



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED
JUL 25 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 21, 1994

Rick Sager
Hwy 28
Salmon, ID 83467

Department of Water Resources
Eastern District Office

Re: Order Appointing Later Manager for the L7A Ditch

Dear Rick:

Enclosed is a copy of a letter from Charles and Marjory Robbins requesting that a lateral manager be appointed for the L7A Ditch. Pursuant to this request, we have drafted an order which you may use to appoint a lateral manager. We have left space for you to write in and designate the person to be appointed. You may appoint yourself or another party, or you may appoint both yourself and another party.

We suggest that you avoid, if possible, appointing a water user on the L7A Ditch so as not to create some perception of partiality. You may appoint both yourself and one of the users as lateral managers, and ask that the other appointee work under your direction. You may set compensation for one or both lateral managers in the space provided on page two of the order. If no compensation is necessary, then write in not applicable in this space.

If you feel the order needs to be executed, then please complete and sign the order, and return the original to this office. Copies of the order should be distributed to all of the users on the L7A Ditch.

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

Tim Luke
Water Allocations

cc: Dennis Dunn, Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF THE APPOINTMENT)
)
OF A LATERAL MANAGER FOR THE) ORDER
)
L7A DITCH LATERAL)
_____)

Whereas, the waterusers on L7A Ditch lateral diverting from the Lemhi River have been unable to select a lateral manager before April 1, as provided under Idaho Code § 42-908 and,

Whereas, the waterusers are unable to distribute the water among the waterusers in a peaceful manner that is agreeable by all parties and,

Whereas, Idaho Code § 42-909 provides that the watermaster may appoint a lateral manager upon written demand of one wateruser if the waterusers fail to select a manager under the provisions of Idaho Code § 42-907, or Idaho Code § 42-908,

Whereas, the watermaster of Water District No. 74, which delivers water to the subject lateral, has received a written request that a lateral manager be appointed,

NOW THEREFORE, pursuant to Idaho Code § 42-909, I Rick Sager, Watermaster of Water District No. 74, do HEREBY ORDER and APPOINT _____, to serve as lateral managers on the lateral for the 1994 irrigation season.

The lateral managers shall properly apportion and distribute the water from the lateral according to the water rights of each wateruser.

The lateral managers shall have all powers described under Idaho Code § 42-907 and Idaho Code § 42-910, including but not limited to:

The power to require each wateruser to provide such wateruser's proportion of the amount of labor, material or money reasonably necessary for the proper repair and maintenance of the lateral.

The power to require the installation of measuring devices and lockable controlling works for all water right diversions, and the power to require separate delivery ditches and/or installation of head-gates and checks reasonably necessary to distribute the water between the waterusers.

IT IS FURTHER ORDERED that the lateral manager be compensated for services as follows: _____
_____ as provided in Section 42-909 and 42-910.

Dated this ____ day of ____ . 1994.

RICK SAGER, Watermaster
Water District No. 74

July 21, 1994

Rick Sager
Water District 74 Watermaster
Highway 28
Salmon, ID 83467

Re: Appointment of Lateral Manager

Dear Rick:

As water users on ditch L7A, a diversion ditch from the Lemhi River, which is included in Water District 74, and as holders of valid water rights from the Lemhi River which are diverted from the L7A ditch, we request that you, as watermaster, appoint a lateral manager to distribute the various rights from the L7A ditch. Section 42-0909, Idaho Code, provides the watermaster with the authority to appoint a lateral manager upon the written request of one or more water users on a ditch.

We feel that appointment of a lateral manager is necessary as we can not receive water on our ditch due to uncontrolled or unregulated diversions above our ditch diversion. The water user who has diversions above our ditch diversion is taking all of the ditch flow and is thus preventing or interfering with the delivery of our water. As there is no lateral organization on the ditch and because it is late in the irrigations season, we feel that appointment of a lateral manager by you as provided in the Idaho Code is the only reasonable and available recourse at this time.

Sincerely,

Charles C. Robbins 7-21-94
Marjory Robbins 7-21-94