

State of Idaho DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098 Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE GOVERNOR

> KARL J. DREHER DIRECTOR

May 26, 1999

Re: Order Requiring Installation of Measuring Devices and Controlling Works on Alder Creek, Water District 34

Dear Water Right Holder:

Enclosed is a Department order requiring installation of measuring devices and lockable controlling works for diversions on Alder Creek. Please note the deadline for complying with this order.

Please contact me at the above address or call me directly at 208-327-7864 if you have questions regarding this matter. You may also contact me by E-mail at tluke@idwr.state.id.us.

Sincerely,

Tim Luke

Water Distribution Section

Cc: Mailing List

Enclosure

C:\Word_Docs\WtrDistricts\AldrCkOrdLet.doc

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REQUIRING MEASURING DEVICES,)
CONTROLLING WORKS, AND ORDERING WATERMASTER)
CONTROL OVER ALL HEADGATES, CONTROLLING WORKS))) ORDER
AND OUTLET GATE CONTROLS ON ALDER CREEK,))
WATER DISTRICT 34.)
	_)

After consultation with the watermaster of Water District No. 34, a field inspection by IDWR staff, and pursuant to recent concerns regarding distribution of Alder Creek water rights and flows, and pursuant to recent complaints concerning excessive diversions, the Department finds that inadequate measuring devices and lockable controlling works presently exist on Alder Creek in Water District 34. 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 headqates, 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, Part 1 of this order diverting water from Alder Creek and above the Darlington Ditch shall install measuring devices and controlling works of a type acceptable to the Department on or before June 7, 1999.
- Those water users identified in Attachment A of this order diverting water from Alder Creek into the Darlington Ditch shall work cooperatively with the watermaster of Water District 34 to install a measuring device in Alder Creek immediately upstream of the Darlington Ditch on or before June 7, 1999. However, this installation deadline may be extended if construction installation of a device is not practical due to high seasonal runoff in the creek, or other unforeseen problems, including problems associated with securing permission from appropriate land The installed device must be of a type acceptable to the Department. Water District 34 must take responsibility for the construction and cost of a measuring device installed at this

location. The watermaster may seek reimbursement from those Alder Creek water right holders who re-divert Alder Creek water from the Darlington Ditch. Alternatively, the water district watermaster may install a staff gauge and rate a section of the creek immediately above the Darlington Ditch in lieu of installing a measuring device. If this alternative approach is implemented, the stream section must be rated using a standard current meter and employing standard current metering techniques. If practicable, a portable weir or flume may be used for rating some flows in the creek. If a rated section is implemented, it shall be the responsibility of the watermaster to develop a stage-discharge relationship and rating table. Copies of this table and all discharge notes shall be made available to water users or the Department upon request.

3. The watermaster shall shut off and refuse to deliver water from Alder Creek to any water user identified in Attachment A, Part 1 who does not have adequate lockable controlling works and a measuring device on or before June 7, 1999.

Dated this 26 day of MAY, 1999

NORMAN C. YOUNG

ADMINISTRATOR, WAZER MANAGEMENT DIVISION

Mailing List

I, hereby certify, that I mailed by certified mail this date May 27 1999 a true and correct copy of Order Requiring Installation of Measuring Devices and Controlling Works on Alder Creek, Water District 34, to the following individuals:

Doug Rosenkrance, Watermaster Water District 34 PO Box 53 Mackay ID 83251

Shane Rosenkrance Mimi Rosenkrance Rt 1 Box 25A Mackay ID 83251

Delores I Rosenkrance Doug Rosenkrance Rt 1 Box 24 Mackay ID 83251

A Gordon Player Antelope Valley Ranch HC 60 Box 257 Moore ID 83255

Matea Mc Cray Partners 1097 Dickson Idaho Falls ID 83402

James C Lambert Rt 1 Box 20 Mackay ID 83251

J B Gould Stephanie Gould PO Box 6111 Ketchum ID 83340

Big Lost Irrigation District PO Box 205 Mackay ID 83251

Signed:

ed: _______

US Postal Service Receipt for C No Insurance Cover.	age Provided.	verse)	US Postal Service Receipt for Ce No Insurance Coverage The Coverage for Internal	ne Provided.	No Insurance Coverage Provident US Postal Service No Ins	vided.
Do not use for International Mail (See reverse) Septo Buy Loss Services Dest		Sent to	Do not use for International Mail (See reverse) Sent to Sent to Much Rosan Krane		Sent Duly Rosentrance	
Street & Number	- Jacob		Street & Number Bo	63	Street & Number Roy	24
Post Office, State, & ZII	205		Post Office, State, & ZIP	∠ <u> </u>	Post Office, State, & ZIP Code	02257
Mackay	83281		Macka	4 0 323 1	MacRay	83251
Postage 0	\$		Postage	7 \$	Postage / \$	
Certified Fee			Certified Fee		Certified Fee	
Special Delivery Fee			Special Delivery Fee		Special Delivery Fee	
Restricted Delivery Fee			Restricted Delivery Fee		Restricted Delivery Fee	
Return Receipt Showin	g to		Return Receipt Showing	to	Return Receipt Showing to	
Whom & Date Delivered Return Receipt Showing to V Date, & Addressee's Address			Whom & Date Delivered Return Receipt Showing to W		Whom & Date Delivered Return Receipt Showing to Whom,	
	S		Date, & Addressee's Address		Date, & Addressee's Address	
TOTAL Postage & Fee	s \$		TOTAL Postage & Fees	\$ \$	TOTAL Postage & Fees \$	
Postmark or Date			Postmark or Date		1 Gallan G. Date	
1	35 776	1	P 241 E	35 778	P 241 635 7	'79
US Postal Service Receipt for C No Insurance Covera Do not use for Interna	ge Provided.		Receipt for Ce No Insurance Coverage Do not use for Internal Sent to	Pally Rauch ertified Mail ge Provided. tional Mail (See reverse) The Player	US Postal Service Receipt for Certifie No Insurance Coverage Provice Do not use for International Marketing Service Street & Number	ded.
Street & Number	X 25A		Street & Number	0x 287	Post Office, State, & ZIB-Code	2000
Post Office, State, & ZIP	Code 83251		Post Office, State, & ZIP (83255	Chake Talls	83402
Postage	\$		Postage	\$	Postage \$	
Certified Fee			Certified Fee		Certified Fee	
Special Delivery Fee			Special Delivery Fee		Special Delivery Fee	
Restricted Delivery Fee			Restricted Delivery Fee		Restricted Delivery Fee	
Return Receipt Showing	to		Return Receipt Showing t	lo	Return Receipt Showing to	
Whom & Date Delivered			Whom & Date Delivered Return Receipt Showing to Wh	iom.	Whom & Date Delivered Return Receipt Showing to Whom,	
Return Receipt Showing to W Date, & Addressee's Address	nom,		Date, a radicosco situarcos		Date, & Addressee's Address	
TOTAL Postage & Fees	\$		TOTAL Postage & Fees Postmark or Date	\$	TOTAL Postage & Fees \$ Postmark or Date	D
Postmark or Date			Postmark or Date		Tosunak of Date	
÷						•
ertified Mail ge Provided. iional Mail (See reverse)	6/1/1 20de 83340		om. \$	NS Postal Service Receipt for Certified Mail No Insurance Coverage Provided. Do not use for International Mail (See reverse) Serflice Service of Carl McC Serflice Carl McC And McC And McC And McC And McC And McC	\$ 335/	₩.
ostal Service eipt for Ce surance Coverag tuse for Interna	Street Street Surface Sur Post Office, States & ZIP C Postage Certified Fee	Special Delivery Fee Restricted Delivery Fee	Return Receipt Showing to Whom & Date Delivered Return Receipt Showing to Whom, Date, & Addressee's Address TOTAL Postage & Fees P Z 4 1 L 5	US Postal Service Receipt for Certified Mail No Insurance Coverage Provided. Do not use for International Mail (See re Servito) Servito Servito Annual Mumber Annual Annual Mail (See re Servito) Servito Mumber Annual Mumber Annual Mumber Annual Mumber	Postage Certified Fee Special Delivery Fee Restricted Delivery Fee Mhom & Date Delivered Februr Receipt Showing to Whom	TOTAL Postage & Fees TOTAL Postage & Fees Postmark or Date LL O

OD-5813 AJ5813NP SELECTION FILE: TL_ALDER2

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION WATER MASTER REPORT BY WATER SOURCE/PRIORITY DATE

DATE: 05/05/99 TIME: 16:55:01 PAGE: 1

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (1 or less)

R34-10080D GOULD, J B 34-12050 ROSENKRANCE, DOUG G 9730/1882 D 9730/1896 D 9730/1896 D 9730/1896 D 9730/1898 D	WATER RIGHT CURRENT OWNER NAME DATE G
D 06N 24E 23 NESWNW D 06N 24E 14 NWNESE 18 D 06N 24E 13 SWSENW D 06N 24E 22 NESESW D 06N 24E 23 NESWNW D 06N 24E 14 NWNESE 18 D 06N 24E 14 NWNSW B 0 06N 25E 7 NWNWSW 3 D 06N 25E 7 NWNWSW 3 D 06N 25E 7 NWNWSW 3 D 06N 25E 7 NWNWSW 3 TOTAL:	PRIORITY T DATE G POINT OF DIVERSION G TOTAL DIVERSION SERVICE OF TOTAL DIVERSION G TOTAL DIVERSION
0.130 CFS 4.760 CFS 0.520 CFS 0.520 CFS 0.110 CFS 2.380 CFS 0.240 CFS 0.260 CFS 0.240 CFS 5.000 CFS	
	POD DIVERSION NAME
N N N N N N N N N N N N N N N N N N N	# m v c