



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 17, 2018

Nathan Erickson, Watermaster
Water District 130
650 Addison Ave West
Suite 500
Twin Falls, ID 83301

Re: Curtailment Order and Watermaster Guidance to Curtail Diversions that are not Compliant with Water District No. 143 Measurement Order

Dear Mr. Erickson,

The Director of the Idaho Department of Water Resources ("Department") issued the attached *Curtailment Order In the Matter of Requiring Measuring Devices for Ground Water Diversions in Water Districts No. 143* ("Curtailment Order") on September 17, 2018. **The Curtailment Order directs you, as Water District No. 143 watermaster, to curtail water rights at points of diversions listed in Attachment A of the Curtailment Order beginning September 24, 2018.** Curtailment at each diversion shall be enforced until an acceptable measuring device is installed or the owner of the diversion submits to the Department or watermaster a request for variance or extension and the Department approves such request.

The watermaster shall adopt the following guidance with respect to curtailments:

- Contact the owners or operators of each diversion or well listed in Attachment A of the Curtailment Order either by phone or in person to confirm when curtailment will take place.
- Shut off and lock or seal each well subject to curtailment, even if the well may be off for the rest of the irrigation season. If the well cannot be locked or sealed, identify the method in which water use may be monitored during the remaining season (i.e. use of dedicated power meter or other options). Locking or sealing may be accomplished using security seals, locks or cables on electrical switch controls or by closing and locking/sealing main pipe valves. A Curtailment Notice card ("Red Card") should be placed at each diversion in a noticeable location. Document any curtailment with photos that show method of closure.
- The watermaster or watermaster's assistants should coordinate shut-off and locking with the owner or operator present if possible. The watermaster should not delay curtailment based on the owner's or operator's schedule.

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- When feasible the regulation of water users and enforcement action should be carried out by the watermaster. If the watermaster is unable to regulate all non-compliant water users by himself, staff assisting the watermaster in enforcement should coordinate closely with the watermaster prior to taking action. If site visits by supporting staff are required, staff should enforce curtailment requirement in teams of two. In the event an owner/operator is uncooperative or refuses access or entry to the well, the watermaster should consult with Department staff (contact Tim Luke, Rob Whitney or Brian Ragan).
- If the watermaster encounters circumstances that suggest enforcement action pursuant to Idaho Code § 42-1701B is preferable to curtailment (e.g. curtailing a diversion would cut off a source of drinking/domestic water or curtailment is not physically possible), the watermaster may refer the matter to Department Compliance Bureau staff. If a formal administrative enforcement action becomes necessary, please coordinate with appropriate Department Compliance Bureau staff (either Tim Luke, Rob Whitney, Brian Ragan or Cherie Palmer). Please document all attempts to curtail the well and the obstacles or reasons why physical curtailment cannot be achieved.

Please contact Department Compliance Bureau staff members Tim Luke, Rob Whitney or Brian Ragan regarding any questions you may have about the Curtailment Order and any subsequent curtailment procedures. Successful implementation of this Curtailment Order is currently one of the Department's highest priorities.

Sincerely,



Gary Spackman
Director

Enclosures(s)

Cc: Corey Skinner, IDWR Southern Regional Manager