

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LITTLE CANYON) **PRELIMINARY ORDER REQUIRING**
CREEK WATER DISTRICT 61D WATER) **CONTROLLABLE DIVERSION**
MASTER REGULATION AND) **WORKS AND MEASURING DEVICES**
DELIVERY OF WATER RIGHTS)
_____)

FINDINGS OF FACT

1. The water rights on Little Canyon Creek in Elmore County Idaho are regulated by the Little Canyon Creek Water District #61D. The Water District Watermaster is responsible for water delivery and regulation of the natural flow and storage water rights associated with the creek source.
2. Recent annual low snow packs and rainfall has forced the Watermaster to curtail junior priority date storage and natural flow water rights early in the season to prevent injury to senior priority rights.
3. During 2013, there were allegations and conflicts regarding the delivery and regulation of storage and natural flow creek rights among the waterusers. There were similar delivery problems in previous years.
4. Measurement devices and controllable-lockable diversion works are lacking or in disrepair on the creek. The Watermaster is forced to make water deliveries based on visual flow and storage estimations.
5. The Watermaster cannot effectively deliver/regulate the creek water rights in the absence of measurement devices and controllable-lockable diversion works.

CONCLUSIONS

1. IC§42-701states in part:
(1) The appropriator or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the Department of Water Resources suitable headgates and controlling works at the point where the water is delivered.....Each such appropriator shall construct and maintain, when required by the director of the Department of Water Resources, a rating flume or other measuring device at such point most practical in such canal ditch, wellhead or pipeline for the purpose of assisting the watermaster.....(3) Any appropriator or user of the public water of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices, or has not executed an agreement in lieu of a measuring device as provided in subsection (2) of this section upon receiving ten (10) days notice from the director within which to begin and diligently pursue to completion of the construction or installation of the required device or devices....the director may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user.

2. The Idaho Department of Water Resources Director (Director) is authorized to supervise the distribution of water rights in a water district. Water rights are to be distributed base on priority date, ref. Idaho Code (IC) §42-602.

3. Failure to compete the work within the time set may warrant a notice of violation for each diversion point and/or measuring device point not in compliance with the requirements of the water district. Civil penalties should accrue starting from the time set for completion and may be levied up to \$150.00 per day for each day of the continuing violation, ref. IC§ 42-1701B.

4. The waterusers should be allowed ample time to complete installation of controllable diversion works and measurement devices.

ORDER

The following is hereby **ORDERED**:

1. Controllable-lockable diversion works and measurement devices shall be installed on utilized points of diversion as described by water rights with Little Canyon Creek as source. The deadline for approved installations/repair is on or before **March 1, 2015**.

2. Controllable diversion works and measurement devices shall be subject to the approval by the Department of Water Resources and the Little Canyon Creek Water District #61D Watermaster. Measurement devices must meet the Department's "Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices Guide" A plan detailing the controllable diversion works and measurement device design and installation/repair will be submitted to the Watermaster for review on before **August 1, 2014**.

3. Identification and inspection of diversions by the Watermaster shall occur on or about **March 15, 2015**. A GPS location will be established to confirm each diversion and the associated water right(s).

4. Storage facilities shall be fitted with gauging that depicts the height of storage (feet) in relation to the volume (acre feet) of water being stored. The storage right holder shall provide the Watermaster a gauge height verses storage volume chart/graph for their storage facility.

5. A creek channel weir shall be installed upstream of the Trail Diversion Reservoir, and the downstream creek channel weir shall be repaired just downstream of the reservoir spillway to provide accurate delivery of creek natural flow water rights.

6. The Watermaster shall refuse/deny delivery of water to any water right holder not demonstrating an approved controllable-lockable diversion works and measuring device.

7. Failure to install an approved controllable diversion works and measurement devices by March 1, 2015 may warrant a "Notice of Violation" from the Department of Water Resources for each point of diversion not in compliance.

8. Authorized stockwater and domestic beneficial uses are exempt from measurement device requirements.

9. The Order applies only to diversions located on Little Canyon Creek. This Order is not applicable to points of diversion on ditches, lateral ditches, shared re-diversions, or field headgates.

10. The Watermaster will deliver/administer natural flow and storage rights by priority date pursuant to IC Title 42, Chapters 6 & 7 and authorized water right parameters.

Dated this 29th day of January 2014



John Westra, Western Regional Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of January, 2014, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Documents Served: Controllable-lockable Diversion Works and Measurement Device Order

TRAIL FAMILY FARMS
5308 E TRAIL RD
KING HILL ID 83633

BETTY SCHELL/ DENA MERCHANT
PO BOX 1203
GLENN'S FERRY ID 83623

BOB HALL
2975 W LATTY DR
GLENN'S FERRY ID 83623

IRON HORSE RANCH LLC
11204 N BAR 21 DR
GLENN'S FERRY IF 83623

HALF MOON LLC
911 WINDING CREEK RD
EAGLE ID 83616

DICK ANDERSON
PO BOX 807
GLENN'S FERRY ID 83623

DONALD HOLLOWAY
PO BOX 251
GLENN'S FERRY ID 83623

DONALD J TVEIDT JR
C/O DONALD J TVEIDT SR
PO BOX 1245
GLENN'S FERRY ID 83623

AURTHUR CHURCH
537 W AURTHUR AVE
GLENN'S FERRY ID 83623

HAMMETT LIVESTOCK
PO BOX 33
HAMMETT ID 83627

JOANE MARTINEZ
PO BOX 184
GLENN'S FERRY ID 83623

JOEL ALLEN
PO BOX 564
GLENN'S FERRY ID 83623

JOYCE PEARSON
C/O NATHEN JONES
2240 E MAPLE DR
KING HILL ID 83633

LAVA RIM RANCH
2604 N MORROW RES. RD.
GLENN'S FERRY ID 83623

PAUL BATRUEL
3335 N MORROW RES. RD
GLENN'S FERRY ID 83623

IDAHO FOODS
357 CONSTITUTION WAY
IDAHO FALLS ID 83402

RUBY JOHN
C/O DAN HALL
PO BOX 644
GLENN'S FERRY ID 83623

THREE ISLAND STATE PARK
PO BOX 609
GLENNS FERRY ID 83623

ALAN CRANE & MIKE NICKERSON
803 S BOISE
GLENNS FERRY ID 83623

THREE ISLAND LLC
DBA CARMELLA
PO BOX 790
GLENNS FERRY ID 83623

RICH WOOTAN
2286 S PRUETT RD
KING HILL ID 83633

ARK PROPERTIES LLC
11204 N BAR 21 DR
GLENNS FERRY ID 83623

NATURAL RESOURCE
CONSERVATION SERVICE
795 S HASKETT
MTN HOME ID 83647

F. PRICE WATER RIGHT SPECIALIST
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

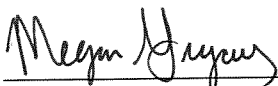
NATURAL RESOURCE
CONSERVATION SERVICE
795 S HASKETT
MOUNTAIN HOME ID 83647

CARLENE R SMITH
13805 QUINTESSA ST
CALDWELL ID 83607

DON & CHERYL TVEIDT
1320 ELM ST
MOUNTAIN HOME ID 83647

EARL & ANNA GARDNER
PO BOX 208
GLENNS FERRY ID 83623

LEROY J MARTINEZ
206 N ALTON AVE
PO BOX 862
GLENNS FERRY ID 83623



Megan Gregory
Office Specialist II