



IDAHO DEPARTMENT OF
WATER RESOURCES

Incorporation of Jordan Creek Water Rights in Administrative Basin 55 into Water District

Hearing

2/23/2022

Nick Miller, Justin Shearer - IDWR

Purpose of Meeting

- Review Proposal
- Overview of relevant provisions of Idaho law
- Overview of water districts
- Elected officials
- Watermaster duties
- Costs and Timeline
- Invite testimony

Proposed Action:

The Director proposes to create a water district . . . to administer surface water rights diverting within the Jordan Creek drainage in Idaho, including Jordan Creek and tributaries to Jordan Creek.

Trout Creek, located in Idaho but tributary to Jordan Creek in Oregon, is omitted from the boundaries.

Creation of Water Districts

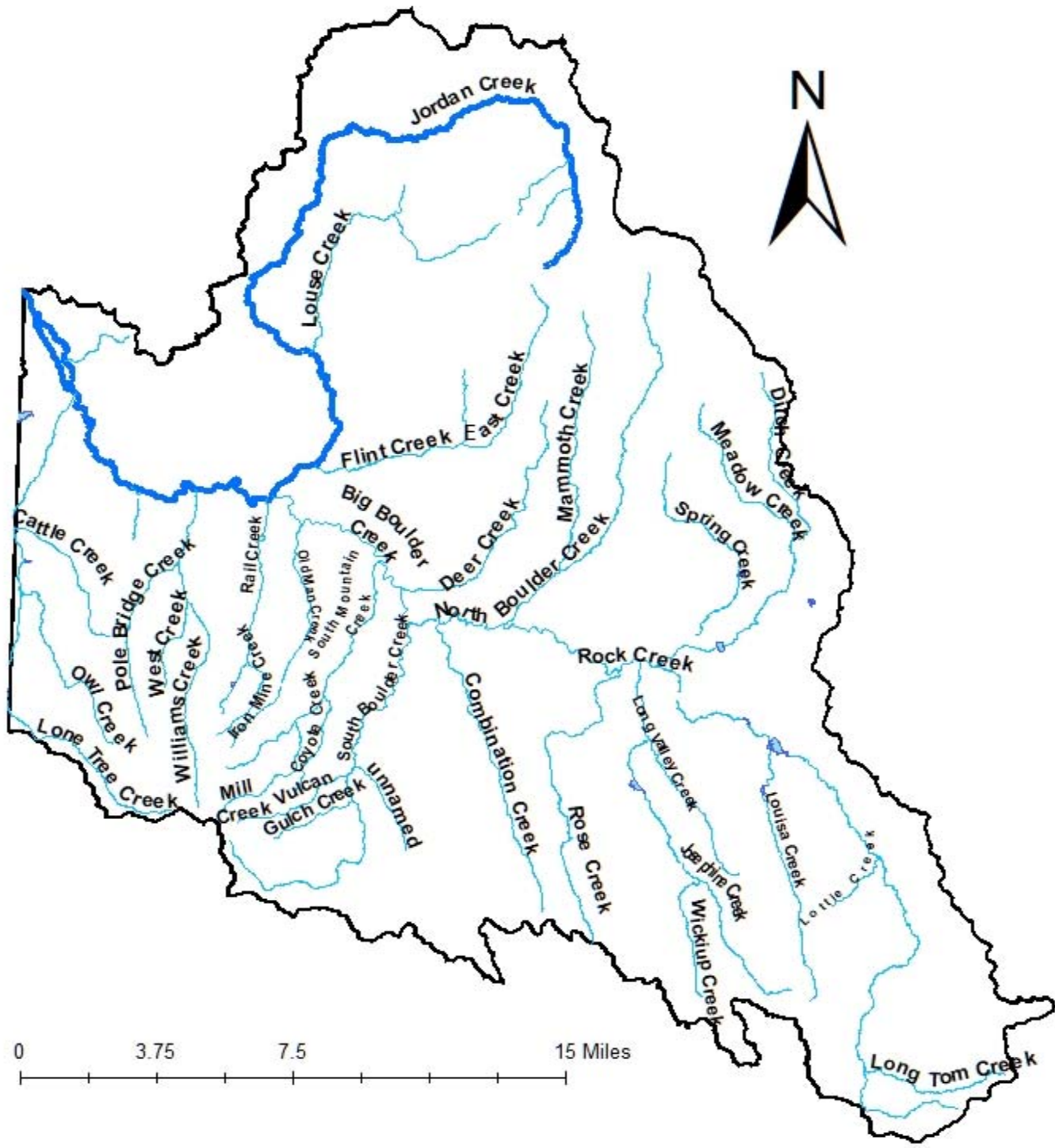
“The director of the department of water resources shall divide the state into water districts in such manner that each public stream and tributaries, or independent source of water supply, shall constitute a water district . . . provided, that this section shall not apply to streams or water supplies whose priorities of appropriation have not been adjudicated by the courts having jurisdiction thereof.”

“The director may create . . . water districts by entry of an order . . . to properly administer uses of the water resource.”

Idaho Code § 42-604

Reasons for Proposed Action:

- Surface water rights in the Jordan Creek drainage have been adjudicated by the Snake River Basin Adjudication ("SRBA") District Court.
 - SRBA Court closed Basin 55 to claims-taking on December 1, 2011.
 - The SRBA was completed on August 25, 2014.
- In 2017 the Department conducted a public information meeting in response to complaints from senior water right holders on Jordan Creek that they were not receiving the water they are legally entitled to receive.
- On January 4, 2022 the Department received a formal request from the Gusman Livestock Company, Inc. for the creation of a water district as per Idaho Code § 42-604.
- The new water district is proposed to properly administer the water uses and water rights within the Jordan Creek drainage, including the measurement and reporting of water use diversions.



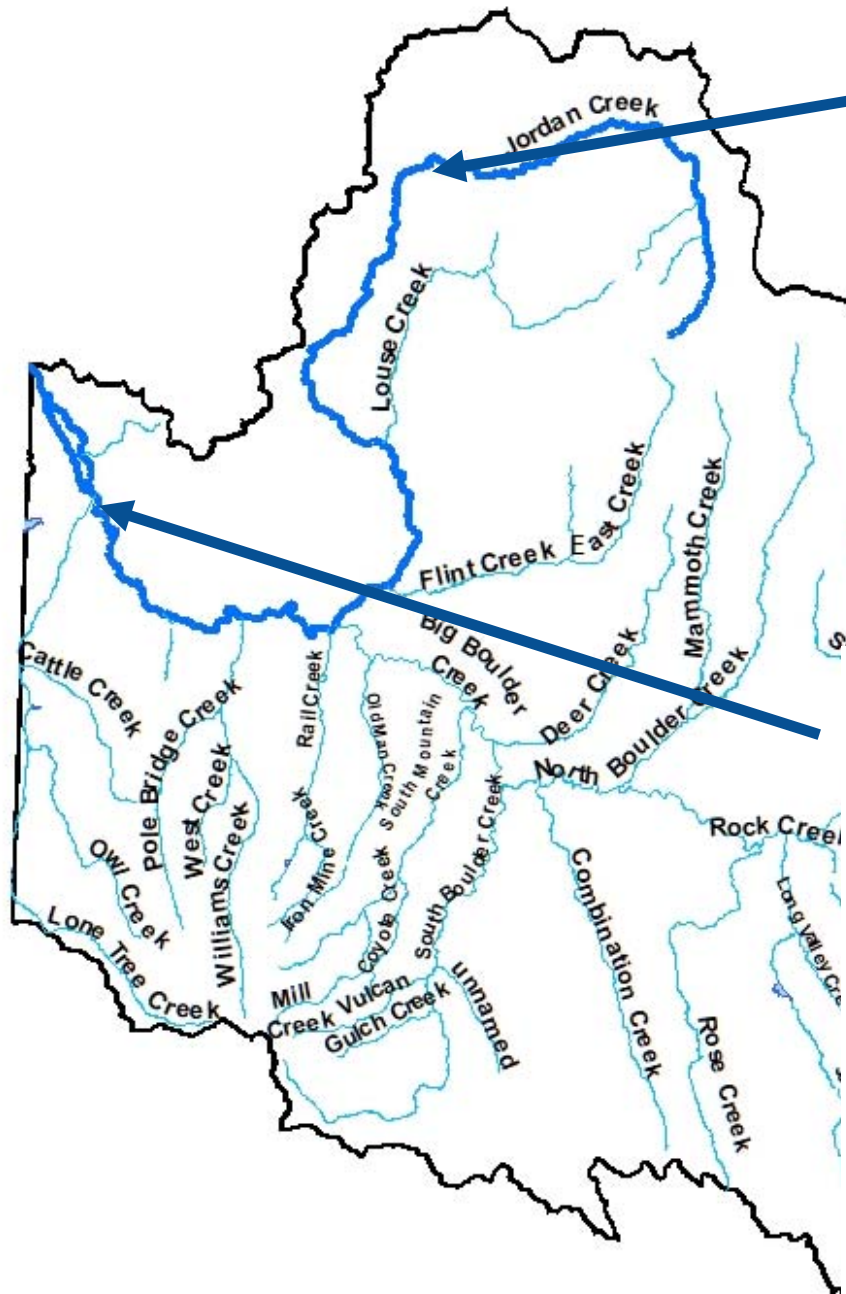
About 600 surface water rights

All water rights are potentially subject to regulation – participation is mandatory. For active administrative, measurement and/or assessment purposes, active administration likely focused on irrigation rights

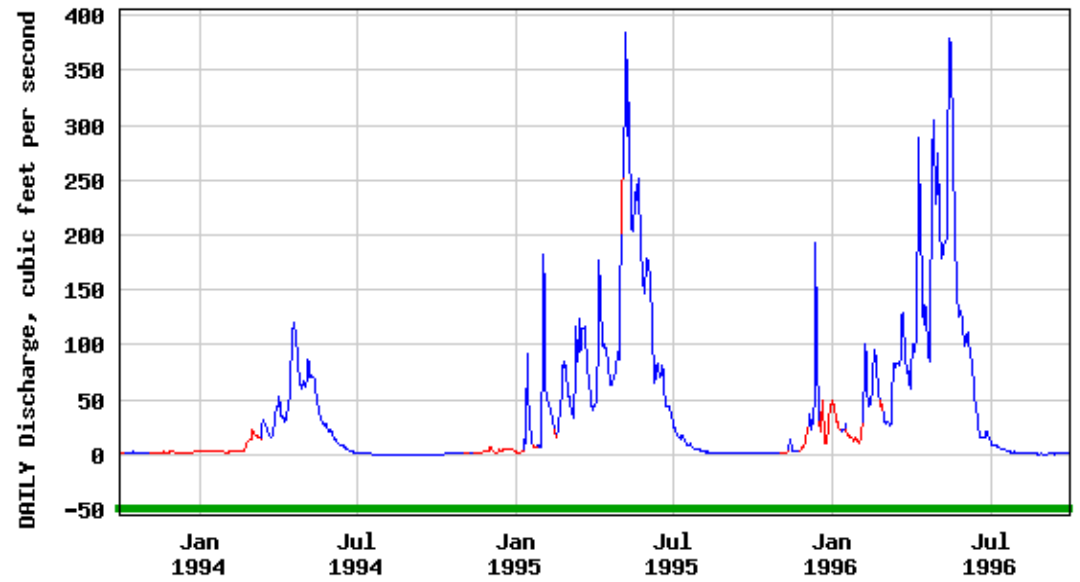
- ≈ 100 Irrigation rights (≈ 150 cfs).
 - Approximately 40 users

Most rights likely will not be actively administered

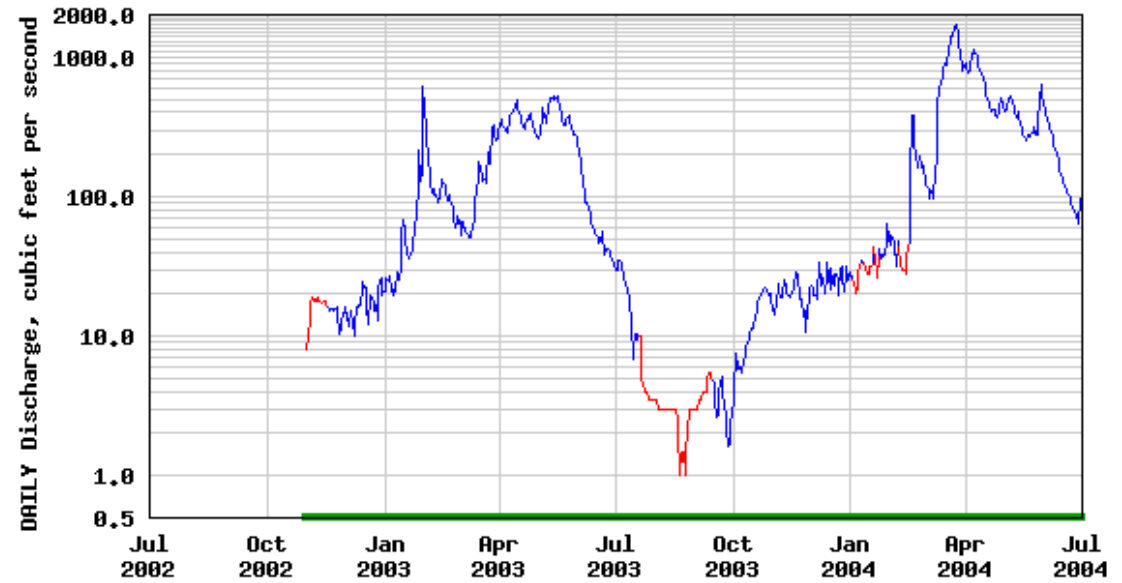
- ≈ 210 instream stockwater rights (67% Fed-owned)
- ≈ 290 Non-Irrigation rights (≈ 10 cfs)
 - mostly domestic and stockwater
 - 67% Fed/State owned
 - 75% springs
- Total water rights cfs (gross) ≈ 160 cfs
- Area of Proposed District:
 - ≈ 500 sq miles



USGS 13177985 JORDAN CR AT DE LAMAR MINE NR JORDAN VALLEY OR



USGS 13178000 JORDAN CREEK AB LONE TREE CR NR JORDAN VALLEY OR



Long Tom Creek

Water Districts

- is an organized government entity created and supervised by IDWR to distribute water as required by Idaho law;
- is an organized group of water users that hold rights from a common, public water source or water system within the boundary of the district;
- has IDWR-defined boundaries that encompass a public water source or water system; and
- is considered an extension of state government to assist IDWR with the distribution of water.

Why Water District(s) are needed

- Facilitate Legal Distribution of Water Resources
 - proper delivery of water, includes curtailing junior priority rights as necessary
 - measurement and reporting of water use
 - address unauthorized uses
 - assure diversions within water right limits
- Administer/Manage water rights
 - assist IDWR with current/accurate records (ownership, diversion descriptions, transfers review)

Water Districts

Features

- Watermasters elected annually to distribute water
 - elected by users, appointed by IDWR Director
 - compensated by users via assessments
 - receive guidance/direction from Director
- Advisory Committee; optional, but beneficial
 - elected annually
 - comprised of water users in district
 - serve in advisory capacity to watermaster and director, draft and implement resolutions, may mediate problems within district

District Operation and Budget Considerations:

- General Duties of Watermaster:
 - 1) deliver water in accordance with water right priority dates
 - authority to control/regulate diversion works
 - 2) measure and report diversions under water rights
 - 3) annually reports expenses & water delivered (watermaster report, daily log books or distribution report, proposed budget)
 - 4) report and control unauthorized diversions
 - local resource/expert; review transfers

Budget Considerations:

How Much Will it Cost?

- Depends on several factors
 - Full- vs. part-time WM
 - Salary, equipment, overhead
 - Stream Gages? – Cost share available,
- Adopted budget funded by users
- Proportional to water delivered
- May adopt a minimum charge up to \$250

Budget Considerations:

Clayton Area (72D) – Initial Proposal - 2010

Mileage = 250/week @\$0.55/ mile	\$ 3,600
WM Salary 26 weeks @ 16 hrs \$10/hr	\$ 4,150
Treasurer Salary (estimate)	\$ 500
FICA/Medicare = 7.65%	\$ 350
Workers Comp (\$4.59/ \$100 salary)	\$ 300
Internet Access \$50/month all year	\$ 600
Supplies/misc	\$ 500
Total	\$ 10,000

Actual expenses closer to \$6,500 annually.

Stanley Area (71) – Initial Proposal - 2008

Mileage = 150/week @\$0.60/ mile	\$ 2,430.00
FICA/Medicare = 7.65%	\$ 826.20
Workers Comp Est. 6%	\$ 648.00
Salary 27 weeks @ 40 hrs \$10/hr	\$10,800.00
Telephone est \$50/month all year	\$ 600.00
Internet Access \$50/month all year	\$ 600.00
Office Supplies/misc	\$ 500.00
Computer	\$ 1,000.00
Total	\$17,404.20

Actual expenses closer to \$10,000 annually.

Budget Considerations:

Adopted budget funded by users, proportional to water delivered. Budget likely to be apportioned based on water right authorization initially.

Example:

Budget = \$10,000

Water right authorizations = 150 cfs

Assessment = \$66.67 per cfs. So, user with 3 cfs water right assessed \$200.

User with 0.5 cfs water right = \$33.33

Timeline

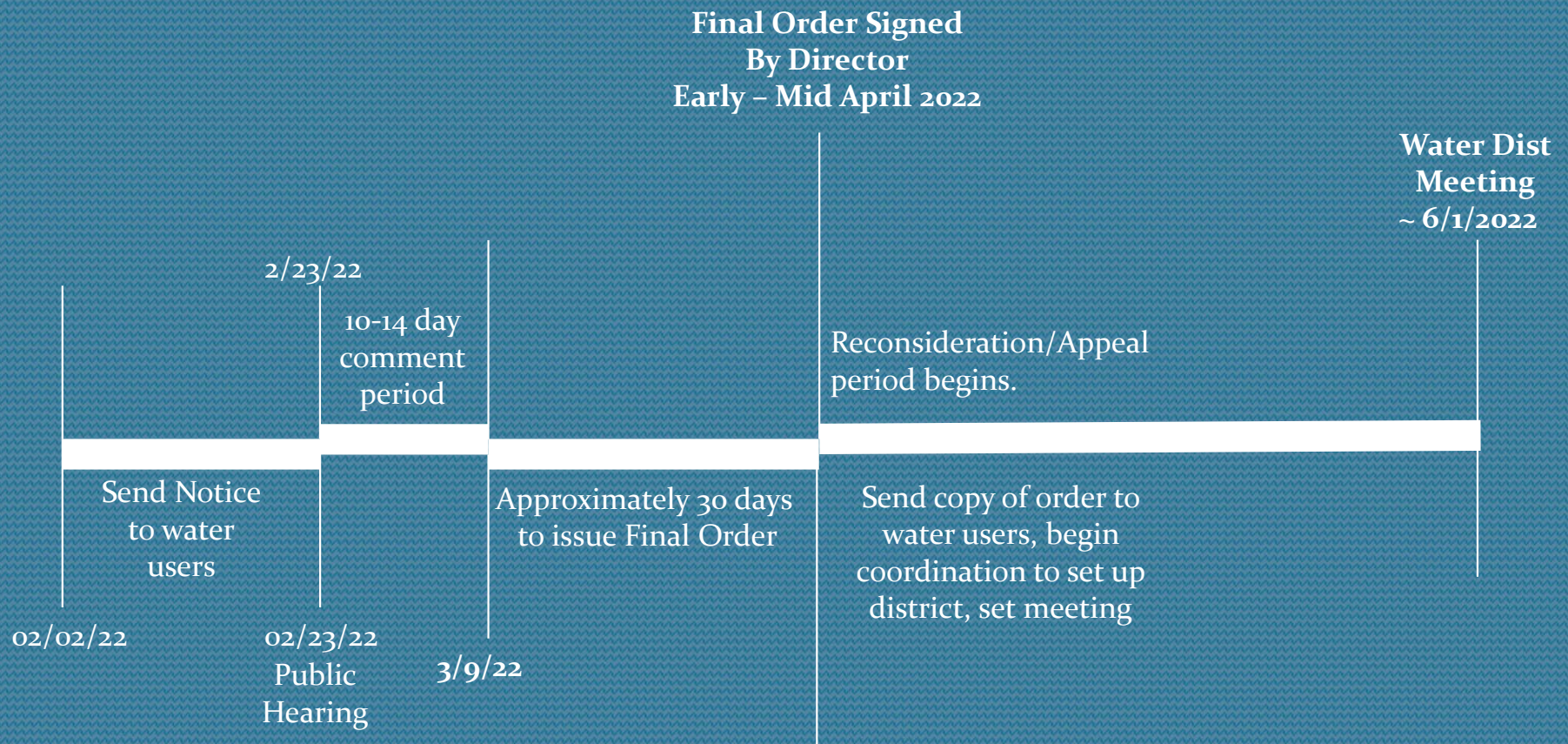
- Testimony and evidence will be presented at this public hearing to develop a record for a decision.
- Public hearing will include a written comment period of not less than 10 days.
- Based on the information gathered, the Director will issue a “Final Order” approximately 30 days after close of the comment period.
- The Final Order is subject to review and appeal.

Timeline

If the Director concludes a water district should be created the following actions are anticipated:

- Department will work with users to identify a watermaster and develop a proposed budget
- Users will hold a water district meeting approximately 60 days after the Final Order is issued.
- WM/IDWR inventory diversions. WM begin duties starting 2022 irrigation season.
- Likely measurement and control order in the future.

Timeline for Creating Jordan Creek Water District*



* District likely will be designated No. "55B"

Discussion and Questions



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