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Department of Water Resources

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May 13, 1994

FAX NO: 327-7866

Mr. Norman Young
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83720

Re: Water District 47-C, Deadwood and Devil Creeks

Dear Mr. Young:

I am writing this letter to you on behalf of our client, Cedar Mesa Reservoir and Canal Company, which company owns the right to store water from Deadwood and Devil Creeks by transporting it in what is commonly called the crosscut ditch from these two watersheds over to the reservoir on Cedar Creek, commonly known as the Cedar Creek or Roseworth Reservoir.

The right to store was initiated by filings made by the predecessor in interest of Cedar Mesa Reservoir and Canal Company in the teens before World War I.

In our discussions with Mr. Jack Eastman, the Watermaster in Water District 47-C, he is having some problems with the delivery of Deadwood Creek water to Devil Creek Ranch that owns land on the Deadwood watershed, and is also having some problems with Devil Creek Ranch that owns land on the Devil Creek watershed.

There are not adequate measuring devices at the diversion of water from Deadwood Creek to the land owned by Devil Creek Ranch on Deadwood Creek, nor are there measuring devices at the headgates for Devil Creek Ranch for its Devil Creek water taken for irrigation of its ranch property on Devil Creek. Devil Creek Ranch uses the crosscut ditch owned by our client as its lateral for delivery of Devil Creek water to a portion of its ranch property and in fact has three headgates in the crosscut ditch owned by Cedar Mesa. There are no weirs or adequate measuring devices at any of these three headgates.

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As you know, it is the obligation of the water user to have adequate measuring devices at its points of diversion to measure its water rights for delivery.

It is our understanding that the Watermaster, Mr. Eastman, has experienced some problems with Mr. R. K. Patrick, the owner of Devil Creek Ranch, Inc., in connection with the deliveries of water from Devil Creek through the crosscut ditch. It is our understanding that Mr. Patrick has taken the position that during the irrigation season any water in the crosscut ditch, whether it comes from Deadwood Creek or Devil Creek, becomes Devil Creek water and he can use it on his Devil Creek Ranch. It is our understanding of the storage right that our client, Cedar Mesa, has the right to divert all of the waters from Deadwood and Devil Creek to the reservoir during the non-irrigation season, and that during the irrigation season our client has the right to divert all waters from Deadwood and Devil Creek to the reservoir for storage and use by our client, which waters are not needed to meet the natural-flow rights of the users on Deadwood and Devil Creeks.

In order to adequately administer the distribution of waters from these two streams, it seems imperative to us that your Department should issue an order to Devil Creek Ranch, Inc., to install adequate measuring devices on Deadwood Creek at its point of diversion and to install adequate measuring devices at each of its headgates from the crosscut ditch to deliver the Devil Creek water, and adequate measuring devices for its diversions from Devil Creek above the crosscut ditch.

Cedar Mesa Reservoir and Canal Company has installed on the crosscut ditch, adequate measuring devices to determine the amount of water coming from Deadwood Creek and to measure the combined flow of Deadwood and Devil Creeks downstream on the crosscut ditch after both streams have contributed to the crosscut ditch.

The purpose of this letter is to request that your Department enter an order immediately requiring adequate measuring devices on these streams to measure the diversions of water by Devil Creek Ranch, Inc.

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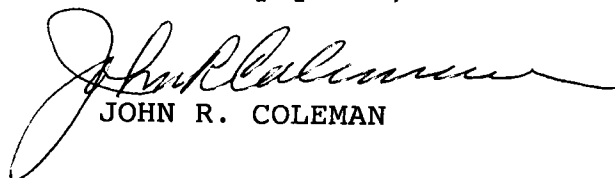
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If you desire to discuss this matter with me, I would be most happy to visit with you. We trust that appropriate action will be promptly taken.

Sincerely yours,



JOHN R. COLEMAN

JRC/jlk

cc: Frank Rodgers, Jr.
John A. Bryant
Lloyd Davis
Jack Eastman
Loren Holmes