



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

September 28, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

ALVIN YANTIS
2235 MIDDLE FK RD
COUNCIL ID 83612

RE: Hubble Analysis Worksheet

Dear Mr. Yantis,

On August 24, 2006, Misty Mount and Jennifer Dean met with you to measure your diversion. You have stated that your ground requires greater than 0.02 cfs (1 inch) per acre to be irrigated effectively and that should be reflected in the recommendation of Snake River Basin Adjudication (SRBA) claim 67-4069.

In order to recommend more than 0.02 cfs, you need to provide documentation that the soil type you are irrigating requires the greater diversion rate. Ms. Mount and Ms. Dean gave you an "Irrigation Flow Rate Questionnaire" to fill out.

IDWR has not received a completed copy of this questionnaire. For your convenience I am enclosing another form.

Should you choose to pursue the additional diversion rate, please complete and submit the form **ASAP** so it can be forwarded to our engineering department for review.

Meanwhile, for your convenience, I am enclosing copies of the preliminary recommendations made for SRBA claims 67-89B, 67-4069, and 67-7403. I was able to recommend some additional diversion rate for 67-4069, above 0.02 cfs per acre by taking into account water that might be lost through ditch loss.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure

11/23/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-89B

NAME AND ADDRESS: ALVIN YANTIS
2235 MIDDLE FORK RD
COUNCIL ID 83612

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.420 CFS

PRIORITY DATE: 05/01/1900

POINT OF DIVERSION:

T15N R01W S14 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.420 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T15N R01W S10	NWNE	17.0	T15N R01W S10	NENW	24.0
T15N R01W S10	NWNW	2.9			

43.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 43.9 acres in a single irrigation season. Combined Right Nos.: 67-89B, 67-4069, and 67-7403.

This right is limited to the irrigation of 33.6 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Idaho Department of Water Resources

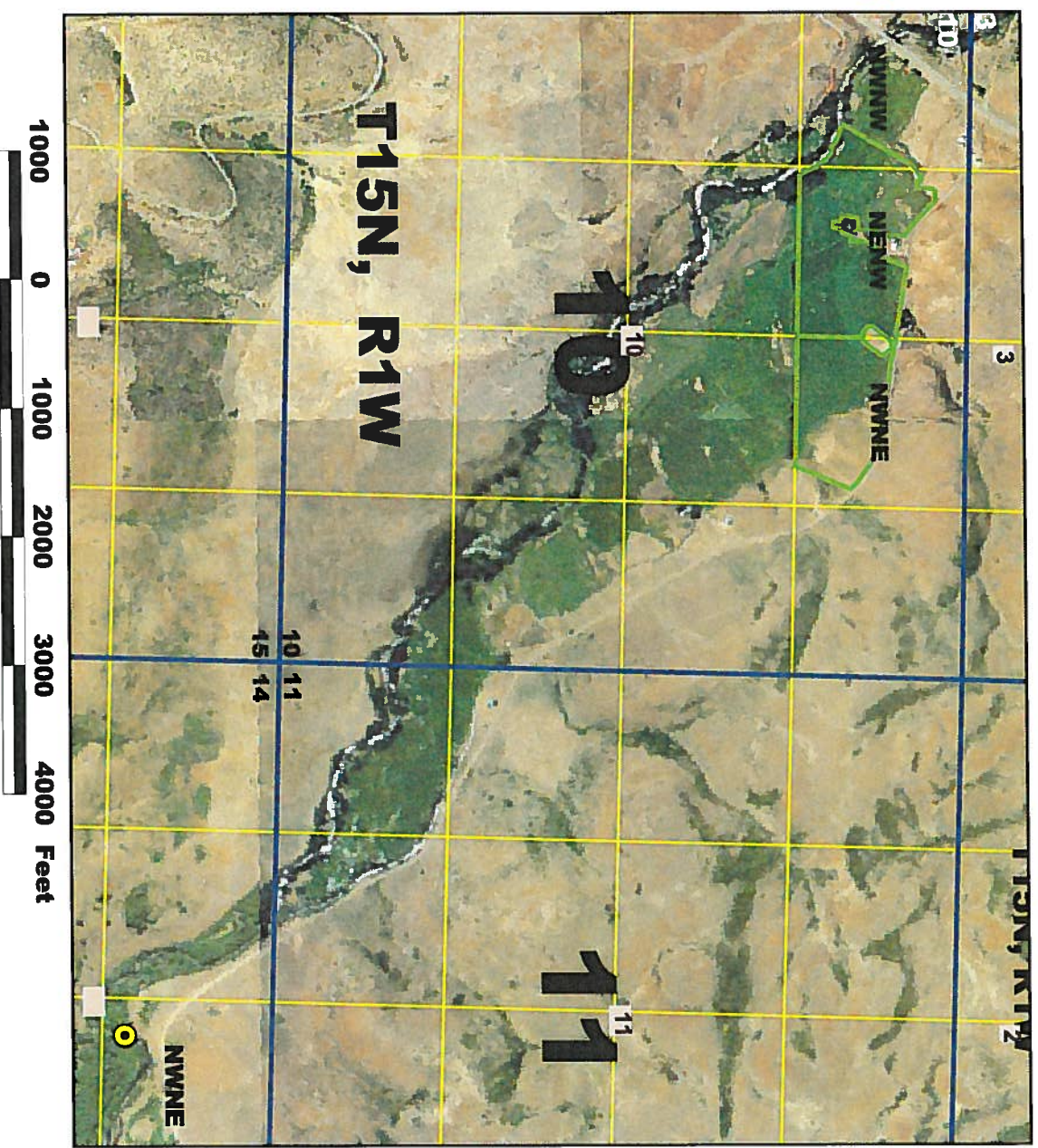
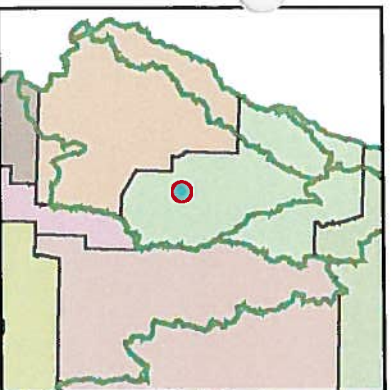


Adjudication Claim Number(s): **67-89B, 67-4069, & 67-7403**

T15N R01W

Legend

- Point of Diversion
- Place of Use
- B67 sections.shp
- T15n01w.shp



1000 0 1000 2000 3000 4000 Feet

Saxton, Craig

From: Mount, Misty
Sent: Tuesday, September 26, 2006 2:35 PM
To: Saxton, Craig
Subject: RE: Hubble for Alvin Yantis

Yes thats correct - we gave him the hubble to fill out - have you heard from him lately?

-----Original Message-----

From: Saxton, Craig
Sent: Tuesday, September 26, 2006 2:34 PM
To: Dean, Jennifer; Mount, Misty
Subject: Hubble for Alvin Yantis

Hi,

I just wanted to confirm that when you both went out and met with Alvin Yantis about wanting more than one inch per acre, you gave him the Hubble information and told him that he needed to provide evidence that supported that his land required more than one inch per acre.

Do I understand that correctly?

Thanks,

Craig

MEMORANDUM

Date: November 23, 2005

To: File 67-89B, 67-4069, and 67-7403

From: Craig L. Saxton

Re: Recommendations for claims 67-89B, 67-4069, and 67-7403

43.9 acres total were found irrigated by Licensing FE for 67-7403. The end result of the recommendations made for the three mentioned claims will be in the irrigation of all 43.9 acres at 1 inch per acre.

67-89B was recommended in full to Alvin Yantis as the competing claim 67-89A was not in the decreed POU and the water master record shows delivery to Mr. Yantis in full. This right was decreed at 21 inches. At 5/8 inches per acre, the maximum acreage that can be recommended under this claim is 33.6 acres.

67-4069 is a statutory claim. This will be recommended for flood water on the same 33.6 decreed acres for the remaining 3/8 inches per acre. Since this is a direct overlap of Muir vs Allison decreed water, the priority date recommended is one day after the decree (May 10, 1918) without further evidence of priority provided.

67-7403 was licensed for the full 43.9 acres found at 1 inch per acre. However, there is no use in recommending this right in full as the majority of the POU overlaps 67-89B and 67-4069 which in combination irrigate 33.6 acres at 1 inch per acre and have far senior priority dates to license 67-7403. The result is to recommend this claim for the remaining portion of the 43.9 acres irrigated (10.3 acres) at one inch per acre. Recommending this license in full would have no benefit to the claimant as all rights are limited to 1 inch per acre and there does not appear to be any intent to claim ditch loss.

Note: See condition of approval on license 67-7403 which reads:

Some or all of the water use authorized by this right is claimed with an earlier priority date on Snake River Basin Adjudication Claim Nos. 67-4069 and 67-89B. If one or both of these claims are decreed as they are claimed, then this right shall be eliminated or reduced by the amount necessary to avoid redundancy of water rights.

Based on how the claims are filed, the three claims will be recommended as a permissible place of use.

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cts)</u>	<u>Volume(ac)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owners</u>	<u>Source Table</u>
67	89	B	Decreed	5/1/1900	0.42		120	WEISER RIV	IRRIGATION	YANTIS, ALVIN (Current)	Claim
67	4069		Beneficial Use	5/1/1900	0.9		45	WEISER RIV	IRRIGATION	YANTIS, ALVIN (Current)	Claim
67	7403		License	6/8/1978	0.88	175.6	43.9	WEISER RIV	IRRIGATION	YANTIS, ALVIN (Current)	Claim

2.2

Recommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cts)</u>	<u>Volume(ac)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owners</u>	<u>Source Table</u>
67	89	B	Decreed	5/1/1900	0.42		33.6	WEISER RIV	IRRIGATION	YANTIS, ALVIN (Current)	Recommendation
67	4069			5/10/1978	0.25		33.6	WEISER RIV	IRRIGATION	YANTIS, ALVIN (Current)	Recommendation
				Ditch Loss =	0.46						
67	7403		License	6/8/1978	0.21	41.2	10.3	WEISER RIV	IRRIGATION	YANTIS, ALVIN (Current)	Recommendation
				Total =	1.34	41.2	43.9	or 1" per acre			

WR

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cts)</u>	<u>Volume(ac)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owners</u>	<u>Source Table</u>
67	4069		Statutory Claim	Active	5/1/1900		1.8		WEISER RIV	IRRIGATION	YANTIS, ALVIN (Current)	wrWaterRight
67	7403		License	Active	6/8/1978		0.88	175.6	WEISER RIV	IRRIGATION	YANTIS, ALVIN (Current)	wrWaterRight

Split history for Decreed Right 67-00089

Recommendation

Claim History

WR History

67-00089A	Holdings
	0
	0

67-00089A	Holdings
	0.42
	960
	0

67-00089	Holdings
	0.42
	960
	0

67-00089	Shaw
0.42	c/s
33.6	ac
0	af

67-00089B	Yantis
	0.420
	33.6

67-00089B	Yantis
	0.420
	120
	0

Acreage calculated at 5/8 in per acre as decreed.
The Decreed POU is not the same as the claimed POU
This right is underclaimed

Sum CFS =	0.420
Sum Acre =	33.6
Sum AF =	n/a

Sum CFS =	0.840
Sum Acre =	1080
Sum AF =	n/a

Un-accounted CFS =	0.000
Un-accounted Acre =	0
Un-accounted AFA =	n/a

Un-accounted CFS =	-0.420
Un-accounted Acre =	-1046.4
Un-accounted AFA =	n/a

*Last updated 11-23-05 (csaxton)
For digital copy of Excel spreadsheet file: See Craig L. Saxton

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	ALVIN YANTIS	2235 MIDDLE FORK RD	COUNCIL	ID	83612	(208)253-4411

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

ask to review

Reviewer: *C. Eubank*Date: 11-23-05

Priority Date Data Entry Form

Claim Number 67-89B

Claimed Priority Date: 5/1/1900

Claimed Basis: Decreed

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date

Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

As Decreed

Reviewer:



Date: 11-23-05

Point of Diversion and Source Data Entry Form

Claim Number 67-89B

Claimed Point of Diversion and Source

T15N R01W S14 NWNENE Within ADAMS County Source: WEISER RIVER WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Middle Fk Weiser

Tributary To

Weiser

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
15N	1W	14		NWNE	Adams	Middle Fk Weiser

Other rights from this POD? _____

Document how the POD and Source were verified:

GPS Tag # A0014005

Reviewer: C. E. [Signature]Date: 11-23-05

Place Of Use Data Entry Form

Claim Number 67-89B

Claimed Place Of Use

T15N R01W S03	NESW	40.0	T15N R01W S03	SESW	40.0
T15N R01W S10	NWNE	20.0	T15N R01W S10	NENW	20.0

Total Acres 20

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
15N	1W	10	NWNE		Adams		17	IRR
			NENW		"		24	"
			NWNW		"		2.9	"

Total Acres 43.9

Document how the POU was verified:

Licensing FF for 67-2403Reviewer: C. FisherDate: 11-23-05

Purpose of Use Data Entry Form

Claim Number 67-89B

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

IRR			33.6	

Document how the Purpose of Use was verified:

limited to Diversion Rate @ 5/8" / acre.

 $0.42 = 21" \times 5/8 = 33.6 \text{ acres}$

Reviewer:



Date:

11-23-05

Period of Use and Quantity Data Entry Form

Claim Number 67-89B

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	0.42	
Overall Diversion Rate	0.42	Overall Diversion Volume		

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Overall Diversion Rate		Overall Diversion Volume		

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Ir	3-15	10-31	0.42	10/16

Overall Diversion Rate 0.42 Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

As Devised

Reviewer: C. GaytherDate: 11-23-05

Licensing to SRBAJL
11/8/93

Permit 67-07403

- Examined 6/25/93
- found 43.7 ac. with full duty of water (.88 cfs).

Stat. claim 67-04069

- covers 45 ac. within same Q&A
- found in exam of 67-07403.
- Claims 1.80 cfs with 1900 d.o.p.

Decreed right 67-00089

- covers same Q&A (partially) as permit plus different Q&A.
- .42 cfs implies 33.6 acs ($c \frac{5}{8}$)
per ac $.42 \div .0125 = 33.6$

SRBA claims filed for all 3 rights. Not date entered yet - see Adams Co. nondata entry file.

If priority verified for -04069, then stat. claim supersedes permit & permit would serve no purpose. Permit would be relinquished/cancelled.

→ Put licensing of 67-07403 on hold pending SRBA review of this property.

MICROFILMED

OCT 22 1996

CC: S.O. Files 67-04069 & 67-07403
Region Files " "

Robertson Seavey Ditch.

George Robertson

Lester I McMahen

Samuel E McMahen

Rollie A McMahen

Isaac McMahen

Lillian G Spefford

Fruitvale Townsite Company and its grantees

Phillip Walston

C E Cox

A L Freehafer and Margaret E Pike

Lost Creek Res.

S D Goshert

G T Hamill

E R Windes

First Bank of Council

J J Jones

Biggerstaff Ditches.

T B Biggerstaff

Middle Fork Weiser River.

Oroharde Water Company

Lost Creek Storage

A L Freehafer Lost Creek Storage

J A Carr Lost Creek Storage

W M Bacous

Catherine Austin

Ben Wooden

Henry Helmsöth

George Shaw

William B Shaw

John Sweringen

Dave Durso

C E Roper

Fall Creek.

James Harrell (Steward Ditch)

Jacob Cornett (Steward Ditch)

John Cornett

Oscar Gilbert (Steward Ditch)

5'

30'

18'

1'

22'

10'

4'

4'

45'

30'

4'

4'

24'

35'

40 A Ft

38'

25'

5'

135'

20'

5'

8'

45'

3500 7 1077

6250 7 1077

360 A Ft

300 A Ft

14'

24'

24'

30'

13'

21'

44'

6'

5'

74'

120 7 1764

90'

58'

40'

June 1, 1884 67 0057

June 1, 1887 67 0058

April 1, 1901 67 0059

April 1, 1901 67 0060

April 1, 1901 67 0061

April 1, 1901 67 0062

April 1, 1901 67 0063

April 1, 1905 67 0064

April 25, 1901 67 0065

Sept 23, 1901 67 0066

May 1, 1906 67 0067

May 1, 1901 67 0068

Sept 23, 1901 67 0069

June 1, 1902 67 0070

May 27, 1910 67 0071

May 1, 1906 67 0072

May 1, 1906 67 0073

May 1, 1916 67 0074

May 1, 1908 67 0075

May 18, 1910 67 0076

May 18, 1910 67 0077

May 25, 1910 67 0078

June 1, 1890 67 0079

Sept 11, 1909 67 0080

May 27, 1910 67 0081

May 27, 1910 67 0082

May 27, 1910 67 0083

May 1, 1891 67 0084

May 1, 1891 67 0085

May 1, 1901 67 0086

May 1, 1894 67 0087

May 1, 1900 67 0088

May 1, 1900 67 0089

May 1, 1903 67 0090

May 1, 1903 67 0091

May 1, 1905 67 0092

May 1, 1911 67 0093

July 1, 1883 67 0094

July 1, 1883 67 0095

Dec 30, 1907 67 0096

May 1, 1899 67 0097

JUL 24 1996

5-9-05: POU? Nothing in Section 3 looks irrigated

: POB Needs Verified

: Poss No

: This Right is overclaimed, however, the claimed POB is w/in the decreed POB

7-15-05: POB should be under S 14 A0014005 per conversation with field Examiner Melvin Vining. And Claimant stated POB should be 45 acres.

: Decreed water is for 33.6 ac

West Boise Meridian, the West half of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the West half of the Southeast Quarter of the Southwest Quarter of Section 14; the Northwest Quarter of the Northwest Quarter of Section 23; the North half of the Northeast Quarter, the North half of the Southwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 22; the South half, the Northwest Quarter, the South half of the Northeast Quarter, and the South half of the Northwest Quarter of the Northeast Quarter of Section 15, all in Township 15 North, Range 2 West Boise Meridian.

W M BACUS: The South half of the Southeast quarter of Section 4, Township 15 North, Range 1 West Boise Meridian,

CATHERINE AUSTIN: The Southwest Quarter of Section 4, and the Northeast Quarter of the Southeast Quarter of Section 5, Township 15 North, Range 1 West Boise Meridian.

BEN WOODIN: The Northeast Quarter of Section Thirteen, the North half of the Northwest Quarter of Section 13, the Northeast Quarter of the Northeast Quarter of Section 14, and the Northwest Quarter of the Northeast Quarter of Section 14, Township 15 North, Range 1 West Boise Meridian.

HENRY HELMBOTH: The North half of the Northwest Quarter of Section 14, the South half of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 11, Township 15 North, Range 1 West Boise Meridian.

GEORGE BHAW: The Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 10 and the East half of the Southwest Quarter of Section 3, all in Township 15 North, Range 1 West Boise Meridian.

NWNE 10
NENW 10
NENW 10
NENW 10
NENW 10

WILLIAM B BHAW: The Northwest Quarter of the Northwest Quarter of Section 11, the Southwest Quarter of the Southwest Quarter of Section 2, the North half of the Southeast Quarter of Section 10, the South half of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 10, all in Township 15 North, Range 1 West Boise Meridian.

JOHN SWEARINGEN: The South half of the Southwest Quarter and the West half of the Southeast Quarter of Section 5, Township 15 North, Range 1 West Boise Meridian.

DAVE DUNN: The Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 10, Township 15 North, Range 1 West Boise Meridian.

C B ROFFER: The East half of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 12, Township 15 North, Range 1 West Boise Meridian.

OSCAR GILBERT: South half Northeast Quarter and Northwest Quarter Southeast Quarter, Section 25, Township 15 North, Range 1 West and Southeast Quarter Northwest Quarter, Section 30, Township 16 North, Range 1 East Boise Meridian (FW)

157 2000000
Oscar Gilbert

JAMES HARRILL: The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 27, and the North half of the Northwest Quarter of Section 34, and the Northeast Quarter of the Northwest Quarter of Section 34, Township 15 North, Range 1 West Boise Meridian.

JACOB CORNETT: The South half of the Northwest Quarter the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 34, Township 15 North, Range 1 West Boise Meridian.

JOHN CORNETT: The East half of the Southwest Quarter of Section 35, Township 15 North, Range 1 West.

JESSE BUZZARD: The South half of the Southeast Quarter of Section 23; the North

JUL 24 1996

POST WESTON DITCH

J. Emmett Pfost	125	May 6, 1884
John A. Pfost	41	March 25, 1911
Goldie Abernathy	50	Aug 27, 1910
Fred Jewell	50	" " "
Grace Everest	25	May 6, 1884

MIDDLE FORK AND LOST CREEK

Orchards Water Company Middle Fork	3500	Sept. 11, 1909
Lost Creek Reservoir	6250	May 27, 1910
A. L. Frechafer	360 A ft.	" " "
J. A. Carr	300 A ft.	" " "

MIDDLE FORK

W. M. Bascus	14	May 1, 1891
Catherine Austin	24	" " "
	24	" " 1901
Ben Wooden	30	" " 1894
Henry Heimsoth	13	" " 1900
George Shaw	21	" " "
William B. Shaw	44	" " 1903
Dave Duree	5	" " 1905
C. E. Roper	7½	" " 1911
John Sweringen	6	" " 1903

FARMERS' CANAL

Mark Winkler	60	June 1, 1891
Carrie Winkler	19	" " "
E. Hinkle	{ 50	" " "
	32-	Jan. 1, 1900
	19	June 1, 1891
S. A. Moudy and E. Hinkle	82	" " "
George Gould	7	" " 1905

FRANK HAHN DITCH

FRANK HAHN

383	June 1, 1902
33	" " 1903
38	" " 1904
36	" " 1905
60	

JUL 2 4 1996

the direction of the water commissioner or other officers charged by law with the execution of this decree and the waters of the said Hornet Creek Reservoir are to be distributed by the said water commissioner or other officers to the stockholders of the said Hornet Creek Water Storage Association according to their respective rights of said stockholders as the same shall appear by notice given said water commissioner for said water storage association at the commencement of each irrigation season.

It is further ordered, adjudged and decreed that the said Weiser Irrigation District may divert all of the waters flowing in said river during the low water period at the head of its canal upon delivery to the said Weiser City Water Ditch & Irrigating Company 450 inches of water, said delivery to be made at the gate or diversion point now connecting the two canals and where water has heretofore been diverted from the canal of the said Weiser Irrigation District into the canal of the said Weiser City Water Ditch and Irrigating Company.

As used in this decree the high water period shall include all that portion of the irrigation season when the river and its tributaries discharge sufficient water to supply all the allotments herein decreed on the basis of five-eighths ($5/8$) of an inch to the acre and the low water period shall consist of all that portion of the irrigation season when the discharge of the river and its tributaries is insufficient to supply the last named amount of water, and the foregoing allotments are made upon the basis of five-eighths ($5/8$) of an inch per acre, or its equivalent in irrigation heads, during the low water period, which is the maximum duty of water for said lands from said river and its tributaries, and whenever the commissioner, or other officer charged with the execution of this decree, finds the water in said river insufficient to supply the allotments as heretofore made on the basis of five-eighths ($5/8$) of an inch per acre, measured at the various diversion points, then and in that event the last appropriator in point of time shall be denied the use of said water.

Whenever the water flow in said river and tributaries shall be insufficient to supply the allotments as heretofore made, on the basis of five-eighths ($5/8$) of one miners' inch or its equivalent in irrigation heads, then and in that event the latest appropriator in order of time shall be denied the use of said water, and so on up the line of latest appropriators, dropping them out in chronological order, of the use of said water flow, so that the supply of water to said prior users shall be maintained in the distributing heads to five-eighths of a miners' inch per acre to the prior appropriators in the order of their priority, and the water commissioner having control of the distribution of said waters under this decree shall enforce the foregoing mentioned system and shall require measuring devices to be constructed at the various diversion points by the said appropriators so the water commissioner may be enabled to determine the measurement of the flow at such distributing points at all times.

It is further ordered, adjudged and decreed, that each of the parties hereto to whom water is allotted and decreed are hereby required to provide for the diversion of water from the said Weiser River and its tributaries in irrigating heads during the low water period, which said irrigating heads shall be the equivalent of five-eighths of a miners' inch to the acre continuous flow, and it is hereby decreed, and declared to be the duty of the water commissioner, or such other officer as is charged with the execution of this decree, to make or cause to be made necessary rules and regulations for the distribution of said water in irrigating heads during the low water period and to shut off said water supply from all ditches diverting the same whenever and wherever the parties