

MEMORANDUM

TO: Water Right File No(s). 51-12895A and 51-12898A

FROM: Aaron Marshall *AM*

DATE: April 17, 2009

SUBJECT: History of State Water District No. 51A (WD 51A)

PURPOSE

This memo offers a summary of water district activity in the headwater basins of the East Fork Bruneau River to provide background information for water right transfer application nos. 70887 and 70890. This memo will address the formation of WD 51A (originally WD 57D), watermaster activity, historic events, and the reason WD 51A is currently inactive.

RECORDS AND DISTRICT BOUNDARIES

Department records of WD 51A are stored in microfiche format with document dates ranging from 1916 to 1988. Records are discontinuous throughout this period with many years having little or no information, particularly after 1960. Information gaps in this memo reflect gaps in the documented record. Among the WD 51A records are letters, maps, water district meeting minutes, watermaster bonds, and watermaster delivery books.

The downstream boundary of WD 51A is the confluence of Flat Creek and Three Creek with the East Fork Bruneau River. The distance from this confluence downstream to the confluence with the Bruneau River is 53.8 miles and an additional 19.9 miles further downstream to the Buckaroo Ditch diversion from the Bruneau River (see attached maps).

Some of the information in the record applies only to WD 57B, diversions in the lower Bruneau River basin, and is omitted from this report since it is not pertinent to WD 57D/51A. Information in the record shows that the lower Bruneau River basin water rights have always been administered separately from water rights in the headwater tributaries of the East Fork Bruneau River. It is unclear why these areas have been administered separately, but it may be due to the remote location of water rights in the headwater region based on the provisions of Idaho Code § 42-604.

Idaho Code § 42-604, regarding the creation of water districts, in pertinent part, states, "The director of the department of water resources shall divide the state into water districts in such manner that each public stream and tributaries, or independent source of water supply, shall constitute a water district: provided, that any stream or water supply, when the distance between the extreme points of diversion thereon is more than forty (40) miles, may be divided into two (2) or more water districts: provided, that any stream tributary to another stream may be constituted into a separate water district when the use of the water therefrom does not affect or conflict with the rights to the use of the water of the main stream: provided, that any stream may be divided into two (2) or more water districts, irrespective of the distance between the extreme points of diversion, where the use of the waters of such stream by appropriators in one district does not affect or conflict with the use of the waters of such stream by appropriators outside such district: provided, that this section shall not apply to streams or water supplies whose priorities of appropriation have not been adjudicated by the courts having jurisdiction thereof."

HISTORY

In January 1916, a certificate signed by State Engineer J.H. Smith described the boundaries of Water District 57D to include the East Fork Bruneau River (modern Clover Creek) and tributaries including Deadwood Creek, Three Creek, Cherry Creek, and Big Flat Creek. In the spring of 1916, Smith received a request from a water user to appoint a watermaster to regulate diversions from Deadwood Creek. On July 11, 1916, the Smith appointed J.L. Wilson, from the town of Three Creek, as watermaster of WD 57D. As described in the 1916 watermaster report, Wilson worked as watermaster from July 11 to August 29 and regulated diversions only from Deadwood Creek.

The next record of activity in WD 57D is a petition for appointment of a watermaster on Deadwood Creek dated June 29, 1918. The request describes the need resulting from a shortage of water. There is no additional information for WD 57D in 1918.

In 1925, a decree was issued for all water rights in the Bruneau River basin. Later that year, the Commissioner of Reclamation issued an order changing the boundaries of Water District 48 to include Deadwood Creek. Although Deadwood Creek is tributary to the East Fork Bruneau River, it is no longer included in WD 57D.

In 1929, at the WD 57D annual meeting, local water users adopted a resolution to require measuring devices and lockable headgates for diversions in WD 57D. Borge Krabbenhoft was appointed watermaster of WD 57D and was paid a daily wage only for actual days worked. He served as watermaster from May 6 to July 10 that year regulating diversions from Three Creek and Cherry Creek. He was also hired by the water users to supervise construction of headgates and measuring devices, although there is no record that any headgates or measuring devices were installed.

In 1930, at the WD 57D annual meeting, the water users voted not to appoint a watermaster.

In 1931, water users including C.E. Brackett and N.E. Brackett filed petitions for appointment of a watermaster citing limited water supply and disputes over water. Borge Krabbenhoft was elected watermaster of WD 57D and served in that capacity from July 3 to July 15. His delivery records show regulation on Big Flat Creek.

In 1933, E.U. McIntire requested that the Commissioner of Reclamation appoint Borge Krabbenhoft as watermaster of WD 57D due to difficulty with neighbors on Flat Creek for irrigation water. On July 30, Krabbenhoft wrote to the Department of Reclamation and declined appointment as watermaster since there was no water to deliver.

Borge Krabbenhoft served as watermaster of WD 57D in subsequent years 1934 – 1937. In 1938, Krabbenhoft indicated he would not accept appointment as watermaster unless measuring devices were installed. At the 1938 WD 57D annual meeting, the water users voted to install headgates and weirs. Upon notification of the vote, the Department of Reclamation ordered the installation of controlling works and measuring devices in WD 57D. Krabbenhoft served as watermaster of WD 57D in 1938, 1940, 1941, and 1943 however, there is no indication that controlling works and measuring devices were actually installed.

For 1945 and 1946, the only record of activity in WD 57D is notice of the annual water district meeting.

In 1947, Manford Murphy was appointed watermaster of WD 57D.

For 1948 and 1950, the only record of activity in WD 57D is notice of the annual water district meeting.

In 1954, WD 57D officials were chairman Ray Blick, secretary Noy Brackett, and watermaster Jule Larios.

In 1955, WD 57D officials were chairman George Clark and secretary Opal Dunn. The minutes of the annual water users meeting explain that the "majority of users are not in favor of a watermaster and installing headgates and weirs." Information suggests that WD 57D water users cooperatively regulate diversions based on water right priority dates.

From 1956 – 1958, Manford Murphy was appointed watermaster of WD 57D, although there are no delivery records or evidence that he performed the duties of watermaster.

From 1959 – 1969, L.M. "Slim" Bailey was appointed watermaster of WD 57D. However, on multiple occasions when asked by the Department of Reclamation for an annual report, Bailey indicated that he was never called upon at any time to perform the duties of watermaster.

In 1969, WD 57D officials were Chairman Kenny Blick and secretary Noy Brackett. On May 7, 1970, in response to a letter from the Department of Reclamation, Noy Brackett wrote, "we met and decided that as Opal Dunn Brown had sold out and there being no other controversy in regard to water that we would not need a water master for 1970."

On January 27, 1971, Department Director Keith Higginson ordered the re-designation of water district boundaries and numbering system. The order explains, "Water District 51A is composed of the Flat, Cherry, Deer, and Three Creek drainage basins to their junction with the East Fork of the Bruneau River and is located in Owyhee County."

In 1977, Department of Water Resources employee Robert Hamilton wrote to Noy Brackett suggesting WD 51A water users elect a watermaster since the water supply forecast appeared bleak. The water users of WD 51A met on March 7, 1977, and elected Kenny Blick as chairman, Bert Brackett as secretary, and Bill Drown as watermaster. There are no water delivery records or other evidence that Drown performed the duties of watermaster. This is the last year with evidence suggesting WD 51A was an active water district.

Water District 51A Near Three Creek, ID

0 0.5 1 2 3 4 Miles



Bruneau River Basin Owyhee County, ID

0 2 4 8 12 16 Miles



★ Bruneau

Buckaroo Ditch Diversion

Bruneau River

East Fork Bruneau River

★ Three Creek

