

37N

Merritt, Allen

From: Merritt, Allen
Sent: Wednesday, February 08, 2006 8:31 AM
To: Merritt, Allen; Blew, David; Tuthill, Dave; Rassier, Phil
Cc: Spackman, Gary; Luke, Tim; Blau, Terry
Subject: RE: Recharge vs. Power

I just talked to Bob Simpson this morning. He indicated that the Bureau has requested they draft Little Wood Reservoir down and they have been running about 200 to 300 cfs out of the dam. He indicated that the channels down river have been drifted full of snow so he has been trying to open them up. He indicates that between the seepage in the ground and the snow problem it only goes about 1 mile per day. His intention is to get the river free flowing as soon as possible that would make it possible to provide flow to the Lower Little Wood River reach. He said they are sitting at 130% of normal and the hydropower guys are going to get all they want in March.

We discussed times when it would be appropriate push water out into the lavas and he understands that it is only during a flood event. It sounds like the water hasn't even made it down to the area where it can go out into the lavas. He indicated that most of the water now is going into the ground and he has measured a 7' rise in water level at the city well near Carey.

Allen

-----Original Message-----

From: Merritt, Allen
Sent: Wednesday, February 08, 2006 7:58 AM
To: Blew, David; Tuthill, Dave; Rassier, Phil
Cc: Spackman, Gary; Luke, Tim; Blau, Terry
Subject: RE: Recharge vs. Power

The right includes the Little Wood River as a source but the PD is located down river toward Richfield at the point where the Dietrich Canal takes off toward the south. If 37-7842 were to be used it would need to be amended. Yesterday I talked with Terry about the diversion site....He apparently is not familiar with the site nor any SCA approval for it. He may visit the site later in the week. I have not yet been in touch with Bob Simpson.

Allen

-----Original Message-----

From: Blew, David
Sent: Tuesday, February 07, 2006 7:12 PM
To: Tuthill, Dave; Rassier, Phil; Merritt, Allen
Cc: Spackman, Gary; Luke, Tim; Blau, Terry
Subject: RE: Recharge vs. Power

Dave,

I have a questions concerning how Little Wood can get credit for the recharge. Would they need to have to valid water right to divert to the water to site? Currently there is no recharge water right for diversion at that point and there is no water quality monitoirng taking place as required by DEQ. We could add a point of diversion to the IWRB water right for recharge at the Carey site but I believe it says the source of water for that right is the Big Wood River.

Merritt, Allen

From: Rassier, Phil
Sent: Tuesday, February 07, 2006 12:25 PM
To: Merritt, Allen
Cc: Spackman, Gary; Blew, David; Tuthill, Dave; Luke, Tim; Blau, Terry
Subject: RE: Recharge vs. Power

Allen,

Given Carter's description of the general provision used in the SRBA that specifically listed the "upstream" rights that will be administered as separate, it appears to me that from a water rights perspective your suggestion to tell the watermaster to direct high water down the river until it causes problems of flooding would be appropriate.

Phil

-----Original Message-----

From: Fritschle, Carter
Sent: Tuesday, February 07, 2006 11:55 AM
To: Rassier, Phil
Cc: Clelland, Steve; Merritt, Allen; Luke, Tim
Subject: RE: Recharge vs. Power

Phil,

The Frost Decree did specify something along the line that the Little Wood River water users diverting above the confluence of the Little Wood River with Silver Creek were not subject to a call by the users diverting below the confluence. However, it would be a good idea to look at the actual language of the decree to make sure that is the correct reading.

Our general provision specifically listed the "upstream" rights that will be administered as separate.

Carter

-----Original Message-----

From: Rassier, Phil
Sent: Tuesday, February 07, 2006 11:40 AM
To: Fritschle, Carter
Cc: Clelland, Steve; Merritt, Allen; Luke, Tim
Subject: FW: Recharge vs. Power

Carter,

Nick Spencer says his understanding is that the rights on the Little Wood above Silver Creek were included in the group to be administered separately in the SRBA due to the provision in the Frost Decree that Allen mentions, including the fact that based on that provision the portion of the Little Wood above Silver Creek has always been administered separately. Can you and Steve confirm that?

Thanks,

Phil

-----Original Message-----

From: Merritt, Allen
Sent: Tuesday, February 07, 2006 10:13 AM
To: Tuthill, Dave; Luke, Tim
Cc: Blew, David; Rassier, Phil; Spackman, Gary
Subject: Recharge vs. Power

I received a call from Kevin Lakey (MW on 37 and 37M) indicating that he received a complaint from a hydropower operator (Bill Arkoosh) on the Little Wood near Gooding. The complaint was that the folks in the Upper Little Wood River area (WD 37N) were running water out into the lava beds SE or S of Carey in an effort to do GW

Recharge or avoid flooding.

The issues that complicate this matter are:

1. Upper Little Wood above Silver Creek is declared a dry stream in the Frost Decree. Effectively rights below the confluence of Silver Creek on the Little Wood cannot call for delivery of water from the Little Wood above Silver Creek.

2. I find no water right authorizing GW Recharge on the Little Wood other than the Water Resource Boards 37-7842 that is located below the confluence of Silver Creek in WD 37M. Historically the folks around Carey have turned the Little Wood out into the lava beds to avoid flooding and to incidentally do GW Recharge without having a water right and IDWR has not prevented this practice.

3. During times of high flow Upper and Lower Little Wood are connected. Currently Kevin Lakey indicates that the Little Wood below Silver Creek is not flooding and has capacity to pass more water before a flooding situation exists.

I have attempted to call Bob Simpson from 37N but he has not returned my call.

I'm inclined to tell Simpson to direct high water down the river until such time it causes problems of flooding then direction of flow into the lava beds may be appropriate.

What are your thoughts??

Merritt, Allen

From: Merritt, Allen
Sent: Tuesday, February 07, 2006 12:10 PM
To: Blew, David; Tuthill, Dave; Luke, Tim; Blau, Terry
Cc: Rassier, Phil; Spackman, Gary
Subject: RE: Recharge vs. Power

I have looked at the 2004 photos and it appears to me there may be a flood channel. (It appears dry in 2004)

I think Terry Blau would know better than anyone so I will include him in the loop. Terry...what do you know??

Allen

-----Original Message-----

From: Blew, David
Sent: Tuesday, February 07, 2006 10:50 AM
To: Merritt, Allen; Tuthill, Dave; Luke, Tim
Cc: Rassier, Phil; Spackman, Gary
Subject: RE: Recharge vs. Power

Gentlemen,

I had a discussion with Bob Simpson concerning this diversion and potential ramifications of diversion into the site. Below in blue is from an email I sent to Director Dreher on 1/24/06 concerning this issue. I have never looked at this site but was told that if it was not in place there would be flooding of farm ground south of Carey. The IWRB's water right does not include this area as a point of diversion. I was unaware of the Frost Decree when Bob and I discussed this area. I believe that the stream channel alteration that was done was paid for by the Lower Snake River Aquifer Recharge Districts and was done sometime in the mid 90's. I am not sure that there is a channel left below the point of diversion. Looking at areal photographs of the area I cannot see a channel.

The Little Wood Irrigation District would like to receive credit for recharge done at a site south of Carey along the Little Wood River. This site is fractured basalt has water diverted into it from the Little Wood River. This diversion was done 12-13 years ago and may be a stream channel alteration that may have been done without a permit and was ostensibly done to prevent flooding of farm ground. They would like to establish a measuring device at the diversion to determine how much water they are recharging. I asked them what water right they are using to do recharge (the IWRB's water right on the Little Wood River does not show this as a place of diversion). I also told Bob that senior downstream water right holders need to have their rights filled before any recharge could be done at the site near Carey. I told them they could not use their irrigation water right unless it was put into the waterbank. Additionally, this site would need to have the appropriate monitoring plans in place before it could be approved for recharge. I told Bob Simpson that if the site is working for a flood control site they should leave it at that and not try and turn it into a recharge site.

Hope this provides some additional background on this site. I will be out of the office the rest of the week but if you have questions you can reach me on my cell at 484-4583.

David Blew

-----Original Message-----

From: Merritt, Allen
Sent: Tuesday, February 07, 2006 10:13 AM
To: Tuthill, Dave; Luke, Tim
Cc: Blew, David; Rassier, Phil; Spackman, Gary
Subject: Recharge vs. Power

I received a call from Kevin Lakey (MW on 37 and 37M) indicating that he received a complaint from a hydropower operator (Bill Arkoosh) on the Little Wood near Gooding. The complaint was that the folks in the Upper Little Wood River area (WD 37N) were running water out into the lava beds SE or S of Carey in an effort to do GW Recharge or avoid flooding.

The issues that complicate this matter are:

1. Upper Little Wood above Silver Creek is declared a dry stream in the Frost Decree. Effectively rights below the confluence of Silver Creek on the Little Wood cannot call for delivery of water from the Little Wood above Silver Creek.

2. I find no water right authorizing GW Recharge on the Little Wood other than the Water Resource Boards 37-7842 that is located below the confluence of Silver Creek in WD 37M. Historically the folks around Carey have turned the Little Wood out into the lava beds to avoid flooding and to incidentally do GW Recharge without having a water right and IDWR has not prevented this practice.

3. During times of high flow Upper and Lower Little Wood are connected. Currently Kevin Lakey indicates that the Little Wood below Silver Creek is not flooding and has capacity to pass more water before a flooding situation exists.

I have attempted to call Bob Simpson from 37N but he has not returned my call.

I'm inclined to tell Simpson to direct high water down the river until such time it causes problems of flooding then direction of flow into the lava beds may be appropriate.

What are your thoughts??