



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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*Under Dist. 73 File.*  
RECEIVED

APR 21 1997

Department of Water Resources

April 16, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Attn: Troy Ziegler  
Watermaster WD-73  
HC-61 Box 2055  
May, Idaho 83253

Dear Troy:

This letter is in regards to a complaint received by this office from Roy Ellis, a wateruser on the Cotter Ditch, also known as the Hardscrabble Ditch.

Mr. Ellis alleges that four (4) high water diversions operated by Duane Moen are used throughout the irrigation season and interfere with the delivery of the Ellis irrigation right which is used further downstream on the ditch.

On March 26, 1997, I made an on-site visit to these points of diversion and made the following observations.

1. Four eight inch culverts in the bank of the Cotter Ditch to divert water from the same.
2. There are no means to control the flow from these culverts ( i.e. valves or gates)

According to the decree for Water District 73-E, page 8, item 7, states the watermaster shall estimate, regulate, and determine the flow of water from these points of diversion.

I strongly suggest you contact Mr. Ellis and Mr. Moen and attempt to resolve this dispute before the 1997 irrigation season gets much further along.

If you are unable to accomplish this or if there is further conflict or controversy among the users on the Cotter Ditch, the Department may choose to appoint a lateral manager and/or enforce the June 11, 1992 order requiring lockable headgates, measuring device and/or controlling works within Water District 73.

Please do not hesitate to contact me at the above number or Harold Jones at (208) 525-7161 if you have questions concerning this matter or if we can be of further assistance.

Sincerely,

Robert E. Foster

Sr. Water Rights Agent

cc: Harold W. Jones, Eastern Region  
Tim Luke, State office  
Roy Ellis