

UPPER SALMON WATER DISTRICT  
STEERING COMMITTEE

MEETING AGENDA

December 14, 2005

1:30 p.m.

Challis Ranger District Conference Room, Challis

- |      |  |                  |
|------|--|------------------|
| I.   | Introductions and approve minutes of last meeting  | All Participants |
| II.  | Quick Review & Clarification of Water District Creation  | T. Luke, IDWR    |
|      | - Timeline, boundaries, who is included  |                  |
|      | - Watermaster duties   |                  |
|      | - Benefits/justification of Upper Salmon Water District  |                  |
| III. | Water District Presentation and Q&A  |                  |
|      | - 5 to 10 min presentation by Cindy Yenter, IDWR & Water District 130 Watermaster  |                  |
|      | - Open Discussion and Q&A, involving representatives or watermasters from water districts in Upper Salmon Area, IDWR, and all participants |                  |
| IV.  | Water District Resolutions   | All Participants |
|      | - Develop draft resolutions  |                  |
|      | - Address sub-districts, governance  |                  |
| V.   | Schedule Next Meeting and Adjournment  | All Participants |

**D R A F T**

**Upper Salmon Water District Steering Committee  
Dec. 14, 2005  
Challis, Idaho**

The meeting was called to order at 1:40 p.m.

Participants attending the meeting included Cliff Hansen, Jack Challis, Jim Hawkins, Dave McFarland, Bert Doughty, James Whittaker, Carl Ellsworth, Alan Bittner, Bob Kenworthy, Ted O'Neal, Bob Foster, Mary McGown, Cindy Yenter (IDWR/Water District 130 watermaster) and Tim Luke.

Jack Challis made a motion to approve the minutes of the Oct. 4, 2005, seconded by James Whittaker, and approved unanimously.

Tim Luke gave an update on preparation of the Director's Order for creating the Upper Salmon Water District in Administrative Basins 71 and 72. He is drafting an order for Karl's review. The order needs to address written and verbal testimony from the Nov. 9 hearing. He said the attorney for Thompson Creek Mining raised some questions about the need for a water district, adequacy of the hearing notice and adequacy of the public record.

Tim made a presentation about the Upper Salmon Water District organization based on comments from users, discussions at the steering committee meetings and further consideration of the options for organizing.

Major points from the presentation represent the Department's current thinking:

- Non sub-district areas in basins 71 and 72 will pay for local measurement, data collection and regulation similar to existing sub-districts beginning in 2008. Users in these areas are responsible for costs related to installation of measuring devices and headgates, which should be required for many diversions over the next two years.
- Existing surface water districts become sub-districts. These sub-districts are limited to surface water diversions only. Ground water diversions and rights located within surface water sub-districts would be included in the Upper Salmon water district, and become full responsibility of Upper Salmon water district watermaster.
- Umbrella watermaster provides administrative oversight for sub-districts and full watermaster duties for areas not currently in a water district.
- Upper Salmon watermaster provides assistance and oversees compliance for measuring device and headgate requirements.
- Upper Salmon watermaster monitors use and enforces water rights in all areas of the basins.
- Upper Salmon watermaster tools will include use of GPS, GIS (including use of satellite imagery), and computer software/programs for water use/water distribution, water district assessments, and water right accounting.
- Upper Salmon watermaster collects diversion data from sub-district and non sub-district areas, QA's data, submits data to IDWR, and coordinates with IDWR on publishing data.

- Upper Salmon watermaster receives and reviews all reports, including annual watermaster and water district budget reports from sub-districts.
- Upper Salmon watermaster provides training and other assistance to sub-district watermasters.
- Upper Salmon watermaster coordinates with IDWR and local, state and federal agencies and Watershed Project on water right related issues.

Tim also added that Department staff recognizes benefits to IDWR or the State providing the Upper Salmon watermaster at no cost on a permanent basis, as suggested in the hearing testimony. Although staff would actually like to implement this idea, IDWR is not certain that it could be done given budgetary concerns and the precedent this might create relative to all other water districts in the state.

Tim's presentation generated discussion about organization of the basins. Tim said the Director's order or a cover letter to the order would set or establish the annual meeting date for the new water district. Bob Foster and the designated watermaster could work with basins 71 and 72 as one district. Surface water and ground water rights, except de minimis domestic and stock water rights, will be included in the district. The three existing water districts in basin 72 will become sub-districts. Basin 71 can become a sub-district if the users want a separate sub-district, but not before the annual meeting because IDWR would have to go through the same legal process to establish a sub-district water district as it does for a new district, including providing legal notice and holding a hearing. Tim explained that IDWR thought it would have to go through this formal process before a sub-district can legitimately establish a budget and collect its own assessments. Over the next few years, water users can work on organization of new or separate sub-districts.

A comment was made that sub-districts need to establish their own budgets and resolutions. Users can go through the process to form a sub-district. Those who participate make the decisions.

Jack Challis raised the issue of non-resident water right holders on Challis Creek. If they are irrigating, non-resident water right holders may designate a local representative at water district meetings for proxy voting. Tim and Cindy Yenter acknowledged that there are procedures for proxy voting.

Cliff Hanson raised a point that had been made before. There are no measuring devices in basin 71. Now there are landowners who have taken a "wildlife exemption" and are not using water on the land. How are the few users in the basin going to pay for a watermaster? He said in the Stanley basin, a long irrigation season lasts three months.

The need for a minimum assessment was raised again. Some water districts have a \$25 or \$50 minimum fee for each water user even if they do not divert up to their water right. That money helps pay for the watermaster and the costs of administering the water right. There are administrative costs even if water is in the water bank. In the Lemhi water bank, a small percentage of the fee goes to the watermaster for administrative costs.

Another question was raised about quarterly reporting. If using a calendar year, would some water districts, where use is primarily irrigation, report only in the second and third quarters? Cindy Yenter said in WD 130, some year round users (primarily municipal, industrial and commercial) report on a quarterly basis. Tim, and Bob Kenworthy of the Forest Service, advised that quarterly periods could be chosen so that reporting of irrigation use is limited to perhaps two quarters.

Does the Upper Salmon watermaster need to be full-time? Tim said that he anticipated the watermaster would need to be about half time just to do the administrative oversight duties when the district is fully expanded to the other basins. In addition, the watermaster would have regular fieldwork responsibilities during the summer for the non-sub-district areas. Additional seasonal or part-time assistants are probably needed in the non sub-district areas to collect local diversion data, and control diversions as necessary. More time is required of the watermaster in the summer than the winter, and perhaps more time is required of the watermaster in the summer than one person can provide, but the job could be done in the summer with the inclusion of assistance from Bob Foster and part-time seasonal assistants. Tim again mentioned that IDWR would like to support the concept of the users paying for the seasonal assistants to measure and record diversions like surface water sub-districts already do, and the State take care of paying for the watermaster's administrative oversight duties, but he could not guarantee whether IDWR would be able to implement such an idea. Tim anticipated more work is needed getting the district up and running over the first few years, but watermaster duties could decrease over time. Cindy Yenter said she is busy year round. In the winter she works on administrative duties including water user compilation and reporting, assessments, budgets, updating rating curves, and other office work.

Cindy Yenter, watermaster for Water District 130, made a presentation about the district and her duties. Many of the specifics of the district differ from the Upper Salmon, but there are similarities in how administration would occur. Major points from her presentation are:

- WD 130 contains three sub-districts (North Snake and Magic Valley Ground Water Districts, and the A&B Irrigation District). It is a large district on the Eastern Snake Plain with both ground water and surface water diversions.
- Annual diversions are about 2.6 million acre-feet (surface and ground water).
- She is a full-time employee of IDWR. There is a part-time deputy who works as a hydrographer, plus clerical support for the water district.
- She uses tools available from IDWR: GPS/GIS, satellite imagery, computer software programs, and provides data used in IDWR computer ground water models.
- The watermaster provides general oversight, receives reports and data, verifies measurement data, implements curtailments, Notice of Violations and other administrative actions.
- The watermaster makes a general administrative assessment each year to all water users. One assessment is sent to each sub-district
- IDWR makes a monthly billing to WD 130 for watermaster services. Billing includes hours for the watermaster, deputy watermaster, and clerical support (including benefits), but not for other support services provided by IDWR. The IDWR billing includes an

administrative overhead or “in-direct” charge to cover office, vehicle, equipment, and stationary/ mailing costs etc. The overhead charge is usually about one-third of personnel costs.

Cindy’s presentation generated a number of questions about specifics of her duties, paying for the umbrella watermaster, and how her experiences apply to the future Upper Salmon Water District. She emphasized the need to assess all water users. Include all water right holders in the district in order to keep the costs low for everyone. Think about consolidating some smaller sub-districts to achieve economy of scale.

The point was raised again that the agencies (state and federal) are forcing formation of a water district. They should subsidize the costs. Tim said that once the water rights are decreed, the department would create a water district anyway. The approach may be different in this water district because of the Wild and Scenic agreement, but water districts are currently being formed in other areas of the state following the adjudication of water rights in the Snake River Basin.

The committee spent the final 20 to 30 minutes of the afternoon looking at draft water district resolutions. Resolutions are a guidance document for operation of the district. They usually include redundant information so a user does not have to go to multiple documents to get necessary information. It is easier to include all the information in the resolutions than to pull items out of the order. Dave McFarland suggested not getting too specific in first year resolutions. For example, do not include headgate and measurement requirements that are too specific. Tim agreed that resolutions could start out with more general goals and be more specific in subsequent years when there is more information. Tim was asked to send the steering committee members the draft resolutions Jack Challis compiled and which Tim edited.

Tim said the Director’s order could specify phasing in measuring device and headgate requirements over two to three years. Ideally, measuring devices will have a 2008 deadline. Headgates may take longer in some places.

Participants discussed scheduling next meeting date. Some preference was stated for the afternoon of Jan. 17, 2006. Tim said he would send an e-mail asking for input on this date and several others during that week.