

Orr Affidavit

Exhibit 27

“Resolution 19,”
Committee of Nine
(Mar. 4, 1986)

RECEIVED

OCT 19 2009

DEPARTMENT OF
WATER RESOURCES

COMMITTEE OF NINE MINUTES
ANNUAL MEETING

Elks Lodge, Idaho Falls, Idaho
March 4, 1986

The annual meeting of Water District 1 was preceeded by a legislative report by Sherl Chapman. Some of the legislation of special interest to upper Snake water users included:

HB 369 which would, among other things, provide that using stored water on more land does not represent an expansion of the water right.

HB 433 which would reduce liability for canal board members.

SB 1260 would confirm the tax exempt status of water districts.

SB 1358 would clarify that trust water only exists below Milner.

SB 1394 would create a State Wild and Scenic River System.

Elmer McDaniels then presented the Education Committee Report. Elmer said that during 1985 the Otto Otter Program was shown to 10,500 third graders. Because of the liability benefits of this program the insurance industry contributed \$2,000 for the program. Elmer said that last year the IWUA held two law seminars and several workshops.

At 9:50 a.m. Ronald Carlson called the meeting to order and called for nominations of a temporary chairman. Bob Reichert was nominated and elected temporary chairman. Reed Murdock was then nominated to be temporary secretary. Reed was elected by acclamation.

Reed Murdock then read the minutes from the 1985 annual meeting. The minutes were approved as read.

At 10:12 a.m. the chairman designated the meeting places for the various areas and adjourned the meeting for caucus. The result of the caucus votes is attached. The committees on Credentials and Order of Business were excused and Lyle Swank read the results of the roll call taken at the door. Ronny Ard reported for the Committee on Order of Business. After the report for the Committee on Credentials was given, it was moved and seconded that both reports be accepted for the annual meeting. The motion carried.

Next it was moved and seconded that those nominated to serve on the Committee of Nine should be elected by unanimous vote. The motion passed by acclamation.

Next on the agenda, Max Van Den Berg introduced Assistant Regional Director John Keyes. John announced that Dale Duval has been selected to replace Broadbent as the Commissioner of Reclamation. John next discussed the status of the Jackson Dam replacement. He indicated that everything is on schedule and if that continues, Jackson will be ready to start filling in 1988. John indicated that the BOR has appointed two people to review the reserved water rights claim of the Shoshone-Bannock Indians. John said the Bureau of will support rebuilding Teton Dam if they have adequate local support. They would also support building Lynn Crandall if there is adequate local support.

The time was then turned over to Earl Corliss who reported on the water supply outlook for 1986 and reservoir operation. Ron Golus then reported on the upper Snake storage evaluation study being conducted by the BOR. The meeting was adjourned for lunch at 11:30 a.m.

The meeting was reconvened at 1:00 p.m. Chairman Robert Reichert presented the report of the Committee of Nine. Bob spoke about the benefits that water users have received from the water bank and the 2.44 million dollars in direct return to spaceholders since the bank was established in 1978. Bob emphasized the importance of having water user participation in the negotiations of federal and Indian reserved water rights.

John Rosholt then reported that the Indians had recently filed the irrigation portion of their reserved water right claim. John said the Indians were claiming water for 198,000 acres. He explained that the review of this claim was going to require hiring technical experts and that meant the water users were going to have to put up some significant sums of money to get the necessary expertise.

Dave Shaw, of the IDWR, said that the necessary legislation to provide for general adjudication has been worked out and has been introduced in the House. Dave reported that the rules and regs for processing water rights have been prepared and will be ready for distribution shortly after the legislature decides on how far upstream trust water must be considered.

Next on the agenda was the report of the watermaster. Ron Carlson warned that the settlement of the reserved water rights issue could embroil water users in protracted litigation that could sap their resources for many years. He cautioned that if this happens water users could support half of the lawyers in the state to protect their individual interests unless they can stick together and agree upon common representation. Ron said that he sees the unity provided through the Committee of Nine and their representation of collective interest of water users during the negotiations process as an invaluable water user asset.

Ron then read the resolution changes for 1986. All resolutions passed by acclamation. All special resolutions passed. These resolutions included: support of the changes for the adjudication statutes, opposition to the requirement of an economic impact statement before state agencies could adopt rules and regulations, endorsement of the Committee of Nine to act on behalf of the water users of Water District 1 in the Indian negotiations, opposition to the establishment of a Federal Wild and Scenic River designation for the Henrys Fork, support for legislation limiting "trust water" to waters arising below Milner, and a resolution supporting the Committee of Nine's allocation of \$75,000 to be used for acquiring technical experts.

Dale Rockwood moved that Ron Carlson be elected watermaster for the coming year. The motion was seconded and passed by acclamation.

Finally plaques for their services were presented to Bob Reichert and Reed Murdock.

The meeting was adjourned at 2:00 p.m.


REED MURDOCK, Secretary

WATER DISTRICT NO. 1 ANNUAL MEETING

Elks Lodge, 640 East Elva, Idaho Falls
March 4, 1986

9:00 a.m. Snake River - Man, History & the Environment,
Slide Show

9:20 a.m. Sherl Chapman - Idaho Water Users Legislative
Committee Report

9:35 a.m. Elmer McDaniels - IWUA Education Committee Report

9:45 a.m. Welcome by Mayor Tom Campbell

10:00 a.m. Call to Order

Election of Temporary Chairman
Election of Temporary Secretary

Reading of Minutes of 1985 Meeting

Selection of Committees
Henrys Fork Dist. No. 1 (Main River abv Lorenzo)
Lower Valley Dist. No. 2 (Feeder Canals)
Dist. No. 3 (Lorenzo to Shelley)
Dist. No. 4 (Below Shelley)

Report on Committees & Elections

Committees Excused: Order of Business,
Credentials

Roll Call

Report on Committee on Order of Business

Election of Committee of Nine

11:45 a.m. LUNCH BREAK (No Host Luncheon - \$5.00 Chicken
Malibu or Salad Bar)

REPORTS

1:00 p.m. Annual Report of the Committee of Nine

1:15 p.m. Bureau of Reclamation Reports
Leo Busch - Chief of River Operations
Bill Lloyd - Regional Director

1:30 p.m. Reed Oldham, Negotiations Committee Report

1:45 p.m. Ken Dunn - IDWR

2:00 p.m. Watermaster's Report - Ron Carlson

2:20 p.m. Resolutions
Election of Watermaster
Unfinished Business
New Business

Adjourn

The 1986 Report of the Committee on Organization and Order of Business:

"We recommend that the temporary organization be made permanent and the following be adopted as the Order of Business of this meeting:

1. Roll Call of canals.
2. Appointment of a temporary organization.
3. Reading of minutes of previous meeting (omitting the resolutions.)
4. Recess for caucus and selection of committees.
5. Report of committees.
6. That the temporary organization be made permanent.
7. Election of Committee of Nine.
8. Financial Report of the District.
9. Resolutions.
10. Election of Watermaster.
11. Unfinished business.
12. New business.
13. Committee of Nine shall serve as a permanent resolution committee and anyone desiring to present a resolution is requested to present it to the Committee of Nine on or before their last meeting prior to Water District No. 1 general meeting.

RESOLUTION 19

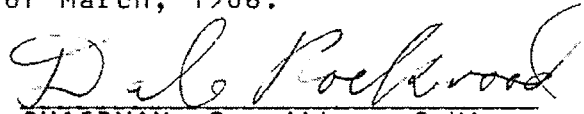
WHEREAS, it has been agreed by all parties involved in the Swan Falls negotiations that it was never their intent to force water arising above Milner Dam to be released to fill downstream water rights; and

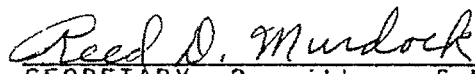
WHEREAS, the upper Snake has always been managed separately from the lower Snake; and,

WHEREAS, the trust water provisions of the Swan Falls settlement would adversely affect both natural flow and storage supplies of existing users and could actually reduce the amount of water available for hydropower generation below Milner Dam during the summer months.

NOW, THEREFORE, BE IT RESOLVED by the Committee of Nine and the water users of Water District 1 meeting in regular annual session the 4th day of March, 1986, that the Idaho State Legislature be encouraged to enact into law Senate Bill 1358.

Dated this 4th day of March, 1986.


CHAIRMAN, Committee of Nine


SECRETARY, Committee of Nine