

T1/TG



State of Idaho

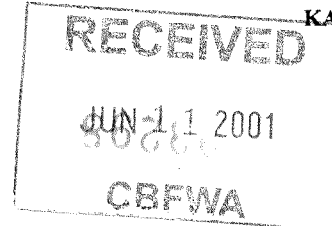
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 7, 2001



33298

Ms. Sarah McNary
Manager, Fish and Wildlife
Bonneville Power Administration
P. O. Box 3621
Portland, OR 97208-3621

VIA FACSIMILE TO (503) 230-4563 AND FIRST CLASS MAIL

Re: Additional Clarification for High Priority Project Proposal No. 23011

Dear Ms. McNary:

This letter is provided to document and further clarify the water right administration process that would be implemented in association with project proposal no. 23011 - Reconnect Little Morgan Creek to the Mainstem Pahsimeroi River. The proposed project will consolidate the points of diversion for the lower three diversions on Little Morgan Creek and provide an enclosed system to deliver water so as to reduce the quantity of water diverted under the water rights involved by minimizing conveyance losses.

There could be as many as 9 water rights totaling 16.2 cfs involved in this project as follows:

Table with 4 columns: Water Right Number, Priority Date, Quantity, Owner. Lists 9 water rights with their respective details.

Although water rights from Little Morgan Creek are administered together with water rights from the Pahsimeroi River, water rights with priorities earlier than about 1900 are not normally curtailed to maintain diversions under more senior water rights. During an extremely

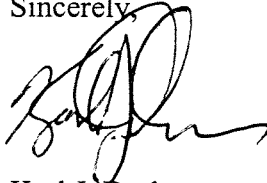
Ms. Sarah McNary  
June 7, 2001  
Page 2 of 2

dry year, such as 1994, the watermaster records for Little Morgan Creek show that by mid-summer, water rights having priorities later than 1885 are curtailed.

When the water rights diverted at the structure proposed to consolidate the diversions, that is when the flows in Little Morgan Creek and the Pahsimeroi River are sufficient to supply other water rights from Little Morgan Creek and the Pahsimeroi River having more senior priorities, if any, then under project proposal no. 23011 "conserved water" would be available. The "conserved water" would not be subject to diversion by holders of senior priority water rights because those water rights would already be filled. When any of the water rights listed on the previous page are not in priority, senior priority water rights would be diverting the available water and there may be less "conserved water" for restoring stream flows, depending on which of the water rights remained in priority.

In any event, shepherding the "conserved water" past downstream water rights from the Pahsimeroi River that would otherwise be entitled to divert the "conserved water" will require that legally enforceable agreements be executed with those water right holders. There are no holders of water rights from Little Morgan Creek below the three owners listed on the previous page. Subject to those agreements, the watermaster or his deputy will shepherd or ensure passage of the "conserved water" past the diversions of water right holders on the Pahsimeroi River that otherwise could have diverted the water. This will require the installation of additional measuring devices and/or manual stream flow measurements by the watermaster or his deputy to both determine the quantity of "conserved water" at various locations, after proportionate reductions for conveyance through losing stream reaches, and to document that the appropriate amount of "conserved water" passes downstream diversions.

If you or your staff have any further questions or concerns regarding how restored or improved flows will be protected, please contact me at (208) 327-7910.

Sincerely,  


Karl J. Dreher  
Director

c: Karen Hunt – Bonneville Power Authority (via facsimile to 503-230-4018)  
Brian Brown – National Marine Fisheries Service  
John Palensky – National Marine Fisheries Service  
✓ Dr. Brian Allee – Columbia Basin Fish and Wildlife Authority