

MEMORANDUM

July 6, 2001

TO: Water District 13M File
FROM: Cindy Hodges *chl*
RE: Request for Assistance by Water User

On Tuesday July 3, Mr. Glen Merrill of Swan Lake, Idaho phoned to report a problem with delivery of his decreed water rights. An upstream landowner and junior water right holder (Sam Smith) was allegedly over-diverting the flow of Cottonwood Creek and interfering with Mr. Merrill's ability to fulfill his 3.5 cfs senior rights.

Despite numerous attempts by IDWR to assist the users of Cottonwood Creek in organizing and activating their water district, there has been no watermaster elected for several years now. Alex Hudson of Preston had at one time agreed to serve but was never appointed. The District remains in inactive status.

According to Skip Jones, this is an ongoing problem on Cottonwood Creek and Skip was not willing to spend any more resources in the area this year. Pete Peterson, Bear River watermaster, is available by agreement to assist Cottonwood Creek water users. Mr. Merrill did not want to call Mr. Peterson because of a conflict of interest, and Merrill felt that Peterson would not equitably deliver water because of that interest.

I returned Mr. Merrill's call and informed him there was nothing IDWR could do to assist at this time. I emphasized that the only way for the users to prevent this kind of problem again was to have the Water District organized in advance of a delivery crisis. I suggested that his options for this season were to either call on Mr. Peterson or to hold an emergency meeting and elect a watermaster. Evidently Mr. Merrill has looked into the latter option, as he contacted Alex Hudson who in turn called Tim Luke to ask questions about the reactivation of the district.

Neither Tim nor I plan any further follow-up unless the District is organized and Mr. Hudson or another Watermaster is elected.

cc: Eastern Region
Vault Permanent File