

## COMPLAINANT'S EXHIBIT D

Docket No. C-RWM-2016-001



## TWIN LAKES-RATHDRUM CREEK FLOOD CONTROL DISTRICT NO. 17

### MINUTES OF THE MEETING June 2, 2016

The meeting was called to order at 7:25 p.m. Present were John Eixenberger, Gordon Sylte, Gordon Stephenson, and Eva Maxfield. A quorum was established.

Also present - See attached

There were no additions or changes to the agenda.

Gordon Sylte moved to accept the minutes of the June 2, 2016 meeting. S/P/U

Laurin Scarcello reported the lake level was at 8'2" with 12.47 CFS going out.

Gordon Sylte moved to pay the following: Normal Payroll, Avista \$11.28, and TC Construction \$340. S/P/U

Correspondence: A payment from Kootenai County \$11,440.88, Frontier Communications Credit (\$1.50), and a Verizon Wireless Credit (\$38.90.)

Richard Tevis attended the meeting to let the Commissioners know that he has the property by the sump. He shared a map (see black & white map attached) He is wondering if the pit might be a little deep, and would be willing to give the Flood Control District an acre of his 16 acres if it makes sense to make the access better to the sump when it is needed to be cleaned out. The Commissioners thanked him and discussed finding the best way to do this. Lauren will pursue to see if county is willing to help with this. It will be remembered and revisited at a later date.

Terry Kiefer passed around maps, and Water Flow Readings (see attached). He explained that he wasn't an expert, and that he felt uncomfortable with the limited experience he had doing these readings. He did the readings with the help of Bob Haynes. He reported that Dan Parks with the Water District double checked the readings and they might be a little high.

There was a discussion between the Commissioners and the guests about the Flood Control Commissioners having control of the dam from 10'4" to 6'4", and that once it drops below 6'4" the Water Master (Lauren Scarcello as "Watermaster" would have the control of the dam after the lake level goes below 6'4".

Colby Clark stated that there was a "Court Ruling that said only water going in could go out of the dam." Civil Case No. 32572 (copy attached). There was a discussion about the water rights of the down stream homeowners that need to be filled. Debbie Andrews explained that if the water right could not be met by letting out the amount coming in, then it was called a "Futile Call" and at that time the water rights did not come into play in determining the output of the dam. This was discussed back and

forth with the visitors and the Commissioners, with the Commissioners stating the water rights need to be met. Sue Goodrich of Sylte Ranch reported that the need was only for approximately two (2) more weeks. She reported what the water was being used for livestock.

Some of the people attending wanted a clear directive to Laurin Scarcello as Gate Tender to only let out 6.6328 CFS from the lake to the creek at the dam. This is what they believe is coming into the lake. It was discussed the damage to the creek bed if it dries out and also with the very new data on inflow the commissioners were not agreeing to do this. Many ideas were talked about.

It was brought to the Commissioners attention that the Department of Water Resources has activated Laurin as Water Master. After many comments from everyone, the Commissioners decided to set the gate for an outflow as recommended by the "Water Master.

Gordon Stephenson moved to instruct Laurin Scarcello to close the gates to around 10 CFS out and monitor. S/P/U

Laurin Scarcello gave a report on the channel work he has been trying to do on Rathdrum Creek. He feels at least two thirds of the water is being lost on the property owned by Paul Finman, who is one of the largest property owners on Rathdrum Creek. The following is a summarization of Laurin Scarcello trying to get work done to stop water loss.

*8-2-16 Met Paul Finman at 9 am with a 3 Ton Bobcat and talked for an hour on Pauls' philosophies. Viewed sandpit at 10am. There was good sand but wondered about access. Viewed where the sand could go and should go. Viewed where the previous Bentonite had been used. Paul felt it was not effective. We disagreed and I pointed out that this practice had worked for decades, and we wanted to do more Bentonite work. I made mention of this at least half a dozen times. Paul had to leave for a phone conference and did not want us there without him. I offered for him to lock me in and let me work, he declined. I tried to explain that there is a very short season that the water needs to get downstream, it did no good. Without access, I cannot do my job, and am letting down the Commissioners and the property owners. We are poor stewards of the lake, and watersheds - Why are we only able to perform our duties at the whim of a land owner. I put the bentonite back on the pallet and tools back. It was a wasted 5 hours. Without state backing and access, we are just a bunch of nice people in a nice room, wasting a nice amount of time.*

The discussion resumed on the measurements coming into the lake and where it is best to put the measuring devices. John Eixenberger voiced concerns of how different every year can be based on snow melt, weather, and even the clear cutting of trees in the watershed. Members from the Water District said that they had earmarked monies to pay for, install and monitor when it is decided the best way to do it. Gordon Stephenson voiced his opinion that it would take years to get any accurate data to allow guessing at the inflow based off of only one stream. And that each year would have different set of variables.

The preliminary budget package was passed around, with P&L, Bank Statement, and past year documentation. A motion was made to accept and publish the preliminary budget for Oct 1, 2016 to Sept 30, 2017. S/P/U

Eva Maxfield moved to adjourn the meeting at 9:45 PM

Respectfully Submitted, Bobbie Hunsinger, Secretary/Treasurer

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Department of Water Resources

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

IN THE MATTER OF THE GENERAL )  
DETERMINATION OF THE RIGHTS TO )  
THE USE OF THE SURFACE WATERS )  
OF TWIN LAKES, INCLUDING )  
TRIBUTARIES AND OUTLETS. )

CIVIL NO. 32572

MEMORANDUM DECISION

THE STATE OF IDAHO, )  
Department of Water Resources, )

Plaintiff, )

v. )

ABBOTT, Knox and Spouse; )  
et al., )

Defendants. )

This proceeding was brought pursuant to Section 42-1406 Idaho Code for the purpose of adjudicating the rights of the various users of the surface waters of Twin Lakes, including its tributaries and outlets, within Kootenai County, Idaho. The Director of the Idaho Department of Water Resources filed his petition seeking such adjudication, after he received petitions signed by one hundred and twenty-two users of waters from Twin Lakes.

MEMORANDUM DECISION

-1-

**Inflow (cfs)**

0.17	Just above the dam
7.8	At Easterly Bridge
9.3	Near Mouth; includes tributaries
0.15	
8.12	At mouth
0.18	Near head of Upper Lake

## Water Flow Readings

<u>Date</u>	<u>Creek</u>	<u>Flow</u>	<u>Explanation</u>
7-13-16	Fish	7.8 CFS	Taken at Easterday's Bridge
7-14-16	Fish	9.3 CFS	Taken at mouth (includes three tributaries below bridge)
7-18-16	No Name	.1453 CFS	Creek above dam
7-21-16	Fish	8.1 CFS	at mouth
7-21-16	Two Creeks	<u>.18 CFS</u>	Across Upper Lake
Total of all tributaries		<u>8.4253 CFS</u>	
8-1-16	Fish	6.388 CFS	at mouth
8-1-16	Two Creeks	.17 CFS	Across Upper Lake
8-1-16	No Name	<u>.0748 CFS</u>	Will dry up
Total of all tributaries		<u>6.6328 CFS</u>	

# INFLOW READINGS TO UPPER TWIN LAKE

<u>Location</u>	<u>Date/Time</u>	<u>Outlet (cfs)</u>	<u>Lake Level</u>	<u>Inflow (cfs)</u>	
No Name Creek	7/10/16 4pm	13.4	9.1'	0.17	Just above the dam
Fish Creek	7/13/2016 10am	11.9	9.1'	7.8	At Easterly Bridge
Fish Creek	7/14/16 4pm	11.1	8.9'	9.3	Near Mouth; includes tributaries
No Name Creek	7/18/16 2pm	11.6	8.8'	0.15	
Fish Creek	7/21/16 3:30pm	12.5	8.7'	8.12	At mouth
Two Creeks	7/21/16 7pm	12.2	8.7'	0.18	Near head of Upper Lake

Readings taken by Terry Kiefer