

CAUTION ABOUT THESE WATER RIGHTS

- In Squaw Creek Water District #65A.
- Long-standing conflicts for streams & springs in foothills west of Ola.
- Extensive hands-on management & history @ Western Region.
- **Contact Regional Manager &/or WR Supervisor @ Western before any actions/decisions for these rights.**

65-3025A

65-3025X

65-13155

65-13156

65-13598

65-13599

65-13677

65-18442

65-22373

65-22597

65-22784

See 12/28/2010 memo "Water District #65A Deputy Watermaster Scenario" in file 65-13598 for 1996 thru 2010 summary.

-JR 12/28/2010

MEMORANDUM

TO: Files

FROM: Steve Lester 

DATE: December 28, 2010

RE: Water District #65A Deputy Watermaster Scenario

This memo summarizes long term conflicts over small amounts of tributary water in the Squaw Creek Water District. Regulation in the district consists of releasing storage from Sage Hen Reservoir in the upper part of the basin to augment Squaw Creek when natural flows diminish, typically around mid-July.

Very little measurement and accounting for water deliveries occurs. Occasional drier years result in the Watermaster regulating four main ditches serving most of the users – two ditches around Ola and two around Sweet. A few other diversions are sometimes the focus of delivery problems. Most of the time there is little regulation of diversions in the district.

“Sidebar conflicts” such as the ones noted in this memo have been difficult to manage – the Watermaster lacks time and resources to deal with these types of conflicts for minor streams and springs instead of Squaw Creek itself. IDWR has usually taken up the slack – an expensive operation to manage from Boise.

The conflicts around Ola have been designated as the “Squaw Ridge-Ola” situation and date at least from 1996 thru the end of 2007. The site has been relatively quiet since then. The following time line summarizes the scene.

1996 – Mackenzie complaints against Sutton Pond, included Mackenzie beneficial use claims for instream stockwater. Extensive correspondence, calls and office visits for a couple years.

Late 1990's thru early 2000's – escalating problems, numerous complaints against new owner, Derbonne-Mooers, and against Redmans, successors to Sutton. Repeated site visits involving Regional Manager, Dam Safety Engineer, WR Supervisor &/or Senior WR Agent. Extensive correspondence, calls, office visits.

April 2004 – At IDWR suggestion, Watermaster appointed a Deputy to respond to delivery calls etc., included a payment plan and other necessary details. IDWR hosted a public meeting in Ola, good turnout and discussion.

May 2004 – IDWR follow up letter to parties, specified compliance details.

July 2004 – Preliminary Order required lockable and measurable diversions because users did not comply with earlier deadline for this.

August 2004 – Inspection of diversions by Watermaster, Deputy and IDWR. Follow up correspondence to users to document results, management tools mostly in place. Deputy resigned at first delivery call, IDWR had to step in.

Remainder 2004 thru 2007 – Extensive management activities by IDWR and the Watermaster to police the turbulent situation. Finally settled down by late 2007.

The last few years have been mostly quiet in this regard, but there is some cause for concern. This is because Mooers, Mackenzie and Carlock have several pending applications for permits involving Fir Tree Gulch, unnamed streams, several springs and shallow wells. The applications have been held per request during the turbulent years. Mooers recently asked for one of his applications to be processed. IDWR requested more information from Mooers for this application, response pending.

It took several years of hard work, persistence and lots of patience, finally resulting in controllable and measurable diversions. This should help a lot if trouble erupts again.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 21, 2004

To: Distribution List

Dear Interested Party:

This letter is to inform you that Idaho Department of Water Resources (IDWR) will be conducting a meeting at 1:30 p.m., Thursday, April 29, 2004, at the Ola Community Hall. The purpose of the meeting is to review the management and delivery criteria established by IDWR for water rights in the Squaw Ridge area west of Ola.

These water rights will be regulated by a deputy watermaster appointed by the Squaw Creek watermaster and endorsed by IDWR.

Attached is a summary of the management criteria for your consideration. Questions will be addressed at the meeting.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Encls.

MANAGEMENT/DELIVERY CRITERIA - SQUAW RIDGE, OLA

April 20, 2004

CALLS FOR DELIVERY OF WATER RIGHTS

Delivery can be made in priority date order to water rights based on **Decree, License or Permit**. Delivery to Beneficial Use Claims can be considered only after Decree, License or Permit water rights are fully satisfied.

Contact **Deputy Watermaster Charles Wallace**, phone 584-3540. Will respond within 24 hours.

\$50.00 fee per call will be charged to the caller, payable to Deputy Watermaster upon arrival.

Delivery will be made if:

- approved controllable/adjustable diversion works in place
- approved measuring device in place
- payment made to Deputy
- deliverable water can reach the point of diversion (no futile deliveries)
- reasonable beneficial use can be made of the delivered water.

Diversion works and measuring devices are subject to approval of the Watermaster/Deputy Watermaster and IDWR. The Redman/McKenzie stockwater diversion shall have a control device that can be finely adjusted and is not subject to plugging by debris.

No modifications/changes will be made to ditches, pipelines, excavations, sources, conveyances, points of diversions etc. without prior approval from the Watermaster/Deputy Watermaster and IDWR.

Caller must provide off-road transportation if needed for the Deputy Watermaster.

Stockwater calls - reasonable beneficial use in the defined place of use must occur (number of livestock). Determination left to Watermaster/Deputy Watermaster discretion.

Tampering with a regulated control or measurement device is illegal in a water district. Only the Watermaster/Deputy Watermaster can adjust these devices. Unauthorized tampering of devices is subject to criminal prosecution under I. C. § 42-802.

IDWR will respond to water user complaint/issue only after the caller has verified the following actions have been exhausted:

1. Approved diversion and measurement devices have been installed at the diversion(s) in question.
2. Call for water delivery has been made to the Deputy Watermaster, who has responded to the call.
3. Squaw Creek Watermaster has been consulted and responded but the complaint/issue has not been resolved.

SQUAW RIDGE - OLA MAILING LIST

JACK MOOERS
PO BOX 70
OLA, ID 83657

584-3728

JACK MOOERS
3940 HANCOCK ST
SUITE 202
SAN DIEGO CA 92110

CHARLES MACKENZIE
PO BOX 1005
CALDWELL, ID 83605

584-3329
989-5871 CELL

CIRCLE ARROW GRAZING ASSN
ALLEN L SUTTON
PO BOX 26
OLA, ID 83657

584-3572

*c 8/29 mtg - dkt's
replace w/ Redman's*

CARROLL CARLOCK
PO BOX 60
OLA, ID 83657

584-3531
859-8084 CELL

MICHAEL & SARAH REDMAN
2309 N 18TH ST
BOISE ID 83702

345-4200
367-1041 HOME

CHARLES HONSINGER
RINGERT CLARK CHRTD LAWYERS
PO BOX 2773
BOISE ID 83701-2773

342-4591

ED SQUIRES
HYDRO LOGIC INC
1002 W FRANKLIN ST
BOISE ID 83702-5431

342-8369

ERIC HERR
SQUAW CREEK WATERMASTER
8917 BUTTE RD
SWEET ID 83670

584-3515 SWEET
365-4957 EMMETT (WINTER)
365-8583 CELL

CHARLES WALLACE
DEPUTY WATERMASTER
PO BOX 27
OLA ID 83657

584-3540



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 17, 2004

To: Distribution List

RE: Deputy Watermaster Control for Water Rights in Squaw Ridge-Ola

Dear Interested Party:

This letter follows our recent meeting in Ola to discuss water delivery issues for your area. Thank you for attending the meeting and your interest in resolving the problems. Your ideas and comments were helpful. A couple good suggestions were made by the water users regarding a time frame to install diversion controls and consequences if the work is not timely completed. My letter today covers those points.

Time Frame

Adjustable controls and measuring devices for the diversions should be installed by June 30, 2004. The Idaho Department of Water Resources (IDWR) will schedule an inspection of all the diversion works with the watermaster and deputy watermaster once the work has been completed.

Consequences

Failure to comply with the requirements previously distributed to you regarding the controls and measuring devices can have serious consequences. One consequence could be a Notice of Violation and enforcement action taken by IDWR against the water right owners who do not comply. This course of action is based on Idaho Code § 42-1701B. Civil penalties of up to \$150.00 per day for a continuing violation can be included. Additional civil enforcement can also be initiated by IDWR in coordination with the office of the Idaho Attorney General.

Another option that could occur is the deputy watermaster could deliver water to a diversion with proper controls and deny water to a diversion lacking such controls. This can include a junior priority right receiving water before a senior priority right under certain circumstances. In other words, seniority alone does not guarantee delivery of a water right if the senior right holder does not meet other statutory requirements. Again, IDWR could seek civil enforcement action via the office of the Attorney General if necessary.

May 17, 2004

Page 2

My impression of our recent meeting was that people do want to work together to solve local problems without undue IDWR involvement. However, adequate controls must be installed for the diversions in question to allow watermaster control to work should a call for water delivery occur.

I look forward to working with the watermaster and deputy watermaster to inspect your diversions and assure that everything is "up to code." At that time, the tools will be in place to honor senior priorities under the authority of the watermaster as mandated by Idaho law. I believe we can make this work in a fair and reasonable manner by working together.

Please remember to call the deputy watermaster when your diversion controls are in place. I will contact him by late June to schedule a field inspection. Please contact me at 334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with the first name "Steve" and last name "Lester" clearly distinguishable.

Steve Lester
Water Rights Supervisor

Enclosure: Distribution List

SQUAW RIDGE - OLA MAILING LIST

ERIC HERR
SQUAW CREEK WATERMASTER
8917 BUTTE RD
SWEET ID 83670

CHARLES WALLACE
DEPUTY WATERMASTER
PO BOX 27
OLA ID 83657

JACK MOOERS
PO BOX 70
OLA, ID 83657

JACK MOOERS
3940 HANCOCK ST
SUITE 202
SAN DIEGO CA 92110

CHARLES MACKENZIE
PO BOX 1005
CALDWELL, ID 83605

CARROLL CARLOCK
PO BOX 60
OLA, ID 83657

MICHAEL & SARAH REDMAN
2309 N 18TH ST
BOISE ID 83702

CHARLES HONSINGER
RINGERT CLARK CHRTD LAWYERS
PO BOX 2773
BOISE ID 83701-2773

ED SQUIRES
HYDRO LOGIC INC
1002 W FRANKLIN ST
BOISE ID 83702-5431