

From: DWR60::AMERRITT 17-JUN-1996 12:11:00.15  
To: DWR03::NYOUNG, DWR03::TLUKE, FHITCHCO, JSTANTON  
CC: AMERRITT  
Subj: fyi

FROM: Allen Merritt DATE: June 17, 1996

TO: Norm Young, Tim Luke, Jim Stanton  
CC: Frank Hitchcock, Pat Brown, Roger Ling

SUBJECT: Special Meeting of Clear Creek Waterusers

On June 13th at 2:00pm a special meeting of Clear Creek waterusers was held in the Raft River Rural Electric Cooperative Board Room in Malta, Idaho. In attendance were Clear Creek waterusers from both Idaho and Utah, representatives from both state water resource agencies, other interested parties including the watermaster from Upper Raft River. The attached copy of the sign up sheet documents those in attendance. The purpose of the meeting was to see if a watermaster could be selected to oversee the delivery of the Clear Creek water to the satisfaction of all parties concerned.

Early in the meeting both agencies indicated that it would be desirable to elect one person for delivery of water in both states for continuity and economy but not an absolute requirement. Both agencies described how watermasters are elected in the respective states. I indicated that after research it was determined that presently Clear Creek is part of the Upper Raft River Water District and that technically for 1996 we would be seeking a deputy watermaster to do the job. I indicated that the watermaster could appoint a deputy or the director could appoint one but before doing so we wanted to understand the wishes of the waterusers.

After discussion about voting and other related issues including the possibility of a Mr. Southwick, present at the meeting, and a Mr. Richard Savio, not present, being willing to take on the job; the Utah Water Resource representatives suggested that Utah waterusers elect a commissioner (watermaster) and then see if the Idaho waterusers could accept their commissioner. Their vote was one vote per wateruser. Mr. Vern Kempton was reaffirmed or elected as the commissioner in Utah by majority vote. There was a brief discussion about Larry Kempton voting for Naff Irrigation Company even though Jones had the most shares but since Larry Kempton was the acknowledged president of the company it was not disputed further. Vern Kempton was then offered to the Idaho waterusers for consideration but they never really got around to voting directly for him. Instead the discussion got side tracked to the possibility of someone different in Idaho working with Vern in Utah. Finally a motion was made that Mr. Hope, the watermaster for Upper Raft River, would oversee Vern Kempton who would be the deputy watermaster in Idaho. They would jointly measure the gage in Utah for turning water between the states. Hope would also oversee Vern's measurements in Idaho. Mr. Hope only agreed to this since they estimated that the water to Idaho would probably not last much longer than a few more weeks. Mr. Ray Jones asked a point of clarification in that in this arrangement "who would he call if he had a problem with his delivery?" I told him it would be my understanding that he would call Mr. Hope. Once deciding to vote based on cfs the vote was:

	CFS	VOTE
Armo	4.8	Yes
Holmgren	30.0	Yes
Jones	7.8	Yes
Naff Store	3.2	Yes
Stewart	8.4	Yes
Sessions	4.9	Yes

Discussion then turned to the matter of compensation for the watermasters. It was indicated that the Clear Creek waterusers in both states had a meeting earlier in the year and had elected Vern Kempton as watermaster. At that meeting the salary was set at \$800/month, based at not gone below the Idaho weir to turn water. Mr. Hope indicated that he was getting \$65/day or \$30 for part of a day. Mr. Kempton offered to do his present duties at his previously set salary and accept only gas expenses for work below the Idaho weir. Mr. Hope offered to oversee things for \$65/day. These proposals ran into opposition from Stewart & Armo. It was finally agreed that Vern would not go below the Idaho weir and that his salary would remain the same, to be shared by all users based on water delivered, as the earlier meeting had prescribed. Mr. Hope would do the measurement of the Stewart & Armo diversions and charge Stewart & Armo his time at \$8.00/hour. In addition the oversight work by Mr. Hope would be \$8.00/hour charged to all Idaho users and prorated based on water delivered.

\*Note that Sessions, Jones and the Naff store are diverted at the Idaho weir. The Holmgren rights although diverted below have been measured at the Idaho weir as described in the Settler's decree, leaving only Stewart & Armo to be delivered below the Idaho weir. It was explained that historically once water goes over the Idaho weir that Holmgren has to provide all of the Stewart & Armo rights and then uses what is left.

It was agreed that Hope and Kempton would prepare a joint report of delivery at the end of the season. It was also agreed that Kempton would send out his bills and that our office (IDWR - Southern Region) would send out the bills for Mr. Hope for his services to the Idaho users.

Utah Water Resources proposed that we have a meeting this fall to go over delivery this year and to try to setup a joint water district meeting for next year. One issue raised was that of direction to the watermasters on how to treat the 43% upper & 57% lower split and where it is to be measured. Historically the users say the 57% is measured at the Idaho weir. The decree directs "measured at their respective points of diversion." In light of the \*note above it was decided not to change the described historical manner of measurement until the complete record of the decree can be reviewed by the agencies or further direction is given by the courts.

I recommend that the Director make the appointment of Mr. Kempton as deputy watermaster and extend the duties of Mr. Hope to include Clear Creek consistant with the foregoing. I have related this information to Tim Luke and Tim will send out appointment papers to Kempton and I will send a letter to Hope extending his appointment to Clear Creek.