



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 7, 1989

RE: WATER DISTRICT 65, PAYETTE RIVER AND TRIBUTARIES

Dear Interested Party:

Enclosed please find a copy of an Order creating the above referenced water district and a copy of a Declaration of Intent with respect to administering the water district.

As clearly shown in the documents, the department's intent is to provide the legal basis for the delivery of water if such delivery is determined to be necessary. The department does not intend to adversely affect the existing water districts in the Payette River Drainage which have operated through the years nor to create an entity which will unnecessarily incur costs to the water users.

The department requests nominations of parties willing to serve on an interim advisory committee to the department. Functions of the advisory committee will typically include such matters as providing input relative to the initial assessment of needs of the water district, recommendations relative to the selection of a watermaster, recommendations relative to an annual meeting and watermaster election.

Nominations to serve on the advisory committee should be forwarded to the following address:

Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Attn: Water District 65

Sincerely,

L. GLEN SAXTON, Chief Water Allocation Bureau

c: W. Region

Encl: 2

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CREATION)
OF WATER DISTRICT NO. 65,) ORDER
PAYETTE RIVER AND TRIBUTARIES)
_____)

This matter having come before the Idaho Department of Water Resources (department) to form a water district on the Payette River, the Director of the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The Payette River is a tributary of the Snake River in Idaho.
2. Waterusers in the lower part of the Payette River drainage have requested that the department create a water district for the proper distribution of stored water.
3. On January 21, 1986, the District Court of the Third Judicial District entered a decree in the case of the State of Idaho v. A & C Corp. et. al., which included all of the water rights in the Payette River drainage.
4. The department has the duty to supervise the distribution of Idaho's public waters pursuant to Section 42-602, Idaho Code; and further has the responsibility for creation of water districts pursuant to Section 42-604, Idaho Code.
5. There are a number of existing water districts on streams within the Payette River Drainage which have been created in the past for the distribution of water. The existing water districts include the following:
 - 65-A Squaw Creek and tributaries
 - 65-B Porter Creek and tributaries
 - 65-C Willow, Rock and Little Rock Creeks and tributaries
 - 65-D Boulder Creek and tributaries
 - 65-K Lake Fork Creek and tributaries
 - 65-L Warm Springs Creek and tributaries
 - 65-M Scriver Creek and tributaries
6. The existing water districts should operate as separate entities as they have in the past and should not be included in the water district created by this order.
7. There is a need for the creation of a water district to properly distribute the public waters of the Payette River and its tributaries in areas which are not included in existing water districts.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WATER DISTRICT NO. 65)
PAYETTE RIVER AND TRIBUTARIES)
_____)

DECLARATION
OF INTENT

In the majority of water years, there has not been a need to regulate the diversions of natural flow or the releases of stored water in most of the Payette River Drainage.

On two or three occasions in the last ten to twelve years, however, there has been a need for some regulation in the Payette River Drainage outside the existing water districts. This management has been informal since the duration of needed regulation has been relatively short and to prevent the accumulation of unnecessary delivery charges.


In creation of Water District 65, the intent of the Director of the Idaho Department of Water Resources (IDWR) is to provide needed legitimacy for the delivery of water within parts of the basin as determined to be necessary. The Director's intent is not to create a "super" water district which will operate on a full-time basis whether needed or not.

The most recent request for control of water delivery is below Black Canyon Dam near Emmett, Idaho and is in connection with stored water.

Recognizing the need to legitimize the delivery of water in certain parts of the drainage as well as to be responsive to the concerns expressed relative to delivery charges, the Director declares his intent with respect to administering Water District No. 65 as follows:

1. The Director intends to appoint an interim advisory committee of representative water users in the drainage to assist him in the initial assessment of the needs of Water District 65, the Payette River and tributaries.
2. The Director will seek the recommendation of the advisory committee in the selection of a watermaster, if a watermaster is needed to properly distribute water.
3. The actual reach of the stream or streams to be managed by the watermaster will be determined by the Director after seeking input from the advisory committee.
4. Upon petition or request from the advisory committee, the Director will schedule an annual meeting at which the waterusers can elect a watermaster.

Dated this 7th day of July, 1989.


R. KEITH HIGGINSON, Director

CONCLUSIONS OF LAW

1. The department is authorized by provisions of Sections 42-602 and 42-604, Idaho Code, to create a water district on the Payette River and its tributaries.

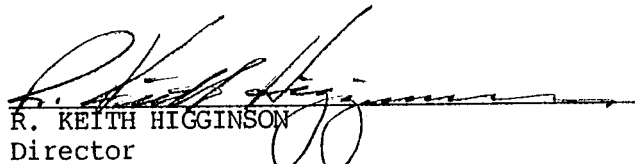
2. The Director should enter an order creating a water district to include the Payette River and its tributaries.

ORDER

IT IS HEREBY ORDERED, that Water District 65, Payette River and tributaries is created to include the entire drainage basin of the Payette River and its tributaries except for the areas included in the following water districts within the Payette River drainage:

- 65-A Squaw Creek and tributaries
- 65-B Porter Creek and tributaries
- 65-C Willow, Rock and Little Rock Creeks and tributaries
- 65-D Boulder Creek and tributaries
- 65-K Lake Fork Creek and tributaries
- 65-L Warm Springs Creek and tributaries
- 65-M Scriver Creek and tributaries

Dated this 7th day of July, 1989.


R. KEITH HIGGINSON
Director

LOWER PAYETTE DITCH CO.

828 Center Avenue
PAYETTE, IDAHO 83661
Phone (208) 642-3866

August 2, 1989

Department of Water Resources
Western Region,
2735 airport Way
Boise, ID 83705

Attn: Water District 65

Dear Sir:

We would like to nominate CECIL SHURTLEFF to serve on
the advisory committee of the Water District 65.

Thank you.

Sincerely,

Board of Directors
Lower Payette Ditch Co.

By: *Jill R. Ravine*
Secretary