



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 8, 2012

RE: Notice of Petition for Appointment of Lateral Manager for the P-7 Ditch Lateral

Dear Water User:

The enclosed Petition for Appointment of Lateral Manager ("petition") was submitted to the Idaho Department of Water Resources ("Department" or "IDWR") on August 7, 2012 pursuant to Section 42-1308, *Idaho Code*. The petition requests the Director of IDWR to appoint a lateral manager for the P-7 Ditch lateral for the remainder of this year to avoid imminent injury in the distribution of water.

Section 42-1308, *Idaho Code*, provides that the Director of IDWR may appoint and fix the compensation of a lateral manager, upon written petition of a water user. If the lateral is located within a water district established pursuant to Chapter 6, Title 42, *Idaho Code*, the director shall advise the district watermaster of the petition and ask the watermaster to make recommendations concerning the need for appointment of a lateral manager and the person to be appointed. By copy of this letter to Ted O'Neal, watermaster of State Water District 73, the Director formally requests the recommendation of the watermaster in this matter. It is noted however that the watermaster has already advised the Department that at least one water user on the lower portion of the ditch is not receiving delivery of their water on the ditch despite the watermaster's delivery of their rights to the head of the ditch. The watermaster has confirmed that the petitioner is not receiving their water on the ditch and that there is no lateral association or organization.

The Director of IDWR is also required to make a reasonable effort to notify all persons having rights to the use of water from the lateral and provide fourteen (14) days for written response to the petition. The list of water users receiving this notice is attached. The attached list was compiled using the water rights associated with the P-7 Ditch point of diversion location or description from the Pahsimeroi River. Please provide written comments to me within 14 days, or on or before August 22, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Luke", is written over a horizontal line.

Tim Luke
Chief, Water Compliance Bureau

Encl: Petition for appointment of lateral managers
List of water users

C: Ted O'Neal, Water District 73 Watermaster
IDWR Eastern Region

Idaho Department of Water Resources
Attn: Tim Luke
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Donald Gregory
Judd Whitworth - Lessor
Ditch Number: P-7
Water Right(s) No.: 73-76, 73-81,
73-12115, 73-12117, 73-12119,
73-4017, 73-4017

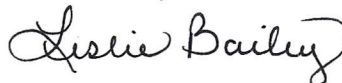
Dear Mr. Luke,

Pursuant to Idaho Code No. 42-1308, I would like to petition the water resource board to appoint a lateral ditch manager for ditch number P-7, for the water rights listed above.

As lessor, I have had difficulty getting the appointed water down the ditch and to the pasture that I have leased from Mr. Gregory. There is no ditch organization and the rights of the water users have been jeopardized. The crops have already been damaged due to water issues.

Please take this under advisement and let me know if we can resolve this matter as soon as possible. Thank you for your help and cooperation.

Sincerely,

 bookkeeper for Judd Whitworth

Judd Whitworth, Lessor

Encl.

CERTIFICATE OF MAILING

I DO HEREBY CERTIFY that on this 8th day of August, 2012, the attached Petition for Appointment of Lateral Manager was served upon the following individuals, unless otherwise noted, by placing a copy of the same in the United States mail.

Sarah Garceau
Technical Records Specialist, Water Distribution
Compliance Bureau
Idaho Department of Water Resources

Karen A Dowton
Sydney M Dowton
PO Box 7
Ellis, ID 83235

Donald M Gregory, Jr.
2741 Union St.
San Francisco, CA 94123

Patricia D Gunther
2739 Broderick St.
San Francisco, CA 94123

River Valley Ranch LLC
c/o Steven Lawrence
60 Jennifer Lane
Alamo, CA 94507

Judd Whitworth
PO Box 1041
Salmon, ID 83467