



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

February 7, 2014

WESTERN WATERSHEDS PROJECT
EXECUTIVE DIRECTOR JON MARVEL
PO BOX 1770
HAILEY ID 83333

RE: Measurement and Control in the Pahsimeroi Valley

Dear Mr. Marvel:

Director Spackman is on a two to three week absence and has asked that I provide a response to your letter of January 21, 2014 requesting information from the Idaho Department of Water Resources (IDWR) on measurement and control of diversions in the Pahsimeroi River Valley (Water District No. 73). Specifically, you asked for a response that will, "explain when all Pahsimeroi Valley diversions will be brought into compliance with the law and the IDWR Order and any other measures your Department plans to take in this matter".

In your letter, you correctly recalled that the IDWR has ordered measurement and control of all diversions from the Pahsimeroi River and tributaries. However, you suggest that IDWR had also ordered installation of screens to prevent entrainment of fish into irrigation ditches. IDWR does not evaluate, require, or enforce requirements for screens to prevent entrainment of fish into irrigation ditches. Fish passage and screening requirements are under the direction of the Idaho Department of Fish and Game (IDFG).

It is difficult for IDWR to quantify the level of compliance in Water District No. 73 because IDWR hasn't conducted any recent or comprehensive inventory of diversions in the district. However, IDWR did conduct site inspections of diversions on the main river, Big Creek and Patterson Creek several years ago. Based on those inventories, IDWR found that most of the diversions on the main river and Patterson Creek were in compliance with measuring device and head gate requirements but identified a number of non-compliant diversions on Big Creek for which users were provided notice. While IDWR recognizes that there are some diversions in the district that may not be in compliance, we are confident that there are quite a few diversions in the district that are compliant.

In response to your question, IDWR's plans for bringing the district towards compliance include the following items:

- Add Water District 73 as a sub-district to Water District 170 to provide more direct assistance and oversight from the Water District 170 watermaster (this step was completed last year).
- Send notice to the Water District 73 watermaster, advisory committee and water users prior to this year's annual water district meeting warning that users must be compliant with measuring device and head gate requirements.

- Prior to the water district meeting on March 3, 2014, IDWR will instruct the watermaster to notify IDWR about any diversion that may not be in compliance. Prior to the irrigation season, the watermaster shall notify the Department concerning his knowledge of any diversions that are not compliant. The watermaster shall also notify the Department of any diversions that he finds are not in compliance or are in need of maintenance at the start of the irrigation season. The watermaster and IDWR will coordinate sending notice to any users whose diversions are found not to be in compliance with measuring device and head gate requirements.
- In coordination with the watermaster, IDWR will complete inventory of diversions on most major tributaries by November 15, 2014.
- IDWR will issue warning notices or notices of violation to any right holders who are found to have diversions that are not in compliance.
- Complete inventory of additional tributaries and main river diversions in 2015 and issue appropriate notices as necessary to bring deficient diversions into compliance. IDWR's goal for reaching full compliance in the district would be the start of the 2016 irrigation season but we expect more diversions to become compliant between now and 2016.

The steps outlined above are perhaps not as aggressive as you may like. IDWR would obviously like to have full compliance already but the resources needed to enforce these and other general water compliance requirements throughout the state greatly exceed those available. It has been IDWR's goal to increase the level of assistance and compliance in Water District 73 upon incorporating the district into Water District 170. We maintain this goal going forward but recognize our efforts may be slowed somewhat this year by severe drought conditions and shifting priorities.

IDWR would appreciate hearing from you further regarding specific diversions, tributaries or areas of the Pahsimeroi River Valley that you feel are not in compliance, are particularly sensitive or need prioritization. Sharing more detailed or site specific concerns with us might make our efforts more constructive, efficient and responsive.

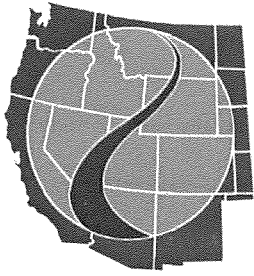
Please contact me or Nick Miller at 208-287-4800 if you have further questions concerning this matter.

Sincerely,



Tim Luke
Water Compliance Bureau Chief

c: IDWR Eastern Region
Ted O'Neal – Watermaster, Water district No. 73
Nick Miller, Watermaster, Water District No. 170
Gary Spackman, IDWR Director
Mat Weaver, IDWR Deputy Director



**Western
Watersheds
Project**

Hailey Office
PO Box 1770
Hailey, ID 83333
tel: (208) 788-2290
fax: (208) 475-4702
email: wwp@westernwatersheds.org
web site: www.westernwatersheds.org

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JAN 22 2014

**DEPARTMENT OF
WATER RESOURCES**

Working to protect and restore Western Watersheds and Wildlife

January 21, 2014

Idaho Department of Water Resources
Director Gary Spackman
PO Box 83720
Boise ID 83720

Also sent be fax and email to: gary.spackman@idwr.idaho.gov and (208) 287-6700

Dear Director Spackman:

Some years ago the Idaho Department of Water Resources issued an Order requiring all water rights holders in the Pahsimeroi River Valley to bring their irrigation diversions into compliance with Idaho State law by installing measurement devices and lockable headgates as well as screens to prevent entrainment of fish into irrigation ditches.

To my knowledge very few if any of these diversions have been upgraded to comply with the IDWR Order.

Can you please respond and explain when all Pahsimeroi Valley diversions will be brought into compliance with the law and the IDWR Order and any other measures your Department plans to take in this matter?

Thank you for your early written reply.

Sincerely,

Jon Marvel
Executive Director