

1995 file 67-A



State of Idaho
DEPARTMENT OF WATER RESOURCES

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R. KEITH HIGGINSON
DIRECTOR

February 9, 1995

Mr. Dave Birchard
Watermaster, District No. 67-A
Box 52
Indian Valley, ID. 83632

RE: Deliverable Water Rights and Measuring Devices

Dear Dave:

Enclosed is some information that I hope proves helpful in your Watermaster role for the Little Weiser River. The first item is the list that you requested for water rights that are deliverable. These rights include those identified by decree (D), license (L) or Permit (P) in the stage (STG) column. The rights are arranged in priority order where the oldest right is to be delivered first and subsequent deliveries follow the priority order. No other water rights are legally deliverable within a water district.

This is the latest printout from department records and should replace previous water right lists. Another list can be assembled for adjudication claims currently on file in the Snake River Basin Adjudication. I will prepare and send two adjudication lists for your records - one for claims based on deliverable rights and one for all claims from the river.

Please remember that the water right list, not the forthcoming adjudication claim list(s) specifies those rights to be delivered. The value of the adjudication list is to help identify current owners of rights listed on the water right list since the latter often has names that are not current.

I think it will be helpful if we could complete the process of identifying by owner name and water right number the deliverable rights per ditch during this year. This could prove invaluable if additional regulation is required in delivering water.

I have been informed that one or more users on the Schwenkfelder Ditch considered making a call for water sometime last year during a water shortage period. That is the only ditch that I recall having proper lockable and measurable controls on it in the entire river system. If such a call had been made, the users of that ditch would have entitled to complete delivery of their deliverable natural flow (cfs) water rights before any other diversion could take any remaining natural flow water. As you can imagine, this would have been very difficult to administer given the current lack of adequate controls found for all of the other river diversions.

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As you know, the whole idea of water districts revolves around delivery of available water to the correct water users based on the priority order of rights established by decree or by the permit-license process. Anything other than this risks taking water from those legally entitled to it and giving that water to those not legally entitled to its use.

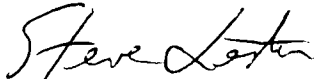
I agree with your assessment in the recent water district meeting that the other diversions need to meet these control specifications as soon as possible. Towards that end I have enclosed information regarding weirs, flumes and other devices for uses in ditches. Only by having adjustable and lockable headgates and/or pumps at the river with proper measuring devices on the diversion works can water be delivered based on the requirements of Idaho water law and the court's 1920 decree.

Most likely, the local SCS office will have some other and probably better specifications regarding weirs and flumes. That office probably will be a valuable asset in coordinating information for the water users regarding construction plans etc. in pursuit of this goal. Considerable savings might be found if all of the work was done as one project - perhaps one representative per ditch would be willing to work with you in drawing up plans to improve the diversions from the river. Such work could be coordinated with completing the ditch name/right lists previously mentioned.

I look forward to our continued work together to protect the use of valid water rights and delivering water in the fairest manner provided for under Idaho law. It seems that the day is fast approaching where more verifiable data will be needed to continue protecting such water rights, and it seems reasonable to think that the local water users will be well served by being "ahead of the curve" rather than behind it.

Please contact me anytime that you need assistance in this or other matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure