

MAJOR SECTION CROSS WALK
 PENDING RULE -- 37.03.12 WATER DISTRIBUTION RULES - WATER DISTRICT 34
HANDOUT NO. 370312-01
Senate Resources & Environment Committee

Pending Rule Section Title	Review Book Page Number	Pending Rule Reference	Existing Rule Reference	Summary Comment on Substantive Changes
Legal Authority	223	Rule 000	Rule 000	No substantive changes.
Scope	223	Rule 001	Rule 001	No substantive changes.
Definitions	223	Rule 010	Rule 010	Substantive changes to incorporate and align with other rules, clarify terms, and remove unnecessary terms and text.
River Reaches	224	Rule 025	Rule 025	Substantive changes to remove unnecessary text.
Natural Flows	225	Rule 030	Rule 030	No substantive changes.
Measuring Devices and Control Works	226	Rule 035	Rule 035	No substantive changes.
Allocation of Natural Flow	226	Rule 040	Rule 040	Substantive changes to add text to clarify rule and remove unnecessary text.
Water Usage	229	Rule 055	Rule 055	No substantive changes.
Accounting For Water Delivery	230	Rule 060	Rule 060	No substantive changes.

SUBSTANTIVE CHANGES

PENDING RULE - 37.03.12 – IDAHO DEPARTMENT OF WATER RESOURCES WATER DISTRIBUTION RULES – WATER DISTRICT 34

HANDOUT NO. 370312-02

010. DEFINITIONS (RULE 10).

~~For the purposes of these rules, the following terms will be used as defined below. In addition to the definitions found in Section 42-111 and Section 42-1401A, the following apply:~~ (3-31-22)

~~03. Acre-Foot Per Year (AFY). Acre-foot per calendar year. (3-31-22)~~

~~09. Holder of a Water Right. The legal owner or user pursuant to lease or contract of a right to divert or to protect in place surface or ground water of the state for a beneficial use or purpose. (3-31-22)~~

~~11.09. Rotation Credit. Water impounded in Mackay Reservoir pursuant to a water right whose source of water is the Big Lost River and which does not include storage as a purpose of use. The impoundment of water as rotation credit is described in Rule Subsection 040.02. For these rules, the term "impounded" refers to rotation credit. (3-31-22)~~

~~12. Small Domestic and Stock Water Uses. Water uses meeting the definition of Section 42-111 or Section 42-1401A(12), Idaho Code. (3-31-22)~~

~~130. Storage Water. Water impounded stored in a storage facility, including Mackay Reservoir, pursuant to a water right which includes storage as a purpose of use. For these rules, the term "stored" refers to water owned by the Big Lost River Irrigation District. (3-31-22)~~

~~12. Water District. An instrumentality of the state of Idaho created by the Director as provided in Section 42-604, Idaho Code, for the purpose of performing the essential governmental function of distribution of water among appropriators under Idaho law. ()~~

~~13. Water User or Holder of a Water Right. The legal owner or user pursuant to a lease or contract of a right to divert or to protect in place surface or ground water of the state for a beneficial use or purpose. ()~~

025. RIVER REACHES (RULE 25).

~~01. Divisions of the Big Lost River. For the purposes of quantifying river gains, losses, and calculating and accounting for natural flow, the Big Lost River is divided into the reaches identified below. Reference to a specific river reach will be by the name of the downstream station or terminus point. (3-31-22)~~

~~a. Above Howell Gage. (3-31-22)~~

~~b. Howell Gage to Chilly Bridge located in the NW1/4NE1/4NW1/4, Section 5, Township 8 North, Range 22 East, B.M. (3-31-22)~~

~~c. Chilly Bridge to the 2-B Gage. (3-31-22)~~

~~d. 2-B Gage to Leslie Gage located in the NW1/4SW1/4SE1/4, Section 10, Township 6 North, Range 25 East, B.M. (3-31-22)~~

~~e. Leslie Gage to Moore diversion located in the NW1/4SE1/4SE1/4, Section 4, Township 5 North, Range 26 East, B.M. (3-31-22)~~

~~f. Moore diversion to Arco diversion located in the NW1/4NW1/4NW1/4, Section 26, Township 4 North, Range 26 East, B.M. (3-31-22)~~

~~g. Below Arco diversion to the Arco Gage. (3-31-22)~~

~~02. **River Reach Computations.** For each reach of the river the natural flow will be computed as the natural flow entering the reach plus gains entering the reach minus losses from the reach. The natural flow thus calculated will be allocated as described in Rule 40. (3-31-22)~~

040. ALLOCATION OF NATURAL FLOW (RULE 40).

02. Rotation Credit. Water rights that do not include storage as a purpose of use may not be stored. Water rights whose source is Big Lost River, with their point of diversion below the Mackay Dam, and which are appurtenant to lands within Big Lost River Irrigation District (BLRID) may, however, be rotated for credit when such practice improves the efficiency of water use as contemplated by the Big Lost River Irrigation District's plan of operation. Rotation is subject to approval by the Director, the General Provisions for Basin 34, and the following conditions: (3-31-22)

~~a. Rotation for credit must be approved by the director as provided by these rules. (3-31-22)~~

~~b. Rotation for credit must be pursuant to the Big Lost River Irrigation District's approved plan of operation. (3-31-22)~~

~~hi. The rate of diversion for a water right being rotated for credit combined with other water rights for the same place of use being diverted at the same time cannot exceed the combined diversion limit specified in the listing of water rights. This rule does not limit the rate at which rotation credit, once impounded, can be used. (3-31-22)~~

03. Assessment of Evaporation and Conveyance Losses to Impounded Water. (3-31-22)

~~b. Conveyance losses in the natural channel shall be proportioned by the watermaster between natural flow and impounded water. The proportioning shall be done on a river reach basis. Impounded water flowing through a river reach that does not have a conveyance loss will not be assessed a loss for that reach. Impounded water flowing through any river reach that does have a conveyance loss will be assessed the proportionate share of the loss for each losing reach through which the impounded water flows. between natural flow, impounded water, and storage water. The watermaster will proportion the natural flow and impounded water conveyance losses on a river reach basis. (3-31-22)~~

~~i. An exception is made for impounded water delivered through the Beck and Evan diversion located in the SW1/4SE1/4SW1/4, Section 11, Township 6 North, Range 25 East, B.M. Conveyance loss for this impounded water will be assessed the conveyance loss of the 2-B Gage to Leslie Gage reach, if any, and the additional conveyance loss to the Beck and Evan diversion but not the conveyance loss of the entire Moore reach. (3-31-22)~~

04. Initiation and Duration of Surface Water Allocation for Irrigation. Any time on or after May 1, an irrigation a water user can make a delivery call on the natural flow if the water user can make be beneficially used of the water for irrigation. If sufficient natural flow exists to deliver the called for water right in a useable usable amount to the water user's place of use, the watermaster shall deliver the right. In addition, the dDirector may allow the diversion of rights or portions of rights for irrigation use from the Big Lost River as early as April 20 and as late as October 31, and from surface water tributaries to the Big Lost River, either before or after the period of use for

irrigation described in the water right where:

(~~3-31-22~~ _____)

06. Diversion of Additional Flows.

d. Additional flows diverted pursuant to Rule 040.06 are natural flows and will not be assessed as impounded or stored water. (~~3-31-22~~ _____)

08. Canal or Lateral Delivery.

b. If the situation has not been sufficiently resolved within ~~twenty-four (24)~~ forty-eight (48) hours, the watermaster will notify the ~~d~~Director, who may take all actions authorized by law to remedy the situation. (~~3-31-22~~ _____)