
37	21793		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	NWNWSW	Rediversion	4.16		74.4	IRRIGATION	ROBBINS TRUST & O CONNOR TRUST (Current)
37	21793		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	29	SWSE	Rediversion	4.16		74.4	IRRIGATION	ROBBINS TRUST & O CONNOR TRUST (Current)
37	21793		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	29	SESESW	Rediversion	4.16		74.4	IRRIGATION	ROBBINS TRUST & O CONNOR TRUST (Current)
37	21793		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	SENENW	Injection	4.16		74.4	IRRIGATION	ROBBINS TRUST & O CONNOR TRUST (Current)
37	21793		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	NWNWSW	Rediversion	4.16		74.4	IRRIGATION	ROBBINS TRUST & O CONNOR TRUST (Current)
37	21794		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	NWNWSW	Rediversion	0.52		20.3	IRRIGATION	ROBBINS TRUST & O CONNOR TRUST (Current)
37	21794		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	29	SWNESE	Rediversion	0.52		20.3	IRRIGATION	ROBBINS TRUST & O CONNOR TRUST (Current)
37	21794		AJ-Recom	Decreed	E FORK WOOD RVR	BIG WOOD RVR	1884/06/01	04N	19E	28	SENENW		0.52		20.3	IRRIGATION	ROBBINS TRUST & O CONNOR TRUST (Current)

## ATTACHMENT 7.A EXISTING WATER RIGHTS

EAST FORK BIG WOOD RIVER																		
Basin	Seq	Suffix	Source Tbl	Basis	Source	Tributary	Priority Dt	Twp	Rnge	Sec	QQQ	Lot	PD Type	Rate (cfs)	Volume (af)	Acres	Water Use(s)	Owner(s)
37	73		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	31/05/1900							4			IRRIGATION	BOARD, CHARLES (Current)
37	74		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	13/07/1901							25			POWER	BOARD, CHARLES (Current)
37	100		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1889/07/01	03N	18E	3	SWSW			2.4		160	IRRIGATION	BROWN, JAMES N (Current)
37	120		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1884/06/01	04N	19E	28	NWSW			5.2			IRRIGATION	BUTCH, JAMES W (Current)
37	159	B	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1888/07/30	03N	18E	8	NESW			0.1	15	5	IRRIGATION	BLECHMANN, FREDERICK H (Current)
37	159	C	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1888/07/30	03N	18E	8	NESW			7.9			IRRIGATION	CRAMER, HUGH (Current)
37	260		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1884/06/01	04N	19E	28	NWSW			3.2			IRRIGATION	GOODING, FRANK R (Current)
37	337		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1887/06/01	03N	18E	3	SWSW			5.2			IRRIGATION	IVIE, A S (Current)
37	387	B	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1888/06/01	04N	18E	35	NWSE			0.13		6	IRRIGATION	DALE, EDWARD R (Current)
37	387	C	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1888/06/01	04N	18E	35	SESW			3.37		90.2	IRRIGATION	SHERIDAN, DAVID (Current)
37	387	D	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1888/06/01	04N	18E	35	SENE			0.5		13.5	IRRIGATION	GLACCUM, ELLEN R (Current); GLACCUM, THOMAS W (Current)
37	539	D	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1884/06/03	03N	18E	3	NESW			0.41		7	IRRIGATION	CIRILLO, JOSEPH (Current); CIRILLO, SUZANNE M (Current)
37	539	F	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1884/06/03	03N	18E	3	SENE			0.15			IRRIGATION	CIRILLO, JOSEPH (Current); CIRILLO, SUZANNE M (Current)
37	539	G	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1884/06/03	03N	18E	3	SENE			1.89		30.5	IRRIGATION	PETERS, LYMAN C (Current)
37	539	H	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1884/06/03	03N	18E	3	NENESW			0.16		2.5	IRRIGATION	BRANDMAN, CRAIG (Current); BRANDMAN, DELEYS (Current)
37	539	J	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1884/06/03	03N	18E	3	SWNE			0.33		10	IRRIGATION	HOUSE, RUPERT (Current)
37	539	K	WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1884/06/03	03N	18E	3	SWNE			0.07	7	2	IRRIGATION	BONTRAGER, CARL G (Current); LYNN, KATHLEEN (Current)
37	575		WaterRt	Decreed	E FORK, N FORK BIG WD RVR	E FORK, BIG WD RVR	1888/08/01							0.8			INDUSTRIAL	
37	2335		WaterRt	License	E FORK WOOD RVR	BIG WD RVR	05/10/1916	04N	18E	36	NWNE			2			MINING	FEDERAL MINING & SMELTING CO (Current)
37	2585		WaterRt	License	E FORK WOOD RVR	BIG WD RVR	20/10/1955	04N	19E	28	NWNE			1	228	76	IRRIGATION	STRUTHERS, MARGARET E (Current)
37	8252		WaterRt	License	E FORK WOOD RVR	BIG WD RVR	06/01/1986	04N	18E	35	NENWSE			2	1448		AESTHETIC	DALE, TED (Current)
37	8330		WaterRt	License	E FORK WOOD RVR	BIG WD RVR	09/02/1988	04N	18E	35	SESW			6.36	1637.2		WILDLIFE	SHERIDAN, DAVID (Current)
37	13491		WaterRt	Decreed	N FORK BIG WOOD RVR	BIG WD RVR	1890/06/01	06N	17E	6	SWNW		Beginning Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	13491		WaterRt	Decreed	N FORK BIG WOOD RVR	BIG WD RVR	1890/06/01	05N	17E	3	SESW		Ending Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	13548		WaterRt	Decreed	E FORK, N FORK BIG WD RVR	N FORK, BIG WD RVR	01/07/1930	06N	17E	22	NESW			0.02			DOMESTIC	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	13616		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1887/06/01	04N	20E	8	NWSW		Beginning Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	13616		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	1887/06/01	04N	19E	22	SESW		Ending Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	16898		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	04N	18E	35	NENESE		Beginning Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	16898		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	04N	18E	35	SWNESE		Ending Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	16899		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	04N	18E	35	NWSWS	3	Beginning Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	16899		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	04N	18E	35	NWSWS	3	Ending Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	16900		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	04N	18E	35	NESWSE	3	Beginning Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	16900		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	04N	18E	35	SWSWS	3	Ending Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	16946		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	03N	18E	2	NWNENV	3	Beginning Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	16946		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	03N	18E	2	NWNENV	3	Ending Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	17053		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	04N	19E	31	NWNWN	1	Ending Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	17053		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	04N	19E	31	NENENW		Beginning Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	17054		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	04N	19E	32	NENWNW		Beginning Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	17054		WaterRt	Decreed	E FORK WOOD RVR	BIG WD RVR	28/06/1934	04N	19E	32	NENWNW		Ending Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	19962		WaterRt	Decreed	E FORK, N FORK BIG WD RVR	N FORK, BIG WD RVR	1890/06/01	06N	17E	22	SESW		Ending Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)
37	19962		WaterRt	Decreed	E FORK, N FORK BIG WD RVR	N FORK, BIG WD RVR	1890/06/01	06N	17E	14	NENW		Beginning Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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August 21, 2007

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

NAME WD# WD NAME  
ADDRESS  
CITY ST ZIP

Re: Futile Call Delivery of Surface Water Rights in Water Districts

The Idaho Department of Water Resources (Department) has recently received a number of inquiries from water district watermasters and water users regarding the determination of futile calls in delivering senior surface water rights. The increased inquiries are the result of the current drought conditions, limited availability of surface water, and significant cuts in water right priorities throughout many water districts. This letter is intended to provide watermaster guidance concerning futile call determinations.

Futile calls are not defined or described in the Idaho Code but have long been recognized by Idaho Courts. In addressing futile calls, the Idaho Supreme Court has stated, "if due to seepage, evaporation, channel absorption or other conditions beyond the control of the appropriators the water in the stream will not reach the point of the prior appropriator in sufficient quantity for him to apply it to beneficial use, then a junior appropriator whose diversion point is higher on the stream may divert the water." *Gilbert v. Smith*, 97 Idaho 735, 739, 552 P.2d 1220, 1224 (1976).

The Department's Rules for Conjunctive Management of Surface and Ground Water Resources define a futile call as "[a] delivery call made by the holder of a senior-priority surface or ground water right that, for physical and hydrologic reasons, cannot be satisfied within a reasonable time of the call by immediately curtailing diversions under junior-priority ground water rights or that would result in waste of the water resource." IDAPA 37.03.11.010.08. A description of a futile call also is provided in the Water District 34 Water Distribution Rules as follows:

**Futile Call for the Delivery of Surface Water.**

When curtailment of junior upstream surface water rights will not make water available for delivery and use to senior downstream surface water rights, without unreasonable waste as determined by the director, the watermaster will not curtail the junior water rights in a futile effort to deliver water to the senior rights. (IDAPA 37.03.12.020.04)

This description of futile call can generally be applied to delivery of surface water rights in other water districts of the state. The Department provides the following general framework and guidance to watermasters when addressing a futile call:

1. A watermaster has the responsibility to distribute available natural flow to the holders of water rights asking for water for use in accordance with their rights. In Idaho, this

distribution must be in accordance with the priorities of the rights. A right with an earlier in time priority date must be fully satisfied in accordance with calls for water under the right before water is distributed to another water user calling for water under a right with a later in time priority date. In a stream with large channel losses, it can be necessary to curtail significantly more diversion under upstream junior priority rights than the diversion amount required for senior downstream rights in order to overcome those losses. Although this seems like an inefficient use of the available water supply, the senior user's call must be satisfied unless the amount of water reaching the senior user's point of diversion is insufficient to make beneficial use under the right. In short, watermasters must make a good faith effort to deliver the senior rights (and curtail junior rights) before making any futile call determination.

2. If curtailment of all upstream water rights having a priority date junior in time to that of the downstream senior right for which water is called for does not result in flow of useable amounts reaching the point of diversion for the senior water right, the call can be determined to be futile. When this determination has been made by the watermaster, the available water can then be delivered in accordance with priority of right to the upstream junior rights. The determination of whether the flow received by the senior user is a useable amount can be difficult because of factors such as the variance in stream flow during the day, co-mingling of water from other sources for use by the holder of the senior right, ditch losses, or other factors. If the senior user does not agree that the call is futile, you should consult with the Department before making a decision to curtail distribution to the senior user. Consultation with the water district advisory committee prior to contacting the Department is encouraged in cases where the senior user does not agree that a call is futile.
3. Watermasters should carefully record deliveries and document stream flows and stream flow losses, as well as record observations about the beneficial use of water occurring under any senior water rights being called for and potentially affected by a futile call. Good documentation of deliveries and stream flows will be helpful to justify any futile call determination. Other than Water District 34, a formal written order or notice from the Department is not necessary in most cases to deliver water based on a futile call. The Department encourages watermasters to coordinate with all affected water users and seek consultation from the water district advisory committee and the Department when making futile call determinations.
4. The junior water right user or users benefiting from any futile call have the responsibility to provide the necessary check structures, head gates and measuring devices for diversion of the water. Under Idaho law (Section 42-3806, Idaho Code) the water user is authorized to do work in the stream channel as necessary to divert the water. Other approvals may be needed from other state and federal agencies. Water diverted to junior priority water rights under a futile call must be beneficially used. Watermasters should not deliver water to any statutory claims or beneficial use rights (senior or junior priority) during any period of regulation until such time as those rights are decreed in the Snake River Basin Adjudication (SRBA) or some other adjudication proceeding if outside of the SRBA.



5. Senior right holders cannot call for delivery of stockwater unless they have valid water rights that list stockwater as a beneficial use. Although a water right is not required to water livestock directly from a stream, a user cannot call for delivery of instream stock water unless a valid instream stockwater right exists that defines the priority date, flow rate and location of the instream livestock use. Likewise, junior priority right holders, once curtailed, cannot insist on continued delivery of stock water even if livestock watering is listed as a beneficial use under their junior right(s).

Please contact the appropriate regional office staff or Tim Luke, Water Distribution Section, Boise, if you have questions or need any assistance concerning this or related water district matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Spackman", with a stylized, cursive script.

Gary Spackman  
Administrator, Water Management

Cc: IDWR Regional Offices

# ATTACHMENT 8.A

## HIAWATHA CANAL WATER RIGHTS LIST

SRBA WATER RIGHT NUMBER	PRIORITY DATE	DIVERSION RATE IN CFS	DIVERSION VOLUME IN AF	COMMENTS	water right comments	Diversion rate/volume currently allowed by water right record. In cfs/afa	CURRENT DELIVERY REQUIREMENT IN CFS
37-4D	3/24/1883	0.180	6.7	A transfer was filed on this right in the adjudication database without changing the water right database. The transfer was filed to add the ability to divert a portion of this right from the District 45 canal. ).18 cfs can be diverted from the Hiawatha Canal and 0.14 cfs can be diverted from the District 45 Canal. The remaining 0.27 cfs is to remain in river for conveyance losses from one point to the other.	This right was originally for 1.9 acres of land and 6.7 af. The diversion for this right is now split between two diversions, but the same 1.9 acres and 6.7 acre feet is being applied to the property.	37-4D 0.59 cfs	0.180
37-4F	3/24/1883	0.020	7	This right provides mitigation for domestic groundwater use from 2 wells in lot 57 Valley Club Subdivision. The main portion of this right remains in the Big Wood River, only 0.02 cfs is diverted in the Hiawatha for ditch loss purposes. 0.08 cfs is left in the Big Wood River for mitigation.	Water right 37-4C was split in the adjudication into water rights 37-4F, 37-4H, 37-4K, 37-20402, 37-20440, 37-20615, & 37-20616.	37-4C 1.10 cfs/42 afa	0.020
37-4H	3/24/1883	0.100	7			see above 37-4C	0.100
37-4K	3/24/1883	0.130	20.8	When 37-4K, 37-577CK, and 37-7958 are combined they are limited to a total of 4.6 acres of irrigation		see above 37-4C	0.130
37-20402	3/24/1883	0.060		This right provides mitigation for another water right. The water right is for a total of 0.28 cfs and 10.5 afa. 0.06 cfs is diverted into the Hiawatha canal for channel loss and the thre remaining 0.22 cfs and 10.5 afa will remain in the Big Wood River for mitigation purposes.		see above 37-4C	0.060
37-20440	3/24/1883	0.020		This right serves as mitigation for use of Big Wood River water diverted for Aesthetic, Recreation and Wildlife purposes under Permit 37-20441. The right holder shall retain ownership of Right 37-20440 and 0.02 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users; the remainder of the right (0.07 cfs) shall be delivered with 37-20441 at the head of the Cornstock ditch for losses associated with development of ponds under permit 37-20441		see above 37-4C	0.020
37-20615	3/24/1883	0.19 cfs		This right is part of a transfer that put this portion of the right in the water bank		see 37-4C	0.000
37-20616	3/24/1883	0.020		This right provides mitigation for domestic groundwater use from a well in tax lot 3369 (7173). The main portion of this right remains in the Big Wood River, only 0.02 cfs is diverted in the Hiawatha for ditch loss purposes.		see above 37-4C	0.020
37-21130	3/24/1883	0.410				see above 37-4C	0.410
37-21137	3/24/1883	3.200		This right was split and then renumbered in the SRBA. It is exactly the same as water right 37-24	The existing recommendation mirrors the water right record 37-24	3.2 cfs	3.200

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37-28A	3/24/1883	0.040		This water right was split in the SRBA through ownership changes. The point of diversion was changed on two of those splits, but no transfer was filed.	Due to no transfer being filed to split this right and change the diversion points, this water right should be delivered as originally decreed until the SRBA issues a partial decree on these rights. Water rights 37-28C and 37-28D have been moved to another diversion, but no transfer was filed to allow that move. Therefore, it can only be delivered at this point until the SRBA claims are approved.	37-28 2.00 cfs	2.000
37-28B	3/24/1883	0.040		This water right was split in the SRBA through ownership changes. The point of diversion was changed on two of those splits, but no transfer was filed.	Due to no transfer being filed to split this right and change the diversion points, this water right should be delivered as originally decreed until the SRBA issues a partial decree on these rights. Water rights 37-28C and 37-28D have been moved to another diversion, but no transfer was filed to allow that move. Therefore, it can only be delivered at this point until the SRBA claims are approved.	see above 37-28	0.000
37-28F	3/24/1883	0.480		This water right was split in the SRBA through ownership changes. The point of diversion was changed on two of those splits, but no transfer was filed.	Due to no transfer being filed to split this right and change the diversion points, this water right should be delivered as originally decreed until the SRBA issues a partial decree on these rights. Water rights 37-28C and 37-28D have been moved to another diversion, but no transfer was filed to allow that move. Therefore, it can only be delivered at this point until the SRBA claims are approved.	see above 37-28	0.000
37-28J	3/24/1883	0.040		This water right was split in the SRBA through ownership changes. The point of diversion was changed on two of those splits, but no transfer was filed.	Due to no transfer being filed to split this right and change the diversion points, this water right should be delivered as originally decreed until the SRBA issues a partial decree on these rights. Water rights 37-28C and 37-28D have been moved to another diversion, but no transfer was filed to allow that move. Therefore, it can only be delivered at this point until the SRBA claims are approved.	see above 37-28	0.000
37-28K	3/24/1883	0.040		This water right was split in the SRBA through ownership changes. The point of diversion was changed on two of those splits, but no transfer was filed.	Due to no transfer being filed to split this right and change the diversion points, this water right should be delivered as originally decreed until the SRBA issues a partial decree on these rights. Water rights 37-28C and 37-28D have been moved to another diversion, but no transfer was filed to allow that move. Therefore, it can only be delivered at this point until the SRBA claims are approved.	see above 37-28	0.000
37-20357	3/24/1883	0.066		This water right was split in the SRBA through ownership changes. The point of diversion was changed on two of those splits, but no transfer was filed.	Due to no transfer being filed to split this right and change the diversion points, this water right should be delivered as originally decreed until the SRBA issues a partial decree on these rights. Water rights 37-28C and 37-28D have been moved to another diversion, but no transfer was filed to allow that move. Therefore, it can only be delivered at this point until the SRBA claims are approved.	see above 37-29	0.000

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37-20358	3/24/1883	0.066	0	This water right was split in the SRBA through ownership changes. The point of diversion was changed on two of those splits, but no transfer was filed.	Due to no transfer being filed to split this right and change the diversion points, this water right should be delivered as originally decreed until the SRBA issues a partial decree on these rights. Water rights 37-28C and 37-28D have been moved to another diversion, but no transfer was filed to allow that move. Therefore, it can only be delivered at this point until the SRBA claims are approved.	see above 37-30	0.000
37-20924	3/24/1883	0.630		This water right was split in the SRBA through ownership changes. The point of diversion was changed on two of those splits, but no transfer was filed.	Due to no transfer being filed to split this right and change the diversion points, this water right should be delivered as originally decreed until the SRBA issues a partial decree on these rights. Water rights 37-28C and 37-28D have been moved to another diversion, but no transfer was filed to allow that move. Therefore, it can only be delivered at this point until the SRBA claims are approved.	see above 37-31	0.000
37-20925	3/24/1883	0.190		This water right was split in the SRBA through ownership changes. The point of diversion was changed on two of those splits, but no transfer was filed.	Due to no transfer being filed to split this right and change the diversion points, this water right should be delivered as originally decreed until the SRBA issues a partial decree on these rights. Water rights 37-28C and 37-28D have been moved to another diversion, but no transfer was filed to allow that move. Therefore, it can only be delivered at this point until the SRBA claims are approved.	see above 37-32	0.000
37-183A	5/1/1888	0.480		When this right is combined with 37-183A it is limited to total diversion rate of 0.48 cfs per transfer on adjudication water right database.	A transfer split this right in the SRBA database use SRBA Recommendation Record	0.480	0.480
37-21784	5/1/1888	0.022		This right was formerly 37-183B, but was changed due to transfer in the SRBA database and ownership changes.	A transfer split this right in the SRBA database use SRBA Recommendation Record	0.022	0.022
37-21811	5/1/1888	0.767		This right was formerly 37-183B, but was changed due to transfer in the SRBA database and ownership changes.	A transfer split this right in the SRBA database use SRBA Recommendation Record	0.767	0.767
37-21812	5/1/1888	0.004		This right was formerly 37-183B, but was changed due to transfer in the SRBA database and ownership changes.	A transfer split this right in the SRBA database use SRBA Recommendation Record	0.004	0.004
37-297A	11/26/1886	0.080		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	6.000	6.000
37-297B	11/26/1886	0.080		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000



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37-297C	11/26/1886	0.080		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-297D	11/26/1886	0.080		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-297E	11/26/1886	0.080		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-297G	11/26/1886	0.080		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-297K	11/26/1886	0.960		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-297M	11/26/1886	0.080		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000

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37-20327	11/26/1886	0.198		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-20328	11/26/1886	0.198		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-20351	11/26/1886	0.189		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-20352	11/26/1886	0.063		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-20353	11/26/1886	4.080		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-20354	11/26/1886	0.210		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000

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37-20355	11/26/1886	0.070		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-20359	11/26/1886	0.040		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-20926	11/26/1886	0.380		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-20927	11/26/1886	1.260		This right has been split from 37-297 and has been split into multiple water rights by ownership and a couple of transfers. There is some confusion on the diversion rates. The recommended diversion rates when totalled equal 8.035 cfs and the original decree was for 6.00 cfs. Therefore, we are going to need to use the wr diversion rate and prorate the deliveries to each water user.	Currently this right has been split several times by both change of ownerships and transfers. There is some confusion over the diversion rates, therefore, until decrees are issued, we need to use the diversion rate from the original water right or 6.00 cfs.	see 37-297A	0.000
37-298C	9/18/1885	0.140		Water rights 37-298C, 37-21813, 37-21814, and 37-21786 are all splits from water right 37-298	Water rights 37-298C, 37-21813, 37-21814, and 37-21786 all come from water right 37-298A. 37-298A was not completely claimed in the SRBA, and 37-298B was not claimed at all. Therefore use recommendation rights.	1.000	0.140
37-21813	9/18/1885	0.764		Water rights 37-298C, 37-21813, 37-21814, and 37-21786 are all splits from water right 37-298	Water rights 37-298C, 37-21813, 37-21814, and 37-21786 all come from water right 37-298A. 37-298A was not completely claimed in the SRBA, and 37-298B was not claimed at all. Therefore use recommendation rights.	see 37-298C above	0.764
37-21814	9/18/1885	0.004		Water rights 37-298C, 37-21813, 37-21814, and 37-21786 are all splits from water right 37-298	Water rights 37-298C, 37-21813, 37-21814, and 37-21786 all come from water right 37-298A. 37-298A was not completely claimed in the SRBA, and 37-298B was not claimed at all. Therefore use recommendation rights.	see 37-298C above	0.004
37-21786	9/18/1885	0.022		Water rights 37-298C, 37-21813, 37-21814, and 37-21786 are all splits from water right 37-298	Water rights 37-298C, 37-21813, 37-21814, and 37-21786 all come from water right 37-298A. 37-298A was not completely claimed in the SRBA, and 37-298B was not claimed at all. Therefore use recommendation rights.	see 37-298C above	0.022

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## HIAWATHA CANAL WATER RIGHTS LIST

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37-21788	6/30/1884	0.050		This right is a portion of 37-334. 37-334 has been moved and split through transfers and water rights 37-21788, 37-21815, and 37-21816 are the only remaining portions of this water right diverted out of the Hiwatha.	Much of the original water right for 37-334 has either not been claimed or has been moved to other diversions. Therefore use the recommended diversion rates.	6.000	0.050
37-21815	6/30/1884	1.526		This right is a portion of 37-334. 37-334 has been moved and split through transfers and water rights 37-21788, 37-21815, and 37-21816 are the only remaining portions of this water right diverted out of the Hiwatha.	Much of the original water right for 37-334 has either not been claimed or has been moved to other diversions. Therefore use the recommended diversion rates.	see 37-21788	1.526
37-21816	6/30/1884	0.009		This right is a portion of 37-334. 37-334 has been moved and split through transfers and water rights 37-21788, 37-21815, and 37-21816 are the only remaining portions of this water right diverted out of the Hiwatha.	Much of the original water right for 37-334 has either not been claimed or has been moved to other diversions. Therefore use the recommended diversion rates.	see 37-21789	0.009
37-298C	9/18/1985	0.140		When this right is combined with 37-183A it is limited to total diversion rate of 0.48 cfs per transfer on adjudication water right database.		see 37-183A above	0.000
37-494	5/1/1886	2.000			Water Right record is the same as recommendations	2.000	2.000
37-495	5/1/192	2.800			Water Right record is the same as recommendations	2.800	2.800
37-577B	3/24/21883	2.740		This is for mitigation and must not be diverted from the canal.	This is one of the Riley Rights, but I doesn't have a water right number that matches this claim, but this recommendaton number is on the watermaster's delivery list	?	2.740
37-577BP	3/24/21883	7.000		5.60 cfs is for irrigation uses and 1.40 cfs for mitigation uses	This is one of the Riley Rights. It appears to be associated with water right 37-30002. However, 37-30002 is for only 6.00 cfs, but transfer 68526 allowed the full 7.00 cfs, so we need to go with the transferred amount.	6.000	7.000
37-21739	3/24/21883	0.390		Water rights 37-21739, 37-21740, and 37-21741 are splits of 37-14275, which is also a split of 37-577BQ.	Water right 37-14275 is on the watermaster delivery record, but there doesn't appear to be an corresponding water right number for this right. This is one of the Riley rights, so this isn't unusual. The water right for this right is shown on the watermaster list as 0.42 cfs and when 37-21739, 37-21740, and 37-21741 are combined they total 0.48 cfs so use the water right amount of 0.42 cfs	0.420	0.420
37-21740	3/24/21883	0.030		Water rights 37-21739, 37-21740, and 37-21741 are splits of 37-14275, which is also a split of 37-577BQ.	Water right 37-14275 is on the watermaster delivery record, but there doesn't appear to be an corresponding water right number for this right. This is one of the Riley rights, so this isn't unusual. The water right for this right is shown on the watermaster list as 0.42 cfs and when 37-21739, 37-21740, and 37-21741 are combined they total 0.48 cfs so use the water right amount of 0.42 cfs	see 37-21739 above	0.000
37-21741	3/24/21883	0.060		Water rights 37-21739, 37-21740, and 37-21741 are splits of 37-14275, which is also a split of 37-577BQ.	Water right 37-14275 is on the watermaster delivery record, but there doesn't appear to be an corresponding water right number for this right. This is one of the Riley rights, so this isn't unusual. The water right for this right is shown on the watermaster list as 0.42 cfs and when 37-21739, 37-21740, and 37-21741 are combined they total 0.48 cfs so use the water right amount of 0.42 cfs	see 37-21739 above	0.000
37-577BS	3/24/1883	0.900			This is one of the Riley Rights, but I doesn't have a water right number that matches this claim, but this recommendaton number is on the watermaster's delivery list	0.900	0.900



# ATTACHMENT 8.A

## HIAWATHA CANAL WATER RIGHTS LIST

SRBA WATER RIGHT NUMBER	PRIORITY DATE	DIVERSION RATE IN CFS	DIVERSION VOLUME IN AF	COMMENTS	water right comments	Diversion rate/volume currently allowed by water right record. In cfs/afa	CURRENT DELIVERY REQUIREMENT IN CFS
37-577BU	3/24/1883	1.200			This is one of the Riley Rights, but it doesn't have a water right number that matches this claim, but this recommendation number is on the watermaster's delivery list	1.200	1.200
37-577BV	3/24/1883	1.690			This right appears to be from water rights 37-577T and 37-577V, which was renumbered into 37-30007. It is a Riley right and is on the watermasters list as 37-577BV	1.690	1.690
37-577BR	3/24/1883	0.060		This is a Riley Right, but there is no connection to the water right database. The point of diversion is located in the wrong legal description.	37-577	UNKNOWN	0.060
37-577CG	3/24/1883	0.690		This is a Riley Right based on 37-30037 on the Water Right database	37-30037	0.690	0.690
37-577CK	3/24/1883	0.100	5.3	This right is the same as 37-3000B	Riley Right	0.100	0.100
37-577CM	3/24/1883	0.040	3.5	This right allows 0.04 cfs of water to be diverted to the Hiawatha Canal for mitigation for the diversion of ground water in Gov't Lot 2 NWNE S5, T3N R18E	Original water right is 37-30000D	0.040	0.040
37-10717	3/24/1883	2.860		This is a portion of the Riley right, but there is no water right counter part found	37-577		2.860
37-11411	3/24/1883	0.100		This is a portion of the Riley right, but there is no water right counter part found	This right is listed as 37-30019 in water right database	0.100	0.100
37-11654A	3/24/1883	0.226		This is a portion of water right 37-30024C, the remaining portion 37-22157 has been disallowed.	37-30024C	0.620	0.620
37-11654D	3/24/1883	0.360		This is a portion of water right 37-30024C, the remaining portion 37-22157 has been disallowed.	37-30024C	see 37-11654A above	0.000
37-11704	3/24/1883	0.020		This is a portion of the Riley right, but there is no water right counter part found	37-577		0.020
37-11757	3/24/1883	0.020		This is a portion of the Riley right, but there is no water right counter part found	37-577		0.020
37-11801	3/24/1883	0.260		This is a portion of the Riley right, but there is no water right counter part found	37-577		0.260
37-12097	3/24/1883	0.150		This right is for mitigation to account for ditch loss per Rmittur Judgement 6/27/1925	unknown		0.150
37-12098	3/24/1883	0.020		This right is for mitigation to account for ditch loss per Rmittur Judgement 6/27/1926	unknown		0.020
37-12106	3/24/1883	0.100		This right recommended in SRBA without a core water right number being given	unknown		0.100
37-12746A	3/24/1883	0.050		This is a portion of 37-30039	portion of 37-30039 remainder of this right is unknown.	0.910	0.050
37-20751	3/24/1883	0.130	30.8	This right is the result of transfer 70109. A portion of the original water right 30030 was left at this diversion and the remainder was moved to a new diversion point.	Use the transferred amounts.	0.130	0.130
37-20806	3/24/1883	0.060		This right states it is a portion of water right 37-577BN, but this right has been fully claimed and is being diverted under a separate right.	unknown		0.060
37-20807	3/24/1883	0.060		This right states it is a portion of water right 37-577BN, but this right has been fully claimed and is being diverted under a separate right.	unknown		0.060
37-20808	3/24/1883	0.030		This right states it is a portion of water right 37-577BN, but this right has been fully claimed and is being diverted under a separate right.	unknown		0.030

# ATTACHMENT 8.A

## HIAWATHA CANAL WATER RIGHTS LIST

SRBA WATER RIGHT NUMBER	PRIORITY DATE	DIVERSION RATE IN CFS	DIVERSION VOLUME IN AF	COMMENTS	water right comments	Diversion rate/volume currently allowed by water right record. In cfs/afa	CURRENT DELIVERY REQUIREMENT IN CFS
37-12818C	3/24/1883	0.057	7.28	These are splits off of one of the Riley Rights. The core water right number was not given	unknown		0.570
37-12818D	3/24/1883	0.050	7	These are splits off of one of the Riley Rights. The core water right number was not given	unknown		0.050
37-21114	3/24/1883	1.060		This right is a split of water right 37-12818A. It allows for mitigation of 0.68 cfs for water rights 37-21177 and 37-8821. Of this 0.68 cfs 0.08 cfs will be diverted as close to the point of diversion for 37-21177 or in the NESESE S22 T2N R18E. It appears as though only the remaining irrigation use of 0.38 cfs can still be diverted into the Hiawatha. If the full amount is diverted into the Hiawatha, then the watermaster would be required to ensure that water rights 37-2117 and 37-8821 are not being delivered.	unknown		0.380
37-21115	3/24/1883	0.079		This right is a split of water right 37-12818A. It allows for mitigation of 0.079 cfs for water right 37-8587. This right will remain in the river as long as 37-8587 is being diverted. If this water right is diverted into the Hiawatha, then watermaster would be required to ensure that 37-8587 is not being diverted.	unknown		0.000
37-21116	3/24/1883	0.026		This right is a split of water right 37-12818A. It allows for mitigation of 0.026 cfs for water right 37-8819. This right will remain in the river as long as 37-8819 is being diverted. If this water right is diverted into the Hiawatha, then watermaster would be required to ensure that 37-8819 is not being diverted.	unknown		0.000
37-21112	3/24/1883	1.419		These are splits off of one of the Riley Rights. The core water right number was not given	unknown		1.419
37-21113	3/24/1883	0.026		These are splits off of one of the Riley Rights. The core water right number was not given	unknown		0.026
37-21123	3/24/1883	0.300		This is a split of water right 37-522CD. It is a Riley right, but I couldn't find a similar right on the water right database.	unknown		0.300
37-21124	3/24/1883	0.110		This is a split of water right 37-522CD. It is a Riley right, but I couldn't find a similar right on the water right database.	unknown		0.110
37-21125	3/24/1883	0.070		This is a split of water right 37-522CD. It is a Riley right, but I couldn't find a similar right on the water right database.	unknown		0.070
37-21139	3/24/1883	0.390		This right was split a split of SRBA claim 37-11596, but was split and then recombined and renumbered to 37-21139. Therefore, this right is exactly the same as water right 37-11596.	Per the watermaster list and Department records it appears as though this right is represented in the water rights database as 37-30034	0.390	0.390
37-20932	11/26/1886	3.190		This right is a split for water right 37-402. All the splits were done per a change of ownership in the SRBA, so the water needs to be delivered per the water right.	The combination of the recommended water rights are the same as 37-402. This water right needs to be delivered per the water right until the decrees are issued.	4.00 cfs	4.000
37-21245	11/26/1886	0.140		This right is a split for water right 37-402. All the splits were done per a change of ownership in the SRBA, so the water needs to be delivered per the water right.	The combination of the recommended water rights are the same as 37-402. This water right needs to be delivered per the water right until the decrees are issued.	see 37-20932 above	0.000

# ATTACHMENT 8.A

## HIAWATHA CANAL WATER RIGHTS LIST

SRBA WATER RIGHT NUMBER	PRIORITY DATE	DIVERSION RATE IN CFS	DIVERSION VOLUME IN AF	COMMENTS	water right comments	Diversions rate/volume currently allowed by water right record. In cfs/afa	CURRENT DELIVERY REQUIREMENT IN CFS
37-21246	11/26/1886	0.140		This right is a split for water right 37-402. All the splits were done per a change of ownership in the SRBA, so the water needs to be delivered per the water right.	The combination of the recommended water rights are the same as 37-402. This water right needs to be delivered per the water right until the decrees are issued.	see 37-20932 above	0.000
37-21422	11/26/1886	0.410		This right is a split for water right 37-402. All the splits were done per a change of ownership in the SRBA, so the water needs to be delivered per the water right.	The combination of the recommended water rights are the same as 37-402. This water right needs to be delivered per the water right until the decrees are issued.	see 37-20932 above	0.000
37-21423	11/26/1886	0.120		This right is a split for water right 37-402. All the splits were done per a change of ownership in the SRBA, so the water needs to be delivered per the water right.	The combination of the recommended water rights are the same as 37-402. This water right needs to be delivered per the water right until the decrees are issued.	see 37-20932 above	0.000
37-657A	5/1/1881	0.020		These rights are splits of 37-657. The numbering varies due to changes of ownership in SRBA database. 37-657A and 37-657B in SRBA data base equals 37-657A in water right database.	This right is split portion of 37-657A. This right needs to delivered per water rights until recommendations are decreed.	37-657A 2.04	2.040
37-657B	5/1/1881	2.020		These rights are splits of 37-657. The numbering varies due to changes of ownership in SRBA database. 37-657A and 37-657B in SRBA data base equals 37-657A in water right database.	This right is split portion of 37-657A. This right needs to delivered per water rights until recommendations are decreed.	see 37-657A above	0.000
37-657E	5/1/1881	0.760		This right represents 37-657B in the water right database	This right mirror the water right database, so deliver per 37-657B	0.760	0.760
37-21420	5/1/1881	0.360		This right is a split of SRBA claim 37-657D, which was the same as water right 657C.	This represents a portion of water right 37-657C. Use this water right for delivery until SRBA rights are decreed.	37-657C	0.400
37-21418	3/24/1883	0.330		This right is a split of SRBA Claim 37-577CF, which originally came from 37-577BY, but I could track where it had come from under the original Riley Rights.	This is a Riley Right, but the current water right number is unknown		0.330
37-833K	11/12/1936	0.750		This claim was recommended per existing water right decree 37-833K	This is same as 37-833K	0.750	0.750
37-906	4/1/1940	0.000		This was recommended as disallowed for non-use. Delivery of this right appears to have been abandoned. However, an objection to this right has been filed.	This is deliverable per the water right decree until decree is issued. 37-906	1.039	1.039
37-918	4/1/1940	0.000		This was recommended as disallowed for non-use. Delivery of this right appears to have been abandoned. However, an objection to this right has been filed.	This is deliverable per the water right decree until decree is issued. 37-918	0.100	0.100
37-919	4/1/1940	0.545		This was recommended per the existing decree.	This is the same number and rates on both databases	0.545	0.545
37-11657A	6/1/1886	0.658		This is the only active split of 37-11657. The 37-11657B portion of this split was abandoned through a notification document supplied to the Department	Water right 37-11657 was listed as 37-521H in the water right database. Whereas the 37-11657B portion was officially abandoned, only deliver the amount of water recommended under water right 37-11657A	0.940	0.658
37-11659A	5/4/1889	0.240		This is the only active split of 37-11659. The 37-11659B portion of this split was abandoned through a notification document supplied to the Department	Water right 37-11659 was listed as 37-522D in the water right database. Whereas the 37-11659B portion was officially abandoned, only deliver the amount of water recommended under water right 37-11659A	1.100	0.240
37-11661A	5/21/1890	0.200		This is the only active split of 37-11661. The 37-11661B portion of this split was abandoned through a notification document supplied to the Department	Water right 37-11661 was listed as 37-523D in the water right database. Whereas the 37-11659B portion was officially abandoned, only deliver the amount of water recommended under water right 37-11661A	0.660	0.200

**ATTACHMENT 8.A**

## HIAWATHA CANAL WATER RIGHTS LIST

[illegible]



**ATTACHMENT 8.A**

## HIAWATHA CANAL WATER RIGHTS LIST

[illegible]

WS 37-2003



State of Idaho

# DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 18, 2003

Lee Peterson  
Watermaster  
State Water District 37 and 37 M  
Box T  
Shoshone, ID 83352

RECEIVED  
MAR 19 2003  
Department of Water Resources

Dear Mr. Peterson:

The following letter is to provide clarification concerning delivery of "saved water" from the Rockwell By-Pass. This should also clear up any confusion with regards to Ken Dunn's November 16, 1979 letter to Reid Newby.

Conditions that must be met in order for saved water from the Rockwell Bypass to be available for beneficial use:

- 1) Water must be diverted through the Rockwell By-Pass in association with delivery of valid priority water rights.
- 2) Rockwell By-Pass owners must **maintain** the by-pass for the entire length of the by-pass **capable** of carrying 17.36 cfs of water during the irrigation season.

The Idaho Department of Water Resources interprets the above conditions being met to mean that:

- 1) When water is diverted through the Rockwell By-Pass for the purpose of delivering valid priority water rights, 4.65 cfs shall be made available to the owners and right holders of Rockwell By-Pass water.
- 2) The Rockwell By-Pass must be **capable** of carrying 17.36 cfs of water. This does **not** mean that the Rockwell By-Pass saved water rights, totaling 4.65 cfs, is not deliverable once the flow at the Rockwell By-Pass measuring device drops below 17.36 cfs.
- 3) Rockwell saved water can only be delivered when valid priority rights from the Broadford Slough are called for and delivered.

In summary:

**The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.**

The department would also like to request that measurements are taken at the Broadford Slough measuring device and the Rockwell By-Pass measuring device. Please include these measurements in your annual report. This will help us to answer future questions regarding this issue if they arise.

Please contact this office during the irrigation season when you believe there is a potential that senior priority rights from the Broadford Slough cannot be delivered. If further assistance is necessary feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "John Freitag". The signature is fluid and cursive, with the first name "John" and last name "Freitag" clearly distinguishable.

John Freitag  
Water Resource Agent Sr.

Cc: John Stevenson, Chuck Brockway Jr.,  
Allen Merritt and Tim Luke