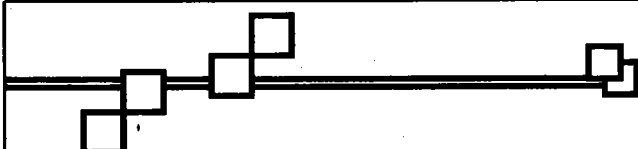


## Bar S Ditch Lateral Water Users' Association

— □ □ □ —


Dave Tuthill, Adjudication Bureau Chief  
Nick Spencer, Deputy Attorney General  
Steve Clelland, Senior Water Resource Agent


September 3, 2002



## Vision Statement


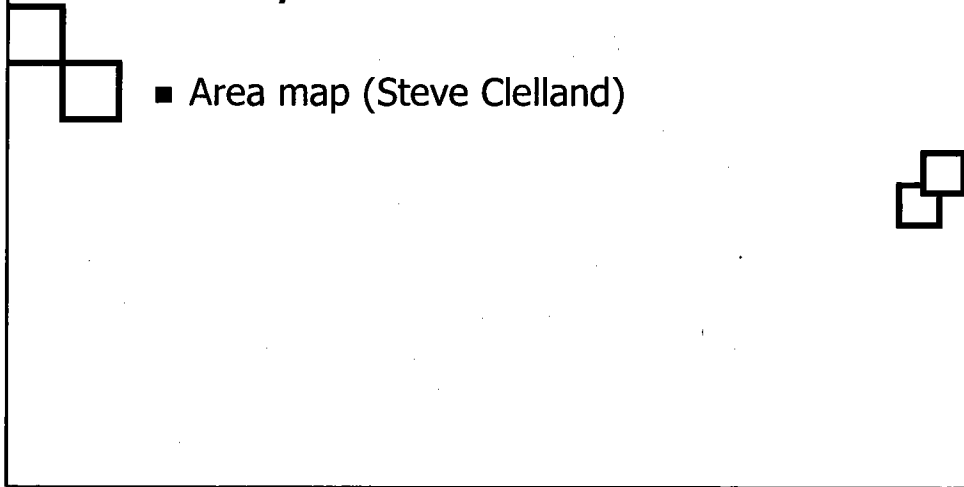
- Achieve accurate and full delivery of water rights from the Bar S Ditch





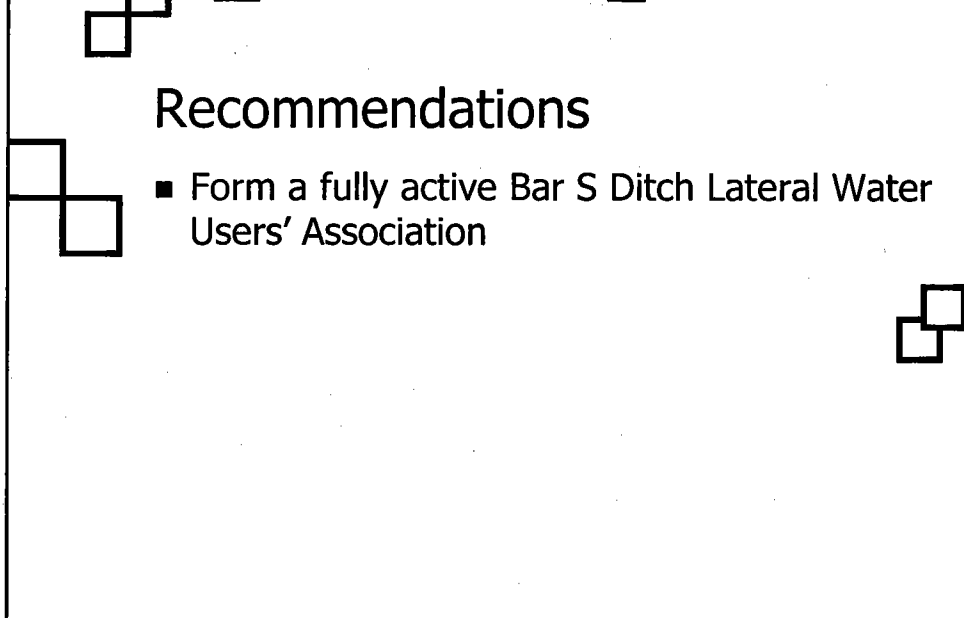
## Today's Situation

- Area map (Steve Clelland)



## Recommendations

- Form a fully active Bar S Ditch Lateral Water Users' Association



Idaho Statutes TITLE 42 IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION - Microsoft Internet Explorer

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# Idaho Statutes

## TITLE 42 IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

### CHAPTER 13 LATERAL DITCH WATER USERS' ASSOCIATIONS

[42-1301 ORGANIZATION -- OFFICERS -- RULES](#)  
[42-1302 LATERAL MANAGER -- ELECTION -- DUTIES](#)  
[42-1303 LATERAL DITCHES -- REPAIRS, IMPROVEMENTS, AND MAINTENANCE -- ASSESSMENT OF COSTS](#)  
[42-1304 ASSESSMENTS -- NOTICE -- PENALTIES FOR DELINQUENCY](#)  
[42-1305 DELINQUENT USERS NOT ENTITLED TO WATER](#)  
[42-1306 COLLECTION AND DISBURSEMENT OF FUNDS](#)  
[42-1307 ACTION FOR ASSESSMENT -- ATTORNEYS' FEES](#)  
[42-1308 APPOINTMENT OF LATERAL MANAGER BY DIRECTOR OF DEPARTMENT OF WATER RESOURCES](#)  
[42-1309 ASSOCIATION AUTHORIZED TO BORROW MONEY, MORTGAGE OR PLEDGE ASSETS](#)

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### CHAPTER 13 LATERAL DITCH WATER USERS' ASSOCIATIONS

42-1301. ORGANIZATION -- OFFICERS -- RULES. Where three (3) or more parties take water from same canal or reservoir at the same point to be conveyed to their respective premises for any distance through a lateral or distributing ditch or laterals or distributing ditches such parties shall constitute a water users' association known as "Water Users' Association of Lateral or Laterals." Such water users' association may meet and organize at any time after thirty (30) days after this chapter shall take effect, and shall meet annually thereafter between January first and the last Monday in March of each year, at the call of the secretary of such association, said secretary to give ten (10) days' notice by mail of such annual meeting; provided that if for any reason the secretary should fail to call a meeting, then the annual meeting of such association shall be held on the last Monday in March of each year. At such annual meetings each water user shall be entitled to one (1) vote in person, for each inch and a fractional vote for each fraction of an inch of water which such water user is entitled to receive from such laterals, and a corporation shall vote by one (1) of its officers designated by it. Such association shall organize by the election of a chairman, vice-chairman and a secretary-treasurer, which officers shall also constitute the board of directors of such association, and shall hold office for one (1) year and until their successors are elected. Such association at the annual meeting shall also elect a manager of said lateral or laterals to be known as "lateral manager" for the succeeding season and shall fix the compensation of said manager, and of all officers. Such association may adopt such rules and regulations for the management of said lateral or laterals or distributing ditch or ditches and the delivery of water therefrom as they deem best, and may, by majority vote, if it be deemed for the best interests of the association, combine one or more laterals and abandon laterals not in use, and do any and all things not in conflict with the provisions of this chapter or the laws of this state wherein the best interests of the association will be furthered.

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## Idaho Statutes

TITLE 42  
IRRIGATION AND DRAINAGE -- WATER  
RIGHTS AND RECLAMATION  
CHAPTER 13  
LATERAL DITCH WATER USERS'  
ASSOCIATIONS

42-1302. LATERAL MANAGER -- ELECTION -- DUTIES. Should any water users' association at its annual meeting fail to elect a lateral manager or fix his compensation such lateral manager may be elected by the board of directors of such association, who may also fix his compensation. The manager of any lateral shall, in addition to the duties prescribed by the association, perform all duties fixed for such lateral manager under the provisions of sections 42-907 and 42-910, [Idaho Code,] except as modified by this chapter.

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## Idaho Statutes

TITLE 42  
IRRIGATION AND DRAINAGE -- WATER  
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CHAPTER 13  
LATERAL DITCH WATER USERS'  
ASSOCIATIONS

42-1303. LATERAL DITCHES -- REPAIRS, IMPROVEMENTS, AND MAINTENANCE -- ASSESSMENT OF COSTS. Immediately after the annual meeting of any such association the directors thereof and the lateral manager shall make an examination of the lateral or distributing ditch or ditches, and make an estimate as to the cost of the necessary repairs and improvements thereon, and the maintenance thereof for the succeeding season, including the compensation of officers and lateral manager and such total cost and charges shall be assessed pro rata to each water user from said lateral, in the following manner, if agricultural land in proportion to the water which the owner is entitled to receive from such lateral or ditch, and if lots within any city or village, then the assessment may be made upon the basis of each lot, the same to be uniform upon lots of the same size. The improvement, repair and maintenance of any such lateral or distributing ditch shall be under the direction of the directors of the association.

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# Idaho Statutes

TITLE 42  
IRRIGATION AND DRAINAGE -- WATER  
RIGHTS AND RECLAMATION  
CHAPTER 13  
LATERAL DITCH WATER USERS'  
ASSOCIATIONS

42-1304. ASSESSMENTS -- NOTICE -- PENALTIES FOR DELINQUENCY. On or before the fifteenth day of April in each year the secretary of the association shall notify each water user of the amount assessed against him for that year as herein authorized, and the same shall be due and payable on the first day of May of each year and if not so paid on or before the fifteenth day of June of such year, a penalty of ten per cent (10%) shall be added thereto, and the total amount due shall then draw interest at the rate of ten per cent (10%) per annum from said fifteenth day of June of such year until paid.

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# Idaho Statutes

TITLE 42  
IRRIGATION AND DRAINAGE -- WATER  
RIGHTS AND RECLAMATION  
CHAPTER 13  
LATERAL DITCH WATER USERS'  
ASSOCIATIONS

42-1305. DELINQUENT USERS NOT ENTITLED TO WATER. No water user shall be entitled to demand or receive water from said lateral whenever any such assessment is due and unpaid, and the lateral manager shall not distribute any water to such water user while delinquent in such payment except upon order of the board of directors of the association who shall have authority to cause such water to be delivered: provided, the water user shall give such security for the payment of such assessment against him as shall be required by the board of directors.

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# Idaho Statutes

TITLE 42  
IRRIGATION AND DRAINAGE -- WATER  
RIGHTS AND RECLAMATION  
CHAPTER 13  
LATERAL DITCH WATER USERS'  
ASSOCIATIONS

42-1306. COLLECTION AND DISBURSEMENT OF FUNDS. The lateral manager shall collect all assessments so made and pay the same to the secretary [secretary]-treasurer taking his receipt therefor. The secretary-treasurer of this association shall keep the funds of the association in the name of the association and shall draw warrants or checks thereon to pay the costs and expenses of the management of said lateral as herein provided for upon the order of the board of directors, and shall perform such other duties as the association may prescribe.

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# Idaho Statutes

TITLE 42  
IRRIGATION AND DRAINAGE -- WATER  
RIGHTS AND RECLAMATION  
CHAPTER 13  
LATERAL DITCH WATER USERS'  
ASSOCIATIONS

42-1307. ACTION FOR ASSESSMENT -- ATTORNEYS' FEES. In case any assessment, as herein provided for is due and unpaid the association may sue to collect the same, in the name of its secretary-treasurer as such, in any court of competent jurisdiction, and in addition to the amount due including all penalties and interest, and all costs incurred in said action, may collect a reasonable attorney's fee in such action to be fixed by the court.

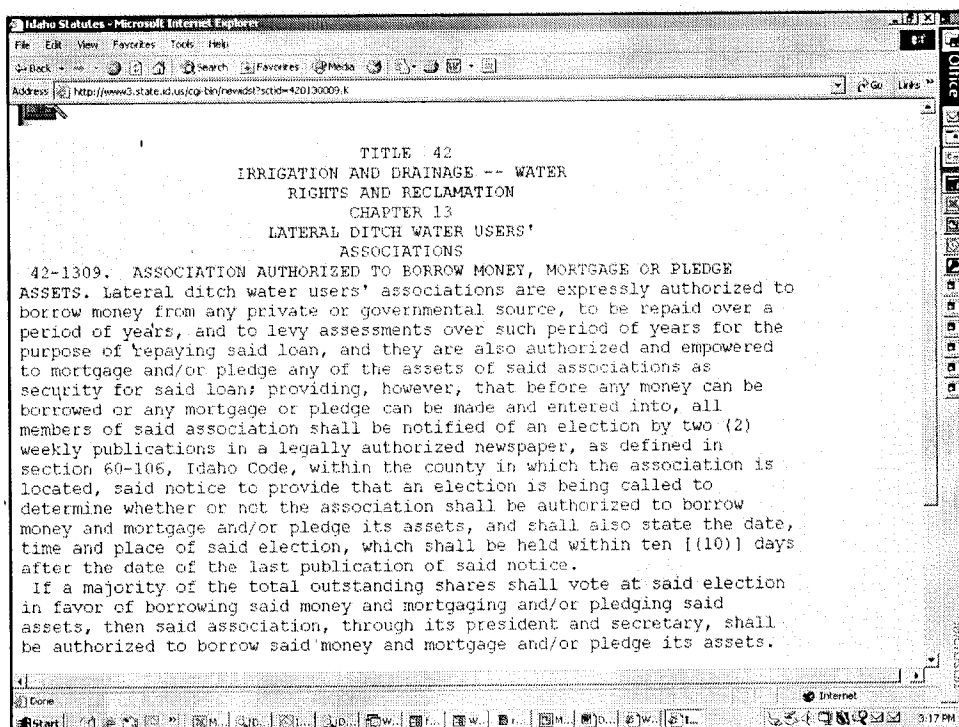
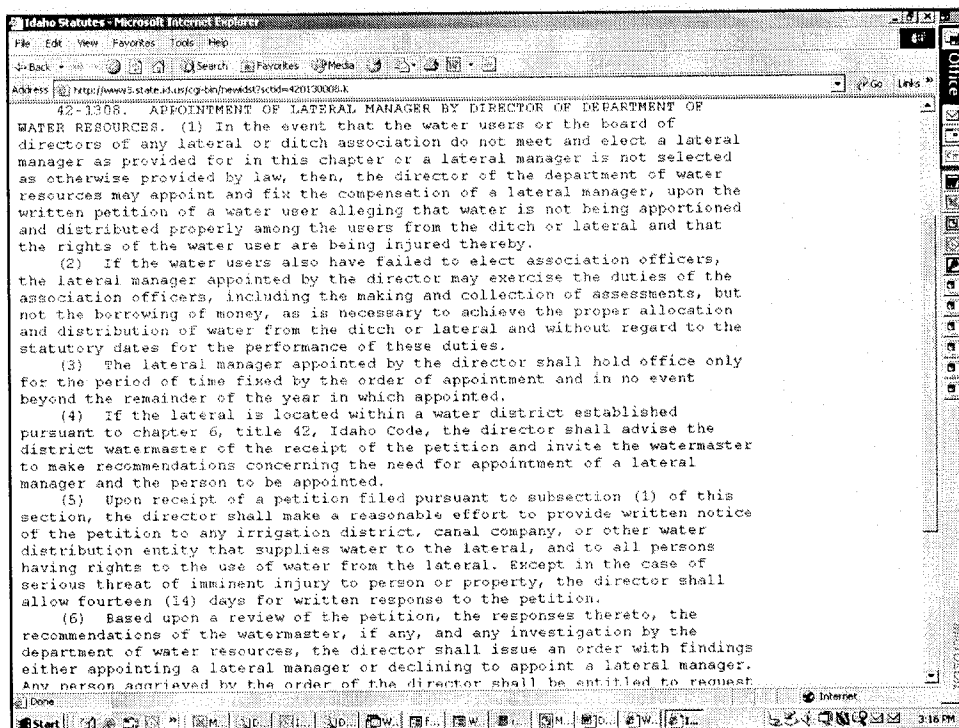
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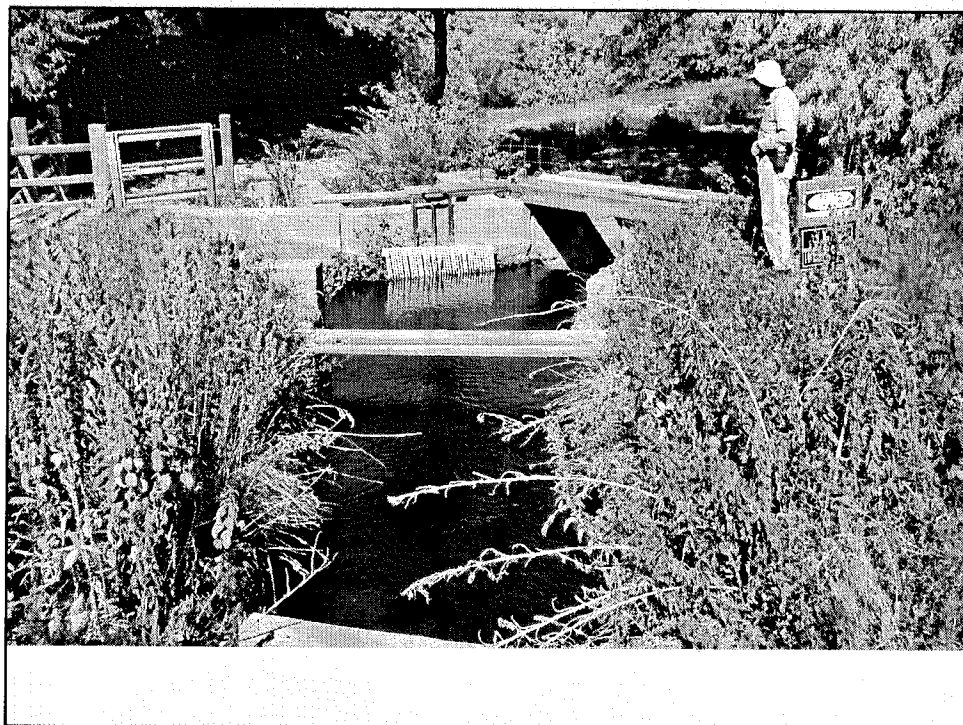
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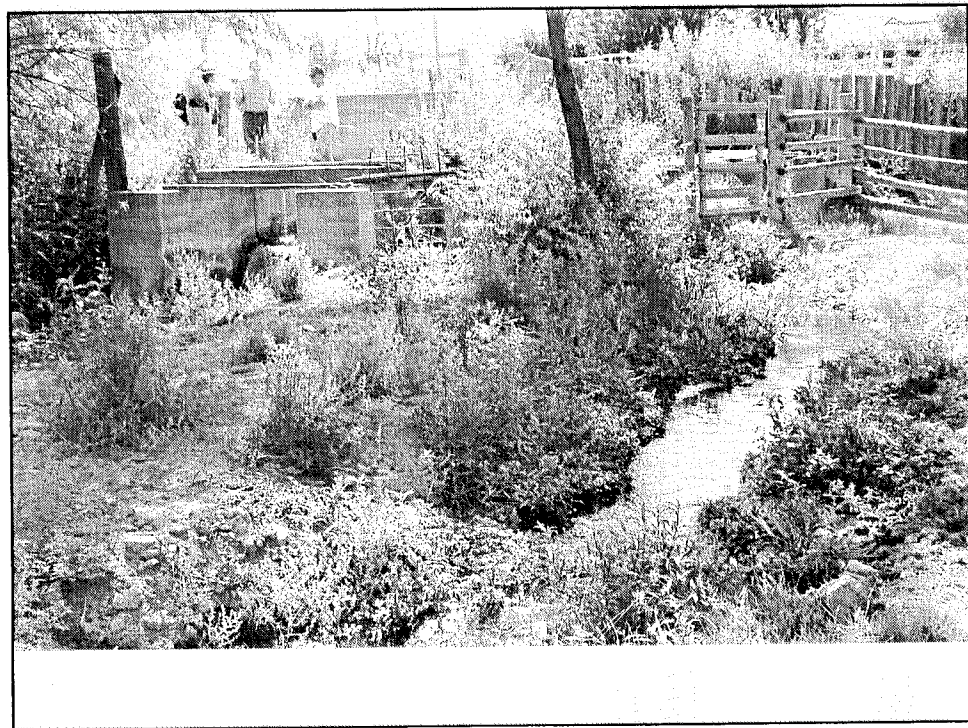


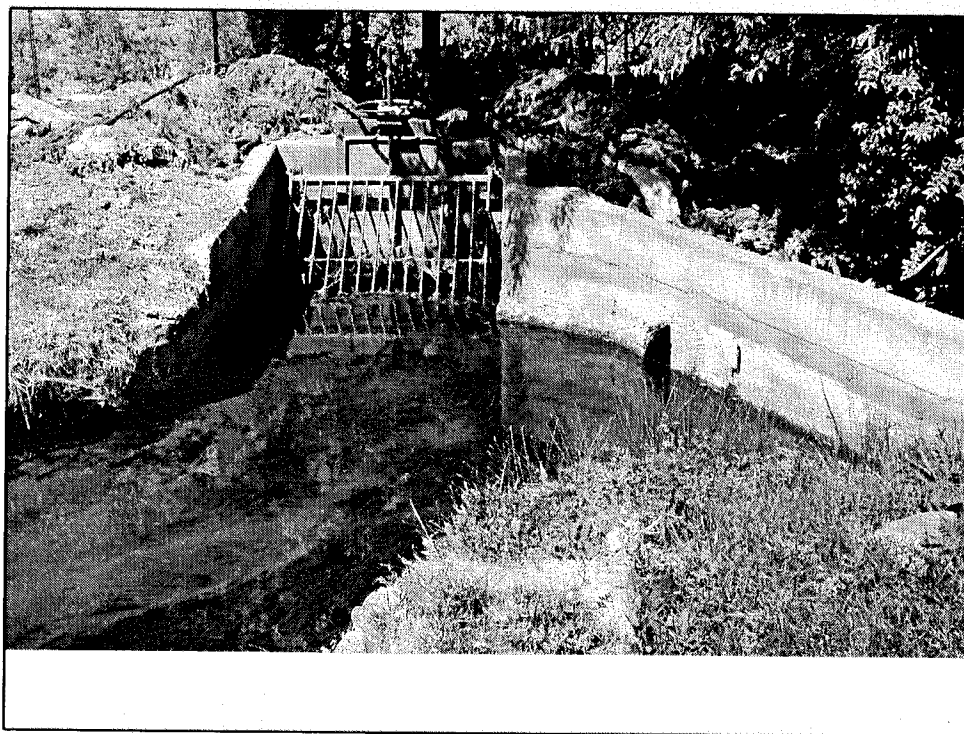
## Recommendations

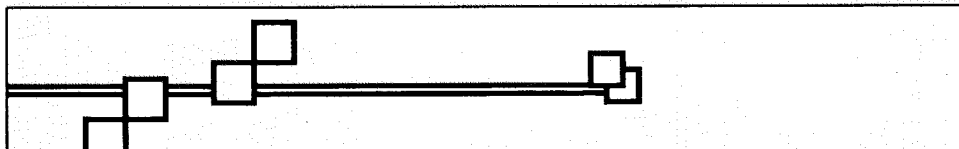
- Form a fully active Bar S Ditch Lateral Water Users' Association
- Ensure that all diversions from the ditch are measured and controlled





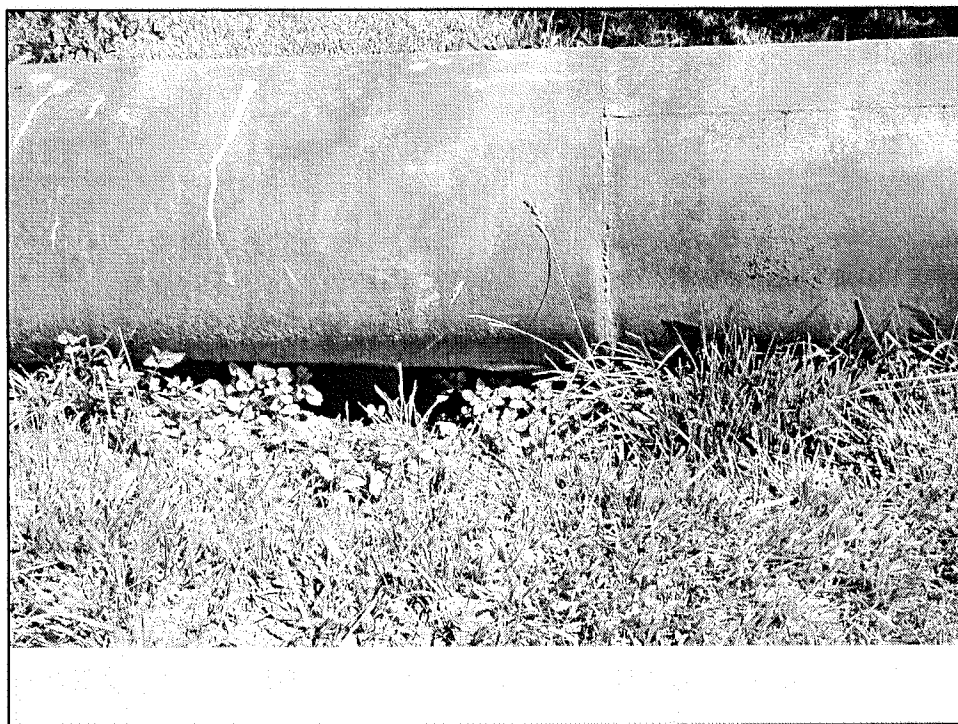






## Recommendations

- Form a fully active Bar S Ditch Lateral Water Users' Association
- Ensure that all diversions from the ditch are measured and controlled
- Repair the delivery facilities to eliminate significant leaks

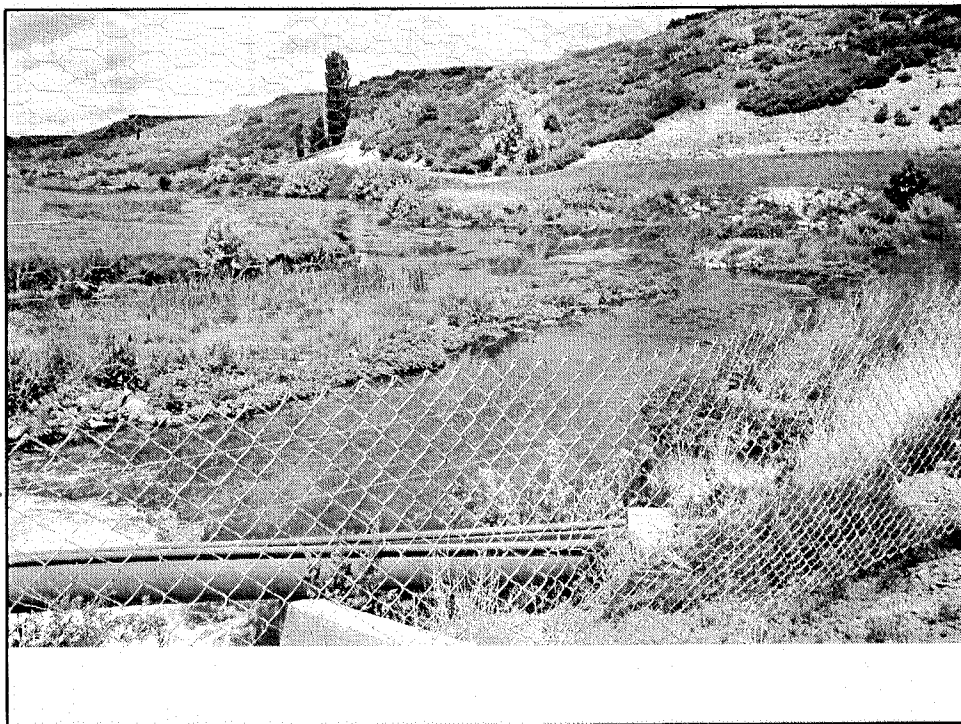
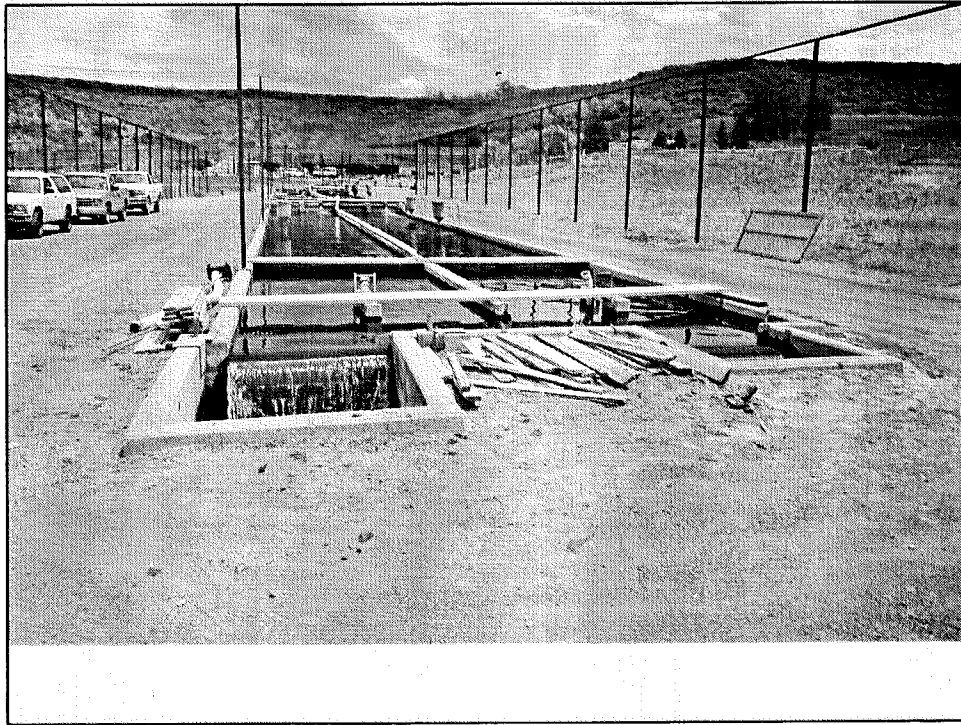


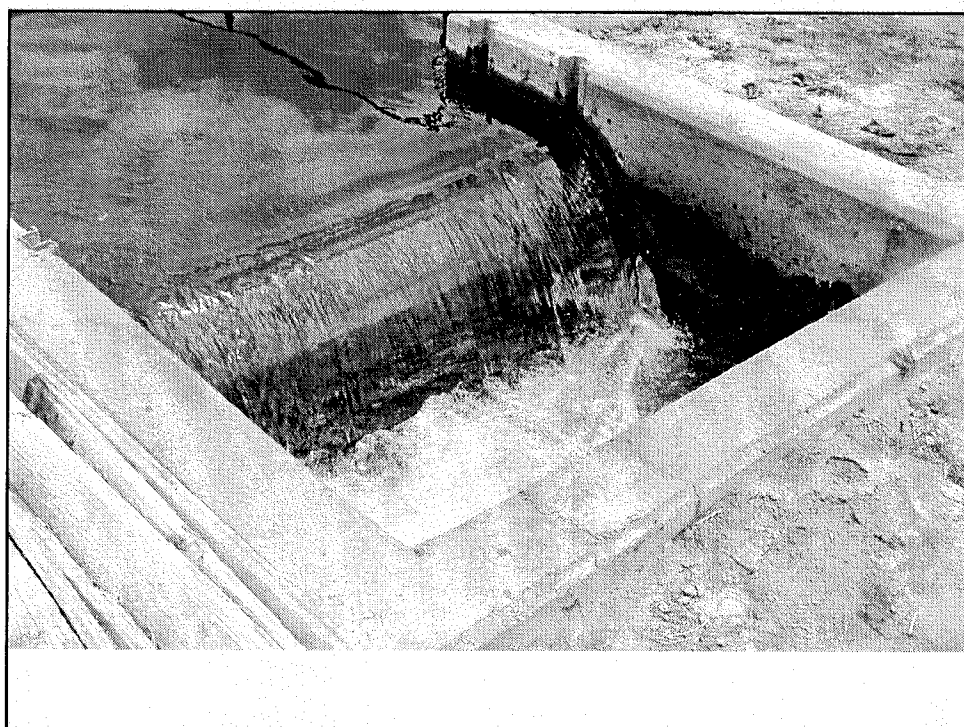
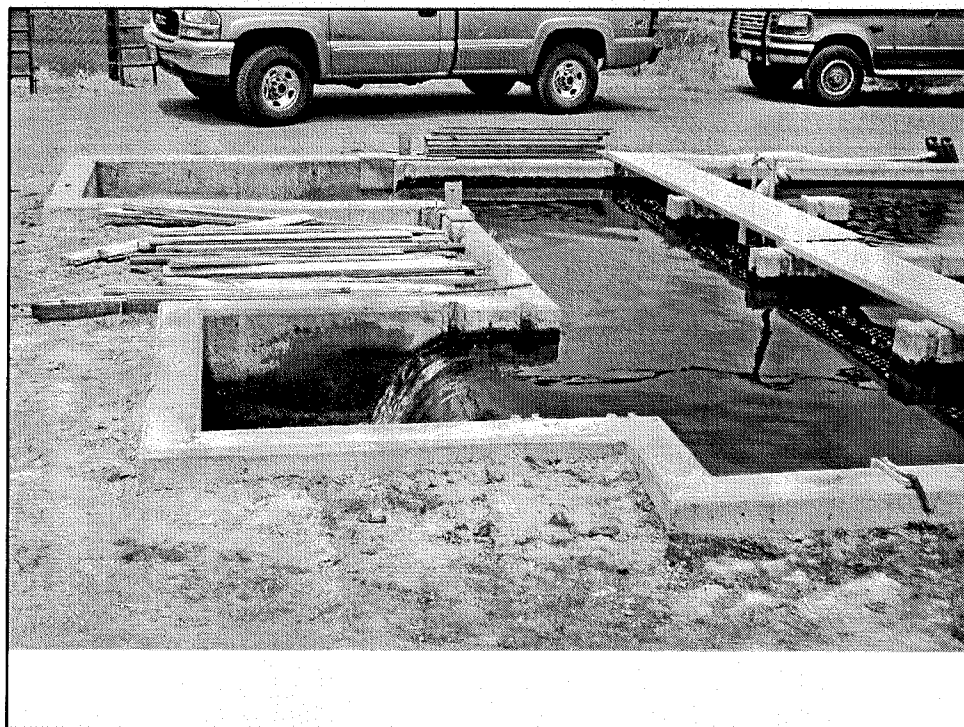


## Recommendations

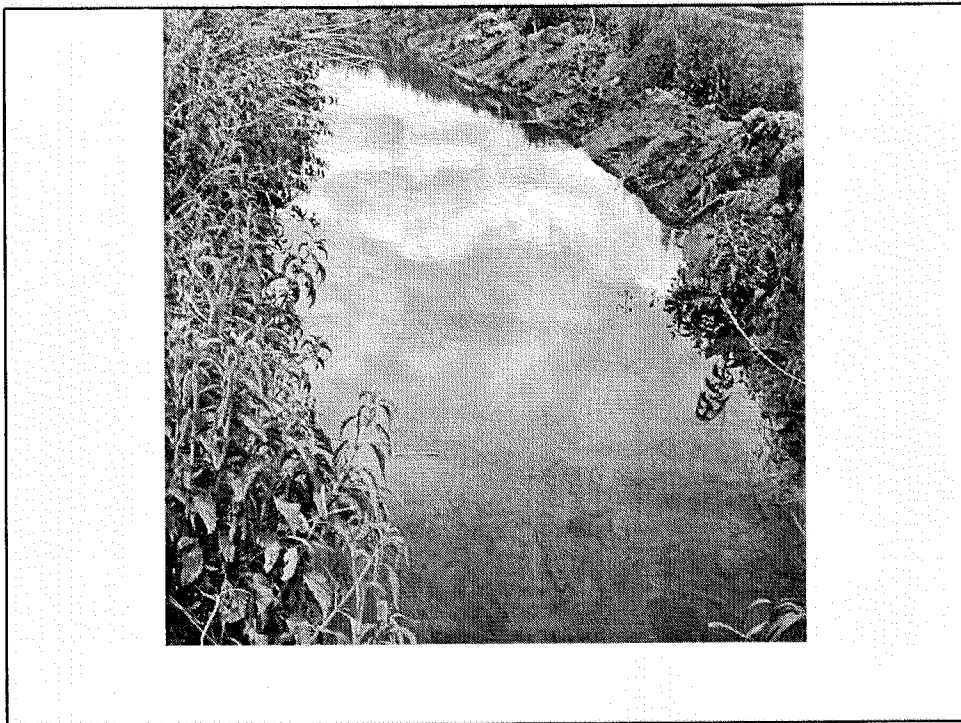
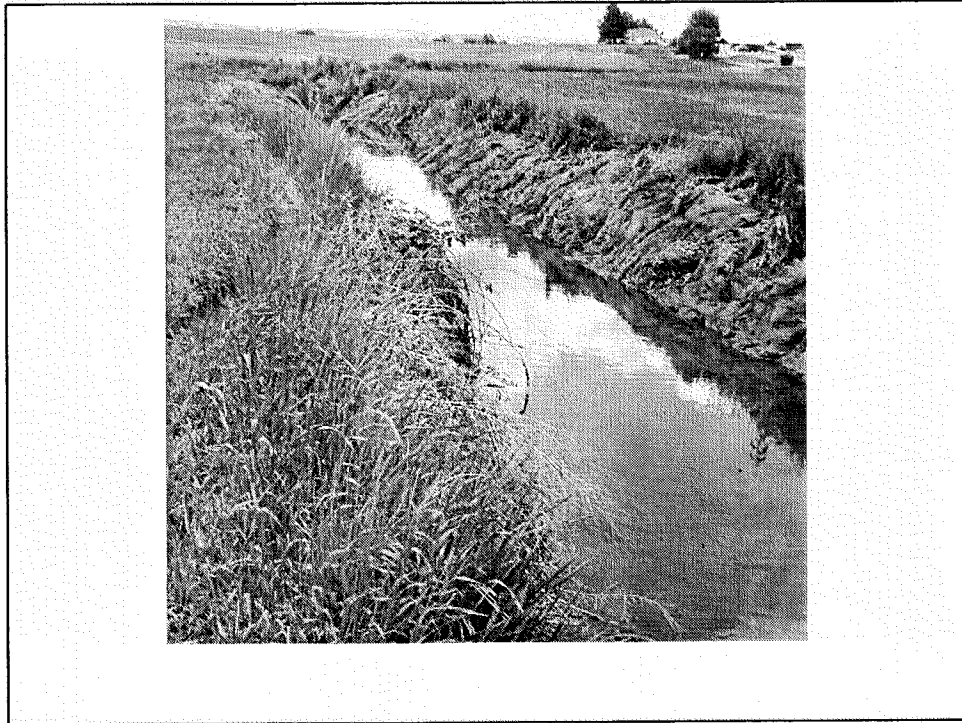
- Form a a fully active Bar S Ditch Lateral Water Users' Association
- Ensure that all diversions from the ditch are measured and controlled
- Repair the delivery facilities to eliminate significant leaks
- Improve the delivery system, to include installation of a pipeline from the point of diversion to the confluence with Curren Ditch

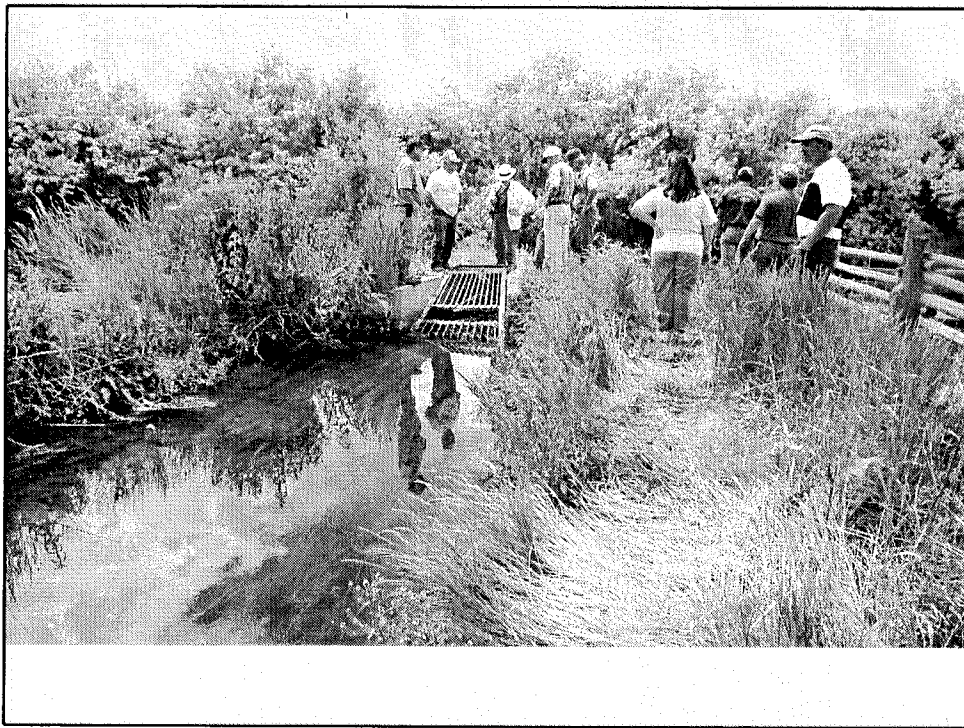
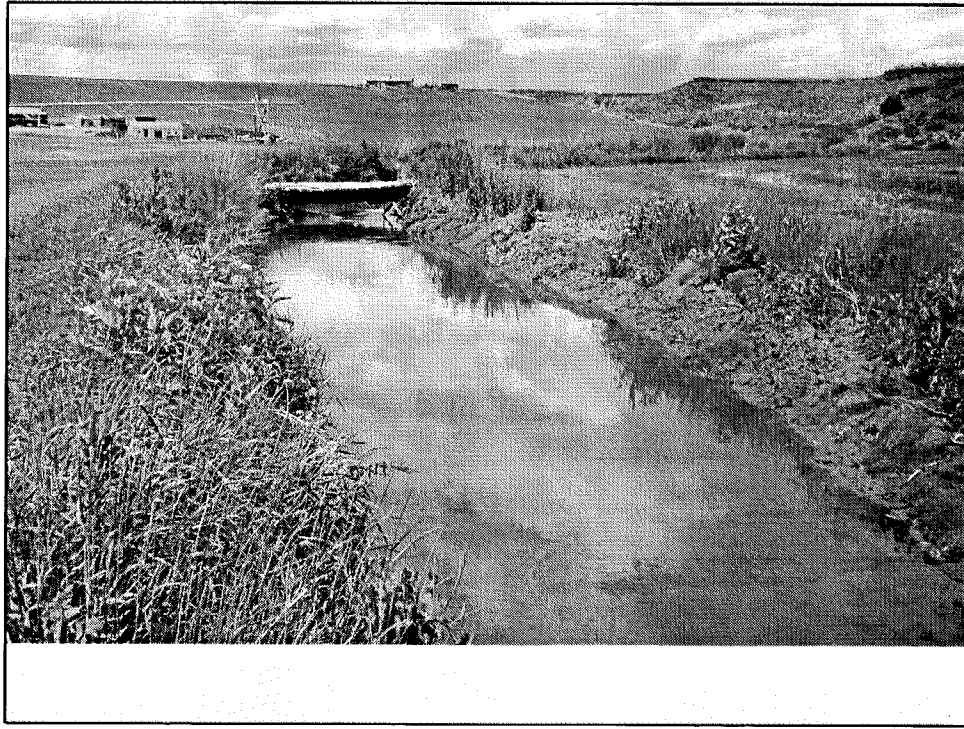




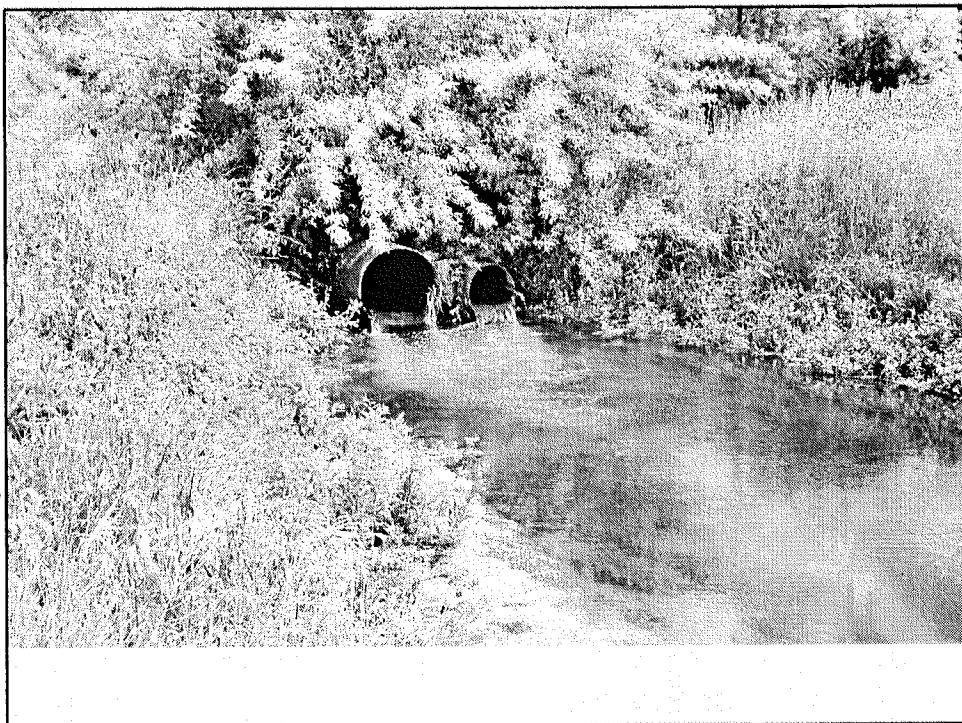


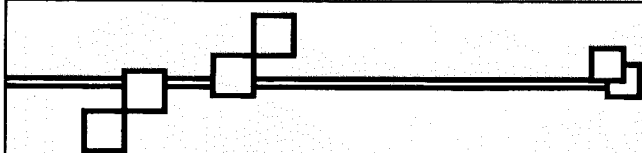
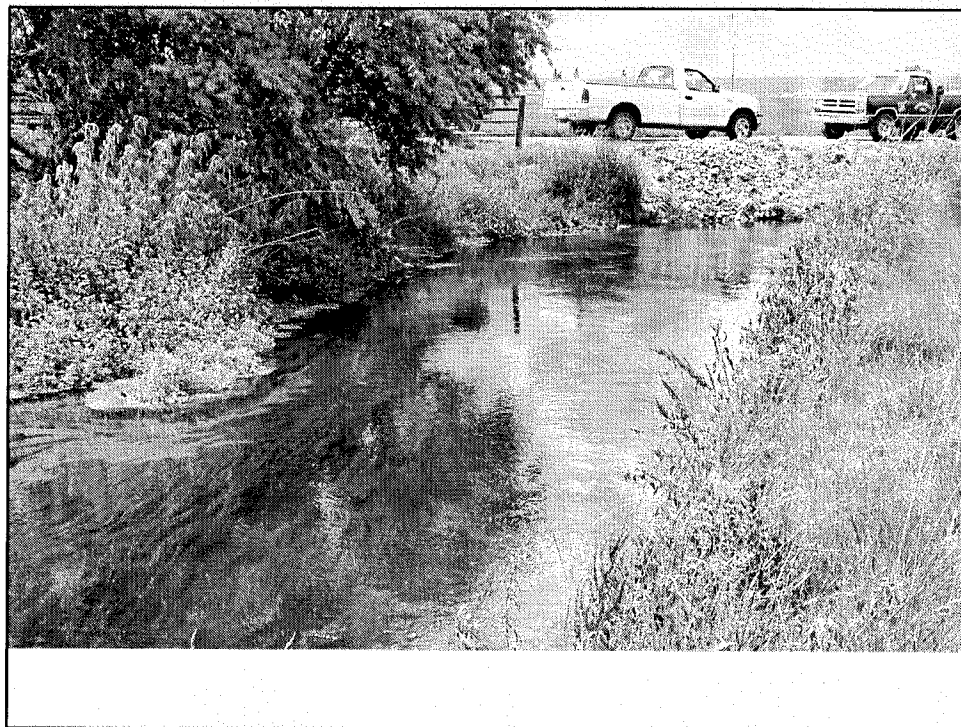
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### Pipeline Funding

- Hagerman Highway District: \$7,000
- NRCS: Farm Bill Funding
- Idaho Water Resource Board Grant/Loan


  

- Total Cost: \$27,210 for 6.5 cfs  
\$41,654 for 10.06 cfs
- Flow Savings: 1 to 2 cfs (estimated)
- Labor Savings:







## Recommendations

- Form a fully active Bar S Ditch Lateral Water Users' Association
  - Ensure that all diversions from the ditch are measured and controlled
  - Repair the delivery facilities to eliminate significant leaks
  - Improve the delivery system, to include installation of a pipeline from the point of diversion to the confluence with Curren Ditch
  - Continue to pursue alternate points of diversion, such as delivery via the Big Bend or Buckeye Ditch
- 



## Private Contracts

- Beyond the scope of Lateral Water User Association or IDWR involvement
  - Assessments will be sent to water users – if others need to pay, it is the responsibility of users to secure this payment
- 



## Next Steps

- Identify Association leaders
- Finalize bylaws
- Work on pipeline details
- Prepare for 2003 deliveries
- Seek alternative delivery points
- IDWR will continue to assist with the process

