

**From:** Jim White <jdw@jamesdwhitelaw.com>

**To:** shirleynjohn420x <shirleynjohn420x@aol.com>

**Cc:** John Hocknell (shirleynjohn420x@aol.com) <shirleynjohn420x@aol.com>; sheila white <sheilawhite@q.com>; Tracy Dunlap <tracy@hdlaw.biz>; Dave Johnson (cjanddj@svskylan.net) <cjanddj@svskylan.net>

**Subject:** RE: D 45 Tuesday meeting Oct 18, 2016

**Date:** Mon, Oct 17, 2016 1:49 pm

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Shirley;

Thanks for stepping up. Here you go:

Read the five quoted paragraphs below into the record when the matter comes up on the agenda. Tell them this comes from JDW.

"1 The BFLOA needs the "blessing" of the D 45 board on one simple point. That is, the D 45 board needs to determine what "hold back percentage" does the D 45 board feel would be appropriate in order to consent to the BFLOA's application to put it's water rights into the IDWR Water Bank."

"2 The concept of a "hold back percentage" is simply a determination of what portion of the BFLOA's water rights should remain in the irrigation ditch at the main head-gate in Bellevue to compensate other right holders in the system (those between the main head gate and the Bellevue Farms property) for the conveyance loss as would result if the applicant's water rights go into the Water Bank."

"3 In this case, the answer is simple because the D 45 board on prior occasions (when approving other applications from property owners in the Bellevue Farms subdivision), the board determined that a 20% holdback would be appropriate."

"4 The TID just approved the BFLOA application with that exact holdback amount already, so it's pretty much of a no brainer for the D 45 board; a "20 % hold back" works for all concerned."

"5 We request that you approve the BFLOA's application with the condition of a 20% holdback. Thank you for your attention to this matter."

I have already talked to Dave Johnson and he seemed comfortable with the 20% number. So all should be smooth sailing. Call me if any questions.

presented By  
Peer  
Tina White

TO WHOM IT MAY CONCERN:

Please consider the following points as you develop your collective and respective budgets for the coming water year.

**BUDGET MATTERS**

1. The respective Boards of each district (D 45, TID, CID) are obligated to evaluate *each* proposed line item expense from the standpoint of what is in that district's best interests.
2. If a proposed line item expense is not in the best interest of that district's interests, then that Board has the authority (under the "subject to" language in the statutes, as interpreted pursuant to the Norm Semenko memo) to reject that line item expense.
3. If a proposed line item expense is rejected by one or more board(s), then the non-objecting boards are free to approve the expense, but the rejecting board or boards does not have to contribute nor assess for its share of a rejected expense item.
4. It should be reiterated that the Board of Control is not an assessment authority; only the three districts can assess their respective members.
5. Any significant proposed line item expense for large scale tree removal should be considered dubious on its face, particularly if not backed up with a scientifically based true and total cost/ benefit analysis.
6. Any argument that large scale tree cutting is needed to get more water down ditch should be considered dubious on its face since the users at the bottom end of the various legs of the ditch already benefit from the waste water not used by up ditch users throughout the season.
7. Spending thousands of dollars on large scale tree cutting was the "breaking" point for many users several years ago and which has now

resulted in a fractured system.

### **WATER MANAGER**

8. In my opinion, the current water manager, John Wright, has done an excellent job in all respects.
9. He has integrity, he listens well, he is trustworthy, he processes information well, he exercises patience and he is diligent.
10. He deserves to have his views well respected and he deserves to have his employment renewed.
11. He also deserves a raise and our collective thanks.