



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 5, 2014

Teresa McCallum, Secretary
Little Canyon Creek Water District 61D
11204 N Bar 21 DR
Glenns Ferry ID 83623

Dear Mrs. McCallum:

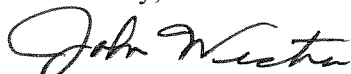
This letter is in response to your letter of 02/24/2014 regarding the resolutions being considered by the district waterusers. Specifically, the district asked for a clarification regarding resolution #3A.

The delivery of Idaho water rights hinge on the "The prior appropriation doctrine." The majority of western states also follow this doctrine. The doctrine basically means—"*First in Time is First in Right.*" Idaho Code 42-607 details the watermaster's responsibilities/actions under the doctrine, see attached.

The doctrine and statute in principal already addresses #3A. However, the specific methods of calling for water (intent in writing) and time to place the water to beneficial use (48 hours) stated in #3A is not addressed by the doctrine/statute. It certainly up to the waterusers if they desire to reaffirm the doctrine/statutes and/or place a method and time structure for water deliveries.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,


John Westra, Manager

Enclosure: IC 42-607



Idaho Statutes

TITLE 42 IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 6 DISTRIBUTION OF WATER AMONG APPROPRIATORS

42-607. DISTRIBUTION OF WATER. It shall be the duty of said watermaster to distribute the waters of the public stream, streams or water supply, comprising a water district, among the several ditches taking water therefrom according to the prior rights of each respectively, in whole or in part, and to shut and fasten, or cause to be shut or fastened, under the direction of the department of water resources, the headgates of the ditches or other facilities for diversion of water from such stream, streams or water supply, when in times of scarcity of water it is necessary so to do in order to supply the prior rights of others in such stream or water supply; provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the department of water resources, shall, for the purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply, and the watermaster shall close all headgates of ditches or other diversions having no adjudicated, decreed, permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply. So long as a duly elected watermaster is charged with the administration of the waters within a water district, no water user within such district can adversely possess the right of any other water user.

History:

[(42-607) 1903, sec. 26; p. 223; reen. R.C., sec. 3277; am. 1909, sec. 1, p. 326; am. 1915, ch. 34, sec. 12, p. 103; C.L., sec. 3277; C.S., sec. 5611; am. 1927, ch. 63, sec. 2, p. 78; I.C.A., sec. 41-507; am. 1969, ch. 305, sec. 2, p. 913; am. 1973, ch. 262, sec. 2, p. 534; am. 1992, ch. 339, sec. 9, p. 1021.]

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