

Peppersack, Jeff

From: Lester, Steve
Sent: Monday, May 21, 2012 9:31 AM
To: Peppersack, Jeff
Subject: Grays Creek Ditch, meeting minutes

Jeff:

I am making this comment only to clarify the record pertaining to this ditch and IDWR.

The 5/12/2012 petition to appoint a lateral manager includes draft (?) minutes of a 3/26/2012 ditch meeting organized by the petitioner. I attended the meeting as an observer since this was not a department meeting. The minutes accurately note that but incorrectly state that I said "the state didn't want to get involved."

That is an incorrect summary of what I tried to convey to the people at the meeting: the department generally cannot regulate lateral ditch matters and that, in this case, department authority via the (Chapter 6) watermaster ends at the river POD instead of instructing the watermaster to "go down the ditch."

Please include this correction in the petition record. Thank you.

Steve

GRAYS CREEK DITCH

Numerous owners use natural flow rights & irrigation district storage water from Little Weiser River, Indian Valley.

Vague ditch organization of some sort in prior years – assessments paid, two (?) directors, sec/treas, no information about meetings, elections etc. Apparently has not included a ditch manager.

Last year I attended ditch concern meeting per request, problems among 3 owners lower end of ditch. Told people IDWR providing information to help, not an IDWR meeting & most likely problems not under IDWR jurisdiction. Watermaster & irrigation district directors, 2 of 3 above owners, other interested people attended. Several hours of discussion plus extensive field visit to see problem areas.

Provided follow up water right research information & maps to people.

Civil problems, IDWR action n/a.

Dana Hofstetter organized lateral ditch users meeting on behalf of clients with unresolved problems, used Chapter 9, not Chapter 13 (Phil Rassier told me 3+ users are a Chapter 13 association as matter of law, not by choice).

Appears proper notice provided to all ditch users. Meeting held 3/26/12. Per request, I attended for informational purposes, same idea as before. Emphasized to people that I was there to provide information, it's their meeting, not IDWR meeting etc. Although good turnout including 67A watermaster & irrigation district directors, only 5-6 owners showed up. Elected new directors, sec/treas, assessed at \$3.50/acre to raise about \$6000, local person agreed to be ditch manager (former 67A watermaster).

Ditch manager resigned several days later. Dana said ditch directors will not appoint new manager.

Dean Dunham, 1 of elected ditch directors (did not attend recent meeting), reportedly had told many owners not to attend that meeting, "not legal meeting." Allegedly organized his own meeting, that group hired attorney for brief consultation.

Dana sent letter to current 67A watermaster & irrigation district directors, asked them to appoint ditch manager under 42-909. Copy attached. Said willing candidate available.

Based on my understanding of the situation, seemed inappropriate to ask watermaster to take action. I advised him not to do that. Also had lengthy calls from Dana & Jerry Yaeger (1 of irrigation district directors) – both think IDWR must appoint ditch manager thru watermaster.

Yaeger wants to talk to someone higher up.

Dana wants meeting to determine IDWR position about watermaster appointing ditch manager.

My View

Agree with Homan, "nobody knows what Chapter 9 means!"

Chapter 9 uses "water district & watermaster" within context of shared ditch system, totally different than Chapter 6.



Dana is cherry picking information in 42-909 to compel 67A watermaster to appoint a ditch manager for situation with dueling factions. The bigger faction is apparently led by ditch director elected by smaller faction.

Involving 67A watermaster puts us in the middle of lateral ditch fight.