



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098  
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

---

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

March 17, 2008

Dick Burchill  
HC63 Box 1575-3  
Challis, ID 83226

Re: Your Undated Correspondence Received by IDWR on March 14, 2008

Dear Mr. Burchill,

The Idaho Department of Water Resources (Department or IDWR) received a letter from you on March 14, 2008 that is a complaint against former Water District 72-A watermaster Jack Challis. Your correspondence was forwarded to me for response. I have confirmed that Mr. Challis was not elected watermaster for Water District 72-A this year. Mr. Challis therefore is not the current appointed watermaster nor is he currently acting as an IDWR representative or as an "employee of IDWR." There is no action that the Department can take regarding your complaint against Mr. Challis since he is no longer the watermaster. The Department will retain a copy of your letter in our 2008 Water District 72-A file.

Please contact me directly at 208-287-4959 if you have further questions or concerns regarding this matter.

Regards,

Tim Luke  
Water Distribution Section Manager

Cc: Allen Merritt, IDWR Southern Region Manager  
Nick Miller, WD170 Watermaster/IDWR  
Bob Foster, WD170 Asst Watermaster/IDWR Salmon Office

Idaho Department of Water Resources  
1341 Fillmore Street  
Suite 200  
Twin Falls, ID 83301

RECEIVED  
MAR 14 2008  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Dear Sirs;

I would like to file complaints against Jack Challis for acts he committed in his position of Watermaster which not only seem to be improper but are against the instructions given by the Department of Water Resources.

First, Challis stopped my stockwater stating that "the water would not get there." I told him that I would get the water where I needed it but it did not matter.

Next, Challis tore apart my diversion. That diversion had a wing dam which diverted water to the headgate and measuring device. Challis placed a pile of rocks and gravel in front of my headgate preventing water from going through the headgate and preventing me from receiving my water rights. Later, in the attempt to justify his actions, he claimed that this headgate was leaking but water which might have seeped past the headgate was not enough to go over the weir.

Whether or not my water right had been turned off for a proper reason, his act of tearing apart my diversion prevented me from receiving stockwater after the irrigation season in accordance with my water right.

Finally, I have a fish screen which was installed by the Department of Fish & Game and which is my private property. Challis removed the bypass gate paddle to the fish screen and threw the paddle on the ground where it could have been damaged by stock that were present in that field. The design of the fish screen does not require removal of the bypass gate paddle but Challis would not have known that fact because it was not his concern. The only authority that he had as the watermaster concerning my fish screen was to adjust the headgate.


At the annual meeting I read Statute 18-4306 and asked why he had torn apart my headgate and had torn apart my fish screen and exposed the parts to possible damage. His only response was "I did it because your headgate was leaking". Challis's remarks since the annual meeting stated that the statute is "clearly not applicable to IDWR employees, most definitely not a Watermaster (or Ditch Rider)". The statute does not state that exclusion.

The Watermaster Handbook says that " the watermaster does not have the authority to actually order the installation or repair of headgates and measuring devices. The watermaster should advise IDWR of the need for measuring devices and/or controlling works. Upon advising IDWR, the department can then work with the watermaster in issuing the appropriate order. The water user has the responsibility for installing and maintaining measuring devices and headgates in satisfactory condition. The cost of installation and maintenance of these structures is also borne by the water user. The watermaster may refuse to deliver water if a headgate and/or measuring device is not installed or is not properly installed and maintained, provided that the user has been given reasonable time in which to comply with the order of the department."

I was never informed that a problem existed by Challis or by IDWR, nor was I given time to correct any problem.

The watermaster is supposed to know and follow the regulations. He has no right to disassemble my personal property. Any person who cannot follow regulations or the instructions of IDWR, should not be allowed to be an employee of IDWR.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dick Burchill".

Dick Burchill