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MAY 31 2022

DEPARTMENT OF
WATER RESOURCES

Director
Idaho Dept. of Water Resources (IDWR)
P.O. Box 83720
Boise, ID 83720-0098

May 27, 2022

Dear IDWR Director:

We are writing to formally comment on IDWR's proposed action to revise water district 170 and sub-district 75 in the Upper Salmon River Basin. We reside in the Mountain View Acres Subdivision which receives surface water from the Salmon River via a lateral ditch system in accordance with the Kane-Ramey Ditch Association water right.

Our comments are based on a letter we received from IDWR on May 9, 2022, exactly two weeks before a May 23, 2022 scheduled public hearing (which Lynn Bennett attended). *After* receiving the letter, we learned that other water users were notified of and attended an IDWR public information meeting and presentation in February 2022. We do not know why we were excluded from that earlier notification process and opportunity to learn about the proposal. We subsequently met with the Salmon Field Office IDWR contact David Graybill, who answered many of our questions and provided us with additional information via email.

IDWR has apparently been working on this redistricting process since 2014, yet the agency only provided the affected water users with two weeks' notice to prepare oral comments and less than a month to submit written comments. This is not an acceptable way to treat We the People. Why didn't the IDWR provide an announcement of the February public meeting in the local paper and send out a letter notifying ALL water users? Why didn't IDWR publically announce the hearing so our elected representatives could attend? Why hasn't IDWR had regular public meetings since 2014 about redistricting as the adjudication and district formation process advanced state-wide?

The IDWR letter announcing the public hearing contains no explanation of (1) the purpose and need for the proposed redistricting actions (other than to satisfy requirements of a WSR Agreement) or (2) the ground and surface water use impacts of the proposal or (3) the anticipated change in financial impacts to water users. Without this disclosure, how are we to know if the proposed actions are beneficial to water users, or if an alternate proposal would be better?

Neither does the letter/map identify the current sub-district for our place of use and point of diversion, if any (it is unclear if 75C includes the Mountain View Acres portion of the Kane-Ramey Ditch). This is a deficit in the proposal which was only clarified through our meeting with David Graybill. Discussion and a map of subdistrict 75B are also omitted. What if water users believe that sub-district 75B should be modified? We don't even know the boundaries in order to comment! ***These deficits in the proposed action and maps indicate the need to re-issue the proposal for further citizen input following this round of public hearing and written comments. The entire process to present, including the WSR Agreement signed in 2004, has excluded local water users' input.***

We are outraged that the Idaho legislature robbed local citizens of our right to be self-governing by passing statutes requiring water districts throughout the state, paid water masters to oversee delivery of water according to the stipulations of our water rights, and local committees to administer the process of fee collection to pay for the district water masters. These statutes in effect increase the authority of the executive branch by adding yet another layer of government over us, along with new annual fees of undisclosed amount to fund new state employees. If citizens are fully educated about our water rights, including points of delivery and places of use, we are fully capable of self-policing our use of water without paid overseers. ***These statutes punish everyone not just the few water users who have exceeded their water rights in the past and need oversight. Is it really***

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necessary for every acre of Lemhi County to be placed within a water district and monitored by an IDWR water master?

The State of Idaho (in agreement with others, including the City of Salmon **but not the Lemhi County Commissioners!**) also signed an agreement *without local citizens' input* to apparently require wild and scenic river in-stream flows for **undesigned** sections of the Salmon River that are upstream of where the designated section begins at North Fork. However, it appears that many water rights on the Salmon River are senior to that new "right" obtained by the Federal government (the Forest Service). Senior rights theoretically have to be delivered before the Federal government receives its water. Do you **guarantee** that the senior water rights in the Upper Salmon River Basin will prevail over the Salmon WSR stipulated rights? What is meant in the agreement by "hydraulically connected"? Are currently unconnected streams in the proposed combined district 75A and elsewhere at risk of being forced to reconnect in the future (e.g., Perreau, Jesse, Gorley, Bob Moore, Deriar, Fenster, Hyde creeks)? Are ground water points of use in those drainages and others deemed to be hydrologically connected to the Salmon River?

If every acre in Lemhi County is to be included in District 170 and its associated subdistricts, isn't it only fair to **hold the Forest Service and BLM accountable to PROVIDE historic levels of water through proper management of vegetation resources (watersheds)** within said district? Water resource management is a PRIMARY directive of the Forest Service enabling legislation and the Multiple Use Sustained Yield Act of 1960. Yet the Salmon-Challis National Forest has destroyed watershed production capability on millions of acres through actions such as let burn fires and failure to meet Forest Plan targets for wood product harvest (managing forest stand density (trees/acre)) and removal via shelterwood harvest units (thinning decreases stand density and evapotranspiration).

We wish it to be noted that flood irrigation from water carried by the Kane Ramey ditch system (and other lateral ditch systems) *benefits* Salmon River fisheries and recreation by (1) providing a green belt to prevent wildfire impacts to the river system, especially in the valley bottom portions of the landscape and (2) recharging the water table to provide more sustained flows for months after peak runoff. Flood irrigation also recharges the aquifer to provide ground water use during months when there is scant rainfall or frozen ground (October - March). **Any decisions made by IDWR to regulate flood irrigation water use should keep in mind that retaining water in the Salmon River (letting it flow past points of use) rather than dispensing it at currently approved cfs rates reduces the above flood irrigation benefits to the River, increases risk of wildfire to communities (due to less irrigation and drier shrub/grass areas adjacent to the wildland urban interface), and jeopardizes ground water supplies for domestic uses.**

The IDWR redistricting proposal does NOT address implications of the proposal such as the above concerns and severely limits our ability to comment.

In addition, has IDWR considered the following concurrent WSR action by the federal government?

The Salmon-Challis National Forest (SCNF) started a wild and scenic river eligibility study in 2017 and has issued a draft proposed eligible rivers report so far. During the process they asserted that WSR designations would not affect water rights. That is a lie. The current Salmon River WSR in-stream flow agreement was signed long before the eligibility study. Prior designation has already affected water rights because a right was apparently applied for by and reserved to the Federal government that affects water use on miles of the river that are NOT designated! That agreement is why this redistricting process is occurring! The North Fork Salmon River and Panther Creek are among the draft study's list of proposed eligible rivers. You can be sure if those waters are found eligible and designated by Congress, the agency will be seeking a water right for those new WSR and less water from those streams will be available for future home and ranch water rights applications. Has IDWR commented to the SCNF on the adverse effects these designations would have on prospective future **Idaho residents'** water rights approval? Or do you plan to give even more of our water away to the Federal government? Is IDWR aware that the state legislature and county commissioners recently passed resolutions opposing any more WSR or wilderness designations in the State of Idaho?

Our specific comments on the proposed redistricting are threefold. (1) If we must have water districts, sub-district 75C should be retained and expanded to include all Salmon River surface water points of diversion and associated lateral ditch systems for the Salmon River section between 75D (Carmen Creek) and 75B (Williams Creek). 75C would also include the proposed 75A surface and ground water points of diversion *east* of the Salmon River and Highway 93. 75A would contain all remaining surface and ground water points of diversion in the proposed 75A/75E combined water district. The 75C administrative unit is logical because practically speaking, in drought conditions the upland creeks in 75A will be unlikely to provide any WSR streamflow input and connectivity to the river (since almost all of them are already unconnected and the others will only support senior water rights and may be dewatered), and ***only the Salmon River water in 75C will be available to provide WSR in-stream flow in that section of the River.*** Forming a Salmon River 75C district now will establish baseline data for those points of diversion collectively and organize the water rights users so we are aware of the seniority of our water rights and how waters are delivered in priority order, *in advance* of drought conditions when we will be seeking to utilize water under our rights and also retain WSR in-stream flows. (2) If the IDWR water master's statutory authority extends to ground water monitoring, well water use should not be monitored at all and fees to monitor ground water pump irrigation systems should be assessed separately to those users by IDWR, not apportioned among the ditch system users of the sub-district or the collection responsibility of the ditch system water masters. (3) Any efforts/methods to collect fees from water users to pay for associated costs of administering this redistrict proposal and efforts associated to monitor user flows for the purpose of assuring minimum river flows **MUST credit the water users for all water flows *returning*** to the river system via waste water ditches or the like. All costs for return flow monitoring MUST not be charged to the water users because they did NOT use the water.

Besides considering our suggestion of how sub-district 75C should be defined and managed, we ask the State of Idaho IDWR Boise and Salmon offices to begin representing the interests of the people of Idaho by becoming informed of and regularly commenting on proposed actions of the Salmon-Challis National Forest that affect water resources. The SCNF is the largest land management entity within Lemhi and Custer counties, and has much more substantial impacts on water flow to the Upper Salmon River than the private land owners. SCNF mis-management has resulted in sagebrush and tree stocking densities and fire-induced clear cut equivalent acres that dramatically reduce seasonal and year-round flows to the Salmon River and its tributaries.

God supplies all the water on the planet and bestows rain and snow on this Basin in levels sufficient to meet the needs of food producers (ranches, gardens, orchards, green houses), home owners, fish, and recreationists. God also provides us with the water delivery systems of creeks, rivers, wells, pumps and irrigation ditches. If we ask Him, He promises to grant us the wisdom to justly administer all these resources He has provided us (James 1:5). May God help IDWR staff and the residents of District 75 to be good neighbors as we work together to develop just and effective water resource management.

Please contact us if you have questions about the content of this letter.

Sincerely,

Evalyn Bennett

Lynn M. Bennett

Lynn and Evalyn Bennett
6 East Ute Road
Salmon, ID 83467
(208) 756-3974
lmorganbennett@yahoo.com (Lynn)
sbennetts@custertel.net (Evalyn)



Evalyn Bennett
6 E. Ute Rd.
Salmon, ID 83467

SALT LAKE CITY UT 840

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DIRECTOR
IDAHO DEPARTMENT of WATER RESOURCES
P.O. Box 83720
BOISE, IDAHO 83720-0098

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DEPARTMENT OF
WATER RESOURCES

SCOTT R. ZIEGLER
14 Parson Lane
Salmon, ID 83467
208-756-6221
ssziegler@centurytel.net

May 25, 2022

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
file@idwr.idaho.gov

TITLE: COMMENTS ON PROPOSED REVISION OF BOUNDARY OF WATER DISTRICT 170 TO INCLUDE ADMINISTRATIVE BASIN 75, CREATING A NEW WATER DISTRICT, COMBINING WATER DISTRICTS AND DESIGNATING SUBDISTRICT WITHIN ADMINISTRATION BASIN 75.

POINT 1: All holders of water rights in Water District 170 were not notified: Example: Hyde Creek water holders and Pope Ditch (S-13 diversion).

POINT 2: If a water district by the definition given by what David Graybill (presenter at 5/23/2022 information meeting) is, "You have a source of water that then goes to a destination," then there is a problem with the area disclosed as 75 and 74. On all of the following ditches -- Kane Ramey Ditch Company (S-12), Pope Ditch (S-13), Edwards Ranch Diversion (S-11), Rainbow Ditch Co. (S-14), Norton Wheeler (it has to be S-10), the Town Ditch -- each has its own drainage system at the end of the irrigated acres that then diverts water back into the river by a slough or Kids Creek, or through Kids Creek Fishing Pond as from the Lemhi River into Kids Creek. So, the water returns back into the Salmon River when the water table rises. There should be credit to these ditches for water returned to the river.

POINT 3: Since there is no legend for the maps defining lines and where the river flows or where a road begins, the area southeast and northeast of Salmon City should be in the 74 water area. The biggest portion of the 74 should be in the southeast part and go around S Hill all the way to Lovers Lane and Demick Lane.

POINT 4: I do not know what 75-C is. There is no definition.

POINT 5: The southern boundary of 75-A should go all the way to Lake Creek since the diversion for the Rainbow Ditch starts just north of Lake Creek and irrigates the west side of the Salmon River below Henry Creek, Williams Creek, Perreau Creek and Gorley Creek on the west side of the Salmon River.

POINT 6: The Drnjevic diversion out of the Salmon River is south of Henry Creek and north of Lake Creek, and irrigation use is from Lake Creek north to Henry Creek.

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POINT 7: The hiring of an all-encompassing water master for District 170 would cost more, and I cannot understand how it will help any of the people that are having trouble on their ditch since his or her power will only be in recording the use of the water. Unless, by not having a legal weir, the all-encompassing water master shuts off the water on those ditches until the ditch gets organized and puts in a weir. Does he or she have that power? We were told at the Fish and Game Office meeting that he or she does not.

POINT 8: How can a river be designated as a wild and scenic river if it has dikes all along it? In some places there are dikes on both sides of the river. I'm not sure that this part of the river qualifies as wild and scenic.

POINT 9: Jessie Creek that runs through Salmon off the bar hill and splits below the city water works, should also include that part of Jessie Creek that runs past the Elks lodge and north to the Austin Ranch.

POINT 10: I understood that water masters must elected, however this all-encompassing water master is to be appointed. If that is the case, why should we, the water users, be responsible for paying him or her. This is taxation without representation. I further understood that water masters must reside in the area where they are regulating water. It does not appear that that is the case for the all-encompassing water master that is to be appointed.

SUMMARY

If this entire issue came to being because there are certain water users in Gibbonsville and the Dahlonga area, and other areas, who are not organized, then the responsibility of the IDWR should be to make certain that those water users ARE organized and appoint a water master for those specific areas. The remainder of the water users in the areas outlined in your proposal already have water masters who live in the area they are monitoring, and these water users are organized. They should not be penalized, taxed, or additionally monitored because of the lack of organization and monitoring of the others.

Sincerely,



Scott R. Ziegler

MAY 27 2022

DEPARTMENT OF
WATER RESOURCES

COMMENT ON PROPOSED ACTION COMBINING WATER DISTRICTS 75E AND 75A

Thank you, Mr. Anderson, for the opportunity to speak regarding this proposal.

My name is Dick Williams, and I am the current Chairman of the Wallace Creek Water District 75E. Our concern is the potential for undue financial burden in combining with the much larger District 75A.

Our membership is approximately 38, consisting of 6 diversions.

If, in the event of 75A wanting to initiate an expensive upgrade within their existing district and having nothing to do with our existing district, we would be outvoted and required to make a potentially unacceptable financial contribution to a project we have no interest or willingness to participate in.

Unless some process is put in place to prevent this from occurring, it is an unfair and unacceptable burden to place on the members of District 75E.

We do not see the advantage in combining with 75A and would like to keep 75E as an independent and separate District. Thank you for your consideration.

Respectfully submitted,



Dick Williams

Chairman, Wallace Creek District 75E

26 Savage Ranch Road

208 861-1519

rwkneale@gmail.com

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DEPARTMENT OF
WATER RESOURCES

May 31, 2022

To Whom it May Concern:

From the meetings we have attended, it is a want from the Water District to propose a revision of the boundary of water district 170.

From our understanding it will entail installing water meters on properties and these meters will calculate what needs to be charged to each property.

Our group of water comes off of the Sheep Creek drainage.

The water rights for many of the properties have been in place for many, many years. Not sure what has changed?

Our concern comes from being at the end of the water irrigation trenches; any and all unused water runs directly into the North Fork Salmon River. How will you account for any and all unused water? Who pays for this water? It will have already been registered running down through the meters. If all the water is not used by the property owners – who pays for what and exactly how do we account for this to make sure it is accurate and fair?

It will be greatly appreciated if someone can respond to our concerns.

We would like to thank you in advance for your cooperation in this matter.

Sincerely,



David and Kathy Van Waardenberg

Home # 208-865-2174

10 Feathers Way / P O Box 234

North Fork, ID 83466

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DEPARTMENT OF
WATER RESOURCES

June 2, 2022

Director
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: PROPOSED REVISION OF THE BOUNDARY OF WATER DISTRICT 170, TO INCLUDE ADMIN BASIN 75,
CREATING-COMBINING-ABOLISHING WATER DISTRICTS, AND DESIGNATING SUB-DISTRICTS W/IN ADMIN
BASIN 75.

Dear IDWR Director,

Please accept the letter as support of the above proposed actions and a request that the process be
completed as expeditiously as possible.

Thank You,

A handwritten signature in cursive script, appearing to read "Justin Williams".

Justin Williams

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Virginia perry
37 lovers lane
Salmon, Idaho 83467

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DEPARTMENT OF
WATER RESOURCES

Idaho department of water resources
1301 north orchard street
Boise, Idaho 83706

Concerning the new proposed water district for 75a, 75e, 75c.

Water district 170 will have to have workmans comp. for all the water master under there jurisdiction.

This is mandatory according to the new laws.

I recommend that Williams creek and seventeen creek be included in the new water district.

Leaving them out when it is so close to the boundary is not right.

Land that is watered from the Lemhi river is included in this district 170.

You need to read the code dealing with watermaster election and removal.

I think we should have some say as to who will be the watermaster under Mr. Graybill.

If he is appointed by the state then the state should pay his salary;. if we have no say as to who this will be.

Enclosed is a copy of our headgate when the water is in flood stage. We have had to remove this mess from our headgate three times so far this year.

The new watermaster will be very busy at this time of the year adjusting headgates and there are a lot of them that need attention.

If you are not going to work with us we will return the favor.

Virginia perry

Virginia Perry
June 2, 2022

Levy Perry
water master for 75G or Aiden master

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CERTIFIED MAIL®



Ms. Virginia Perry
37 Lovers Ln
Salmon, ID 83467



7021 2720 0001 1264 8612



I D W R
322 E. Front Street
Boise, ID. 83702

#648

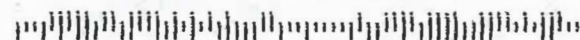


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83702-737499



**William & Jamie
Clawson**
1724 HW 93 N
North Fork ID, 83466

Phone: 530-295-7438
bdclaw1@gmail.com

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DEPARTMENT OF
WATER RESOURCES

**Director, Department of
Water Resources**

**Idaho Department of
Water Resources**

PO BOX 83720 Boise, ID
83720-0098

To the Director of Water Resources

May 30, 2022

This letter is for comment on Water District (WD) 170 proposed actions. Please have our water rights records updated as we did not receive a letter, but attended the hearing in Salmon on 23 May, 2022.

There are several shortcomings in the plan as proposed.

Water Master (person who will be in charge of Water District 170) is currently slated to be appointed by the Director of Water Resources. If so appointed The Department should pay all expenses, including salary and benefits. I suggest we elect this position for WD 170 if we are required to pay a fee for our Water Rights. One size does not fit all. There are many different soil types in the county. Water behaves differently in each Sub district.

Water usage will be measured at point of diversion with some type of flow meter. This will add additional unnecessary cost to water usage. We have a known weir with the fish wheel. Ditch users can use it to calculate volume of h2o we use. No need for additional equipment. Ditch users can monitor usage and report.

Subterranean water usage

- Our soil (Cowbone - Tohobit complex) is porous and not all water we are allotted makes it to our weirs.
- Others not irrigating benefit from water that is allotted to each of us
- Drives water table up when we irrigate
- Helps create pools of water and wetlands for water fowl

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Logo
Name

Why cant Ditch users continue to police ourselves and take our water as we have in past and have Water Master verify and audit use while we self-report usage.

BLM and Forest Service have not properly maintained land assigned to them. Increased vegetative growth on land not properly managed has increased water usage, decreasing water flowing into the Salmon drainage resulting in less flow of water into the river.

Will there be a cut off of water if Salmon river falls below minimum required flows? If so, who determines who gets water and who does not?

In closing know that all of us on our Ditch are working together doing our best to be good stewards of the land and water resources.

Regards,

Bill and Jamie Clawson

May 27, 2022

To the Director, Idaho Department of Water Resources:

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DEPARTMENT OF
WATER RESOURCES

Dear Sir:

We welcome the proposed actions of IDWR to revise the boundary of Water District 75A, and combine it with Water Districts 75E and 75C. We further agree with the appointment of an independent water master to oversee the allocation of decreed water rights.

We encourage IDWR to move forward expeditiously with these actions.

Edward R. and Kathy Tolman

41 Corbett Lane, Salmon

Edward R. Tolman
Kathy Tolman

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T

Tolman Ranch and Dairy
41 Corbett Lane
Salmon ID 83467

SALT LAKE CITY UT 840

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Director
Dept of Water Resources
P.O. Box 83720
Boise ID 83720-0098

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Director
Department of Water Resources
P.O. Box 83720
Boise, Idaho
83720-0098

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DEPARTMENT OF
WATER RESOURCES

05/24/2022

Dear Sir,

I live at 24 Stage Stop Lane, Carmen, Idaho. My home is adjacent to Tower Creek. I have a legal water right.

I attended your agencies hearing in Salmon, Idaho on May 23, 2022. I did not testify at the meeting. My goal was to listen and learn. I learned a great deal. There were many good points made and many fears uncovered at the meeting.

The following point was made by a gentleman from the North Fork, Idaho area but not certain that it was properly noted. His point and situation is similar to mine. So I will try to make the point.

There is a head gate on Tower Creek that diverts water via a pipe and crude ditch to my neighbors pond. The water then flows from my neighbors pond to my property via a crude ditch. Just inside my property I have two crude head gates. In the fall and winter months the water is diverted back into Tower Creek via one of the head gates. In the summer months that head gate is closed and the water is diverted via the second head gate into a buried pipe that delivers the water to a pond on my property. From there the water again flows out via a crude ditch. I open that ditch and flood irrigate my field from late May until late June or early July. At that time I turn the water back into the ditch, below my pond and it flows directly back into Tower Creek.

The critical point is that even when flood irrigating my field (May-June, early July) a substantial amount of water flows over and off my sloped field finding its way back to Tower Creek. I have no idea how you can accurately measure my actual consumption when so much of the diverted water finds its way directly back to the original source...Tower Creek?

Like most if not all of the citizens that will be affected by your plan and action I am concerned. Time has taught most of us that live in the west that government does not often have good solutions, usually has a hidden agenda and not our friend. Hope this experience proves more positive,

Yours truly,



Roy Barrett
24 Stage Stop Lane
P.O. Box 1432
Carmen, Idaho
83462

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DEPARTMENT OF
WATER RESOURCES

O. Jerry & Myrna R. Harris
100 Williams Creek Road
Salmon, Idaho 83467
Saturday May 21, 2022

To the Director of the Idaho Department of Water Resources:

We are writing to express interest and concern in the Hearing on May 23, 2022 in Salmon, Idaho. We would like to be to the hearing to understand exactly what this is all about. We will be in Idaho Falls as Jerry has an eye surgery scheduled that afternoon.

We would like to express our concern about the need of a water master who will be able to lock the water gates so that the appropriate amount of water due each person who holds property and the water right, actually do receive what they should according to the amount of water available. Dry seasons or times of the year cause problems when the water low, and landowners open their gates more, taking water away from others.

It would be important that this matter be settled as quickly as possible so each holder of a water share understands and receives what is due them according to their water right privileges.

We have studied the map and we really do not understand how it helps or hurts us. Hopefully, it works well for everyone involved.

Thank you for giving the landowners an opportunity to have a hearing. We have asked Edward Tolman to submit our letter so you know we are interested in the welfare of all concerned.

Thank you,

O. Jerry and Myrna Harris

O. Jerry Harris
Myrna R. Harris

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