



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 20, 1998

TO: ATTACHED DISTRIBUTION LIST

Dear Water User:

Enclosed are two Orders establishing control over the lateral ditch supplying your irrigation water. The first Order includes the appointment of a lateral manager (Manager) by the Squaw Creek Watermaster (Watermaster). The second Order provides the Manager's instructions to the water users. All of the lateral water users are included because all of the users' shares are delivered to a common point at the head of the lateral. I hope you can attend the meeting noted in the Manager's Order - we can discuss the lateral details at the meeting.

The statutes provide for Watermaster appointment of the Manager for a particular year. By implementing the controls necessary to fairly distribute lateral shares, the hope is that the water users can select their manager by next April for the 1999 irrigation season as outlined in Section 42-907, Idaho Code. Perhaps the 1998 experiences will provide guidelines for what works and what does not work to improve delivery conditions on the lateral.

I want to commend the Watermaster for his efforts in trying to address the lateral ditch problems. He made considerable efforts to respond to concerns raised by the water users while operating within the limits of his watermaster duties described by Idaho law. His efforts are appreciated.

Please review the attached information. Note that gravity flow diversions from the lateral require lockable headgates and measurement weirs. The Manager will investigate controllable and measurable pumps on a case specific basis with the pump owners. Controllable and measurable diversions will be discussed at the Manager's meeting to which you are invited on July 23 in Sweet.

The Manager will regulate all diversions from the lateral system. This will include regulation of the outlet pipes from the pond. He will make the necessary adjustments to diversions from the lateral and pond based on your calls. He will also serve as your contact person if you need to call for more shares of water from the Squaw Creek Ditch Company. The Manager will work with you to reach an agreement for written rotation schedules if this becomes necessary. IDWR can provide suggestions about rotation practices as requested.

Note that payment for the Manager's services will be determined on a per call basis - the more he is called, the more it will cost. At the end of the irrigation season, the Manager will provide a report to the Watermaster. The report will document all calls for service, data regarding water measurement, mileage figures, miscellaneous expenses and any relevant field notes for each visit to the lateral. The total cost of the Manager's services will be partly assessed on shares of water and partly assessed to individual callers. A water user calling for the Manager's assistance will therefore pay at least half of the charge for an individual visit by the Manager.

*Lateral Ditch
Control & Sweet*

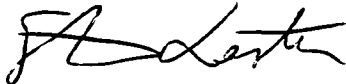
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If you have problems regarding the delivery of your shares to your point(s) of diversion, please call the Manager in Emmett at 365-4020. Messages can be left at that number if he is not available when you call.

A summary of recent field visits to the lateral is attached. Also attached are notes about V-notch weirs. The Manager and IDWR will work with you to implement the Orders. The Manager will contact you soon after the July 23, 1998 meeting to discuss your progress in these matters. It is my hope that we can make improvements in this situation by working together. I look forward to seeing you at the meeting.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosures

DISTRIBUTION LIST

ARTHUR & BONNIE BEAL
PO BOX 9
SWEET ID 83670

CAROLINE & ERVIN CARSKADDON
7720 SWEET-OLA HWY
SWEET ID 83670

KIRK & SHERRI DARNELL
PO BOX 13
SWEET ID 83670

JOSEPH & LOUONA ELLIOT
7205 SWEET-OLA HWY
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PO BOX 8
SWEET ID 83670

DIANE LOWRY
9455 HAYS ST
SWEET ID 83670

KAREN & PAUL SHAY
PO BOX 64
SWEET ID 83670

KAYE WENNSTROM
PO BOX 100
SWEET ID 83670

HANK BERNTSEN
LATERAL MANAGER
1553 SUNSET DR
EMMETT ID 83617

ERIC HERR
WATERMASTER #65A
8917 BUTTE RD
SWEET ID 83670

JANICE LANE
SECRETARY SQUAW CK DITCH CO
7950 SWEET RD
SWEET ID 83670

FIELD NOTES

FIRST FIELD INSPECTION

Deliveries of water were inspected by the Watermaster and IDWR on April 2, 1998 in response to the March 2 petition. The lateral was inspected from its origin at the Squaw Creek Ditch Company canal to the east boundary of Shay's property. The following features were observed:

- a) A screw headgate and 3' Cipolletti weir were at the head of the Lateral.
- b) The lateral ran westward with a significant fall in elevation for about 1/2 mile to a small holding pond.
- c) Darnell's pump at the pond can supply the upper half of the area served by the lateral. The pump was not in use during the visit.
- d) A 12" outlet culvert located between the pond inflow and the Darnell pump routed water to the lower half of the lateral. Another outlet from the pond was found just past the pump. This outlet structure can route water to a waste ditch (that approximates a natural drainage) that ran somewhat parallel to the lower half of the lateral. The waste ditch can receive additional water not associated with the lateral.
- e) The lower half of the lateral proceeded for about 1/4 mile westward until it flowed into a pipe that carried water under the Sweet/Ola highway.
- f) On the other side of the highway, the open ditch resumed for a short distance until it led into a pipe heading to the east border of Shay's property. A few spots along this length of pipe had short open ditch segments at which diversion points from the lateral were found.
- g) The open ditch resumed its course as water entered Shay's property just below Beal's property. Shay is the last party to withdraw water from the lateral.

SECOND FIELD INSPECTION

After the June 8 meeting in Sweet attended by water users, the Watermaster, other interested parties and IDWR, a second field visit was delayed due to IDWR review of legal matters related to the lateral and the Third Judicial District Court in Gem County. A field inspection was conducted on June 22, 1998 by the Watermaster, Manager and IDWR to document more or less normal delivery conditions. Normal conditions were not observed because only about half of the normal amount of water was being delivered into the head of the Lateral. The following features were observed.

- a) The weir pool for the 3' Cipolletti weir at the head of the lateral was not cleaned and maintained to provide accurate flow measurements. A flow of about 1.64 cfs (82 miner's inches) was measured at the weir after removal of debris near the headgate.
- b) Darnell stated that his pump was in use at about half its normal rate. He indicated that the pump capacity is about 1.70 cfs (85 miner's inches).

c) Outflow from the pond to the lower half of the lateral could not be measured because no measuring device has been installed. The flow was estimated at about .40 to .50 cfs (20-25 miner's inches).

d) The lateral was not well maintained along portions below the pond, particularly between the pond and the highway.

e) An earth dam was found in the lateral below the pond. Most of the water was diverted from the lateral to the adjacent waste water ditch. A pipe was included in the dam to deliver some flow down the lateral.

f) The pipelines forming part of the lateral conveyance system near and below the highway appeared to be in acceptable condition, able to carry adequate water to the users.

g) No controllable diversions from the lateral were found. All turnouts from the lateral were via gravity flow except for the Darnell pump.

*** SEE ATTACHED INFORMATION REGARDING V-NOTCH WEIRS.**

*** COST SAVINGS MAY BE POSSIBLE BY COORDINATING WORK AMONG THE LATERAL USERS TO CLEAN THE DITCH, INSTALL HEADGATES AND WEIRS.**

IN THE MATTER OF A PETITION TO)
SQUAW CREEK WATERMASTER #65A TO)
APPOINT A LATERAL DITCH MANAGER)

ORDER

Water user Karen Shay of Sweet, Idaho filed a petition addressed to the Squaw Creek Water District No. 65A Watermaster on March 2, 1998 at the district meeting. The petition requested watermaster control of a lateral ditch.

FINDINGS OF FACT

1. An unnamed irrigation lateral ditch in Sweet, Idaho serves several water users who have disagreed about deliveries of water in recent years. This is referred to as the Sweet Lateral (Lateral) for convenience.

CONCLUSIONS OF LAW

1. A water user obtaining water from a lateral may petition a watermaster according to the terms of Section 42-909, Idaho Code to establish watermaster control over the lateral during the season in which the control is requested for the purposes of water distribution.

2. Sections 42-909 and 42-910, Idaho Code authorize the watermaster to appoint a lateral manager and set a reasonable compensation for the manager.

ORDER

IT IS HEREBY ORDERED as follows:

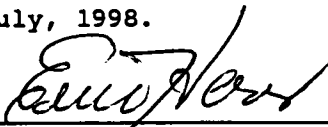
1. Hank Bernstein of Emmett is appointed as the Lateral manager (Manager) for the 1998 irrigation season. He shall respond to Lateral water users' calls within 24 hours to the extent that his duties as Porter Creek Watermaster allow. He shall coordinate with the Squaw Creek Watermaster if a timely response is not possible.

2. The Manager shall regulate all diversion of water from the Lateral. Regulation shall include the water users' shares of water less any proportional losses in the Lateral.

3. The Manager shall file a report with the Watermaster by November 15, 1998 to document all matters related to water users' calls for the Manager's service.

4. Compensation for the Manager's service shall be \$10 per hour (including travel time) per visit plus mileage expenses at the rate of \$0.31 per mile. Incidental expenses shall be compensated. Payment for the Manager's services shall be assessed as follows: 50% of the cost of each visit shall be paid by the water user requesting the visit, and 50% of the cost of each visit shall be assessed as a pro rata charge to all Lateral water users based on shares in the Lateral.

Dated this 20th day of July, 1998.


Eric Herr, Squaw Creek Watermaster

IN THE MATTER OF INSTRUCTIONS TO)
)
WATER USERS OF THE SWEET LATERAL)

ORDER

Watermaster Eric Herr issued an Order on July 20, 1998 appointing Hank Bernsten as the manager (Manager) of the Sweet Lateral (Lateral).

FINDINGS OF FACT

1. The Lateral receives irrigation water from the Squaw Creek Ditch Company (Company) via several natural flow and storage water rights. All of the Lateral users purchase shares of Company water rights and therefore have identical priority dates for Lateral water uses.

2. The Company defines one share as .02 cfs (1 miner's inch). The Company delivers the following shares, rounded to the nearest whole share per Company information, to the head of the Lateral:

<u>Water user</u>	<u># of shares</u>
Darnell	119
Carskaddon	4
Wennstrom	5
Beal	4
Hymas	5
Lowry	1
Elliot	2
Shay	76
total	<u>216.</u>

3. The Company delivers the above referenced shares to the head of the Lateral by means of a controllable headgate and a measurement weir.

4. A small holding pond is located approximately half way down the Lateral. Water can be diverted from the pond via a pump, an outlet pipe to the lower half of the Lateral or an outlet pipe to a waste ditch that more or less parallels the lower portion of the Lateral.

5. None of the diversions from the Lateral or the pond have controllable or measurable diversion works.

CONCLUSIONS OF LAW

1. Lateral users must properly maintain a lateral in such a manner that a lateral can carry and distribute water (Section 42-907, Idaho Code).

2. Section 42-910, Idaho Code authorizes a lateral manager to require lateral water users to repair and maintain a lateral. Furthermore, the statute allows a lateral manager to require water users to install controllable and measurable diversions works for the diversion of all water from a lateral. Water users must provide their proportional share of labor, material and money within three (3) days notice by a lateral manager to complete the required work. Finally, the statute provides for collection of payment from a water user for such work to be completed by other means by a lateral manager should a water user fail to comply with a lateral manager's instructions.

ORDER

IT IS HEREBY ORDERED as follows:

1. The weir pool at the head of the Lateral shall be cleaned and maintained to ensure an accurate weir reading at that point.
2. The Lateral shall be cleaned and maintained to carry water in a free-flowing and unobstructed manner. Water users shall complete this maintenance via a mutually agreed upon method or the Manager will have the work done, and shall charge assessments to the water users for such work, as provided for in Section 42-910, Idaho Code.
3. The only diversion of water from the Lateral or holding pond shall be via controllable and measurable diversion works. Dams, cutouts or unmeasured turnouts shall not be allowed in the Lateral. The Manager can waive these requirements for specific circumstances based upon a finding by the Manager that no Lateral water user will be deprived of delivery of his or her shares of available water. For example, the diversion of water from the last point on the Lateral shall require a measuring device but not a controllable headgate.
4. The Manager shall meet with the Lateral water users to discuss implementation of these Orders. The Squaw Creek Watermaster and IDWR are also invited to the meeting scheduled for 7:00 p.m. on Thursday, July 23, 1998 at the Methodist Annex in Sweet, Idaho.

Dated this 20th day of July, 1998.



Hank Bernstein, Manager of Sweet Lateral

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