



State of Idaho

DEPARTMENT OF WATER RESOURCES

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APRIL 28, 2008

C. L. "BUTCH" OTTER
Governor
DAVID R. TUTHILL, JR.
Director

MRS. SANDY THOMAS
HC 63 BOX 1575
CHALLIS, ID 83226

RE: YOUR LETTER OF APRIL 5, 2008

Dear Mrs. Thomas:

Gary Spackman asked me to respond to your letter of April 5, 2008 regarding the former watermaster of Water District 72-A, Jack Challis. In your letter, you describe activities of the former watermaster during past irrigation seasons and since the 2008 WD72-A annual meeting. You also state a belief that IDWR should not appoint Mr. Challis to serve as watermaster in the future.

Idaho Code 42-605(9) provides that the Director of IDWR may, upon written complaint by one or more water right holders, investigate and remove an elected watermaster for failing to perform his duties, but I am not aware of a provision that authorizes the Director to refuse to appoint an individual that was elected by the users of a water district. However, IDWR will place your letter on file as a record of your complaints. In the event Mr. Challis is again elected to serve as watermaster, and a user submits a written complaint asking to remove him from office, your letter may be considered in the investigation contemplated by Idaho Code 42-605(9).

You also indicated that the district is having difficulty obtaining water district records from Mr. Challis. While you did not state exactly which records Mr. Challis is holding, you are correct that, in general, water district records (receipts, log books, electronic databases, etc...) are the property of the district and should be in the possession of the district secretary. This appears to be an issue that the WD72-A Advisory Committee, rather than IDWR, should address with Mr. Challis.

If you have any further questions or comments on this matter, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Miller', is written over a white background.

Nick Miller
Water Distribution Section, IDWR