



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 27, 1995

PHILIP E. BATT
GOVERNOR

John Coleman
PO Box 525
Twin Falls, ID 83303-0525

KARL J. DREHER
DIRECTOR

Re: Water District 47-C

Dear Mr. Coleman:

I have reviewed your correspondence of June 20, 1995 regarding water measurement in District 47-C. You have made several comments which I will address separately.

In paragraphs two and three of page one, you raise the question about unmeasured spring inflow between inflow-outflow water measurement locations. I agree with your observation and raised this question myself in my correspondence of June 6. This is why I had offered to make a visit and measure each individual diversion located between the inflow and outflow points. By measuring all of the diversions within a given reach along with the inflow and outflow of the reach, we will be able to accurately determine the reach gains or losses for that reach. I will be available to conduct such measurements on all of the drainages at least once this year. I think it may be helpful to repeat these measurements one or more times during the season. Perhaps Jack Eastman could conduct the latter measurements.

Paragraph three of page one suggests that there is no means for Mr. Eastman to adjust the rate of diversion or require a landowner to adjust the rate of diversion. My correspondence stated that IDWR would temporarily suspend enforcement of headgate and controlling works requirements during 1995 except where such works have already been installed. 'Water users are expected to cooperate with the watermaster and divert according to the honor system. Water measurement and headgate orders will be enforced for those users who can not work under this honor system and who can not cooperate with the watermaster.' It is my opinion that the watermaster always has the authority to require a water user to adjust his rate of diversion. The watermaster can make this adjustment himself or allow the water user to make the adjustment and check the diversion rate later. Larry Heil and Preston Davis had recommended that the users try the honor system on at least an interim basis. I concurred with this recommendation.

Paragraph one of page two suggest that Mr. Eastman has not been instructed that he has the authority to adjust the headgates, if necessary, which are used by Mr. Patrick on the Cross-Cut Canal. The watermaster certainly does have the authority to control these

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headgates and limit diversions at these headgates according to Patrick's water rights. I am not certain why there is some confusion regarding this matter. I hope Mr. Eastman knows that he can, and should contact me directly if he has questions regarding his authority and/or instructions.

In regard to Patrick's Cross-Cut headgates, I would like to add again that it is my intention that during 1995, Mr. Patrick's diversions on the Cross-Cut Canal and his ditch diversion near the upper Cross-Cut weir should be limited to his full Devil Creek water rights (6.72 cfs) as long as that water is available just south or upstream of the highway and is measured by separate weirs which were to be installed in the creek and in the ditch. I do not feel that the remaining diversions upstream of the highway should be subtracted from the available supply of water at the highway. I know that Jack may disagree with this position, but to do otherwise would be inconsistent with the direction and allowances being provided to the House Creek water users.

Thank you for your comments regarding these water district matters.

Sincerely,



Tim Luke

cc: Jack Eastman