



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

April 16, 2009

Clark County Auditor and Recorder  
c/o Carol Hoopes  
Clark County Courthouse  
Dubois, ID 83423

**RE: Water District No. #31, 32-C, 32-D**

Dear Sirs:

Enclosed please find copies of the Adopted Budget and Minutes of Water District #31, 32-C, 32-D. They have been read and approved by this office.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

Dennis Dunn  
Senior Water Rights Agent

DD:jj

**RESOLUTIONS PERTAINING TO THE TIME AND MANNER OF COLLECTING  
THE BUDGET AS ADOPTED AT THE ANNUAL MEETING OF THE WATER  
USERS OF  
WATER DISTRICT #32-C**

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**RESOLUTIONS**

**Tod Shenton asked the water users adopt the following resolutions:  
HEADGATES AND WEIRS**

**“All control devices and measuring devices shall be in good working order before water can be demanded and delivered. The Watermaster shall not deliver any water unless such devices are in good working order.”**

**COLLECTION OF WATER ASSESSMENTS**

**“That no ditch, canal, or other water user shall have the right to demand and receive water until full payment due is paid. Payment shall become due April 1, 2009, and shall become delinquent May 1, 2009, and if not paid by May 1, 2009, the payment shall bear interest from May 1, 2009, at the rate of eight per cent (8%) per annum.**

**The Watermaster shall not deliver any water until full payment due is paid.”**

**WATERMASTER TERM OF SERVICE**

**“That the Watermaster shall be elected for a term of one full year. The purpose is so that the Watermaster can serve in the legal capacity to do official business for the district in the event of emergencies, legislative actions, hearings, disputes or other water related or job related activities.**

**The Watermaster cannot be required to make water deliveries before April 1, or after November 1, (the normal irrigation season) unless an emergency exists. The Watermaster shall not be paid before April 1, or after November 1, from water district budgeted regular funds.”**

**PUMPING FROM CREEK**

**“To prohibit any pumping directly from Medicine Lodge Creek as per the motion adopted in 1980, which reads as follow:**

**That no pumping be allowed from Medicine Lodge Creek or its tributaries, without first diverting and measuring water into a private pond or sump, to eliminate any interference with regulation of steam waters.”**

**CALLING THE DEPUTY WATERMASTER to DUTY**

**"That the deputy Watermaster be called to duty by the Watermaster for the remainder of the season at the request of three water users whose signatures shall authorize said action."**

**DEPUTY TERM OF SERVICE**

**"That the deputy Watermaster shall be called to duty May 1 to measure, record and regulate waters of Medicine Lodge Creek."**

**POOLING AGREEMENT**

**Be it resolved that the water users of Medicine Lodge Creek unanimously agree and direct the Watermaster to continue the practice of water right exchanges, which has been practiced since the formation of the stipulation and agreement dated March 2, 1954. Such practices shall include pooling of waters, rented waters, and exchanges beneficial to the users as a whole. The Watermaster is further directed not to deliver the above mentioned waters to a downstream user, until that water delivery amount (c.f.s.) is assessed a bed loss value to provide that no injury to an existing water right would occur. These losses should be assessed according to the average of U.S.G.S. bed losses measurements.**

**We further resolve that delivery of the above waters cannot be demanded prior to May 1, unless excess water exits in the stream.**

**ADOPTING RESOLUTIONS**

**Brock Egan, moved and Garth Ashcraft, seconded that all resolutions be adopted. Resolutions passed.**

**2009 Adopted Budget**

Wastermaster		\$1,800.00				
Deputy		\$5,600.00				
Mileage		\$5,600.00				
Secretary		\$250.00				
FICA Tax		\$650.00				
Insurance (WC)		\$500.00				
Miscellaneous		\$1,470.00				
Cloud Seeding		\$1,000.00				
Retirement		\$800.00				
Office Rent		\$900.00				
USGS Measurments		\$580.00				
Beaver		\$800.00				
<b>TOTAL</b>		<b>\$19,950.00</b>				
2008 Budget		\$19,950.00				
2009 Budget		\$19,950.00				
Increase		\$0.00				

**WATERMASTER'S REPORT & BUDGET APPROVAL**

Tod asked for a motion to approve the Watermaster's Report as given. Brock Egan, made a motion to approve the Watermaster's Report. Sid Brown seconded the motion. Motion passed.

Tod then asked for a motion to adopt the proposed 2009 budget. Lynn Hoggan, made a motion to adopt the proposed 2009 budget. Garth Ashcraft seconded the motion. Motion passed.

**ELECTION OF WATERMASTER**

Tod asked for nominations for Watermaster. BrionEgan, nominated Greg Shenton, for Watermaster. Garth Ashcraft, moved nominations cease. Sid Brown seconded that nominations cease. Brock Egan seconded the motion to nominate Greg Shenton as Watermaster. Both motions passed.

## RESOLUTIONS

The Chairman then asked the water users to adopt the following resolutions:

### Headgates and Weirs

**"All control devices and measuring devices shall be in good working order before water can be demanded and delivered. The Watermaster shall not deliver any water unless such devices are in good working order."**

### Collection of Water Assessments

**"That no ditch, canal, or other water user shall have the right to demand and receive water until full payment due is paid. Payment shall become due April 1, 2009, and shall become delinquent May 1, 2009, and if not paid by May 1, 2009, the payment shall bear interest from May 1, 2009, at the rate of eight percent (8%) per annum. The Watermaster shall not deliver any water until full payment due is paid."**

### Watermaster Term of Service

**"That the Watermaster shall be elected for a term of one full year. The purpose is so the Watermaster can serve in the legal capacity to do official business for the district in the event of emergencies, legislative actions, hearings, disputes or other water related or job related activities.**

**The Watermaster cannot be required to make water deliveries before April 1, or after November 1, (the normal irrigation season) unless an emergency exists. The Watermaster shall not be paid before April 1, or after November 1 from water district budgeted regular funds."**

### Pumping from Creek

**"To prohibit any pumping directly from Medicine Lodge Creek as per the motion adopted in 1980, which read as follows: "That no pumping be allowed from Medicine Lodge Creek or its tributaries, without first diverting and measuring water into a private pond or sump, to eliminate any interference with regulation of stream waters."**

### Calling the Deputy Watermaster to Duty

**"That the Deputy Watermaster be called to duty by the Watermaster for the remainder of the season at the request of three water users whose signatures shall authorize said action."**

### **Deputy Term of Service**

**The Deputy Watermaster shall be called to duty on May 1 to measure, record and regulate waters of Medicine Lodge Creek.**

### **Pooling Agreement**

**Be it resolved that the water users of Medicine Lodge Creek unanimously agree and direct the Watermaster to continue the practice of water right exchanges, which has been practiced since the formation of the stipulation and agreement dated March 2, 1954. Such practices shall include pooling of waters, rented waters, and exchanges beneficial to the users as a whole. The Watermaster is further directed not to deliver the above mentioned waters to a downstream user, until that water delivery amount (c.f.s.) is assessed a bed loss value to provide that no injury to an existing water right would occur. These losses should be assessed according to the average of U.S.G.S. bed losses measurements.**

**We further resolve that delivery of the above waters cannot be demanded prior to May 1, unless excess water exits in the stream.**

### **ADOPTING RESOLUTIONS**

**Brock Egan, moved and Garth Ashcraft, seconded that all resolutions be adopted. Resolutions passed.**

### **APPOINTMENT OF ADVISORY COMMITTEE**

**The advisory committee was discussed. Tod said that he would like to re-appoint Carl Taylor, Jack Webster, Brion Egan, Lynn Hoggan, and himself as the Advisory Committee. Brion Egan moved and Lee Small seconded the motion that the committee remains the same. Appointment of Advisory Committee passed.**

### **IDWR REPORT**

**Tom Bassita reported from the Idaho Department of Water Recourses. There was discussion about a stream violation that took place in 2008 on the Garrett Ranch and what further action should be taken. It was suggested that a letter be written and sent to the Idaho Department of Water Recourses Corp of Engineers for further investigation to make sure that there are no other diversions and violations on that area of the creek.**

**OTHER BUSINESS**

The Chairman will write a letter to be sent to the commissioners if drought conditions occur.

Brion Egan had concerns about a structure on the creek, south of Lee Small's, that does cause a potential for flooding. The Chairman requested that Brion check on funding opportunities through EQUIP or Water Quality to have a new structure put in this area.

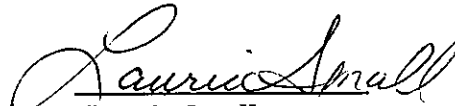
**MEETING TIME**

Ray Whittier, moved that next year's meeting be held on Tuesday, March 9, 2010 at 3:00 p.m., at the Clark County Annex Bldg. in Dubois, Idaho. Lynn Hoggan seconded the motion. Motion passed.

**ADJOURNMENT**

Lynn Hoggan, moved to adjourn the meeting. The meeting adjourned at 4:04 p.m.

Attest:   
Tod Shenton  
Chairman

  
Laurie Small  
Secretary

## BUDGET ADOPTED AT THE ANNUAL MEETING OF THE WATER USERS

## WATER DISTRICT NO. 32-C

Estimated Amount for Watermasters Salary	\$1,800.00
Estimated Amount for Deputy Watermasters Salary	5,600.00
Estimated Amount for Other Expenses	\$12,550.00
Total Estimated Expenses for 2009	<u>\$19,950.00</u>

DISTRIBUTION OF THE BUDGET AMONG USERS			
Individual, Ditch of Canal Company, assessed	Water Right Id No.	Address	Amount of Budget
Leland Small	P. 2051 20-30	23 Small Ranch Lane Dubois, ID 83423	\$ 1,201.06
Kyle Stoddard	4	738 E. 2300 N. Montevieu, ID 83435	\$ 328.66
Middle Creek Ranch % Sid Brown	4	2251 E. 2350 N. Hamer, ID 83425	\$ 949.76
Grant Ashcraft	13	3930 E. 2000 N. Sugar City, ID 83448	\$ 1,184.62
Cletius Hamilton	19	P.O. Box 461196 Leeds, Utah 84746	\$ 550.06
Dean Shenton	4-A	31 Small School Lane Dubois, ID 83423	\$ 1,699.42
Tod Shenton	4-B	567 Medicine Lodge Rd Dubois, ID 83423	\$ 595.99
Brion Egan	4-B	84 Roland Road Dubois, ID 83423	\$ 1,160.48



Brion Egan	9-14	84 Roland Road	\$ 129.46
		Dubois, ID 83423	
Brion Egan		84 Roland Road	\$ 1,105.01
		Dubois, ID 83423	
Jack Webster	P. 32-2019,2076,	172 Webster Road	\$ 1,968.55
	2082, 10-23-24	Dubois, ID 83423	
Jack Webster		172 Webster Road	\$ 2,186.05
		Dubois, ID 83423	
Brion Egan	11	84 Roland Road	\$ 449.99
		Dubois, ID 83423	
Argora Ranch % Lynn Hoggan (Max)	12	2060 Medicine Lodge RD	\$ 547.04
		Dubois, ID 83423	
Carl Taylor	P. 32-2019,2076,	2700 N. 35 West	\$ 3,072.95
	10-23-24-25	Idaho Falls, ID 83402	
Thomas Eden	P. 32-7009,7010, 2	2004 Grey Eagle Way	\$ 1,141.94
		Las Vegas, NV 89117	
Brion Egan	9-A - 13-A	84 Roland Road	\$ 168.77
		Dubois, ID 83423	
Don & Sandra Key		190 County 91 S.	\$ 2.64
		Spencer, ID 83446	
George Whittaker	P. 11819, 7-8	PO Box 45	\$ 124.37
		Dubois, ID 83423	
Goble Land & Livestock (Gneiting)	27	1685 E. Saddlehill Dr.	\$ 266.28
		Logan, UT 84321	

Goble Land & Livestock (May)	P. 32-2010,7037, 7038,7073, 6-8	1685 E. Saddlehill Dr. Logan, UT 84321	\$	217.88
Argora Ranch % Lynn Hoggan	17	2060 Medicine Lodge RD Dubois, ID 83423	\$	410.02
Dean Shenton	1-16	31 Small School Lane Dubois, ID 83423	\$	62.94
Leland Small	P2051,20,30	23 Small Ranch Lane Dubois, ID 83423	\$	64.54
Goble Land & Livestock (Tarpley)	P. 32-2061, 1-6	1685 E. Saddlehill Dr. Logan, UT 84321	\$	77.69
Goble Land & Livestock (Whittaker)		1685 E. Saddlehill Dr. Logan, UT 84321	\$	17.74
Dusty & Susie Shifflett		33 Lau Lane Dubois, ID 83423	\$	54.25
Goble Land & Livestock (Stelzer)	P.32-2008, 21	1685 E Saddlehill Dr. Logan, UT 84321	\$	52.95
Medicine Lodge Cattle Association % Lynn Hoggan	P.32-2053, 2054	2060 Medicine Lodge Rd Dubois, ID 83423	\$	-
Medicine Lodge Grazing Association % Bill Thomas	P.32-7097	PO Box 123 Dubois, ID 83423	\$	141.76
Egan Land & Cattle	p. 32-7098	84 Roland Road Dubois, ID 83423	\$	17.12
		TOTAL	\$	19,950.00