



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 20, 2014

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

RE: Comments Proposed Water District Resolutions

Dear Ms. McCallum:

Attached are the Department's comments regarding the proposed resolutions that will be addressed at the Water District meeting on February 17th. A representative from the Department will not be able to attend the meeting as the 17th is a state holiday.

Please forward the attached comments to the waterusers and participants at the meeting.

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

Sincerely,

A handwritten signature in cursive script that reads "John Westra".
John Westra, Manager

Enclosure: comments

Little Canyon Creek Water District 61D
2014 Proposed Resolutions
Department Comments-J. Westra

01/20/14

Proposed 1.

The Watermaster's term of service shall commence on April 1 and shall end on October 31, during which time the watermaster solely shall have control over all diversions of water within the District. Prior to April 1 and after October 31, water users shall have control of their respective authorized diversions of water.

Comment:

The creek water rights recently decreed by the Snake River Basin Adjudication Court list the period for irrigation beneficial use from March 15th through November 15th. Stockwater and domestic uses are decreed for year round January 1st through December 31st. A right holder could certainly make a call for stockwater at anytime. During 2013, the watermaster was called for delivery of stockwater at the Berry Ranch (senior right 61-12024) in late March.

Idaho Code 42-608 (4) certainly does provide waterusers an option to set a specified term of watermaster service by resolution. However, (IC) 42-608(2) also states:

A watermaster shall not begin work for the distribution and control of water required under section 42-607, IC, until called upon by one (1) or more owners or managers of ditches or persons controlling ditches or their diversion facilities in the district stating that there is a necessity for the distribution and control of the waters of the district. In the absence of a call by one (1) or more water users, the watermaster may be called upon to assume the watermaster's duties at any time the department of water resources finds that there is a necessity for the distribution and control of the waters of the district.

Proposed 2.

An Advisory Committee (Committee) is hereby selected to provide input to the Watermaster.....

Comment:

This was addressed at the annual meeting

Proposed 3.

The Watermaster shall distribute water to rights in accordance with Idaho Code Title 42, IDWR's Watermaster Handbook.....

Comment:

Part b of the resolution states that water calls must be in writing. The watermaster should have some discretion of how the waterusers communicate with him. The preferred mode of communication could certainly be home phone, cell phone, e-mail, written, etc. The waterusers and watermaster should be in agreement on the communication mode.

The watermaster's primary responsibility is to distribute and control the source according to the water rights. If it is obvious to the Watermaster that a water call is not being beneficially used, the diversion should definitely be curtailed. The real question is: Should the watermaster's duties include checking on the use of water and issuing fines? If this is the approach sought, the waterusers will have to be willing to compensate the watermaster for the additional duties/time.