



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 5, 2014

Teresa McCallum, Secretary
Little Canyon Creek Water District 61D
11204 N Bar 21 DR
Glenns Ferry ID 83623

Dear Mrs. McCallum:

This letter is in response to your letter of 02/24/2014 regarding the resolutions being considered by the district waterusers. Specifically, the district asked for a clarification regarding resolution #3A.

The delivery of Idaho water rights hinge on the "The prior appropriation doctrine." The majority of western states also follow this doctrine. The doctrine basically means—"*First in Time is First in Right.*" Idaho Code 42-607 details the watermaster's responsibilities/actions under the doctrine, see attached.

The doctrine and statute in principal already addresses #3A. However, the specific methods of calling for water (intent in writing) and time to place the water to beneficial use (48 hours) stated in #3A is not addressed by the doctrine/statute. It certainly up to the waterusers if they desire to reaffirm the doctrine/statutes and/or place a method and time structure for water deliveries.

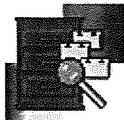
Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

A handwritten signature in black ink that reads "John Westra". The signature is written in a cursive, flowing style.

John Westra, Manager

Enclosure: IC 42-607



Idaho Statutes

TITLE 42 IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 6 DISTRIBUTION OF WATER AMONG APPROPRIATORS

42-607. DISTRIBUTION OF WATER. It shall be the duty of said watermaster to distribute the waters of the public stream, streams or water supply, comprising a water district, among the several ditches taking water therefrom according to the prior rights of each respectively, in whole or in part, and to shut and fasten, or cause to be shut or fastened, under the direction of the department of water resources, the headgates of the ditches or other facilities for diversion of water from such stream, streams or water supply, when in times of scarcity of water it is necessary so to do in order to supply the prior rights of others in such stream or water supply; provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the department of water resources, shall, for the purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply, and the watermaster shall close all headgates of ditches or other diversions having no adjudicated, decreed, permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply. So long as a duly elected watermaster is charged with the administration of the waters within a water district, no water user within such district can adversely possess the right of any other water user.

History:

[(42-607) 1903, sec. 26; p. 223; reen. R.C., sec. 3277; am. 1909, sec. 1, p. 326; am. 1915, ch. 34, sec. 12, p. 103; C.L., sec. 3277; C.S., sec. 5611; am. 1927, ch. 63, sec. 2, p. 78; I.C.A., sec. 41-507; am. 1969, ch. 305, sec. 2, p. 913; am. 1973, ch. 262, sec. 2, p. 534; am. 1992, ch. 339, sec. 9, p. 1021.]

The Idaho Code is the property of the state of Idaho and is made available on the Internet as a public service. Any person who reproduces or distributes the Idaho Code for commercial purposes is in violation of the provisions of Idaho law and shall be deemed to be an infringer of the state of Idaho's copyright.

RECEIVED

FEB 25 2014

WATER RESOURCES
WESTERN REGION

Little Canyon Creek Water District 61-D
11204 N. Bar 21 Dr.
Glenns Ferry, Idaho 83623
(208) 366-7931

February 24, 2014

Mr. John Westra, Manager
Idaho Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: February 17th, extra meeting By-Law Changes

Dear Mr. Westra

During our meeting on proposed changes to the By-Laws of Little Canyon Creek, there was a great deal of discussion. The consensus of most of the group was that Proposal 3a (see attached copy) is already covered under Idaho water law. Therefore, the proposed was unnecessary. Would you please issue us clarification or confirmation in writing. At this point the proposal is Tabled till the next annual meeting, at which point I am to report back to the members.

Also we would request training for our new watermaster Rich Wootan and assistant/alternate Mark Brumlett. Please coordinate with Rich Wootan, at 599-0394.

I am enclosing a copy of the minutes of our last meeting for you information.

Should you have any question, please contact me at number above.

Sincerely,



Teresa McCallum, Secretary

Enclosures: Proposed changes & Minutes

CC: All users, sent out with minutes