

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451



LEE R. PETERSON
Watermaster

Tim
Please Contact
Lee Peterson & be sure
he is aware of this
42-909 & his
ability to appoint
a lateral manager.
Weg

FACSIMILE TRANSMISSION

TO: Idaho Dept of Water Resources
FAX NUMBER: 208-327-7866
FOR THE ATTENTION OF Norm Young
FROM Lee R. Peterson Water District 37M
FAX NO. 208-886-2451 Same as Phone
NUMBER OF PAGES 4
(INCLUDING THIS ONE)
DATE 7/21/1994
MESSAGE _____

DONE
Tim L.
7-22-94.

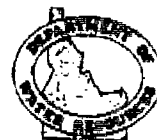
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any other problem, please call (208) 886-2451 at Shoshone, Idaho.
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LEE R. PETERSON
Watermaster

Norm Young
Idaho Department
of Water Resources
1301 N Orchard St.
Statehouse Mail
Boise, Idaho 837201-9000

July 21, 1994

Dear Norm,

We continue to have delivery problems on the Slough Ditch, in Gooding. This is a multiple user system. At the present time there is no organization controlling the deliveries. We would appreciate it if you would review the enclosed letter and give us your advice in regards to this situation. Thank you for your help.

Sincerely,

A handwritten signature in cursive script, reading "Lee R. Peterson".

Lee R. Peterson
Watermaster

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LEE R. PETERSON
Watermaster

July 21, 1994

To All Water Users on The Slough Ditch:

There have been numerous complaints from the water users on this system every irrigation season and this year has been no exception, the following section of the Idaho Code is enclosed to inform you of the Districts responsibility and that of the users on the system. The diversion structure for the Slough Ditch has eroded and is no longer a viable structure, allowing the water to flow past the ditch, so when the water level in the river is low the diversion of water is limited. There is virtually no maintenance work done by the users to keep the ditch clean. Add to this the fact that there is no one controlling the diversion of the water that is in the ditch and everyone can take as much water as they choose, shorting those users downstream, you then have the situation which is now prevalent on this system.

The following section of the Idaho Code explains the procedure for the users to appoint a manager and assess the users for the cost of the managers wages, maintenance and installation of the necessary structures and other related costs.

Idaho Code 42-907. Duties of consumers-Appointment of manager of distributing lateral.

Where two (2) or more parties take water from said ditch, canal or reservoir at the same point, to be conveyed to their respective premises for any distance through the same lateral or distributing ditch, such parties shall, on or before April first of each year, select some person to have charge during the succeeding season of the distribution of water from such lateral, whose duty it shall be to ascertain and see that the amount of water to which each of the parties interested is entitled is properly apportioned and distributed. It shall be his further duty to see that the said person, association or corporation, contracting to furnish such water shall deliver the amount as provided in section 42-905, and in case of dispute between such person and the said person, association or corporation as to the quantity of water to be delivered, or the amount actually delivered, the matter shall be referred to the department of water resources. The parties entitled to said water shall keep their ditches and laterals in good condition for carrying and distributing the same.

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In case the parties entitled to the use of water as in this section stated shall neglect or refuse to perform the duties imposed upon them by this section, they shall have no cause for damage against the person, association or corporation furnishing said water for failure to properly furnish and distribute the same.

In the fall of 1993, Gooding Mayor, Dave Adire sent out notices to all users on this system, of a meeting to help organize and hire a manager for the Slough Ditch. Due to lack of support and voiced opposition this was not accomplished.

You are again urged to take the legal action of organizing your lateral system as soon as possible, to help eliminate the present and future problems many of you are experiencing, receiving your rightful water supply.

Sincerely,

Lee R. Peterson
Watermaster