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JUL 18 2006

July 12-2006

Nick Miller
Water Distribution Section
Idaho Dept. of Water Resources

DEPARTMENT OF
WATER RESOURCES

Dear Mr. Miller,

We, the undersigned, are water users in Water District 34. We write this letter in response to letters written by Mr. Kent W. Foster on March 17, June 12 & June 26, 2006 requesting a "hearing to remove the watermaster" or "Not" and the response of I.D.W.R. to those requests.

We understand that I.D.W.R. legally has to comply with such requests and that I.D.W.R. spent time in W.D. 34 investigating the allegations of the first letter. After the investigative airing in Boise when no serious allegations of fraud, mismanagement or failure to perform statutory duties were forthcoming, we assumed the call for a hearing would be dropped. Yet, it still lingers like the Arco winter fog, threatening to block the sun farther & farther up the valley.

Why should there be a "delay" in the hearing to remove the water master? Do the vocal minority "leaders" asking for the hearing, and now the delay, hope some act of malfeasance will be illuminated so they then can act with a self-righteous "You see, we knew it!" Where, when, and what are the specific accountings of wrong doing by the watermaster? What statutory obligations has he failed to address? The accusing letters are full of general accusations and innuendo, nothing concrete or factual. How can I.D.W.R. allow this slanderous process to continue?

We have no doubt that water user information should be available and more detailed records may be needed. But did not the watermaster account to I.D.W.R. for the water used in the District as required of him? If I.D.W.R. wants him to be more specific and thorough with the accounting of water used then present him with a program that will accomplish more accurate accounting. Do we need a hearing for that?

As to the records provided to the credentials committee at the last annual meeting, they were of the same type and accounting that has always been provided before annual meetings. There may have been an error in figuring the dollar amounts, but the error in dollar amounts was proportional for everyone. Ranch managers voted, representing water rights they used just as in the past. Anyone else was not allowed to vote another's right by proxy. The legality of this practice has been raised and needs to be clarified, but was the election now "fatally flawed." Hardly. The hand votes were as decisive as the dollar assessment votes against major changes in the way that the vocal minority "leaders" wanted the District to be run. If national elections were as decisive as these elections, even democrats would not have anything to complain about. (Why is it always the same ones making the complaints?)

There is no conspiracy or "extreme favoritism" between lower valley and upper valley in the way water is distributed. The efforts of Bob Duke (and Bob Schaffer of B.L.R.I.D.) have been to distribute the water by right appropriation. There are even people below the Blaine Diversion that will say such. If the water right is on, a fair attempt will be made to deliver that water. In the summer of 2001, before Bob Duke, all the water in the valley was run in various ditches through the mid valley in an attempt to deliver the Jensen's 1883 water rights. In 2003, all the water was run for several days down the river in an attempt for that same right to be delivered. A futile call was made both in 01 & 03, as in 2002. This was not a result of worsening of watermaster oversight or accounting, there was not enough water and I.D.W.R. made the call. This was not favoritism but following the law.

There has been "mistrust" in this valley for the last century. Would an appointed "independent" observer nominated by the vocal minority "leaders" change this? We do not think so and see no need. Where again are the facts to support the need for one? The rest of District 34 water users will not be willing to waste their money on one. An observer would not stop the need of some to write a letter to I.D.W.R. accusing users above the Dam with using straw bales to divert water they had no right to use, but straw bales were never found. Accusation by rumor. -Like this spring when the head of the recharge committee called the watermaster, and board of directors of B.L.R.I.D. (all, but one, signers of the "leaders" letters) called the manager, wanting to know why water was in the Chilly canal. The water in the Chilly canal was frozen solid and covered with snow. A mistaken rumor confusing the canal with the Chilly slough. Last year signers of the vocal minority "leaders" letter were taken above the reservoir and shown headings and takeouts, etc. It didn't change the "mistrust" of illegal water takings above the Dam. (By the way, we have never been able to figure out how the vocal minority "leaders" have time to tend to everybody else's business.)

We have a duly elected watermaster. We need him to do his job, let him do his job and help him do his job. The overwhelming majority of votes at the last annual meeting for the watermaster was a display of support for the watermaster. We see no need for major changes. Correct what is wrong and follow the rules. We need to keep the 5-year average for voting based on section 42-605 of the Idaho Code. Just because budget considerations can be based on one (1) year averages does not override Idaho Code 42-605 where the water user shall be "entitled to a number of votes equal to the average annual dollar amount and any fraction thereof assessed for that person's qualifying water right for the previous five (5) years or such user number of years the right has been assessed." Changing some water rights' place of assessment (river canal heading, instead of field canal heading) does not change the right to a 5-year average. Also, we want to know how was the watermaster able to read river headings this high water year above the reservoir & on Antelope when they were all flooded?

We feel that Bob Duke, the watermaster, should report such accounting of

water usage, as I.D.W.R. requires. We feel I.D.W.R. should provide the office with whatever is needed in order to accomplish as much transparency of usage and record keeping as is deemed necessary by I.D.W.R. and the water users. If he needs more help in doing so, we should provide him with the staff to do so. (All ditch riders reports should go directly to the watermaster, not passing through the B.L.R.I.D. first.)

Again, have the hearing on the watermaster now, or dismiss it. The asking for delays is unseemly and cowardly. Again, no frivolous accusations of wrongdoing without facts. The campaign of harassment of Bob Duke by the vocal minority "leaders" suggests a tactic of watermaster removal by intimidation, since the minority was not able to vote him out. We strongly suggest that I.D.W.R. has given them more credibility than they deserve.

Respectfully yours,

W.D. 34 Water Users.

P.S.

You may wish to know, we the water users in the valley, do not pretend to know all the law, rules, regulations and management of the water in the valley, but we try hard to understand most of it with our limited learning and time. Does I.D.W.R. give graduate courses in W.D. 34 regulation and management? If more of us took up this knowledge then we all could write I.D.W.R. demanding more hearings and meetings of accountability more often, all getting more learned and keeping I.D.W.R. spending more time, energy and money in the valley so we all can find more water to use. Also, whom in the upper valley is being favored? Everyone?

Signatures regarding letter to Mr. Nick Miller attached:

July 12-2006

SIGNATURES REGARDING LETTER TO MR. NICK MILLER

NAME: ADDRESS PHONE #

~~Ray A. Hargsten~~ 3675N 3650W Moore ID. 83255 588-3752

~~Alvin Hargsten~~ 3776W 3700 N Moore ID 83255 588-2957

~~Mike Hargsten~~ 3776W 3700 Moore ID 83255 588-2957

~~Terry W. Hargsten~~ 3629N 4050N Moore Tel 588-2393

~~Richard Cole~~ Darlington RT1 588-

~~C. Van Etten~~ Darlington Id.

Lance Pherson 3624W 3700N Moore Id 83255 588-3350

Jim Pherson Box 16A Darlington ID 83255-588-3101

~~Bo Elrod~~ 3886W 3700N Moore Id 83255-588-2705

~~Steve Stridgham~~ 3545W 3700N Moore Id 208-588-3759

~~Ken~~ 4133 Hwy 93 N Leslie Id ²⁰⁸ 588-3093

Dana Nielson 4133 Hwy 93 N Leslie ²⁰⁸ 588-3093

Pat Powers B.L.D. director 4548 Bar Rd. Mackay Id 588-2654

~~Tom Rayer~~ 4221 N Hwy 93 Mackay Id 588-2259

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SIGNATURES REGARDING LETTER TO MR. NICK MILLER

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Shirley Crawford	3384 W 3800 Moore, ID	588-3326
Leon L. Williams	Darlington Idaho	588 7239
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Brett Williams	Box 21 Moore Id	588-3317
Judy Williams	Box 21 Moore Id	588-3317
Kath D. Lewis	Darlington Id	588-2451
Ally-Jill	Darlington Id	588-3383
Eleanor Fullmer	Darlington, ID	588-3382
Ray Pehrson	Darlington Id	588-2532
Randy Pehrson	Darlington ID	588-2532
Josh Pehrson	Mackay ID	251-6935
Dakota Rosekrance	Mackay, ID	588-2551
Ken R. H.	Mackay ID	588-2913
Douglas Rankin	Mackay ID	588-2551
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Josh Reese	4473 antelope Rd.	554-2637
David Keefe	4608 Antelope Rd	554-2911
Li Kwan Chan	4253 Antelope Rd	554-3813
Berk Waddoups	4253 Antelope Rd	554-3813
Christy King	4331 Antelope Rd	554-2221
Tom Waddoups	4253 antelope Rd	554-3813
Jana D Waddoups	4253 Antelope Rd.	554-3813
Kevin Cranford	3943 Antelope Rd Moore,	554-3702
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Luella J. Rader	3986 Darlington	588-2283
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Theresa London	4165 W 4200 N Mackay	588-2317
Holly Seifried	4399 Houston Rd Mackay	588-3330
Wendy Seifried	4399 Houston Rd, Mackay	588-3330
James & Lamber	P.O. #1 Box 20	588-2290
Marlene Anderson	4334 Houston Rd	588-2282
Jeresa Burwell	4249 Hwy 93 Mackay	588-2871
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Janet P. Mulick	5536 Chilly	208 588-3023
Lynn Mulick	5536 Chilly	208-588-3023
Shane Rosenkrance	5532 Baiter Pt Rd	588-3086
Mimi Rosenkrance	" " "	" "
Bob	5366 Fish Hatchery Rd.	588-3072
Julie Johnson	" " "	" " "
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