

Orr Affidavit

Exhibit 13

“Resolution,”
Committee of Nine
(Jan. 17, 1985)

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OCT 19 2000
DEPARTMENT OF
WATER RESOURCES

Fourth Orr Affidavit
Exhibit 60:

**Letter from Ronald D. Carlson to all
Senators and Representatives, and Ken
Dunn, dated January 31, 1985, enclosing
a “Resolution” of the Committee of Nine
dated January 17, 1985**

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Department of Water Resources

January 31, 1985

Snake River Water District 1 is the nation's largest water district. Each year the Snake River watermaster delivers nearly eight million acre-feet of water to some 1,700 water rights for the irrigation of over one million two hundred thousand acres of land. This represents approximately one-third of the total irrigated acreage in Idaho. Because of the size of the district, the Snake River water users have, since 1919, annually elected nine men to; represent their collective interests, to act as advisors to the watermaster and, in recent years, to operate the upper Snake Water Supply Bank.

The Committee of Nine is extremely concerned about any action that might impact the long established rights of irrigators to continue using Snake River water. The water users of the upper Snake River remain confident that hydropower rights are legally subordinate to irrigation uses. However, they believe that no one wins in protracted litigation and, therefore, support implementation of the "Swan Falls Agreement."

The Committee of Nine believe that funding for a general adjudication of the Snake River Basin is the most critical element in the agreement; and that even if other parts of the agreement are not implemented it is essential that the adjudication be commenced this year.

The enclosed resolutions were adopted by the Committee of Nine at their January 17th meeting. They have asked that I send you a copy of these resolutions and encourage you to give each your favorable consideration.

Respectfully submitted,

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources

Signed this 10th day of October 1985

Roy Packman

RONALD D. CARLSON
Snake River Watermaster

RDC:cw

Enclosures

Copy sent to all Senators & Representatives w/resolutions
Ken Dunn

SCANNED

JAN 29 2007

R E S O L U T I O N

WHEREAS, the Governor, the Idaho Power Company, and the Attorney General of the State of Idaho have entered into an agreement to resolve the need to continue pending litigation and solve the controversy over Swan Falls water rights through Stipulation and enabling legislation; and,

WHEREAS, agreement is a preferred method of resolution to avoid lengthy court battles and continued loss of opportunity for economic growth in the Upper Snake River Basin;

NOW, THEREFORE, BE IT RESOLVED that the Committee of Nine encourage the Idaho Legislature to pass requisite legislation to implement the Swan Falls Agreement.

BE IT FURTHER RESOLVED that in implementation it be clear that the following conditions prevail:

1. That there is, and will continue to be, no obligation to provide surface flows for water rights established below Milner Dam and that the "zero" flow at Milner Dam be reaffirmed.

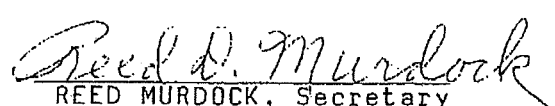
2. That an effective water marketing system is in place through the Upper Snake Water Supply Bank and that any change in marketing of water which might be proposed under the Agreement should be through the existing Water Bank.

3. That "full utilization of existing storage" be understood to mean the allocation of space in existing reservoirs.

4. That the reconstruction of Teton Dam be commenced as though it were in place prior to November, 1982.

Adopted this 17 day of January, 1985.


ROBERT REICHERT, Chairman
Committee of Nine

ATTEST: 
REED MURDOCK, Secretary
Committee of Nine

R E S O L U T I O N

WHEREAS, the Committee of Nine recognize the continuation of existing water rights in the present priority structure to be critical to agriculture in the Snake River Basin; and,

WHEREAS, the potential for serious challenges by the continuation of these water rights is largely dependent upon the assertion of unadjudicated claims to water rights by entities not part to previous court actions; and,

WHEREAS, recent court actions have clouded many Upper Snake irrigation rights and left them open to challenges of entities seeking to obtain rights to Snake River flows; and,

WHEREAS, the Idaho Statutes require an adjudication of water rights before a watermaster can distribute water to the respective rights;

NOW, THEREFORE, BE IT RESOLVED that the Committee of Nine support and encourage the Idaho Legislature to immediately provide funding for a general adjudication of the Snake River and tributary ground water systems.

BE IT FURTHER RESOLVED that because of the critical need, that adequate funds be provided to the Idaho Department of Water Resources to commence the adjudication at the earliest possible date in 1985.

Dated this 17 day of January, 1985.

Robert Reichert
ROBERT REICHERT, Chairman
Committee of Nine

ATTEST: Reed A. Murdock
REED MURDOCK, Secretary
Committee of Nine

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources

Signed this 10th day of October, 2008

Cheryl Spickman