



State of Idaho  
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

March 8, 1996

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

CONNIE BRANDAU  
HC 79 BOX 61  
MELBA ID 83641

RE: *Pro-rata Voting*

Hi Connie:

It seems we are making the vote tabulation harder than necessary. The statute (I.C. §42-605(4)) specifies "a number of votes equal to the average dollar amount and any fraction thereof assessed for that person's qualifying water right for the previous five (5) years". I interpret that to mean the dollar amount due based on cfs delivered in any given year, and not the whole budget distribution. However, John Westra thinks that the use of either amount could be acceptable. It's just one more detail to confirm before the vote! The default method is actual deliveries.

Since the yearly dollar amount assessed is derived directly from the yearly cfs delivered, either value could be used for purposes of pro-rata vote and would be proportionally correct. Also, a total is proportional to an average, so if a total is what you have, there is no need to calculate averages. The final tally will simply be bigger numbers. Your 7-year totals of cfs delivered work just fine for a vote tally without any modification. On the attached page I have summed the cfs totals of the "yes" votes and compared the result to the cfs total of the single "no" vote. Note that fractions are rounded up to the next whole number. This is verification enough that the resolution would have passed using either a straight or a pro-rata vote.

I have placed a copy of the tally sheet in the 1996 file and have returned a copy to you for your records.

Until next time!

Sincerely,

A handwritten signature in cursive script, appearing to read 'Cindy Hodges', is written above the typed name.

Cindy Hodges  
Sr. Water Resource Agent

Enclosure

Water Dist 57-R

THIS PRINTOUT WAS DONE TO FIGURE THE PRORATA VOTE CALLED FOR BY BASS ON 3/4/96  
 File: pro rata voting Note: this motion later withdrawn  
 Report: PRORATA VOTE 3/4/96 Page 1  
 3/04/96 PRORATA VOT

NAME (attendees)	SRBA CFS	7YR TOT C	% OF TO	YES	NO	ABSTAINED
BASS	10.68	N 2149.26	21.24			
BENSON, ALVIN	3.44	Y 255.16	3.62	3.62		
BRANDAU FARM	1.57	Y 500.02	1.65	1.65		
BRANDAU, HENRY	2.20	Y 612.06	2.31	2.31		
BRANDAU, RICHARD	2.92	Y 607.93	3.07	3.07		
FOOTE	10.32	Y 881.70	10.86	10.86		
HOOKE	7.41	1353.71A	7.80			7.80
JESENKO	1.90	Y 62.98	2.00	2.00		
JUNAYO	6.76	1425.95A	7.11			7.11
MULLER, JERRY	2.06	Y 259.97	2.7	2.7		
PITMAN	4.08	Y 198.54	4.29	4.29		
SEVEN HIGH	10.84	1511.48A	11.40			11.40
YOUNG	9.48	Y 904.85	9.97	9.97		
	73.66*	10523.61*	77.49*			

MEMBERS PRESENT (13) PRO RATA TOTALS / 2249 - 3994 11.24 26.31

SHOW OF HANDS BY NAME

9 YES 3 NO 3 ABSTAIN

Totals of 7-yr deliveries: (fractions=1)  
 NO - 2150  
 YES - 4087

This is the vote tally for resolution to pay legal fees.  
 By either straight vote or pro-rata vote the resolution passed. cjl

IDWR FAX # 334-2348

ATTN: CINDY HODGES  
 IDWR

IS THIS WHAT YOU WANTED TO KNOW?  
 IS THIS THE CORRECT WAY TO FIGURE THE PRO RATA VOTE - ON THE % FIGURE OR THE TOTAL CFS? RESULTS SHOULD BE THE SAME EITHER WAY - SHOULDN'T THEY?

FROM CONNIE BRANDAU  
 MELBA JO