



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

August 13, 2007

Bill White, Secretary
Catherine Creek Water District

Rohl Hipwell, Watermaster

Carol Brand, Wateruser

Warren Gretz, Wateruser

RE: Wateruser Diversions on Bates & Pickett Creeks
Catherine Creek Water District

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Dear Parties:

This letter is in response to several telephone contacts to our office regarding water regulation issues on Bates & Pickett Creeks. It is our understanding that Bates Creek junior water rights curtail to senior rights in the Lower Pickett Creek as water becomes short. In the past, a senior wateruser contacted the junior water user informally to curtail use, but this approach has failed this season. The issue of futile call comes forward as the water may not be reaching the senior users diversion.

First, the creeks and surface water rights are part of the Catherine Water District and under the regulation of the District Watermaster, Rohl Hipwell. Waterusers are certainly welcomed to work together and informally regulated their diversions. However when this is not successful, a **delivery/regulation call needs to be made to the Watermaster. The individual(s) calling for watermaster services must pay for the watermaster services as set by the water district.**

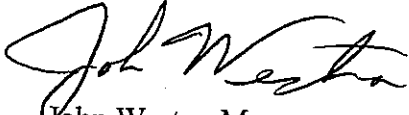
Futile Call: junior water rights are curtailed and the water does not reach the senior water right diversion/place of use because of lack of water. This means the water must reach the diversion within a reasonable time or will not be delivered. **The watermaster needs to make this determination, see attached instruction sheets.**

The water district is the vehicle for water right regulation. Waterusers first should contact the Watermaster directly for regulation. I would ask that you follow the attached **Established Water District Guidelines** specifically under the headings Acceptable Management, Water Delivery Problems & Solutions. If a solution can not be found following the steps, the Watermaster should contact me directly for assistance.

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Catherine Creek Water District

Should you have questions or desire to discuss the procedures, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra, Manager
Western Region

Attachments: Water Deliveries
Water District Guidelines
Map

Mailings:

Warren Gretz
15405 Bates Creek RD
Murphy ID 83650

Bill White
18138 Oreana Loop RD
Oreana ID 83650

Carol Brand
HC 79 Box 2401
Oreana ID 83650

Rohl Hipwell
18125 Oreana Loop RD
Oreana ID 83650

WATER DELIVERIES BY WATERMASTER

WATER SHORTAGES

Contact Watermaster to regulate diversions.

WATERMASTER

Delivers on priority basis, oldest right 100%, then next right 100% and so on until all water delivered.

BENEFICIAL USE

Must occur for water to delivered.

FUTILE CALL

Junior water called for by senior right must reach senior diversion point and then senior place of use or cannot be delivered.

TRIBUTARIES

Not regulated unless problem identified.

NOTE: in 57-B, all five creeks are covered as main sources so can be regulated by Watermaster. Example of a tributary source in this water district would be Little Hart Creek, not expected to be regulated unless problem occurs. IDWR will assist Watermaster in handling tributary issues.

The five source creeks are Bates, Browns, Catherine, Hart, and Pickett.

GUIDELINES

See handout "Water District Guidelines Established By IDWR" for more details about how a water district should work.

WATER DISTRICT GUIDELINES ESTABLISHED BY IDWR

ANNUAL MEETING

Election of Watermaster and Officers.

Budget adopted and assessments established.

Advisory Committee formed to assist Watermaster and Officers (might not apply in very small districts since not enough people).

Other business as needed - special problems, IDWR information updates, scheduling of next year's meeting, etc.

ACCEPTABLE MANAGEMENT

Informal agreement or arrangement is acceptable where all water users are satisfied with water delivery situation. Any method you choose to meet this goal is acceptable to IDWR if it is acceptable to all of you.

The only water rights eligible for Watermaster delivery are those identified by a decree, license, or permit. The proper list of deliverable rights will be supplied to the Watermaster by IDWR.

Ideally, all diversions calling for Watermaster delivery of water during water shortage periods will have standard measuring devices and lockable diversion works - typically a screw-valve metal headgate at the creek and a weir in the ditch near the headgate to allow practical adjustment and measurement by Watermaster.

If measuring devices are installed for all diversions, Watermaster delivers available water on priority basis, totally delivering most senior right first, then next senior right and so on until all available water is delivered. Junior diversions where no water is available are totally closed.

In the above scenario, Watermaster records water deliveries and then sums total amount of water per right delivered in one irrigation season. The total flows delivered form the basis for determining costs per water user for water district expenses.

Without measuring devices, Watermaster uses recorded water rights as the basis for water-delivery billing purposes. Watermaster makes best effort to see that each water user receives a fair share of water based on priority dates. This is acceptable as long as all water users are satisfied.

WATER DELIVERY PROBLEMS

Refer all water delivery problems to Watermaster to see if can be successfully resolved locally to everyone's satisfaction. Water users and/or the Watermaster can call on the Advisory Committee for help. If the problem cannot be solved locally, Watermaster and/or water users should contact IDWR Western Regional office (334-2190).

IDWR will make a site assessment with the Watermaster, Advisory Committee (as needed), and the water users to see what is needed to correct the problem.

IDWR SOLUTIONS

Step 1 - The first time a problem is brought to IDWR's attention, IDWR will try to identify a local solution requiring minimal disruption to normal operations. Help the Watermaster and water users implement this.

Step 2 - if Step 1 is not useful, in some particular cases IDWR will host a mediation effort provided that all involved parties are willing to attend the mediation and abide by the outcome of the mediation. There is no guarantee that this will work but past experience has shown that it is worth trying this option. IDWR will determine on a case by case basis whether or not this step is used.

Step 3 - If Steps 1 and/or 2 fail and problems persist, a more formal process will be used. This involves IDWR imposing controls on the water district as follows.

IDWR CONTROLS MANDATED

These controls are not subject to negotiation if events lead to this situation.

Acceptable measuring devices and lockable diversion works must be in place before any water user can call for Watermaster delivery of water and before the Watermaster can deliver any water.

Water must be delivered in priority order until all available water is taken, and all delivered water must be beneficially used. If water is not beneficially used, the Watermaster will cease delivering to that right.

Water users will be responsible for any costs for labor and/or material required for the Watermaster to achieve the necessary level of control of water in the water district. Costs will be based on the relative amounts of measured water deliveries made to the properly controlled points of diversion.

No exceptions to these controls will be allowed. No water deliveries will be made until IDWR and the Watermaster are satisfied that all required conditions have been met.

Additional controls can be imposed on the water users by IDWR as needed if other problems occur.

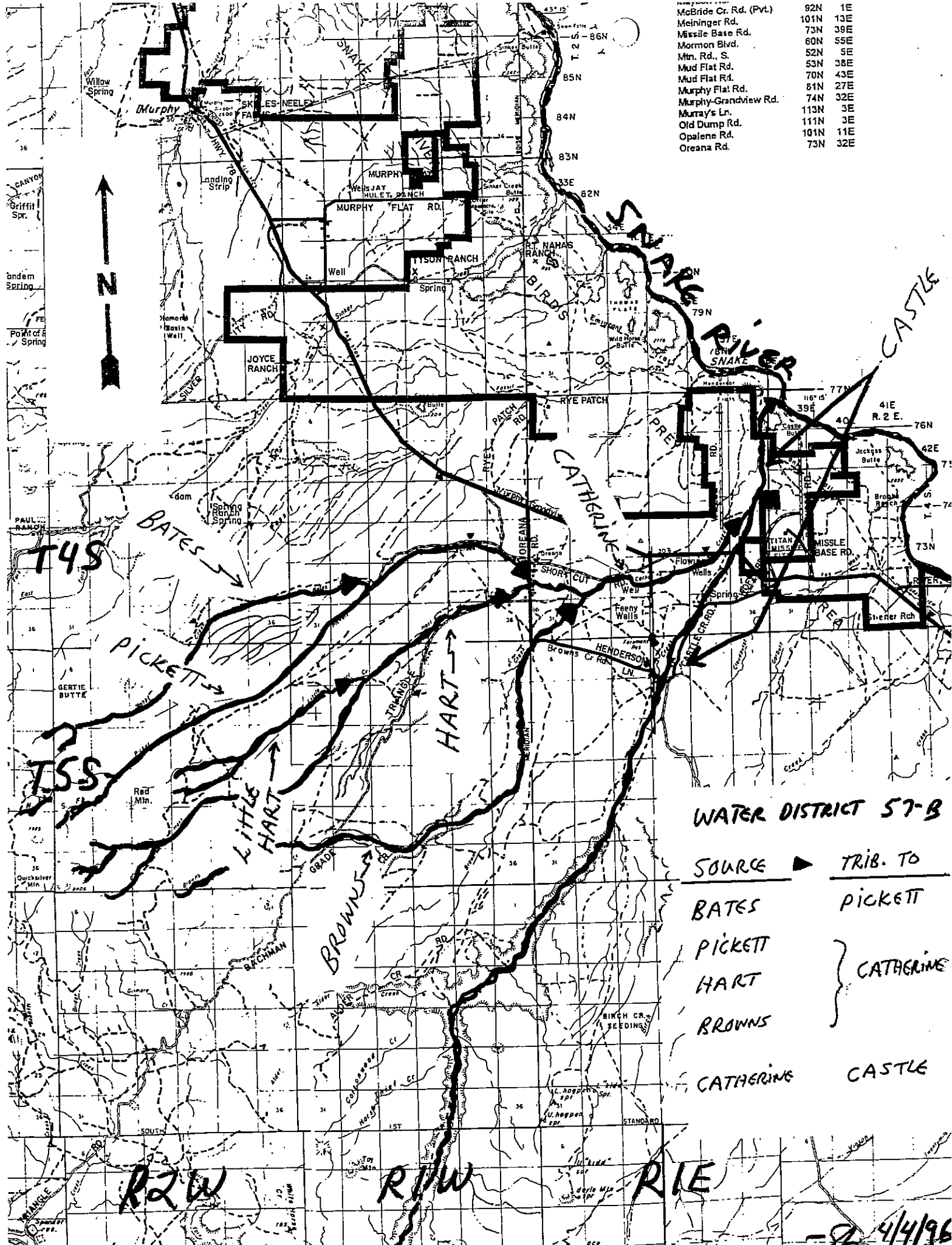
SUMMARY

IDWR encourages informal, local solutions whenever possible. This often produces quicker results when problems occur while minimizing costs and records-keeping for the water district.

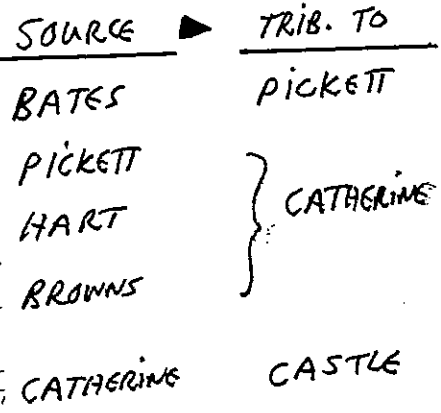
If water delivery problems cannot be solved informally and locally, IDWR can attempt to mediate the situation under certain conditions.

Failing the above two steps, IDWR will impose controls and costs on the water district based on I.C. § 42-601 through 42-619. This is not subject to negotiations if events reach this level.

- McBride Cr. Rd. (Pvt.) 82N 1E
- Meininger Rd. 101N 13E
- Missile Base Rd. 73N 38E
- Mormon Blvd. 60N 55E
- Mtn. Rd., S. 52N 5E
- Mud Flat Rd. 53N 38E
- Mud Flat Rd. 70N 43E
- Murphy Flat Rd. 81N 27E
- Murphy-Grandview Rd. 74N 32E
- Murray's Ln. 113N 3E
- Old Dump Rd. 111N 3E
- Opalene Rd. 101N 11E
- Oreana Rd. 73N 32E



WATER DISTRICT 57-B



R2W

R1W

R1E

4/4/96