



State of Idaho
DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS
GOVERNOR

KEITH HIGGINSON
DIRECTOR

June 30, 1994

David Crockett
2678-Rock Creek Rd.
Hansen, ID 83334

JUL 18 1994

Department of Water Resources
Southern Region Office

Re: Water District 470

Dear Mr. Crockett:

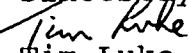
Enclosed is an order requiring water users that divert water from Rock Creek to install measuring devices and controlling works. The order also provides for watermaster control over all headgates and controlling works.

Please note that the order requires permanent measuring devices and controlling works prior to the 1995 irrigation season. Temporary measuring devices are required on open channel ditches for the remainder of this season. If temporary measuring devices are not in place this year, the watermaster will estimate flows and regulate diversions accordingly. Regulating diversions includes the authority to adjust and lock headgates.

Water users owning instream pump diversions with pressurized sprinkler systems are not required to install temporary measuring devices for the remainder of this season, but the watermaster will continue to estimate diversion rates and order adjustments as needed.

Failure to install adequate measuring devices and controlling works for the following season provides authority for the watermaster to shut off and refuse delivery of water to the diversion in question. In addition, water users having diversions which are not in compliance with this order next year may be subject to civil penalties of up to \$100 per day. Measuring devices should be installed at an adequate location that is accessible and as close as possible to the diversion from the natural channel.

If you have questions concerning this matter, please contact this office.

Sincerely,

Tim Luke
Hydrologist
Water Allocations

cc: Charles Helman, Watermaster
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

JUL 18 1994
Department of Water Resources
Southern Region Office

IN THE MATTER OF REQUIRING MEASURING DEVICES)
)
AND ORDERING WATERMASTER CONTROL OVER ALL)
) ORDER
HEADGATES, CONTROLLING WORKS AND OUTLET GATE)
)
CONTROLS ON ROCK CREEK WHICH COMPRISES WATER)
)
DISTRICT 47-0.)
)

After consultation with the watermaster of Water District no. 47-0, the Department finds that some diversions in Water District 47-0 have inadequate measuring devices and controlling works. Section 42-701, Idaho Code, provides:

42-701. INSTALLATION AND MAINTENANCE OF CONTROLLING WORKS AND MEASURING DEVICES BY WATER APPROPRIATORS -- PROCEDURE UPON FAILURE TO INSTALL AND MAINTAIN -- MEASURING AND REPORTING OF DIVERSIONS -- PENALTY FOR FAILURE TO COMPLY -- REPORT FILING FEE.

(1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said canal, wellhead or pipeline from the stream, well or other source of public water. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of water resources.

(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices. . . , upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device

or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist, or the director may take action pursuant to sections 42-311, 42-350 and 42-351, Idaho Code, to enforce the requirement to construct, install or maintain such devices.

(4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

THEREFORE IT IS HEREBY ORDERED THAT:

1. Those water users identified in Attachment A of this order diverting water from Rock Creek by means of open canals or ditches shall install temporary measuring devices of a type acceptable to the Department not later than 15 days from the mailing date of this order. These same users must install permanent measuring devices and permanent controlling works of a type acceptable to the Department prior to the 1995 irrigation season.

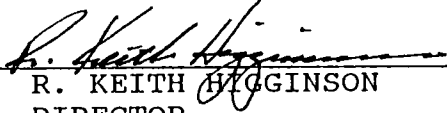
2. If water users identified in Attachment A who divert water from Rock Creek by means of open canals or ditches and do not install adequate temporary measuring devices pursuant to this order for the 1994 irrigation season, the watermaster shall estimate diversion flows, and then adjust and lock any controlling works from Rock Creek according to these estimates and rights of prior appropriation.

3. Those water users identified in Attachment A of this order diverting water from Rock Creek by means of instream pumps shall install permanent measuring devices and permanent controlling works of a type acceptable to the Department prior to the 1995 irrigation

season. For the remainder of the 1994 irrigation season, the watermaster will estimate diversion flows to these instream pumps using one or more methods, including, but not limited to the counting and/or direct measurement of irrigation sprinkler nozzles, or use of the pump-horsepower equation.

4. The watermaster shall shut off and refuse to deliver water from Rock Creek to any water user identified in Attachment A who does not have adequate permanent controlling works and a measuring device after the start of the 1995 irrigation season. In addition, the Department can take action to seek civil penalties of up to \$100 per diversion per day for those diversions which are not in compliance with this order.

Dated this 30TH day of JUNE, 1994



R. KEITH HIGGINSON
DIRECTOR

ATTACHMENT A

David Crockett
2678-A Rock Creek Rd.
Hansen, ID 83334

Harold Frazier
2568-A Rock Creek Rd.
Hansen, ID 83334

Lucy Gray
3825 E. 2950 N.
Hansen, ID 83334

Ken Mulberry
Russet Valley Produce
Kimberly, ID 83341