

From: DWR03::DWR60::SCLELLAN 26-OCT-1994 14:33:49.55
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Subj: BRAILSFORD MEETING SUMMARY

BRAILSFORD DITCH-LEN LEWIS SPRING
WATER USERS MEETING

FROG'S LILY PAD RESTAURANT
9:00 AM OCTOBER 25, 1994

SUMMARY OF DISCUSSION
BY STEVE CLELLAND

The meeting was called at the request of Michael A. Gheleta, U.S. Department of Justice attorney, and was organized by Scott King, IDWR. Those present were:

SCOTT KING, IDWR
STEVE CLELLAND, IDWR
GEORGE LEMMON, BASIN 36A WATERMASTER
KATHY CLEMENS, USFW
BRYAN KENWORTHY, USFW
DAVE PARISH, IDFG

Brailsford ditch users:

SHELBY WISE
NEVADA OMAHONDRO
MR. & MRS. BILL BRAILSFORD
JOHN MAVENCAMP
MR. & MRS. RONNIE SMITH

The water users group has the earliest priority right from the Len Lewis spring. They feel their full water right should be turned into the Brailsford ditch whenever they call for it in the spring and not be reduced until the fall season when they request it be reduced to the winter flow rates. The water not being used by the ditch users during the irrigation season should be spilled at the Hagerman Wildlife Management Area (HWMA) diversion.

The USFW Hatchery is aware of the priority of the rights and bases their actions on the recorded history of diversions and uses as listed in their operational records. It is the Hatchery's view that when unused water is spilling at the HWMA diversion spillway, it should be available for use under their water right.

In the discussion, it appears several persons have adjusted the water flows at the HWMA spillway and some have adjusted flows at the main diversion to the Brailsford ditch at the spring. These adjustments may &/or may not have included communication with the necessary parties affected.

This discussion and past actions of all parties indicate that the mutual and informal delivery of the water rights from Len Lewis spring have broken down and cannot be resolved further. It is the suggestion by Steve Clelland that these water user's use the water distribution system already established by the laws of Idaho; that of the water district and watermaster system.

I proposed that ALL the water users from the Len Lewis spring source contact George Lemmon, as watermaster, to insure delivery of their respective rights. If everyone coordinates through the watermaster, he will be able to best control the main diversion and the spillway diversion to satisfy all parties. It was point out that he is authorized to make these diversions from the source and

this method allows for one person to control the system, instead of everyone controlling the diversions.

Objections mentioned were that George Lemmon was too busy to perform this function, that the constant regulation at the main diversion is disruptive to the operation of the Brailsford ditch and maybe disruptive to the Hatchery as well, and that the ditch users are entitled to their full flow rights all season so no water should go to the Hatchery. The question of who should determine what is beneficial use of the waters was raised. The Hatchery questions the beneficial use of some of the irrigation practices and likewise the irrigators are unsure what is beneficial use for the fish uses. The answer was not identified and is probably an issue for the Snake River Basin Adjudication to determine.

The watermaster is the person elected to carry out these duties, if George Lemmon is too busy or unavailable he should be replaced or seek help for his duties as watermaster. All the users of this system will have to place a certain degree of trust in the watermaster to deliver the water.

If a valid attempt is made to use this established system of delivery and still fails to resolve the parties' delivery problems, then they can always go back to the litigation options they attempted in the Spring of 1994.

The ditch users then left the meeting room as Shelby Wise stated disappointment with the need to use a designated watermaster, IDWR, and legal methods instead of the community cooperation that he felt should prevail.

After the formal meeting, John Mavencamp re-joined IDWR, USFW & George Lemmon in the same room and discussed the role of the watermaster in delivery of these water rights. The possibility of George appointing an assistant were reviewed and the need for communication between the watermaster and the users was addressed.

Steve Clelland and Scott King made current meter measurements at the Len Lewis spring and measured the Hatchery diversion and the Brailsford ditch diversion. Then a measurement was taken above the road culvert, where the access road to the Hatchery crosses Brailsford ditch.

(SCOTT--

THIS IS MY VERSION AS RECORDED IN THE FILE I HAVE ON BRAILSFORD.)