



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
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August 1, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

KENT W FOSTER
HOLDEN KIDWELL HAHN & CRAPO
1000 RIVERWALK DR STE 200
IDAHO FALLS, ID 83402-3304

Re: Letter from WD34 Users

Mr Foster,

The attached letter was received at our office on July 18, 2006 and is being forwarded for your information.

Please call if you have questions.

Sincerely,

Nick Miller
Water Distribution Section

Enclosure: *07/12/06 letter WD34 water users to Mr Nick Miller*

cc: IDWR Eastern Region, Idaho Falls
Loy Pehrson – Rt 1 Box 48, Darlington, ID 83255
Lin Hintze – PO Box 125, Mackay, ID, 83251
Logan Williams – HC 86 Box 4160, Mackay, ID 83251
Kieth Hill – Mackay, ID 83251
Preston Bell – RT 1 Box 58, Darlington, ID 83231
Alvin Crawford – 3943 W Antelope Rd, Moore, ID 83255
Jay Jensen – 3165 W 3300 N, Moore, ID 83255
Bob Waddoups – 3474 W 2850 N, Moore, ID 83255
Eric Aikele – 3477 W 2700 N, Moore, ID 83255
Young Harvey Walker – Rt 1 Box 200, Arco, ID 83213
Mitchell Sorenson – 3871 W 2500 N, Moore, ID 83255
Big Lost River Irrigation District, 101 S Main Ave Mackay, ID
Richard Reynolds – 2800 N 3233 W, Arco, ID 83213
Darrell McDonald – PO Box 102, Arco, ID 83213-0102
Seth Beal – 2827 N 3375 W, Moore, ID 83255
Kent Harwood – PO Box 463, Moore, ID 83255
Dean Anderson – Rt 1 Box 40 Moore, ID 83255
Bob Duke – PO Box 53 Mackay, ID 83251
Keith Waddoups – Rt 1 Box 62A Moore, ID 83255
Joel Anderson – Rt 1 Box 49 Moore, ID 83255
Charlie Huggins – Rt 1 Box 216 Arco, ID 8321

RECEIVED

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 there of 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 #
Jim Hingston	3675N 3650W Moore ID. 83255	588-3752
Al Hingston	3776 W 3700 Moore ID	83255 588-2957
Mike DeFuruse	3776 W 3700 Moore ID	83255 588-2957
Troy W. Mason	3629 N 4050 N Moore	Tel: 588-2393
Richard Cole	Darlington RT 1	588-
C. Van Etten	Darlington Id.	
Lana Phizon	3624 W 3700 N Moore Id	83255 588-3350
Jim Phizon	Box 16A Darlington ID	83255-588-3101
Bo Elrod	3886 W 3700 N Moore Id	83255-588-2705
Steve Stridgham	3545 W 3700 N Moore Id	208-588-3759
Ken	4133 Hwy 93 N Leslie Id	²⁰⁸ 588-3093
Dana Watson	4133 Hwy 93 N Leslie	²⁰⁸ 588-3093
Pat Powers	B.L.D. director 4548 Bar Rd. Mackay Id	588-2654
Tom Poyner	4221 N Hwy 93 Mackay Id	588-2259

July 12-2006

SIGNATURES REGARDING LETTER TO MR. NICK MILLER

NAME:	ADDRESS	PHONE #
Sueley Crawford	3384 W 3800 Moore, ID	588-3326
Shirley Crawford	3384 W 3800 Moore, ID	588-3326
Leon & Wilma Washington	Idaho	588 7239
June Williams	3590 N 3580 W Moore	588-2239
Brett Williams	Box 21 Moore Id	588-3317
Judy Williams	Box 21 Moore Id	588-3317
Kath D. Lewis	Darlington Id	588-2451
Ally Full	Darlington Id	588-3383
Eleanor Fullmer	Darlington, ID	588-3383
Ray Pehrson	Darlington Id	588-2532
Randy Pehrson	Darlington ID	588-2532
Josh Pehrson	Mackay ID	251-6935
Doreen J. Rosentrance	Mackay, ID	588-2551
Lee R. H.	Mackay ID	588-2913
Doreen Rosentrance	Mackay ID	588-2551
Byron Laper	Lester Idaho	588-2241
Susan McAffee	4105 N 3900 W Moore Id.	588-3011
Gay Schupp	Rt 1 Box 48 Moore Idaho	588-3380
Monica Jempton	3675 N 3650 W. Moore ID.	83235 588-3952

July 12-2006

SIGNATURES REGARDING LETTER TO MR. NICK MILLER

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Jessie Mae Smith	3897 W 3700 N Moore, Idaho 83555	588-2552
Lloyd S Smith	4335 Houston Rd, Machay Idaho 83357	588-2539
Suzanne M Clark	3886 W 3200 N. Moore. Id 83555	588-2705
Bill Reese	4741 W antelope Rd	554-4207
Josh Reese	4473 antelope Rd.	554-2637
David Keefe	4608 Antelope Rd	554-2911
L. K. Waddoup	4253 Antelope Rd	554-3813
Beth Waddoup	4253 Antelope Rd	554-3813
Justy King	4331 Antelope Rd	554-2221
Tom Waddoup	4253 antelope Rd	554-3813
Jana D Waddoup	4253 Antelope Rd.	554-3813
Kevin Crawford	3943 Antelope Rd Moore,	554-3702
Bob @ Rader	3986 Darlington	588-2283
Shella J Rader	3986 Darlington	588-2283
Virginia Gads	4025 N. 3600 W. Darlington	588-3005
Jeff Gads	4025 N. 3600 W. Darlington.	588-3025
Byron Gads	RT Box 16A Darlington Id	588-3101

July 12-2006

SIGNATURES REGARDING LETTER TO MR. NICK MILLER

NAME: ADDRESS PHONE #

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Ann Dad AnnLaden Box 274 Mackay 588-3069

Jes Rosenkrantz P.O. Box 7 Mackay 588 2012

Theresa London 4165 W 4200 N Mackay - 588-2317

Holly Seifried 4399 Houston Rd Mackay 588-3330

~~James & Lamber~~ 4399 Houston Rd, Mackay 588-3330

James & Lamber P.T. #1 Box 20 588 3290

Maureen Anderson 4334 Houston Rd 588 2282

Jeresa Burwell 4249 Hwy 93 Mackay 588 2871

MM Mark Hentze 4372 W Houston Rd, Mackay, ID 83251 (208) 588-2270

Darla Q Hentze 4372 W Houston Rd Mackay, ID 83251 (208) 588-2270

July 12-2006

SIGNATURES REGARDING LETTER TO MR. NICK MILLER

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Linda C Williams Mackay Id. 208-390-4748

Scott McAffee Mackay 208 588 3319

Gail McAffee Mackay 208-588-3319

Janet R. Mulick 5536 Chilly Rd 208 588-3023

Lynn Mulick 5536 Chilly 208-588-3023

Shane Rosenkrance 5532 Baiter Pt Rd 588-3086

Mimi Rosenkrance " " " " "

Bob [unclear] 5326 Fish Hatchery Rd. 588-3072

Julie Johnson " " " " "

Dan [unclear] Mackay Id 208/588/3036

Judy Lord 42664 400w Mackay 588-3036

John Power 211 No main St Mackay 208 3251 / 588-3358

July 12-2006

SIGNATURES REGARDING LETTER TO MR. NICK MILLER

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Keith Hill	4965 R 5608 W Mackay	588-3020
Charles Williams	4905 Hwy 93 Mackay Id.	588-2443
Dave Nelson	5655 Chilly Rd Mackay Id 83251	588 2805
Margerye Fulton	51940 Hwy 93 83251	588-2207
Steve A. Smith	5914 Hwy 93 Mackay Idaho 83251	588-2678
Walt Johnson	6139 TRAIL CREEK RD MACKAY ID 83251	
Al W. Smith	5024 N 5660 W Mackay	589-3348
Wong C. Haulden	5660 W 4920 N Mackay ID.	588 3327
Steve Smith	5789 W 5000 N MACKAY ID 83251	208-874-2538
Wendy Jones	HL63 BOX 1552 CHALLIS ID	
Terence Donahue	5448 Fish Hatchery Rd. Mackay, Idaho 83251	
Guy W. Whitworth	5425 Hi-Way 93 Mackay ID	83251
Clifford Rock	5411 Old Chilly Rd. Mackay ID.	83251
Steve Johnson	4947 N 5240 W Mackay ID 83251	
Sally Johnson	6222 Bartlett Pt. Rd. Mackay 83251	588-2286

