

From: DWR60::JSTANTON 22-MAR-1995 14:40:44.56  
To: DWR03::TLUKE  
CC:  
Subj: Direction To Rockland Watermaster

Attached below is a memo from Steve concerning a problem in Water District 41. The purpose of my memo to you is to elicit advise as to how we should direct the watermaster to act in this matter. Steve's research indicates that the rights in this district have always been delivered as square inches instead of miner's inches. Based on his measurements on some of the diversions, the actual miner's delivered is anywhere from 22% to 36% less than the decreed amounts (160" decreed = 116" delivered, for example).

My opinion is that any water right is based on actual beneficial use for the last five years, assuming the full right has been available. So in the above example, the holder of the 160" is actually entitled to a flow rate of 116". If the right holder changes to a standard measuring device, the watermaster should deliver 116" as measured thru that device. Because of the variable relationship between the old devices and standard devices, no water user should be allowed to change to a standard device until IDWR measures his flow thru the old-style flume. Any user who does this prior to our measurement should have his rights cut off immediately, with no further delivery allowed until a proper flow amount is determined by IDWR. One user has already threatened litigation over this matter, so I want to be sure that you support my position before I issue instructions to the watermaster. With the irrigation season rapidly approaching, we need to resolve this as soon as possible. Some users are already trying to beat the system by installing standard devices before their old ones are measured.

From: DWR60::SCLELLAN "STEVE @ SOUTHERN" 21-MAR-1995 14:18:21.30  
To: DWR03::NSPENCER, JSTANTON, AMERRITT  
CC: SCLELLAN  
Subj: ROCKLAND MEASURING DEVICES

HI ALL,

I JUST SPOKE W/ THE WATERMASTER FROM BASIN 41, JAMES ROBINSON, AND HE RELATED THE FOLLOWING CONVERSATION. BASIC QUESTION IS "WHAT IS THE AUTHORIZED DELIVERY TO BE DELIVERED BY THE WATERMASTER?"

CONSIDER: HE SHOULD DELIVER AS HAS BEEN THE PAST PRACTICE, DOES THAT MEAN WE FORBID INSTALLATION OF STANDARD MEASUREMENT DEVICES? OR SHOULD THEY INSTALL BOTH TYPES FOR COMPARISON?

IF HE DELIVERS THE STIPULATED AMOUNTS, IN IDAHO MINERS INCHES AND VIA A STANDARD DEVICE, THE AMOUNT BEING DELIVERED IS MOST LIKELY AN INCREASE OVER THE HISTORICAL AMOUNT DELIVERED AND RESULTS IN INJURY TO JUNIOR USERS.

PLEASE CONSIDER AND ADVISE. MR. ROBINSON IS ASKING FOR DIRECTION REGARDING THIS MATTER AND NEEDS A RESPONSE FROM IDWR BEFORE THE SEASON OF DELIVERIES BEGINS.

THANK YOU FOR A TIMELY ANSWER TO OUR PROBLEM.

STEVE  
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COMMUNICATION DOCUMENTATION

Claim No. JACKSON DITCH

