

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

|   |   |                               |
|---|---|-------------------------------|
| IN THE MATTER OF CREATING THE           | ) |                               |
| UPPER SALMON RIVER BASIN WATER DISTRICT | ) | <b>AMENDED FINAL</b>          |
| (DESIGNATED AS WATER DISTRICT NO. 170)  | ) | <b>ORDER CREATING</b>         |
| FOR ADMINISTRATION OF RIGHTS TO THE USE | ) | <b>WATER DISTRICT NO. 170</b> |
| OF SURFACE WATER AND GROUND WATER IN    | ) |                               |
| <u>ADMINISTRATIVE BASINS 71 AND 72</u>  | ) |                               |

The Director of the Idaho Department of Water Resources (“Director” or “Department”) is required by Idaho statutes to divide the state into water districts for the purpose of performing the essential governmental function of distributing water among appropriators under the laws of the State of Idaho. The requirement to create water districts applies to those streams, or other water sources, for which the priorities of appropriation have been adjudicated by court decree. By statute, during the pendency of a water rights adjudication, the district court having jurisdiction for the adjudication can authorize interim administration of the water rights by the Director if reasonably necessary to protect senior water rights. The district court may authorize the distribution of water pursuant to chapter 6, title 42, Idaho Code, in accordance with partial decrees entered by the court or in accordance with one or more Director’s Reports as may be modified by the court’s order.

On March 6, 2006, the Director issued *Final Order Creating Water District No. 170*. On March 17, 2006, Thompson Creek Mining Company (“Thompson Creek”) filed *Petition for Reconsideration of the Final Order Creating Water District No. 170*. Based on review of the petition filed by Thompson Creek, the Director finds that certain Findings and Conclusions of Law should be clarified. Consequently, the Director enters this Amended Final Order Creating Water District No. 170, which (1) includes new Findings of Fact 16 and 24; (2) renumbers Findings of Fact 17-23 and 25-26; (3) revises Conclusions of Law 1, 2, 5, 7, 9, 16, 17, 18, and 20; (4) adds new Conclusions of Law 23-26; (5) renumbers Conclusions of Law 27-31; (6) revises renumbered Conclusion of Law 31; (7) revises Ordering Paragraphs 2, 3, and 5; and (8) adds new Ordering Paragraph 6.

**FINDINGS OF FACT**

1. On May 16, 2005, the State of Idaho (“State”) filed a motion requesting an order authorizing the interim administration of water rights by the Director in the Department’s Administrative Basins 71 and 72 with the Snake River Basin Adjudication (“SRBA”) District Court. The State served copies of its motion and supporting briefing and affidavits on all affected parties by regular U. S. Mail on May 13, 2005. The State’s motion included a Notice of Hearing setting the matter for hearing by the SRBA District Court on September 20, 2005. The SRBA District Court designated the matter as SRBA Subcase 92-00021 (Interim Administration). The State’s motion and supporting briefing and affidavits are a part of the

public record in the matter of creating the Upper Salmon River Basin Water District within the Department's Administrative Basins ("Basins") 71 and 72.

2. The State's motion for interim administration described in Finding 1 above states that "interim administration of water rights in Basins 71 and 72 is reasonably necessary because an efficient means of administering water rights from ground water sources and some surface water sources in these basins does not exist. The establishment of water districts in these basins will provide watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law."

3. All of the water rights claimed in Basins 71 and 72 have been reported or partially decreed in the SRBA as required under Idaho Code § 42-1417.

4. On November 16, 2004, the SRBA District Court entered a partial decree for water rights no. 75-13316 and no. 77-11941. These year-round water rights are held by the United States of America on the Salmon River to fulfill the purposes of the Wild and Scenic Rivers Act, Pub.L. 90-542, 82 Stat. 906, Oct. 2, 1968 (codified as amended at 16 U.S.C. §§ 1271, et seq.), and the Central Idaho Wilderness Act of 1980, Pub.L. 96-312, 94 Stat. 948, July 23, 1980 (codified as amended at 16 U.S.C. §§ 1132, 1274, 1281). Water rights no. 75-13316 and no. 77-11941 are downstream of all of the water rights in Basins 71 and 72.

5. On September 20, 2005, the SRBA District Court held a hearing on the State's motion. No objections were filed in opposition to the motion, and no party appeared in opposition to the State's motion.

6. On September 29, 2005, the SRBA District Court issued an order authorizing the interim administration of water rights by the Director in Basins 71 and 72, pursuant to chapter 6, title 42, Idaho Code, based upon a determination that such interim administration is necessary to protect senior water rights.

7. On October 7, 2005, the Director signed a notice proposing to establish a water district in the Upper Salmon River Basin within Basins 71 and 72, pursuant to the provisions of Idaho Code § 42-604. Notice was mailed on October 11, 2005, by regular mail, to each holder of a water right within the boundaries of the proposed water district. The notice described the water district proposed to be established, the reasons therefor, the time and place for a public information meeting to be held on October 24, 2005, and the time and place for a hearing to be held on November 9, 2005, concerning establishment of the proposed water district. The notice also provided a time period within which written comments on the proposed action would be accepted.

8. In addition, the Director caused notice to be published of the proposed action establishing the Upper Salmon River Basin Water District ("Upper Salmon Water District"), designated Water District No. 170, once a week for two (2) weeks in the following newspapers having general circulation within the area of the proposed water district: *The Challis Messenger* of Challis, Idaho, on October 13 and 20, 2005; and the *Wood River Journal* of Hailey, Idaho, on October 12 and 19, 2005.

9. The notice mailed to water right holders proposed that establishment of the Upper Salmon Water District would include all water rights authorizing the use of surface water and ground water with points of diversion located within the boundaries of Basins 71 and 72, except those used solely for domestic or stock water purposes as defined under Idaho Code §§ 42-111 and 42-1401A(11). The Director's notice advised that a meeting of the holders of water rights within the district be held during the spring of 2006 for the purpose of electing a watermaster and conducting other business necessary to initiate operation of the district. The Director also proposed that the water district watermaster be responsible for certain duties under the direction and supervision of the Director including: (1) collection, recording, and reporting of diversion data; (2) enforcement of water rights in priority; and (3) curtailment and enforcement of unauthorized or excessive diversions, as necessary.

10. The Director's notice also included a description of the Director's proposal to expand the Upper Salmon Water District by 2007 to encompass all of Basins 73, 74, and 75, after the water rights in those basins have been decreed by the SRBA District Court or included in one or more Director's Reports anticipated to be filed with the SRBA District Court in 2006, provided the SRBA District Court grants the Director authority for interim administration in those basins.

11. The Director proposes to include existing water districts in the Upper Salmon River sub-basins as sub-districts within the proposed Upper Salmon Water District. There are currently three existing water districts within Basin 72 and the boundaries of the proposed Upper Salmon Water District: Water District No. 72-B, Garden Creek and tributaries; Water District No. 72-C, Challis Creek and tributaries; and Water District No. 72-F, Morgan Creek and tributaries. These districts include only water rights from surface water sources, and do not include any water rights from ground water. There are no existing water districts located within Basin 71.

12. Water districts 72-B and 72-C do not administer water rights from surface water sources outside the irrigation season for those rights included within the districts, nor do these districts administer water rights during the irrigation season when the surface water sources are not under watermaster regulation. Water District 72-F has not been active until recently and has not evolved to effectively administer water rights from surface water sources either during or outside of the irrigation season for those rights included within the district.

13. The Director conducted a hearing on the proposed establishment of the Upper Salmon Water District at the Challis High School Cafeteria in Challis, Idaho, at 7:00 pm on November 9, 2005. Approximately forty people attended the hearing.

14. Prior to commencing the hearing, the Director described factors he considered in proposing to establish the Upper Salmon Water District and answered questions about the establishment of the proposed water district and how the district was envisioned to function, both over a period of approximately 60 minutes.

15. Persons attending the hearing were provided an opportunity to make oral statements for the record. In addition, the Director held the record open through November 21, 2005, for the submittal of written comments.

16. At the beginning of the hearing on November 9, 2005, and prior to taking oral statements, the Director gave a brief introduction and reviewed the record and procedural history for the proposed establishment of the Upper Salmon Water District. During this introduction, the Director stated that: "Notice of this hearing was mailed to each affected water right holder in the proposed district as required under the provisions of Idaho Code § 42-604." The Director also stated that notice of the hearing was published in several newspapers of general circulation within the proposed district, and that Department staff had conducted a public information meeting on October 24, 2005, to discuss the reasons for establishing the water district and to explain the duties of the watermaster for the district. The Director further stated that notice of the public information meeting was also given in both the individual notice and the newspaper notices. Transcript of Hearing Conducted November 9, 2005, p. 2, Ln. 16-27.

17. Five individuals gave oral statements for the record at the hearing in Challis, Idaho. Three written statements were submitted to the Department on or before the deadline of November 21, 2005.

18. Mr. Jack Challis of Challis, Idaho, testified on his own behalf as a water right holder on Challis Creek in Basin 72. He also stated that he is the acting secretary-treasurer for both water districts 72-B and 72-C, Garden and Challis Creeks, respectively. In past years, Mr. Challis served as the watermaster for both districts. He also currently serves as a lateral manager on the Warm Springs Canal near Challis, Idaho. Mr. Challis testified that water districts 72-B and 72-C are already in compliance with all state water district requirements, and that other areas in the Upper Salmon River Basin should comply with similar standards before districts 72-B and 72-C participate in funding a watermaster for the proposed Upper Salmon Water District.

19. Mr. Jerry Hawkins of Challis, Idaho, testified on behalf of Water District No. 72-F, Morgan Creek and tributaries. Mr. Hawkins stated that Water District No. 72-F does not agree with the Director's proposal for a basin-wide water district that provides for a watermaster having oversight for existing water districts, such as district 72-F. Mr. Hawkins stated that Water District No. 72-F has a watermaster and secretary-treasurer, and that if district 72-F needs to answer to the Department, then it can do so through the existing Department employee based in Salmon, Idaho, rather than the water right holders contributing to the funding for a watermaster of a basin-wide water district. Mr. Hawkins also stated that Water District No. 72-F concurs with prior written comments submitted to the Department by certain water right holders from existing water districts in Basins 73, 74, and 75, which recommended that if the Upper Salmon Water District is established the watermaster should be a direct employee of the Department and paid by the State of Idaho.

20. Mr. Blair Kauer of Leadore, Idaho, testified on his own behalf. Mr. Kauer stated that he holds water rights in water districts 74, 74-W, and 74-Q, all in Basin 74. Mr. Kauer stated that he agreed with the need for water districts, but that it is not necessary to have another watermaster with oversight for other existing water districts in the Upper Salmon River Basin. He further stated that water districts in Basin 74 do not need to be in the proposed Upper Salmon Water District, or any proposed expansion of such district. Mr. Kauer also stated that water district assessments should be based on water rights held, not the amount of water diverted.

21. Mr. James Whittaker of Leadore, Idaho, testified on his own behalf but stated for the record that he is an advisory committee member for both Water District No. 74-W and Water District No. 74-Z. Mr. Whittaker stated that most water districts in Basin 74 do an adequate job of regulating themselves. Mr. Whittaker did not oppose appointment of a watermaster for the proposed Upper Salmon Water District at the Department's expense for a period of two years, as proposed by the Director, but that after two years there should not be a need for a basin-wide watermaster that has oversight for existing water districts because watermasters in those districts should be better trained and any problems after that point in time could be addressed by those watermasters and Department staff, including the Department's employee based in Salmon, Idaho.

22. Ms. Katie Breckenridge of Picabo, Idaho, testified on her own behalf. Ms. Breckenridge holds water rights in Basin 71. In her testimony, Ms. Breckenridge distinguished between areas in the Upper Salmon River Basin, like sub-basin 71, where diversions of water are not being measured or administered, and other areas within Basin 72 and 74 where existing water districts may be adequately measuring and regulating diversions of water. Ms. Breckenridge recommended that areas in Basin 71 and 72 that are not currently included in any water district where there are no watermasters measuring and reporting diversions be prioritized for inclusion in any new water district. She recommended that areas not currently within a water district be brought into compliance within two years, and then the Department and Upper Salmon River Basin water right holders could re-evaluate whether to organize under one district.

23. The Director received written comments from Mr. Scott Campbell, attorney for Thompson Creek Mining Company ("Thompson Creek"). Thompson Creek comments are summarized as follows:

- a. The Director failed to comply with the mandatory notice requirements of Idaho Code § 42-604, because the notice gave no explanation of the reasons for creating the water district;
- b. The public record does not support a determination by the Director that creation of the district is "required in order to properly administer uses of the water resource" as required by Idaho Code § 42-604;
- c. The Director cannot legally determine that a water district is "required in order to properly administer uses of the water resource" because an SRBA District Court order dated November 18, 2004, provides that a stipulated agreement involving the State of Idaho, the United States of America, and other parties in the matter of the Wild and Scenic Rivers Act Claims (Consolidated Subcase No. 75-13316), "shall not affect the rights of Thompson Creek or any other non-signatory party to participate in and object to any motion for interim administration, proceeding for creation of a water district, or other administrative action or other judicial action proceeding affecting their water rights or their use, diversion, or measurement of water;"

- d. The Director has no legally supportable basis for creation of the proposed water district because he cannot rely upon the provisions of the SRBA Wild and Scenic Rivers Agreement between the United States and the State of Idaho to justify creation of the district, and because the order of the SRBA District Court dated November 18, 2004, provided that the provisions in the Wild and Scenic Rivers agreement relative to water rights administration “shall not affect the disposition or review of such proceedings;” and
- e. No administration of the Thompson Creek water rights is necessary “to properly administer the uses of the water resource” because the rights held by the United States for the purposes of the Wild and Scenic Rivers Act are subordinated to Thompson Creek’s rights.

24. Thompson Creek also filed a petition for reconsideration March 17, 2006, reiterating many of the same issues raised in its written comments described in Finding 23.

25. The Department also received written comments from Mr. James Hawkins of Water District No. 72-F, Morgan Creek and tributaries. The Department received a petition from Mr. Hawkins dated May 19, 2005, on behalf of Water District No. 72-F seeking inclusion of certain water rights and diversions from the Salmon River near its confluence with Morgan Creek. This petition was submitted to the Department following a meeting that the Department held with representatives of existing water districts in the Upper Salmon River Basin in February of 2005 regarding the potential establishment of the Upper Salmon Water District. Mr. Hawkins submitted additional comments to the Department dated November 21, 2005, and received by the Department on November 28, 2005. The latter comments expressed concerns about overlapping duties with existing watermasters and additional costs resulting from appointment of a “super” watermaster. Mr. Hawkins’ second letter urges using local watermasters to collect data; encourages the Director to look at creating water district boundaries that go beyond the “normal” boundary of a drainage area such as Morgan Creek or Challis Creek; and recommends that “lockable” measuring device requirements be phased in over a reasonable period of time, such as two to three years.

26. The Department also received written comments from representatives of existing water districts in Basins 73, 74, and 75 on September 26, 2005. The comments were submitted in response to a steering committee meeting organized by the Department in September of 2005 with representatives of water right holders in the Upper Salmon River Basin regarding establishment of the Upper Salmon Water District. The comments submitted by the water districts’ representatives recommends that the watermaster for the Upper Salmon Water District be a direct employee of the Department at no additional costs to either the Department or water right holders who are affected by creation of the water district. The comments further recommend creation of sub-districts where deputy watermasters are elected and compensated by water right holders in each sub-district. A number of other detailed recommendations were proposed regarding watermaster and deputy watermaster duties, as well as headgate and measuring device requirements.

## CONCLUSIONS OF LAW

### Statutory Authorities

1. Idaho law declares all surface and ground waters in the State of Idaho to be the property of the state, whose duty it is to supervise the appropriation and allotment of the water to those diverting the same for beneficial use. *See* Idaho Code §§ 42-101, 42-103, and 42-226.

2. The Director has the statutory responsibility to administer the use of surface and ground water in the state so as to protect prior surface and ground water rights. *See* Idaho Code §§ 42-103, 42-202(1), 42-226 and 42-237a.g.

3. The Director has the responsibility for direction and control over the distribution of water in accordance with the prior appropriation doctrine as established by Idaho law within water districts to be accomplished through watermasters supervised by the Director, and subject to removal by the Director, as provided in chapter 6, title 42, Idaho Code.

4. The Director is authorized to form water districts as necessary to properly administer uses of water from public streams, or other independent sources of water supply, for which a court having jurisdiction thereof has adjudicated the priorities of appropriation. The Director may also revise the boundaries of a water district, abolish a water district, or combine two (2) or more water districts, by entry of an order, if such action is required in order to properly administer uses of the water resource. *See* Idaho Code § 42-604.

5. Idaho Code § 42-1417, *General adjudication – Interim administration of water rights*, provides authority to the district court having jurisdiction over a general water rights adjudication to authorize the interim administration of water rights pursuant to chapter 6, title 42, Idaho Code. Idaho Code § 42-1417(1) states, in pertinent part:

The district court may permit the distribution of water pursuant to chapter 6, title 42, Idaho Code:

- (a) in accordance with the director's report or as modified by the court's order;
- (b) in accordance with applicable partial decree(s) for water rights acquired under state law;
- (c) in accordance with applicable partial decree(s) for water rights acquired under federal law.

Idaho Code § 42-1417(4) states, in pertinent part:

After entry of the district court's order for interim administration, the director may form a water district pursuant to chapter 6, title 42, Idaho Code.

### Response to Testimony, Written Comments, and Petition for Reconsideration

6. Most of the testimony at the hearing in Challis Idaho conducted on November 9, 2005, and written comments submitted to the Department, raised concerns about inclusion of existing water districts as sub-districts in the proposed Upper Salmon Water District. Concerns

about the funding required for the watermaster of the Upper Salmon Water District and the oversight of watermasters for existing water districts were stated. Additional concerns regarding the duties of the Upper Salmon Water District watermaster with respect to the duties of existing watermasters were also identified, and the need to include existing water districts in the Upper Salmon Water District was questioned. Much of the testimony asserted that existing districts are already compliant with state law and Department requirements. Recommendations were made both in oral testimony at the hearing and in written comments to the Department that the costs for the Upper Salmon Water District watermaster should be borne by the Department.

7. In response to the hearing testimony, the written comments submitted on behalf of Water District No. 72-F, the written comments submitted on behalf of holders of water rights in existing water districts in Basins 73, 74, and 75, and the historic records of the water districts in Basins 72, 73, 74, and 75 on file at the Department, the Director concludes that during the irrigation season for the water rights in some of the existing water districts in Basins 72, 73, 74, and 75, the statutory requirements of Chapter 6, Title 42, Idaho Code, are mostly being met, while in other water districts in the Upper Salmon River Basin some or many of the statutory requirements are not being satisfied. For example, surface water diversions in some of the existing districts lack adequate measuring devices and controlling headgates, are not measured or recorded on a regular basis, or are not monitored or regulated during portions of the irrigation season. Additionally, some of the existing water districts do not maintain adequate measurement records, annual watermaster reports are not always complete or timely submitted, and some existing water districts have been inactive for many years. None of the existing water districts enforce limitations of surface water rights outside of the irrigation season for the rights, and none of the existing water districts regulate water rights diverting from ground water.

8. Given that: (1) there are no water districts in Basin 71; (2) the administration of surface water rights in the existing water districts in Basin 72 is often inconsistent; (3) none of the existing water districts in Basin 72 administer surface water rights outside of the irrigation season for those rights or during the irrigation season when the surface water sources are not in regulation; and (4) none of the existing water districts in Basin 72 regulate diversions from ground water; the Director concludes that there should be one water district created that encompasses all of the water rights within the Upper Salmon River Basin, and that the existing surface water districts in Basin 72 should be designated as sub-districts, in order to provide consistent and effective administration of water rights from both surface water sources and ground water sources year-round throughout the Upper Salmon River Basin.

9. Existing water districts in Basin 72, which now will be sub-districts within the Upper Salmon Water District, will each continue to function as water districts and continue to elect their own watermasters, who will serve as deputy watermasters under the watermaster for the Upper Salmon Water District, and adopt their own budgets for purposes of measuring, recording, reporting, and regulating surface water diversions within their districts. A sub-district that adequately measures, records, reports, and controls diversions should not be subject to future assessments to fund the watermaster for the Upper Salmon Water District for purposes of measuring, recording, reporting, and regulating surface water diversions within that sub-district. However, each sub-district may be subject to future assessments for costs associated with oversight of that sub-district. Oversight costs may include, but may not be limited to, technical assistance, enforcement assistance, training of deputy watermasters, collection and quality

control review of diversion data, periodic field checks of diversions, periodic or miscellaneous field calibration measurements of measuring devices, review of annual sub-district and budget reports, coordinating distribution of water to the Wild and Scenic River minimum instream flow water rights for the Salmon River as necessary, and general coordination with federal, state, and local agencies regarding water district operations, water use, and water right administration issues.

10. The written comments and the petition for reconsideration submitted by Thompson Creek both raise several legal or administrative issues. First, Thompson Creek alleges that the Director failed to comply with the mandatory notice requirements of Idaho Code § 42-604 because the notice gave no explanation of the reasons for creating the Upper Salmon Water District. As required by Idaho Code § 42-602, the notice described the proposed action, the reasons for the proposed action, and the time and place of a public hearing concerning the proposed action. The notice stated that the reason for the hearing was to consider the proposal to create a permanent water district in order to protect senior water rights. The notice referenced the SRBA District Court order that approved interim administration of the rights by the Director to protect senior water rights. The notice also provided a website link to a copy of the SRBA District Court order. The court's order found that the Director had sent individual notice of the State's Motion for Interim Administration and supporting documents, as well as notice of the SRBA Court's scheduled hearing on the matter, to all affected right holders in Basins 71 and 72.

11. Based on the State's motion for interim administration described in Finding 1 and its presentation to the SRBA District Court on September 20, 2005, the court made the following findings of fact and conclusions of law in its *Order Granting State's Motion for Order of Interim Administration of Water Rights in Basins 71 and 72*, dated September 29, 2005:

The State of Idaho has complied with the notice and service requirements of Idaho Code §§ 1417(2)(b) by serving of the State's *Motion* and related documents on those claimants in IDWR Basins 71 and 72 reasonably determined to be adversely affected by entry of the requested **Order**. Interim Administration in IDWR Basins 71 and 72 in accordance with the *Director's Reports* and **Partial Decrees** for water rights is reasonably necessary to efficiently administer water rights and protect senior water rights. The establishment of Water Districts for Basins 71 and 72 will provide the watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.

The creation of water districts will provide for a mechanism for administration, regulation, and enforcement of water rights, including ground and surface water rights.

12. The Director's notice also provided the following information regarding the necessity for creating a water district in Basins 71 and 72:

The Director proposes that the water district watermaster be responsible for certain duties under the direction and supervision of the Director including: (1) collection and recording of diversion data; (2) enforcement of water rights in priority; and (3) curtailment and enforcement of unauthorized or excessive diversions, as necessary.

13. The Director concludes that the notice required by Idaho Code § 42-604 was sufficient. The notice gave the time and place of a hearing, and provided a time period within

which written comments could be submitted. The notice stated that the proposed hearing was to consider the creation of a permanent water district in order to protect senior water rights. The notice informed affected right holders that the SRBA District Court had issued an order for interim administration of water rights in Basins 71 and 72 and provided a reference to a copy of the order. Finally, the notice listed specific watermaster duties in the proposed water district.

14. Thompson Creek's second allegation is that the public record does not support a determination by the Director that creation of the district is "required in order to properly administer uses of the water resource" as required by Idaho Code § 42-604.

15. The public record in this case includes the State's motion for Order of Interim Administration of Water Rights in Basins 71 and 72, together with supporting documentation, dated May 16, 2005; the SRBA District Court's transcript of the hearing on the State's motion for Order of Interim Administration of Water Rights in Basins 71 and 72, held on September 20, 2005; the SRBA District Court's *Order Granting the State of Idaho's Motion for Order of Interim Administration of Water Rights in Basins 71 and 72*, dated September 29, 2005; the Director's Notice of Public Information Meeting and Hearing in the Matter of the Proposed Creation of a Water District in the Upper Salmon River Basin Area in Administrative Basins 71 and 72, signed by the Director on October 7, 2005, and mailed on October 11, 2005; the transcript of the Director's hearing regarding creation of the proposed water district held on November 9, 2005, in Challis, Idaho; and written comments submitted for the record on or before November 21, 2005.

16. Justification for creation of the proposed district "to efficiently administer water rights and protect senior water rights" is provided in the Department's Notice of Public Information Meeting and Hearing in the Matter of the Proposed Creation of a Water District in the Upper Salmon River Basin Area in Administrative Basins 71 and 72, the SRBA District Court's *Order Granting Interim Administration*, and the State's motion for interim administration. The State's motion for interim administration and the Department's notice of public information meeting and hearing were served on all affected parties by regular U.S. mail, as required by Idaho Code §§ 42-6-4 and 42-1417(1). The Director concludes that the public record supports a determination that creation of the district is "required in order to properly administer uses of the water resource" as required by Idaho Code § 42-604.

17. Thompson Creek next alleges that the Director cannot legally determine that a water district is required because an SRBA District Court order dated November 18, 2004, provides that paragraph 2 of the stipulated agreement between the State of Idaho, the United States of America, and other parties in the matter of the Wild and Scenic Rivers Act Claims "shall not affect the rights of Thompson Creek or any other non-signatory party to participate in and object to any motion for interim administration, proceeding for creation of a water district, or other administrative action or other judicial action proceeding affecting their water rights or their use, diversion, or measurement of water; nor shall the provisions of paragraph 2 affect the disposition or review of such proceedings."

18. The SRBA District Court's order dated November 18, 2004, provides that Thompson Creek or other non-signatory parties of the Wild and Scenic Rivers agreement have rights to participate in and object to a motion for interim administration, or other administrative

proceeding for creation of a water district. The court's order does not prohibit the Director from determining that a water district is necessary. The court's order of November 18, 2004, does not prohibit the creation of a water district in the Upper Salmon River Basin, nor does it place limits on how the Director shall create a water district in the Upper Salmon River Basin.

19. Thompson Creek further argues that the Director has no legally supportable basis for creation of the proposed water district because he cannot rely upon the provisions of the SRBA Wild and Scenic Rivers Agreement between the United States and the State of Idaho to justify creation of the district, and because the SRBA District Court's Order dated November 18, 2004, provided that the provisions in the Wild and Scenic Rivers agreement relative to water rights administration shall not "affect the disposition or review of such proceedings."

20. The Director relies on the authority provided by Idaho Code § 42-604 for creation of the proposed water district. Idaho Code § 42-604 authorizes the Director to create a water district for streams or water supplies for which a court having jurisdiction thereof has adjudicated the priorities of appropriation. As stated in Finding 3, all of the water rights claimed in Basins 71 and 72 have been reported or partially decreed in the SRBA as required under Idaho Code § 42-1417. The Director proposes creation of a water district in Basins 71 and 72 for efficient administration of surface and ground water rights.

21. Next, Thompson Creek alleges that administration of Thompson Creek's water rights is not necessary "to properly administer the uses of the water resource" because the United States' Wild and Scenic River rights are subordinated to Thompson Creek's rights.

22. The Director finds that Thompson Creek is the holder of water rights to which the United States' Wild and Scenic River rights that have been partially decreed by the SRBA District Court are subordinated. This fact alone, however, does not preclude the need for creation of a water district, nor does it provide a reason to eliminate Thompson Creek's rights or other water rights to which the United States' Wild and Scenic River rights are subordinated. On the contrary, creation of the proposed water district is intended to fulfill the Director's statutory responsibilities to administer water rights for the purpose of protecting all prior water rights and distributing water in accordance with the prior appropriation doctrine as established by Idaho law.

23. The petition for reconsideration filed by Thompson Creek on March 17, 2006, states that "since all of the water rights within the proposed water district boundaries have not been adjudicated, the Director may not utilize his authorities under Idaho Code § 42-604 to create the Upper Salmon Water District." This argument is without merit and ignores Idaho Code § 42-1417 which clearly authorizes the Director to create a water district after the entry of the district court's order for interim administration, and that interim administration may be granted by the district court in accordance with a director's report or partial decrees acquired under state or federal law.

24. Thompson Creek's petition for reconsideration further states that there is no legal authority for the creation or recognition of "sub-districts" within a water district. This argument is without merit since "sub-districts" remain water districts pursuant to Idaho Code §§ 42-602 et seq. and Idaho Code § 42-604 specifically provides that:

The Director may create, revise the boundaries of, or abolish a water district or combine two (2) or more water districts by entry of an order if such action is required in order to properly administer uses of the water resource.

The designation of existing water districts in Basin 72 as “sub-districts” in Water District No. 170 is within the discretionary authority of the Director under Idaho Code § 42-604 to “create, revise the boundaries of, or abolish a water district or combine two (2) or more water districts by entry of an order if such action is required in order to properly administer uses of the water resource.” Conclusion of Law No. 7 of the Final Order Creating Water District No. 170 and the revised Conclusion of Law No. 7 of this Amended Order provide the necessary reasons as to why the designation of sub-districts is required in order to properly administer uses of the water resource within Water District No. 170.

25. Thompson Creek’s petition for reconsideration alleges that “sub-districts” and other features of Water District No. 170 established by the Director’s Final Order are provisions within paragraph 2 of the SRBA Wild and Scenic Rivers Stipulated Agreement and that the inclusion of any such provisions from paragraph 2 of the stipulated agreement violates the SRBA District Court’s order dated November 18, 2004. Again, as stated in the revised Conclusion of Law No. 18, the court’s order of November 18, 2004, with respect to paragraph 2 of the stipulated agreement, does not prohibit the creation of a water district in the Upper Salmon River Basin nor does it place limits on how the Director shall create a water district in the Upper Salmon River Basin. Moreover, Thompson Creek’s assertion that the Department is relying on the provisions of paragraph 2 of the stipulated agreement to create Water District No. 170 is without merit given that the Department either created or is in the process of creating water districts in other areas of Idaho that have the same or similar features established by the Final Order Creating Water District No. 170.

26. The remaining issues raised by Thompson Creek provide no new or additional reasons why Water District No. 170 should not be created. The Department has revised, clarified, or added certain Findings of Fact and Conclusions of Law in this Amended Order based on some of the points raised in Thompson Creek’s petition for reconsideration. All other concerns and issues raised in Thompson Creek’s petition for reconsideration were raised in the comments previously submitted by Thompson Creek. The Director concludes that those issues have been adequately addressed in either the Director’s Final Order dated March 6, 2006, or this Amended Order. Thompson Creek requests the Director to issue a revised order not creating the Upper Salmon Water District.

### District Creation

27. Based on the statutory authorities described in preceding conclusions of law, the order of the SRBA District Court authorizing the interim administration of water rights pursuant to Idaho Code § 42-1417, the Director’s authority under chapter 6, title 42, Idaho Code, and the record in this proceeding, the Director should create the Upper Salmon Water District to administer water rights within Administrative Basins 71 and 72, as shown on the map appended hereto as Attachment A.

28. The Director concludes that the Upper Salmon Water District should be formed on a permanent basis and operated to administer the affected water rights in accordance with the prior appropriation doctrine as established by Idaho law.

#### Administration of Affected Water Rights

29. The Director concludes that immediate administration of water rights, other than de minimis domestic and stockwater rights as defined under Idaho Code §§ 42-111 and 42-1401A(11), pursuant to chapter 6, title 42, Idaho Code, is necessary for the protection of prior surface and ground water rights.

30. The Director concludes that the watermaster for the Upper Salmon Water District created by this order shall perform the following duties in accordance with guidelines, direction, and supervision provided by the Director:

- a. Measure, record, and report the diversions under water rights;
- b. Enforce the water rights in priority;
- c. Curtail unauthorized or excessive diversions as necessary (i.e., any diversion without a water right or in excess of the elements or conditions of a water right); and
- d. Consult with and coordinate the work activities of deputy watermasters, including the elected and appointed watermasters for sub-districts within the Upper Salmon Water District.

31. The Director concludes that the Upper Salmon Water District created by this order shall include the following organizational features:

- a. Election and appointment of a single watermaster for the water district. The water right holders may elect to have the district contract with the Department to provide watermaster services. Under a district contract with the Department, the watermaster will be a direct employee of the Department.
- b. Existing water districts in Basin 72 shall be combined with the Upper Salmon Water District pursuant to Idaho Code 42-604, and designated as sub-districts of the Upper Salmon Water District, or as otherwise determined by the Director.
- c. The water right holders may select a Water District Advisory Committee that includes, but need not be limited to, representation from advisory committees of existing water districts.

- d. The watermaster is authorized to appoint assistants or deputy watermasters as deemed necessary by the water users. Assistants are subject to appointment by the Director. Deputy watermasters shall work pursuant to instructions of the watermaster. Deputy watermasters may be other Department employees, or watermasters elected by sub-districts.
- e. Holders of water rights in the water district shall be assessed the costs for operating the Upper Salmon Water District directly by the water district watermaster.
- f. Water districts that are organized as sub-districts may collect assessments to pay the pro-rata expenses of the Upper Salmon Water District, if any, on behalf of the diversions and water right holders within their respective sub-district to avoid individual water right holders being assessed by both the sub-district and the Upper Salmon Water District.
- g. The Department will waive the requirement of compensation for providing watermaster services during 2006 and 2007 if the water right holders elect to have the Upper Salmon Water District contract with the Department to provide watermaster services.

### **ORDER**

The Director enters the following Order for the reasons stated in the foregoing Findings of Fact and Conclusions of Law.

IT IS HEREBY ORDERED as follows:

1. The Upper Salmon River Basin Water District, designated as Water District No. 170, is hereby established to include all surface water and ground water rights in the Idaho Department of Water Resources Administrative Basins 71 and 72, other than de minimis domestic and stockwater rights as defined under Idaho Code § 42-111 and 42-1401A(11), within the area depicted on the map appended hereto as Attachment A and incorporated herein by reference.
2. Water District No. 72-B (Garden Creek and tributaries), Water District No. 72-C (Challis Creek and tributaries), and Water District No. 72-F (Morgan Creek and tributaries), are hereby designated as sub-districts within Water District No. 170. These sub-districts shall continue to meet annually to elect a watermaster, adopt a budget, and select an advisory committee. These sub-districts shall be responsible for distribution of surface water rights that have been reported or partially decreed in the SRBA and located within the respective sub-districts. For 2006, water right holders within the sub-districts shall meet at a time and place as normally determined by the district.
3. For 2006, the water right holders within Water District No. 170 shall meet at a time and place to be announced by the Director to elect a watermaster, consider selection of an

advisory committee, and set a budget to be collected to operate the district. In future years, the annual meeting shall be held as provided in Idaho Code § 42-605.

4. The watermaster for Water District No. 170 shall perform the following duties in accordance with guidelines, direction, and supervision provided by the Director:

- a. Measure, record, and report the diversions under water rights;
- b. Enforce the water rights in priority;
- c. Curtail unauthorized or excessive diversions as necessary (i.e., any diversion without a water right or in excess of the elements or conditions of a water right); and
- d. Consult with and coordinate the work activities of deputy watermasters, including the elected and appointed watermasters for sub-districts within the Water District No. 170.

5. The Director shall issue separate orders, as necessary, requiring the installation of measuring devices and lockable controlling works for diversions within Water District No. 170. Such orders will allow installations to be phased in over a period of one to two years from the date of issuance, thereby allowing a sufficient period of time in which to comply with such orders.

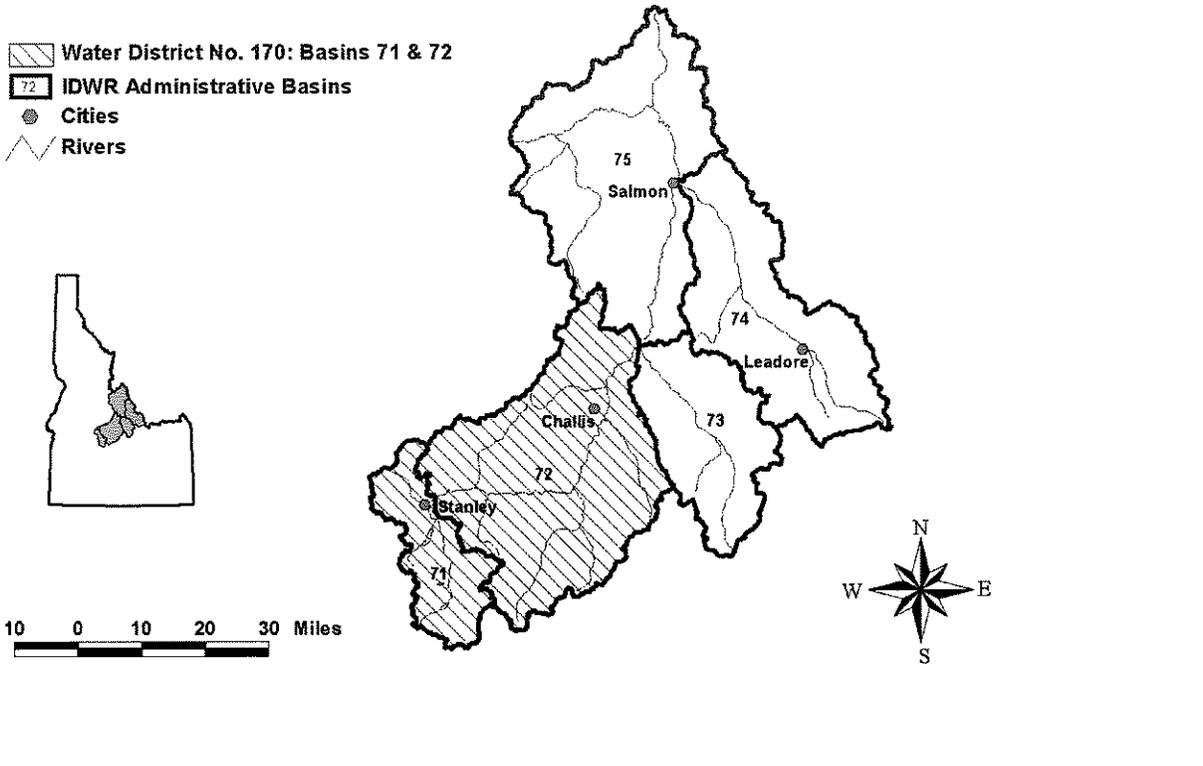
6. The relief requested under the *Petition for Reconsideration of the Final Order Creating Water District No. 170* filed by Thompson Creek on March 17, 2006, asking that the Director issue a revised order not creating the Upper Salmon Water District, is denied.

DATED this 6<sup>th</sup> day of April 2006.

  
\_\_\_\_\_  
KARL J. DREHER  
Director

ATTACHMENT A

# UPPER SALMON RIVER BASIN WATER DISTRICT NO. 170



**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
FINAL ORDER**

(Required by Rule of Procedure 740.02)

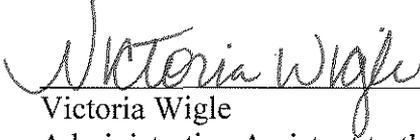
The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
  - (a) the petition for reconsideration is disposed of; or
  - (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.
- (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.
- (7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7<sup>th</sup> day of April, 2006, the above and foregoing document was served on each individual or entity on the service list for this matter on file at the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho, and posted on the Department's website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Each individual or entity on the service list was served by placing a copy of the above and foregoing document in the United States mail, postage prepaid and properly addressed.

  
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Administrative Assistant to the Director  
Idaho Department of Water Resources

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PO BOX 1098  
CHALLIS, ID 83226

NADINE GRIFFITH  
PO BOX 1098  
CHALLIS, ID 83226

MICHAEL HARDY BARRETT  
PO BOX 1104  
CHALLIS, ID 83226

STEVE RANKIN  
PO BOX 1114  
CHALLIS, ID 83226-1114

SUNRISE ACRES HOMEOWNERS  
ASSN  
PO BOX 1115  
CHALLIS, ID 83226-1115

BONNIE JARVIS  
PO BOX 1117  
CHALLIS, ID 83226

LON THOMAS JARVIS  
PO BOX 1117  
CHALLIS, ID 83226

MARK A ARMBRUSTER  
PO BOX 1127  
CHALLIS, ID 83226

VICKI ARMBRUSTER  
PO BOX 1127  
CHALLIS, ID 83226

ANDREA L REEDER  
PO BOX 1128  
CHALLIS, ID 83226

DAVID E REEDER  
PO BOX 1128  
CHALLIS, ID 83226

JONI D CAIN  
PO BOX 1132  
CHALLIS, ID 83226

PIERRE C CAIN  
PO BOX 1132  
CHALLIS, ID 83226

ALY M BRUNER  
PO BOX 1146  
CHALLIS, ID 83226

NANCY A DEL COLLETTI  
PO BOX 1146  
CHALLIS, ID 83226

JACQUELINE A MATTHEWS  
PO BOX 116  
CHALLIS, ID 83226

WILLIAM A MATTHEWS  
PO BOX 116  
CHALLIS, ID 83226

ROBERT J DIZES  
PO BOX 117  
CHALLIS, ID 83226-0117

JIM L DUNGAN  
PO BOX 1176  
CHALLIS, ID 83226-1176

WATANA DUNGAN  
PO BOX 1176  
CHALLIS, ID 83226-1176

ARTHUR W ANDERSON  
PO BOX 1177  
CHALLIS, ID 83226-1177

KATHLEEN ANDERSON  
PO BOX 1177  
CHALLIS, ID 83226-1177

JOE SULLIVAN  
PO BOX 119  
CHALLIS, ID 83226

TONI K SULLIVAN  
PO BOX 119  
CHALLIS, ID 83226

CHRISTOPHER W JAMES  
PO BOX 1190  
CHALLIS, ID 83226

DEBRA E JAMES  
PO BOX 1190  
CHALLIS, ID 83226

MICHAEL D SHANNON  
PO BOX 121  
CHALLIS, ID 83226

MARJORIE J PHILLIPS  
PO BOX 1235  
CHALLIS, ID 83226

STEVE F PHILLIPS  
PO BOX 1235  
CHALLIS, ID 83226

DONNA M HARRIMAN  
PO BOX 1275  
CHALLIS, ID 83226

RICHARD L HARRIMAN  
PO BOX 1275  
CHALLIS, ID 83226

KENT K KOEPPEN  
PO BOX 1302  
CHALLIS, ID 83226

STEPHEN G COPE  
PO BOX 1348  
CHALLIS, ID 83226

LYNDA L DALE  
PO BOX 1391  
CHALLIS, ID 83226

DAN J URBAN  
PO BOX 1391  
CHALLIS, ID 83226

CATHY ANDREWS  
PO BOX 1405  
CHALLIS, ID 83226-1405

CRAIG ANDREWS  
PO BOX 1405  
CHALLIS, ID 83226-1405

JOSEPH SAMPINO  
PO BOX 1411  
CHALLIS, ID 83226

MARIE SAMPINO  
PO BOX 1411  
CHALLIS, ID 83226

HALLI HAMILTON  
PO BOX 144  
CHALLIS, ID 83226

RUSSELL HAMILTON  
PO BOX 144  
CHALLIS, ID 83226

ANTHONY D GAMMACHE  
PO BOX 146  
CHALLIS, ID 83226

THOMAS GAMMACHE  
PO BOX 146  
CHALLIS, ID 83226

WILLIAM T GAMMACHE  
PO BOX 146  
CHALLIS, ID 83226

NIKKI L DOLL  
PO BOX 154  
CHALLIS, ID 83226

NORMAN D DOLL  
PO BOX 154  
CHALLIS, ID 83226

JAY L BRADSHAW  
PO BOX 155  
CHALLIS, ID 83226

PETER W BRADSHAW  
PO BOX 155  
CHALLIS, ID 83226

BRUNO PIVA  
PO BOX 176  
CHALLIS, ID 83226

MARY C PIVA  
PO BOX 176  
CHALLIS, ID 83226

PIERO PIVA  
PO BOX 176  
CHALLIS, ID 83226

GLADYS LAVERTY  
PO BOX 178  
CHALLIS, ID 83226

RAY LAVERTY  
PO BOX 178  
CHALLIS, ID 83226

MYRA STRICKLER  
PO BOX 191  
CHALLIS, ID 83226

TED STRICKLER  
PO BOX 191  
CHALLIS, ID 83226

DOLLY STERLING  
PO BOX 195  
CHALLIS, ID 83226

LINDA CURTIS  
PO BOX 207  
CHALLIS, ID 83226

ROBERTA H GREEN  
PO BOX 213  
CHALLIS, ID 83226

BARBARA ANDREWS  
PO BOX 22  
CHALLIS, ID 83226

ROBERT ANDREWS  
PO BOX 22  
CHALLIS, ID 83226

DUNFEE FAMILY TRUST  
PO BOX 225  
CHALLIS, ID 83226

LULA SWINDELL  
PO BOX 236  
CHALLIS, ID 83226

RICHARD SWINDELL  
PO BOX 236  
CHALLIS, ID 83226

ROBERT D BRADLEY  
PO BOX 241  
CHALLIS, ID 83226

SHARON SKROH BRADLEY  
PO BOX 241  
CHALLIS, ID 83226

ESTHER KEPPNER  
PO BOX 243  
CHALLIS, ID 83226

RAY KEPPNER  
PO BOX 243  
CHALLIS, ID 83226

DAN C GUERRERO  
PO BOX 248  
CHALLIS, ID 83226-0248

CHARLOTTE M SMITH  
PO BOX 27  
CHALLIS, ID 83226

JOHN S SMITH  
PO BOX 27  
CHALLIS, ID 83226

CLARENCE LEUZINGER  
PO BOX 271  
CHALLIS, ID 83226

JOSE DITCH CO INC  
PO BOX 274  
CHALLIS, ID 83226

JACK B FUREY  
PO BOX 280  
CHALLIS, ID 83226

CORI HENDERSON  
PO BOX 296  
CHALLIS, ID 83226

DON HENDERSON  
PO BOX 296  
CHALLIS, ID 83226

JETTE MORACHE  
PO BOX 299  
CHALLIS, ID 83226

JEFFREY J YEO  
PO BOX 299  
CHALLIS, ID 83226

FAYE KNOX  
PO BOX 301  
CHALLIS, ID 83226

JERRY W KNOX  
PO BOX 301  
CHALLIS, ID 83226

CHALLIS JOINT SCHOOL DISTRICT  
#181  
PO BOX 304  
CHALLIS, ID 83226

JEAN ANN FROST  
PO BOX 318  
CHALLIS, ID 83226

ANTONY R YACOMELLA  
PO BOX 318  
CHALLIS, ID 83226

BILL ROY YACOMELLA  
PO BOX 318  
CHALLIS, ID 83226

THOMAS LEE YACOMELLA  
PO BOX 318  
CHALLIS, ID 83226

LARRY G JOLLEY  
PO BOX 323  
CHALLIS, ID 83226

TONI L JOLLEY  
PO BOX 323  
CHALLIS, ID 83226

RUBY H MC GOWAN  
PO BOX 325  
CHALLIS, ID 83226

VERNE A MC GOWAN  
PO BOX 325  
CHALLIS, ID 83226

HAROLD D WILSON  
PO BOX 343  
CHALLIS, ID 83226

LENORE H BARRETT  
PO BOX 347  
CHALLIS, ID 83226

MICHAEL H BARRETT  
PO BOX 347  
CHALLIS, ID 83226

R M BARRETT  
PO BOX 347  
CHALLIS, ID 83226

ARTHUR LUSHER  
PO BOX 349  
CHALLIS, ID 83226

BETTY RUSTIN LUSHER  
PO BOX 349  
CHALLIS, ID 83226

RONALD W BLOXHAM  
PO BOX 359  
CHALLIS, ID 83226

SHELLEY E BLOXHAM  
PO BOX 359  
CHALLIS, ID 83226

JAMES R BENNETTS  
PO BOX 36  
CHALLIS, ID 83226

JO ANN BENNETTS  
PO BOX 36  
CHALLIS, ID 83226

LESLIE VAN KAMPEN  
PO BOX 361  
CHALLIS, ID 83226

THOMAS VAN KAMPEN  
PO BOX 361  
CHALLIS, ID 83226

LYNN T STEVENSON  
PO BOX 367  
CHALLIS, ID 83226

GARY KIMBLE  
PO BOX 376  
CHALLIS, ID 83226

SANDRA M KIMBLE  
PO BOX 376  
CHALLIS, ID 83226

SALMON RIVER ELECTRIC  
COOPERATIVE INC  
PO BOX 384  
CHALLIS, ID 83226

COUNTY OF CUSTER FAIR BOARD  
PO BOX 385  
CHALLIS, ID 83226

KENNETH BRADBURY  
PO BOX 390  
CHALLIS, ID 83226

JOY T SMOUSE  
PO BOX 418  
CHALLIS, ID 83226

LUTHER B HARTSHORN  
PO BOX 507  
CHALLIS, ID 83226

BILL ROY YACOMELLA  
PO BOX 51  
CHALLIS, ID 83226

MADGE E YACOMELLA  
PO BOX 51  
CHALLIS, ID 83226

THOMAS LEE YACOMELLA  
PO BOX 51  
CHALLIS, ID 83226

TONY S YACOMELLA  
PO BOX 51  
CHALLIS, ID 83226

FIRSTFRUITS FOUNDATION  
PO BOX 510  
CHALLIS, ID 83226

DOLORES IVIE  
PO BOX 521  
CHALLIS, ID 83226

JACK IVIE  
PO BOX 521  
CHALLIS, ID 83226

BRIDGET MOORE  
PO BOX 522  
CHALLIS, ID 83226

DONNIE G MOORE  
PO BOX 522  
CHALLIS, ID 83226

RUSSEL L VERBECK  
PO BOX 532  
CHALLIS, ID 83226-0532

ELIZABETH N PHILLIPS  
PO BOX 544  
CHALLIS, ID 83226

GEORGE F PHILLIPS  
PO BOX 544  
CHALLIS, ID 83226

WINFREY K KIMBLE  
PO BOX 568  
CHALLIS, ID 83226

NYLE J THORNOCK  
PO BOX 570  
CHALLIS, ID 83226

SHIRLEY ANN THORNOCK  
PO BOX 570  
CHALLIS, ID 83226

CITY OF CHALLIS  
PO BOX 587  
CHALLIS, ID 83226

DONNA L BUTTS  
PO BOX 6  
CHALLIS, ID 83226

THOMAS A BUTTS  
PO BOX 6  
CHALLIS, ID 83226

DAVID P ROSENKRANCE  
PO BOX 628  
CHALLIS, ID 83226

SANDRA S ROSENKRANCE  
PO BOX 628  
CHALLIS, ID 83226

ALAN HENDERSON  
PO BOX 645  
CHALLIS, ID 83226

HARRIET HENDERSON  
PO BOX 645  
CHALLIS, ID 83226

HECLA MINING COMPANY  
PO BOX 647  
CHALLIS, ID 83226-0647

DEBRA L WATSON  
PO BOX 650  
CHALLIS, ID 83226-0650

KENT S WATSON  
PO BOX 650  
CHALLIS, ID 83226-0650

KENNETH J RODGERS  
PO BOX 659  
CHALLIS, ID 83226-0659

WENDY A RODGERS  
PO BOX 659  
CHALLIS, ID 83226-0659

GLORIA J BAKER  
PO BOX 69  
CHALLIS, ID 83226

ROBERT E BAKER  
PO BOX 69  
CHALLIS, ID 83226

CHALLIS IRRIGATION CO  
PO BOX 71  
CHALLIS, ID 83226

RYAN N HUNT  
PO BOX 719  
CHALLIS, ID 83226

DEAN PETERSON  
PO BOX 723  
CHALLIS, ID 83226

KEITH AXLINE  
PO BOX 733  
CHALLIS, ID 83226

PATRICIA AXLINE  
PO BOX 733  
CHALLIS, ID 83226

SCOTT AXLINE  
PO BOX 733  
CHALLIS, ID 83226

JUDY SMITH  
PO BOX 734  
CHALLIS, ID 83226

LOYEL DEAN SMITH  
PO BOX 734  
CHALLIS, ID 83226

DEBRA A BITTON  
PO BOX 736  
661 TENT ST  
CHALLIS, ID 83226

JEFFREY M BITTON  
PO BOX 736  
661 TENT ST  
CHALLIS, ID 83226

JOE D CHESTER  
PO BOX 759  
CHALLIS, ID 83226

NANCY L CHESTER  
PO BOX 759  
CHALLIS, ID 83226

DEBRA J PETERS  
PO BOX 766  
CHALLIS, ID 83226

DONALD W PETERS  
PO BOX 766  
CHALLIS, ID 83226

TERRI S YACOMELLA  
PO BOX 769  
CHALLIS, ID 83226

THOMAS L YACOMELLA  
PO BOX 769  
CHALLIS, ID 83226

KATHRIN S TAYLOR  
PO BOX 771  
CHALLIS, ID 83226

ROBERT L TAYLOR  
PO BOX 771  
CHALLIS, ID 83226

CYNTHIA A DMOCHOWSKI  
PO BOX 773  
CHALLIS, ID 83226-0773

JOHN E DMOCHOWSKI  
PO BOX 773  
CHALLIS, ID 83226-0773

JAMES K PENINGER  
PO BOX 781  
CHALLIS, ID 83226

L & W STONE CORP  
PO BOX 789  
CHALLIS, ID 83226

MARK WILLIAM DEEN  
PO BOX 796  
CHALLIS, ID 83226

MARGARET J VALNOSKI  
PO BOX 796  
CHALLIS, ID 83226

ROBERT J VALNOSKI  
PO BOX 796  
CHALLIS, ID 83226

CHERYL LAVERTY CUTLER  
PO BOX 8  
CHALLIS, ID 83226

CHALLIS RECREATION &  
DEVELOPMENT CO  
PO BOX 81  
CHALLIS, ID 83226

DANNIE A STRAND  
PO BOX 81  
CHALLIS, ID 83226

EVELYN A STRAND  
PO BOX 81  
CHALLIS, ID 83226

SALLY L STRAND  
PO BOX 81  
CHALLIS, ID 83226

SPENCER D STRAND  
PO BOX 81  
CHALLIS, ID 83226

JOSEPH N ANDERSEN  
PO BOX 816  
CHALLIS, ID 83226

SANDRA K ARMBRUST  
PO BOX 851  
CHALLIS, ID 83226

BRENT IVIE  
PO BOX 851  
CHALLIS, ID 83226

KATHARINE A FORSTER  
PO BOX 86  
CHALLIS, ID 83226

JENNESS R BUTTERFIELD  
PO BOX 87  
CHALLIS, ID 83226

RICK PHILPS  
PO BOX 910  
CHALLIS, ID 83226-0910

GEORGE B FORESTIER  
PO BOX 924  
CHALLIS, ID 83226

JULIAN PIVA  
PO BOX 94  
CHALLIS, ID 83226

MARION PIVA  
PO BOX 94  
CHALLIS, ID 83226

ROUND VALLEY ACRES WATER  
ASSN INC  
PO BOX 941  
CHALLIS, ID 83226-0941

ANDREW JACKSON WOOLWINE  
PO BOX 942  
CHALLIS, ID 83226-0942

GWENDOLYN O WOOLWINE  
PO BOX 942  
CHALLIS, ID 83226-0942

DAVID M WOOD  
PO BOX 946  
CHALLIS, ID 83226

DEBORAH K WOOD  
PO BOX 946  
CHALLIS, ID 83226

FALMA MOYE CULLINANE  
PO BOX 969  
CHALLIS, ID 83226

RAY CULLINANE  
PO BOX 969  
CHALLIS, ID 83226

HAROLD LEATON  
PO BOX 97  
CHALLIS, ID 83226

RUTH LEATON  
PO BOX 97  
CHALLIS, ID 83226

CAROLINE CORDOVA  
PO BOX 978  
CHALLIS, ID 83226

ORLANDO A CORDOVA  
PO BOX 978  
CHALLIS, ID 83226

JIM T KOPP  
PO BOX 98  
CHALLIS, ID 83226

MAE KOPP  
PO BOX 98  
CHALLIS, ID 83226

JANICE LONG  
PO BOX 981  
CHALLIS, ID 83226

STEVEN G LONG  
PO BOX 981  
CHALLIS, ID 83226

RONALD CLYDE GREEN  
4884 JOHANNSEN PL  
CHUBBUCK, ID 83202

JAN GREEN  
4884 JOHANNSEN PLACE  
CHUBBUCK, ID 83202

MIKE W VAN DUSEN  
BOX 171  
CLAYTON, ID 83227

CYPRUS THOMPSON CREEK MINING  
CO  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON, ID 83227

JOLENE OGDEN  
HC 67 BOX 550  
CLAYTON, ID 83227

MARSHALL D OGDEN  
HC 67 BOX 550  
CLAYTON, ID 83227

DIANE W FISHER  
HC 67 BOX 619  
CLAYTON, ID 83227

LEONARD L FISHER  
HC 67 BOX 619  
CLAYTON, ID 83227

GWENDOLYN L MOORE  
HC 67 BOX 640  
217.70 HWY 75  
CLAYTON, ID 83227

JOHN M MOORE  
HC 67 BOX 640  
217.70 HWY 75  
CLAYTON, ID 83227

ROBERT E TURNER  
HC 67 BOX 692  
CLAYTON, ID 83227

SANDRA L TURNER  
HC 67 BOX 692  
CLAYTON, ID 83227

WILLIAM A KNIGHT  
HC 67 BOX 725  
CLAYTON, ID 83227

MARGUERITE C GODFREY  
HC 67 BOX 745  
CLAYTON, ID 83227

WILLIAM S GODFREY  
HC 67 BOX 745  
CLAYTON, ID 83227

BRENT J BRUNKER  
HC 68 BOX 303  
CLAYTON, ID 83227

RUTH E ROUNDS BRUNKER  
HC 68 BOX 303  
CLAYTON, ID 83227

D WAYNE BAKER  
HC 68 BOX 304  
CLAYTON, ID 83227-9601

DAVID WAYNE BAKER  
HC 68 BOX 304  
CLAYTON, ID 83227

MELODIE L BAKER  
HC 68 BOX 304  
CLAYTON, ID 83227

GARY INGRAM  
HC 68 BOX 320  
CLAYTON, ID 83227

JACKIE INGRAM  
HC 68 BOX 320  
CLAYTON, ID 83227

CHERYL K BAKER  
HC 68 BOX 350  
CLAYTON, ID 83227

RICHARD DOUGLAS BAKER  
HC 68 BOX 350  
CLAYTON, ID 83227

ALLEN R ANDERSON  
HC 68 BOX 353  
CLAYTON, ID 83227

DUNFEE LAND CO LP  
HC 68 BOX 357  
CLAYTON, ID 83227

EDDIE E BAKER  
HC 68 BOX 375  
CLAYTON, ID 83227

EDDIE BAKER JR  
HC 68 BOX 375  
CLAYTON, ID 83227

MICHAEL M MALONEY  
PO BOX 108  
CLAYTON, ID 83227

PATRICIA A MALONEY  
PO BOX 108  
CLAYTON, ID 83227

ARCHIE SHERWOOD  
PO BOX 163  
CLAYTON, ID 83227

KATHLEEN D HARDING  
PO BOX 180  
CLAYTON, ID 83227-0180

CHARLES E CAMPBELL  
PO BOX 182  
CLAYTON, ID 83227

MICHELLE MC GINLEY  
PO BOX 182  
CLAYTON, ID 83227

HANNAH C ROVETTO FAMILY TRUST  
PO BOX 31  
CLAYTON, ID 83227

CITY OF CLAYTON  
PO BOX 33  
CLAYTON, ID 83227

JOANNE BRAUN  
PO BOX 474  
CLAYTON, ID 83227

MICHAEL BRAUN  
PO BOX 474  
CLAYTON, ID 83227

KENNETH BRADSHAW  
PO BOX 58  
CLAYTON, ID 83226

LETA F BRADSHAW  
PO BOX 58  
CLAYTON, ID 83226

THOMPSON CREEK MINING CO  
PO BOX 62  
CLAYTON, ID 83227

CYNTHIA T DEININGER  
PO BOX Y  
CLAYTON, ID 83227

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CONROE, TX 77304

JULIA MARIE HUGHES  
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CONROE, TX 77304

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CROFTON, MD 21114

LINDA M NORRIS  
2612 TOR CT  
CROFTON, MD 21114

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PO BOX 659  
DAVENPORT, WA 99122

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3034 S WHITE POST WAY  
EAGLE, ID 83616

DUNFEE FAMILY TRUST  
JUDE C DUNFEE TRUSTEE AND  
JOYCE I DUNFEE TRUSTEE  
713 W COLCHESTER DR  
EAGLE, ID 83616

DOUGLAS L BAKER  
PO BOX 995  
EAGLE, ID 83616

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PO BOX 746  
ELKHART, WI 53020

WILLIAM C BEIN  
PO BOX 746  
ELKHART, WI 53020

PARKINSON FOUNDATION SEED  
FARM  
C/O BOB PARKINSON  
BOX 65  
ELLIS, ID 83235

KAREN A DOWTON  
PO BOX 7  
ELLIS, ID 83235

SYDNEY L DOWTON  
PO BOX 7  
ELLIS, ID 83235-0007

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FALLON, NV 89406

JEROLD P WALSH  
51 N BAILEY ST  
FALLON, NE 89406

SHOSHONE BANNOCK TRIBES  
PO BOX 306  
FORT HALL, ID 83203

ROBERT JARRETT  
2397 STRYKER AVE  
FORT LEWIS, WA 98433

MARGARET WATKINS  
2397 STRYKER AVE  
FORT LEWIS, WA 98433

NANCY J DRAZNIN  
1281 SPRENGER RD  
GENESEE, ID 83832

KEN E NAGY  
1281 SPRENGER RD  
GENESEE, ID 83832

ESTATE OF GERALD D GREEN  
311 S GILLETTE AVE  
GILLETTE, WY 82716

BERNADINE HURLESS  
PO BOX 358  
GLENNALLEN, AK 99588

CLAYTON HURLESS  
PO BOX 358  
GLENNALLEN, AK 99588

CLARELYN ELGAN  
PO BOX 82  
GOODING, ID 83330

DOUGLAS L ELGAN  
PO BOX 82  
GOODING, ID 83330

SALMON FALLS LAND & LIVESTOCK  
CO INC  
123 BELL RAPIDS RD  
HAGERMAN, ID 83332

DENISE THOMAS  
102 HORSESHOE CIR  
HAILEY, ID 83333

MORGAN THOMAS  
102 HORSESHOE CIR  
HAILEY, ID 83333

WDW LLC  
115 VICTOR DR  
HAILEY, ID 83333

WOOD RIVER LAND TRUST CO  
119 E BULLION ST  
HAILEY, ID 83333

MARY BIRD  
PO BOX 1044  
HAILEY, ID 83333

RANDY BIRD  
PO BOX 1044  
HAILEY, ID 83333

MARK T NICKUM  
PO BOX 1565  
HAILEY, ID 83333

PATRICIA A NICKUM  
PO BOX 1565  
HAILEY, ID 83333

JONATHAN H MARVEL  
PO BOX 1602  
HAILEY, ID 83333

BILLY SCHLUNEGGER  
PO BOX 374  
HAILEY, ID 83333

DALE MIZER  
PO BOX 728  
HAILEY, ID 83333

ERIC KLEPPER  
C/O KLEPPER MINING SERVICE LLC  
13058 SHERWOOD CT  
HAYDEN LAKE, ID 83835

HAROLD G PHARRIS  
PO BOX 9  
HAZELTON, ID 83335

VIRGINIA PHARRIS  
PO BOX 9  
HAZELTON, ID 83335

EVERETT P ENZENAUER FAMILY  
TRUST  
PO BOX 1776  
HEALDSBURG, CA 95448-1776

EVERETT P ENZENAUER  
PO BOX 1776  
HEALDSBURG, CA 95448-1776

MARY E ENZENAUER  
PO BOX 1776  
HEALDSBURG, CA 95448-1776

CATHY ROBERTS  
7216 APPEL GATE DR  
HELENA, MT 59602-8717

TED ROBERTS  
7216 APPEL GATE DR  
HELENA, MT 59602-8717

EUGENE DURELL MOON  
677 GREENBRIER DR  
HEYBURN, ID 83336

PAUL L MAY  
805 EL PASO DR  
HEYBURN, ID 83336

SHARON L MAY  
805 EL PASO DR  
HEYBURN, ID 83336

ROBERT C HAMMOND  
1828 S 55 W  
IDAHO FALLS, ID 83402

GLENN CONRAD THURSTON  
1900 PARKWOOD ST APT A 107  
IDAHO FALLS, ID 83401

NORTHWEST FARM CREDIT  
SERVICES FLCA  
2225 W BROADWAY #A  
IDAHO FALLS, ID 83402

J ROBB BRADY  
314 E SUNNYSIDE RD  
IDAHO FALLS, ID 83404

ROSANNA CHAMBERS  
407 10TH  
IDAHO FALLS, ID 83404

DAVID O KINGSTON  
477 SHOUP AVE #207  
IDAHO FALLS, ID 83402

ELKHORN PLACER ASSN  
C/O D H SCHOONEN  
1364 12TH ST  
IDAHO FALLS, ID 83404

GINI DITCH CO INC  
C/O HOLDEN KIDWELL HAHN &  
CRAPO  
PO BOX 50130  
IDAHO FALLS, ID 83405

GEORGE E SANTEE JR  
PO BOX 2341  
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FRED R STEWART  
RT 4 BOX 4826  
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BACK COUNTRY L L C  
DBA SMILEY CREEK LODGE  
HC 64 PO BOX 9102  
KETCHUM, ID 83340

LOIS A GLENN  
HC 64 BOX 9107  
KETCHUM, ID 83340

SMILEY CREEK WATER USERS  
ASSOC  
HC 64 BOX 9108  
KETCHUM, ID 83340

MARILYN ANN MUELLER  
HC 64 BOX 9475  
KETCHUM, ID 83340

J DON SESSIONS  
HC 64 BOX 9696  
KETCHUM, ID 83340

NEDRA SESSIONS  
HC 64 BOX 9696  
KETCHUM, ID 83340

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PO BOX 2062  
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MOSCOW, ID 83843

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DE MARIA E TANNER  
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MAUDE LOU GREENWELL  
418 E LINCOLN  
PO BOX 236  
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PAYETTE, ID 83661

ERNEST DAY  
10495 STONE QUARRY RD  
PAYETTE, ID 83661-5134

FRED C HUMPHREYS  
10495 STONE QUARRY RD  
PAYETTE, ID 83661

THE ESTATE OF FRED C HUMPHREYS  
C/O ERNEST DAY  
10495 STONE QUARRY RD  
PAYETTE, ID 83661-5134

CANDACE P HUMPHREYS  
C/O H HOOK RANCH  
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C/O KATIE BRECKENRIDGE  
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C/O JOAN MARTINKO MGR  
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POCATELLO, ID 83201

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POCATELLO, ID 83201

RONALD V CURTIS  
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POCATELLO, ID 83201

ERROL L GREEN  
859 W LANDER  
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C/O ANDREE DOYLE  
725 N RIVERSIDE DR #201  
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DIVISION OF ENGINEERING  
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SALMON, ID 83467-5396

RICHARD W SCHOWENGERDT  
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GREGORY MARTIN SHEFTS  
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SALMON, ID 83467

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KAY M ELSETHAGEN  
BOX 1416  
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SALLY FOSS  
BOX 1416  
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KATHY SUE SMITH  
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US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALMON DISTRICT  
1206 S CHALLIS ST  
SALMON, ID 83467

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PO BOX 1336  
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50 S MAIN ST STE 1250  
SALT LAKE CITY, UT 84144

PETERSEN RANCH TRUST  
C/O CLARENCE E PETERSEN  
585 W 33RD S  
SALT LAKE CITY, UT 84115

CORP OF THE PRESIDING BISHOP  
REAL ESTATE DIV 12TH FLOOR  
50 E NORTH TEMPLE ST  
SALT LAKE CITY, UT 84150

CORP PRES BISHOP LDS CHURCH  
REAL ESTATE DIVISION/NRS  
50 E NORTH TEMPLE ST  
12 TH FLOOR  
SALT LAKE CITY, UT 84150-6320

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THOMAS A ROMANOWSKI TRUST  
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SPARKS, NV 89436-3636

SHARON L BACKUS  
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SPARKS, NV 89436-3636

FISHER CREEK PARTNERS LLC  
AN IDAHO LIMITED LIABILITY CO  
HC63 BOX 9934  
STANLEY, ID 83278

REDFISH LAKE LODGE INC  
C/O JACK SEE  
PO BOX 9  
STANLEY, ID 83278

CRAIG V REMBER  
HC 60 BOX 9928  
STANLEY, ID 83278

CLIFF M HANSEN  
HC 64 BOX 9910  
STANLEY, ID 83278

ELIZABETH L REMBER  
HC 64 BOX 9928  
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WO-HE-LO SUBDIVISION  
HC 64 BOX 9951  
STANLEY, ID 83278

JUDY A HALL GRISWOLD  
HC 64 BOX 9965  
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ROBERT G GRISWOLD  
HC 64 BOX 9965  
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BEN ROY FORSGREN  
HC 67 BOX 300  
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HC 67 BOX 300  
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KEY BANK OF IDAHO TRUSTEE  
IDAHO ROCKY MOUNTAIN RANCH  
HC 64 BOX 9934  
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ROZALYS B SMITH TRUST  
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ROCK & FIELDS, CHARTERED  
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