

Date

Dear Roseberry Irrigation District Water Users and Landowners on Roseberry Rights of Way,

A number of questions have arisen recently regarding the respective rights and responsibilities of Roseberry Irrigation District, water users and landowners. This letter intends to summarize Idaho Law, on the subject, in an effort to answer these questions.

In accordance with applicable water rights, Roseberry Irrigation District has the duty to deliver water to its water users using its system of canals and ditches. *Idaho Code § 42-1201*. The District's responsibilities end at the head gates from its canals and ditches where water is delivered to the water users laterals and ditches. *Idaho Code § 42-1202*. Roseberry Irrigation District has the right to clean, repair and maintain its canals and ditches and other delivery works in order to deliver water efficiently to its water users. *Idaho Code § 42-1204*. Roseberry Irrigation District employees and agents, including the ditch rider and water master, have the authority to enter properties at any time without notice to maintain facilities and to regulate and distribute water. *Idaho Code § 42-1204*. Roseberry Irrigation District can remove any encroachment to water delivery at the expense of the encroaching party and without their permission, that "unreasonably interferes with its use of the ditch or canal." *Idaho Code § 42-1209; Pioneer Irrigation District v. City of Caldwell*, 153 Idaho 593, 288 P.3d 810 (2012).

Under the policies and rules of the Roseberry Irrigation District, water users are required to order the water they expect to need at least 48 hours in advance and cannot take any that they have not ordered. *Idaho Code § 43-304*. Water users also must clean and maintain the ditches below the Roseberry delivery head gate that serve their own properties to ensure good water flow. It is important to keep in mind that just because a ditch runs through property, that property is not necessarily entitled to Roseberry water. If there are any questions about whether Roseberry Irrigation District delivers water to a certain property, please contact Roseberry Irrigation District Secretary, Kathy Points. Of course, if assessments are not timely paid to the County, Roseberry Irrigation District, by law, may discontinue water deliveries. *Idaho Code § 43-327*.

We hope this information is helpful and avoids any future misunderstandings about the respective legal rights and obligations applicable to Roseberry Irrigation District's facilities and its delivery of water. If you have any further questions, please do not hesitate to contact us. Thank you.

Sincerely,

Board of Directors, Roseberry Irrigation District

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cc: Valley County Commissioners
Valley County Sheriff
Valley County Real Estate Agents