



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SEPTEMBER 18, 2009

MARGUERITE C GODFREY
HC 67 BOX 745
CLAYTON, ID 83227

RE: MEASUREMENT AND CONTROL OF GARDNER CREEK WATER RIGHTS

Dear Ms. Godfrey:

This letter is a follow up to our conversation at your ranch on August 26, 2009. You asked for written documentation regarding whether your diversions from Gardner Creek are in compliance with the February 20, 2007 IDWR order requiring measurement and control of diversions in Water District No. 170 (hereafter referred to as the Order).

The Order listed four points of diversion from Gardner Creek for which measurement and control were required. Of the four, only two are currently active. The two inactive diversions are not equipped with measurement or control structures. These two inactive diversions are in compliance with the order as long as they remain inactive. However, measurement and control structures must be installed if you or a future land owner choose to divert from these locations.

The two active diversions are currently each equipped with a rectangular weir. The measuring devices are adequate and meet the measuring requirements of the Order.

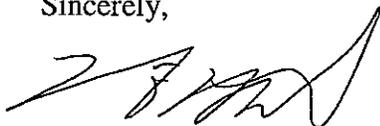
Neither active diversion is equipped with a lockable control structure as required by the Order and you have indicated that you would like these diversions to be exempted from that requirement. Although it appears you have been able to adequately control the diversion of water at these locations, an exemption from the control structure requirement of the Order is not appropriate. Instead, recognizing that future circumstances may require better control and/or control by the Watermaster, an extension of time to comply with the control structure portion of the Order is more appropriate. In other words, it is acceptable that these diversions do not have lockable control structures at this time, but such structures must be installed if IDWR or the Watermaster determines that adequate control over the diversion is not being maintained.

Although no further action is required by you at this time to comply with the measurement and control order, I encourage you to contact an irrigation supply company and consider purchasing prefabricated headgates for your two diversions. I believe the cost for small, galvanized steel slide gates and frames for both of your diversions would total less than \$200 and would provide better control and protection against damage to your ditch system by high water.

Mrs. Marguerite Godfrey
September 18, 2009
Page 2

If you have any questions, or if I can be of further assistance with this matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Miller', with a large, sweeping flourish at the end.

Nick Miller, P.E.
Water Distribution Section, IDWR
Watermaster, Water District No. 170

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