

FILE
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Miller, Nick

From: Mike Telford [telfordsunvalleyseed@gmail.com]
Sent: Tuesday, September 03, 2013 11:09 AM
To: Miller, Nick; Spackman, Gary
Cc: Mitchell Sorenson
Subject: questions
Attachments: IDWR Sept 3 2013.docx

Gary

Thanks for you help thus far. Attached is a letter with Questions for claification

Thanks

Mike

Mike Telford

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Paul , Idaho

Sept. 3, 2013

Director IDWR

Boise, Id

Gary

I appreciate the conversations and the time you have given. I am writing as a follow up to our conversations as well as Nick Miller's email response to some of my questions. I will email this letter to him as well so as to keep him totally in the loop. There were some answers in Nick's response but left some things unclear. These issues are very important to my family's farming operations. Right or wrong Telford Lands LLC is listed as the largest user of ground water in the Basin 34. That may be because most of my wells have measuring structures, and are regularly measured, but I really don't know. The questions are just as important to the smallest user. For clarity I will do my best to articulate the questions so the answers can now be definitive and relied upon as high cost decisions must be made soon.

1. There is confusion as to the Advisory Board's authority and powers. Part of the confusion is in the name "Advisory". The question is advisory to whom. Is it the Department, or the Director, or the Water Master?
2. The Advisory board proposed a mitigation plan that was rejected for lack of detail. I understand from our conversations that the detail is needed before approval can be made. This becomes like the chicken and the egg, which comes first? The Board by vote of the user decided to attempt a basin wide mitigation plan. The plan relied in large part on purchased storage water. It is practically impossible to make commitments to rent water from individuals before you know if that approach is acceptable. Spending money like that and then not using was and is simply a deal killer. There must be some common sense approach that can be agreed to by IDWR and the users ahead of the game. I have witnessed some finger pointing as to who's to blame and whose responsibility it is to act. Some saying the water master should have bought the water and others say the "advisory board should have done it. So here is the question. What is the power and authority of the water master in general and specifically in regards to the formulation and execution of any mitigation plan. I understand he has the check book, but who is responsible for what checks he writes. Is it himself with the Advisory Board only putting

forth the budget or does the buck stop with the board? The clear answer to Question #2 could smooth relations and make for a smoother road forward.

3. Is the Advisory Board the right entity to formulate and execute a mitigation plan? They represent all water users not just ground water appropriators.
4. You had mentioned to me that there was a statute that says mitigation plans will only be accepted by organized districts of some kind. Nick's answer leaves that question still unclear. The question is, Is there such a statute, and if so does it apply to Basin 34 as well?
5. I understand Nick's logic about individual plans and the department's concerns. The important thing here, from my perspective is Rule 50. If the "Advisory Board" or the water Master or whomever cannot submit a plan that is acceptable, my rights and interests are compromised by their inability to come to consensus and act. As you are well aware the Big Lost has a wide diversity of thought and opinion, some a little far out. So the question here is, if an individual plan is not palatable to IDWR, How many appropriators does it take to form a ground water district? Perhaps you could send me a link or guide to the formation of the how to form a ground water district. Can a ground water district be one user with lots of unconnected places of use?
6. Can the new district or an individual, depending on answer to questions above, propose a plan for their proportionate share of the mitigation burden under Rule 50?
7. Is it possible for the new district or possibly individual have presented and approved plan in advance in the event that there is a mitigation call? I agree that an arbitrated solution with the callers Basin wide is the best solution, and I support that approach. Can we not work with the Department on contingency plans? I assume that the new district or individual could have a seat at the table and would still be part of the Basin #34 group.

That is enough for now. I look forward to your response and our further dialogue on these important issues. Our desire is what is best for the community as a whole as well as our family.

Thank you

Mike Telford