



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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**COPY**

November 27, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

«First\_Name» «Last\_Name»  
«Company»  
«Street»  
«City», «State» «Zip»

Re: Water District No. 170 Advisory Committee Meeting

Dear Mr. «Last\_Name»,

A meeting of the Water District No 170 (Upper Salmon Water District) Advisory Committee is scheduled as follows:

Date: December 14, 2006  
Time: 1:30 P.M.  
Location: Challis Ranger District Office (US Forest Service)  
Main Conference Room  
Highway 93 North  
Challis, ID

RECEIVED  
DEC 01 2006  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

A proposed meeting agenda is attached. Questions, concerns or needs related to the scheduled meeting may be directed to Tim Luke by calling 208-287-4959, or by e-mail at [tim.luke@idwr.idaho.gov](mailto:tim.luke@idwr.idaho.gov). You may also contact Bob Foster at the IDWR Field Office in Salmon, Idaho at 208-756-6644, or by e-mail at [bob.foster@idwr.idaho.gov](mailto:bob.foster@idwr.idaho.gov).

Sincerely,

Tim Luke  
Manager, Water Distribution

Cc: Allen Merritt, IDWR Southern Region Manager  
Bob Foster, IDWR Salmon Field Office  
Nick Miller, IDWR Water Distribution, Boise

WATER DISTRICT 170  
UPPER SALMON WATER DISTRICT  
ADVISORY COMMITTEE

MEETING AGENDA

December 14, 2006

1:30 p.m.

Challis Ranger District Conference Room, Challis

- I. Summary of Water District Activities in 2006
  - Inventory of diversions, Basins 71 & 72
  - Other activities
- II. Watermaster Appointment
  - Resignation of appointed watermaster/IDWR employee, Roxanne Brown
  - Proposed watermaster replacement/appointment
  - Potential extension/adjustment of IDWR offer for watermaster services
- III. Measuring Device & Headgate Orders
  - Schedule and scope of orders
  - Issues regarding diversions on US Forest Service lands
- III. Timeline for Potential Expansion of Water District 170
  - Proposed one-year delay of expansion to other basins
  - Discuss sub-district questions/status
- IV. Schedule Next Meeting and Adjournment

Plan

- Expand 170 to 73 74 & 75 in 2008
- Issue HGMO orders for 71 & 72 Jan. 2007  
(Compliance in <sup>spring</sup> 2008)  
Basin 71  
Compliance in spring 2009  
Basin 72

Plans on Federal Lands need Federal approval.  
May be time delay because of those requirements. Water users need to contact the Feds (USFS or BLM)

USBR has funds (limited) for some  
websites of new devices.

— Merge 72-C & B

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- Resignation of appointed watermaster/IDWR employee, Roxanne Brown
  - Proposed watermaster replacement/appointment
  - Potential extension/adjustment of IDWR offer for watermaster services thru 2007
- III. Measuring Device & Headgate Orders
- Schedule and scope of orders
  - Issues regarding diversions on US Forest Service lands
- III. Timeline for Potential Expansion of Water District 170
- Proposed one-year delay of expansion to other basins → 1 yr delay
  - Discuss sub-district questions/status
- IV. Schedule Next Meeting and Adjournment
- process start late 2007  
active in 2008

2nd Tues. of March is the  
annual meeting, 13<sup>th</sup> of March  
1:30 advisory board meeting  
Annual meeting in the evening.

## **Water District 170**

### **Upper Salmon Water District Advisory Committee Meeting Dec. 14, 2006 Salmon-Challis National Forest Office, Challis**

Chairman Gary Chamberlain convened the meeting at 1:37 p.m.

#### Summary of 2006 Activities

Nick Miller, IDWR, presented a summary of Water District 170 activities that were completed in 2006. (Handout attached.) Most of the activity has been to inventory diversions in administrative basins 71 and 72. There are 152 points of diversion for larger irrigation and industrial uses in basin 71. While all of these will likely fall under the IDWR order to install headgates and measuring devices (HM), approximately 88 of these diversions are expected to require installation of headgates and measuring devices. The remaining diversions may be unused, or otherwise may be exempted from the order..

The inventory in basin 72 is partially complete. There are 1,652 points of diversion of which 75% will not need to be inventoried because they are domestic, stock, or small diversions of less than .04 cfs.

#### Watermaster

Tim Luke, IDWR, announced that Nick Miller will be appointed watermaster for WD 170 until the March annual meeting. He replaces Roxanne Brown. Bob Foster will continue as deputy watermaster.

There was a discussion about the likelihood of extending IDWR support for the watermaster for an additional year (three years total). In response to a request by the chairman for an accounting of hours, Nick reported that approximately 300 staff hours have been spent in 2005 and 2006 on WD 170 activities, mostly diversion inventory. The dollar amount is about \$9,400.

#### Headgate and Measuring Device Orders

Tim Luke said the first order requiring headgates and measuring devices, may be issued in January 2007. The order will specify a timeline for compliance in basins 71. Basin 72 may be included in the same order, or an order may be issued for Basin 72 next year. The order or orders may allow for additional time if a diversion is on USFS land. The expansion of WD 170 is likely to take at least a year longer than the original timeline.

#### Diversions on Federal Land

Bob Kenworthy, USFS, said the timeline is too ambitious for the process that the forest service must follow. The USFS is developing a programmatic biological assessment for the Upper Salmon River basin that will facilitate installation of HM and screens (S) on USFS land.

There is potential for a lawsuit against the agency if HMS are installed without authorization. NOAA and US Fish and Wildlife Service will work with the USFS to expedite the process through Endangered Species Act requirements.

The USFS must show that diversions on USFS land meet the requirements to obtain a Special Use Permit (SUP), required of individuals, and the National Environmental Policy Act (NEPA) as part of the programmatic approach in the Upper Salmon River basin.

The USFS needs SUP applications as soon as possible so they can schedule archaeological and botanical reviews of the sites. Melissa Hearst, USFS, said that agency personnel need to see the applications to understand the volume of work. If the applications come in piecemeal, it is hard to get the whole picture. Getting people on the ground to do the required reviews will take time.

Chairman Chamberlain said the people who will be affected, those with diversions on USFS land, need to start working on their SUP applications now. **He suggested conditioning the order that comes from IDWR to say that if the point of diversion is on USFS land, the owner will need a SUP.**

Land disturbing activities in the Sawtooth National Recreation Area are a concern of the USFS. HM need to comply with the scenic easement agreement. **The USFS will draft language for the order reminding water users of scenic easement management requirements.**

Fish screens will not be required by the WD 170 orders or by the USFS. The federal regulatory agencies (NOAA and USFWS) require screens on some diversions. The screen shop operated in Salmon by the Idaho Department of Fish and Game (IDFG) prefers to install headgates and screens together. There are a lot of different screen designs based on bull trout versus salmon needs. It was suggested that HM be designed to accommodate a screen that may be required in the future. Federal funding may be available to water users who divert from salmon and steelhead streams.

**The order needs to state how many years a water user has to meet the order or include conditioning language for water users who are waiting for permits from the USFS.** Diversions in basins 72B and 72C are already in compliance. Most others that are not in compliance will be soon, except for the federal SUP.

In basin 72 there is more BLM than USFS land. According to Alan Bittner, the BLM prevailed in a lawsuit, and new permits are not required if work on a diversion is being done within the existing disturbance area or footprint. Screening of existing diversions might trigger FLPMA to require a more modern right of way. The BLM wants to be notified of work that will be done to diversions on BLM land.

The availability of funds for water users to upgrade HMS was discussed briefly. In the past, federal dollars have been available through Brian Hamilton of the Bureau of Reclamation. The funding is for engineering and cost-share.

The NRCS may be able to provide some assistance through the Custer Soil and Water Conservation District and the Upper Salmon Basin Watershed Project. The federal agencies should get out contact information of people who could help with projects.

The Lemhi Agreement was discussed as a way of showing progress in a basin. A take permit has been issued to water users as long as there is progress on reconnects and significant habitat improvements. Can this agreement be extended throughout the basin?

#### Timeline

As discussed earlier in the meeting, Basins 73, 74, and 75 also will not be brought in to the water district for at least another year. There will be a hearing tentatively late next fall (2007) for public comment on expanding the water district to cover basins 73, 74 and 75.

#### Other

Thompson Creek mine attorneys are arguing that the mine should not be included in the water district based on prior agreements with the Federal Government. Tim Luke reiterated that creation of a water district is under the purview of the state and not the federal agencies. According to Gary Chamberlain, Karl Dreher is willing to meet with Thompson Creek to discuss the objections to being included in WD 170.

Jack Challis requested that IDWR hold a public hearing about merging 72B and 72C.

#### Next Meeting

The next Advisory Committee meeting will be at 1:30 March 13, 2007 in Challis, tentatively at the USFS office.

The annual meeting will be at 7 p.m. March 13. **Jack Challis will schedule a meeting room in the high school.**

**Nick Miller will prepare a written report about WD 170 activities prior to the annual meeting. Include an example of an annual report.** Quarterly reports were not made this year because there are no measuring devices, except where there is an existing water district.

The meeting adjourned at 3:08 p.m.

**Decisions or assignments are in bold face type.**

Slide 1

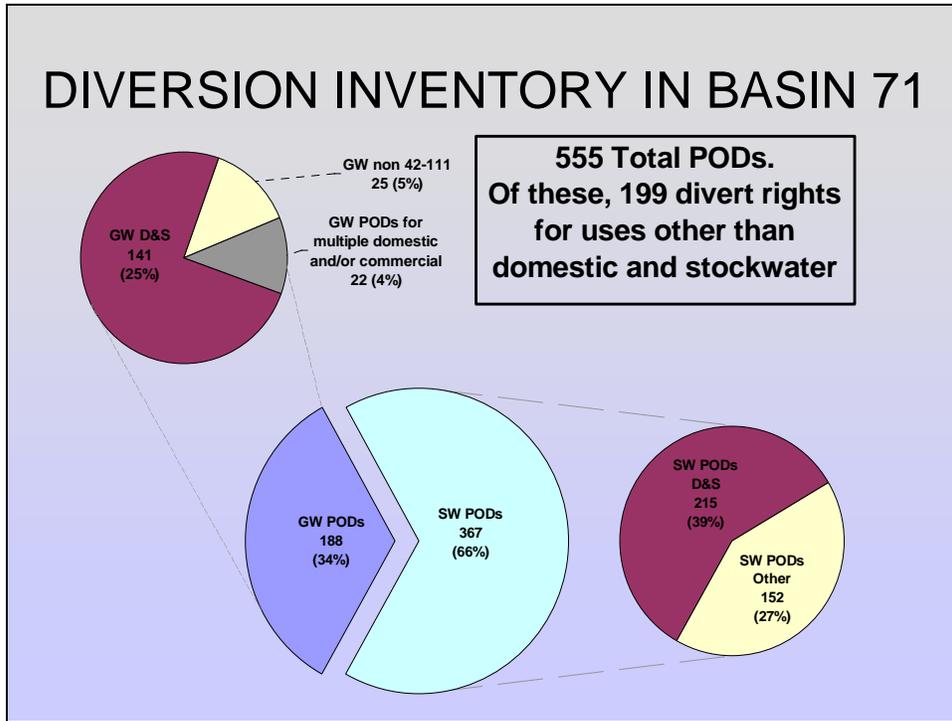
**WATER DISTRICT 170  
UPPER SALMON RIVER  
ACTIVITIES AND SCHEDULE**

Slide 2

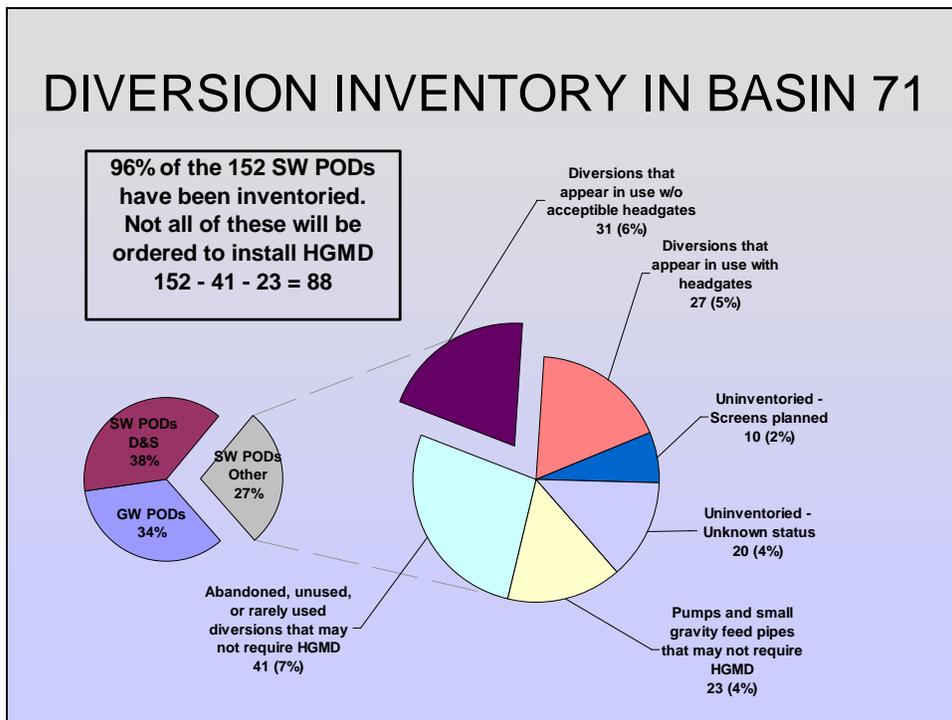
**SUMMARY OF ACTIVITIES  
IN 2005-2006**

- DIVERSION INVENTORY IN BASIN 71
- DIVERSION INVENTORY IN BASIN 72
- TIMELINE AND OTHER ACTIVITIES

Slide 3



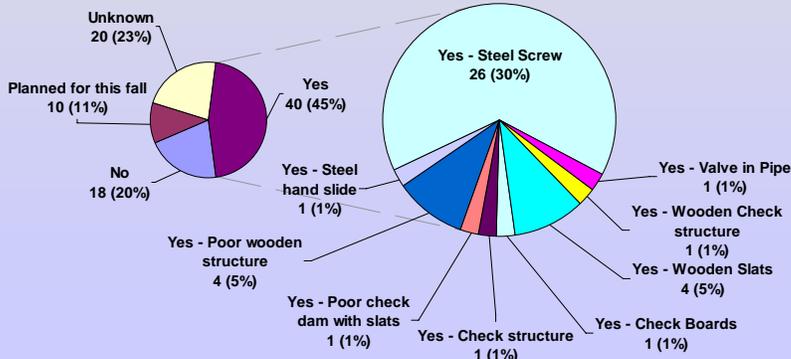
Slide 4



Slide 5

## DIVERSION INVENTORY IN BASIN 71

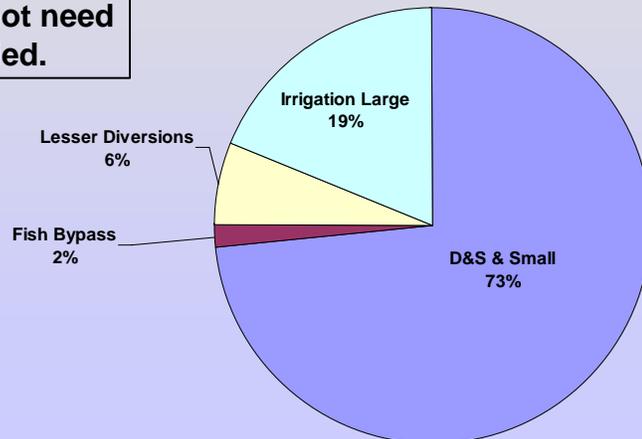
All of the 88 diversions will likely fall under the HGMD order. However, some diversions already have HGs. Some of these are acceptable, others should be replaced.



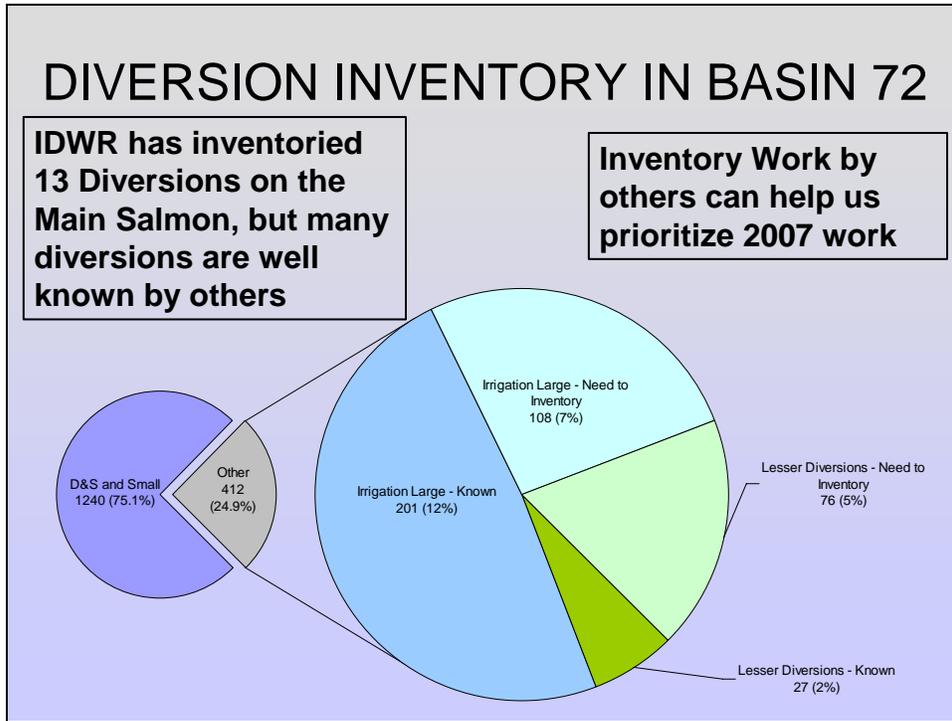
Slide 6

## DIVERSION INVENTORY IN BASIN 72

At least 75% of the 1,652 Diversions in Basin 72 will not need to be inventoried.



Slide 7



Slide 8

- ## OTHER DISTRICT ACTIVITIES
- Misc. Measurements in 2006
  - Review of new applications and transfers
  - Resolution of some regulatory issues
  - Meetings with USFS/ federal agencies

## TIMELINE FOR DISTRICT ACTIVITIES

- December 2006 – Appoint New Watermaster
- January 2007 – IDWR issues HGMD order for Basins 71 and 72 – Timeline for compliance depends on the Order
- Summer 2007 – IDWR focuses inventory efforts on Basin 72

## TIMELINE FOR DISTRICT ACTIVITIES

- Summer 2007 – Seasonal employee hired to administer/measure diversions in Basin 71
- Summer 2008 – Seasonal employee hired to administer/measure diversions in Basin 72
- 2008 – Proposed addition of Basins 73, 74, and 75 to WD170

## HG MD Order Overview

- Issued around first of next year
- Will require HG and MD on all Surface Water Diversions that divert more than **0.24 cfs or irrigate more than 5 acres**
- Diversions for new licenses will have additional data logging requirements

## HG MD Order: Options for Compliance Schedule

- Basin 71 in compliance by 2008 and Basin 72 by 2009 – with allowance for process delays
- Compliance staged by size & complexity of diversion
- Other options

## Reporting of Diversions

- Quarterly or other reporting required, starting ??
- Reports prepared by WM from data provided by users and/or Deputy WMs.
- Format and process for supplying WM with the data has not been formalized