

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER)
FROM THE VAUGHN DITCH, LOCATED IN WATER)
DISTRICT #45-F, MARSH CREEK)

ORDER REQUIRING
MEASURING DEVICES

FINDINGS OF FACT

1. Delivery of water from the Vaughn Ditch is difficult for the lateral manager because proper measuring devices have not been installed.
2. A measuring device is needed for each point of diversion from the Vaughn Ditch, and for the Merrill well, which pumps water into the Vaughn Ditch.

CONCLUSIONS OF LAW

1. Idaho Code § 42-910 grants the lateral manager the power to require the installation of measuring devices and headgates for proper control of water.
2. Don Danner has the authority to order the installation of such headgates and measuring devices.

ORDER

IT IS HEREBY ORDERED as follows:

1. The Vaughn Ditch lateral manager shall have control of all user diversion points from the Vaughn Ditch and the Merrill-Penrod ditch further described as follows:

- a. The Adams headgate located in the NE1/4NE1/4, Section 12, T12S, R24E.
 - b. The Montgomery headgate located in the NE1/4NE1/4, Section 12, T12S, R24E.
 - c. The Merrill-Penrod headgate located in the NW1/4SE1/4, Section 1, T12S, R24E.
 - d. The Merrill well in the SW corner of the NE1/4SE1/4, Section 1, T12S, R24E.
 - e. A headgate in the Merrill-Penrod ditch just east of the Merrill well in the NE1/4SE1/4, Section 1, T12S, R24E, which controls delivery of water to Lot 6, Section 6, T1S, R25E.
 - f. A headgate to be installed by Merrill in the Merrill-Penrod ditch to control delivery of water to the south side of the NE1/4SE1/4, Section 1, T12S, R24E.
 - g. The Cooper headgates diverting from the Vaughn Ditch in the NW1/4SE1/4, Section 1, T12S, R24E.
 - h. The Merrill pump, diverting from the Vaughn Ditch in the SE1/4NE1/4, Section 1, T12S, R24E.
 - i. The Merrill headgate in Lot 5, Section 6, T12S, R25E.
 - j. A headgate to be installed by Merrill in Lot 5, Section 6, T12S, R25E, for delivery of water to Lot 5, Section 6, T12S, R25E, separate from flows in the Vaughn Ditch.
 - k. The Albion city headgate in the SW1/4NW1/4, Section 6, T12S, R25E.
2. All deliveries of water from ditches under the control of the lateral manager shall be through adjustable lockable

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of February, 1991, I mailed a true and correct copy of the Order Requiring Measuring Devices, postage prepaid to the following individuals:

City of Albion
Albion, ID 83311

Richard Adams
1819 Occidental Ave.
Burley, ID 83318

Kent Cooper
Star Rt.
Albion, ID 83311

Paul and Alta Penrod
Box 102
Albion, ID 83311

Juan Lozano
Star Route Box 11
Albion, ID 83311

Robert Adams
Box 152
Albion, ID 83311

Don Merrill
Box 486
Albion, ID 83311

JENNIFER SEIFERT
Clerical Assistant

March 4, 1991

This meeting held at the Albion City Hall, Albion, Idaho, was called to order at 2:00 pm by Chairman Dick Anderson. Members present were: Dick Anderson, Hugh Zumlow, Mike Olson, Jim Shumway, J.C. McKnight, Viola Cunningham, Eldon Adams, Robert Adams, Leo Bell, Richard Dunn, Bennie Chatburn, Alta Penrod, Grant Clark, Earl Warthen, Bob Bailey, Tom Geary, Jim Chatburn, Jeff Chatburn, Gerald Brackenbury, Don Merrill, Sern C Sorensen, Bernice Brewerton, Fred Hawker, Bennie Snyder, Dale Goodman, Clyde Goodman, Don Gunderson, Ron Sorensen, Donald B. Danner, and George Kelley.

The minutes for 1990 were read and approved as read. Motion for the election of Chairman and Secretary-Treasurer for the 1991 water year was made by Ben Snyder and seconded by Earl Warthen. Election was carried out with Dick Anderson being elected as Chairman and Ronald Sorensen as Secretary-Treasurer. There were no other nominations for these positions.

There was no report from the credentials committee. The members for 1991 are: Jim Chatburn, Bernice Brewerton, and Gerald Brackenbury.

Credits for the 1987-1990 water years were read along with the proposed 1991 Budget of 6,529.90 which consists of 5,400. for Water Master salary, 300. for Secretary-Treasurer, 393.85 Workmans Comp and 436.05 Social Security. Jim Shumway, Six S Proxy, made the motion that the proposed budget be approved as submitted and Jim Chatburn seconded the motion. Motion carried unanimously.

Motion was made by Bernice Brewerton and seconded by Fred Hawker that Resolution B (all bills paid by April 1st) along with Sub Paragraph 1A & 1B and along with Resolution #2 and #3 be adopted and approved. Motion passed unanimously.

Donald B. Danner, current Water Master for District #45, applied for the 1991 position was nominated by Jim Chatburn and seconded by Sern Sorensen. Nominations ceased and Donald B. Danner was approved as Water Master for the 1991 season.

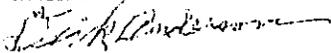
The 1991 Advisory Board was appointed by Chairman Dick Anderson. The members for 1991 are J.C. McKnight(6 S Ranch), Leo Bell, and Bernice Brewerton.

A discussion was held on two issues addressed to the Water District. They are as follows:

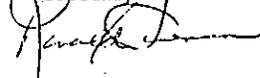
- (1) Concerned the aspects of water rights after November 15 of the irrigation season the question being presented was: Do stock water and storage permits have priority over existing water rights. Mr. Loren Holmes answered the question by saying at the present time there is no irrigation time limit, only the question of beneficial use and if the water rights can be filled and there is excess water it may be used for storage rights and stock water. In addition the water adjudication process will specify times of use.
- (2) Earl Warthen made a motion that any repairs or construction of headgates and or measuring devices for any point of diversion in water district #45-F shall not receive delivery of water until approval is given of such repair or construction by the Idaho Dept. of Water Resources and given in writing to the Water Master of 45-F. The motion was seconded by Bernice Brewerton. A discussion followed about the matter and no agreement could be reached. Jim Chatburn made a motion to table it and it was put on the table for the 1992 water meeting.

There being no other business Chairman Dick Anderson made a motion that the meeting be adjourned, it was seconded by J.C. MCKnight and passed. Adjournment came at 4:05 p.m.

Dick Anderson
Chairman



Ronald Sorensen
Secretary



RECEIVED

MAR - 8 1991
Department of Water Resources
Southern Region Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720 -(208) 327-7900

February 18, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Don Danner
Box 116
Albion, ID 8315

RE: Order Requiring Measuring Devices

Dear Don:

I have discussed the issuance of an order requiring measuring devices and headgates that we had hoped to require last year with our legal staff, and we have decided that it would be prudent to allow the users on the Vaughn Ditch the opportunity to elect the lateral manager if they can before April 1, 1991. If they cannot, then your reappointment and the order should be simultaneous. We probably should receive a written request for your appointment prior to actual appointment. Alta Penrod probably will be willing to do so.

Would you please sign the enclosed letter, return it to me and the Department will mail the letter with the draft order to the users.

If I can help you further, please call me.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Southern Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

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February 18, 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED
FEB 22 1991

Department of Water Resources

Users of the Vaughn Ditch

RE: Order Requiring Measuring Devices

Dear Wateruser:

Enclosed is an order which I intend to sign and distribute on April 1, 1991. The law allows the users on a particular ditch to elect a lateral manager. If a lateral manager is not selected by April 1, 1991, and I receive a written request for a lateral manager, I will again appoint myself and sign the enclosed order.

Please be advised that, upon issuance of the order, you must install headgates and measuring devices on or before April 15, 1991. As set forth in the order, failure to install the necessary measuring devices and headgates may result in nondelivery of water.

Respectfully,

DON DANNER, Watermaster
Water District #45-F

cc: Southern Region

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