

Water District No. 65

Payette River Basin, State of Idaho
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Payette, Idaho 83661

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7/2

Watermaster
Mark Limbaugh

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RECEIVED

June 5, 2000

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Department of Water Resources

Arval and Opal Roberts
4645 Ramblin Rose
Meridian, ID 83642

Ginger Creek Trust
C/o Jerry and Camille Tibbits
3376 Overland
Meridian, ID 83642

Paul Bockman
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Todd and Melonie Bartolome
3744 Mountain View Dr.
Boise, ID 83704

Julia Peck
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Hartzell Trust
C/o Susan Kay Hartzell
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Joan Romer
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Connie and Mildred Martin
Box 444
Eagle, ID 83616

Re: Campbell Creek Water Rights

Dear Campbell Creek Water Users:

I recently received a complaint from several property owners in the Gratton-Barnard Subdivision near Donnelly, Idaho, who were concerned about property damage resulting from the over-diversion of water from Campbell Creek associated with your water right deliveries. After reviewing the complaint and pictures of the property damage, I have determined that the diversion from Campbell Creek does not have a controlling device (or headgate) to ensure the amount of water diverted corresponds with the allowed diversion rate for your water rights. I have also determined that excess water is diverted without regard to proper measurement of the allowed diversion rate and is flooding

surrounding properties. Some of this damage may also be attributed to the lack of maintenance of the ditch utilized in the delivery of your water rights.

According to Idaho Code Section 42-1203, ditches or conduits used for the delivery of water shall be maintained "...in order to prevent the water from wasting..." and "... shall not at any time permit a greater quantity of water to be turned into said ditch, canal, or conduit than the banks thereof will easily contain or than can be used for beneficial or useful purposes; it being the meaning of this section to prevent the wasting and useless discharge and running away of water."

Also, Idaho Code Section 42-701 provides that the appropriators and users of the waters of the State of Idaho shall construct and maintain a headgate and controlling works at the point where water is diverted as required by the Director of the Idaho Department of Water Resources. Any user that neglects or refuses to do so, upon receiving ten (10) days notice from the Director within which to "begin and diligently pursue to completion" the required construction or repair of the controlling device, shall be "shut off and refused water delivery by the acting watermaster of the water district". In visiting with the Idaho Department of Water Resource's Western Region Manager, he is prepared to order such an action if this problem is not resolved soon.

In order to prevent further damage to surrounding properties, and to bring you into compliance with your water right diversion rate, I am hereby requesting that the water right holders in the Gratton-Barnard Subdivision repair or replace the controlling works or headgate at your Campbell Creek diversion and to cease the wasteful excess diversion of waters of the State of Idaho as soon as possible. I am also requesting that the water users from the ditch begin a yearly maintenance program to minimize damage to surrounding property during the delivery of water to the water right holders.

If the water rights from Campbell Creek being delivered by this ditch cannot be adequately delivered or continued property damage occurs under these conditions, then additional upgrades to the water delivery system may be required to comply with Idaho Code. These upgrades may include, but not be limited to, piping or lining the ditch and the installation of an approved measuring device at the diversion in order to minimize transmission loss and additional damage to surrounding property.

If you have any questions or concerns about the above requests, please contact me at (208) 642-4465. I will be happy to discuss the complaint and any solutions you may suggest in order to resolve this matter.

Sincerely,

Mark Limbaugh, Watermaster

Cc: Mr. Gary Spackman, IDWR Western Region Manager
✓ Mr. Phil Rassier, Deputy Attorney General, State of Idaho

Bcc: Larry Lannigan
Craig Derrick