



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 14, 2003

Re: Order Requiring Measuring Devices and Headgates in Water District 37-O, Muldoon Creek and Tributaries

Dear Water User,

The Idaho Department of Water Resources (the Department) has issued the enclosed order requiring installation of measuring devices and headgates for all diversions of water from Muldoon Creek and tributaries. Please note that headgates and measuring devices must be installed prior to June 1, 2004. A copy of the order and this letter is being sent to those users identified in the mailing list attached to the order.

This order is being sent to users on Muldoon Creek as a result of on-going complaints from right holders on the creek concerning lack of measuring devices and controlling works, as well as out-of-priority diversions. The Department has made site inspections to Muldoon Creek within the last year and has validated these concerns.

Please note that the attached order requires users to submit plans for installation of measuring devices and headgates. Plans must be submitted to the Department on or before January 31, 2004. Plans should include descriptions of the general type or make of measuring devices and headgates, as well as a schematic showing the dimensions and locations of headgates and measuring devices. Please also describe the water source, legal description and name of the diversion for which any plan is submitted, and include your name, address and phone number with the plan.

Pursuant to Section 42-701, Idaho Code, users who neglect to comply with any provision of Department orders requiring installation of measuring devices and lockable controlling works may be subject to the administrative enforcement actions provided by Section 42-1701B, Idaho Code. Enforcement actions may include the issuance of Notices of Violation and Cease and Desist Orders, as well as possible civil penalties. The Department will seek a court order if necessary to ensure compliance with the order requiring measuring devices and controlling works.

Attached also are IDWR Minimum Standards for Measuring Surface Water Diversions. Additional information regarding standard measuring devices and minimum standards can be obtained by referring to IDWR's web site at: [www.idwr.state.id.us/water/districts/water\\_measurement.htm](http://www.idwr.state.id.us/water/districts/water_measurement.htm). This web site has links to the following documents and publications.

1. IDWR Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices
2. Bureau of Reclamation Measurement Manual
3. University of Idaho Water Measurement Pamphlet

The Department also asks that users attend the next annual water district meeting and give careful consideration toward an adequate water district budget that will allow for the proper measurement, delivery and regulation of water to diversions in accordance with priority water rights. The installation of measuring devices and headgates should allow the watermaster to fulfill his or her duties.

The Department asks for your full cooperation concerning this matter. If you have questions concerning this matter please contact me directly at the above location or contact the IDWR Southern Regional office in Twin Falls at 208-736-3033.

Respectfully,

/s/

Tim Luke  
Manager, Water Distribution Section

Cc: IDWR Southern Region

Jim Peterson, Water District 37-O Watermaster

Bob Simpson, Water District 37-N Watermaster (Upper Little Wood River)

Attachments: Order Requiring Measuring Devices and Controlling Works  
Minimum Standards for Measuring Surface Water Diversions

1. IDWR Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices
2. Bureau of Reclamation Measurement Manual
3. University of Idaho Water Measurement Pamphlet

The Department also asks that users attend the next annual water district meeting and give careful consideration toward an adequate water district budget that will allow for the proper measurement, delivery and regulation of water to diversions in accordance with priority water rights. The installation of measuring devices and headgates should allow the watermaster to fulfill his or her duties.

The Department asks for your full cooperation concerning this matter. If you have questions concerning this matter please contact me directly at the above location or contact the IDWR Southern Regional office in Twin Falls at 208-736-3033.

Respectfully,

Tim Luke  
Manager, Water Distribution Section

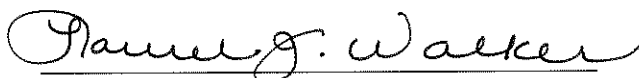
Cc: IDWR Southern Region  
Jim Peterson, Water District 37-O Watermaster  
Bob Simpson, Water District 37-N Watermaster (Upper Little Wood River)

Attachments: Order Requiring Measuring Devices and Controlling Works  
Minimum Standards for Measuring Surface Water Diversions

### CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 14th day of October, 2003, the attached letter dated October 14, 2003 and the Order Requiring Measuring Devices and Headgates in Water District 37-O, Muldoon Creek and Tributaries dated October 10, 2003 and the Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices were served upon the following individuals by placing copies of the same in the United States Mail, postage prepaid, and properly addressed as follows:

James Peterson Watermaster WD 37-O 201 Little Wood Res. Rd. Carey, ID 83320	James Peterson Watermaster WD 37-O 1861 Muldoon Canyon Rd. Carey, ID 83320
Mary Peterson Secretary WD 37-O 201 Little Wood Res. Rd. Carey, ID 83320	James Peterson Muldoon Livestock Inc. 201 Little Wood River Rd. Carey, ID 83320
Muldoon Ranch 370 E 500 N Jerome, ID 83338	Careen Peterson Muldoon Grazing Assn P.O. Box 146 Carey, ID 83320
Steve Thorsen ABC Agra P.O. Box 378 Jerome, ID 83303-0378	Flat Top Sheep Company P.O. Box 88 Carey, ID 83320
Grant Ellsworth P.O. Box 246 Carey, ID 83320	Guy Peterson Muldoon Via Carey, ID 83320
Jim Mecham P.O. Box 121 Carey, ID 83320	Bruce B. Price P.O. Box 1022 Bellevue, ID 83313
Terry Clark P.O. Box 229 Bellevue, ID 83313	IDWR Southern Region 1341 Fillmore St., Suite 200 Twin Falls, ID 83301-3380
Bob Simpson Watermaster, WD-37-N P.O. Box 358 Carey, ID 83320	Left blank intentionally

  
Laurel J. Walker  
Office Specialist 2