

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF ADMINISTRATION OF WATER)
RIGHTS AND PETITION REQUESTING EXTENSION)
OF WATERMASTER'S TERM OF SERVICE WITHIN)
WATER DISTRICT 13-A, CUB RIVER AND)
TRIBUTARIES)

ORDER

On December 6, 1994, the Director of the Department of Water Resources received a petition from the Preston-Whitney Irrigation Co. to extend the term of service for the watermaster of Water District 13-A, Cub River and tributaries.

Section 42-605(5), Idaho Code, states:

The director of the department of water resources, upon receipt of a petition requesting an extension of the watermaster's term of service in any year from the holder of a water right authorizing the diversion or storage of water during the time period for which the extension is sought and upon a determination of necessity therefor shall extend the watermaster's term of service for the period of time determined necessary by the director in any year. Payment for watermaster services during the extended term of service ordered by the director shall be the responsibility of the holders of water rights delivered by the watermaster during the extended term of service.

The petitioner, Preston-Whitney Irrigation Co., is the holder of certain water rights authorizing the diversion of natural flow and storage rights during the time period for which the extension is sought.

The Director of the Department of Water Resources has determined that a need exists to extend the watermaster's term of service within Water District 13-A.

IT IS THEREFORE HEREBY ORDERED THAT:

1. The term of service of the watermaster of Water District 13-A shall be extended until re-appointed by the Director following the next annual Water District meeting.

2. Conan Foster, who was duly elected as the 1994 watermaster by the water users of Water District 13-A and appointed as watermaster of Water District 13-A by the Director of the Department of Water Resources for the 1994 irrigation season, is appointed as watermaster of Water District 13-A until the next annual water district meeting.

3. The watermaster shall measure and record all diversions

from the Cub River and tributaries, including but not limited to the City of Preston's diversion from Bergquist Springs and subsequent re-diversion of water to the City of Preston municipal water delivery system, all overflows of water from the City of Preston diversion system to the Glendale and Foster Reservoirs owned by Preston-Whitney Irrigation Co., the flow of Birch Springs and Ranger Spring, and any diversion of water from Worm Creek by Preston-Whitney Irrigation Co.

4. The watermaster shall further regulate any and all diversions according to rights of prior appropriation as recorded with, and provided by, the Department of Water Resources.

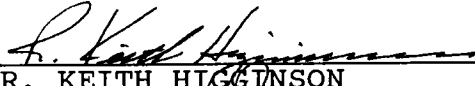
5. Due to the present uncertainty concerning the amount of water authorized to be diverted by the City of Preston under certain water rights which are the subject of pending water right transfer applications, the Director of the Department of Water Resources instructs the watermaster to regulate the City of Preston's re-diversion of water to the municipal water system so that no more than a total of 4.5 cfs is diverted to the municipal water system at any given time. Water rights making up the 4.5 cfs authorized to be diverted include: 1) right no. 13-0028, which is diverted from Bergquist Springs but is limited to the flow of Birch Springs, 2) right no. 13-0027, which shall not exceed more than 1.0 cfs from Bergquist Springs, and shall be limited to the flow of Ranger Spring if the flow of Ranger Spring is less than 1.0 cfs, and 3) portions of rights 13-0026/13-0034, held by Cub River Irrigation Company, which shall not exceed more than 2.5 cfs from Bergquist Springs.

6. The instruction to the watermaster directing the delivery of no more than 4.5 cfs, or less than 4.5 cfs depending on the flow of Ranger and Birch Springs, to the City of Preston municipal system is subject to revision by the Director upon approval of pending water right transfer applications which have been filed by the City of Preston and Cub River Irrigation.

7. The City of Preston may also divert up to 13 cfs of water from Bergquist Springs under permit no. 13-07283 for the purpose of hydropower generation as long as such diversion does not interfere with the delivery of senior priority rights.

8. Payment for the watermaster's services during the extended term of service shall be the responsibility of the holders of water rights delivered by the watermaster during the extended term of service. The watermaster's rate of pay, whether based on an hourly or per diem basis, shall be the same as the 1994 irrigation season.

Dated this 13TH day of JANUARY, 1995.


R. KEITH HIGGINSON
Director