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SPEAKERS


Rick Monty, Kent Fletcher, Mark Cecchini-Beaver, Matthew Anders, Mathew Weaver, Fritz Haemmerle, Unidentified, Lucas Yockey, David Hoekema, Randy Pehrson, Garrick Baxter, Director Gary Spackman, Sarah Tschohl


-
- D** Director Gary Spackman 00:02
Okay. Welcome everybody. This is the time and place for an annual status conference. Or as I heard Fritz say, shoot the breeze opportunity. And I'm happy to engage in both. And this status conferences related to a challenge to watermaster instructions that were issued some five years ago. And we've continued to hold the status conferences, at least in the beginning, because there were high water years in the Big Lost River Basin. And there really wasn't an opportunity for rotation into storage. And now we have two years of rotation. That would be 2020 and 2021. And anyway, before I discuss this matter any further, we probably should introduce who's here and then who's on the phone. So my name is Gary Spackman, I'm the director and then let's go in clockwise direction and introduce, so self introduce would you please Sarah.
- S** Sarah Tschohl 01:21
I'm Sarah Tschohl, I'm the IDWR legal assistant.
- M** Matthew Anders 01:24
My name is Mat Anders I'm with IDWR.
- D** David Hoekema 01:28
I'm David Hoekema, I'm a hydrologist with the Idaho Department of Water Resources.
- M** Mark Cecchini-Reaver 01:33


 Mark Cecchini-Beaver 01:35
I'm Mark Cecchini-Beaver, Deputy Attorney General with IDWR.


 Garrick Baxter 01:38
Garrick Baxter attorney for IDWR.


 Mathew Weaver 01:41
Mat Weaver, IDWR.

 Director Gary Spackman 01:45
Okay, that's the extent of people here in the state office. Let's start on the phone. Fritz, I know you're on why don't you lead.


 Fritz Haemmerle 01:54
Sure, thank you Director, uh Fritz Haemmerle for Randy Nelson and the Pehrsons. Loy and Randy.

 Director Gary Spackman 02:05
All right. Thank you, Fritz. And then, uh Lucas, I know you're on.

 Lucas Yockey 02:15
Yeah, Director. This is Lucas Yockey with the water map or Water District 34. Um I'm also here in the room with Randy Nelson.

 Director Gary Spackman 02:24
Okay, and do we have any other participants? Is there someone representing the irrigation district?

 Kent Fletcher 02:30
Kent Fletcher is here.

 Director Gary Spackman 02:35

Thank you Kent I had hoped you'd be on? Anybody else?

R Rick Monty 02:42
Rick Monty, rotation user.

D Director Gary Spackman 02:45
Okay, thank you, Rick. You're welcome to participate. Others. Alright, that's complete group of attendees. I guess. We're not showing them on a screen. We must be on what WebEx or something?

S Sarah Tschohl 03:07
We're audio only in here, that's what we went with.

D Director Gary Spackman 03:11
We went with what?

S Sarah Tschohl 03:13
Audio only.

D Director Gary Spackman 03:14
Oh, okay. All right. Okay, well, I'm, I'm ready to shoot the breeze about the the past year. And I understand, let me just lead, I understand that there's some documents that were distributed this morning. And I don't know what the documents were, I'm assuming that it's a summary by Matt, Anders. Memo to me.

M Matthew Anders 03:46
Yep.

D Director Gary Spackman 03:47
And then is there also a, a short abridged.

M Matthew Anders 03:52



A highlight, yep.



Director Gary Spackman 03:53

Highlight, highlights document? Did that go out to everybody as well? Do we know Garrick?



Garrick Baxter 03:59

Yes it did, Director.



Director Gary Spackman 04:00

Okay.



Sarah Tschohl 04:01

Director, do you need a copy?



Director Gary Spackman 04:02

No, I have a copy, I just wanted to check to see what the parties have in front of them. And I'm sorry, we didn't send this document out earlier. I think it was being refined uh most recently, maybe yesterday or the day before and so um. But anyway, my understanding is that there's been discussions between department staff and the watermaster. And largely any issues have been resolved. But, I wanna to open up the discussion here regarding the, this past year. And I don't want, I don't know who wants to speak first um. But I understand at least from department staff that the department's uh been very satisfied with the efforts of Lucas Yockey in the watermaster. And Lucas, I wanna publicly pass on those compliments to you. I know you and I have talked in the past, but I really appreciate your efforts. And frankly, your longevity in the job, it speaks mountains to me about a your standing in the community and the respect you develop, so thanks. Um, so, Lucas, do you have something to say? Or do you want? You want Matt Anders to just jump in at this point? What's your preference?



Lucas Yockey 05:43

I appreciate that, Director um. Um, it doesn't matter to me if Matt wants to jump in and dive in to his memo, you know, he's the author of it. I can, I can sure chime in, um when I'm needed.



Director Gary Spackman 05:59

Okay, well, please, as Matt Anders works through the memo, please, speak up and your your participation and input is valuable to us. So thanks, Lucas. Matt, I don't know how much detail you want to talk about but as as I said at the beginning the watermaster instructions and the

you want to talk about, but as I said, at the beginning, the watermaster instructions and the analysis of those instructions and, and completion uh during the 2021 season was largely, I think, agreeable and and complimentary of the efforts. So go ahead.

M Matthew Anders 06:40

Okay, can you hear me on the phone? Lucas, can you hear me?

L Lucas Yockey 06:46

Yep, we can hear you great.

M Matthew Anders 06:47

Perfect. Uh my plan, Mr. Director, was to um just talk about the highlights just a few of the, maybe three of the instructions that uh we've talked to Lucas about these. And we have uh, a few comments, the rest of it, uh the memo is out there, people can look through it if they have comments. Feel free to, you know, let me know if I got something wrong. Um, but I mean, overall, I think you're right, the what we see on a staff level is, you know, the implementation of rotation and 20. The year, the 2020 irrigation season and the 2021 irrigation season were vastly improved over what it used to be, uh before 2017. And uh, a lot of that has to do with Lucas, following instructions and making sure everything is uh done and documented. So like I said, I'm not going to go through uh instruction by instruction, um but I'll go to instruction four. Um, if you have the if you have the memo handy, it it's uh on page four of the instruction. And what it talks about is in season notice to rotate. And this is just the water users telling, you know their ditch rider that they want to rotate into, uh rotate into the reservoir, it follows the same method where they're talking about their orders for storage and natural flow, we just, the water district implemented by fitting in rotation to that previous process, and it worked pretty good. Um, the idea was that they added a uh another section on the ditch rider log to document when somebody asked the date that someone asked to start rotation. And it worked really good from from our view. Um, there were a couple, I think we said three times, and this is definitely nitpicky, that it you know, the dates didn't get recorded. That's a very minor uh record keeping issue and the watermaster is, you know, it's kind of an ongoing process of making sure the ditch riders get everything written down. Anything Lucas, do you have any follow up comment on that?

L Lucas Yockey 09:02

Nope, nope, I'm on board.

M Matthew Anders 09:05

Okay, I'd like to jump to instruction seven on page six. So this instruction has to do with documentation of approval um in season. I'm sorry, just approval of the uh of the rotation. And in this one, we state that the watermaster did not document his analysis um of the

considerations in instruction five, and that he was concerned that, you know, it's a little bit onerous and too burdensome. And and we agree that this this is maybe too much. So our proposal is is that um we would strike instruction seven we would strike the first sentence um and that the watermaster would only document it if he does not approve somebody rotation. Any follow up there, Lucas?

L Lucas Yockey 10:06

Yes, thank you. Um, I completely agree with that, um you know, as I'm, as I'm reviewing these NOIs, you know, the Notices of Intent, uh you know, going through and checking to make sure everything has been been met before I allow rotation. Um, that that in itself, if I allow, should, should show that all the conditions have been met, and just the document every time that happens, you know uh, one user could, you know, rotate, you know, or well rotate on the, you know, multiple times a year, and just just to document the approval every time is just just redundant. Um, I do agree about leaving in the documentation, um if I do deny rotation, I think that's really important to show, why why I would deny somebody. Um and I think we should leave that in, but the having to show the document that ur the analysis supporting approval should should just be, you know, assumed when I approve it.

U Unidentified 11:13

Hey, [Indecipherable] do you see somebody?

M Matthew Anders 11:17

Okay, thank you, Lucas. Anyone else have any...

U Unidentified 11:20

What?

M Matthew Anders 11:23

...comments?

U Unidentified 11:23

I've got a client.

M Matthew Anders 11:27

Okay, oh, the last one I want to talk about as in instruction eight, on page six. This, this instruction has to do with during the season when they want when users want delivery of their

rotated water, um they are supposed to go through the process of talking to their ditch rider and ordering that water. Um the instruction says that that needs to be that when they requested, we need to record the dates. Um, and that wasn't met during this season. It's, we think this is important, and we think it could follow the same method as uh when people are notifying the ditch rider, that we could use that same table and just have the ditch rider uh record when the user requested their uh delivery. Um so again, kind of a minor change, but we we feel pretty important that we need documentation when users are requesting their rotation, delivery. Uh Lucas, did you have anything added to that?

L Lucas Yockey 12:36

No, and I'll make that change. You know, I I made the assumption of you know, recording that, you know, when they were getting a delivery that that would satisfy that. But um when we already have columns written in for requests. I don't I don't see a problem with with a little bit more documentation. I'm fine with that. I think that's a good idea.

D Director Gary Spackman 12:57

Matt, let me just interject, somebody joined us.

M Matthew Anders 13:01

Okay.

D Director Gary Spackman 13:01

And I neglected to call for identification.

M Matthew Anders 13:06

K.

D Director Gary Spackman 13:06

But whoever it was joined us is not muted or is not in a place where it's silent. So, whoever joined us late, could you identify yourself?

R Randy Pehrson 13:16

Uh Mr. Spackman I think that was me, Randy Pehrson.



D Director Gary Spackman 13:24

Okay, all right. Well thanks, Randy, thanks for joining us. If you can mute your phone or however you're participating, that would be helpful. I, I honestly thought maybe I didn't. Maybe I didn't identify, but I honestly thought Harvey Walker might be on. Harvey, are you out there? Maybe not. Well, Randy, thanks for joining us, and let's just move forward in the discussion. Thanks. Matt, further matters?

M Matthew Anders 14:02

Mr. Director, that was the end of my highlights.

D Director Gary Spackman 14:05

Further additions Lucas?

L Lucas Yockey 14:07

Um yes, I would like to talk about the, the balances at the end of the year. And the, you know the importance of trying to reach a zero balance, um is startin' to kinda create its own problem that, you know, we didn't have before. Um, you know, when when a user looks, you know, early on in the year you know, you don't really know what the year is gonna bring. So, you know, they rotate it every chance they can get, you know, you hit mid season and have a little better idea where you're going to fit and you know, by by September, maybe early October, ya you kinda know what the years gonna have in store for ya. So um, users that have balances are purposely using those balances. You know, when they're not needed just to have a zero balance, you know, to follow the rules of the NOI or, or the personalized that, you know, the, the where they signed up at the beginning of the year with the NOI to show, you know that they will use all of that in the year. And, you know, in most cases, at the end of the year, the priorities are so high that they're actually turning down natural flow, you know uh, priority water to use these use uh rotation balances. And I just think that that is starting to cause a problem. Um, you know, because that water could stay in the dam and be used um, you know, in the next year by the patrons of the district instead of just being dumped. And you know, when there's a whole big abundance of water, and I just just wanted to pick your brain on it and see what you thought.

D Director Gary Spackman 15:57

And I, I guess, Lucas, maybe you're directing that question to me. Although I'm not I'm not sure, maybe Matt and David have some thoughts about it.

M Matthew Anders 16:10

This is Matt, and I, we do see that we have talked internally about that.

- D** David Hoekema 16:17
We got feedback from something.
- D** Director Gary Spackman 16:20
Yeah, I don't know how the feedbacks happened.
- S** Sarah Tschohl 16:26
Its not happening on the recorder's side, its gotta be happening because of someone's phone. Because someone is on speaker or something, maybe?
- D** Director Gary Spackman 16:35
Would a speaker phone cause that feedback?...would a speaker phone cause that feedback?
- G** Garrick Baxter 16:37
I've seen that happen before, yeah.
- D** Director Gary Spackman 16:43
Well.
- G** Garrick Baxter 16:43
Just ask everybody to mute again.
- D** Director Gary Spackman 16:47
What's your suggestion Garrick?
- G** Garrick Baxter 16:49
Ask everybody to mute, mute again, just make sure everybody...
- D** Director Gary Spackman 16:52
So let's have everybody mute. And then let's see if the feedback goes away. It's not ours, internal system So we're certain

internal system, so we're certain...

L Lucas Yockey 17:14
I'm gonna blame this on Randy Pehrson.

U Unidentified 17:16
[Laughter]

D Director Gary Spackman 17:20
You're the, alright.

R Randy Pehrson 17:22
Please don't be blamin' that on me, because I can mute my phone Mr. Watermaster.

U Unidentified 17:27
[Laughter]

L Lucas Yockey 17:31
Its that call comin' in from Arizona that's doin' it.

G Garrick Baxter 17:37
Maybe turn down the volume on our system, so we just can't hear the feedback.

D Director Gary Spackman 17:44
Is anybody else hearing the feedback?

F Fritz Haemmerle 17:50
Director, Fritz Hammerle, I hear the feedback.

U Unidentified 17:55

Yeah, I hear it as well.

D Director Gary Spackman 17:57
And..

S Sarah Tschohl 17:58
Turn your volume down.

D Director Gary Spackman 18:01
And Lucas, you're the you're the chief investigator out there, so you're certain it's a call coming in from Arizona?

L Lucas Yockey 18:12
Yeah, I can detect the seventy degree heat coming over the phone.

U Unidentified 18:15
[Laughter]

D Director Gary Spackman 18:19
Well, let's mute everybody and let's see if we can get rid of it. Otherwise, we'll just have to talk through it, I don't know what alternative we have.

D David Hoekema 18:31
Is it this? [beep]

G Garrick Baxter 18:38
That muted the whole thing so.

D David Hoekema 18:40
Yep, [beep, beep] okay.

D

Director Gary Spackman 18:42

So, Matt, David, what are your thoughts about Lucas's inquiry, end of season balances?

M

Matthew Anders 18:56

I think our, this is Matt, I, our intent with the zero balance at the end of the year was to make sure people weren't rotating excessive amounts into into storage. And that was kind of what we were heading for. I think some users are, at least in my mind, they're trying to abide by that. But they don't know early in the season. Um if they're gonna need it all. I don't know if it's better, to have that water in the river late in the season or to leave it in the reservoir? Because, I I don't know if there's injury by leaving it in the reservoir. You've taken natural flow out of the system, but it was it would be carried over essentially by um the irrigation district, by storage users. David, do you have any?

D

David Hoekema 19:57

I personally think that turning off your natural flow right, um especially after September in order to use your water, um really isn't benefiting, anyone. I think if we allow there to be some stored rotation left in accounts, it would give us a better evaluation over a number of years if that's a constant issue, um where people are constantly using more, rotating more than they need. Um, but I think in any given year, um it's hard to know if there was a need or not, because we can't, we can't predict what the, you know what the users, the user at the beginning of the season can't predict what they're going to need at the end. But if over a period of years, we saw there's an accumulation in the reservoir with certain users then, you know, maybe that they could see that they don't need as much rotation, and so maybe they would rotate a little less over time. But when you turn off your natural flow right to deliver your rotation, it leaves everything blank. And so then it's hard to evaluate, as clearly, whether or not that rotation was needed, but we we can go backward. So I'm kind of, I kind of agree with Lucas on this, I think if we, at least in Sep, after September 1st then allow, um natural flow rights to be turned off for rotation delivery. To me, that would make sense. Or maybe throu, maybe throughout the year, I don't know, and then we'd have to allow, or let users know it's okay to have some kind of balance in the reservoir as long as it doesn't become excessive over time. And of course, that becomes harder to define. Zero is easy to define.

L

Lucas Yockey 22:09

This is Lucas um, I'm looking at the NOI and the only place that I can find that really references that they have to use it all in the year is, is during the NOI where they find the personal attestation um thing that, uh the water user in writing and his or her intent to beneficially use the water rotated into storage during the year in which the water is rotated. Um it's not really black and white saying that you do have to use it all in the year, that's more of just, you know, it's frowned upon to have a balance at the end of the year, or maybe I'm missing something in the NOI. But if we could all get on the same page and say, you know it's gonna help with our accounting to show you know, if there is balances at the end of the year, just to leave them on the balance, you know, then you're not, you're not purposely zeroing everything out, you know, so you can't go back and look, I think it would help us, help us both ways, conserve water, help

us out a little bit, and make the accounting system better represent what actually happened that year, instead of just zero every year. It's hard to go back and look and see if it was purposely dumped at the end of the year. Or if it was, if it was used mid season early season, you know, I think that would help us out.

D

David Hoekema 23:31

And generally statewide, we always have storage delivered on top of natural flow and rotation is a form of storage. So from a technical perspective, it's a lot easier to track the water if uh we deliver it on top of natural flow rather than having to have a special process that turns off the natural flow right for storage delivery.

L

Lucas Yockey 24:04

So, this is Lucas again, I guess, I'm not really looking for any changes in the NOI I just wanted to have this discussion while everybody was here, you know, about you know, I'm okay or I I want to push for the fact that you know, if you do have a balance at the end of the year, you know you're not, you're not under an assumption or forced to force to use it um. And, then it's not frowned upon if you have it at the end of the year is is what I'm getting at and that's what I'd I'd like to hear from hear from everybody else if that's in agreement or or people love the way we have it now.

D

Director Gary Spackman 24:52

Water users have some comment, here? Or Fritz, Kent?

F

Fritz Haemmerle 24:57

Uh director, this is Fritz Haemmerle. So um, what happens to the, under this scenario what happens to the balance, at the end of the year, under this scenario?

L

Lucas Yockey 25:14

This is Lucas um, any remaining balances after the irrigation season is over, would be credited to the Mackey Reservoir, and the irrigation district would take that water over.

F

Fritz Haemmerle 25:28

That's what I understand Lucas. So what you're saying is, um if they have a balance at the end of the year, we're just not going to, uh hold that against them pretty much.

L

Lucas Yockey 25:42

Correct, you know the, your your balance is a use it or lose it, at the end of the year, you know, you would lose it, but it would still show what you lost. Not use it all up before October 15th, and just show zero balance, just for the purpose of showing a zero balance.

D Director Gary Spackman 26:14

Other comments on the subject?

K Kent Fletcher 26:16

Uh director, this is Kent. I just shooting from the hip here, but um I you know, this obviously could potentially benefit the district if the water is less than storage, um could help with storage for the next following year. Uh and not have to be accounted for for an, you know, allow the carryover to be, it as an individual account for a particular water user. So, in the long run for the district, it's probably a good policy if this were to be allowed.

D Director Gary Spackman 27:00

Yeah, I guess the concern, that I've heard voiced previously, is that the water is rotated into storage during a period of time when there might be a greater demand for water, for natural flow. And then when the natural flow is available to some of the later entitled water right holders in September there isn't a need. And um, the storage water that was rotated in to into storage then is released and we have excess natural flow, that doesn't benefit the users. Isn't that the concern out there?

L Lucas Yockey 27:53

This is Lucas, yes. Yes, that is a concern. You know that, all the other types of water aren't penalized, you know, well, I shouldn't say all the other types but if you look at [unclear] storage water, you're not penalized for not using it at the end of the year it just goes back or is held in the dam and carried over for next year. So I just don't think that this should be held at a different standard you know.

G Garrick Baxter 28:22

Director what I've seen occur sometimes is that we hang up and call back in and that's that's sometimes fixed it. I don't know if you feel the the issue the feedback is so bad that you might want to reset the hearing but.

D Director Gary Spackman 28:40

Actually, I don't hear your feedback. But I can hear mine.

G Garrick Baxter 28:48

I'm not all that close to the microphone. So I don't think, I think it's something in the system that is being reflected. That's why I don't think it is has to do with our system in here. I think it's something on the call itself. That the further away you are, away from the speaker, there's going to be less feedback. But, that also means the folks on the phone can't hear you as much.

D Director Gary Spackman 29:18

Well I'll just ask. Yeah, I'm still there, is the feedback disturb so disturbing that we can't finish here? Fritz?

F Fritz Haemmerle 29:34

Um Director, Fritz, you know I could get through this so.

K Kent Fletcher 29:34

I don't hear anything.

D Director Gary Spackman 29:42

Alright, let's see if we can get through without forcing everybody else to call back in. I guess one of the alternatives, and I think we talked about this alternative somewhere along uh the various discussions, would be to require that folks who have rotated water into storage, begin vacating their space a little earlier, or at least vacate some of it. And, I hate to dictate a date, maybe this is something that staff here and Lucas can work on, to maybe look at priority dates and what might be available and visit with water users, I'd hate to dictate that kinda early release of water that's rotated into storage. But, it it seems to me that there might be an opportunity for efficiency to have some of those users start using the water rather than their natural flow. And by doing so would make natural flow available to other users who may have later priority date water rights. Lucas, do you have any thoughts?

L Lucas Yockey 31:15

I was just processin' what you said. Um, I'm not comfortable having users, or spend a day being locked in with usin' that because, again, you know, you'd make that beneficial and work you'd have to put it fairly early in the season. And, I don't think we're in the position to tell farmers, you know, what, what the weather's gonna bring what the year is gonna bring, you know it, you force force the guy to use all his rotation by July, and then all of a sudden, he could really use in August to finish a crop. You know, I don't, I don't think we should go down that path.

F Fritz Haemmerle 31:55

Director, Fritz Haemmerle, can I comment?

D Director Gary Spackman 32:01
I'm sorry, Fritz what was your comment?

F Fritz Haemmerle 32:06
Uh you know, it seems like we have a butterfly effect by trying to obtain perfection on this order. You know, everything we do, it has some sort of side effect. Um, I would strongly urge just Lucas to work with uh the users, so this situation doesn't occur in a more informal way. Uh Because it seems to me it's working fairly well, but I don't think we'll ever obtain perfection.


D Director Gary Spackman 32:43
Okay, well, thanks for the suggestion, and I'll rely on Lucas and staff regarding this particular matter. We'll just watch it, as the years go by, and we continue to shoot the breeze about it. Other matters you want to talk about Lucas? Or anybody else on the phone?

F Fritz Haemmerle 33:10
Sorry Director, Fritz Haemmerle, this will be brief. Um on page 12 of the memoranda, this issue keeps coming up, about users not being able to use their groundwater rights. Um there's, most of these or some of them are not supplemental. And I've commented on this I think every single year in every single year. The groundwater provision, uh concern shows itself at the end of these memos every single time. So, yeah I think that groundwater rights that are not supplemental the users can use them. So, that's my comment about that tractor thank you.


D Director Gary Spackman 34:00
Yeah thanks Fritz, I I guess I would characterize this last item that's titled "use of overlapping groundwater rights while rotating natural flow flow rights" as a statement of uncertainty about whether the diversion of groundwater while the natural flow is being rotated into storage is an efficient use of water or whether it's contributing to inefficiency. And, so I I view it more as a placeholder than any instruction to the watermaster. And it it may be an issue that as we gather more data or look at it the issue may come up in the future, I don't know. But, but my understanding is

F Fritz Haemmerle 35:07
Thank you Diector, it's just my annual comment on groundwater, so.

D Director Gary Spackman 35:11

 Director Gary Spackman 35:11


Yeah, okay, well I recognize it. And, again, I'd characterize this language as a placeholder, but not as instructions to the watermaster. Okay, well, where do we go from here? Fritz, this is your challenge. Go ahead.

 Fritz Haemmerle 35:41


Uh Director, I I talked with Randy and the Pehrsons, and they can speak for themselves, but I think um, the process is working fairly well and I don't think we had significant comments on uh the instructions. But Randy and Randy are here to speak for themselves, so.

 Randy Pehrson 36:11


Director Spackman, this is Randy. If I was able to make a comment.

 Director Gary Spackman 36:17


Yeah, no, I want you to.

 Randy Pehrson 36:22


I guess I would like to clarify, a teeny bit. I don't think we got a clarification to Lucas. So it would be okay to have a minor balance with that rotation credit, at the end of the season? Is that what I'm hearing us say?

 Director Gary Spackman 36:40

Well let me see if I can rephrase, and then and then seek a reaction from staff and from Lucas. It's my understanding based on the explanation of Lucas about the NOI, that there is some language there that would lead people to believe that they should strive to reduce those balances at the end of the year. But it's not a directive. That's what I understood, at least from the statement from Lucas. And...

 Lucas Yockey 37:26

This is Lucas.

 Director Gary Spackman 37:27

Yeah.

 Lucas Yockey 37:27

L Lucas Yockey 31:21

Director, and that's how I understand it to when I read it, you know, it's not completely black and white. You know, you could, you could look at that language in the NOI and it just tells you that the only, you know, the only water you can use that year is water that you accrued that year. You know it doesn't really direct us to get a zero balance at the end of the year, but that was just something that we had assumed, you know, after all these meeting, talkin', shootin' the breeze, you know. But that this is the point, I wanted to make or just clarify, that, I would like it left up to the water district um to review those kinds of accounts. You know, keep the balances where they are, cause I think it gives us a better, more accurate accounting program. You know, because when people dump their water at the end of the year, like David has made mention to you know, it really screws up the state accounting program. Um with how it how it accounts for the different uses of the water and what's accounted for first, and then I would like it to look back on the year and and see if balances actually brought down to zero or or not. You know to know, I just wanted to make the point, while everybody's here to show that, you know, a balance at the end of the year is okay, in my opinion. And that's I wanted to get everybody on the same page for.

D Director Gary Spackman 38:55

Yeah, and Randy, I'd just add the caveat that in our early review it seemed to me that there were a couple of those balances that were identified that seemed to be excessive. And that's why this expectation, or at least the encouragement was written in either to the NOI or somewhere else that encouraged the users to reduce those balances. So they didn't seem to be very large. And so I guess the caveat I would add is that I think the the user should still be mindful of the need to divert that water in season if they can, and, but certainly, and and try to reduce the balances so they're not excessive, but certainly we don't expect them to be abs at absolute zero. If that's kind of the ambiguity that I can build into it and leave the leave those determinations to staff, and Lucas, as suggested by Fritz Haemmerle.

F Fritz Haemmerle 40:13

Director Fritz Haemmerle again, I think the comment that you just stated is one of the wisest comments that's been made during all our rotation credit hearings. Um, I think that's a practical solution to the whole thing. When when this first started, you know, the Department was very animated about uh having negative balances at the end of the year. And I think the policy you just stated Director is extremely wise and helpful. I think you should continue with that.

D Director Gary Spackman 40:49

Well Fritz, we are recording this, so I have your vocal confirmation that I've said something wise during my tenure here. So, anyway, I'll take that and run with it. [Laughter]

F Fritz Haemmerle 41:02

No, I mean that's an extremely practical result of this whole thing.

D Director Gary Spackman 41:08

Yeah. Well, it leaves certainty it leaves uncertainty, and it leaves some ambiguity. But I think part of the reason for my statement, honestly, is the faith and trust that I think we've developed in, in the management that Lucas is uh implementing, and the coordination with staff. And so anyway, I I think part of the reason is that we have a lot of confidence in what's being done. I have a further question maybe for you Fritz, what's, and maybe for your clients, to the degree that they're on the phone and participating. So what is your desire Fritz about continuing this particular matter into the future? And I don't expect you to definitely respond today, but we do have a challenge, we've got a set of instructions that at least are being implemented to the satisfaction of staff and the watermaster, and perhaps the users. Is this a challenge that you want to continue, Fritz? I'm happy to schedule another status conference in a year. What do you want to do?

F Fritz Haemmerle 42:40

Well, I think we should Director uh continue these status conferences. I think they're very helpful. Uh I'm not sure we need another one this year. Uh I think everyone's fairly happy with Lucas, and I think uh putting a lot of trust in Lucas and giving him some discretion is very helpful.

D Director Gary Spackman 43:02

Okay.

F Fritz Haemmerle 43:03

So.

D Director Gary Spackman 43:04

We'll, we'll set another status conference for the, I guess the last one we had to continue because of some coordination that was unfinished, but we'll schedule it for January of 2023. At approximately the same time frame, I don't think we need to identify a date this far in advance with everybody, but we'll select a date that's near the middle of January and send out a notice of another status conference. Other comments?

G Garrick Baxter 43:40

So Director, this is Garrick Baxter.

D Director Gary Spackman 43:42

Yeah.

G

Garrick Baxter 43:43

I do believe that we had discussed here today, the idea of striking the first sentence to instruction seven. So do we need to issue an amended instructions striking that first sentence to instruction seven, as was discussed? It might be my recommendation just to keep the record clean. We can issue the scheduling order and that amended order at the same time.

F

Fritz Haemmerle 44:09

Director, this is Fritz Haemmerle, if all we're doing is striking the first sentence in instruction seven we're fine with that.

D

Director Gary Spackman 44:16

So we'll just issue an amended order that strikes that particular sentence. Thanks, thanks for the housekeeping Garrick. Other matters we need to talk about? Kent? Other users?

K

Kent Fletcher 44:40

From the feedback that I've received the uh irrigation district has been satisfied with the way this is making happen. So, I don't have any additional feedback.

D

Director Gary Spackman 44:49

Thanks Kent. And honestly part of the controversy in the past has been the coordination between the the irrigation district and the watermaster. And I think that's improved significantly as well. Maybe because they're one in the same person I don't know. And now, the last inquiry I have is who's in Arizona? Must be Randy, must be Randy Pehrson. All right, well enjoy your...

R

Randy Pehrson 45:27

If you'd like..

D

Director Gary Spackman 45:27

...short sleeves Randy.

R

Randy Pehrson 45:29

Randy Pehrson 45:45

If you'd like a quick, if you'd like a quick weather update it's about 74 degrees here in Arizona. And Lucas will give me the report when it warms up up there and we'll head for home.

U Unidentified 45:45
[Laughter]

R Randy Pehrson 45:45
Thank you Director.

D Director Gary Spackman 45:47
All right, everybody have a good day.

K Kent Fletcher 45:52
Thanks Director.

D Director Gary Spackman 45:52
You're welcome, see ya.