

Payette River Basin, State of Idaho
Water District No. 65

Watermaster
Ron Shurtleff

102 North Main Street
Payette, Idaho 83661

Phone 208-642-4465
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May 30, 2007

«Title» «First_Name» «Last_Name»
«Address»
«City», «State» «Zip»

Dear «Title» «Last_Name»

Recently, I was made aware of a situation that exists on the lateral ditch that extends from the Enterprise Canal, across the west side of the Churchwell property and onward to several water users to the north. This lateral ditch does not seem to be named, so I will refer to it as the Churchwell Lateral, simply because of its location.

The Obermeyer family has reported encroachment and trespass through their land by patrons of this lateral to control and regulate the flow in the conveyance pipe and ditch.

The right-of-way for a lateral ditch does not extend to adjacent lands. Idaho Code specifies that a right-of-way includes the right to enter the land across which the right-of-way extends for the purpose of cleaning maintaining and repairing a ditch or conduit.

I viewed the lateral ditch on May 8, 2007 and was pleased to find that full access to the lateral headgate can be achieved by traveling from Bishop Road along the Enterprise Ditch bank road. A turnaround area has been provided on the Obermeyer farm to accommodate this type of egression. From the headgate location the lateral pipe and ditch can be easily accessed along the route occupied by the waterway. Foot traffic is appropriate for general operation and maintenance along this waterway's route. Motorized vehicles must not leave the Enterprise ditch bank road without prior arrangement and permission from effected property owners.

Patrons of this Churchwell lateral that operate and maintain the system must conduct their activities according to State Code. The patrons must be respectful to adjacent lands and access their ditch system within the entitled right-of-way and in accordance with the Enterprise Ditch Company policies. Trespass on private property merely for convenience is not tolerated.

The Obermeyer farm is totally independent from your water delivery system. They do however, understand and respect your right to access, operate and repair your lateral ditch. The patrons of this lateral need to respect the property of the Obermeyer farm to the same degree that they wish others to respect their property.

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I trust that this notification will be sufficient and thank you in advance for your cooperation in this matter.

Sincerely,

Ron Shurtleff
Watermaster, State Water District No. 65
Phone: 208-642-4465
Fax: 208-642-1042

cc:
Enterprise Ditch Company
c/o Maynard Potter
3740 County Line Road
Emmett, ID 83617

Gem County Sheriff
415 East Main
Emmett, ID 83617

Mr. Stewart Churchwell
8625 Bill Burns Road
Emmett, ID 83617

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Mail list of persons that received this letter

Title	First Name	Last Name	Address	City	State	Zip
Ms.	Anja	Anderson	8660 Dewey Road	Emmett	ID	83617
Ms.	Pearl	Ford	2474 Bishop Road	Emmett	ID	83617
Ms.	Janet	Gummert	8670 Dewey Road	Emmett	ID	83617
Mr.	Dan	Hulbert	8620 Dewey Road	Emmett	ID	83617
Mr.	Jake	McDonald	8700 Dewey Road	Emmett	ID	83617
Mr.	Marco Antonio	Sanchez	912 South Commercial	Emmett	ID	83617
Mr.	Roy	Sternes	6375 Hwy. 52	New Plymouth	ID	83655
Mr.	Billy	Stinemetz	8690 Dewey Road	Emmett	ID	83617
Mr.	Elvin	Dewitt	5025 Hillview Road	Emmett	ID	83617
Mr.	Calvin	Medford	8720 Dewey Road	Emmett	ID	83617
Mr.	Steve	Yates	8625 Dewey Road	Emmett	ID	83617
Mr.	Todd	Alder	8629 Dewey Road	Emmett	ID	83617
Mr.	Ryan	Hunt	8600 Dewey Road	Emmett	ID	83617