

Westra, John

From: Brandi Horton [watermaster67@hotmail.com]
Sent: Monday, May 11, 2009 9:26 PM
To: Westra, John
Subject: East Fork Ditch Company
Attachments: Letter to Rick Williams about East Fork Ditch Co.docx

Hi John!

I had a couple of calls from the Council area this past week, and thought I'd better let you know what's going on. Rick Williams owns shares of East Fork Ditch water, and last year I attended their annual meeting to answer questions about their water rights. Perhaps I told you about it...anyway, the ditch sort of collides with Camp Creek up there and it all becomes one channel, and in the spring of the year from that point on the water is pretty deep. However they don't open up water into the upper part of the ditch until Camp Creek pretty much dries up. Rick asked if it would be possible to use a small amount of water from their Mill Creek diversion point to get water to the water users on the upper part of the ditch (between Mill and Camp) until they are able to turn on the East Fork diversion. I told them that I didn't see that as a problem since they have those three diversions listed on their junior right. By the time that right is curtailed they've already opened up their East Fork diversion and are using their older right. It was discussed for quite awhile in that meeting and left up to the directors to make the final decision. Rick called me this spring and asked me to send him a letter about that meeting and the items discussed there. He said that the directors decided not to allow water into the upper part of the ditch, which is where he takes his out, and being the largest stockholder he's planning on taking legal action to get his shares. I realize this is out of our hands, but you'll probably be hearing from him soon if you haven't already. I've attached a copy of the letter I sent him to this email for you. It better explains the situation. If you find any problems with what I proposed please let me know. Thanks a million!

Take Care!

Brandi Horton
Watermaster - District 67
2574 School Rd.
Midvale, ID 83645
(208) 550-0313

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Rick Williams
2360 Lappin Ln.
Council, ID
83612

May 1, 2009

Mr. Williams,

Enclosed with this letter are copies of the water rights owned by the East Fork Ditch Company. They are water right 67-11413 and water right 67-11416. I didn't find any special provisions or conditions; these rights are pretty straight forward. 67-11413 is a decreed water right with a 1905 priority date. Its source is shown to be from the East Fork of the Weiser River at a rate of 16.06 cfs. This is the oldest right owned by the East Fork Ditch Company and the source of most of their water for the season. 67-11416 is a beneficial use water right with a 1948 priority date. Its sources are Camp Creek, Mill Creek, and the East Fork of the Weiser River at a rate of 16 cfs. It is a fairly junior water right, and is curtailed midway through a normal irrigation season.

It was discussed with the East Fork Ditch Company at their 2008 meeting that they could use their Mill Creek headgate to supplement the water users on the ditch between Mill Creek and Camp Creek early in the season until such time as the East Fork headgate could be opened and water right 67-11416 was curtailed. There was discussion that releasing too much water from Mill Creek into the ditch while Camp Creek had a steady flow could result in flooding below Camp Creek. I explained that they would only have to release what would be utilized by the share holders between the two creeks. For example, if five share holders needed 10 inches of water each, then 50 inches should be turned into the ditch from Mill Creek. Each of the share holders would use their 10 inches and there would be no additional flow added to reach Camp Creek. Some said it would require additional setting of the boxes on the ditch, and I strongly recommended that they hire a ditch walker to regulate the boxes as well as the headgates for the share holders. This person would then be responsible for the amount of water in the ditch and delivering it to the share holders.

While I feel that hiring a ditch walker and utilizing water from Mill Creek in the early season is a fair option, it is up to the East Fork Ditch Company to make the decision to do so. That is where the discussion was left at the meeting in 2008, and it is up to them to make the final decision. If you need any further information from me, please don't hesitate to call.

Thank You,

Brandi Horton
Watermaster - District 67
2574 School Rd.
Midvale, ID 83645
(208) 550-0313
watermaster67@hotmail.com

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

5/1/2009

WATER RIGHT NO. 67-11413

Owner Type **Name and Address**

Current Owner EAST FORK DITCH CO LTD
C/O DEE STARNIRI
2405 ORCHARD RD
COUNCIL, ID 83612
(208) 253-4706

Priority Date: 07/01/1905

Basis: Decreed

Status: Active

Source **Tributary**

EAST FORK WEISER RIVER WEISER RIVER

Beneficial Use **From** **To** **Diversion Rate** **Volume**

IRRIGATION 03/15 11/15 16.06 CFS

Total Diversion 16.06 CFS

Location of Point(s) of Diversion:

WEISER RIVER NWSE Sec. 15 Township 17N Range 01E ADAMS County

IRRIGATION Use:

Acre Limit: 2054

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

5/1/2009

WATER RIGHT NO. 67-11416

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EAST FORK DITCH CO LTD C/O DEE STARNIRI 2405 ORCHARD RD COUNCIL, ID 83612 (208) 253-4706

Priority Date: 05/01/1948

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
CAMP CREEK	WEISER RIVER
MILL CREEK	WEISER RIVER
EAST FORK WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	16 CFS	
Total Diversion			16 CFS	

Location of Point(s) of Diversion:

CAMP CREEK SWNW Sec. 01 Township 16N Range 01W ADAMS County
WEISER RIVER NWSE Sec. 15 Township 17N Range 01E ADAMS County
MILL CREEK SWSW Sec. 31 Township 17N Range 01E ADAMS County

Place(s) of use: Large POU Info

Conditions of Approval:

- This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
1. C18 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
 2. 135
 3. P29 This right is a combination of old Right Nos. 67-00109 thru 67-00142.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IRRIGATION Use:
Acre Limit: 2054

Place(s) of use: Large POU Info

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
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Dates:

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Mitigation Plan: False