

April 5, 2008

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DEPARTMENT OF
WATER RESOURCES

Gary Spackman
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Mr. Spackman;

This letter is for documentation of record regarding the Challis 72A water districts past Watermaster, Jack Challis's behavior concerning myself and others.

On August 6th 2008 Mr. Challis wrote to us that he would not distribute our storage water, thus making a judgment call of "beneficial use" by not allowing delivery of our storage water from the upper Unnamed lakes, West Fork Creek Tributary (72-04000A). We were instructed by Mark Lupher the districts ditch rider to go and release the water and report back to him as to amount. We did this the following day and got back with him as to the amount of water that we released. He then told us that Mr. Challis had instructed him to disregard what he had told us and to go check the diversion himself which he did and measured the level to be at 6.25 Miners inches over the weir. We feel that any amount of water which was released should have been distributed to us directly and it was not appropriate for Mr. Challis to take it upon himself to make a determination that all the water would have "evaporated" before it reached our point of diversion. Since Mr. Challis is not a hydrologist and has no factual basis to back up his claim and did not consult or seek guidance from IDWR regarding this issue, we feel that this decision was illegal and beyond his authority to do so. Also, regarding the issue that there was no locking devise, that was totally incorrect. If Mr. Lupher would have been more observant he would have seen the locking head gate laying up against the adjacent tree. We removed it because it had been somewhat damaged (bent) due to snow pack and we did not have a way of securing it so as it would not stop the flow of water.

In 2006 Mr. Challis sent out a letter that headgates would be locked as of November 1st which is the official end of irrigation season. We had no objection legally or otherwise to this. However we were turned off 10 days before November 1 and determined that no one else below us was turned off since we are above all the other users on the district and can't help but notice this as we drive to town. What I find unbelievable is that Mr. Challis turned his water off 10 days after us! A Watermaster should be held to a higher standard, but once again Mr. Challis felt none of the rules applied to him.

In 2007 Mr. Challis cut us back to 50% of 1879 water and mis-measured our water. After having to call him regarding his measurements, he had to come back and remeasure our water: we had more water coming out of our faucet than over the weir and we were allowed 12.5 inches, and he was the person (watermaster) making the water decisions for the District?

In 2007 Mr. Challis illegally exceeded the annual budget for the district. Refer to the watermaster handbook where this matter is so important that it is stated that it is against the law more than once.

Also in 2007 Mr. Challis illegally signed District checks, he was acting as the Secretary/Treasurer which is against the law for water districts with an annual budget in excess of \$3000.00 dollars.

In 2000 and 2007 he made improper futile call assessments regarding several water users.

In 1998-99 He admitted stopping the water flow to one of the districts water users (which is illegal), when he was the Watermaster at an IDWR informal hearing conducted by Allen Merritt. He made an admission to this act, which he stated after being caught in a lie, that "he wouldn't do it again".

This was a serious offense and should have been grounds for dismissal as watermaster or at least censured but this issue was completely ignored by IDWR.

Currently the district is unable to get all district records from Mr. Challis, since he and his wife were voted out as Watermaster and Secretary/Treasurer. He has told the advisory board that he is keeping these records for his own protection and also that he has done so much work that he is entitled to them. Since he was an employee of the district all records belong to the District not him personally. We feel that IDWR should force Mr. Challis to release all records back to the district immediately or be held legally liable for theft of property.

IDWR has allowed Mr. Challis to remain as district watermaster knowing that litigation was pending with Mr. Challis with two of the districts waterusers and thus created a conflict of interest for everyone concerned.

In closing, we feel due to the many "issues" concerning Mr. Challis' tenure as the District Watermaster, that a letter of censure should be issued to him and he should never be allowed any other position with IDWR.

Sincerely Yours,

A handwritten signature in cursive script that reads "Mrs. Sandy Thomas". The signature is written in black ink and is positioned above the printed name.

Mrs. Sandy Thomas