



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

John Borton  
HC 64 Box 9900  
Stanley, ID  
83278

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Borton;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

Pursuant to Title 42, Chapter 7, IDAHO CODE waterusers are required to install and maintain adequate control works and measuring devices. Section 42-701 in part states:

*(1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted...*

Additionally 42-701 in part states:

*(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices, or has not executed an agreement in lieu of a measuring device as provided in subsection (2) of this section, upon receiving ten (10) days'*

notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to sections 42-311, 42-350 and 42-351, IDAHO CODE, to enforce the requirement to construct, install or maintain such devices.

(4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

As you may know, Lee Peterson is the duly elected watermaster for Water District 37. As such, he has legal authority and responsibility over all water diverted from the Big Wood River and its tributaries. The Broadford Slough has had the problem of lack of measuring device and poor controlling works for several years, but Lee has continued to deliver water into the Slough while trying to work with the users to resolve this issue. Lee's decision to press this matter forward is within the watermaster's authority and duty and is supported by the department. It will be the intention of the department to issue an order to stop delivery if this matter is not resolved. I understand there are about 18 users on the Broadford Slough and the Rockwell Bypass which share in the responsibility to maintain the works at the head of the slough. With mutual cooperation from the parties involved, the cost of compliance to each user should be minimal. The cost of being without irrigation water could easily be much higher. I suggest you join with the other users and the group contact the watermaster so that resolution of this problem can begin. If there are specific questions please contact the watermaster or our office.

Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

William Eittreim  
393 Broadford Rd  
Bellevue, ID  
83313

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Eittreim;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



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Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Jack Parker  
PO Box 418  
Bellevue, ID  
83313

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Parker;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Candida Forstman  
PO Box 201  
Ketchum, ID  
83340

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Ms. Forstman;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson





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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Edward Mack  
PO Box 2681  
Ketchum, ID  
83340

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Mack;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Jann Wenner  
c/o Wenner Media  
1290 Avenue of the Americas  
New York, NY 10104

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Wenner;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



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**DEPARTMENT OF WATER RESOURCES**

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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Ann L Wingate  
2675 Larmar Rd  
Los Angeles, CA  
90068

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Ms. Wingate;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Ralph Girton  
PO Box 826  
Bellevue, ID  
83313

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Girton;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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As you may know, Lee Peterson is the duly elected watermaster for Water District 37. As such, he has legal authority and responsibility over all water diverted from the Big Wood River and its tributaries. The Broadford Slough has had the problem of lack of measuring device and poor controlling works for several years, but Lee has continued to deliver water into the Slough while trying to work with the users to resolve this issue. Lee's decision to press this matter forward is within the watermaster's authority and duty and is supported by the department. It will be the intention of the department to issue an order to stop delivery if this matter is not resolved. I understand there are about 18 users on the Broadford Slough and the Rockwell Bypass which share in the responsibility to maintain the works at the head of the slough. With mutual cooperation from the parties involved, the cost of compliance to each user should be minimal. The cost of being without irrigation water could easily be much higher. I suggest you join with the other users and the group contact the watermaster so that resolution of this problem can begin. If there are specific questions please contact the watermaster or our office.

Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson





**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380  
Phone: (208) 736-3033 FAX: (208) 736-3037

---

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Kathy Duninick  
PO Box 2126  
Bellevue, ID  
83313

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Ms. Duninick;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

Pursuant to Title 42, Chapter 7, IDAHO CODE waterusers are required to install and maintain adequate control works and measuring devices. Section 42-701 in part states:

*(1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted...*

Additionally 42-701 in part states:

*(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices, or has not executed an agreement in lieu of a measuring device as provided in subsection (2) of this section, upon receiving ten (10) days'*

notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to sections 42-311, 42-350 and 42-351, IDAHO CODE, to enforce the requirement to construct, install or maintain such devices.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**  
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380  
Phone: (208) 736-3033 FAX: (208) 736-3037

---

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Thomas Peck  
Box 40 Broadford Rd  
Bellevue, ID  
83313

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Peck;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Richard Barker  
1 Britton Ave  
Belvedere, CA  
94920

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Barker;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to sections 42-311, 42-350 and 42-351, IDAHO CODE, to enforce the requirement to construct, install or maintain such devices.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID  
Phone: (208) 736-3033 FAX: (208) 736-3037

March 5, 1998

Jame L Smith & Elizabeth Rood  
1350 Taso St  
Palo Alto, CA  
94301

*new address 4-15-98*  
*Jame L & Elizabeth Smith*

*PO Box 895*

*Bellvue, ID*

*88313*

*watermaster has been notified*

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Smith & Ms. Rood;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson





## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Bill Evans  
42 Fox Hollow Gulch Rd  
Bellevue, ID  
83313

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Evans;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Robert Bouttier  
PO Box 476  
Bellevue, ID  
83313

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Bouttier;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**  
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380  
Phone: (208) 736-3033 FAX: (208) 736-3037

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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Nick Vanoff  
1438 N Gower, Box 21  
Hollywood, CA  
90028

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Vanoff;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

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Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Mrs. George Wise  
PO Box 164  
Bellevue, ID  
83313

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mrs. Wise;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

Pursuant to Title 42, Chapter 7, IDAHO CODE waterusers are required to install and maintain adequate control works and measuring devices. Section 42-701 in part states:

*(1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted...*

Additionally 42-701 in part states:

*(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices, or has not executed an agreement in lieu of a measuring device as provided in subsection (2) of this section, upon receiving ten (10) days'*



notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to sections 42-311, 42-350 and 42-351, IDAHO CODE, to enforce the requirement to construct, install or maintain such devices.

(4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

As you may know, Lee Peterson is the duly elected watermaster for Water District 37. As such, he has legal authority and responsibility over all water diverted from the Big Wood River and its tributaries. The Broadford Slough has had the problem of lack of measuring device and poor controlling works for several years, but Lee has continued to deliver water into the Slough while trying to work with the users to resolve this issue. Lee's decision to press this matter forward is within the watermaster's authority and duty and is supported by the department. It will be the intention of the department to issue an order to stop delivery if this matter is not resolved. I understand there are about 18 users on the Broadford Slough and the Rockwell Bypass which share in the responsibility to maintain the works at the head of the slough. With mutual cooperation from the parties involved, the cost of compliance to each user should be minimal. The cost of being without irrigation water could easily be much higher. I suggest you join with the other users and the group contact the watermaster so that resolution of this problem can begin. If there are specific questions please contact the watermaster or our office.

Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson





## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Leroy Lewis  
3774 S 5th St  
Idaho Falls, ID  
83404

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATE &/OR MEASURING DEVICE

Dear Mr. Lewis;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. To date I understand that this work has not been completed.

Pursuant to Title 42, Chapter 7, IDAHO CODE waterusers are required to install and maintain adequate control works and measuring devices. Section 42-701 in part states:

*(1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted...*

Additionally 42-701 in part states:

*(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices, or has not executed an agreement in lieu of a measuring device as provided in subsection (2) of this section, upon receiving ten (10) days'*

notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to sections 42-311, 42-350 and 42-351, IDAHO CODE, to enforce the requirement to construct, install or maintain such devices.

(4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

As you may know, Lee Peterson is the duly elected watermaster for Water District 37. As such, he has legal authority and responsibility over all water diverted from the Big Wood River and its tributaries. The Broadford Slough has had the problem of lack of measuring device and poor controlling works for several years, but Lee has continued to deliver water into the Slough while trying to work with the users to resolve this issue. Lee's decision to press this matter forward is within the watermaster's authority and duty and is supported by the department. It will be the intention of the department to issue an order to stop delivery if this matter is not resolved. I understand there are about 18 users on the Broadford Slough and the Rockwell Bypass which share in the responsibility to maintain the works at the head of the slough. With mutual cooperation from the parties involved, the cost of compliance to each user should be minimal. The cost of being without irrigation water could easily be much higher. I suggest you join with the other users and the group contact the watermaster so that resolution of this problem can begin. If there are specific questions please contact the watermaster or our office.

Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 5, 1998

Ed Cameron  
PO Box 177  
Bellevue, ID  
83313

RE: NOTICE TO CONSTRUCT/REPAIR HEADGATES & MEASURING DEVICES

Dear Mr. Cameron;

As you may recall you were notified by letter (copy enclosed) from the watermaster last November that a measuring device (in the form of a six-foot Cipolletti weir) needs to be installed at the head of the Broadford Slough prior to the start of the 1998 irrigation season. In addition, the headgate that controls the flow of water into the slough needs to be repaired or replaced. Since you also receive water through the Rockwell Bypass off the Broadford Slough, you will need to construct a headgate and measuring device at the head of the Bypass. To date I understand that this work has not been completed.

Pursuant to Title 42, Chapter 7, IDAHO CODE waterusers are required to install and maintain adequate control works and measuring devices. Section 42-701 in part states:

*(1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted...*

Additionally 42-701 in part states:

*(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such*

headgates, controlling works, or measuring devices, or has not executed an agreement in lieu of a measuring device as provided in subsection (2) of this section, upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to sections 42-311, 42-350 and 42-351, IDAHO CODE, to enforce the requirement to construct, install or maintain such devices.

(4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

As you may know, Lee Peterson is the duly elected watermaster for Water District 37. As such, he has legal authority and responsibility over all water diverted from the Big Wood River and its tributaries. The Broadford Slough has had the problem of lack of measuring device and poor controlling works for several years, but Lee has continued to deliver water into the Slough while trying to work with the users to resolve this issue. Lee's decision to press this matter forward is within the watermaster's authority and duty and is supported by the department. It will be the intention of the department to issue an order to stop delivery if this matter is not resolved. I understand there are about 18 users on the Broadford Slough and the Rockwell Bypass which share in the responsibility to maintain the works at the head of the slough. With mutual cooperation from the parties involved, the cost of compliance to each user should be minimal. The cost of being without irrigation water could easily be much higher. I suggest you join with the other users and the group contact the watermaster so that resolution of this problem can begin. If there are specific questions please contact the watermaster or our office.

Regards,

James E. Stanton  
Sr. Water Resource Agent

cc: Lee Peterson