

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHTS HELD BY
MEMBERS OF THE BIG WOOD & LITTLE
WOOD WATER USERS ASSOCIATION
DIVERTING FROM THE BIG WOOD
RIVER

Docket No. CM-DC-2015-001

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHTS HELD BY
MEMBERS OF THE BIG WOOD & LITTLE
WOOD WATER USERS ASSOCIATION
DIVERTING FROM THE LITTLE WOOD
RIVER

Docket No. CM-DC-2015-002

**REQUEST FOR
STAFF MEMORANDA**

To: Tim Luke, Bureau Chief
Water Compliance Bureau

Sean Vincent, Manager
Hydrology Section

The following is a request for staff memoranda pursuant to Rule 602 of the Idaho Department of Water Resources' ("Department") Rules of Procedure (IDAPA 37.01.01).

Rule 600 of the Rules of Procedure authorizes the presiding officer to use the Department's "experience, technical competence and specialized knowledge" in the evaluation of evidence in a contested case proceeding.

Rule 602 of the Rules of Procedure allows the presiding officer to take official notice of technical or scientific facts within the Department's specialized knowledge, including agency staff memoranda and data, in a contested case proceeding.

BACKGROUND

On February 24, 2015, the Director ("Director") of the Department received two conjunctive management water delivery call letters from the Big Wood & Little Wood Water Users Association ("Association"). The letters allege that senior surface water users on the Big Wood and Little Wood Rivers are being injured by junior ground water users diverting ground water hydraulically connected to the Big Wood and Little Wood Rivers. The letters request the Director regulate diversions of ground water by holders of junior ground water rights consistent with the prior appropriation doctrine.

The Director initiated new contested case proceedings and assigned each delivery call letter its own docket number. The Big Wood Delivery Call was assigned docket no. CM-DC-2015-001. The Little Wood Delivery Call was assigned docket no. CM-DC-2015-002.

On March 20, 2015, the Department sent letters to the holders of ground water rights who might be affected by one or both of the above-described delivery calls. The purpose of the letters was to inform the water users of the delivery calls and notify them of a planned status conference. The letters invited the water users to file a written notice with the Department if they planned to participate in the status conference. The Department received over 100 notices of intent to participate.

The Department also published notice of the delivery calls and the status conference in the Idaho Mountain Express and Camas Courier on March 25th, 2015 & April 1st, 2015; and the Times News on March 26th, 2015 & April 2nd, 2015.

On May 4, 2015, the Director held a status conference in Shoshone, Idaho.

On June 3, 2015, the Director held a prehearing conference in Shoshone, Idaho. At the prehearing conference the participants discussed information in the Department's possession and how it might be disseminated to the parties and participants. The Director stated he would prepare two requests for staff memorandum. One request for staff memorandum would request information about how water is delivered to the surface water right holders who called for delivery of their water rights. The other request for staff memorandum would request hydrologic and hydrogeologic data and information from Department technical staff. Rather than preparing two separate request documents, this single document contains two requests for staff memorandum.

THEREFORE, to assist the Director and the participants involved in this contested case proceeding, the Director requests that Department staff review data and information in possession of the Department, and prepare staff memoranda regarding the above-captioned matter, which could include, without limitation:

Surface Water Delivery Systems

1. A description of all sources of water supply for beneficial use on lands identified as a place of use for water rights that a calling party alleges are being injured by junior ground water diversions. The description of the sources of water supply should identify and link water rights authorizing beneficial use of water to the lands, if possible. The description should also include any water right information that references the use of Snake River water on lands that are identified as a place of use by senior surface water rights that are the basis for the delivery call.

2. A description of the overall delivery systems for water diverted from the Big and Little Wood Rivers and delivered to the holders of the senior surface water rights. This description should include information such as canal headings, points of injection back into natural stream channels, points of re-diversion, commingling of water from various sources, and how the watermaster accounts for the water delivered into the larger delivery system and how he accounts for delivery to the senior surface water right holders.

3. Information about each calling party's physical delivery and water application works, including: (a) diversion works, including headgates, and control/check structures or valves; (b) measuring and recording device(s); (c) water conveyance systems such as canals, pipes, pumps, lift stations; (d) method of water application or use (for example sprinkler/flood irrigation); (e) wasteways; and (f) any other relevant information.

4. A description of available water delivery records within the Big Wood River and Little Wood River basins.

Hydrology, Hydrogeology, and Hydrologic Data

1. Any hydrologic or hydrogeologic data or publications collected by or available to the Department that may assist the Director in understanding surface and ground water interactions in the Big and Little Wood River basins.

2. A conceptual description of the interaction between ground water and surface water in the Camas Creek drainage, the Big Wood River drainage, the Silver Creek drainage, the Little Wood River drainage, and any other hydrologic units that may be hydraulically connected to the ground water and surface water in the larger Big Wood River and Little Wood River basins.

3. Identification of diversion records for junior ground water pumping available to the Department.

4. Identification of methods and data available for analyzing consumptive use associated with junior ground water pumping.

5. Identification of any hydrologic or hydrogeologic methods or modeling tools that may be employed in analyzing the impacts of junior ground water pumping on calling senior-priority surface water right holders.

Any such staff memoranda shall be submitted to the presiding officer on or before August 21, 2015, and also served upon the parties to this matter. The Director will require attendance of staff participating in writing staff memoranda for examination at any hearing set in this matter pursuant to IDAPA 37.01.01.201 and 602.

Dated this 12th day of June 2015.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 12th day of June, 2015, I served a true and correct copy of the above and foregoing document by placing a copy of the same in the United States mail, postage prepaid and properly addressed and by e-mail to participants who have provided e-mail addresses to the Department for service to the following:

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