



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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July 15, 2010

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

Pat McConnagy  
Water District 74-G Watermaster  
373 Sandy Creek Ln.  
Salmon, Idaho 83467

Re: West Fork Sandy Creek

Dear Mr. McConnagy:

This letter is a follow-up to our conversation last week regarding the delivery of the McNellis water rights from the West Fork of Sandy Creek, specifically the water right(s) associated with the point of diversion located in the NENW Section 4, Township 20N, Range 24E (labeled as point WFS-1 on the attached map).

A review of IDWR records show that water rights 74-200 (McNellis) and 74-7231 (Lemhi Hydropower) are the only rights decreed from the above point of diversion. These two water rights, according to information provided by you, utilize a buried pipeline as a conveyance system. However, I further understand that a ditch diverts from the creek next to the pipeline and that this ditch was the former conveyance for right 74-200. As shown in the attached water rights list, right 74-200 is the most senior priority right on the West Fork Sandy Creek and right 74-7231 is the most junior priority right. You stated last week that the available flow in the creek is not adequate to fill all rights on the creek including right 74-7231.

Mr. McNellis has filed an application for transfer to add the above point of diversion to the remainder of his West Fork Sandy Creek water rights using the pipeline described above. I understand that the transfer application was just filed within the past few weeks and will be advertised this month. Until the application for transfer is approved, water rights 74-200 and 74-7231 are the only rights that should be delivered from this point of diversion. If the available flow of the creek is not adequate to fill all rights, then only the 2 cfs authorized by right 74-200 can be delivered at this point of diversion. The other McNellis rights must be delivered at the appropriate decreed points of diversion as described in the attached water rights listing that are cross referenced with the enclosed map.

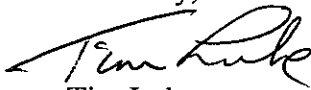
Please be advised that there should be a lockable control structure and an approved measuring device at this point of diversion to insure the accurate delivery of these rights. If these do not exist, I would strongly suggest that they be installed as soon as possible to avoid further controversy. I understand that a weir may already exist in the ditch whose heading is next to the pipeline but that the weir may need some basic maintenance. If so, then it may be easier to

Pat McConnagy Correspondence  
July 15, 2010, p. 2

deliver right 74-200 to the ditch and measure the water using the existing weir until such time as a measuring device is installed on the pipeline or at the head of the pipeline.

Please feel free to contact me at 208-287-4959 or Bob Foster in our Salmon Office at 208-756-6644 if you have further questions regarding this matter. Please also note that a more comprehensive list of water rights for Water District 74-G was developed and sent to all Lemhi Basin area water districts several years ago. The previous watermaster would have received this but it may not have been forwarded on to you. Please advise me if you do not have the more comprehensive list of rights for the water district and we will forward a copy to you for your records.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Luke". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Tim Luke  
Water Distribution Section

Enclosures: *Water Rights Sorted by Priority - West Fork Sandy Creek (7/15/2010);  
Map Showing Diversion Locations on West Fork Sandy Creek;*

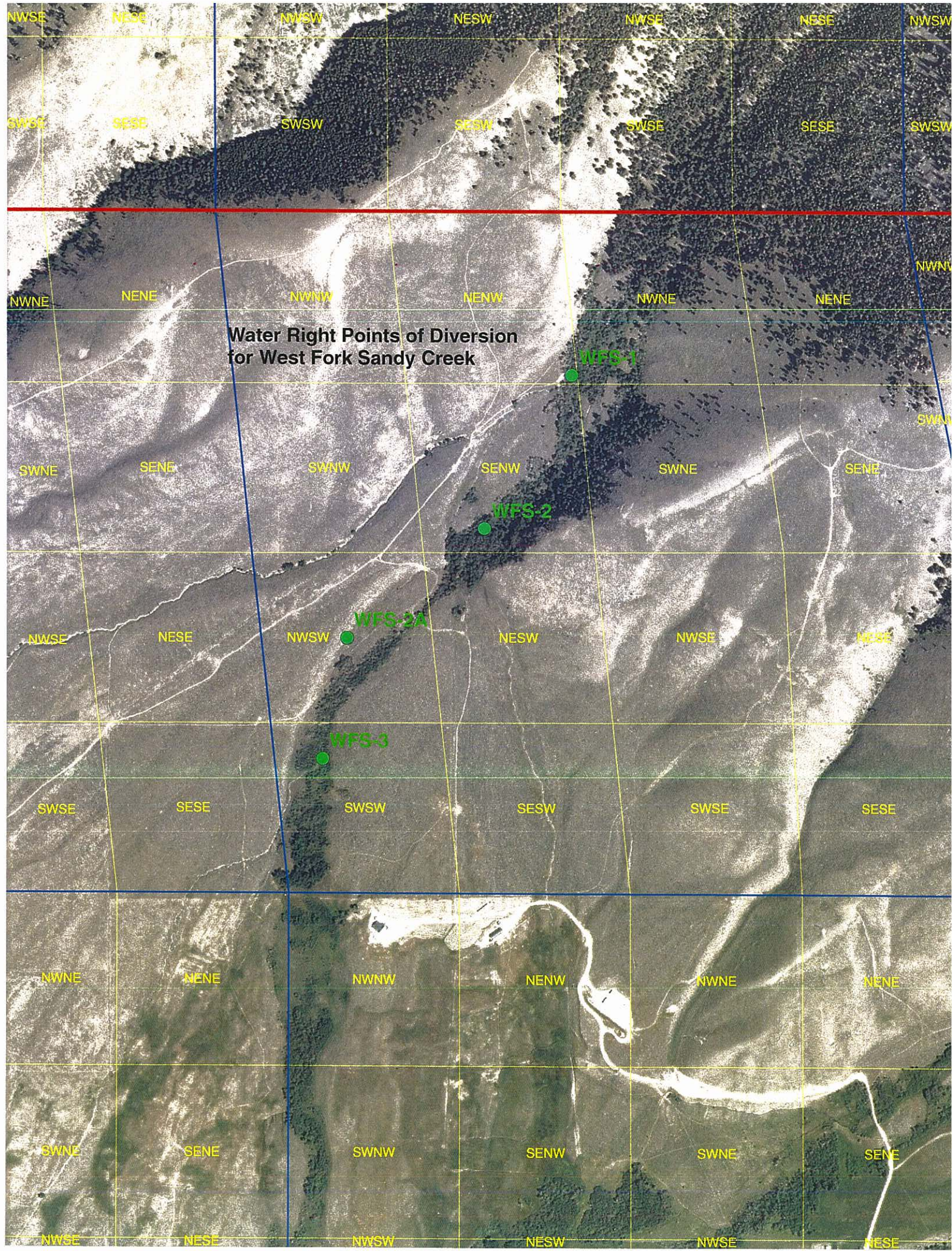
Cc: Bob Foster, IDWR Salmon Field Office  
Dave Carlson & James Cefalo, IDWR Eastern Region

West Fork Sandy Creek/Water District 74-G  
Water Rights and Points of Diversion  
(sorted by priority date)

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Diversion Name/No.</u>	<u>Owner(s)</u>	<u>SourceTable/Basis</u>	<u>Source</u>	<u>Priority Date</u>	<u>Twp</u>	<u>Range</u>	<u>Sec</u>	<u>QQQ</u>	<u>Lot</u>	<u>Rate (cfs)</u>	<u>Acres</u>	<u>Water Use(s)</u>
74	200		WFS-1	MC NELLIS, JESSICA K; MC NELLIS, TERRY A	WaterRight/Decreed	WEST FORK SANDY CREEK	1882/05/01	20N	24E	4	SENENW	3	2	257	IRRIGATION
74	203		WFS-2	MC NELLIS, JESSICA K; MC NELLIS, TERRY A	WaterRight/Decreed	WEST FORK SANDY CREEK	1894/06/01	20N	24E	4	SENW		1	108	IRRIGATION
74	204		WFS-2	MC NELLIS, JESSICA K; MC NELLIS, TERRY A	WaterRight/Decreed	WEST FORK SANDY CREEK	1895/07/15	20N	24E	4	SENW		1	48	IRRIGATION
74	408	B	WFS-2	MC NELLIS, JESSICA K; MC NELLIS, TERRY A	WaterRight/Decreed	WEST FORK SANDY CREEK	1896/04/01	20N	24E	4	SENW		1.06	59.2	IRRIGATION
74	408	A	WFS-3	FISHER, DELORES E; FISHER, MERLIN J	WaterRight/Decreed	WEST FORK SANDY CREEK	1896/04/01	20N	24E	4	SWSW		0.94	52.7	IRRIGATION
74	480	A	WFS-2	LOMONT, KATHY A; LOMONT, KENT A	WaterRight/Decreed	WEST FORK SANDY CREEK	01/04/1900	20N	24E	4	SENW		0.13	7	IRRIGATION
74	480	A	WFS-2A	LOMONT, KATHY A; LOMONT, KENT A	WaterRight/Decreed	WEST FORK SANDY CREEK	01/04/1900	20N	24E	4	NWSW		0.13	7	IRRIGATION
74	480	B	WFS-2	LOMONT, KATHY A; LOMONT, KENT A	WaterRight/Decreed	WEST FORK SANDY CREEK	01/04/1900	20N	24E	4	SENW		0.15	8	IRRIGATION
74	480	B	WFS-2A	LOMONT, KATHY A; LOMONT, KENT A	WaterRight/Decreed	WEST FORK SANDY CREEK	01/04/1900	20N	24E	4	NWSW		0.15	8	IRRIGATION
74	480	C	WFS-2	LOWRY, DAVID A	WaterRight/Decreed	WEST FORK SANDY CREEK	01/04/1900	20N	24E	4	SENW		1.72	92	IRRIGATION
74	480	C	WFS-2A	LOWRY, DAVID A	WaterRight/Decreed	WEST FORK SANDY CREEK	01/04/1900	20N	24E	4	NWSW		1.72	92	IRRIGATION
74	433		WFS-3	MC NELLIS, JESSICA K; MC NELLIS, TERRY A	WaterRight/Decreed	WEST FORK SANDY CREEK	04/05/1904	20N	24E	4	SWSW		1.6	128	IRRIGATION
74	15238		WFS-3	GOULET, CINDY; GOULET, GLENN	WaterRight/Decreed	WEST FORK SANDY CREEK	01/04/1907	20N	24E	4	SWSW		0.02	1	IRRIGATION

West Fork Sandy Creek/Water District 74-G  
Water Rights and Points of Diversion  
(sorted by priority date)

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Diversion Name/No.</u>	<u>Owner(s)</u>	<u>SourceTable/Basis</u>	<u>Source</u>	<u>Priority Date</u>	<u>Twp</u>	<u>Range</u>	<u>Sec</u>	<u>QQQ</u>	<u>Lot</u>	<u>Rate (cfs)</u>	<u>Acres</u>	<u>Water Use(s)</u>
74	15589		WFS-3	ANDREWS, BOYD E; ANDREWS, LORNA	WaterRight/Decreed	WEST FORK SANDY CREEK	01/04/1907	20N	24E	4	SWSW		0.06	3	IRRIGATION
74	15590		WFS-3	HANSON, CLAYNE A	WaterRight/Decreed	WEST FORK SANDY CREEK	01/04/1907	20N	24E	4	SWSW		1.92	98	IRRIGATION
74	7088		3	FREEL, CHARLES D ; MC CONNAGHY, JOHN T ; SCHAFFNER, HENRY A	WaterPermit/	WEST FORK SANDY CREEK	25/07/1980	20N	24E	4	NWSW		12.2	1041	IRRIGATION
74	7088		WFS-3	FREEL, CHARLES D ; MC CONNAGHY, JOHN T; SCHAFFNER, HENRY A	WaterPermit/	WEST FORK SANDY CREEK	25/07/1980	20N	24E	4	SWSW		12.2	1041	IRRIGATION
74	7088		WFS-1?	FREEL, CHARLES D ; MC CONNAGHY, JOHN T; SCHAFFNER, HENRY A	WaterPermit/	WEST FORK SANDY CREEK	25/07/1980	20N	24E	4	NWNE	2	12.2	1041	IRRIGATION
74	7088		WFS-2	FREEL, CHARLES D ; MC CONNAGHY, JOHN T; SCHAFFNER, HENRY A	WaterPermit/	WEST FORK SANDY CREEK	25/07/1980	20N	24E	4	SENW		12.2	1041	IRRIGATION
74	7231		WFS-1	LEMHI HYDROPOWER CO	WaterRight/Decreed	WEST FORK SANDY CREEK	12/12/1983	20N	24E	4	NENW	3	4.5		POWER
74	15260		WFS-1	LEMHI IRRIGATION DISTRICT	SRBA Recommendation/Ben eficial Use	WEST FORK SANDY CREEK	15/03/1966	20N	24E	4	NENW	3	8		IRRIGATION
74	15261		WFS-2	LEMHI IRRIGATION DISTRICT	SRBA Recommendation/Ben eficial Use	WEST FORK SANDY CREEK	15/03/1966	20N	24E	4	SENW		4		IRRIGATION
74	15262		WFS-3	LEMHI IRRIGATION DISTRICT	SRBA Recommendation/Ben eficial Use	WEST FORK SANDY CREEK	15/03/1966	20N	24E	4	SWSW		3.7		IRRIGATION



Water Right Points of Diversion  
for West Fork Sandy Creek

WFS-1

WFS-2

WFS-2A

WFS-3