State of Idaho
DEPARTMENT OF WATER RESOURCES
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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 6, 2008

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

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

Dear Kevin,

On June 16, 2008 I sent you correspondence and documents that constituted the Idaho Department of Water Resources' (Department) response to your request dated February 12, 2008. We had previously provided you with a compact disc (CD) on May 23, 2008 that represented our responses to most of the items you had requested guidance. Some additional spreadsheets were included with our June 16, 2008 correspondence that included information relative to an additional request you had made via separate correspondence dated March 12, 2008. As indicated by my letter of June 16th, the Department had not completed responses or review of several items identified in your February 12, 2008 letter. Specifically, we committed to provide you with more detailed explanations and guidance concerning administration of ground water rights with Water District 37/37M watermaster regulation conditions. We have now completed our review and recommendations for those ground water rights and have updated our response to several other items listed in your February 12, 2008 letter (items 5 and 9). We also discovered last week that several pages were missing from the document that we sent to you on June 16th (pages 17-19 of Department's response covering items 7, 8 and part of 9).

Attached to this letter is a CD with the Department's updated responses, including a 33 page attachment (Attachment 11.A) for the ground water rights. All of the responses and documents are included in one pdf document. Please replace the CD and documents we provided to you on May 23rd and June 16th with the pdf document on the enclosed CD. The attached pdf document has been posted to the Water District 37/37M page on the Department's web site. You can access the WD37/37M page using the following link: http://www.idwr.idaho.gov/water/districts/

As I may have noted in prior correspondence, please be reminded that all Department recommendations provided herein may be subject to change based on resolution of objections and issuance of final decrees in the Snake River Basin Adjudication, as well as additional information or knowledge gained from any subsequent site visits or further investigation conducted by you and your staff and/or Department staff. As you have been doing with many of the surface water diversions, the Department recommends that Water District 37/37M conduct site visit inventories of all ground water diversions subject to watermaster regulation or monitoring as per the attached guidance. I recommend that we schedule a meeting to discuss

steps or actions required to bring these ground water diversions or other diversions in the district under proper compliance and administration. That meeting probably should occur before the water district annual meetings. We do know that a number of the ground water diversions need to be visited in order to refine our understanding of the systems as well as refine our current recommendations.

Again, I hope that the information given so far provides the necessary direction you sought in your previous letters. I want to take this opportunity to acknowledge other staff that contributed to the responses provided to you this year. Those staff members include Allen Merritt, Jeff Cooper, Kelly Christiansen, Doug Jones (Twin Falls), Dan Nelson, and Mat Weaver (Boise State Office). Christine Roberts, Boise state office has also helped with preparation of some of the documents and with postings and creation of the WD37/37M web page on the Department's web site. Please call me directly at 208-287-4959 if you have additional questions or need any further assistance.

Regards,

Timothy J. Luke

Tim Luke
Manager, Water Distribution Section

Cc: Allen Merritt, IDWR Southern Region Manager

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RESPONSE TO QUESTIONS PRESENTED TO IDWR by KEVIN LAKEY, WATER DISTRICT 37/37M WATERMASTER

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 though 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:

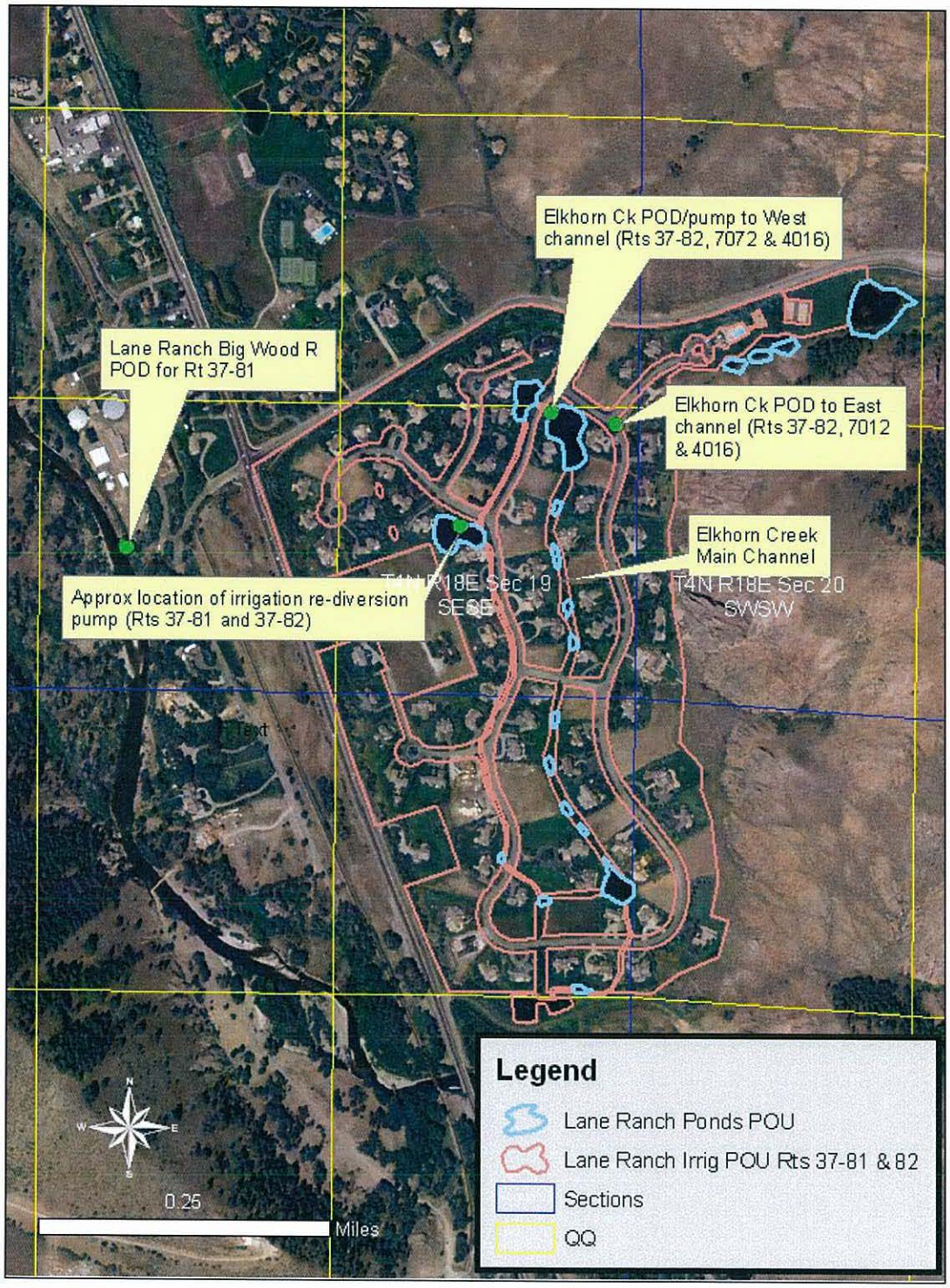
> The combined rate of diversion under rights 37-81 and 37-7201 to the east and west channels off of Elkhorn Creek (POD located in the NESESE Sec 19, T4N, R18E), when both rights are deliverable in priority, should be limited to no more than 2.20 cfs. When 37-7201 (3/21/1973 priority) is not deliverable 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 watemaster 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 rediversion/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



LANE RANCH SUBDIVISION
Aerial Photo 2000
(REVISED JULY 15, 2004)

BROCKWAY ENGINEERING, PLLC
ALR June 23, 2003

SCANNED NOV 18 2004

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	2.85 cfs	Irrigation
		Sec 32 SENW	6.00 cfs	Recreation
			6.00 cfs	Aesthetic
			8.85 cfs total	
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	137.6 Af	Irrigation
			1.15 cfs	46.0 Af	Diversion to Storage
				144 Af	Aesthetic Storage
				144 Af	Recreation Storage
				144 Af	Fire Protection Storage
			1.15 cfs total		
37-2632	Ground Water	3 Pds	1.94 cfs	339.5 Af	Irrigation
			2.30 cfs		Diversion to Storage
				142 Af	Aesthetic Storage
				142 Af	Recreation Storage
				142 Af	Fire Protection Storage
			2.30 cfs total		
37-8854	Ground Water	3 Pds	0.44 cfs		Irrigation
			0.31 cfs		Domestic
			0.44 cfs total		

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. There is some confusion as to why rights 37-2627C, 37-2627D and 37-2632 have watermaster regulation conditions. It is difficult to understand the intent of the conditions given that the rights are essentially supplemental or even primary, as appears to be the case for 37-2627D; that the ground water is not injected to and re-diverted from a natural channel or a canal system used by other water users; that there is no apparent mitigation plan or component associated with these ground water rights; and that there are no combined limits for the surface and ground water rights. As a result, the watermaster should not be directly responsible for regulating these ground water rights. The right holder is only required to install and maintain measuring devices on the wells. Measurement of those wells can be reported to the watermaster or directly to IDWR. If the right

holder exceeds the rate and/or volume limits of the ground water rights, then IDWR can guide the watermaster to limit or regulate use from the wells. It is probably more efficient at this time for the watermaster to read the flow meters on a monthly basis and report that data to IDWR. The rights or diversions can be assessed for this effort by the watermaster at the normal water district assessment rate or the minimum charge depending on the amount of water use from the wells.

Question/Item 3: Comstock Ditch

> There are multiple non-consumptive permits along with irrigation rights in this ditch. The Big Wood River feeds the upper part of this system. The middle section of the original system has been abandoned, but the lower end of this system is fed by spring water. One diversion from the lower section of this ditch owns a piece of the "Rockwell Bypas Saved Water" that is tied to the Big Wood River, but the Big Wood River water does not make it to this particular diversion. Also, the lower end of this system feeds the upper part of the Golden Eagle Subdivision referred to in #2. The Comstock Ditch water that is delivered to the Golden Eagle Subdivision is not regulated. How to administer this extra water to the Golden Eagle is not understood at this time. The District needs help understanding how to administer this system.

Background and Response (updated 10/03/2008):

IDWR response to this item was to be prepared by Doug Jones, SRBA Water Rights Supervisor in Twin Falls. Doug has had a number of personal calls with watermaster Kevin Lakey regarding this item during the 2008 summer. The Department understands that Doug has resolved Kevin's questions for the time being. IDWR can provide further direction or information to the watermaster upon request if necessary.

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

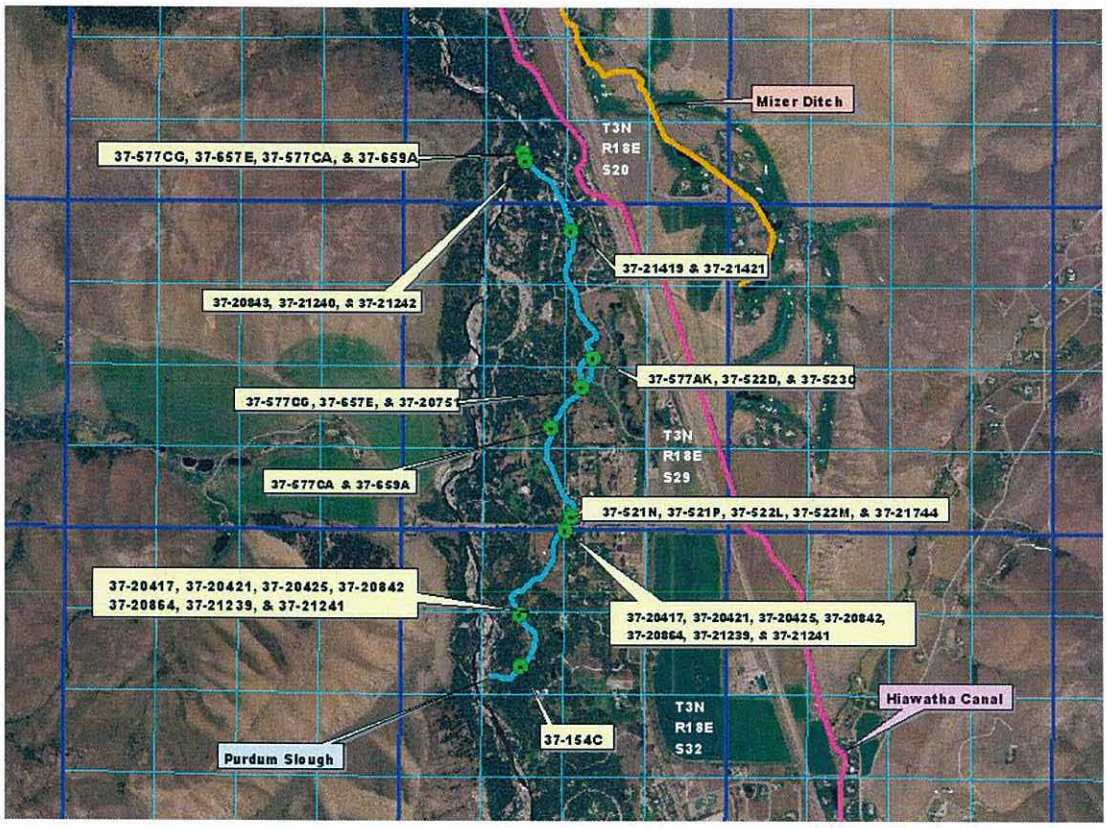
Regulation of Right 37-154C (now in name of Golden Eagle Ranch Subdivision):
The watermaster should deliver no more than 6 cfs from the Purdum Slough (subject to priority date delivery) for the aesthetic and recreational use under this right. The aesthetic and recreational portion of right 37-154C is 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.

DIVERSIONS FOUND ON PURDUM SLOUGH



0.7 0 0.7 1.4 Miles

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

N
W E
S

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

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 (updated 10/03/2008):

IDWR staff from the Twin Falls office visited the old KOA site this summer and confirmed that water from the Big Wood River was being diverted to the property. Staff could not find appurtenant water rights for the site. The Department will send a letter to the property owner inquiring about the use of water and any water rights at the site.

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. Apsen 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 NWNE 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 Deaprtment'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 37-5777CH 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 X 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.

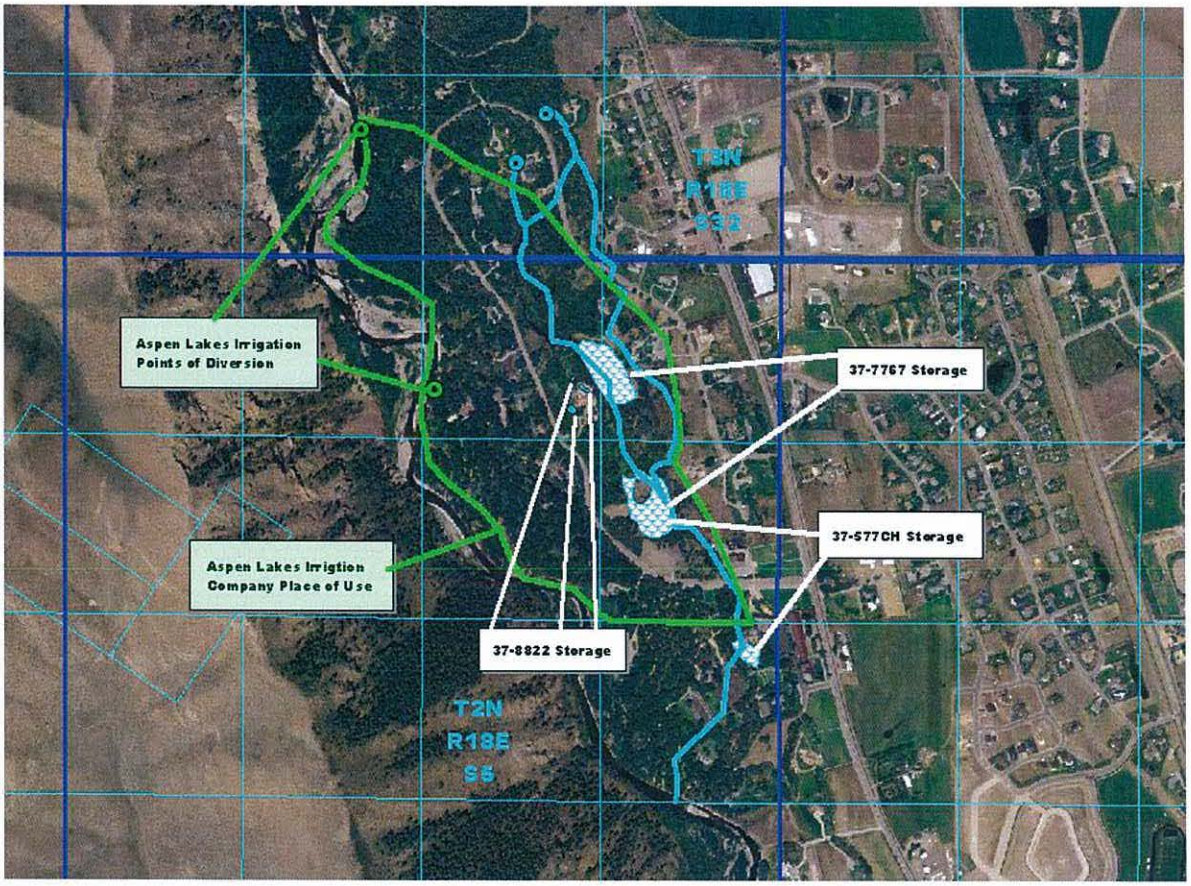
Permit 37-8822: In 1994, the Department issued an order waiving the measurement device and lockable controlling works requirement or conditions of the permit. The conditions can be reinstated at any time although it is recommended to delay such determination until the licensing process. According to 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 wells 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



0.3 0 0.3 0.6 Miles

- 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

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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 righs 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.

Question/Item 7: East Fork of the Wood River

Some of the issues on the East Fork are slowly being solved, but there is still a lot of work to do. In the past, water rights on this tributary were administered as a separate stream from the Big Wood River. The district has never found documentation to explain why this happened. Water right owners on this system became accustomed to never having their water shut off, so it is taking considerable time to educate owners of how the system will be administered in the future. There may be "futile call" issues raised on this tributary if surface water does not make it to the Big Wood River, but those issues will also have to be governed by conjunctive management policy if it is enforced in this basin. Multiple water rights with multiple uses are also an issue on most of the diversions out of the East Fork. Also, some ponds exist with no rights attached to them, but they may be exempt under the 24-hour storage rule. As said earlier, much research still has to be done on the East Fork.

Background and Response:

East Fork Wood River was not listed as a separate stream in the Basin 37 part 3 and should not be delivered as such or as it may have been in the past using that concept. Perhaps IDWR can arrange a meeting with the water users together and educate them to the administration of the water rights now. Future administration of these rights will depend on the outcome of the Partial Decrees for the basin. This could be 1-2 years out and may result in changes at that time.

A futile call may be called out on the stream. It will be up to the watermaster and IDWR to determine if that is the case and address the issue on season to season review. Conjunctive management should not be confused with futile call determinations in the delivery of competing surface water rights. Conjunctive management is limited mainly to delivery calls by senior water right holders against holders of junior ground water rights. The Water District 37 watermaster should not currently be concerned about conjunctive administration of surface and ground water rights since ground water rights in the area are not yet decreed or included in any water district. This does not however preclude the ability of a surface water right holder to make a delivery call pursuant to Idaho conjunctive management rules. Should that occur before ground water rights are included in a water district, then the Department would have to follow the rules for addressing a delivery call when ground water rights are not included in a water district. For further discussion on futile call determinations in delivery of surface water rights, please refer to the Department's letter dated August 21, 2007 that was sent to all Idaho water district watermasters (copy attached).

There are not a lot of valid rights on the East Fork. See the attached excel sheets for a complete listing of the rights. As for the ponds without rights, this may best be addressed by the watermaster to assess each use found on the stream. Consult with IDWR if assistance is needed.

Much of this research appears to be education of the water users for proper administration of the valid rights and a field assessment of the users without valid rights using the water. IDWR can provide support in both these areas of concern. See the following lists of both active water rights and active SRBA recommendations with a source from the East Fork of the Big Wood River.

Question/Item 8: Hiawatha Canal

The Hiawatha Canal raises multiple concerns. First and foremost, the district is unsure whether it is delivering the proper totals to the river headgate. Because of multiple transfers, splits, sales, name changes, and mitigation losses, the Watermaster is not sure if the decree book reflects the proper delivery totals to the Hiawatha Canal. There are also ponds attached to the Hiawatha Canal that are not supported by a water right. There are also issues of how to administer the Indian Creek water that enters the Hiawatha Canal. All of these issues raise concerns about whether the Watermaster is/can be given authority to administer and enforce water rights on the Hiawatha Canal. Regardless, the Water District will use considerable resources in solving these issues.

Related Question from Jerry Kavka to Terry Blau:
As the sides line up in regard to the Indian Creek Initiative one party keeps talking about "recharge". You and I discussed this issue in the past in regard to the infiltration galleries. Would there not be a water right needed to use them for recharge?

Background and Response:

Prior to man's intervention, Indian Creek was likely tributary to the Big Wood River. Indian Creek was decreed in the Frost Decree as a dry stream. Historically all the water of the creek was used for irrigation for the old ranch in the Indian Creek valley or for the water carried out of the creek valley via a pipeline to serve domestic or municipal needs for what is now the City of Hailey. At the time of the Frost Decree the Hiawatha canal intersected the creek. During the normal irrigation season any water not diverted from Indian Creek above the Hiawatha canal for irrigation or by the city has been captured by the Hiawatha canal and used down that system. No water right was claimed in the SRBA for this augmented use in the canal by the Hiawatha canal organization. However, a single SRBA claim was filed by Eccles (37-20625) for use down the Hiawatha system. This claim has been recommended for disallowal.

In more recent history water rights have been developed for ponds in the creek valley and a permit was approved for addition of a power plant on the City of Hailey's pipeline. There has also been a pond constructed at the site directly above where Indian Creek is intercepted by the Hiawatha canal and also a couple of ponds below the Hiawatha in the area of the Indian Creek drainage that are likely filled with water from the Hiawatha. None of these ponds have recorded rights but efforts to legalize these ponds are ongoing.

Historically during the non-irrigation season water was either channeled down the Hiawatha canal where it sank or was routed out through a diversion from the Hiawatha where it either sank or made it to the Big Wood. Within the last few decades the area below the Hiawatha has been subdivided and any remnants of the old Indian Creek channel has been obliterated. When the subdivision was developed below the Hiawatha canal in the historic Indian Creek drainage, drainage galleries were constructed to direct winter flows of Indian Creek into the ground to avoid flooding or keep the water out of the Hiawatha canal. These efforts in the winter were made to avoid icing and flooding through the City of Hailey and in the subdivision. There is currently no open channel to pass these winter flows to the Big Wood River and there has not been one for many years. I understand the drainage galleries are maintained by Dave Cropper, who was somehow associated with development of the subdivision and is the manager of the Hiawatha canal.

Regional manager Allen Merritt discussed this matter in the past with IDWR Water Management Administrator Norm Young. Norm's direction was that if they call for the water for recharge they need a water right, but if it is an effort to avoid flooding or drainage, they were not required to have a water right. This situation appears to be consistent or similar to other direction from Administration when creeks flood and efforts are made to channel water into areas that sink water to avoid property damage. This sort of scenario has happened in the Raft River and Goose Creek areas in the past. During those times the direction from Administration has been that if diversions from the creeks are made to avoid property damage they did not need a water right; BUT, if the purpose of the diversion is for groundwater recharge then they need a water right. Currently, no claim of water right was filed in the SRBA for recharge. No permit was ever filed for recharge. At this juncture IDWR does not need to issue an NOV for not having a water right for the drainage galleries. Arguably there probably is a benefit to the groundwater for draining the water into the ground. Hydraulically this water eventually returns to the Big Wood River below.

Regulation issues:

-IDWR needs to follow up on ponds that do not have recorded rights. *(Currently transfer T73743 and an application for permit have been filed for the pond near the site where Indian Creek water is discharged from the Hiawatha canal and Indian Creek but these applications have not been processed for various issues. The ponds further below on the Hiawatha need field review to determine if they qualify for the 24 rule exemption if they are a part of the irrigation systems serving the area.)*

-Direction from IDWR to watermaster should be made to determine if it is appropriate to diminish flows diverted from the Big Wood in a like amount as to what is intercepted by Hiawatha canal. If such direction is provided then a measuring device will be required on the creek to measure the inflow to the canal. However, before any such direction like that is given, IDWR recommends that the watermaster make observations and/or make periodic current meter meaurements of the flows from the creek to the canal during the irrigation season. If the flows are significant enough, then the Department may proceed with directing the watermaster to make a reduction at the head of the canal where it is diverted from the river. Resolution to the existing disallowed claim and any future SRBA claim will bear directly on this issue.

NOTE: There currently exists an effort to rehabilitate the Indian Creek Drainage below the Hiawatha. This is known as the "Indian Creek Initiative" sponsored by Idaho Rivers United. How this impacts regulation or future water right or SRBA issues is yet to be seen.

See attachment for Hiawatha Canal list of water rights and recommended delivery rates. There are quite a few rights on the list due to splits and transfers, and an attempt was made to show the SRBA recommendations with references to the original base or parent right. This list is the best we can do until rights are partially decreed in the SRBA. Please review and discuss any questions with IDWR. We realize some rights are subject to change due to SRBA objections, pending transfers and ownership splits etc. Due to changes from original rights to recommendations, the Department cannot guarantee that the attached list is without any error and IDWR does not represent that this or any other water rights listing associated with these responses is a final determination of the water rights.

Question/Item 9: Cove Canal

Delivery totals to the Cove Canal are also a question that needs to be answered. There are some spring sources claimed in the Cove Canal area that are not listed in the district decree book and consequently are not administered. The district needs help clarifying these rights.

Background and Response:

This analysis consists of 3 parts. Part one identifies those rights recognized as being diverted through the Cove Canal but currently show the wrong legal description for the point of diversion. There appears to be an error in the remarks for 37-364G. The right is recognized for 0.16 cfs and the remarks state that 0.22 cfs should remain undiverted. This is the diversion rate for 37-363G.

Part two one identifies those rights recognized as being diverted through the Cove Canal and that reflect the correct legal description. The total allowable diversion rate for all rights combined in the Cove canal was determined to be **31.30 cfs.**

The third section identifies unnamed stream/spring rights in the general area of the upper reach of the Cove Canal. Three of the identified rights have a combined limit with a Cove Ditch diverted right. A map is provided to identify the POD locations for those rights. Additional surface water rights exist approximately ½ mile south of this group but are not included in this analysis.

To understand various relationships between the rights pertinent remarks have been reproduced following each section.

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
Ж 37	363	G	1883/04/12	0.22*	JEANETTE MC ILHENNY	37	BIG WOOD RIVER	MALAD RIVER	Cove Cana
Ж 37	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
Ж 37	562	D	1887/05/10	1.14	WALTER J LACHEWITZ JR	37	BIG WOOD RIVER	MALAD RIVER	Cove Cana
Ж 37	562	G	1887/05/10	0.20	DIBBLE FAMILY TRUST	37	BIG WOOD RIVER	MALAD RIVER	Cove Cana
Ж 37	562	F	1887/05/10	0.48	THE MELANIE R MC CRAY 1965 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
Ж 37	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
Ж Objection filed in SRBA			total	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.		

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
37-482J
37-483D
37-577BP
37-917
37-11975
37-11976
37-11977
37-11978

The total instantaneous diversion of water from all points of diversion under 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 combined shall not exceed 26.74 cfs and a total annual maximum diversion volume of 4172.0 af at the field headgate.

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

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 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 Ta No
Ж 37	113	G	1884/07/10	0.66	ROSE ELLA BECK	37	BIG WOOD RIVER	MALAD RIVER	GPS	A00117
Ж 37	577	BY	1883/03/24	0.10	MITCHELL T GUTCHES		BIG WOOD RIVER	MALAD RIVER	GPS	A00117
Ж 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
Ж Objection filed in SRBA			total	2.47	* When they are combined they are limited to 1.57 cfs. 0.03 cfs is to remain in the Big Wood					

Total combined diversion rates for	Part 1	28.88
	Part 2	2.47 cfs
		31.30 cfs

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

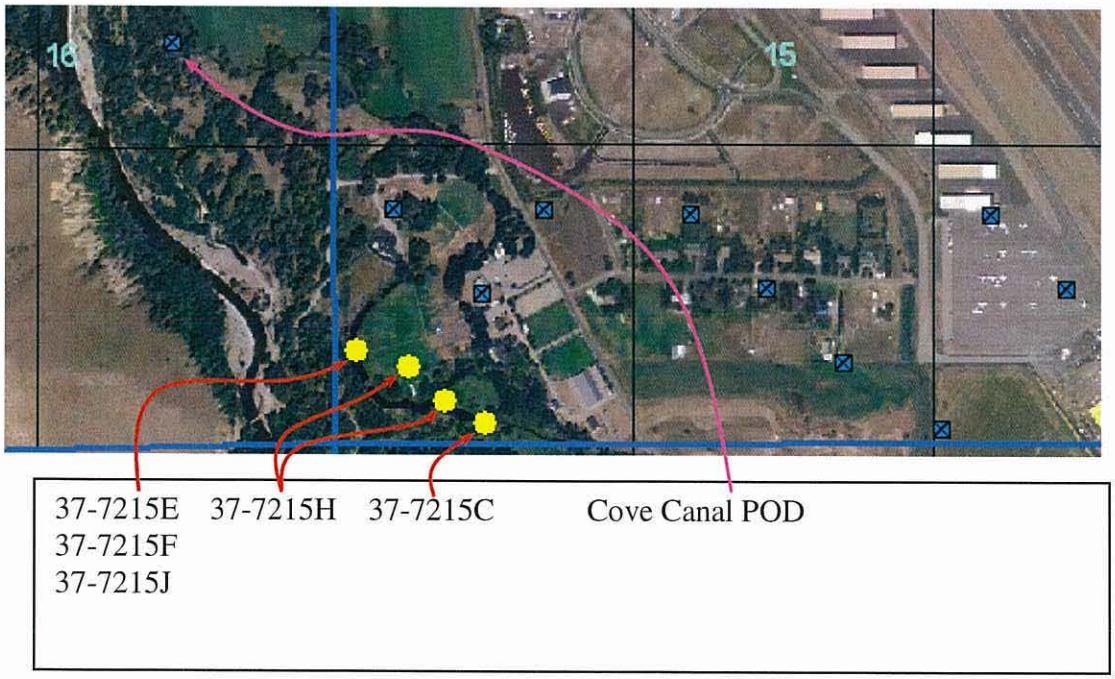
37-22248 No more than 1.57 cfs can be diverted for right nos. 37-22248 and 37-22249 from the point of diversion in SWSE Section 16 T2N R18E based on Transfer No. 2244. This represents a 2% conveyance loss between original point of diversion and the new point of diversion designated in the transfer.

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 Reportng 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 (updated 10/03/2008):

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. At that time many of the individual ground water rights on the spreadsheet required further review by Department staff and possible written direction or guidance to the watermaster. On October 3, 2008, IDWR staff completed written summaries and guidance for the rights included in the SPF Engineering list as well as other rights that may have been omitted from that list. Attachment 11.A is a 33 page document that provides discussion and recommendations for each of the ground water rights in WD37 and 37M that have watermaster regulation conditions or remarks. One of the rights included on the SPF list was actually located within WD37-N, Upper Big Wood River. Please note from review of the attachment that some rights do not currently require watermaster regulation.

Based on 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 regulated in some manner as a result of exchanges or transfers. Many of the remaining rights will require regulation or monitoring by the watermaster and almost all will require installation of water measurement devices. Guidance relative to these rights may change as both the watermaster and IDWR learn more about the ground water diversions through site visits, inventories and initiating contact with the right holders. IDWR noted several groups of rights in the attached document that will require site visits and/or further investigation by either IDWR or the watermaster.

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 11.A	**IDWR Review and Recommendations of Ground Water Rights with Water Master Regulation Conditions or Remarks**
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 3N 3N	18E 18E 18E	20 20 29	SWNW SESW NWSE	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.
37	657	E	5/1/1881	3N 3N 3N	18E 18E 18E	20 20 29	SWNW SESW NWSE	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.
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 3N	18E 18E	20 29	NESESW SENESW	0.26		IRRIGATION	LYNN H. CAMPION	No known water right in water right database
37	659	A	7/15/1889	3N 3N	18E 18E	20 29	NESESW SENESW	0.26		IRRIGATION	LYNN H. CAMPION	No known water right in water right database
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 3N	18E 18E	32 32	NWNWNE SENW	1.02		IRRIGATION	RIVERVIEW CLOVERY 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.
37	20842		5/1/1886	3N 3N	18E 18E	32 32	NWNWNE SENW	0.34		IRRIGATION	RIVEVIEW CLOVERY 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.

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
				3N	18E	32	NWNWNE					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	20421		5/4/1889	3N	18E	32	SENW	1.32		IRRIGATION	RIVEVIEW CLOVERY IRRIGATION INC	
				3N	18E	32	NWNWNE					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	21239		5/4/1889	3N	18E	32	SENW	0.28		IRRIGATION	RIVEVIEW CLOVERY IRRIGATION INC	
				3N	18E	32	NWNWNE					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	21241		5/21/1890	3N	18E	32	SENW	0.34		IRRIGATION	RIVEVIEW CLOVERY IRRIGATION INC	
				3N	18E	32	NWNWNE					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	20417		6/1/1886	3N	18E	32	SENW	1.49		IRRIGATION	RIVEVIEW CLOVERY IRRIGATION INC	
				3N	18E	29	SWNE					**DON'T DELIVER THIS RIGHT. IT HAS BEEN RECOMMENDED AS DISALLOWED DUE TO NO BENEFICIAL USE FOUND.**
37	20864		6/1/1886	3N	18E	32	NWNE	0.38		IRRIGATION	HARRY S. RINKER	
				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	154	C	12/31/1887	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	SWNENE	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	SWNENE 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	NWSENW		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	SWSENW		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	NWSWSE	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	NWSWSE	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	SWSWSE	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	NWNENW	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	NWNENW	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	NWNWNW	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				

ATTACHMENT 7.B

State of Idaho
DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

August 21, 2007

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 inquires 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,

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 Comstock 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

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
37-28A	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

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
37-20358	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 origianl 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 origianl 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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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
37-297C	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 origianl 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 origianl 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 origianl 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 origianl 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 origianl 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 origianl 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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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
37-20327	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 origianl 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 origianl 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 origianl 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 origianl 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 origianl 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 origianl 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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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
37-20355	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 origianl 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 origianl 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 origianl 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 origianl 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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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
37-21788	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

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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 recommendaton 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 conection 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 ight 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

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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 wateremaster 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

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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
37-21246	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 37-116661 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

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
37-11704	3/24/1883	0.020		This is one of the Riley rights. There isn't a trail to determine what portion of the Riley right this right is tied to, but it has been delivered in the Basin 37 Watermaster list	Portion of 37-577.		0.020
37-11757	3/24/1883	0.040		This is one of the Riley rights. There isn't a trail to determine what portion of the Riley right this right is tied to, but it has been delivered in the Basin 37 Watermaster list	Portion of 37-577.		0.040
37-11801	3/24/1883	0.260		This is one of the Riley rights. There isn't a trail to determine what portion of the Riley right this right is tied to, but it has been delivered in the Basin 37 Watermaster list	Portion of 37-577.		0.260
37-21790	3/24/1883	0.027		This is one of the Riley rights. There isn't a trail to determine what portion of the Riley right this right is tied to, but it has been delivered in the Basin 37 Watermaster list at 0.84 cfs under water right 37-12869.	This right is a portion of 37-577, and has been delivered in the Basin 37 watermaster list as a portion of 37-12869. It has been delivered at a diversion rate of 0.84 cfs and this practice should continue until the decrees are issued	0.84 cfs	0.840
37-21817	3/24/1883	0.927		This is one of the Riley rights. There isn't a trail to determine what portion of the Riley right this right is tied to, but it has been delivered in the Basin 37 Watermaster list at 0.84 cfs under water right 37-12869.	This right is a portion of 37-577, and has been delivered in the Basin 37 watermaster list as a portion of 37-12869. It has been delivered at a diversion rate of 0.84 cfs and this practice should continue until the decrees are issued	see 37-21790 above	0.000
37-21818	3/24/1883	0.005		This is one of the Riley rights. There isn't a trail to determine what portion of the Riley right this right is tied to, but it has been delivered in the Basin 37 Watermaster list at 0.84 cfs under water right 37-12869.	This right is a portion of 37-577, and has been delivered in the Basin 37 watermaster list as a portion of 37-12869. It has been delivered at a diversion rate of 0.84 cfs and this practice should continue until the decrees are issued	see 37-21790 above	0.000
37-20427	5/21/1890	2.200		This right is based on water right 37-523H and was recommended per approved transfer 69271	This right is based on a transfer from water right 37-523, therefore, we need to use the transferred amount of 2.20 cfs	2.200	2.200
37-20429	5/4/1889	2.550		This right is based on water right 37-522K and was recommended per approved transfer 69271	This right is based on a transfer from water right 37-522, therefore, we need to use the transferred amount of 2.55 cfs	2.550	2.550
37-20431	6/1/1886	2.920		This right is based on water right 37-521B and was recommended per approved transfer 69271	This right is based on a transfer from water right 37-521, therefore, we need to use the transferred amount of 2.92 cfs	2.920	2.920
37-21956	3/24/1883	0.110		This right is loosely based on a portion of the Riley rights, it was a late claim without any ownership tracking available.	Portion of 37-577.		0.110

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
37-22118	3/24/1883	0.480		This is a portion of the Riley Right 37-577CE. It appears as though the watermaster has only delivered 0.48 cfs when the rights are combined, but the recommendation doesn't mention combined limitations.	It appears as though the original right was allowed at 1.09 cfs, but was only delivered by the watermaster at 0.48 cfs. I can't find any reason why this right was limited or should be limited. Deliver per the recommendation.		0.480
37-22119	3/24/1883	0.480		This is a portion of the Riley Right 37-577CE. It appears as though the watermaster has only delivered 0.48 cfs when the rights are combined, but the recommendation doesn't mention combined limitations.	It appears as though the original right was allowed at 1.09 cfs, but was only delivered by the watermaster at 0.48 cfs. I can't find any reason why this right was limited or should be limited. Deliver per the recommendation.		0.480
37-19740	6/1/1931		19	This is actually an Indian Creek Right that is diverted into the Hiawatha and then removed at another location.	**This is not controlled by the Basin 37 watermaster, so it is only included on this list as reference.**		
TOTAL WATER DELIVERED TO THE HIAWATHA CANAL AT FULL FLOWS IS --->							**64.325**

PLEASE NOTE: There are several water rights that are still active in the water right database, but were not claimed in the Snake River Basin Adjudication. These rights were considered to be abandoned or forfieted and were not included on the list. There were severa other rights that originally were delivered to this canal that were not included, because owner's had submitted a statement to the Department that they had abandoned these rights. Only the rights that we consider to be active were included on this list.

IDWR REVIEW AND RECOMMENDATIONS OF GROUND WATER RIGHTS WITH WATERMASTER REGULATION CONDITIONS – WATER DISTRICT 37

See accompanying spreadsheet list of water rights with owner names, priority dates, rates of diversion, point of diversion legal descriptions and comments. That list was initiated by SPF Engineers on behalf of client Big Wood Canal Company and represent rights recommended in the SRBA with watermaster regulation conditions or remarks. Some rights shown on the list and this document were added by IDWR because the rights have watermaster regulation conditions but were not required to be claimed or recommended in the SRBA.

37-113F: (Regulation by Priority Required by WD37)

HISTORY: This right is listed as 37-113F in the Snake River Basin Adjudication (SRBA) database and is listed as 37-113J in the Department's original water right database. Both rights are similar and the conditions are similar. 37-113J was involved in a water right transfer in 1995 that changed the source from surface water to ground water. The water right transfer number is 4650. The transfer combined water rights 37-113D and 37-113E to irrigate 8.1 acres and reduced the rate to 0.02 cfs per acre or 0.16 cfs. There is a letter in the file showing that this right was regulated in 2000.

DELIVERY RECOMMENDATIONS: The diversion of ground water is limited to those times when water is available for this right and priority from the Big Wood River. Therefore, this right will need to be curtailed when Big Wood River water rights with a priority date of 7/10/1884 are shut off. The owner is required to have a measurement device and lockable controlling works that will allow the watermaster suitable control of the diversion. If it is required to reduce the flow of this right per the priority date, then the watermaster will be responsible for cutting back the pump discharge with a controlling device or valve. The owner should be present when this is done to prevent damage to the pump.

37-159B: (Regulation by Priority Required by WD37)

HISTORY: This right is listed as 37-159B in the SRBA database, and is listed as 37-159D in the water right database. Both rights are similar and have similar conditions. 37-159D was involved in a water right transfer in 1995 that changed the source from surface water to ground water. The water right transfer number is 4649. The transfer authorized the irrigation of 30 acres from two wells under right 37-159D, and reduced the rate to 0.02 cfs per acre or 0.60 cfs. There is a letter in the file showing that this right was regulated in 2000. This right was transferred to allow the irrigation of common areas for the Heatherlands Homeowner's Association. Ground water permit 37-8220 (4/15/1986 priority) was filed to supply in-house use and irrigation of individual home lots for the remainder of the subdivision from the same two wells. The permit has not yet been licensed.

DELIVERY RECOMMENDATIONS: The diversion of ground water is limited to those times when water is available for this right and priority from the Big Wood River, East Fork. Therefore, this right will need to be curtailed when Big Wood River water rights with a 7/30/1888 priority date are shut off. This situation will be a little more difficult to regulate due to water right permit 37-8220 being diverted from the same wells. Based on the description of

the approved transfer, water that is used on the subdivision common areas should be regulated or curtailed when right 37-159B is curtailed. The total combined rate of diversion from both wells under rights 37-159B and permit 37-8220 should not exceed 1.1 cfs. The Homeowner's association is required to have a measurement device and a lockable controlling works that will allow the watermaster suitable control of the diversion works. Therefore, the Homeowner's association will need to provide a means to separate the water being delivered to the homes under 37-8220 and the water being delivered to irrigate the common areas under 37-159D so it can be measured and regulated.

37-363F: (Regulation by Priority Required by WD37)

HISTORY: This right has the same water right number in both the SRBA and water right databases. Both versions are similar and have similar conditions. 37-363F was involved in a water right transfer in 1995 that changed the source from surface water to ground water. The water right transfer number is 4527. The transfer combined water rights 37-363F and 37-364E to irrigate 4.8 acres of ground, and reduced the rate to 0.03 cfs per acre or 0.14 cfs total. There is a letter in the file showing that this right was regulated in 2000.

DELIVERY RECOMMENDATIONS: The diversion of ground water is limited to those times when water is available for this right and priority (4/12/1883) from the Big Wood River. The owner is required to have a measurement device and a lockable controlling works that will allow the watermaster suitable control of the diversion.

37-7775D, 37-7775E, and 37-604D: (Monitoring Only Required by WD37)

HISTORY: Ground water right 37-7775D is associated with surface water right 37-604D, not 37-604E as referenced in the watermaster's letter of March 12, 2008. In this case, 37-7775D appears to be supplemental to 37-604D, although there may be a question as to whether or not the surface water right is still used or can be delivered to the same property. Right 37-7775D was not originally licensed with a watermaster regulation condition. The watermaster condition was added by Transfer No. 4461, which merely changed the point of diversion location. The transfer, approved in 1994, was also conditioned to require the right holder to use the full allotment of his surface water right, 37-604D, to the extent available in conjunction with the ground water right. This may have been the reason why the watermaster regulation condition was added for this right. No evidence or explanation can be found in the file as to why the watermaster condition was added to right 37-7775D.

Ground water right 37-7775E, which is associated with 37-604B, appears to be different. 37-7775E was also not originally licensed with a watermaster regulation condition. Transfer application 5306, which was approved in 1999, was filed to change the point of diversion location for 37-7775E and also transfer surface water right 37-604B to the well used for 37-7775E. In the transfer approval, IDWR limited the combined diversion rate from the well for 37-604B and 37-7775E to no more than 0.72 cfs, which was the amount originally licensed to 37-7775E. IDWR further conditioned the transfer to require the 1.04 cfs under 37-604B (6/3/1887 priority) to continue to be diverted to the Glendale Canal and sink to mitigate for the use of ground water under 37-604B. IDWR also required that "diversion of ground water under 37-

604B is limited to those times water is available under this right priority from the Big Wood River and actually diverted into the Glendale Canal."

The requirement limiting diversion of ground water under 37-604B may seem a little strange because 37-604B and 37-7775E together are limited to no more than 0.72 cfs, or the same amount allowed by 37-7775E. This condition limiting 37-604B to be diverted from the well when it is available may have been intended to apply in the event 37-7775E is curtailed for some reason, or perhaps prevent enlargement of supplemental GW right 37-7775E.

DELIVERY RECOMMENDATIONS: In summary, 37-7775D has a watermaster regulation condition but the watermaster should only need to verify that the user is also using his surface water right 37-604D and assure that the combined volume and rate limits of the two rights are not exceeded. The watermaster need not curtail ground water right 37-7775D as long as 37-604D is still being used in conjunction with 37-7775D. When 37-604D is no longer available or deliverable during the season, 37-7775D can still be used - it is merely used as a supplemental gw right which was the original purpose of the right. Because a measuring device is required on the well as a condition of the transfer, the owner should see that the device is installed and the watermaster should record the rates and volumes to assure that the user is not exceeding the rate and volume limits of the rights.

For 37-7775E, the watermaster needs to assure continued delivery of surface right 37-604B to the head of the Glendale Canal. Ground water can continue to be diverted from the well after 37-604B is curtailed or no longer available, but again, the well owner should install a measuring device and the watermaster should assure that the 0.72 cfs diversion rate and volume limit of 126 acre-feet during the year is not exceeded. In the past the watermaster or IDWR sent letters regarding right 37-7775E and advised the owner that use under the right and well had to be curtailed when 36-604B was no longer deliverable. This past correspondence was incorrect because IDWR or the prior watermaster assumed that 37-7775E was just like other ground water rights and transfers in the area where the owner simply changed the source and point of diversion of a decreed right from surface water to a ground water well.

37-466: (Regulation Required by WD37)

HISTORY: In 1995, a series of permits and water right transfer number 3861 were filed on the property associated with 37-466. Transfer 3861 was the only application that dealt directly with water right 37-466. The purpose of transfer 3861 was to change the source of water for irrigation from Deer Creek to ground water. Deer Creek is considered a dry stream, so there was concern over the regulation of this system, and how the ground water use would affect the return flows and ground water gains through this stretch of the Big Wood River. Therefore, special conditions were applied to water right 37-466 to ensure that a certain amount of water would pass by the diversions for this property.

DELIVERY RECOMMENDATIONS: Even though this creek is considered a dry stream, the watermaster is still responsible for the delivery of the water if needed. A measurement device and lockable controlling works should be installed on Deer Creek within the SESW of Section 26, Township 3 North, Range 17 East. This right is limited to 9.77 cfs of ground water. The ground water can only be diverted if there is 9.77 cfs in Deer Creek at the Section 26 location described above. The pumps can only divert the amount of water available in Deer Creek at the

location described in Section 26. For example, if the water left in Deer Creek is only 9.00 cfs, then the ground water pumps are not allowed to divert more than 9.00 cfs. The pumps must be adjusted within 24 hours of any measurement made on the Deer Creek diversion. The ground water pumps and the measurement point in Section 26 should all have measurement devices and the pumps should have control valves installed that allow the watermaster to regulate the flow of water from the three wells. If the devices are not installed, then you are obligated to ensure that there is a satisfactory method to monitor the flow rates of the wells and Deer Creek.

37-577CM: (Regulation by Priority Required by WD37)

HISTORY: This right is part of the W. T. Riley water right. Several splits have taken place on this right, and they are numbered differently in the water right database and the adjudication database. The water right database shows 37-577CM as 37-30000D. Water right transfer 4884 changed the source of 37-30000D from the Big Wood River to ground water in 1996. The diversion rate was reduced in the transfer since there would no longer be a need for conveyance losses. This right allows the diversion of 0.03 cfs and an annual volume of 3.5 acre feet of water to irrigate one acre of ground from a well. This right can only be delivered as long as 0.04 cfs of water under this right is being delivered to the Hiawatha Canal. Once that delivery has been curtailed the ground water use will need to be curtailed as well.

DELIVERY RECOMMENDATIONS: Due to the small size of this right, it will probably be an all on or all off type of delivery. It is doubtful that this right can be used at a reduced rate of flow. However, it is required to have a measurement device and a lockable controlling works. You could give them the option of a reduced flow if they have a controlling works that can limit the flow of water if needed. Otherwise they should be instructed to shut off this diversion if the water is not available. The watermaster is required under this right to deliver 0.04 cfs to the Hiawatha Canal, so that delivery will determine the amount of water available for the ground water diversion. Only the amount of water being delivered to the Hiawatha Canal under this right can be diverted from the well. If the water in the Hiawatha is reduced by ½ then the ground water diversion must also be reduced by ½ or shut off completely.

37-578E, 37-686C, and 37-8001C: (Regulation & Monitoring Required by WD37)

HISTORY: Water rights 37-578E and 37-686C were altered by water right transfer number 4525 that changed the source of the water on the water rights from Big Wood River to ground water. This transfer was approved in 1995. This transfer allowed the water rights to retain their original rates of diversion and volumes of 0.10 cfs and 7 afa for water right 37-578E and 0.15 cfs and 7 afa for water right 37-686C. However, when these two rights were combined with existing ground water license 37-8001C, all three rights were limited to a total diversion rate and volume from the well of 0.06 cfs and 7 afa for the irrigation of 2 acres. 37-8001C is a ground water right that is not currently regulated by the watermaster. It is rare that the water allocated for the conveyance portion of 37-578E and 37-686C was not removed when the source was changed to ground water, but it does allow the transfer to be reversed if necessary. The water for 37-578E and 37-686C can only be diverted from the well if there is water available from the Big Wood River under their priority dates of 5/2/1884 for water right 37-578E and 6/1/1886 for water right 37-686C.

DELIVERY RECOMMENDATIONS: The delivery requirements appear a bit strange on these water rights, but in reality it should be fairly simple for watermaster's role in the regulation of these rights. The watermaster should only deliver water under these rights as long as there is water available under rights 37-578E and 37-686C. Currently this will be an exercise in record keeping, because once the surface water is no longer available, the owner's can continue to divert water from this diversion under ground water right 37-8001C. The main issue is to ensure that not more than 0.06 cfs and 7 afa are diverted from this well, and that not more than 2 acres are irrigated from these three water rights. Accurate records of the amount of water being diverted under 37-578E and 37-686C are essential to ensure that the owners do not exceed their annual volume rate.

37-578F, 37-686D, and 37-8001D: (Regulation & Monitoring Required by WD37)

HISTORY: Transfer 4467, approved in 1995, added ground water as a source of water to rights 37-578F and 37-686D (original source was Big Wood River). This transfer allowed the water rights to retain their original rates of diversion and volumes of 0.10 cfs and 12.3 afa for right 37-578F and 0.15 cfs and 12.3 afa for water right 37-686C. However, when these two rights were combined with existing ground water license 37-8001D, the combined rate of diversion and volume that can be diverted from the ground water well under the three rights is limited to 0.11 cfs and 12.3 afa for the irrigation of 3.5 acres. 37-8001D is a ground water right that is not currently regulated by the watermaster. The additional water allocated for conveyance losses for 37-578E and 37-686C were not removed because they still have the option of using their surface water by calling for their surface water to be delivered to their headgate. The combined limitations only apply to the amount of water being diverted from the well. However, there is also a condition that only allows 0.11 cfs and 12.3 afa to be applied to the 3.5 acres for irrigation purposes. This means that the maximum amount of water that can be put on the 3.5 acres at any given time is 0.11 cfs. In essence they shouldn't be operating the well and the surface water diversions at the same time without cutting back both diversions so that the maximum amount of water being put on the 3.5 acres is 0.11 cfs. The water for 37-578E and 37-686C can only be diverted from the well if there is available water in the Big Wood River to deliver water rights with the priority dates of 5/2/1884 for water right 37-578F and 6/1/1886 for water right 37-686D.

DELIVERY RECOMMENDATIONS: The delivery requirements are a bit difficult on these rights. The surface rights can be delivered either through the normal headgate or through the well or a combination of the two. The Department recommends that the user divert from either one source or the other, not a combination of both sources. If the surface water right priorities are deliverable but only the well is used for the irrigation of the 3.5 acres, then the surface rights should be left in the river un-diverted. Regardless of whether surface water, ground water, or a combination of both source are delivered to the field, the watermaster must ensure that only 0.11 cfs is being used for irrigation of the 3.5 acres. The watermaster will need to monitor both diversions to ensure that the owners are not using more water then their water rights allow. If the surface water is not being delivered to the property, then regulating water rights 37-578F and 37-686D will only be done by monitoring the well's measurement device. Once the surface water is no longer available due to the priority dates, the owner's can continue to divert water from this diversion under ground water right 37-8001D, subject to the combined volume limits under all three rights. If the owner diverts the surface water at their headgate from the river, the watermaster will need to monitor the amount of water being delivered through both the headgate and the amount of water being diverted from the well to ensure that all the water sources being

used are not delivering more than 0.11 cfs and 12.3 afa of water to the 3.5 acres. The well and the surface water headgate are supposed to have a lockable and controllable device with a means to measure each diversion. If there are not measurement devices in place, then the watermaster will need to ensure that they are installed and in good working order. Keeping accurate records is going to be essential in regulating these water rights. The owners will need to provide a method of measurement that would allow the watermaster to monitor all the water being applied to the 3.5 acres.

NOTE: As per water right transfer, the surface water POD described for rights 37-587F and 37-686D is the Wrencher #39 headgate from the Broadford Slough. Based on review of the maps in the transfer describing the Wrencher 39 headgate, aerial photography and the location of the place of use, it is not likely that surface water can be delivered from this point of diversion any longer and it is questionable whether surface water is used at all under these rights.

37-885B: (Regulation by Priority Required by WD37)

HISTORY: This right has the same water right number in both the water and SRBA databases. Both rights are similar and the conditions are similar. 37-885B was involved in a water right transfer in 1995 that changed the source from surface water to ground water. The water right transfer number is 4480. The water right transfer allowed water right 37-885B to irrigate 28 acres of ground, and reduced the rate to 0.02 cfs per acre or 0.56 cfs. There is a letter in the file showing that this right was regulated in 2000. This right was transferred to reduce the amount of ditch loss and waste of water for the property being irrigated.

DELIVERY RECOMMENDATIONS: The diversion of ground water is limited to those times when water is available for this right and priority from the Big Wood River, East Fork. Therefore, when it comes time to shut off all water rights with a priority date of 7/1/1883, this right will need to be shut down. The owner is required to have a measurement device and a valve or lockable controlling works that will allow the watermaster suitable control of the diversion. Therefore, the watermaster should be able to regulate this diversion in the same fashion as he does other surface water rights. The only difference is that the water source is a well instead of a stream.

37-2473A, 37-2473B, 37-2473C, 37-2473D, 37-2473E, 37-2473F, 37-2473G, 37-2473H, 37-2473J, 37-2473K, & 37-8855 : (Monitoring Only Required by WD37)

HISTORY: In 1996, 10 water right transfers were approved by the Department to split water right 37-2473 into 10 separate water rights, and to change the source on 9 of those rights from Dip Creek to ground water. The 9 ground water rights were to allow irrigation of 2.2 acres for each of 9 subdivision lots in the Dip Creek Ranch Subdivision from their own private well. The 10th water right transfer was filed to use the Dip Creek water for 6.2 acres of irrigation, fire protection, and Aesthetic storage for the subdivision's common areas. An Application for permit was also approved in 1996 to supply ground water to supplement the Aesthetic use for the ponds/artificial stream channel. The water right number for the application for permit is 37-8855. Permit 37-8855 was missed while we were compiling our initial list, but it was discovered while doing the research on these transferred rights.

All of these rights are contingent on the amount of water historically used under the original water right from Dip Creek, 37-2473. Water right 37-2473 was originally licensed for 55 acres, but it appears as though 5 of those acres were forfeited or abandoned. The 1996 transfer found that 50 acres were being irrigated with a diversion of 1.00 cfs. The transfers reduced the total acres irrigated to 26 acres plus the evaporation loss from the 4 ponds. It was determined in the transfer that approximately 125 acre feet of water was consumptively used to grow the crops on this property, and after the water right transfer only 70 acre feet of water would be consumptively used by the lot owners for their private irrigation needs, common area irrigation, and pond evaporation. It was also determined that the diversion rate would need to be reduced to 0.86 cfs to match the reduction in volume.

Therefore, the water right transfers were approved, but the applicant was required to submit an irrigation plan to show how the water was going to be regulated. The applicant did submit a plan and this plan is the basis for the delivery of water under these water rights. The plan states that the homeowners will measure the water at an existing flume in Dip Creek, and the amount of water being diverted from the individual wells would be limited to the amount of water flowing over the flume. For example, if the full 0.86 cfs is flowing over the flume, then all the users can operate their wells at their full diversion rate. However, if the water flowing over the flume is only 0.43 cfs or ½ of the original diversion rate, then the homeowners need to reduce the rate of diversion from each of their wells by 50%. Water right permit 37-8855 was filed to add supplemental ground water to the ponds in the subdivision. However, this right is limited to the amount of water flowing over the flume above the 0.86 cfs amount. For example, if 1.00 cfs is being measured over the flume, then 0.14 cfs can be diverted under 37-8855.

DELIVERY RECOMMENDATIONS: The original license document for 37-2473 indicates that Dip Creek is not directly tributary to the Big Wood River but sinks before reaching the river. The right was not historically been regulated by Water District 37. There is no indication in the transfer files that the Department intended these rights to be administered in priority with rights on the Big Wood River, but intended only that the ground water wells be regulated based on available flow in Dip Creek. The watermaster therefore should not regulate these rights as tributary to the Big Wood River. The significant conditions on all of these rights are as follows:

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion under Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K.

A measuring device of a type acceptable to the Department shall be installed and permanently maintained across Dip Creek at a point where the creek enters the right holder's property located within NESE, S23, T05N, R17E.

The total diversion rate from the wells shall not exceed flow of Dip Creek measured at the point identified above and is further limited to those times when water is available to fill Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K.

Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K when combined shall not exceed a total combined rate of diversion of 0.86 cfs, a total combined annual volume of 175.0 af, nor the total combined irrigation of 26 acres.

Right No. 37-02473K is diverted and used for ponds and the surrounding irrigation within Dip

Creek Ranch Subdivision.

As per the measurement plan filed with the transfer, the Dip Creek Ranch Homeowners Association is responsible for maintaining the flume and recording flow rates on the flume and all of the wells on a regular basis, which should be weekly as per Department recommendations and standards. The watermaster's duty in this case would be to make spot inspections for quality control purposes, and review the association's records to ensure they are following the measurement plan and Department standards. The Department suggests that the association submit reports to the watermaster on a monthly basis using forms approved by the watermaster or forms already developed by the Department for measurement and reporting of both open channel and closed conduit diversions (available from IDWR or IDWR web site). If the flows from the wells exceed the creek flow at any time then the wells should be regulated accordingly. Cumulative volume should also be regulated as per the above condition.

Review of recent aerial photography and county tax lot records indicate that the ponds are developed along with surrounding common area irrigation around the ponds. A 2000 letter from the developer states that two of the nine wells were developed and operational, four ponds were developed, and a Parshall flume was installed on Dip Creek. Imagery from 2008 indicates little or no further development than the level of development in 2000.

Wr # 37-2614 & 37-14289: (Injection/Re-Diversion; Regulation by Priority Required by WD37)

HISTORY: Water right 37-2614 has the same water right number in both the water right database and SRBA database. Water right 37-14289 was recommended in SRBA to allow an additional 14.5 acres to be irrigated from this diversion, but it does not allow additional volume and diversion above the volume and diversion rate allowed under water right 37-2614. The total combine rate and volume for these two rights is 2.00 cfs and 500.8 acre feet. Originally, water right 37-2614 was licensed to divert water from an artesian well for irrigation. In 2003 transfer 69843 was filed to allow the water from the well to be injected into Willow Creek and re-diverted through the current owner's headgates from Willow Creek. The point where water is injected into Willow Creek is to be measured and monitored by the watermaster, so that when it is re-diverted from Willow Creek only the amount of water being injected into the creek will be diverted out of the creek. Water right 37-1153 is a separate water right that allows water to be diverted directly from Willow Creek. When all three of these water rights are combined the maximum amount allowed to be diverted is 3.40 cfs.

DELIVERY RECOMMENDATIONS: The water delivery for 37-2614 and 37-14289 will be fairly simple. The watermaster will check the amount of water being injected into the creek and the amount of water being re-diverted at the owner's diversion. The watermaster will then adjust the headgate to ensure that the amount of water being re-diverted through the owner's headgate does not exceed the amount he is putting into the creek. If there is water in the creek that can be diverted under water right 37-1153 (6/30/1888 priority), then that amount of water can also be delivered to the headgate on top of the 2.00 cfs allowed to be diverted under water rights 37-2160 and 37-14298. If the well is providing more than the 2.00 cfs to the creek, the well should be shut down until only 2.00 cfs is being diverted from the well. The approved transfer did not include assignment of losses for conveyance of water in Willow Creek.

37-2632, 37-2627C & 37-2627D/Golden Eagle Subdivision: (Monitoring Only Required by WD37 and/or IDWR)

HISTORY: Ground water right 37-2632 originally was used to irrigate land in the same general location as the Golden Eagle Subdivision. The right was licensed in 1964 without any watermaster regulation condition. In 1986 a transfer was approved for 37-2632 to correct a place of use error in the license. No watermaster regulation condition was included in that approved transfer. In 1996 Transfer 4825 was approved to add two additional ground water wells and change a portion of the irrigation use of 37-2632 for recreation and aesthetic ponds. The transfer did require the right holder to only divert ground water under this right when appurtenant surface water rights cannot be delivered. Again however, no watermaster regulation conditions were added to the transfer approval. In 1999, another water right transfer (5423) was approved involving this and other surface and ground water rights. This latter transfer added a watermaster regulation condition but it is not entirely clear why the condition was added.

In 1997 water right 37-2627B was moved from the Silver Creek area to the Golden Eagle Subdivision. As described in the analysis of right 37-2627A, right 37-2627 originally had watermaster regulation conditions because the ground water diverted under the right was injected to and re-diverted from Silver Creek. It appears that the watermaster regulation condition may have been added to 37-2627B because the condition was still required for 37-2627A. Otherwise, it is not clear why the condition was provided in 1997.

In 1999, transfer 5423 was approved to split water right 37-2627B into 37-2627C and 37-2627D. The transfer changed the nature of use of water right 37-2627C to allow water to be used for irrigation and storage ponds for the subdivision. Water right 37-2632 was also changed through this transfer for the same purposes. Water right 37-2627D was moved to allow the irrigation of a soccer field in the same general location but the right was later placed in the water bank, so it is assumed the soccer field was never constructed. The watermaster regulation condition was added or retained for all three ground water rights as per approved transfer 5423. This transfer has no combined limits for the ground water and surface water rates in terms of diversion rate and volume. The surface and ground water rights combined are limited to irrigation of 186.8 acres total.

Rights 37-2627C and 2632 in the Golden Eagle Subdivision share the same three wells or points of diversion and Transfer 5423 required measuring devices and controlling works on each well. Additionally, the transfer required that these ground water rights only be diverted when surface water rights cannot be delivered. These two ground water rights also do not have any combined limits, so it is assumed that the rates and volumes under the rights are additive, which would be a total combined rate of 3.45 cfs and a combined volume of 586.1 acre-feet. The total number of authorized irrigated acres under these two rights is 136.3 acres (97 acres for 37-2632 and 39.3 acres for 37-2627C).

Note that there is an additional ground water right, 37-8854, that is authorized to be diverted from the same three wells for 37-2627C and 2632. This right has no watermaster regulation condition, and is limited to 77 afa for irrigation and 26.4 afa for domestic. This right would be additive to the other ground water rights, making the combined rate of flow and volume under all three rights to 3.89 cfs and 689.5 afa.

Right 37-2627D authorizes use of ground water for irrigation of five acres from a separate well located in the NESW Sec 16, T3N, R18E. The well is required to have a measuring device. As per discussion with watermaster Kevin Lakey on October 1, 2008; Kevin visited the subdivision in June of 2008 and confirmed that there are three wells (one has an inoperable flow meter and two have no meter installations). Kevin understands that the wells pump into the ponds along with the surface water rights (after they are diverted from the Big Wood River) and then water is diverted to the entire irrigation system via a pumping station off of the ponds.

DELIVERY RECOMMENDATIONS: There is some confusion as to why rights 37-2627C, 37-2627D and 37-2632 have watermaster regulation conditions. It is difficult to understand the intent of the conditions given that the rights are essentially supplemental or even primary, as appears to be the case for 37-2627D; that the ground water is not injected to and re-diverted from a natural channel or a canal system used by other water users; that there is no apparent mitigation plan or component associated with these ground water rights; and that there are no combined limits for the surface and ground water rights. As a result, the watermaster should not be directly responsible for regulating these ground water rights. The right holder is only required to install and maintain measuring devices on the wells. Measurement of those wells can be reported to the watermaster or directly to IDWR. If the right holder exceeds the rate and/or volume limits of the ground water rights, then IDWR can guide the watermaster to limit or regulate use from the wells. It is probably more efficient at this time for the watermaster to read the flow meters on a monthly basis and report that data to IDWR. The rights or diversions can be assessed for this effort by the watermaster at the normal water district assessment rate or the minimum charge depending on the amount of water use from the wells.

For further information about these ground water rights, see IDWR response to Item 2, Golden Eagle Subdivision, of watermaster Kevin Lakey's letter dated February 12, 2008.

Water Rights 37-22026 thru 37-22041 - Molyneaux/Schmid Rights: (Regulation by Priority Required by WD37)

HISTORY: Rights 37-22026 through 37-22041 all result from several different water right transfers starting in 1999 that authorized the addition of ground water as a source of water under each right. Tracing the splits is rather confusing, but the current status and more relevant concern for distribution purposes is the fact that the water source for each right includes both the Big Wood River and Ground Water, and the purpose of use includes both irrigation and mitigation. The rights originated as surface water rights, and can be traced to former decreed rights 37-105, 37-106, 37-182, 37-334, 37-704, 37-883, 37-30000 and 37-300011 (the latter two are portions of old WT Riley right 37-0577). The 1999 transfers added ground water as a source and required that a portion of each right continue to be diverted from the Big Wood River to the Bypass Canal for re-diversion to either the Baseline Canal or Dittoe Ditch, but the water was required to "remain undelivered and allowed to sink to mitigate the use of ground water under" the rights.

Since 1999, several additional transfers have occurred involving ownership splits. The most recent ownership splits and water right numbers were the result of SRBA recommendations. The latest approved transfer from May of 2008 created a permissible place of use and added a well for the odd numbered rights (37-22027 through 37-22041). There are two sets of rights as shown in the table on the following page.

Right Number	Priority Date	Use	Rate (cfs)	Owner
37-22026	5/31/1887	Irrigation	0.01	AW Molyneaux
		Mitigation	0.01	
		total	**0.01**	
37-22028	5/15/1892	Irrigation	0.03	AW Molyneaux
		Mitigation	0.03	
		total	**0.03**	
37-22030	5/31/1887	Irrigation	0.06	AW Molyneaux
		Mitigation	0.06	
		total	**0.06**	
37-22032	5/15/1885	Irrigation	0.02	AW Molyneaux
		Mitigation	0.02	
		total	**0.02**	
37-22034	6/30/1884	Irrigation	0.02	AW Molyneaux
		Mitigation	0.02	
		total	**0.02**	
37-22-036	6/15/1891	Irrigation	0.01	AW Molyneaux
		Mitigation	0.01	
		total	**0.01**	
37-22038	3/24/1883	Irrigation	0.01	AW Molyneaux
		Mitigation	0.01	
		total	**0.01**	
37-22040	3/24/1883	Irrigation	0.04	AW Molyneaux
		Mitigation	0.04	
		total	**0.04**	

Right Number	Priority Date	Use	Rate (cfs)	Owner
37-22027	5/31/1887	Irrigation	0.06	Stephen Schmid
		Mitigation	0.06	
		total	**0.06**	
37-22029	5/15/1892	Irrigation	0.18	Stephen Schmid
		Mitigation	0.18	
		total	**0.18**	
37-22031	5/31/1887	Irrigation	0.34	Stephen Schmid
		Mitigation	0.34	
		total	**0.34**	
37-22033	5/15/1885	Irrigation	0.11	Stephen Schmid
		Mitigation	0.11	
		total	**0.11**	
37-22035	6/30/1884	Irrigation	0.12	Stephen Schmid
		Mitigation	0.12	
		total	**0.12**	
37-22037	6/15/1891	Irrigation	0.02	Stephen Schmid
		Mitigation	0.02	
		total	**0.02**	
37-22039	3/24/1883	Irrigation	0.04	Stephen Schmid
		Mitigation	0.04	
		total	**0.04**	
37-22041	3/24/1883	Irrigation	0.24	Stephen Schmid
		Mitigation	0.24	
		total	**0.24**	

Total combined div rate from ground water (cfs):	**0.08**	
Total combined div volume from ground water (af):	**13.6**	
Total combined div rate from Big Wood R (cfs):	**0.1**	

Total combined div rate from ground water:	**0.48**	
Total combined div volume from ground water:	**84.4**	Total Vol. = 98 af
Total combined div rate from Big Wood River:	**0.65**	

Total combined diversion rate from ground water for rights 37-22026 through 37-22041:	**0.56**
Total combined diversion rate from Big Wood River for rights 37-22026 through 37-22041:	**0.75**
Total combined div rate from gw & Big Wood River for rights 37-22026 through 37-22041:	**1.31**

DELIVERY RECOMMENDATIONS:

- The watermaster must deliver the mitigation portions of the above referenced rights to the head of the Bypass Canal to the extent each priority right is deliverable in accordance with priority dates. Although not stated as a condition in the latest water right transfer or the SRBA recommendations that resulted in these particular split rights, the total amount of water from the Big Wood River to be delivered to the Bypass Canal under all 16 of these rights shall not exceed 0.75 cfs (this recommendation is based on review of a prior approved transfer and a condition regarding total combined surface water diversion rate, see Transfer 70147, approved May 16, 2003).

- Each of the rights has a condition stating that the right is to be measured and administered at the points of re-diversion. Apparently this is consistent with how rights are delivered or administered from the Bypass Canal – the rights are all measured and delivered at the points of re-diversion. In this sense the Bypass is like an extension of the river and no conveyance losses are assessed against the rights between the head of the Bypass Canal and the points of re-diversion. The maximum 0.75 cfs therefore is measured and delivered at the Baseline Canal and Dittoe Ditch.

- Each of the 16 rights include the following condition:

  > Diversion of ground water is limited to those times water is available under this right and priority from the Big Wood River and is actually diverted into the Bypass Canal for mitigation.

  As the Big Wood River priority dates are adjusted, the mitigation portion of some of the 16 rights will not be deliverable from the Big Wood River and hence some amount of the total authorized rate of diversion (0.56 cfs) from the ground water wells may not be diverted. The sum of the rates of diversion under the individual rights is greater than the 0.75 cfs and 0.56 cfs limitations. For the Big Wood River rights, the watermaster should start with the most senior right and cumulatively add each junior right in priority order (senior to junior) until 0.75 cfs is reached. Under this method, only 0.15 cfs of the 5/31/1887 rights is deliverable. The remaining portions of the 1887 rights, plus the 1891 and 1892 rights are essentially not counted toward the 0.75 cfs limit and therefore not even delivered. If the 5/31/1887 priority on the Big Wood is cut, then only 0.60 cfs can be delivered to the points of re-diversion. The rate of flow to the re-diversion ditches are then cut as individual priority dates for the remaining rights are cut. The ground water diversions should be regulated in a similar fashion. Once the 5/15/1885 priority on the Big Wood River is cut, then the ground water wells should be cut back from the maximum 0.56 limit in accordance with the rate of flow authorized for each remaining priority right unless the wells are already diverting at a lower rate. The wells should be curtailed entirely once the 3/24/1883 Big Wood River priority rights are cut.

- It is not clear from the water right conditions as to the proportional amounts of water that should be re-delivered to the Baseline Canal and Dittoe Ditch, but given the condition requiring the rights to be measured and delivered to these two points of re-diversion, the watermaster must assure that the 0.75 cfs is delivered to either one or both ditches. Since the water right conditions are not clear on this point, the Department recommends just

splitting the amount between the two ditches (no more than a maximum of 0.375 cfs to each ditch).

- Based on a phone call to Mr. A.W. (Bill) Molyneaux on 7/7/08, he has retained the water rights for the 3.9 acres owned by the Idaho Department of Transportation along Highway 75 for highway widening (rights 37-22026, 22028, 22030, 22032, 22034, 22036, 22038 and 22040). Mr. Molyneaux said the 3.9 acres under these rights will continue to be irrigated by the same well or wells under the Schmid rights until plans progress for the highway widening and he transfers the water to other land.

- The two wells (original well plus the one added by the May, 2008 transfer) must have measuring devices that measure instantaneous rate of flow and cumulative volume. The new well must adhere to newer department specifications requiring installation of magnetic flow meters. If a meter does not yet exist on the original well, then the owner should install a mag meter unless the owner seeks a variance from the Department. The watermaster must read the meter on some regular basis to assure the rate of flow and volume is not exceeded (curtail the use if the volume is exceeded within a season). A reading must be made at the start of the season. Weekly or bi-weekly readings are recommended or as frequently as needed to regulate the wells in accordance with priority dates determinations for the Big Wood River. It is probably difficult or not impractical to cut back on rate of flow on the ground water well as the 1885 and 1884 priority rights on the river are cut, but the watermaster should nonetheless notify the owner to cut back and assure that the ground water is curtailed when the 3/24/1883 priority is not deliverable from the Big Wood River.

- The Department assumes adequate measuring devices already exist at the Dittoe and Baseline Canals that allow for measurement and delivery of the mitigation component of the rights at those locations.

WR # 37-2637: (Regulation by Priority Required by WD37)

HISTORY: Water right 37-2637 has the same water right number in both the water right database and SRBA database. Water right 37-2637 is a 10/14/1960 priority right that allows for the diversion of up to 0.7 cfs (not to exceed actual gravity seepage) from a horizontal well for the irrigation of 35 acres (but only 22 acres in SRBA recommendation). Based on review of the water right file it appears that "horizontal well" is used to describe open channel "drain ditches and diversion dams with ditches for distribution". The drain ditches, if un-diverted, appear to drain to or be tributary to the East Fork of the Big Wood River. It seems to be consistent with the lexicon of the time (1960's), although still uncommon even then, to refer to open channel drain ditches that intercept shallow ground water flow as "horizontal wells".

DELIVERY RECOMMENDATIONS: Although the source of water on the right is listed as ground water, IDWR recommends this right be administered essentially as a surface water right tributary to the East Fork Big Wood River in light of the watermaster regulation condition originally placed on the right. We recommend therefore that the watermaster observe the flow being diverted at the headgate to ensure that the right holder does not exceed the authorized 0.70 cfs or actual seepage flows into the drainage ditches, and that the water right be filled according to the rules of prior appropriation, meaning any diversion to irrigation should be curtailed when

1960 priority rights on the Big Wood and East Fork Big Wood River are not deliverable. If a headgate with suitable measurement capabilities is no longer installed, the water right holder is required to install such devices as necessary for the accurate measurement of water.

WR # 37-30024B: (Regulation by Priority Required by WD37)

HISTORY: This right is a portion of the W. T. Riley right. The SRBA record is similar to the water right record. Water right transfer 5086 was approved for this water right in 1998. The purpose of the transfer was to change the source of this water right from the Big Wood River to ground water. There were several overlapping water rights on the property, but all those rights were relinquished to allow this water right to become a primary on the property (the only right on the property). In order for this right to be delivered, water must be diverted into the Hiawatha Canal and then into the Comstock ditch where it is to remain undelivered. If there isn't water available to fulfill the 3/24/1883 water right being diverted into the Comstock ditch, then this ground water right must also be shut off.

DELIVERY RECOMMENDATIONS: Due to the size of this water right, it is pretty much an all on or all off type of diversion. The owner is required to have a measurement device and controlling works on the well. If the water flow can be reduced and still be usable, the watermaster would be required to make those changes at the controlling works. The watermaster will also need to deliver this water right to the Hiawatha Canal and then to the Comstock ditch. This water in the Comstock Ditch cannot be diverted and is only to be used for mitigation and conveyance losses in the canal and the ditch. The owner's of this right should call for their water to be delivered and turned off, much like any other water user on the system. The watermaster should also check the well periodically to ensure they are not using their well when they have not ordered water into the ditch. The watermaster should also monitor the well to prevent them from over using their water rights.

WR# 37-12818D: (Regulation by Priority Required by WD37)

HISTORY: This right is part of the W. T. Riley water right. Several splits have taken place on this right, and they are numbered differently in the water right database and the adjudication database. The water right database shows 37-12818D as 37-30000N. Water right transfer 5299 changed the source of 37-30000N from the Big Wood River to ground water in 1999. This right allows for 0.05 cfs to be diverted into the Hiawatha Canal to be used as mitigation for the use of ground water at lot 5, Buckhorn Subdivision First Addition. The water being diverted to the Hiawatha Canal cannot be diverted by other users. This right can only be delivered as long as 0.05 cfs of water under this right is being delivered to the Hiawatha Canal with the 3/24/1883 priority date. Once that delivery has been curtailed the ground water use will need to be curtailed as well. A letter was sent to the owner in 2000 to cease using their well due to lack of ability to deliver this right to the Hiawatha Canal.

DELIVERY RECOMMENDATIONS: Due the small size of this right, it will probably be an all on or all off type of delivery. It is doubtful that this right can be used at a reduced rate of flow. However, it is required to have a measurement device and lockable controlling works. The well should be shut off if surface water under the priority right is not available. If the well also

provides domestic use, then no irrigation should be allowed if the priority date under the right is off except for one-half acre that is normally entitled to domestic ground water use. The watermaster is required under this right to deliver 0.05 cfs to the Hiawatha Canal. Only the amount of water being delivered to the Hiawatha Canal under this right can be diverted from the well. If the water in the Hiawatha is reduced by ½ then the ground water diversion must also be reduced by ½ or shut off completely.

37-20616: (Regulation by Priority Required by WD37)

HISTORY: This right has the same water right number in both the water and SRBA databases. Both rights are similar and the conditions are similar. 37-20616 is a portion of water right 37-0004, which was involved in a water right transfer in 2003 that changed the source from surface water to ground water. The water right transfer, number 69589, allowed water right 37-20616 to irrigate 1 acre of ground, and reduced the rate to 0.03 cfs. An additional 0.02 cfs is being used for mitigation purposes. The 0.02 cfs is diverted into the Hiawatha Canal and it not to be used by other water users. Once the priority date of 3/24/1883 can no longer be delivered the ground water user can no longer use the well for irrigation purposes. This diversion is required to have a lockable controlling device to allow the water to curtail the ground water use when necessary.

DELIVERY RECOMMENDATIONS: The diversion of ground water is limited to those times when water is available for this right and priority from the Big Wood River. Therefore, when it comes time to shut off all water rights with a priority date of 3/24/1883, this right will need to be shut down. The owner is required to have a lockable controlling device that will allow the watermaster suitable control of the well. The watermaster should be able to regulate this diversion in the same fashion as he does other surface water rights. The only difference is that due to the size of diversion from this well, it will be an all on or all off system.

37-8821, 37-21177, 37-20903, and 37-21114: (Regulation by Priority Required by WD37)

HISTORY: Ground water rights 37-8821 (license) and 37-21177 (permit) authorize irrigation use at different locations for the Blaine County School District. The two ground water rights are mitigated by water right 37-21114, a 3/24/1883 priority right from the Big Wood River. Ground water right 37-20903 is a 1966 priority right that provides an additional 10.6 acres of irrigation from the same well and for irrigation use at the same site as 37-8821 (limited to 22.9 acres). Rights 37-8821 and 37-20903 combined are limited to 33.5 acres, a diversion rate of 0.99 cfs and a volume of 112 afa. Ground water right 21177 provides for irrigation of 2 acres and 7 afa at a separate school site from combined rights 37-8821 and 20903.
The approved mitigation plan under right 37-21114 requires that 0.68 cfs be left in the Big Wood River in exchange for ground water used under 37-8821 and 37-21177. Right 37-21114 also authorizes diversion of 0.38 cfs for irrigation of 13 acres at the original claimed POU and POD.

The School District was required to maintain the ownership of water right 37-21114. If water right 37-21114 is disallowed in the SRBA, then the only ground water right that can be diverted is 37-20903 until an adequate water right is acquired to satisfy the mitigation plan. See table below for summary of rights.

DELIVERY RECOMMENDATIONS: The regulation for these three water rights is fairly simple although conditions of approval on the rights appear somewhat complex. The watermaster must monitor the amount of water available in the Big Wood River and when the priority date of 3/24/1883 is curtailed, then he will need to curtail the school district wells to the amount of water allowed under 37-20903 or 0.19 cfs and 10.6 acres of irrigation. If water right 37-21114 is not decreed, then the water master will need to ensure that only the 0.19 cfs is being diverted from the well at the one location for the 10.6 acres. The diversions under each ground water right is required to have a lockable controlling device and a measurement device that will allow the watermaster the ability to control the wells. The diversion should be delivered much like any other surface water diversion. A summarizing condition that can be added to 37-21114 (or amend existing condition) is as follows:

The portion of Right 37-21114 used for mitigation purposes shall be listed as a consumptive right in the water district decree book for the Big Wood River above Magic Reservoir. The mitigating flow amount of Right 37-21114 (0.68 cfs) shall be administered as a Big Wood River surface right, with the point of diversion considered as the location on the river closest to the points of diversion for permit 37-21177 and license 37-8821. The right shall be considered delivered, or on, when the pumps for permit 37-21177 and 37-8821 are on.

WR Number	Priority Date	Flowrate (cfs)	Vol. (af-ft) WR/SRBA	Source	Season of Use
37-8821	5/24/1993	0.80	80.2	Ground Water	4/15 to 10/31
37-21177	11/17/2003	0.08	7.0	Ground Water	4/15 to 10/31
37-21114	3/24/1883	0.68 mitig 0.38 irrig		Big Wood River	4/15 to 10/31
37-20903	7/21/1966	0.19	31.8	Ground Water	6/01 to 10/01

WR 37-8760: (Regulation by Priority Required by WD37)

HISTORY: This right has the same water right number in both the SRBA and water right databases. Both rights are similar and the conditions are similar. This water right is used for irrigation of 4 acres in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions contained in Section 42-105, Idaho Code. A flow rate of 0.08 cfs authorized by WR 37-00833 (SRBA Claim A37-00833P) must remain in the Big Wood River at its described point of diversion to compensate for depletion caused by the diversion of groundwater authorized by this right. For purposes of regulating groundwater in conjunction with flows of the Big Wood River, water may be diverted pursuant to this right if right no. 37-00833 is deliverable because the Rockwell Bypass is operating.

DELIVERY RECOMMENDATIONS: This right has a condition that states that this right is to be regulated by the watermaster. The diversion of ground water is limited to those times when water is available for this right and priority from the Big Wood River. Therefore, when it comes time to curtail water rights with a priority date of 11/12/1936, or if the Rockwell Bypass in not operating, this right shall be shut down. In addition, upon finding an annual diversion exceeding 14 ac-ft, the Watermaster shall turn of the diversion and lock the controlling works until the next year. The owner is required to have a totalizing measurement device and a lockable controlling works that will allow the watermaster suitable control of the diversion works.

WR 37-8759: (Regulation by Priority Required by WD37)

HISTORY: Water right 37-8759 has a priority date of 10/3/1991 and as such was not required to be included in the SRBA. Water right 37-8759 allows for the diversion of up to 0.09 cfs and 4.60 ac-ft/year of groundwater for the domestic uses of one home, the irrigation of 1.1 acres, and the storage of water in one pond for fire protection. This rural residential lot is located north of Ketchum, ID. Some of the uses associated with this water right are allowed in conjunction with an exchange of a surface water right (37-496C) which will remain in the Big Wood River pursuant to the exchange provisions contained in Section §42-105, Idaho Code. For purposes of regulating groundwater in conjunction with flows of the Big Wood River, water may be diverted pursuant to this WR if WR 37-496C is deliverable and not being used for any other purposes. If WR 37-496C is not deliverable, water use on this property shall be limited to 13,000 gallons of groundwater per day and the irrigation of no more than a half acre of land in conjunction with a domestic use. For purposes of regulating this right with respect to the groundwater rights, the priority of this WR shall be 10/3/1991

DELIVERY RECOMMENDATIONS: This right has a condition that states that it is to be regulated by the watermaster. The diversion of some of the ground water associated with this WR is limited to those times when water is available for the "exchange" WR which relies upon surface water from the Big Wood River. Therefore, when it comes time to shut off all water rights in the Big Wood with a priority date of 7/1/1883, the portion of this WR not associated with the domestic uses of the right shall be shut down. The owner is required to have a measurement device and a lockable controlling works that will allow the watermaster suitable control of the diversion works, from the field exam it is clear that this condition has not been fully met; however, the water user is lawfully required to have one installed. The field exam indicates that the domestic uses including the irrigation of a half acre are on a separate system from the remaining uses (remaining irrigation and pond), i.e. there are two stubs off the well. It is unclear whether there is a valve or valves that would allow for isolation of those components of the system that are likely to be subject to curtailment. If such valving exists the Watermaster can use this as a means of controlling the system as needed, if such valving does not exist the water user is lawfully required to have one installed. The watermaster should be able to regulate this diversion in the same fashion as he does other surface water rights. The only difference is that the water source is a well instead of a stream.

Wr # 37-2635: (No regulation required, monitor with other Lane Ranch Rights)

HISTORY: See IDWR's response to Item 1, Lane Ranch, of watermaster Kevin Lakey's letter dated February 12, 2008, for more information on this and other Lane Ranch water rights.

This ground water right was licensed in 1960. The original license was filed on a horizontal well (unnamed drain) that delivered water to Elkhorn Creek and was re-diverted from Elkhorn Creek into a pond that was used for irrigation. Objections have been filed against this right in the SRBA.

DELIVERY RECOMMENDATIONS: IDWR provided the following statement regarding this right:

> 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 this drain right will be subject of future attempts of transfer and currently there is no measurement record of this water flow.)

The Department offers not further recommendations. Water from this drain apparently is minimal and essentially is added to the flow of the creek and re-diverted under any senior rights held by Lane Ranch (37-82 and 37-4016).

WR # 37-2668: (No Regulation or Monitoring Required by WD37)

HISTORY: Water right 37-2668 has the same water right number in both the water right database and SRBA database. Water right 37-2668 allows for the diversion of up to 1.54 cfs of groundwater for the irrigation of 77 acres within a 602 acre PPU. Transfer No. 4214 abandoned the original point of diversion (POD) and added two new PODs. The transfer conditioned the use of water under this right to be regulated by the water master and required that water measurement devices be installed on all PODs. It is not clear however why this condition was placed on the right. It appears to have been added because the right is used with at least one water right from the Big Wood River (37-501E). However, the Big Wood River right is used on some or all of the same POU after it is diverted from the river and re-diverted from the canal. The SRBA recommendation shows 37-2668 combined with one Big Wood River right and three other ground water rights. Specifically, the right is conditioned as follows:

Right Nos. 37-501E, 37-2631, 37-2664A, 37-2668, and 37-19735 are limited to the irrigation of a combined total of 602 acres in a single irrigation season.
Right No. 37-2668 is limited to the irrigation of 77 acres in a single irrigation season.

Rights 37-2631, 2664A and 19735 are ground water rights that were involved in a separate water right transfer (Transfer 4253). A watermaster regulation condition was also added to these rights as per the transfer but the condition was not carried over to the SRBA recommendations as it was for 37-2688.

DELIVERY RECOMMENDATIONS: There is no real apparent reason for the Water District 37 watermaster regulation condition on right 37-2688. Therefore, no regulation is required fro this right at this time by Water District 37.

37-2644G and 37-2644H: (No Regulation or Monitoring Required by WD37)

HISTORY: These rights share the same numbers in the water right database and the SRBA database. Both of these rights were part of a series of transfers that moved water from farm ground to the current location in a subdivision. The water right originally started out as a ground water right supplemental to canal shares near Dietrich, and was moved to domestic wells to provide the primary irrigation water for 3 acre lots on each of the two water rights. Because there was considerable distance in moving the rights and concerns regarding unstacking of the

rights from canal shares or surface water rights, the Department advanced the priority dates of the original right from 1960 to 1989. Additional parts of 37-2644 were also moved by water right transfers from Dietrich to this same area and priorities were advanced to 1989 but the other parts do not have watermaster conditions. In the final transfer involving parts G & H the watermaster control condition was added. There is no reason given for adding this condition.

DELIVERY RECOMMENDATIONS: Whereas this right is no longer tied to a surface water source or involved with a mitigation plan, the watermaster shouldn't have to worry about regulating this right unless a water district is formed that includes ground water rights. No regulation is required at this time.

WR # 37-8084 and 37-8200: (No Regulation or Monitoring Required by WD37)

HISTORY: These are separately owned licensed ground water rights that have watermaster regulation conditions for the same reason.

Water right 37-8084 has the same water right number in both the water right database and SRBA database. Water right 37-8084 allows for the diversion of up to 0.03 cfs and 1.2 ac-ft/year of groundwater for the domestic uses of one home, which includes the irrigation of a ½ acre. This residential lot is located in Hailey, ID.

Water right 37-8200 has the same water right number, diversion rate, and volume limits in both the water right database and SRBA database. Water right 37-8200 allows for the diversion of up to 0.07 cfs and 5.90 ac-ft/year of groundwater for the domestic uses of one home and the irrigation of 1.5 acres. This residential lot is located in Hailey, ID. In addition, there is a second water right, WR 37-8217 that uses ground water (from a second and separate well on the property) as a supplemental source to fill and provide flow through an aesthetic pond when the primary surface water source is not available.

DELIVERY RECOMMENDATIONS: Both rights have a condition that states each right is to be regulated by the watermaster. The impetus for this condition is the shallow nature of the well and its close proximity to the Big Wood River, which was summarized in the Permit Approval Notice as follows.

Please note that one of the conditions of approval is that the diversion of water under this permit is subject to the control of state watermaster. The reason for this is that some hydrologic studies of river in the state indicate that wells constructed in the sand and gravel aquifers of the river areas may intercept water that otherwise would have entered the river. However, the extent of the alluvial material thickness is not known nor is the precise degree of interference of wells with surface water flows. Studies do indicate that as much as 50% of the water diverted from a well located one mile from the river would have reached the river if impermeable layers of clay or hard rock do not separate the river from the aquifer from which the well is producing.

The information available to us at this time does not warrant refusing to issue you a permit but does merit cautioning you that any permit issued by the Department cannot deprive water users, with earlier rights, of their water supply.

The reason for conditioning the permit and explaining the potential interference problem is to make you aware that future tests may definitely show that diversion of water from your well should be administered together with the older surface water priorities of the River and its tributaries. If this were to occur, it would essentially mean that there would not be water available for a diversion from your well since the surface water system is fully appropriated.

At this time IDWR is not aware of any studies undertaken to establish a correlation between this water right and the surface water users of the Big Wood River, nor is one likely to occur. However, this and all other groundwater rights in the Upper Big Wood area, or within the remainder of Basin 37 outside the ESPA will likely be incorporated into a water district and potentially subject to conjunctive administration in the future. For now, the current Water District 37 watermaster has no regulatory requirements associated with these two rights and need not worry about administration or regulation of these rights until such time as they or some other Watermaster with appropriate jurisdiction of area groundwater rights is required to conjunctively administer both groundwater and surface water.

37-2705B: (No Regulation or Monitoring Required by WD37)

HISTORY: Water right 37-2705B was established in 1965 to divert 6.7 cfs of ground water for the irrigation of 335 acres. Irrigation use was supplemental to decreed surface water (37-665, 37-666, and 37-667) from the Big Wood River and WR 37-2593, which also diverts ground water. The license included a condition limiting use to 1005 ac-ft when combined with all other rights appurtenant to the same land in recognition of the water rights serving the same beneficial use on the same lands (generally). At sometime in 2000 WR 27-2705 was split into an A and B portion. I could not determine the means of this split, the file refers to a "change in ownership notice" and transfer 68500 (5817) as the vehicle responsible for the split, but neither seems correct. Regardless, by 2001 WR 37-2705 B was in existence and Transfer 68500 was approved, which changed the POD (new well) for the WR, which was identified on the transfer as 0.78 cfs of ground water diverted for the irrigation of 39 acres. The remaining portion designated WR 37-2705A (5.92 cfs) continued to be used for irrigation of 296 acres at the original place of use with the original point of diversion. Transfer 68500 introduced the following condition to this water right.

Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

DELIVERY RECOMMENDATIONS: When the list of water rights addressed in this report was created it was populated based upon a search of the WR database for all WRs in basin 37 which contained the word "watermaster" in any of the conditions. For this reason WR 37-2705B was included based upon the condition described above. However, the intent of this condition is to provide a "lockable device" for Watermaster use at some future time when a water district has been established. As such, the WD37 watermaster currently has no regulatory requirements associated with this water right.

WRs # 37-2639B, 37-2639D, & 37-2639F SRBA Recommendations: (No Regulation or Monitoring Required by WD37)

HISTORY: The following discussion refers to the water right data base naming convention. SRBA adjudication names are in parenthesis if they exist. Parent water right 37-2639 was licensed in 1966. There is some indication and discussion in the file that suggests the parent right was filed as a supplemental ground water right to surface water right 37-00687. However, testimony was given by the original water user that stated surface water was never used at the precise location this groundwater was used. The original license was filed on a shallow well or horizontal well (unclear in file) that delivered water to a 900 foot drain ditch that was used for irrigation of 50 acres. The file indicates that at the time the original license was issued there was discussion over whether the source of the water was groundwater or drain water, with the implication being that drain water was shallow ground water flow with a direct hydrologic connection to the Big Wood River. In the end the original license was issued referring to the source as ground water. However, during the approval of transfer 4154 in 1994 which split the right into parts A and B (A37-2639D), the likely hydrologic connection between shallow subsurface flow and the river may have been recognized, and a condition , requiring watermaster control was added to the transferred portion, part B. This condition does not appear on subsequent transfers and splits in the water right file but it does appear as a general comment on the three SRBA recommended rights above. It is not clear why the condition exists on these SRBA recommended parts or even why it was placed on part B from Transfer 4154 when a new and presumably deeper well was added. Further transfers and splits of parts A and B added new groundwater wells at their respective locations for irrigation. The last transfer in the file, T69154 approved in 2001, split and renumbered Part G to 37-20397 and 37-20398. These latter two rights involved drilling of new wells for lots. The watermaster conditions were not added to these rights.

DELIVERY RECOMMENDATIONS: Since right 37-2639 was originally developed with diversion works consisting of a shallow dug well and drain ditch, the source of water was likely hydraulically connected to the Big Wood River. Over the past 15 years or more, it appears that the original license has been split into various parts with each part authorizing the drilling of a new well for the individual split and lot. It is questionable that these individual wells have the type of direct or immediate hydraulic connection with the river that exists with the old shallow hand-dug well and drain. For this reason and the fact that no watermaster regulation condition was placed on the original license and/or nearly all of the water right transfer splits, the Department recommends no watermaster regulation of any portion or split of water right 37-2639, including the three SRBA recommended rights above. These rights or other portions of 37-2639, as well as ground water rights in the Upper Big Wood basin may potentially require future conjunctive administration through a water district watermaster.

37-7064E: (No Regulation or Monitoring Required by WD37)

HISTORY: Water right 37-7064 was filed in 1979, for the purpose of diverting 6.73 cfs of groundwater for the irrigation 342 acres not to exceed 1,197 ac-ft. WR 37-7064 is recognized on the application for initial permit as well as in other locations in the file as being supplemental to the surface water right 37-0102. In 1988 following a land swap, WR 37-7064 was modified by transfer 3406 to reflect the modified POU (irrigation of 303 acres) and reduced flow rate and

volume of water associated with the WR. Following the subdivision of the original farm into separate parcels transfers 3765, 3766, and 3777 split the water right into parts A, B, C, D and E. All three transfers were approved in 1991. No watermaster regulation conditions were added with the first three transfers. In 1994 Transfer 4338 amended the quarter-quarter legal description of the POD for WR 37-7064E and it was at this time that conditions were added that required the regulation of the WR by the Watermaster.

DELIVERY RECOMMENDATIONS: Transfer document 4338 was approved with a condition requiring the regulation of the ground water diversion by the watermaster. None of the other WRs, parent or offspring, have a similar condition. An exhaustive review of the back file associated with WR 37-7064 has turned up no indication as to why this condition was included with the transfer. In an effort to determine if there was an obvious hydrologic connection between the well and the Big Wood River IDWR staff reviewed the well log for this diversion which indicated a finished well depth of 179 feet, a screened interval from 145-179 feet, and an indication of possible confining layers comprised of clay material from 90-140 feet. In addition staff reviewed the IDWR Water Information Bulletin No. 28 "Water Resources of the Big Wood River - Silver Creek Area, Blaine County, Idaho" for possible insight into the surface water-ground water relationship at the point of diversion. The bulletin confirmed the presence of interspersed clay layers in the aquifer at the depths indicated by the well log (*Figure 17, 18).* Also, under the "Ground Water-Surface Water Relationship" section of the bulletin it indicates that, *"Downstream from the Glendale Bridge for a distance of approximately four to five mile the Big Wood River is braided, and becomes a losing stream..."(Page 33).* The fact that water is flowing from the river to the subsurface, and not vice versa, decreases the likelihood that a diversion of groundwater would have an adverse impact on the surface water. All PODs associated with WR 37-7074A-E are located in the region four to five miles downstream of the Glendale Bridger.

Due to the lack of evidence in the file, and the information gleaned from the other sources mentioned, staff suggests that watermaster control of this right and diversion is not warranted. The watermaster condition is in direct conflict with other water rights of similar type and location associated with parent right 37-7064. Therefore, IDWR recommends that the watermaster not actively regulate WR 37-7064E in any manner. If at some future date a direct hydrologic connection between the water diverted is association with this WR and the surface water of the Big Wood River is established the Watermaster should reconsider regulatory goals and objectives at that time.

WATER DISTRICT 37-M

37-351B and 37-352B: (Regulation by Priority Required by WD37-M)

HISTORY: These rights share the same numbers in the water right database and the SRBA database. However, it appears that the SRBA recommendation didn't included the Wilson Creek diversion on either right and may have given an incorrect legal description. Until the recommendation is decreed, the Water District 37-M watermaster shall deliver this right pursuant to water right transfer number 5312 which was approved in 2000. The transfer moved water from Silver Creek to a new shallow well and a point of diversion on Wilson Creek. The maximum allowable instantaneous diversion from both the Wilson Creek diversion and the ground water diversion under water rights 37-351B and 37-352B are limited to 0.29 cfs for the irrigation of 14.4 acres.

DELIVERY RECOMMENDATIONS: These rights have a condition that states that these rights are to be regulated by the watermaster. The diversion of ground water and Wilson Creek water is limited to those times when water is available for these rights and priorities from Silver Creek, which is 6/15/1887 for right 37-352B, and 6/1/1886 for right 37-351B. The owner is required to have a measuring devices and lockable controlling works on the diversions to provide the watermaster suitable control of the diversions. IDWR recommends contacting the owner if the water is to be shut off or turned down to prevent possible damage to the pump.

Wr # 37-2627A, 37-11911, 37-11914: (Monitoring & Regulation of Diversion Rate and Volume from Wells Required by Water District 37-M)

HISTORY: Originally, right 37-2627 was licensed to the Picabo Livestock Co. for supplemental use of ground water from two wells in the Silver Creek area in water district 37M. The original wells discharged into the Kilpatrick Ditch and Silver Creek then re-diverted from those channels and used to flood irrigate the original property. Due to the diversion of water into Silver Creek and the Kilpatrick Ditch, the watermaster was required to monitor the amount of water being injected to and re-diverted from these channels.

In 1997, a portion of right 37-2627 was sold to the Rinker Co. and transferred to the Golden Eagle Subdivisions for irrigation purposes. This water right transfer, number 5045, split the water right into 37-2627A and 37-2627B. Water right 37-2627B was moved to the Golden Eagle Subdivision, located within Water District 37. Right 37-2627A remained on the lands in the Silver Creek area, and also retained the same watermaster conditions that were on the original water right because the Picabo Livestock apparently intended to continue to inject/re-divert ground water to/from Kilpatrick Ditch and Silver Creek.

In 2004, transfer 69624 was approved to combine the lands and acres to be irrigated under ground water rights 37-2627A, 37-11911, and 37-11914 into a permissible place of use that allows the diversion of 16.83 cfs and 5312.7 acre feet of water from three wells for the irrigation of 2,711.3 acres within the borders of the 3,037.4 acre Picabo Livestock farm. The transfer indicates that the wells would pump ground water directly to irrigation sprinkler systems. It is presumed therefore that the wells no longer inject to and re-divert from Kilpatrick Ditch and Silver Creek.

DELIVERY RECOMMENDATIONS: Transfer 69624 includes the following conditions:

The total instantaneous diversion of water from all points of diversion for all ground water rights identified under this transfer No. 69624 and the surface water rights identified under transfer 69626 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field head gate of 9489.6 af.

Right Nos. 37-2627A, 37-11911, and 37-11914 are limited to a total combined diversion rate of 16.83 cfs and to a total combined annual diversion volume of 5312.7 AF.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Given these conditions and the condition requiring watermaster regulation, the Department recommends that the watermaster enforce the condition requiring measurement of the wells and assure that the total combined diversion of water under these ground water rights and surface water rights does not exceed the limits given in the conditions above. The watermaster therefore will need to regularly record flow rates and cumulative volumes from the well flow meters.

The associated surface water rights are: 37-00021, 37-00022, 37-00186A & B, 37-00187, 37-00188, 37-00189, 37-00213A & B, 37-00214, 37-00215E & F, 37-00216, 37-00217, 37-00218, 37-00219, 37-00333, 37-00351A, 37-00352A, 37-00376B, D & E, 37-00377, 37-00378, 37-00379, 37-00380, 37-00381, 37-00428, 37-00694A & B, 37-00695, 37-00942 and 37-02405.

Wr #: 37-2553A and 37-2553B: (Regulation by Priority Required by WD37-M)

HISTORY: These rights have the same water right numbers in both the water right and SRBA databases. The water right was originally licensed to deliver drain water for irrigation. Apparently, several drains were constructed to capture shallow ground water to de-water the fields. Runoff water was also captured in these drains. The water right records were involved in a water right transfer in 1995 that split the water rights into 37-2553A and 37-2553B, and changed the source from surface water (an unnamed drain) to a ground water well on 37-2553B (see transfer 4254). Both water rights were recommended in the SRBA to reflect water right 37-2553B. The SRBA staff is currently working to remedy this situation. Currently, the water rights are to be delivered per the water right records, so this shouldn't be an issue at this time.

DELIVERY RECOMMENDATIONS: Water right 37-2553A is diverted from an unnamed drain tributary to Loving Creek. It is diverted at two locations. These diversions are required to have lockable and controllable headgates and measurement devices that allow the watermaster to control the water delivery. This water right should be regulated as any other surface water right on Loving Creek, and when the water rights with a priority date of earlier than 6/28/1954 are shut off, this right should also be shut off.

Water right 37-2553B is also required to be regulated by the watermaster, even though it is diverted from the well. This water right can only be delivered as long as water is available for a 6/28/1954 priority date from Loving Creek. This water right also has a condition that requires that it only be diverted when there is adequate water in the unnamed drain to deliver the original

water right. This means that this right can only be diverted if there enough water flowing by the two diversions described in 37-2553A.

The difficult part of these two water rights is that time when there is not enough water to fulfill both water rights flowing in the unnamed drain. During this time, both water rights will need to be reduced to a proportionate share of the water being diverted. In other words, if the drain only has a flow of 1.00 cfs, then the owner of 37-2553A will only be able to divert 0.50 cfs from the drain, and the owner of 37-2553B will only is able to divert 0.50 cfs from their well. Alternatively, the rights could be rotated among the two users as long as the combined rates of flow under the two rights are not exceeded and water is available from the drain. All of the points of diversion for both of the water rights should have a measurement device and a means to control the flow of water. The watermaster must make sure that the rights are allocated accordingly.

A condition of right 37-2553B requires that "the right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right."

Most of the water rights that overlap 37-2553B have senior priority dates so it appears as though the use of the well may be very limited if this condition is enforced. The 1954 priority dates may prevent either of these diversions to be used except for early in the irrigation season.

WR # 37-2642 & 37-2661:

HISTORY: Water rights 37-2642 and 37-2661 have the same water right number in both the water right database and SRBA database. Conditions on the water right require that all injection points and points of re-diversion have a measuring device and lockable controlling works of a type acceptable to the Department. The SRBA recommendations describe three ground water wells and four points of re-diversion described under these two rights and rights 37-2643 and 37-37-7633. Recommended rights 37-2642 and 2661 have a watermaster regulation condition but 37-2643 and 7633 do not.

Originally, water rights 37-2642 and 37-2661 were licensed to divert water from ground water wells to irrigated fields. In 1983 transfer 2863 was filed to allow the water from the wells to be injected into the Buhler Drain and an unnamed stream and re-diverted through the current owner's head gates from the Buhler Drain and the same unnamed stream. The points where water is injected into the drain and unnamed stream are to be measured and monitored by the watermaster, so that when it is re-diverted from the Buhler Drain and the unnamed stream only 95% of the amount of water injected into the drain and stream may be diverted. The SRBA recommendation calls for a combined limit of 699.5 acres to be irrigated by water rights **37-2642**, 37-2643, 37-2598, **37-2661**, 37-7633, and 37-11614. In addition, the recommendation calls for a combined annual diversion volume limit of 2098.5 ac-ft for the purpose of irrigation by water rights **37-2642**, 37-2643, **37-2661**, and 37-7633.

DELIVERY RECOMMENDATIONS: The water delivery for 37-2642 and 37-2661 will be fairly simple. The watermaster will check the amount of water being injected into the Buhler Drain and the unnamed stream and the amount of water diverted at the owner's points of re-diversions (four points). The watermaster will then adjust the amount of water being re-diverted

through the owner's head gates to ensure the combined rates of re-diversion do not exceed 95% of the amount that is injected into the Buhler Drain and the unnamed stream.

37-2641B, 37-2662B, and 37-4289B:

HISTORY: Water rights 37-2641B, 37-2662B, and 37-4289B have the same water right numbers in both the SRBA and water right databases. The rights are similar in flow rate and annual volume. However, the described points of diversion, places of use, and conditions described on the SRBA recommendation vary significantly from the water right record. All of the water rights were involved in a water right exchange (2906) in 1983 that split the rights into A and B components, added a new point of diversion (but maintained the existing PODs) and exchanged groundwater diverted into the Buhler Drain for surface water diverted from Cain Creek for irrigation.

DELIVERY RECOMMENDATIONS: Exchange document 2906 was approved with the following conditions governing the new water rights 37-2641B, 37-2662B, and 37-4289B, which were created by the document.

1. Use of water under this right is subject to control by the watermaster of State Water District No. 37M, Little Wood River.
2. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained at the point of injection into Buhler Drain and at the points of diversion (exchange) from Cain Creek.
3. No more than 95% of the rate of flow injected into Buhler Drain shall be diverted from Cain Creek.
4. Approval of this exchange is no way validates Claim No. 37-4289B.

To fulfill the requirements of these conditions water measurement devices are needed at the point of injection, at the original point of diversion (well) that existed prior to the exchange and that is still in service, and at all of the diversion points from Cain Creek. If adequate devices are not in place at all of these locations the Watermaster can require their installation. The requirement of the Watermaster will be to insure that no more than 1.32 cfs (37-2662B), 0.93 cfs (37-2641B), and 0.08 cfs (37-4289B) is diverted for each respective water right and that the total water diverted from Cain Creek does not exceed 95% of the water injected to the Buhler Drain. At most 2.33 cfs (1.32 + 0.93 + 0.08) can be diverted from Cain Creek per exchange document 2906. Therefore, the maximum amount of ground water that can be pumped and injected into the Buhler Drain is 2.45 cfs (1.05*2.33). The Watermaster must regulate the combined diversion rates from Cain Creek to ensure that at any given instant they do not exceed 2.33 cfs, and that the amount of water injected into Cain Creek is equal to 105% of the amount being diverted. In addition, because the source of the exchange water is ground water the diversions are also volume limited. The total volumes of water that can be diverted from Cain Creek are 198 ac-ft (37-2662B), 139.37 ac-ft (37-2641B), and 12 ac-ft (37-4289B) respectively. Once these volumes have been reached in a single season the injection well and all diversion structures must be taken out of operation and locked until the following year.

In addition to managing the water rights associated with the exchange water with respect to each other, each water right must be managed with respect to its sibling water right to insure that the total combined diversion rate and volumes of water are not exceeded. The combined water

WRs 37-2649B, 37-7014, and 37-7644 are required to have a flow measurement device at the point of injection into Patton Creek and at the point of re-diversion. The maximum diversion rate at the Lucke Well that can be used for irrigation is 7.44 cfs. The combined maximum instantaneous diversion rate for all water rights that utilize Lucke Well water is 14.46 cfs. As such, not all WRs can be diverting their full rate at the same time. Therefore currently two scenarios are likely occurring: **(1)** a rotation is in place that all parties have agreed to that meets their respective needs and limits there total usage to the combined limitations of the WRs; or **(2)** no rotation is in place and each party diverts as much water from Patton Creek and Silver Creek s as is allowed under their respective WRs to meet their individual irrigation needs, regardless of the combined flow rate and volume limitations. Moving forward with regulation scenario (1) can be endorsed and implemented by the Watermaster but scenario (2) can no longer be allowed.

The requirement of the Watermaster will be to insure the following three items: **(A)** the total water diverted from the Lucke Well (point A on the exhibit map) for irrigation does not exceed 7.44 cfs, assuming the SRBA partial decrees for the WRs are updated to reflect the changes implemented in the *Preliminary Order Correcting Liceneses 37-7014 and 37-7644* dated December 23, 2008; **(B)** the instantaneous combined re-diversion rates at points C, D, and E do **not exceed the injection rate at point A; and (C)** the individual diversion rates and annual diversion volumes at points **C, D, E,** and the diversion point for WR 37-2649A do not exceed their respective licensed and/or decreed limitations.

In order to accomplish this goal, flow rates must be measureable at the Lucke Well (point A on the exhibit map), the diversion point to 34-2649A, the injection point into Patton Creek (Point B), the re-diversion point on the unnamed stream/lateral for WR 37-2649B (point C), the re-diversion point on Stalker Creek for WR 37-7644 (point D), and the re-diversion point on Silver Creek for WR 37-7014. Due to the fact that the Watermaster will need to measure the total seasonal volume of water for each of the four water rights, if existing water meters at any of the measurement points, excluding points A and B, do not support volume totalizing capabilities, the water users will be forced to upgrade or modify their water meters accordingly.

In the likely event the quantity of water is not sufficient to fill all the water rights, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no senior water right user shall be denied the right to receive water on a continuous flow basis, if they so choose, by reason of this rotation. If such an agreement can be reached, the Watermaster should regulate flow rates and/or volumes based on the conditions of the rotation, provided that no water users exceed the limitations established on their individual WRs. In the event that the water users can not agree to a rotation, the Watermaster shall regulate both flow rate and volume by priority date.

rights 37-2662 A and 37-2662 B can not exceed a combined diversion rate of 3.42 cfs or a total combined annual diversion volume of 513 ac-ft. Like wise the combined water rights 37-2641A and 37-2641B can not exceed a combined diversion rate of 5.00 cfs or a total combined annual diversion volume of 747 ac-ft. And finally, water rights 37-4289 A and 37-4289B can not exceed a combined diversion rate of 0.24 cfs or a total combined annual diversion volume of 12 ac-ft.

WR # 37-2649A, 37-2649B, 37-7014 & 37-7644: (Regulation Required by WD37-M) Revised December 26, 2008

HISTORY: Water right 37-2649 originally contained one POD (Lucke Well), transfer No. 2057 split the WR into 37-2649A and 37-2649B and added an injection and re-diversion from Patton Creek component for the B right, which allowed for better irrigation of a portion of the original POU, overall the POU was not changed between the parent WR and the two children. WRs 37-2649A and B have the same water right numbers in both the WR database and the SRBA database. WR 37-2649A allows for the diversion of 4.24 cfs of groundwater from the Lucke Well for the irrigation of 212 acres. WR 37-2649B allows for the diversion of 3.2 cfs of groundwater from the Lucke Well, which is injected into Patton Creek and re-diverted downstream from an unnamed stream/lateral for the irrigation of 160 acres. The maximum re-diversion rate for 37-2649B is 3.14 cfs (0.98x3.20cfs). Water Right 37-7014 has the same water right number in both the water right database and SRBA database. Water right 37-7014 allows for the diversion of up to 5.00 cfs of groundwater from the Lucke Well, which is injected into Patton Creek, which flows into Silver Creek where it is re-diverted approximately 10 miles downstream, at a maximum flow of 4.30 cfs (0.86x5.00 cfs) for the irrigation of 445 acres. WR 37-7644 has the same water right number in both the WR and SRBA databases. WR 37-7644 allows for the diversion of up to 2.02 cfs of groundwater from the Lucke Well, which is injected into Patton Creek,which flows into Stalker Creek where it is re-diverted at a maximum diversion rate of 1.98 cfs (0.98x2.02 cfs) for the irrigation of 139.5 acres.

DELIVERY RECOMMENDATIONS: WRs 37-2649B, 37-7014, and 37-7644 have a condition that states that these rights are to be regulated by the watermaster. All of these WR's in addition to WR 37-2649A share the Lucke Well (ID No. 362615 NWNE Section 20, T1S, R19E) as a POD. Therefore to properly administer the other three rightsdiverted from the Lucke Well, and to ensure that annual volumes are not exceeded following the SRBA decree of WR 37-2649A, it will be necessary to install a flow meter and monitor diversion rates for WR 37-2549A. According to WR 37-7014 the Lucke Well is limited to a maximum diversion of 7.44 cfs for irrigation (refer to Preliminary Order Correcting Licenses 37-7014 and 37-7644) between water rights 37-2649[A&B] and 37-7014. According to WR 37-7644 and the SRBA recommendations for WRs 37-2649 A&B the combined flows for irrigation of all four WRs from Lucke Well shall not exceed 7.44 cfs. The following table describes the annual rate and volume of diversion water for each water right associated with the Lucke Well.

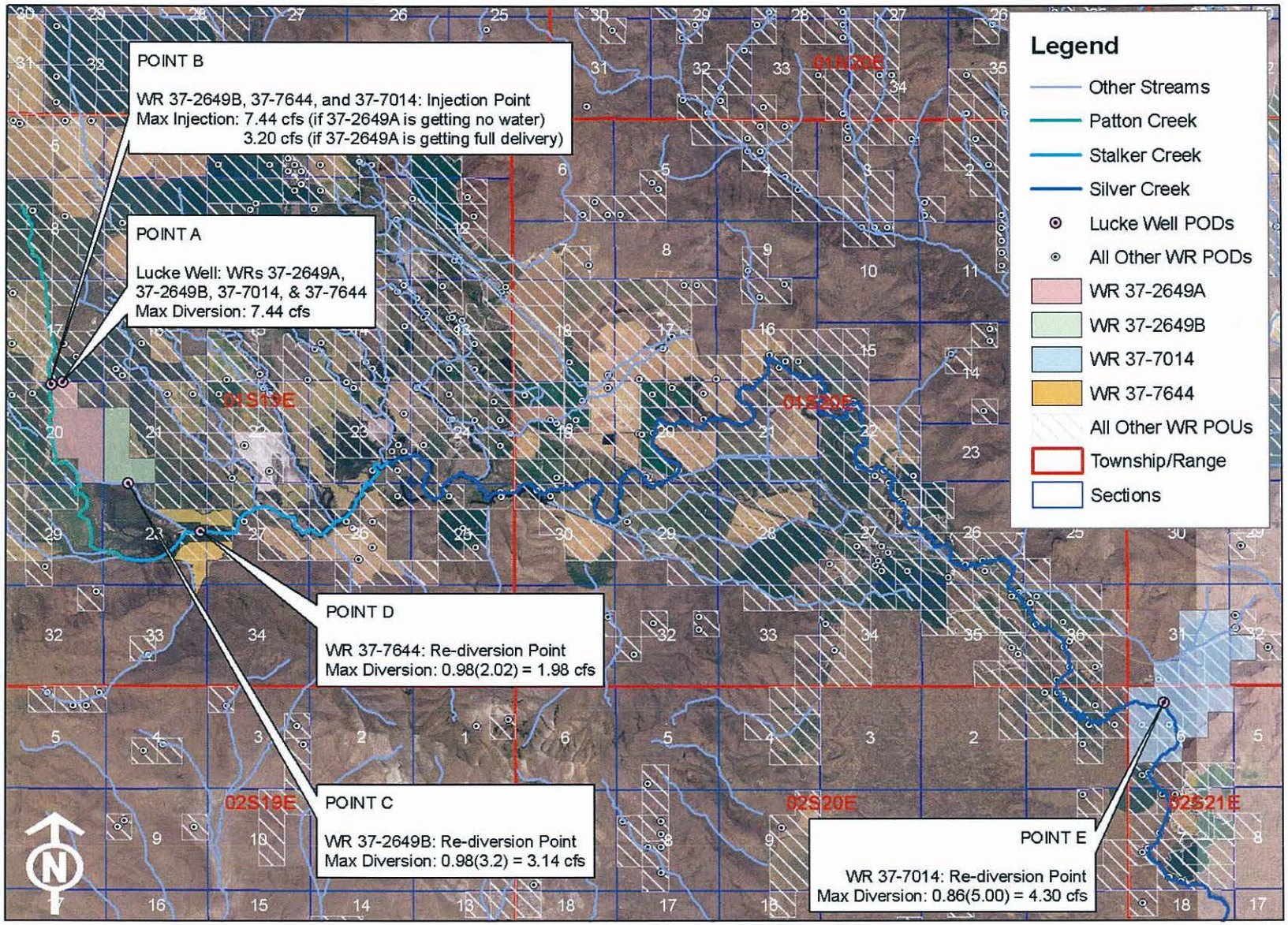
WR Number	Priority Date	Flowrate (cfs)	Vol. (af-ft) WR/SRBA	Well Diverts to	Season of Use
37-2649A	1/27/1961	4.24	None/742	POU on WR	4/01 to 11/01
37-2649B	1/27/1961	3.20	None/560	Patton Cr. Injection	4/01 to 11/01
37-7014	3/11/1968	5.00	1335/1335	Patton Cr. Injection	4/01 to 11/01
37-7644	8/20/1977	2.02	488.3/488.3	Patton Cr. Injection	4/15 to 10/31

WRs 37-2649B, 37-7014, and 37-7644 are conditionally required to have a flow measurement device at the point of injection into Patton Creek and at the point of re-diversion. The maximum diversion rate at the Lucke Well that can be used for irrigation is 7.44 cfs. The combined maximum instantaneous diversion rate for all water rights that utilize Lucke Well water is 14.46 cfs. As such, not all WRs can be diverting their full rate at the same time. Therefore currently two scenarios are likely occurring: **(1)** a rotation is in place that all parties have agreed to that meets their respective needs and limits there total usage to the combined limitations of the WRs; or **(2)** no rotation is in place and each party diverts as much water from Patton Creek and Silver Creek as is allowed under their respective WRs to meet their individual irrigation needs, regardless of the combined flow rate and volume limitations. Moving forward with regulation, scenario (1) can be endorsed and implemented by the Watermaster, but scenario (2) can no longer be allowed.

The requirement of the Watermaster will be to ensure the following three items: **(A)** the total water diverted from the Lucke Well (point A on the exhibit map) for irrigation does not exceed 7.44 cfs, assuming the SRBA partial decrees for the WRs are updated to reflect the changes implemented in the *Preliminary Order Correcting Liceneses 37-7014 and 37-7644* dated December 23, 2008; **(B)** the instantaneous combined re-diversion rates at points C, D, and E do not exceed the injection rate at point A; and **(C)** the individual diversion rates and annual diversion volumes at points C, D, E, and the diversion point for WR 37-2649A do not exceed their respective licensed and/or decreed limitations.

In order to accomplish this goal flow rates must be measurable at the Lucke Well (point A on the exhibit map), the diversion point to 34-2649A, the injection point into Patton Creek (point B), the re-diversion point on the unnamed stream/lateral for WR 37-2649B (point C), the re-diversion point on Stalker Creek for WR 37-7644 (point D), and the re-diversion point on Silver Creek for WR 37-7014. Due to the fact, that the Watermaster will need to measure the total seasonal volume of water for each of the four water rights, if existing water meters at any of the measurement points, excluding points A and B, do not support volume totalizing capabilities, the water users will be forced to upgrade or modify their water meters accordingly.

In the likely event the quantity of water is not sufficient to fill all the water rights, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no senior water right user shall be denied the right to receive water on a continuous flow basis, if they so choose, by reason of this rotation. If such an agreement can be reached the Watermaster should regulate flow rates and/or volumes based on the conditions of the rotation, provided that no water users exceed the limitations established on their individual WRs. In the event that the water users can not agree to a rotation, the Watermaster shall regulate both flow rate and volume by priority date.



Lucke Well Exhibit Map
(WRs: 37-2649A, 2649B, 7014, & 7644 POD & POU)

WRs # 37-2444, 37-2683A, 37-2683B, 37-7349A, 37-7349B: (Measurement and Regulation Required by WD37-M of Wells/Re-diversions Due to Injection/Re-diversion to/from Silver Creek)

HISTORY: In the past, WRs 37-00934 (surface water), 37-2683WR (ground water), and 37-7349 (ground water) have all been used for the irrigation of the same general place of use. WR 37-934 was considered abandoned and forfeited with the approval of transfer 68553.

37-2683 was established in 1961 for the diversion of 3.0 cfs of ground water to irrigate 156.4 acres, with an annual volume limitation of 469 ac-ft. In the proof of beneficial use notice the applicants submitted to IDWR, it was noted that the ground water was supplemental to 80-inces of surface water (37-00934) from Silver Creek with a priority date of 1888. In 1991 transfer 3886 added a point of diversion to the water right. The new POD was a remote well located upstream of the property on Silver Creek. The transfer approved the new well which discharged into Silver Creek and water was re-diverted from Silver Creek downstream. The point of re-diversion was an existing pump system (POD) that the water user used to divert surface water rights from Silver Creek under WR 37-00934. Transfer 3886 instigated the Watermaster control and water measurement conditions (at injection and re-diversion points). In 2003 transfer 68553 was approved which split WR 37-2683 into parts A and B in the following manner: (A) 1.88 cfs and 293.3 ac-ft per year for the irrigation of 98.3 acres; and (B) 1.12 cfs and 175.7 ac-ft per year for the irrigation of no more than 58.8 acres. The SRBA has recommended WRs 37-2683A and 37-2683B which are similar to their WR counterparts with similar conditions.

Ground water right 37-7349 was established in 1974 for the diversion of 1.60 cfs for the irrigation of 232 acres with no annual volume. At licensing it was conditioned with Watermaster control and permanent water measurement requirements, and was conditioned as supplemental to the surface water applied to the same ground for the same purpose (i.e. WR 37-00934). WR 37-7349 utilizes the same well and injection point as WRs 37-2444 and 37-2683, however they all have different re-diversion points. In 2003 transfer 68553 was approved which split WR 37-7349 into parts A and B in the following manner: (A) 1.17 cfs for the irrigation of no more than 60 acres within a 169.9 acre PPU; and (B) 0.43 cfs and 77 ac-ft per year for the irrigation of no more than 22 acres within a 152 acre PPU. There are no SRBA claims/recommendations associated with these rights because their proof of beneficial use was filed after November 1987. Refer to the Water Right Exhibit map below (second figure down) for depiction of the PODs and POUs of the water rights in question and their spatial proximity to each other.

A beneficial use claim for WR 37-2444 was filed during the SRBA. This WR is recommended for the diversion of 2.52 cfs of groundwater for the irrigation 126 acres with annual volume not to exceed 441 ac-ft per year. The initial point of diversion and injection point into Silver Creek for this WR is shared with WRs 37-2683A, 37-2683B, 37-7349A, and 37-7349B.

DELIVERY RECOMMENDATIONS: As stated above WRs 27-2444, 37-2683A, 37-2683B, 37-7349A, and 37-7349B all share a common ground water POD (well) and injection point into Silver Creek. WRs 37-2683A, 37-2683B, 37-7349A, and 37-7349B have conditions requiring the regulation of the water right by the Watermaster due to injection/re-diversion to and from Silver Creek. Right 37-2444 has been decreed in the SRBA without any watermaster regulation condition (right originally had no regulation condition); however, to effectively regulate the other WRs diverted from the same diversion, the water use associated with this right will also

need to be monitored and regulated. The following table summarizes the diversion rates and annual volumes associated with each right.

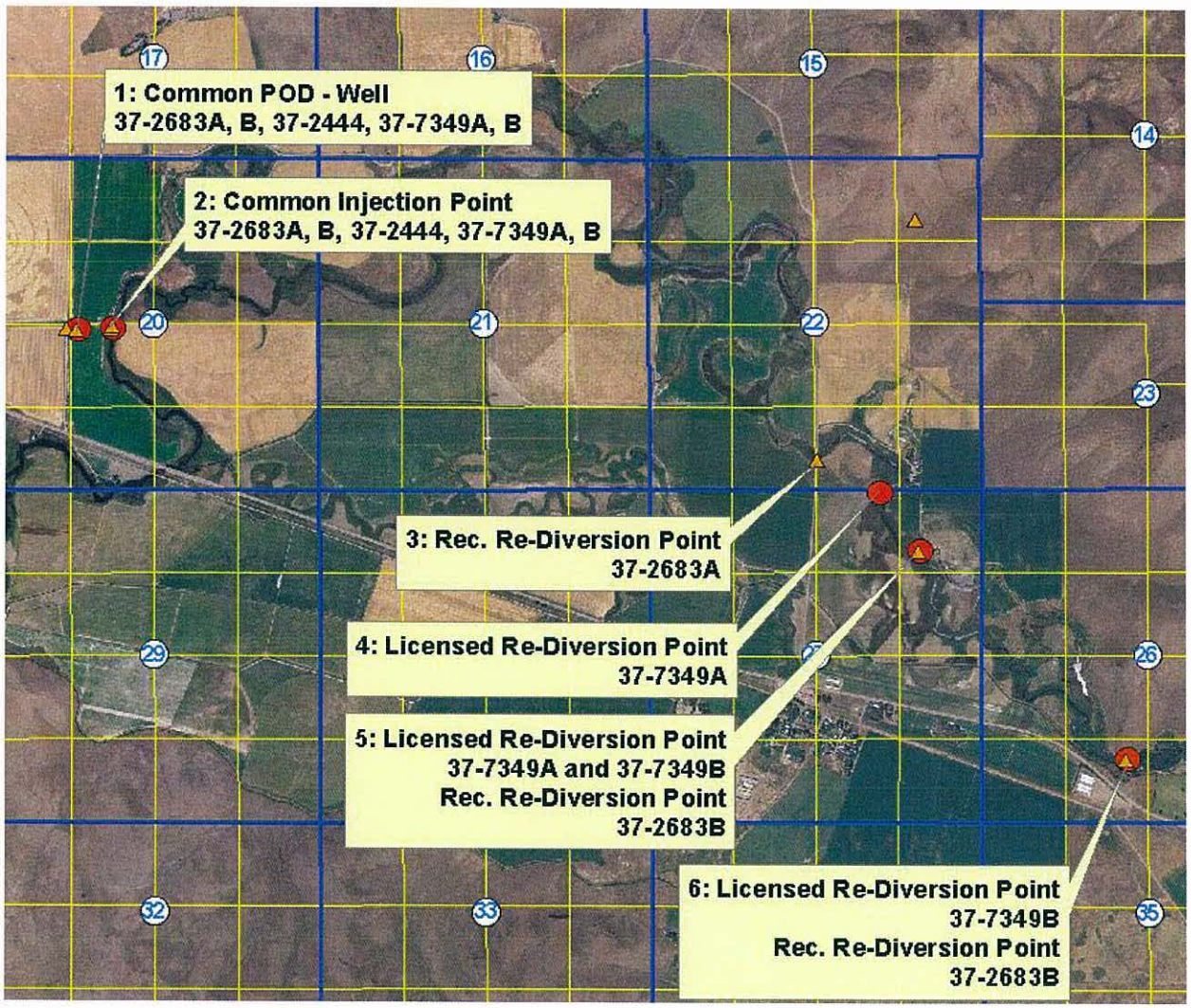
Water Right	Priority Date	Flow Rate (CFS)	Annual Volume (ac-ft)
37-2444	10/26/1931	2.52	441
37-2683A	08/23/1961	1.88	292.3
37-2683B	08/23/1961	1.12	175.7
37-7349A	03/07/1974	1.17	503.3 - 293.3 = 210
37-7349B	03/07/1974	0.43	77
Total:	--	7.12	--

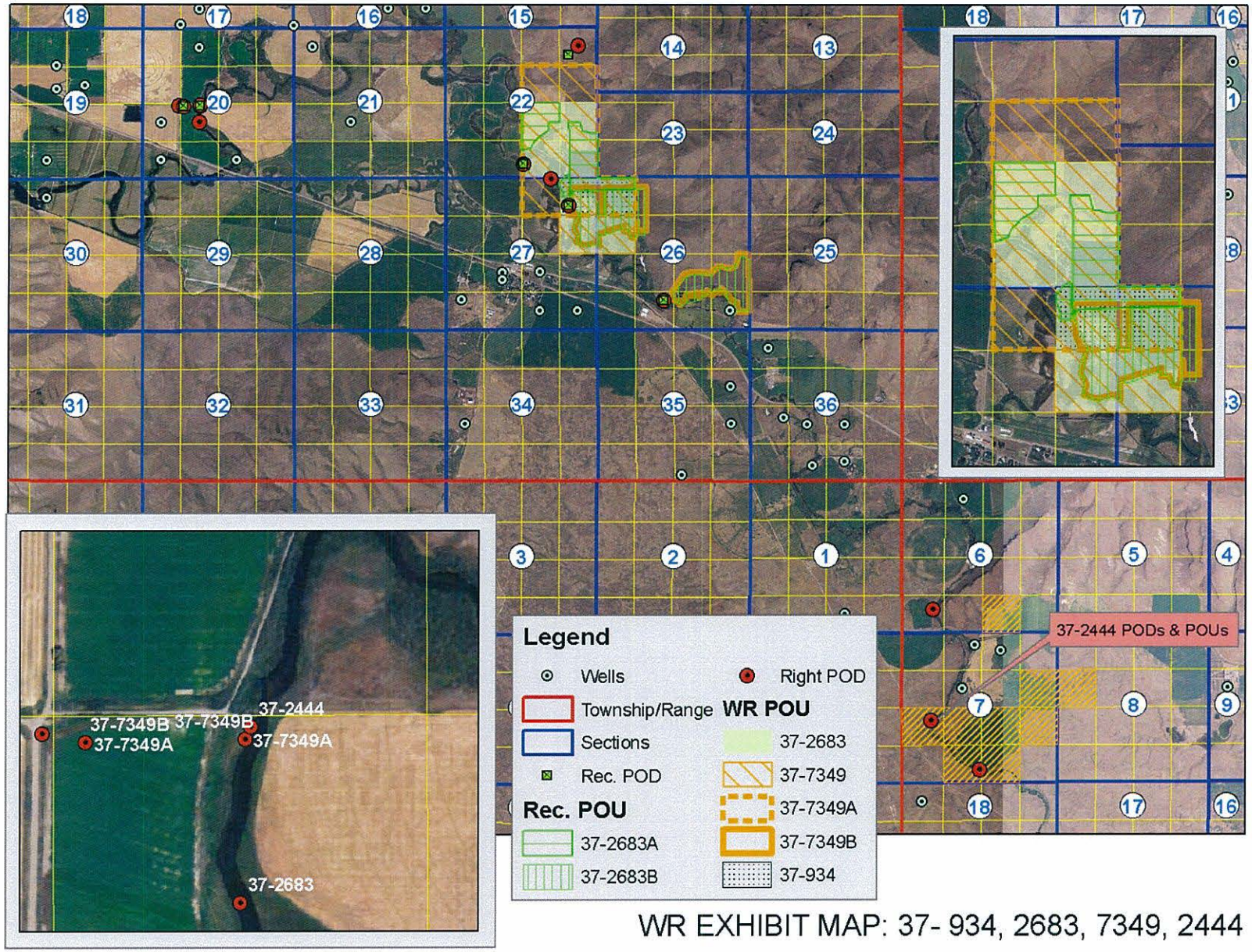
WRs 37-2683A and 37-7349A are conditioned with a maximum combined annual diversion volume of 503.3 ac-ft. WRs 37-2683B and 37-7349B have a maximum combined diversion rate of 1.24 cfs and a combined annual diversion volume limitation of 217.ac-ft. The well and all re-diversion points (excluding WR 37-2444) must have a measuring device that measures instantaneous rate of flow and cumulative volume. If there is substantial loss of water between the well and the point of injection into Silver Creek than an additional measuring device may be needed at the injection point. The Watermaster must read the well measuring device on some regular basis to assure the rate of flow and volume is not exceeded (curtail the use if the volume is exceeded within a season). A reading must be made at the start of the season plus weekly or bi-weekly readings are recommended or as frequently as needed to regulate the well in accordance with maximum diversion rates and annual volume limitations.

Based upon the limitation of the water rights the maximum instantaneous flow rate that the well is allowed to pump is 6.81 cfs. The maximum annual volume that can be diverted from the well is 1,196 ac-ft, once this volume has been reached or exceeded the use of the well shall be curtailed until the start of the following irrigation season. All re-diversion points for WRs 37-2683A, 37-2683B, 37-7349A, and 37-7349B are required to have measuring devices that can measure instantaneous flow rate and cumulative volume. The following figure depicts all of the diversion points that will need to have measurement devices and that the Watermaster will be responsible for regulating on a continual basis.

The sum total of all re-diversion points, including WR 37-2444 should not exceed the diversion rate of groundwater at the well (point 1) or the injection rate into Silver Creek (point 2). Note that there are three points of re-diversion for 37-2444 that are separate from any of the other re-diversion points associated with rights 37-2683A/B and 37-7349A/B. The re-diversion points for 37-2444 (not shown on map below, points are further downstream) require measuring devices even though such a condition is not included on the right. The maximum combined rate of re-diversion at these three points is 2.52 cfs and the maximum combined annual volume is 441 ac-ft. When water is not being re-diverted by 37-2444, then the combined re-diversion rate of the other WRs (37-2683A, 37-2683B, 37-7349A, and 37-7349B) can not exceed the diversion rate at the well or the injection rate into Silver Creek. The maximum diversion rate at point 3 is 1.88 cfs and the maximum annual volume that can be diverted at this point is 292.3 ac-ft. This re-diversion device must be shut off if this volume is reached in a single irrigation season. The maximum diversion rate at point 4 is 1.17 cfs and the maximum annual volume that can be diverted at this point is 210 ac-ft. This re-diversion device must be shut off if this volume is

reached in a single irrigation season. WRs 37-3683A and 37-7349A have a combined annual diversion volume limitation of 503.3 ac-ft per irrigation season, when this volume is exceeded, the land irrigated by these WRs must cease being irrigated and any re-diversion works (points 3, 4, and 5) must be closed and regulated so that water can no longer be diverted to the grounds in question. This will be difficult to regulate at point 5 where the re-diversion device also diverts water for WRs 37-7349B and 37- 2683B, however, the water user will be required to install additional water measurement devices as needed to facilitate this regulation requirement. WRs 37-7349B and 37- 2683B have a combined diversion rate limitation of 1.24 cfs and a combined annual volume limitation of 217.7 ac-ft per irrigation season. Therefore, excluding flow rates associated with 37-7349A, the maximum diversion rate allowed at either points 5 or 6 or combined between the two is 1.24 cfs. The maximum volume, again excluding water associated with 37-7349A, at either points 5 or 6 or combined between the two is 217.7 ac-ft per irrigation season. As indicated above the water user is required to install additional water measurement devices as needed at point 5 to facilitate the demarcation of water (flow rate and volume) between WR 37-7349A and WRs 37-7349B and 37-2683B.





WR EXHIBIT MAP: 37- 934, 2683, 7349, 2444

WD 37-2003

ATTACHMENT 12.A

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

RECEIVED
MAR 19 2003
Department of Water Resources

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

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,

John Freitag
Water Resource Agent Sr.

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