



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

*W.D. #65 file*

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

June 22, 1995

Gladys Strawn, Secretary  
Terminus Lateral Ditch Co.  
608 S. Penn. Ave.  
Fruitland, ID 83619

**RE: MAINTENANCE PROBLEMS ALONG DITCH**

Dear Gladys:

I received your letter concerning problems being experienced due to construction near your ditch and/or pipeline but only now have had time to respond. I apologize for this delay and hope it has not aggravated your situation.

Looking at the records on file with this agency, I can find no specific water rights or adjudication claims in the name of Terminus Lateral Ditch. However, perhaps the water delivered to your ditch is provided by some other entity such as Noble Ditch Co. to which you referred in your letter. It sounds very likely that the water right(s) in question is listed under another delivery group's name.

To identify a specific water right(s) for your use, I suggest you contact Noble Ditch Co. or any other organization which you think might be the water provider. You might also contact Mark Limbaugh, the Payette River Water District Watermaster at 642-3866 in Payette for similar information.

Your specific concern focused on problems associated with school construction and damages to your pipeline. This is actually a private and civil matter beyond the scope of the Idaho Department of Water Resources; I simply have no authority to intervene in such matters nor can I offer you legal advice.

However, if the ditch and/or pipeline delivery has been in place for quite some time and if no recorded easement for its occupancy on other owners' land can be found, it is still possible that some type of legal protection for your delivery system might be secured under Idaho law (prescriptive easement etc.). I must refer you to a private attorney or perhaps the county's legal offices for such advice about easements, property damages, or other private matters.

Of course, I hope that anyone undertaking construction near a delivery ditch or pipeline would work with you in a neighborly fashion and avoid the legal pitfall of lawsuits for damages and so forth. Unfortunately, I cannot provide that protection to you beyond the suggestions made in this letter.

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I have taken the liberty of sending copies of this letter to the Payette River Watermaster and to the Fruitland School District Superintendent in hopes of facilitating a cooperative solution to your problems. Please note that matters such as this are beyond the scope of the Watermaster's responsibility, although he might be able to shed some light on the subject of water delivery to the Terminus Lateral Ditch Company.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester  
Water Rights Supervisor

c: Mark Limbaugh, Payette River Watermaster  
Superintendent, Fruitland School District