

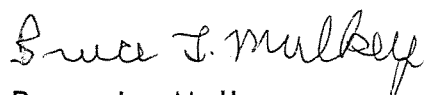
State of Idaho - Department of Water Resources:

I am a water user in both Water Districts number 74 and 74-F.

I was the last water master on Pratt Creek in the early 1970's when it decided to go inactive. The users have been able to divide the water by themselves without a water master since that time.

Only two of Pratt Creek's diversions are assessable by vehicle. It would take a lot of effort for a water master to administer the other diversions. With this being said, if 74 F is combined with 74 it would create more work than one water master could do in times of regulation. What I have seen of Withington Creek 74J, it has even more diversions and they are even harder to get to. Therefore I feel that the only way that 74F and 74J could be combined with 74 is if a deputy water master was hired and paid for by the users of 74 F and 74J without increased expenses for by the users of 74.

Sincerely,

  
Bruce L. Mulkey

## **PROPOSED COMBINATION OF WD74 AND WD74J**

### **WD74J WITHINGTON CREEK**

In 1997 WD74J petitioned the state to disband. They have not had any problems until 2011 and 2012.

The main users are Colston (Martinez) , Thomas, and Jakovac. For 35 + years, Thomas had his ranch and leased the Colston ranch. In 2011 Martinez leased it from Colston not giving Thomas control of the water. They began installing weirs and a few head gates in 2011. There have been a few reported problems with Martinez and Thomas. Bob Loucks contacted the State and ask for 74J to be put into 74.

Another issue is L-14 crosses Withington Cr and the users on L-14 use Withington Cr as long as there is enough flow and if not they then turn on L-14. I have ask the Dept if this is permit able and was advised as long as we are not in regulation there is not a problem. BUT the F&G have a problem with backdoor issues on L-14. The users on L-14 have a head gate design for the confluence but have not reached an agreement to have it built or installed.

There are I believe 21 diversions on Withington Cr. I believe there are 10 users.

The POD are mostly away from the road and would have to be walked to taking some time to get to each and every one of them.

As water master I do not believe it in the best interest for WD74 to except WD74J into the dist.

Thanks

A handwritten signature in cursive script, appearing to read "Rick Sager".

Rick Sager

## SUMMARY OF COMBINATION OF DISTRICTS

Water District 74 currently has 120 diversions. This includes the Lemhi River, Lemhi Big Springs, Hayden Creek, Basin Creek and Tribes, Haynes Creek, McDevitt Creek, Kenny Creek, and Wimpey Creek.

WD 74J has 21 diversions.

WD 74F has 10 diversions. That's a total of an additional 31 diversion that have limited road access.

IDWR has requested the Water Master measure the diversions on a more regular basis.

The mileage for the last three years. (2012) 6,292 (2011) 5,512 (2010) 6,478

I have been contacted by 3 of the 5 users in WD 74F and they show no interest in being in WD 74. I as watermaster of WD 74 for 21 years do not believe in the best interest to combine WD 74J and WD 74F into WD 74.

Thanks

A handwritten signature in cursive script, appearing to read "Rick Sager".

Rick Sager

## PROPOSED COMBINATION OF WD74 AND WD74F

### WD74F PRATT CREEK

Pratt Cr has not had a water master for at least 30 years. They have never had a problem with the water delivery. Per Bruce Mulkey.

About 3 years ago in the spring water flowed off of the Moulton and Skinner ranches going over a bluff then across the Lemhi back rd onto the Hartvigson Ranch ( leased by Verdell Olson ).

The county contacted Olson and said not to let the water cross the rd. He stated it was Skinners and Moultons water and the battle began. The IDWR was contacted and they advised all parties it was a civil matter not a water matter. The dept has had me look at different issues and I reported them back to IDWR. A new head gate was installed by Skinner and Moulton issued by the sheriff dept.

I have mapped 10 div on Pratt Cr and I believe 5 users. I know of only 2 weirs and not sure of head gates.

The IDWR would like to combine 74F into 74 stating the Water master would only have to go if there was an issue. I believe if they are in a dist they should be controlled as one.

As The POD are not assessable by rd and would have to be walked to taking too much time.

AS water master of WD74 I do not believe it to be in the best interest to combine 74F with 74.

Thanks

A handwritten signature in cursive script that reads "Rick Sager". The ink is dark and the signature is fluid, with a large, stylized 'R' and 'S'.

Rick Sager

November 12, 2012

Jack Jakovac  
71 Red Rock Stage Rd  
Salmon, ID 83467

**Re:** Proposed combination of WD74-F, WD74-J and WD74

**To:** Tim Luke  
IDWR Water Compliance Bureau Chief

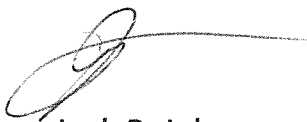
I, Jack P. Jakovac do not want to be included with WD74.

I would like to hire our own watermaster and continue to be our own water district of WD74-J.

We should be able to do this without causing any extra burden to Water District 74 and its watermaster.

I do not want to incur any extra expense to Water District 74.

We are not having any difficulty to date.

A handwritten signature in black ink, appearing to be 'Jack P. Jakovac', with a long horizontal line extending to the right.

Jack P. Jakovac  
WD74-J

November 6, 2012

*Dist 74 F*

**REGUARDING WATER MASTER FOR PRATT CREEK**

REQUIREMENT OF A WATER MASTER ON PRATT CREEK SINCE THE 1970 HAS NEVER BEEN NEEDED. THE MOULTONS, SNOOKS, SKINNERS AND THE MULKEYS, HAVE WORKED WELL TOGETHER MANAGING THEIR WATER.

I DO NOT FEEL THAT CONSOLIDATION IS IN THE BEST INTREST OF THE WATER USERS ON PRATT CREEK. I WOULD FIRST LIKE TO TRY AND REESTABLISH OUR OWN WATER MASTER.

I WOULD LIKE THE OPPORTUNITY TO VISIT WITH YOU AT A LATER DATE.

SINCERELY,

JIM SKINNER

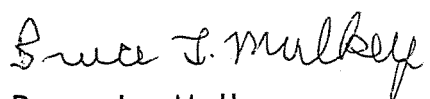
State of Idaho - Department of Water Resources:

I am a water user in both Water Districts number 74 and 74-F.

I was the last water master on Pratt Creek in the early 1970's when it decided to go inactive. The users have been able to divide the water by themselves without a water master since that time.

Only two of Pratt Creek's diversions are assessable by vehicle. It would take a lot of effort for a water master to administer the other diversions. With this being said, if 74 F is combined with 74 it would create more work than one water master could do in times of regulation. What I have seen of Withington Creek 74J, it has even more diversions and they are even harder to get to. Therefore I feel that the only way that 74F and 74J could be combined with 74 is if a deputy water master was hired and paid for by the users of 74 F and 74J without increased expenses for by the users of 74.

Sincerely,

  
Bruce L. Mulkey

Nov. 13, 2012

To Whom It May Concern,

Water District 74 is responsible for the management of approximately 120 diversions on the main stem Lemhi River and several tributaries. There are 28 tributaries that have their own water district due to adjudication prior to that of the Lemhi. They are responsible for their own water management and are not considered tributary to the Lemhi for water management purposes.

Two of the streams responsible for their own management are Withington and Pratt Creeks. They either had their own water master or didn't require management at different times due to cooperation of the water users.

Fast forward to 2012; there are problems of sorts on both streams now. The perceived solution for IDWR is to pass the buck to Water Dist. 74 and let them pay for and solve these problems. There are approximately 31 diversions on these two streams and all but a few are inaccessible by vehicle. It is the opinion of those in Water Dist. 74 that we would be unable to properly manage the water on the Lemhi and these two streams without the addition of an assistant water master. This would add to our costs and would be absorbed by Dist. 74 water users.

It is the opinion of water Dist. 74 and all but one or two of the water users on the two streams in question that the most efficient and fair way to solve these problems is for Withington Creek and Pratt Creek users to manage their own water either by consensus or with a water master. The most efficient management is done close to the ground by those that understand the problems. If it is done any other way, you soon have people hired to manage people and becoming very unefficient. In these uncertain economic times, we need to be as efficient as possible.

It is my opinion that the best solution for water management on Pratt and Withington Creeks is to let their water districts work with their own water master.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R.J. Smith', with a stylized flourish at the end.

R.J. Smith



## Bob Loucks

---

**From:** Willard Colston <colstonw@live.com>  
**Sent:** Saturday, November 10, 2012 6:22 PM  
**To:** Bob Loucks  
**Cc:** Ray Colston  
**Subject:** RE: Watermaster

Dear Bob,

This is authorization for you to represent me and my water rights on Withington Creek at the hearing next week on this matter. It is not possible for me to be there and I trust your judgment as both a resident on the creek and a professional well versed in ranching and water issues.

I thank you for your help,

/s/ Willard Colston

---

**From:** [baloucks@centurytel.net](mailto:baloucks@centurytel.net)  
**To:** [colstonw@live.com](mailto:colstonw@live.com)  
**Subject:** Watermaster  
**Date:** Thu, 8 Nov 2012 09:59:02 -0700

Willard,

You should have received a letter from Idaho Department of Water Resources (IDWR) concerning a hearing next week to take input on adding Water District 74J (Withington Creek) and Pratt Creek to Water District 74 (the main stem Lemhi River and 9 tributary streams). The reason for this proposal is that both Withington Creek and Pratt Creek Water Districts are inactive and the state wants water administration.

The last meeting of WD 74J was in March 1997. At that time the water users on Withington Creek voted (Lynn Thomas voted for you) to disband the WD. We had been operating our district for about \$150/year. The state and IDWR mandated that the district purchase workmen's compensation insurance for the water master. At that time, the minimum workmen's comp was \$800/year. So, rather than increase our budget 6X just to pay workmen's comp, we elected to disband. We petitioned the Director of IDWR to disband WDJ and include us in WD 74.

IDWR is going to insist on water administration. Their requirements for water masters training and reporting to the state have become much more rigid in the past five years. Lynn Thomas and Jack Jakovac are going to propose to IDWR that we re-organize WD 74J and operate an active WD with our own part-time water master. I am opposed to that scenario. Aside from the obvious problem of finding someone willing to obtain training and settle water disputes on the creek, I think it would be substantially more expensive for us than joining WD 74.

You are the **largest** water user on Withington Creek. You have 1.4 cubic feet/sec (cfs) on each of the ranches. So, your total water right is 2.8 cfs (140 miners inches). Lynn Thomas is the second largest water user on the creek. He has 1.4 cfs on the Grounds Ranch and 0.76 cfs up the creek (total 2.16 cfs or 108 miners inches). Jack Jakovac is the third largest water user at 0.9 cfs (45 miners inches). Water Districts are operated by an assessment on the members of the District. The assessment is by cfs diverted. The current assessment in WD 74 is \$55/cfs. So, if the Director of IDWR puts us in WD 74, your assessment would be about \$155/year. You can do the math as well as I can. Although there are about 12 water rights on the creek, most

are very small. My water assessment would be \$11/year. For the cost of being part of WD 74 we could about pay the workmen's comp as an independent district. In addition, we would still have to pay salary, SS, and expenses for a water master. Someone would have to do the billing, book keeping, and file the required paperwork with IRS and the state.

If the Director of IDWR puts us in WD 74, we would get a professional full-time water master and a part-time clerk. They do a very good job of administering water. I should emphasize, under Idaho law the decision is solely up to the Director. However, as your letter indicates, you can submit either oral or written comments at the scheduled hearing. I encourage you to support including WD 74J in WD 74. Whatever you decide, you should submit comments either written or oral. If you like, I would be happy to represent you. If you would like me to represent you, send me an email with your decision and authorization for me to represent you.

S/Bob Loucks

November 6, 2012

**REGUARDING WATER MASTER FOR PRATT CREEK**

REQUIREMENT OF A WATER MASTER ON PRATT CREEK SINCE THE 1970 HAS NEVER BEEN NEEDED. THE MOULTONS, SNOOKS, SKINNERS AND THE MULKEYS, - Stokes HAVE WORKED WELL TOGETHER MANAGING THEIR WATER.

I DO NOT FEEL THAT CONSOLIDATION IS IN THE BEST INTREST OF THE WATER USERS ON PRATT CREEK. I WOULD FIRST LIKE TO TRY AND REESTABLISH OUR OWN WATER MASTER.

I WOULD LIKE THE OPPORTUNITY TO VISIT WITH YOU AT A LATER DATE.

SINCERELY,

JIM SKINNER

*Approved  
Deegan Stokes  
Phil Moulton*

RECEIVED

NOV 16 2012

DEPARTMENT OF  
WATER RESOURCES

Barbara Peets  
282 Withington Cr.  
Salmon, ID 83467

#(208) 756-6256

November 13, 2012

Director, Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

Dear Director;

*This letter is in response to the matter of the proposed combination of Water District NO. 74F and Water District NO. 74-J and Water District NO. 74. My property is 282 Withington Creek Rd. and I irrigate approx. 4 acres.*

*My experience in the last several years is the lack of a water master that deals with our drainage. Whenever there is an issue concerning water rights, it is difficult to find anyone that is in authority to discuss it with. Just having someone that is impartial and informative would be a great help. Availability is also important. Trying to find information about water rights in this area can be difficult too.*

*I'm not sure what would be the best solution as to the combining the districts. Hopefully the decisions will be beneficial to those affected. Thank you for considering my concerns.*

Yours Truly,

*Barbara Peets*

Barbara Peets



RECEIVED

NOV 16 2012

DEPARTMENT OF  
WATER RESOURCES

Gary Spackman

Director

Dept. of Water Resources

PO Box 83720

Boise, ID 83720-0098

Dear Mr. Spackman,

I Connie Heaps, am writing in regards to the NOTICE OF PUBLIC HEARING IN THE MATTER OF THE PROPOSED COMBINATION OF WATER DISTRICT NO.74-F (PRATT CREEK), WATER DISTRICT NO.74-J (WITHINGTON CREEK) AND WATER DISTRICT NO.74 (LEMHI RIVER).

I have two active water rights decreed in Baker on the Lemhi River, 74-15494 priority date 6/1/1880 and 74-1287D priority date 9/21/1915.

Will this proposed action have any effect on my water rights in any way? Will our current water master over see those additional creeks?

I will be unable to attend the public hearing in Salmon, ID on November 13, 2012 at the city hall.

Would you please respond in writing within 10 days, thank you for your time.

Sincerely,

Connie D Heaps 11/8/12

Connie D. Heaps

4324 Expressway Apt.6

Missoula, Mt 59808

406-552-8506

RECEIVED

NOV 19 2012

DEPARTMENT OF  
WATER RESOURCES

Lynn and Heather Thomas  
142 Withington Creek Road  
(P.O. Box 215)  
Salmon, Idaho 83467  
November 14, 2012

Gary Spackman, Director  
Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

Dear Mr. Spackman:

Thank you for this opportunity to send our comments about the proposal to combine our Water District 74-J (Withington Creek) with WD74 and WD74-C. We do NOT want to combine our Water Districts.

The proposal in 1997 to “disband” our district and include it in WD74 was Bob Loucks’ idea. He is one of our neighbors on the creek (retired County Agent), and even though he only has 5 acres (and only irrigates a small horse pasture) he has always wanted to dictate how we do things. In 1997 at our annual water meeting (which only a few of us attended), he talked us into “disbanding” because he told us that we would have to start paying Workman’s Comp to continue to have a water master, and he said it would be too expensive. Bob Loucks always took a very active part in our meetings (because he had the time) and tried to direct what we did, even though he only has a small acreage-hobby farm and has never made a living ranching.

There are several small acreages in our water district that have small water rights, and 3 land owners on our creek with ranches that use the most water: the Jakovac ranch (which used to be Sager) with the first water right (sharing part of that first right with some acreages at the lower end of the creek), us (Thomas) and Colston who split the old Morgan/Grounds place with the second right, another piece of Colston’s (Gooch ranch) with a 3<sup>rd</sup> right, and our upper place with the 4<sup>th</sup> right. During the 1970’s, 1980’s and 1990’s we hadn’t had very many water problems on our creek, with very few calls to our water master.

My husband and I had leased the Colston pieces for 28 years (at the time of our 1997 water meeting—and our family continued to lease it for another 12 years). During those years, if Sager (and in later years Jakovac) got short of water, we could always juggle the water around and come up with what he needed. So in 1997 we, and Jakovacs (who had just bought the Sager ranch), were lulled into thinking we maybe didn’t need a water master very much (especially since it was going to cost a lot to continue to have one) and we were talked into “disbanding” our district by Bob Loucks.

It’s his idea that we should join WD74, and you’ll notice that he was the only one at the hearing (November 13) who wanted to do this. But WD74 doesn’t want us because

their water master already has his hands full during the summer, especially on a low water year. We would just be an extra burden.

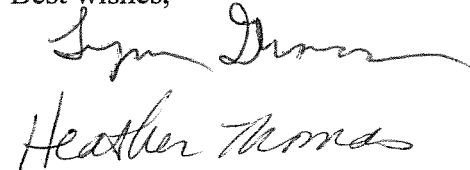
We prefer to keep our autonomy and find a water master of our own. Bob Loucks claims that he represents most of our creek water use and that the people he represents think we need to join WD74, but this is not true. We have talked with Jack and Sharon Jakovac (who use most of the first right) and they are adamantly opposed to joining WD74. They are sending their comments to you regarding this matter.

At the time of our meeting with several concerned parties in WD74 (last Wednesday) Bob Loucks claimed to have Colston's blessing on his proposal, but admitted he had not talked to Willard Colston, the owner, who lives in Maine. Willard's younger brother Raymond lives on the ranch and owns 5 acres. The ranch is currently leased to Alfonzo Martinez. Bob Loucks has possibly talked with Willard Colston since that meeting, but we are not sure if he actually has.

Bob Loucks also claims to represent Art Turner, his neighbor with 15 acres (who lives in West Jordan, Utah, and from whom Bob Loucks rents some horse pasture), but we talked with Art before that meeting and at that time he was NOT in favor of joining WD74. Bob Loucks had also not talked to Barb Peets (who has a small acreage next to Turner), who also told us she is opposed to joining WD74, nor had he talked with Gordon Binning (who has a small acreage just above our upper ranch), nor did he talk to the people with small acreages at the lower end of the creek.

We don't think it is fair for one small water user on our creek to direct the decisions that affect all of us.

Best wishes,

The image shows two handwritten signatures in cursive. The first signature is 'Lynn Thomas' and the second is 'Heather Thomas'. Both are written in dark ink.

Lynn and Heather Thomas

RECEIVED

NOV 14 2012

DEPARTMENT OF  
WATER RESOURCES

11-5-12

To: Idaho Dept. of Water Resources

For: Director Mr. Lukas

Dear Mr. Lukas,

I received the IDWR letter regarding the proposed changes contemplated to combine WD74-F, WD74-J, & WD74, and as the recipient of a whole lot of waste & storm water presently from the Pratt Creek source (WD74-F and the 12½ mile long Sandy Creek source, you must know that I would very much like to be present to make a very detailed presentation as a result of our own investigation's findings while patiently awaiting some form of decision from the IDWR regarding the Phil Moulton Jim Skinner stock water permits.

As of right now I can't possibly make the 11-13-12 public hearing. I'm going to be out of state from the 11-9-12 until 11-18-12 and as of right now, I've been unable to <sup>consult</sup> ~~consult~~ with Bruce Mulkey, (out of town) Jim Skinner, (hospitalized) Fred Snook, & Phil Moulton all principle water users of WD74-F.

I would like to have a little more time to study this proposed combination, before a decision is made.



RECEIVED

NOV 14 2012

DEPARTMENT OF  
WATER RESOURCES

11-5-12

To: Idaho Dept. of Water Resources

For: Director Mr. Lukes

Dear Mr. Lukes,

I received the IDWR letter regarding the proposed changes contemplated to combine WD74-F, WD74-J, & WD74, and as the recipient of a whole lot of waste & storm water presently from the Pratt Creek source (WD74-F and the 12½ mile long Sandy Creek source, you must know that I would very much like to be present to make a very detailed presentation as a result of our own investigation's findings while patiently awaiting some form of decision from the IDWR regarding the Phil Moulton Jim Skinner stock water permits.

As of right now I can't possibly make the 11-13-12 public hearing. I'm going to be out of state from the 11-9-12 until 11-18-12 and as of right now, I've been unable to <sup>consult</sup> ~~consult~~ with Bruce Mulkey, (out of town) Jim Skinner, (hospitalized) Fred Snook, & Phil Moulton all principle water users of WD74-F.

I would like to have a little more time to study this proposed combination, before a decision is made.

Director, Dept. of Water Resources

P.O. Box 83720

Boise, Idaho.

83720-0098



09 NOV 2012 PM 1 L

POCA TELLO ID 832

