



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2003

Re: Order Requiring Measuring Devices and Headgates in Water District 47-O, Rock Creek and Tributaries

Dear Rock Creek Water User,

The Idaho Department of Water Resources (department) has issued the enclosed order requiring installation and/or maintenance of measuring devices and lockable headgates for diversions of water from Rock Creek and/or tributaries. As you may know the issue of adequate measuring devices and control works has been an on going issue within the Rock Creek Water District for a few years. The matter was brought up again at the 2003 annual water district meeting. This has culminated in a review conducted this spring of all diversions within the district by the department, the watermaster and other interested water users. The attached memorandum dated May 23, 2003 is the findings of the field review conducted this spring.

Please note that those headgates and measuring devices as noted on Attachment A must be installed or brought up to standard by July 7, 2003. A copy of the order and this letter is being sent to those users identified in Attachment A of the order.

Pursuant to Section 42-701, Idaho Code, users who neglect to comply with any provision of department orders requiring installation of measuring devices and lockable controlling works will face curtailment of water delivery and may be subject to the administrative enforcement actions provided by Section 42-1701B, Idaho Code. Enforcement actions may include the issuance of Notices of Violation and Cease and Desist Orders, as well as possible civil penalties.

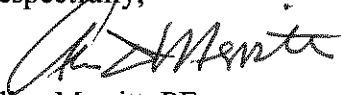
The department asks for your full cooperation concerning this matter. If you have questions concerning this matter please contact me or Jim Stanton directly at the Southern Region office or contact Tim Luke, IDWR State Office at 208-327-7864.

Additionally if you have questions concerning measuring devices and standards you may choose to visit the department's web site at:

http://www.idwr.state.id.us/water/districts/water_measurement.htm

The site provides access to guidelines and publications. If you do not have internet access you may visit our regional office to obtain standards and publications regarding measuring devices.

Respectfully,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, written over the printed name below.

Allen Merritt, PE
Southern Region Manager

Cc: Cindy Blakely, Water District 47-O Watermaster
Jim Stanton and Tim Luke - IDWR

MAILING LIST – ROCK CREEK WATER USERS W/DIVERSION PROBLEMS

CHUCK HELMAN
2391 ROCK CREEK RD
HANSEN, ID 83334

DAVID FUNK
3245 N 4700 E
MURTAUGH, ID 83344

— returned

HAROLD FRAZIER
2568-A ROCK CREEK RD
HANSEN, ID 83334

CECILIA HAUSNER
2987 N 3800 E
HANSEN, ID 83334

DAVID CROCKETT
2678-A ROCK CREEK RD
HANSEN, ID 83334

RODNEY HOPWOOD
2971 N 3600 E
KIMBERLY, ID 83341

ROCK CREEK RANCH
C/O LOUIS BETTENCOURT
PO BOX 578
JEROME, ID 83338

DAVID KINE
2944 ROCK CREEK RD
HANSEN, ID 83334

KEN MULBERRY
PO BOX H
KIMBERLY, ID 83341

GEORGE MURPHY
3474 E 3000 N
KIMBERLY, ID 83341

CHARLES H DULIN — Returned
3052 ROCK CREEK RD
HANSEN, ID 83334

ALICIA PEREYRA
2950 N 3800 E
HANSEN, ID 83334

MIKE PEARSON
2786-A ROCK CREEK RD
HANSEN, ID 83334

ED SMITH
044 DRY GULCH RD
HANSEN, ID 83334

LUCY GRAY
3825 E 2950 N
HANSEN, ID 83334

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#47-0

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF REQUIRING MEASURING)
DEVICES AND CONTROLLING WORKS ON) **ORDER**
ROCK CREEK AND TRIBUTARIES, WATER)
DISTRICT 47-O)

During the 2003 annual Water District Meeting held this spring, continuing complaints about measurement of water in the district were discussed. After the meeting, staff of the Idaho Department of Water Resources ("department") made a site inspection of diversions within the district. Based on the site inspections a memorandum with recommendations for control works and measuring devices has been prepared.

Section 42-701, Idaho Code, provides in pertinent part:

**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, ditch, 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 section 42-1701B, 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.

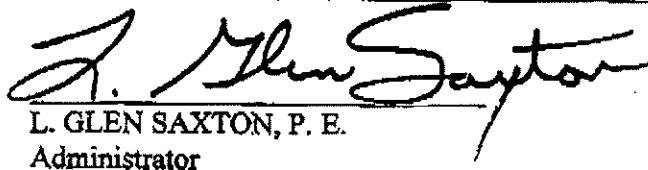
ORDER

IT IS HEREBY ORDERED AS FOLLOWS:

1. Those water users identified in Attachment A to this order diverting water from Rock Creek and tributaries shall install measuring devices and lockable controlling works of a type acceptable to the department on or before July 7, 2003, unless waived by the department upon a showing of reasonable cause by the water user.

2. The watermaster shall shut off and refuse to deliver water to any diversions in Rock Creek and tributaries that do not have an adequate measuring device and/or lockable controlling works after July 7, 2003, except for those small diversions on subdivision lots waived by the department.

Dated this 4th day of June, 2003.


L. GLEN SAXTON, P. E.
Administrator

ATTACHMENT A to Order Dated 6/4/2003 to Rock Creek Water Users

1. Helman East Side Ditch A0011861
Install lockable headgate and measuring device.
- 1a. Helman aesthetic diversion
Install lockable headgate and measuring device.
- 2a. Helman Fifth Fork South Ditch A0011862
Install lockable headgate.
- 2b. Helman Fifth Fork North Ditch A0011863
Install lockable headgate and measuring device.
- 3a. Frasier Pump A0011864
Repair and/or calibrate existing inline flow meter or replace with workable inline flow meter.
4. Crockett Weir A0011865
Install lockable control on headgate.
- 5a/b. Crockett South and North Pumps A0011866 and A0011867
Install lockable headgate and measuring device.
6. Norton Ditch A0011868
Improve lockable headgate. Re-install staff gauge on measuring weir.
7. Pearson Pump A0011869
Install lockable headgate and measuring device
- 7a. Old Crockett headgate
Maintain locked headgate or abandon.
9. Rock Creek Ranch A0011871
Install a staff gage on the weir box wall, upstream from the crest.
10. West Ditch A0011872
Maintain or improve existing structures as noted on department memo.
11. Gray's Eastside Pump A0011873
Install lockable headgate and measuring device.
12. Diana's Weir A0011874
Maintain weir pool.
13. Dulin Highline Canal diversion (unused, no tag)
Install lockable headgate or abandon diversion.
14. Funk Headgate A0011875
Maintain flume as noted on department memo.
16. Mulberry Weir A0011877
Maintain weir as noted on department memo.
17. Mulberry Pump A0011876
Install lockable headgate and measuring device if Rock Creek decrees delivered at this site.

Mulberry Pump
A0011876

Mulberry Weir
A0011877

Funk Spud Cellar Pump
A0004165

Funk Headgate
A0011875

Dulin Highline
(unused - no tag)

Diana's Weir
A0011874

Gray Eastside Pump
A0011873

Water District 47-0 Rock Creek

West Ditch
A0011872

Rock Creek Ranch
A0011871

Pearson Pump
A0011869

East Ditch
A0011870

Crockett North Pump
A0011867

Norton Ditch
A0011868

Crockett South Pump
A0011866

Crockett Weir
A0011865

Frazier Pump
A0011864

5th Fork S and N Ditches
A0011862 & A0011863

Helman East Ditch
A0011861

