



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 17 2018

DEPARTMENT OF
WATER RESOURCES

May 14, 2018

Mr. Tim Luke
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water District 45F Water Measuring Device Order
Spring Creek, Antone Creek, and Pine Creek

Dear Mr. Luke,

This letter addresses the Measurement Order for Water District 45F issued by IDWR on June 13, 2017. Two water right users, Albion 12 Investments, LLC and Fred Hawker have water rights from Spring Creek, Antone Creek, and Pine Creek as outlined in Table 1.

Table 1: Water rights held by Albion 12 Investments, LLC and Fred Hawker subject to measurement order within Water District 45F.

Owner	Water Right No.	Basis	Priority Date	Source	Diversion Rate (cfs)	Usage
Albion 12 Investments, LLC	45-517D	Decreed	8/31/1874	Spring Creek	0.200	Irrigation
Albion 12 Investments, LLC	45-14452	Decreed	4/12/1892	Antone Creek, Howell Creek, Pine Creek	0.420	Irrigation
Fred Hawker	45-517C	Decreed	8/31/1874	Spring Creek	0.100	Irrigation
Fred Hawker	45-256B	Decreed	4/12/1892	Antone Creek, Howell Creek, Pine Creek	4.700	Irrigation

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

I met with Corey Skinner and Nathan Erickson on May 11, 2018 to discuss the measurement order as it relates to the water rights listed in Table 1. The following discussion presents how the owners are complying with the measurement order.

Antone Creek and Pine Creek Diversion:

Howell Creek, Antone Creek and Pine Creek are listed as sources on three irrigation water rights (45-256A, 45-256B, and 45-14452) with Pine Creek as a tributary to Antone Creek. Pine Creek is diverted in the SWNWNW of Section 33, T12S R25E, injected into Antone Creek in SESWSE of Section 28, T12S R25E, and rediverted in the SENENE of Section 28 T12S R25E.

Antone Creek has a point of diversion that is identical to the Pine Creek point of re-diversion and three additional points of diversion. The majority of the points of diversions from Antone Creek and Pine Creek are shared by the three water right users.

Water right no. 45-14452 was not diverted from Antone Creek in 2014, 2015, 2016, or 2017. Water Right no. 256B (4.7 cfs right) had no water diverted in 2014, 4.3 cfs-days in 2015, 61.7 cfs-days in 2016, and 25.6 cfs-days in 2017 diverted from Antone Creek. Water right no. 45-256B has an authorized diversion rate of 4.7 cfs, which means that this water right was diverted less than 2 weeks every year for the last 4 years, and in some years it was not delivered at all.

Because these water rights allow for the diversion of water from Howell Creek, Pine Creek, or Antone Creek, Albion 12 Investments, LLC and Fred Hawker will not divert water from Pine and Antone Creek during the 2018 irrigation season. Instead, they will divert their water right from the valid point of diversion from Howell Creek, where an approved measuring device and controllable headworks exists.

Since Albion 12 Investments, LLC and Fred Hawker will divert their surface water rights from a valid, measured point of diversion from Howell Creek, we formally request that these water rights have a waiver from installing a lockable controlling works and measuring device on the points of diversion from Pine and Antone Creeks.

Spring Creek Diversion:

There has been confusion associated with the Spring Creek diversions, which was discussed at length with Nathan and Corey on May 11, 2018. Historically, what is called Spring Creek has been operated as part of the irrigation distribution system throughout the ranch. It is my opinion that Spring Creek and Unnamed streams listed as the sources on water rights 45-12906, 45-10480, 45-10502, and 45-13991 are the irrigation ditches used to move water throughout the old Anderson Ranch, that covered most of the property listed as places of use in the above water right list. For example, Albion 12 Investments followed the practice established by the Andersons of diverting Howell Creek water into the "Spring Box" and then diverted to other places throughout the ranch.

Regardless of how I believe the system operated historically, there are now water rights partially decreed in the SRBA that list these old ditches as sources for irrigation water. The watermaster has been measuring and reporting water use for Albion 12 Investments and Fred Hawker at the Spring Box. These measurements are those that are reported in the watermaster's annual report. This spring box is the same box that has Howell Creek water diverted into on occasion. Nathan Erickson and Corey Skinner will be setting up a meeting in the near future to discuss water measurement on site with the water master to understand exactly what is measured and how it is measured.

In the short term, it is proposed that the spring box continued to be used as the measuring point for Albion 12 Investments, LLC and Fred Hawker Spring Creek water rights. No other points of diversion are currently being used from Spring Creek. If changes to the measurement device or infrastructure are deemed necessary by IDWR during a site visit, then the appropriate changes will take place. No additional points of diversion will be used for 2018 and as a result, we request a waiver from installing measuring devices at every point of diversion listed on the water right.

If you have any questions, please do not hesitate to contact me.

Cordially,


G. Erick Powell, P.E.

cc: Michael Merriman
Nathan Erickson