

February 24, 2009

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RE: 2009 Advisory Committee Meetings – Follow up and Schedule

Dear WD170 Advisory Committee Member:

This letter is a follow up to the meeting of the Water District No. 170 Advisory Committee on January 27, 2009. I've attached the draft minutes of that meeting for your reference. Regrettably, a meeting announcement was not mailed to the committee prior to the meeting, so attendance was low. Despite this, the meeting was productive and another meeting will be held in the coming months.

During the January meeting, the committee decided that additional information was necessary to proceed. As noted in the draft meeting minutes, the discussion centered on the functional relationships between the sub-districts and the larger water district. Some topics remain unclear, such as whether de minimis water right holders in 72A should continue to pay assessments, and how voting credentials should be established if the alternate method is requested at a Water District No. 170 annual meeting. Although some of the questions may seem minor, it is important that they are answered so the district can operate consistent with the statutes and effectively serve the users. I am working with the Attorney General's office to answer some of the questions brought up in the meeting and will schedule a follow-up advisory committee meeting in the coming months.

In the mean time, please feel free to contact me if you have any comments, or would like to discuss any of these issues further.

Sincerely,



Nick Miller, P.E.
Watermaster, Water District No. 170
Water Distribution Section, IDWR

ENCLOSURE: Water District No. 170 Advisory Committee Draft Meeting Minutes -- January 27, 2009 (2 pages)

**Water District 170
Upper Salmon Water District
Advisory Committee Meeting
January 27, 2009
Salmon-Challis National Forest Office, Challis**

DRAFT

Chairman Gary Chamberlain convened the meeting at 1:35 p.m.

Mr. Chamberlain asked Nick Miller, WD170 Watermaster, to give a brief overview of the annual meeting of sub-district 72-A which was held the previous evening. Mr. Miller indicated that the meeting went well and that the users expressed a concern that they were not getting enough information regarding WD170. Specifically, two main issues were brought up.

First, not all the 72-A users were receiving WD170 mailings. Mr. Miller indicated that 72-A administers all surface water rights tributary to Garden or Challis Creeks, but WD170 specifically excluded de minimis domestic and stockwater rights. It is unclear whether the de minimis water rights within 72-A should remain in WD170. Nevertheless, users that only own de minimis water rights have not been receiving mailings regarding WD170. He indicated he would work toward resolving this issue by looking at how many people are affected and then working with 72-A and IDWR to determine whether it is appropriate to discontinue assessing these individuals or whether they should be included in WD170. Mr. Miller noted that there is a difference between 72-A users that pay the minimum assessment and users that only hold de minimis water rights.

The second issue raised at the 72-A meeting was how those users would be represented in the WD170 advisory committee. They expressed a concern that the previous representative did not provide information regarding WD170. As a result, the users selected Steve Bauchman as the WD170 Advisory Committee member to represent 72-A users.

Mr. Bauchman was in attendance at both the 72-A meeting and this Advisory Committee meeting and elaborated on these concerns. Mr. Bauchman indicated that the users currently do not have confidence and trust that WD170 is looking out for their interests and also are concerned about the financial impacts of WD170.

Mr. Miller then gave a brief overview of the progress made during 2008 to bring WD170 closer to becoming a fully functioning water district. He explained that basin 71 was in a position to begin measurement and reporting during the 2008 irrigation season and will have a functioning sub-district for the 2009 irrigation season. Basin 72 is expected to be brought largely into compliance with the measurement and control order during the 2009 irrigation season and will be subject to some measurement and reporting. However, Basin 72 will likely begin measurement and reporting in earnest in 2010 as additional sub-districts may be created prior to the start of that irrigation season.

Mr. Chamberlain produced a letter recently sent to Basin 72 water right holders from Mr. Miller regarding compliance with the measurement and control order. Mr. Chamberlain indicated that users should provide Mr. Miller written documentation of whether their diversions will be in compliance or to ask for an extension.

Mr. Bauchman and Mr. Hawkins questioned whether users in sub-districts 72-A and 72-F need to provide such documentation. Mr. Miller indicated that the letter discussed that issue and

indicated that users in a sub-district are largely already in compliance, but will be contacted by their local watermaster if they need to do anything additional.

Mr. Miller described that he anticipates additional sub-districts will be created and solicited input from the advisory committee as to what the divisions should be. After a brief discussion, the committee decided it would be more productive to have that discussion while looking at a map of the basin and suggested Mr. Miller schedule another advisory committee meeting in a month or so for that purpose.

Mr. Bauchman reiterated that better information sharing should occur and some discussion ensued regarding information sharing by other entities (IDWR, the USFS, IDFG) with the water district and regarding the potential financial impacts of WD170 to the 72-A users. Mr. Bauchman indicated he had information that he did not have previously and felt he was in a better position to discuss these issues with the 72-A users.

Mr. Steve Spencer of the USFS gave a brief update on the status of special use permitting in Basin 72. He indicated that work was ongoing and that approximately ½ dozen diversions would need special use permits in Basin 72. Mr. Spencer indicated that those permits could be issued by the end of the 2009 irrigation season. He further indicated he had no report from the Sawtooth Forest regarding the status of permits in Basin 71. Mr. Miller indicated he would contact Bob Kenworthy for additional information.

The Committee discussed the proposed resolutions to be considered at the annual meeting that evening. The committee discussed the second proposed resolution “Watermaster Access” and considered whether this is a duplication of authorities already granted to the watermaster by statute. Mr. Miller indicated he has experienced some situations where users were reluctant to provide the watermaster access through locked gates and felt this resolution would help avoid that situation in the future. The Committee felt that this resolution was duplication and was not necessary. Mr. Miller indicated that, even if it is not necessary, it will do no harm and could help the watermaster perform his duties.

The topic of existing resolutions was discussed. Mr. Miller indicated that some of the existing resolutions should be reconsidered, particularly those resolutions regarding payment terms, because they are currently not applicable, may conflict with resolutions passed by the sub-districts, and some may conflict with the Idaho Statutes. However, as the district is not collecting a budget yet, these resolutions have no effect and can remain in place. Mr. Miller indicated he would discuss this issue with IDWR and the Attorney General’s Office and have additional information at the next Advisory Committee meeting.

The Committee then engaged in a discussion regarding voting by sub-districts at the annual meeting and other details of how the sub-districts will interact with the larger district. Mr. Miller indicated he had submitted a memorandum to the Attorney General with questions on this topic, but had not yet heard back. This topic will be discussed in further detail at the next advisory committee meeting.

A meeting of the WD170 advisory committee was scheduled for 1:30 p.m. on the day of the next annual meeting, and will be held at the Salmon-Challis NF conference room.

The meeting adjourned at 3:40 p.m.

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