



STATE OF IDAHO
WATER DISTRICT 140
C/O IDAHO DEPARTMENT OF WATER RESOURCES
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DAVID R TUTHILL, JR

WATERMASTER
CINDY YENTER
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December 11, 2008

DR ALAN CLARK
1007 E 1000 S
ALBION ID 83311

RE: White Pine Creek Water Rights; Measuring Device Requirements in Water Districts

Dr. Clark –

Doug Jones forwarded to me your letter of December 2, 2008, along with your request to receive a copy of my previous response in this matter to Mr. Gunderson on November 5, 2008. Enclosed is a copy of my e-mail response, which was also sent to Six-S Ranch, George Kelley and Jeff Chatburn.

Without a field visit, I cannot confirm unauthorized diversions or uses of water on White Pine Creek. As you can see in the enclosed correspondance, I have already advised Mr. Gunderson that any unauthorized diversions along White Pine Creek are to cease. As soon as is practicable, I intend to make field inspections along White Pine, Land and Brim Creeks, to verify the location of diversions and make certain that the water rights are being distributed properly. If there are illegal diversions found, Mr. Gunderson will be instructed to close them.

Idaho Code §42-701 requires the installation of lockable headgates and measurement devices where necessary to provide adequate watermaster control of diversions. Watermasters appointed by the Director of the Department of Water Resources (Department) are authorized as agents of the Department to order devices installed. Reasonable time must be allowed for installations. In his 2008 Watermaster Report, Mr. Gunderson listed in detail the diversions in Water District 45-F which needed attention during 2008. This list should have been available and was likely discussed during the 2008 meeting. The Department is supportive of the enforcement of the device requirement, and if necessary will formally instruct the Watermaster to withhold deliveries to non-compliant diversions.

I hope to attend the Marsh Creek Water District annual meeting next spring. Any remaining questions related to deliveries on White Pine Creek will be addressed with the Watermaster after that time, and hopefully can be resolved during the 2009 season.

Regards,

Cindy Yenter, Watermaster
Water District 140

Cc: Don Gunderson, Watermaster, Water District 45-F
Douglas Jones, IDWR

WD 45-F file