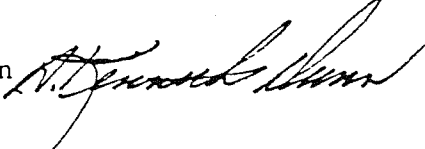


MEMORANDUM

TO: Staff

FROM: A. Kenneth Dunn 
Director

DATE: September 8, 1981

RE: Appropriation of Water Within Irrigation District & Canal Company Areas

Applications to appropriate water within the boundaries of irrigation districts and within the service areas of canal companies cause several uncertainties in administration;

1. Is the water under the control of the district or canal company and not available for appropriation?
2. Is return flow available for appropriation if some water leaves the service area?

A proper and equitable administration of water demands that we adopt guidelines for the appropriation of water within the service area of canal companies and irrigation districts. The following guidelines will be followed in all permits issued in the future:

1. Constructed conveyances. When an additional use is to be made of water from a manmade canal, ditch or other constructed conveyance, whether for consumptive or nonconsumptive use, the appropriator must obtain the permission of the conveyance owner before he can divert any water. The source of water is the natural stream or river from which the conveyance heads. Therefore, the department will not issue a permit without evidence of a right of way to use the point of diversion and conveyance system and/or the written

permission of the owner of the conveyance works.

2. Natural channel conveyances or constructed drains. In many irrigation districts and canal companies, constructed drains and natural channels are used as integral parts of the delivery system. Runoff and seepage water collected in the drains and channels are used to supply water to shareholders lower in the project.

a. When an appropriation from a natural channel, within which a substantial proportion of the flow is water injected into the channel and diverted from the channel by the irrigation district or canal company, is proposed for consumptive or nonconsumptive use, the potential exists for interference with the operation of the irrigation district or canal company. To insure that this local public interest is protected, any such permit issued will be conditioned as follows:

Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the department providing for coordination of the permitted use with the irrigation district or canal company operation.

b. Usually the canal company either owns the land through which a constructed drain flows or has an easement for the drain. Any permit issued to appropriate water from a constructed drain within a canal company service area or an irrigation district boundary will carry the following condition:

Water shall not be diverted under this permit until

an easement or right of way with the owner of
the drain providing for access to the drain is
filed with the department.

The natural channel and drain is no longer considered a part of the
conveyance system below the last point of diversion from which the canal
company or irrigation district delivers water.