

Memorandum

To: Alan Merritt

From: Tim Luke *TJL*

Date: January 17, 1999

Re: Water District 43-B Annual Meeting

Attached are my notes from the annual water district meeting for District 43-B, Upper Raft River and tributaries.

Note in particular the discussion regarding the Steed Pond and related water right permit, and the matter regarding Utah-Idaho administration on Clear Creek.

I'd like to discuss with you two tasks that IDWR needs to pursue following this meeting. The first relates to the Steed matter. The district would like us to send some reminder notice to Steed concerning compliance with measuring devices. It sounded like Steed may need some technical assistance or advice as well. I may be able to help with this matter, but you may need to initiate some reminder to Steed since you are no doubt familiar with the history of Reid Springs and the permit in question.

The second task involves our need to send a copy of the memo from Lee Sim regarding the protocol established between Utah and IDWR. I promised Sundberg and the Clear Creek users that we would get them this information, and that I would confirm that the Utah commissioner had been given the proper directive from the Utah Division of Water Rights. I can pursue this task but would like to discuss with you first.

Please call me when you get a chance.

Cc: Norm Young

Summary of Water Dist. 43-B Annual Meeting held on January 15, 1999
Summary by Tim Luke, IDWR
Meeting held at Raft River Rural Electric Board Room, Malta, ID

Meeting called to order by Jay Harper at 1:00 p.m. Harper was elected meeting chairman. Bob Hope was elected meeting secretary.

A brief discussion was held about electing a credentials committee. I explained that one was generally only needed in case there was a controversial issue and at least one user requested voting by the alternative method. The users voted to not form a credentials committee.

Bob Hope read minutes of last years meeting. Minutes were approved.

Treasurer Doug Freestone gave a report of finances. The district has a balance of \$4,053 on hand. The '98 expenses were about \$1,600.

There was some discussion about the Steed Pond. Harper discussed recent approval of an application for permit for diversion of water from the pond by Steed and that permit has conditions regarding measuring devices. Steed did not comply with this condition initially and was given extension by IDWR until May 1, 1999. A device was installed above the reservoir as required, but it is located below a culvert and the culvert apparently leaks and goes around the measuring device. Watermaster Dave Sundberg mentioned other concerns about the culvert related to the accuracy of the weir and also reported that the measuring device below the reservoir is not a standard device. The district is concerned that these devices do not comply with permit conditions. Harper asked about IDWR consequences. I explained that permit holders may ultimately risk loosing a permit if they are not in compliance with terms of the permit. Harper suggested that IDWR send Steed a reminder notice. Mr. Steed's son was in attendance at the meeting. He mentioned that a device was installed below the culvert but acknowledged concerns about its adequacy and problems caused by the culvert. The measuring device involved pouring concrete. There was a suggestion by Harper that perhaps the device could be moved above the culvert, but Steed said it could not be moved. I agreed to discuss with Alan Merritt.

There was also some related discussion about a ground water right owned by Steed that effects the flow of Reid Springs (same source as the flow to the reservoir). The discussion centered on some specific conditions under the ground water license that requires replacement of spring water from ground water pumping. No resolutions or suggestions were made regarding this matter.

It was resolved to keep the watermaster salary the same rate as last year, or \$10 per hour. Dave Sundberg was re-elected as watermaster. The same advisory committee from last year was also re-elected. Doug Freestone was re-elected as treasurer. The district also adopted the same budget as last year.

Jay Harper initiated some discussion about IDWR water management rules. I gave some explanations about current status of rules and their origins, background etc. Users asked some specific questions about how this affects their district and wells in their valley. Harper said he had submitted comments to IDWR concerning the rules on behalf of the water district. He said they might submit further comment in response to the next version of rules. Harper and others seemed intrigued about the district also taking on measurement of ground water diversions.

There was a brief discussion about the SRBA. I gave a very brief update on SRBA status, but I did not know the schedule for the Raft River area.

I gave an update on a meeting held last summer between IDWR, Sundberg, the Utah Water Commissioner for Clear Creek and Utah Water Resources representatives. It was explained that a protocol had been established regarding how the Idaho Watermaster and Utah commissioner would work together, specifically in determining the quantification and timing of deliveries and splits between the two states. Sundberg said he never saw anything in writing from either state that documented the agreement and protocol. Several Clear Creek users also had received no information about this matter. Sundberg asked if the Utah commissioner received this information as well. He complained that the Utah commissioner continued to play hide and seek with him through the rest of last year. I explained I did not know the answer to the latter question, but that I would check with Lee Sim of Utah Water Rights Division and confirm that the commissioner had at least been given this information in writing. I also agreed to send Sundberg and the Idaho Clear Creek users a copy of Sim's memo that describes the protocol agreed between the two states. I'll likely forward with a brief cover letter.