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Pahsimeroi irrigators may face water shutoff

by Todd Adams

Pahsimeroi irrigators may see their water shut off if they don't have headgates and water measuring devices in place on all diversions from the Pahsimeroi River and its tributaries by the start of the 2003 irrigation season.

A November 18 order sent to about 60 irrigators in the Pahsimeroi Valley gave the ranchers until January 31 to show the Idaho Department of Water Resources (IDWR) that they have lockable headgates and proper measuring devices installed or to provide the state with plans to build the devices. If the devices are not in place by spring, then the state may order the Pahsimeroi Water District's watermaster to shut off and refuse to deliver water.

IDWR issued an initial order in 1992 and mailed a notice April 16, 2002 telling irrigators they could delay installation until the start of the 2003 irrigation season, provided that they submit plans.

"A majority of the users in the district have not complied with the 2002 deadline to submit installation plans," wrote Tim Luke, manager of the water distribution section for the IDWR in the letter. "The attached order is intended to re-emphasize the requirement for users to submit plans for installation of measuring devices and headgates."

The April 16 notice ordered the devices to be installed by May 15, 2002, said Luke, but allowed irrigators to delay installation until the 2003 irrigation season, provided they submit plans by May 15 and buy a portable current meter so watermaster Jim Martiny could measure flows if disputes arose between irrigators competing for limited water during 2002, a dry year. The water district did provide Martiny with a portable flow meter, Luke said.

"We intend to enforce it this year," Luke said of the order. It will be tough since 2003 is shaping up to be another drought year, he said, "but we will enforce it."

Dick Larsen, IDWR public information officer, told the *Messenger* that strong regulatory action is a last resort. The department can't let people willingly break the law, he said, but it's always been IDWR policy to work with irrigators to make sure their systems are legal and that they get the water to which they're legally entitled.

"Idahoans do not want a water police force," Larsen said.

The April 16 notice noted the Pahsimeroi irrigators had adopted resolutions in 2001 and 2002 requiring headgates and measuring devices or else risk water shutoff by the district watermaster. "It is the opinion of the IDWR that there has been a general lack of compliance with the 1992 order and 2001 resolution," wrote Ronald Carlson, IDWR eastern regional manager.

Irrigation district

Jerry Hawkins, president of the Salmon River Coalition, is working with Pahsimeroi irrigators to meet the January 31 deadline to submit plans. A meeting was held January 22 at the May Grange Hall to help irrigators document their compliance and to go over bylaws to form a Pahsimeroi Irrigation District. An irrigation district will give irrigators more control over water than the existing water district, Hawkins said, and allow IDWR to deal with an irrigation district board of directors rather than with each individual irrigator.

Hawkins told the *Messenger* he is optimistic the deadlines will be met.

Having their water shut off would be a "huge impact" that would break most ranchers, Hawkins said, but many have been working on getting their diversions fixed with headgates, flow measuring devices and fish screens. The existing and ongoing work needs to be documented, he said.

Hawkins and IDWR officials told the *Messenger* that they won't know how many irrigators are in compliance until after the paperwork is examined after the January 31 deadline.

Bob Foster, senior water rights agent in IDWR's Salmon office, said he inventoried 28 Pahsimeroi diversions in the fall of 2001 and found none in compliance. All had fish screens, but not all had both headgates and measuring devices, he said. Foster estimates there are 50 to 60 diversions in the valley. His inventory included all mainstem Pahsimeroi diversions and some on Big Springs Creek.

Foster said IDWR plans a thorough inspection of diversions once the 2003 irrigation season starts.

Financial help

There may be a few hardship cases, Hawkins said. Some irrigators may have to install expensive new headgates and measuring devices or modify existing structures in large streams or ditches, and some may not be able to bear the expense without financial help.

"Everything's coming to a head. *I don't sleep at night. I don't know how they sleep. I worry about them.*"

-- Karma Bragg, CSWCD
administrative assistant

There is a "Catch-22" for irrigators to receive project funding from the Bonneville Power Administration's (BPA) fish and wildlife fund, said

Karma Bragg, administrative assistant for the Custer Soil and Water Conservation District. That's because the "funding window" for projects is usually open only for one federal fiscal year, and complex irrigation projects often take more than a year to complete.

If project money is not spent before the end of the fiscal year, it dries up. To do a job right, complying with engineering and environmental standards and building a system compatible with the irrigator's needs, often takes more than a year, Bragg said.

On top of that, she said, a National Marine Fisheries Service (NMFS) biological opinion stated the Pahsimeroi River is not a top priority watershed for wild salmon and steelhead recovery, due to the presence of the Pahsimeroi fish hatchery. Projects to improve fish habitat and passage in more critical watersheds get funding first, she said.

Irrigators must put up a 30 percent match to receive federal funds, said Bragg, who is also the manager for BPA projects in this area. She said there is a long waiting list of irrigators for projects, but BPA fish and wildlife funds have been cut back and often are not available.

Providing water for both fish and irrigation is made tougher by the fact that this is the third year of drought, said Bragg.

With the combination of drought, low cattle prices, the threat of lawsuits under the Endangered Species Act and "trying like crazy" to get their irrigation diversions into compliance with state and federal laws, "I don't know how those folks are going to survive," Bragg said of the Pahsimeroi irrigators.

"Everything's coming to a head," said Bragg. "I don't sleep at night. I don't know how they sleep. I worry about them."

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