

Van Bussum, Monica

From: GARY LEUZINGER [gbgv16a@yahoo.com]
Sent: Sunday, November 28, 2010 3:31 PM
To: Van Bussum, Monica
Cc: laura edwards
Subject: Administrative history for Water Right 75-4
Attachments: 75 10076 dist 75A record.pdf

Monica

In your Memorandum preceding the June Amended Directors Report for the City of Salmon you accurately describe the lack of information for the 75-4 and 75-114 rights as "a discrepancy in administrative history". I am sure you recall Edwards and Arrowhead's concerns on this same subject.

Our further research has turned up the attached May 27 1992 memo to the District 75A water users from George Austiguy. This memo in addition to providing background on the above water rights, also mentions on page 2, second paragraph, "a current water rights listing" that was compiled the same year by George Austiguy and Tim Luke. This Water Rights Listing which is contained in the IDWR back files was used up until 2006 by the District Watermasters and does not list either of the above mentioned rights. This memo provides the reasoning that they were not listed at the time. We request that this memo be added to the administrative history of water rights 75-4, 75-114 and Transfer 3999 to help replace missing history.

Thanks

Gary
Thanks



State of Idaho

DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 27, 1992

Dear Water User:

This letter represents a review and summary of the Jesse Creek Water District meeting of April 1, 1992 and the events which have transpired since that date.

If you recall several issues were discussed at the meeting.

Three diversions were found to be unsatisfactory, the Schulenberger diversion on Jesse Creek, the lower Arrowhead diversion on Pollard Creek and the upper Arrowhead diversion on Chips Creek. Since the meeting, efforts have been made to improve the diversions to a satisfactory condition. The watermaster Darrell Aldous has inspected these diversions and sent the Department photographic verification of the improvements. In addition Darrell has inspected the Edwards diversion on Chips Creek which we were unable to inspect during the April 1 inspection and has sent photographic verification.

Also of issue was the accuracy of the watermaster's list of water rights. Review of the list revealed several errors ranging from simple confusion of ownership to recognition of water right transfers which had never been established.

At the meeting it was resolved that the City of Salmon and Idaho Arrowhead would file transfers to clarify the situation. Presently Idaho Arrowhead has filed transfers on their rights in question. The City is still investigating the Harry Kelly and the Bertha Rose water rights. However, they have not yet filed for a transfer nor provided any evidence to indicate that they are entitled to the benefits of those water rights. Until such evidence is forthcoming the watermaster will not be able to deliver the Rose or Kelly water rights to the City should the water be available. Idaho Arrowhead water rights will be delivered at the status quo until the transfer process is complete.

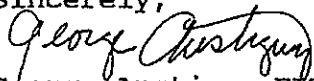
The issue of whether the Farmer's Ditch is a natural stream channel or a ditch and the question of water master jurisdiction on the channel has been investigated. Based on the information available, IDWR has recognized the Farmer's Ditch as a ditch not a natural stream channel. Regulation and delivery of water on laterals (i.e. ditches) is the responsibility of the lateral manager. Idaho Code allows water users on a ditch to select a lateral manager on or before April 1 whose duty it is to deliver the correct amount of water to each user on the ditch. The water

district watermaster has the authority to appoint a lateral manager and set his compensation if one is not selected by April 1. Attached are the Idaho Code sections which outline the process and responsibilities.

Adequate measuring devices have been installed, a current water right listing has been compiled, and the method with which to address regulation of deliveries on lateral ditches has been established. These are the basic fundamentals necessary for the successful operation of a water district, it is now up to you as water users to make it work.

I will continue to work with the watermaster and the water district secretary any time my assistance is needed. Please feel free to contact me and discuss any of the issues raised in this summary letter.

Sincerely,


George Austiguy EIT

Water Management Division