



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

23 November 1998

Sherman F Furey III
Furey & Furey, Chartered
116 North Center Street
Salmon, Idaho 83467

Dear Sherman:

Steve Crofoot provided the Department of Water Resources a copy of your letter dated September 11, 1998 concerning Mr Paul Chartrand's water rights. I spoke with Steve prior to his discussion with Mr Chartrand therefore it is appropriate that I should provide a reply.

The Lemhi Decree of December 30, 1982 set forth the water rights within the Lemhi River drainage. In the findings of fact Sandy Creek and tributaries were decreed separately from the main Lemhi River. When the Director then established the Sandy Creek Water District the description used to establish the boundaries of the water district was Sandy Creek and tributaries. The West Fork of Sandy Creek is one of the tributaries to Sandy Creek. It is under the Sandy Creek Watermaster's control.

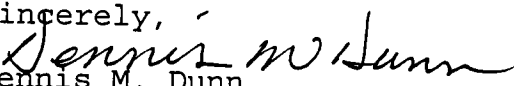
The Watermaster in any water district derives his authority from I.C. 42-602. Distribution of the water within any district shall be delivered by priority: I.C. 42-607, "It shall be the duty of said watermaster to distribute the waters of the public stream, streams or water supply, comprising a water district, among the several ditches taking water therefrom according to the prior rights of each respectively, in whole or in part, and to shut and fasten, or cause to be shut or fastened, under the direction of the department of water resources, the headgates of the ditches or other facilities for diversion of water from such stream, streams or water supply, when in times of scarcity of water it is necessary so to do in order to supply the prior rights of others in such stream or water supply;."

As Watermaster on Sandy Creek Steve is aware that Mr Chartrand has three water rights. The contention, as communicated by Steve to me by telephone, is Steve's authority to regulate Mr Chartrand's water. I told Steve that under the decree and the description of the water district he has, as watermaster, the authority to regulate the water on the tributaries to Sandy Creek and must deliver the water in order of priority as set forth in Idaho Code.

Frequently the department finds that individuals new to a water district do not understand the purpose of the watermaster nor the elements contained within a water right. You may wish to review Mr Chartrand's water rights with him.

If you have any questions please contact me.

Sincerely,


Dennis M. Dunn

Sr. Water Resource Agent

cc: Paul Chartrand
Steve Crofoot
file: Sandy Creek Water district