

April 16, 2002

Re: Headgate and Measuring Device Requirements in Water District 73, Pashimeroi River and Tributaries

Dear Water User,

It is the understanding of the Idaho Department of Water Resources (IDWR) that water right holders who met at the annual district meeting earlier this month adopted a resolution requiring users to install headgates and measuring devices or else risk curtailment of water delivery by the water district watermaster. A similar resolution was adopted at the 2001 annual meeting. In 1992, IDWR issued orders to users in the district that required the installation of headgates and measuring devices on all diversions from the Pashimeroi River and tributaries. It is the opinion of IDWR that there has been a general lack of compliance with the 1992 order and 2001 resolution. The department is concerned that there may be little or no adherence to the 2002 resolution as well.

Last year, as in other recent drought years, IDWR received an increased number of complaints from users within the district regarding water delivery problems and potential inappropriate diversions. It is likely that water supplies this year will again be below normal and that there will be additional pressures and calls for delivery of water. It is important that the watermaster have an ability to measure and control diversions. The watermaster simply cannot perform his or her duty without such devices.

The purpose of this letter is to advise all users owning or operating diversions in the district that IDWR expects compliance with the adopted resolutions of the district and the department's previous order concerning installation of measuring devices and headgates. IDWR requests all users in the district to implement the following steps:

- 1) Install measuring devices and lockable controlling works of a type acceptable to the department for all diversions on the Pashimeroi River and tributaries on or before May 15, 2002.
- 2) The Department can delay the 2002 installation deadline under step 1 above to the beginning of the 2003 irrigation season subject to the following conditions:
 - a) Water District 73 shall immediately purchase for the watermaster a portable current meter of a type acceptable to IDWR;
 - b) All district users must submit plans for measuring devices and controlling works to IDWR no later than May 15, 2002 and shall install measuring devices and controlling works prior to diverting water during the 2003 irrigation season. Plans shall be reviewed by IDWR to determine whether

proposed measuring devices and controlling works are of a type acceptable to IDWR;

- c) IDWR will revoke the 2003 deadline under this item and require more immediate installation of measuring devices and controlling works in 2002 for any diversion where such installation is necessary to resolve water delivery disputes this season.

Pursuant to Section 42-701, Idaho Code, users who neglect to comply with notices regarding installation of measuring devices and controlling works may be subject to the administrative enforcement actions provided by Section 42-1701B, Idaho Code. Enforcement actions may include the issuance of Notices of Violation and Cease and Desist Orders, as well as possible civil penalties.

The department asks for your full cooperation concerning this matter. If you have questions concerning this matter please contact me directly or contact Bob Foster, IDWR Salmon Field Office, or contact the IDWR Eastern Regional office in Idaho Falls.

Respectfully,



Ronald Carlson
Eastern Regional Manager