

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Creation)
of Water District No. 74,)
Lemhi River and Tributaries)
_____)

ORDER

This matter having come before the Department of Water Resources (department) at the request of waterusers in the Lemhi River Drainage to form a water district on the Lemhi River, the Director of the department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The Lemhi River is a tributary of the Salmon River in Lemhi County, Idaho.
2. On May 11, 1987, waterusers of the Lemhi River advised the department there was an immediate need for the regulation of waters being diverted from the Lemhi River.
3. On December 30, 1982, the District Court of the Seventh Judicial District entered a partial decree in the case of The State of Idaho v. Mary A. Adams et. al. which included all the water rights in the Lemhi River Drainage except the water rights on Geertson Creek and its tributaries and the rights of the U.S. Forest Service.
4. The surface water run off available for diversion and use during the water year of 1987 is substantially less than in normal water years.
5. The department has the duty to supervise the distribution of Idaho's public waters pursuant to Section 42-602, Idaho Code; and further has been charged with the responsibility for creation of water districts pursuant to Section 42-604, Idaho Code.
6. There are a number of existing water districts in the Lemhi River drainage which have been created in the past for the distribution of water. The existing water districts include the following:
 - 74-A Geertson Creek and tributaries
 - 74-B Kirtley Creek and tributaries
 - 74-C Bohannon Creek and tributaries
 - 74-F Pratt Creek and tributaries
 - 74-G Sandy Creek and tributaries
 - 74-J Withington Creek and tributaries
 - 74-K Pattee Creek and tributaries

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- 74-M Agency Creek and tributaries
- 74-Q Mill Creek and tributaries
- 74-W Texas, Hawley, Timber, Junction, Bull, Jake, Canyon and Eighteenmile Creeks and their tributaries
- 74-Z Big Eightmile and Lee Creeks and their tributaries

7. Water District 74-U has been established to distribute water rights from the Andrews and Slough Ditch which diverts from the Lemhi River.

9. The decree in the case of The State of Idaho v. Mary A. Adams et. al. specifically states that certain tributaries of the Lemhi River are not considered tributary to the Lemhi River for the purposes of water distribution.

CONCLUSIONS OF LAW

1. There is a need for the creation of a water district for the proper distribution of the public waters of the Lemhi River and its tributaries.
2. The department is authorized by provisions of Sections 42-602 and 42-604, Idaho Code to create a water district on the Lemhi River and its tributaries.
3. The existing water districts described in Finding No. 6. and Finding No. 7. above should operate as separate entities as they have in the past and should not be included in the water district created by this order.

ORDER

IT IS HEREBY ORDERED, that Water District No. 74, Lemhi River and tributaries is created for the distribution of water from the Lemhi River and its tributaries which are not included within existing water districts described in Finding of Fact No. 6. and 7. above, except that distribution of water from the Lemhi River to the diversion of the Andrews and Slough Ditch shall be the responsibility of Water District No. 74 hereby created.

IT IS FURTHER HEREBY ORDERED, that the streams and water sources declared to be non-tributary to the Lemhi River for the purposes of water distribution but which are not included in an existing water district are to be administered as separate entities with respect to the water rights on the Lemhi River and other sources which are considered tributary to the Lemhi River.

Dated this 12TH day of May, 1987

for Norman C. Young
A. KENNETH JUNN
Director

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