



State of Idaho  
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

September 30, 1996

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

ERIC HERR WATERMASTER #65-A  
8917 BUTTE RD.  
SWEET, ID 83670

**RE: WATER DELIVERY FOR CIRCLE ARROW & MACKENZIE**

Dear Eric:

I am assuming that the issue about delivery of water from springs and/or an unnamed stream for the above-referenced water users has worked out so far. This letter is to confirm the allowable arrangement in which you can deliver water to these parties.

As Watermaster (WM) of Squaw Creek District No. 65-A, you are authorized to deliver water from springs and/or an unnamed stream via a common ditch under the following conditions pursuant to I.C. § 42-607 (see attached copy).

1. Right No. 65-03025X has first priority for .10 cubic feet per second (cfs), which is 45 gallons per minute (gpm). This decreed stockwater right is for Circle Arrow Grazing Corp. (Suttons).
2. Suttons' Right No. 65-13155 has second priority for .20 cfs, which is 90 gpm, for stock and recreation uses. This right is a permit being licensed.
3. Right No. A65-18442 has third and last priority for .09 cfs, or 40 gpm. This right is for Charles MacKenzie, in-stream stock use only.
4. The first and second priority Sutton rights must be fully satisfied before any water can be delivered to the third priority MacKenzie right. However, Suttons can allow some of the water normally used to fill their rights to be routed to MacKenzie if they so choose.
5. The sliding headgate in the Sutton ditch will be adjusted only by the WM. No other parties are legally authorized to adjust this headgate or to in any way interfere with WM water delivery.
6. Beneficial use of any delivered water must occur within the limits of the associated water right(s).
7. Delivery of water to MacKenzie does not in any way either prove or disprove the validity of right no. A65-18442; that issue is left to the Snake River Basin Adjudication process.
8. Cost of these deliveries will be as follows per year: \$50 for the first WM visit, at \$25 per owner; \$50 for each subsequent WM visit to be totally paid by the party requesting the visit; these costs will be itemized as separate

September 30, 1996  
Page 2

expenses in the annual WM Report (no costs to parties other than the above); and payment will occur when the normal annual assessments are paid by members of the water district.

9. Water to be delivered in accordance with these rights is tributary to Squaw Creek. The authorization defined in this letter will not over-ride a call for water by any downstream water user who owns or otherwise legally operates a senior decreed, licensed or permitted Squaw Creek right.

Please contact me at your convenience if you have any questions about this situation or about other water delivery issues in your district.

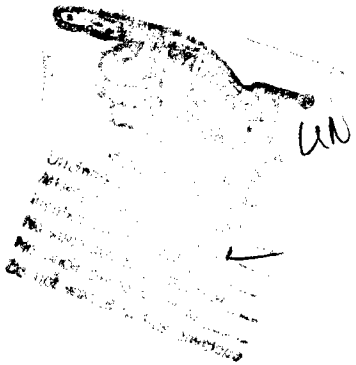
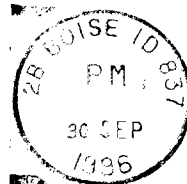
Sincerely,

Steve Lester  
Deputy Regional Manager

Enclosure: I.C. § 42-607

c: Circle Arrow Grazing Assoc.  
Charles MacKenzie  
Water District 65-A File

IDAHO DEPARTMENT OF WATER RESOURCES  
WESTERN REGION  
2735 Airport Way  
Boise, Idaho 83705-5082



Charles MacKenzie  
Box 34  
Ola, ID 83657

RECEIVED  
OCT 02 1996  
WATER RESOURCES  
WESTERN REGION

10/3/96  
Letter not deliverable  
to MacKenzie pg-  
this

Handwritten arrow pointing to the stamp area and a large handwritten mark resembling 'JD' or 'LD'.

**42-606. Reports of watermasters.** — All watermasters shall make an annual report to the department of water resources prior to the expiration of the watermaster's appointment for the current year. This report shall show the total amount of water delivered by the watermaster during the preceding year, the amount delivered to each water user, the total expense of delivery and the apportionment of expenses among users and all debits and credits to be carried over to the following year. Such report shall also include records of stream flow the watermaster used or made in the process of distributing water supplies. The director may ask for other information deemed necessary in assuring proper distribution of water supplies within the district. The reports of watermasters to the department of water resources shall be filed and kept in the office of the department. [1903, p. 223, § 25; reen. R.C., § 3276; am. 1915, ch. 34, § 11, p. 103; reen. C.L., § 3276; C.S., § 5610; I.C.A., § 41-506; am. 1992, ch. 339, § 8, p. 1014.]

**Compiler's notes.** The name of the department of water administration (formerly the department of reclamation) has been changed to the department of water resources on the authority of S.L. 1974, ch. 286, § 1 and S.L. 1974, ch. 20, § 28 (§ 42-1801a).

**42-607. Distribution of water.** — It shall be the duty of said watermaster to distribute the waters of the public stream, streams or water supply, comprising a water district, among the several ditches taking water therefrom according to the prior rights of each respectively, in whole or in part, and to shut and fasten, or cause to be shut or fastened, under the direction of the department of water resources, the headgates of the ditches or other facilities for diversion of water from such stream, streams or water supply, when in times of scarcity of water it is necessary so to do in order to supply the prior rights of others in such stream or water supply; provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the department of water resources, shall, for the purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply, and the watermaster shall close all headgates of ditches or other diversions having no adjudicated, decreed, permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply. So long as a duly elected watermaster is charged with the administration of the waters within a water district, no water user within such district can adversely possess the right of any other water user. [1903, § 26; p. 223; reen. R.C., § 3277; am. 1909, § 1, p. 326; am. 1915, ch. 34, § 12, p. 103; C.L., § 3277; C.S., § 5611; am. 1927, ch. 63, § 2, p. 78; I.C.A., § 41-507; am. 1969, ch. 305, § 2, p. 913; am. 1973, ch. 262, § 2, p. 534; am. 1992, ch. 339, § 9, p. 1014.]

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S.L. 1974, ch. 20, § 28 (§ 42-1801a). Sections 1, 3 of S.L. 1969, ch. 305 are compiled herein as §§ 42-605, 42-618, respectively.

Section 3 of S.L. 1973, ch. 262 declared an

*delivery → decreed - licensed - permitted 1st;  
if any left over, then other delivery  
(like A65-18442 for example) CAN occur.*

emergenc  
Sec. to  
in § 42-6  
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Irrigation  
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