



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 24, 2002

Distribution: Bar S Ditch Water Distribution Representatives

RE: Meeting to Consider Delivery Into the Bar S Ditch

Dear Interested Parties:

On Tuesday, May 21, 2002, several parties met at the request of Dr. Ivan Gustafson to discuss the rate of flow diverted into Bar S Ditch. The discussion resulted in the preparation of:

1. A listing of water rights eligible for diversion into the ditch (Attachment A).
2. An initial sketch map on the white board (Attachment B).
3. A scale map of the area (Attachment C).

Based on the information available thus far, it appears that IDWR will be instructing the Watermaster to deliver into Bar S ditch 10.06 cfs, consisting of 6.5 cfs for water rights subject to the provisions of the Kramer stipulation plus 3.56 cfs for water rights held by parties not included in the Kramer stipulation.

This letter serves as an invitation for a follow-up meeting on the same topic, with the same attendees plus Mr. Bill Jones and Mr. Phil Gossi. The purposes of the meeting are to discuss the computation of the flow to be diverted into the Bar S ditch, and to consider pipeline alternatives. **The meeting has been scheduled to be held on Thursday, May 30, 2002 at 1:30 p.m. in the Conference Room of the IDWR Southern Regional Office, 1341 Fillmore St., Suite 200, Twin Falls.**

We look forward to discussing these issues with you at the meeting.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

Enclosures: Distribution List and Attachments

Transfer 78283
(formerly 66354)



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

ALAN G. LANCE

February 9, 1998

Mr. John W. "Bill" Jones
P.O. Box 265
Hagerman, Idaho 83332

Re: Jones, et al. v. Reservoir Land Company, Inc., et al.
(Memorandum Opinion, entered April 27, 1979, Gooding
County Civil Case No. 16676)

Dear Mr. Jones:

This letter is in response to the questions you have raised regarding (1) why, in the SRBA, the Jones v. Reservoir Land Company decision (hereinafter the "Memorandum Opinion") is not expressly described or referenced in the individual water rights affected by it that are being recommended by IDWR and decreed by the SRBA Court; and (2) what legal effect IDWR will give the Memorandum Opinion in matters of administration of the water rights affected by it. Based upon your representation to me that you are not presently represented by counsel in these particular matters, I am forwarding this response directly to you, rather than to your lawyer.

I. WHY THE MEMORANDUM OPINION IS NOT REFERENCED IN THE
WATER RIGHTS AFFECTED BY IT

Throughout its investigation and recommendation of Hagerman Valley water rights, IDWR has been aware of the Jones v. Reservoir Land Company decision. It has raised to the SRBA Court the question of how the decision should be addressed in the SRBA. The particular question which IDWR raised to the Court was whether the Court believed the Memorandum Opinion was a matter necessary to define or administer the water rights affected by it, and if so, whether the Memorandum Opinion therefore had to be expressly referenced in the description of those water rights.

IDWR raised this issue to Special Master Dolan in two individual subcase proceedings: subcase no. 36-00033F (Ivan Gustafson) and 36-11142 (Flying Triangle, Inc.). While IDWR took no position regarding the question, it did point out that while it had not included a reference to the Memorandum Opinion in its recommendations of the affected water rights, it would include in

Mr. John W. "Bill" Jones
February 9, 1998
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its description of those rights any such language the Court thought necessary in that regard.

At a scheduling and status conference in these subcases, held before him on or about May 29, 1996, Special Master Dolan, in a verbal ruling, concluded that the issue was not properly before him because no objections had been filed in those subcases (or any other Hagerman subcases) asserting that the Memorandum Opinion should be referenced in the description of those water rights affected by it. Since there was no party before him asserting that position, the Special Master believed that his deciding the issue would constitute an improper judicial advisory opinion; and that if any SRBA party subsequently disagreed with the absence of such a reference in his recommendation of any affected water right, such party would have full opportunity to raise that concern in a motion to challenge the Special Master's recommendation.

However, the Special Master did not enter a written order memorializing his bench ruling. Therefore, it is important to note that IDWR's understanding of the Special Master's decision is based upon its own interpretation of his verbal remarks. By summarizing its own interpretation of those remarks, IDWR is not in any way thereby attempting to speak for the SRBA Court.

In any event, based upon its understanding of the Special Master's ruling, IDWR has not included a reference to the Memorandum Opinion in its recommendations of any of the water rights affected by it.

II. HOW IDWR INTERPRETS THE MEMORANDUM OPINION FOR PURPOSE OF THE ADMINISTRATION OF WATER RIGHTS

IDWR was not a party to the Jones v. Reservoir Land Company suit, and therefore is not bound by the Memorandum Opinion. Nonetheless, the Memorandum Opinion is relevant to IDWR's administration of the water rights affected by it because it appears to prohibit the holders of some--but not all--of the rights out of the Bar S Ditch from making a call on junior rights that would require you to release from your hatchery outflow more than 6.5 cfs (325 miner's inches) during the period from March 1st to November 1st, or 4.0 cfs (200 miner's inches) from November 1st to March 1st.

Therefore, the Memorandum Opinion does not impose any limitations upon IDWR's statutory duty to administer water rights, but it does appear by implication to impose restrictions upon certain water right holders to request IDWR to deliver water to which they might otherwise be entitled.

Mr. John W. "Bill" Jones
February 9, 1998
Page 3

By affirming the district court's January 22, 1979, order adopting the provisions of a stipulation entered into between the plaintiffs and defendants in the Jones v. Reservoir Land Company suit, the Memorandum Opinion in effect grants to the plaintiffs a right to limit the releases from the hatchery outflow to the specified quantities--but only to the extent that the water thereby released is available to fill the rights of the defendants and their successors in interest. There are other holders of rights out of the Bar S ditch who were not named as parties defendant in the Jones v. Reservoir Land Company suit; the limitation affirmed in the Memorandum Opinion does not apply to them, and their right to call out junior rights remains unimpaired.

IDWR's research shows that water rights 36-00044 (Nevada Omohundro), 36-00105 (Ronnie and Sharlene Smith), 36-15454 (John and Vernon Mavencamp), and possibly 36-11142 (Flying Triangle, Inc.), fall into this category. The January 22, 1979, stipulation also noted that four other water right holders, taking water from the Bar S Ditch below its crossing of Billingsley Creek, had not been joined as defendants and therefore could not be bound by the decision in the Jones v. Reservoir Land Company case.

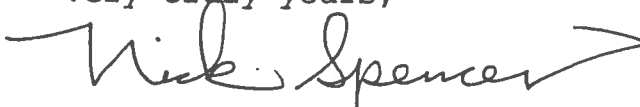
IDWR does not believe that it has statutory authority to itself police the provisions contained in the Memorandum Opinion. As with any other judgment between private parties, the plaintiffs themselves have judicial enforcement mechanisms available to use if necessary. Nonetheless, if a call were to be made by a water right holder subject to the limitation provided in the Memorandum Opinion, IDWR would view the Memorandum Opinion as part of the evidence it would need to consider in determining how, under the circumstances presented, it should respond to such a call. Any party aggrieved by IDWR's response to such a call would have full opportunity to seek both administrative review and, ultimately, judicial review of IDWR's response.

As to precisely how the Memorandum Opinion would be applied by IDWR in the event that a call were made, I cannot say at this point because IDWR's response to any call is based upon the particular circumstances present at the time. IDWR cannot commit itself in advance to take any particular course of action where its actions will depend upon factual circumstances that have not yet arisen. Nonetheless I can assure you that IDWR is aware of the Jones v. Reservoir Land Company decision and the limitation it provides; it will take that limitation into account in any situation where it might be implicated.

Mr. John W. "Bill" Jones
February 9, 1998
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I hope and trust that this letter provides you the information you were seeking. If I can be of any further assistance please feel free to contact me.

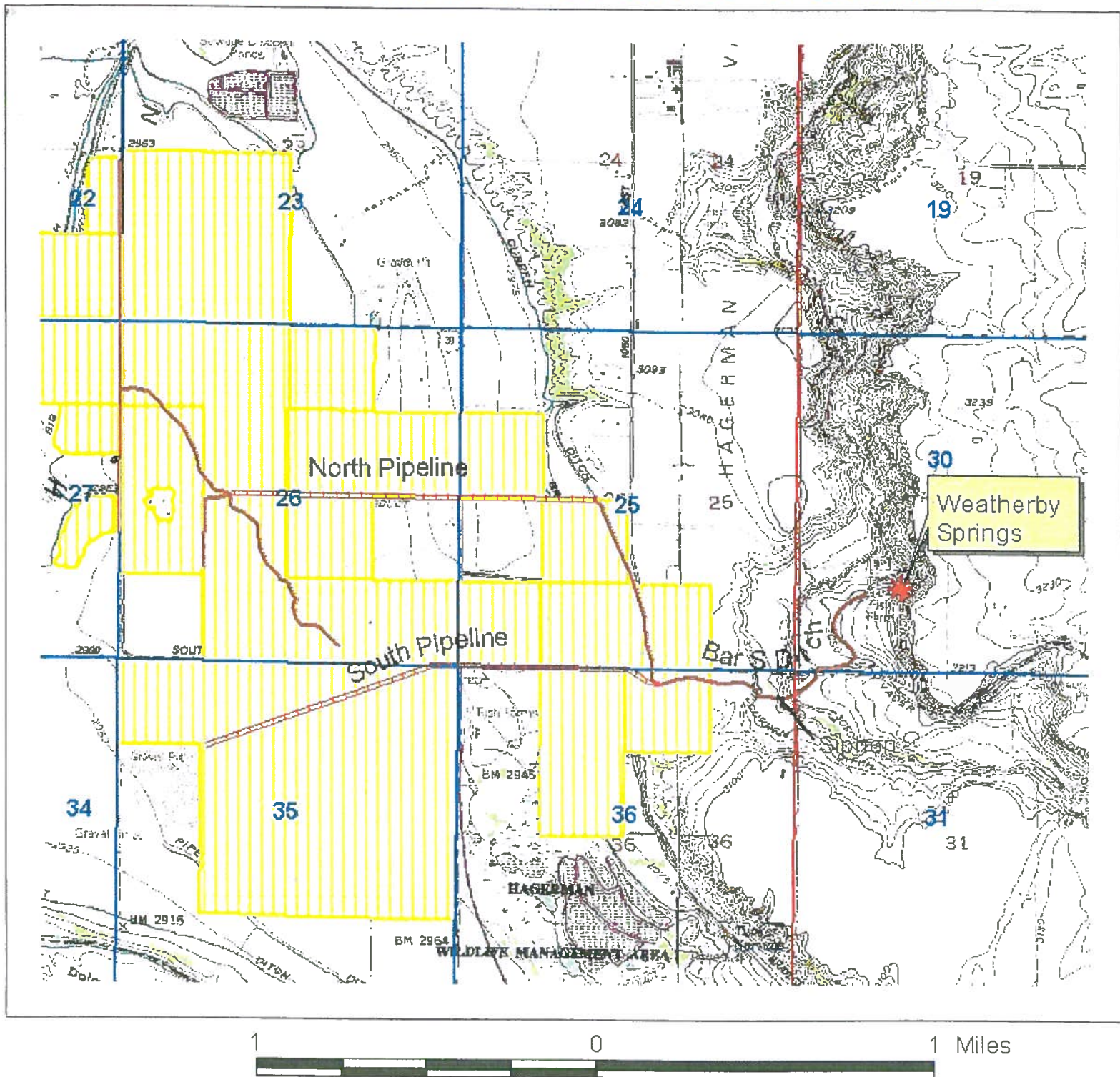
Very truly yours,

A handwritten signature in dark ink, appearing to read "Nick Spencer", with a long horizontal stroke extending to the right.

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

Weatherby Springs Rights: Delivered through Bar S and Curran Ditches						
				Flow Rate	Flow Rate	Party to
	Name	Rt #	Priority	cfs	inches	Kramer?
	Jensen	36-11A	3/8/1902	0.80	40	Yes
	Loranger	36-11B	3/8/1902	0.50	25	Yes
	Buckeye	36-15	3/8/1902	6.50	325	Yes
	Sauer	36-33D	3/8/1902	0.09	4.5	Yes
	Rea	36-33E	3/8/1902	0.75	37.5	Yes
	Gustafson	36-33F	3/8/1902	0.75	37.5	Yes
	B. Hoskovec	36-33L	3/8/1902	0.43	21.5	Yes
	Skaar	36-33M	3/8/1902	0.32	16	Yes
	Bybee	36-42A	4/4/1910	0.11	5.5	No
	Omohundro	36-44	3/8/1902	0.70	35	No
	Smith	36-105	2/1/1888	1.00	50	No
	Flying Triangle	36-11142	3/8/1902	1.58	79	No
	Mavencamp	36-15454	1/10/1917	0.17	8.5	No
	Krajnik	36-16039	3/8/1902	0.18	9	Yes
	Moore	36-16040	3/8/1902	0.08	4	Yes
	Shappee	36-15663	3/8/1902	0.01	0.5	Yes
	Tzanakakis	36-15664	3/8/1902	0.24	12	Yes
	S. Hoskovec	36-15157	3/8/1902	1.20	60	Yes
	S. Hoskovec	36-15461	3/23/1932	0.40	20	Yes
				15.81cfs	790.5 inches	
	Flow Rate for Non-Kramer Rights =			3.56		
	Flow Rate Limitation in Kramer =			6.5		
	Potential Diversion into Bar S Ditch =			10.06 cfs		
						IDWR
						D.Jones
						5/21/2002

IDAHO DEPARTMENT OF WATER RESOURCES



Weatherby Springs: Delivered through Bar S Ditch



-  Bar S System
-  Open Ditches
-  Pipelines
-  Weatherby Water Rights

D. Jones
5/21/02

BAR S DITCH DELIVERY
Mailing May 24, 2002

VERL BELL
853 E 2830 S
HAGERMAN ID 83332

BARBARA HOSKOVEC
2856 S 900 E
HAGERMAN ID 83332

SARAH SKAAR
2795 S 900 E
HAGERMAN ID 83332

DAN YORE
18335 US 30
HAGERMAN ID 83332

FRANK ERWIN
2628 S 975 E
HAGERMAN ID 83332

IVAN GUSTAFSON
BOX 209
HAGERMAN ID 83332

JOHN W "BILL" JONES
PO BOX 265
HAGERMAN ID 83332

PHIL GOSSI
1106A E 2900 S
HAGERMAN ID 83332

IDWR STAFF:
NICK SPENCER
STEVE CLELLAND
DOUG JONES
TIM LUKE
PHIL RASSIER



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DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 10, 2002

Distribution: Bar S Ditch Water Distribution Representatives

RE: Field Visit to Consider Delivery Into the Bar S Ditch

Dear Interested Parties:

On Thursday, May 30, 2002, several parties met at the Southern Regional office of the Idaho Department of Water Resources to discuss the rate of flow diverted into Bar S Ditch. The discussion resulted in the determination that the next step should be a field review to investigate implementation options with the assistance of Mr. Steve Thompson of the NRCS.

This letter serves as an invitation for the field examination. The purposes of the examination are to (1) review diversions from the ditch by users who were not included in the Kramer stipulation, (2) estimate ditch capacities, and (3) explore pipeline installation options. **The meeting has been scheduled to be held on Tuesday, June 18, 2002 at 1:30 p.m. at the head of the Bar S Ditch.**

We look forward to seeing you at the field examination.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

Enclosures: Distribution List

BAR S DITCH DELIVERY
Mailing June 10, 2002

VERL BELL
853 E 2830 S
HAGERMAN ID 83332

BARBARA HOSKOVEC
2856 S 900 E
HAGERMAN ID 83332

SARAH SKAAR
2795 S 900 E
HAGERMAN ID 83332

DAN YORE
18335 US 30
HAGERMAN ID 83332

FRANK ERWIN
2628 S 975 E
HAGERMAN ID 83332

IVAN GUSTAFSON
BOX 209
HAGERMAN ID 83332

JOHN W "BILL" JONES
PO BOX 265
HAGERMAN ID 83332

PHIL GOSSI
BOX 664
HAGERMAN ID 83332

IDWR STAFF:
NICK SPENCER
STEVE CLELLAND
DOUG JONES
TIM LUKE
PHIL RASSIER

PAT BROWN
HUTCHISON & BROWN LLP
PO BOX 207
TWIN FALLS ID 83303-0207

STEVE THOMPSON
C/O USDA NRCS
2111 UNIVERSITY AVE
GOODING ID 83330



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 15, 2002

Distribution: Bar S Ditch Water Distribution Representatives

RE: Additional Considerations Regarding Deliveries from the Bar S Ditch

Dear Interested Parties:

On Tuesday, June 18, 2002, several parties met at Weatherby Springs to conduct a field examination of a portion of the Bar S Ditch. The examination ended with a discussion of the participants. I agreed to prepare a letter that describes some of the considerations that were discussed. Accordingly this letter describes a series of facts regarding the ditch, and proposes some recommendations for addressing the concerns that have been raised about the ditch. The letter includes an invitation to a follow-up meeting to discuss the recommendations.

Facts

1. The Bar S Ditch originates at a point below the upper fish propagation raceways located on the Bill Jones place. A flow of about 6.5 cfs (cubic feet per second) was being diverted into the head of the ditch. This is the flow rate specified by the Kramer Stipulation. The remaining flow of Weatherby Springs was diverted into the lower fish propagation raceways located on the Bill Jones place. This flow was ultimately either discharged into Billingsley Creek, or was diverted into the Jones irrigation system.
2. The total diversion rate for water rights included in the Kramer Stipulation plus SRBA decreed rights for diversions from the Bar S Ditch by parties not included in the Kramer Stipulation is 10.06 cfs.
3. The total diversion rate for water rights served by the Bar S Ditch without including the limitations provided by the Kramer Stipulation is 15.81 cfs.
4. The Idaho Water Resource Board has filed Minimum Instream Flow Applications on Billingsley Creek, Nos. 36-8596 and 36-8793, both of which include reaches below the point where Weatherby Springs discharges into Billingsley Creek.

5. The Natural Resources Conservation Service has conducted some preliminary estimates of the feasibility of replacing the Bar S Ditch with a pipeline. As described on the enclosed Pipeline Design Sheet, a flow of 6.5 cfs can be conveyed by gravity flow in a pipeline with a diameter of 22 inches, and a flow of 10.06 cfs can be conveyed by gravity flow in a pipeline with a diameter of 24 inches.

6. Deliveries of water from Weatherby Springs are subject to a number of existing limitations and agreements such as water right limitations (as depicted in partial decrees issued in the Snake River Basin Adjudication), the Kramer Stipulation, and certain agreements between present and former water users along the pipeline.

7. Presently some of the deliveries from the ditch and the pipelines supplied by the ditch are neither measured nor regulated.

8. IDWR has been advised that a recent ditch measurement has resulted in the identification of a 30% loss (about 2 cfs) in the Bar S Ditch, from the head of the ditch to the confluence with the Curren Ditch.

9. The Highway District has expressed an interest in contributing several thousand dollars toward installation of a pipeline to replace the Bar S Ditch due to safety concerns where the ditch parallels the highway.

Recommendations

1. For proper water distribution, deliveries from the Bar S Ditch and the north and south pipelines must be measured and regulated. Each user who diverts from the system should install a measuring device and controlling works, and a "lateral manager" should be appointed by a lateral water users' association to conduct measurement and regulation. The lateral water users' association should be properly constituted in accordance with the provisions of Chapter 13, Title 42, Idaho Code.

2. Construction of a pipeline to replace the present Bar S Ditch would have the advantages of:

- a. Reducing ditch loss.
- b. Reducing highway safety concerns.
- c. Reducing water-logging of fields adjacent to the ditch.
- d. Increasing the portion of water rights satisfied by Weatherby Springs water.
- e. Reducing ditch maintenance problems.

3. Construction of a pipeline should be actively pursued. This letter serves as a request to the NRCS to develop a cost estimate for construction this fall of a pipeline that would extend from the present head of the ditch to the point of intersection with Curren Ditch, at flow rates of both 6.5 cfs and 10.06 cfs.

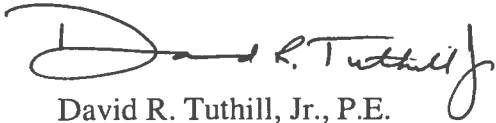
July 15, 2002

4. IDWR has received a suggestion that as an alternative to increasing the flow rate through the Bar S Ditch (or a replacement pipeline) above 6.5 cfs, additional water rights from the Bar S Ditch might be satisfied by injecting Weatherby Springs water into Billingsley Creek, and re-diverting these flows lower in the system, perhaps through the Buckeye Ditch, or through the Buckeye Ditch into the Big Bend Ditch. Steve Clelland has prepared a computerized map of ditch locations and other features to enable a detailed discussion of options in this regard.

This letter serves as an invitation for a meeting to further explore the recommendations above. **The meeting is scheduled to be held on Thursday, July 25, 2002 at 1:30 p.m. in the Conference Room of the IDWR Southern Regional Office in Twin Falls.**

We look forward to seeing you at the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Tuthill, Jr.", with a stylized flourish at the end.

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

Enclosures: Distribution List and Pipeline Design Sheet

For Cost Estimate 7/25/2002
BAR S DITCH

USE Design HWS 0+00 EL 99.1

This will allow aeration of weir blade
and allow a little loss through the pipe

INLET STR. - Concrete \$1000

USE Design Pipeline Length = 2040 feet
(round up to 2050')

Don't know quantity of steel pipe necessary
for inlet/stream crossing/outlet

Don't know type of stream crossing
Pipe span over / Bury it under

ASSUME 60° bend north of highway

CROSS/CUT paved highway (need requirements)

ASSUME pipe route west side of driveway
(need permissions/easements)

OUTLET STR. - probably steel outlet pipe
(no concrete) + Rock Riprap → \$250

USE Design (Highest) WS @ Outlet EL $\approx$ 95.1

Minimum Available Head = $99.1 - 95.1 = 4.0$ feet



NATURAL RESOURCES CONSERVATION SERVICE

PIPELINE DESIGN SHEET VERSION 1.0

NAME: Bar S Ditch
 SCD: Gooding
 PREPARED BY: KWH
 DATE: 06/18/02
 COUNTY: Gooding
 JOB CLASS:

DESIGN INPUTS:

BEGINNING STATION 0 ENDING STATION 2050
 FRICTION FACTOR 150 FLOW IN CFS 10.06

PIPE SIZE	PIPE RATING			PIPE DESCRIPTION
PIPE #1 INSIDE DIAMETER	18.07	63	PSI	PVC - PIP
PIPE #2 INSIDE DIAMETER	21.12	80	PSI	PVC - PIP
PIPE #3 INSIDE DIAMETER	23.76	80	PSI	PVC - PIP

ENTRANCE CONDITION	0.5	KE	MINOR LOSSES	1.25	K1
VELOCITY HEAD	1	KV	MINOR LOSSES	0	K2
			MINOR LOSSES	0	K3
			MINOR LOSSES	0	K4

HYDRAULICS

	PIPE #1	PIPE #2	PIPE #3
PIPE SIZE	18.07	21.12	23.76
DISTANCE	2050	2050	2050
AREA	1.780917	2.432849	3.079075
CFS	10.06	10.06	10.06
VELOCITY	5.65	4.14	3.27
LOSS PER FT.	0.00432	0.00202	0.00114
KE	0.50	0.50	0.50
KV	1.00	1.00	1.00
SUM OF (K1-K4)	1.25	1.25	1.25
VELOCITY HEAD	0.50	0.27	0.17
MINOR LOSSES	0.62	0.33	0.21
LINE LOSS	8.86	4.14	2.33
ENTRANCE LOSS	0.74	0.40	0.25
TOTAL LOSS	10.22	4.87	2.79
	EXCESSIVE	BORDERLINE	OK
AIR VENT			
SPACING	15.0	12.8	11.4

NOTES:

BAR S DITCH DELIVERY
Mailing July 12, 2002

VERL BELL
853 E 2830 S
HAGERMAN ID 83332

BARBARA HOSKOVEC
2856 S 900 E
HAGERMAN ID 83332

SARAH SKAAR
2795 S 900 E
HAGERMAN ID 83332

DAN YORE
18335 US 30
HAGERMAN ID 83332

FRANK ERWIN
2628 S 975 E
HAGERMAN ID 83332

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HAGERMAN ID 83332

JOHN W "BILL" JONES
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HAGERMAN ID 83332

PHIL GOSSI
BOX 664
HAGERMAN ID 83332

WESTERN LEGENDS
PO BOX 5656
TWIN FALLS ID 83303

PAT BROWN
HUTCHISON & BROWN LLP
PO BOX 207
TWIN FALLS ID 83303-0207

STEVE THOMPSON
C/O USDA NRCS
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GOODING ID 83330

GWENDOLYN TZANAKAKIS
2809 S 900 E
HAGERMAN ID 83332

JOHN SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139

IDWR STAFF:
NICK SPENCER
STEVE CLELLAND
DOUG JONES
TIM LUKE
PHIL RASSIER

CHAPTER 13

LATERAL DITCH WATER USERS' ASSOCIATIONS

- SECTION.
42-1301. Organization — Officers — Rules.
42-1302. Lateral manager — Election — Duties.
42-1303. Lateral ditches — Repairs, improvements, and maintenance — Assessment of costs.
42-1304. Assessments — Notice — Penalties for delinquency.
42-1305. Delinquent users not entitled to water.
- SECTION.
42-1306. Collection and disbursement of funds.
42-1307. Action for assessment — Attorneys' fees.
42-1308. [Repealed.]
42-1309. Association authorized to borrow money, mortgage or pledge assets.

42-1301. Organization — Officers — Rules. — Where three (3) or more parties take water from same canal or reservoir at the same point to be conveyed to their respective premises for any distance through a lateral or distributing ditch or laterals or distributing ditches such parties shall constitute a water users' association known as "Water Users' Association of Lateral or Laterals." Such water users' association may meet and organize at any time after thirty (30) days after this chapter shall take effect, and shall meet annually thereafter between January first and the last Monday in March of each year, at the call of the secretary of such association, said secretary to give ten (10) days' notice by mail of such annual meeting; provided that if for any reason the secretary should fail to call a meeting, then the annual meeting of such association shall be held on the last Monday in March of each year. At such annual meetings each water user shall be entitled to one (1) vote in person, for each inch and a fractional vote for each fraction of an inch of water which such water user is entitled to receive from such laterals, and a corporation shall vote by one (1) of its officers designated by it. Such association shall organize by the election of a chairman, vice-chairman and a secretary-treasurer, which officers shall also constitute the board of directors of such association, and shall hold office for one (1) year and until their successors are elected. Such association at the annual meeting shall also elect a manager of said lateral or laterals to be known as "lateral manager" for the succeeding season and shall fix the compensation of said manager, and of all officers. Such association may adopt such rules and regulations for the management of said lateral or laterals or distributing ditch or ditches and the delivery of water therefrom as they deem best, and may, by majority vote, if it be deemed for the best interests of the association, combine one or more laterals and abandon laterals not in use, and do any and all things not in conflict with the provisions of this chapter or the laws of this state wherein the best interests of the association will be furthered. [1927, ch. 213, § 1, p. 295; I.C.A., § 41-1201; am. 1941, ch. 99, § 1, p. 178; am. 1947, ch. 172, § 1, p. 429.]

Compiler's notes. This chapter (S.L. 1927, ch. 213) was approved March 12, 1927, and carried an emergency clause. Section 2 of S.L. 1941, ch. 99 declared an emergency. Approved March 6, 1941.

Cross ref. Water users' associations organized in conformity with provisions of federal reclamation laws, exemptions from taxes, § 30-804.

Sec. to sec. ref. This chapter is referred to in § 43-404A.

Rights of Water Users.

Water users are entitled to organize and are authorized to provide for transfer of management of laterals owned by them to a

ditch company pursuant to a unilateral agreement signed by the majority of the water users. *Hale v. McCammon Ditch Co.*, 72 Idaho 478, 244 P.2d 151 (1951).
Collateral References. 94 C.J.S., Waters, §§ 339-347.

42-1302. Lateral manager — Election — Duties. — Should any water users' association at its annual meeting fail to elect a lateral manager or fix his compensation such lateral manager may be elected by the board of directors of such association, who may also fix his compensation. The manager of any lateral shall, in addition to the duties prescribed by the association, perform all duties fixed for such lateral manager under the provisions of sections 42-907 and 42-910, except as modified by this chapter. [1927, ch. 213, § 2, p. 295; I.C.A., § 41-1202.]

Cross ref. Appointment of manager of distributing lateral, § 42-907.

Collateral References. 94 C.J.S., Waters, § 344.

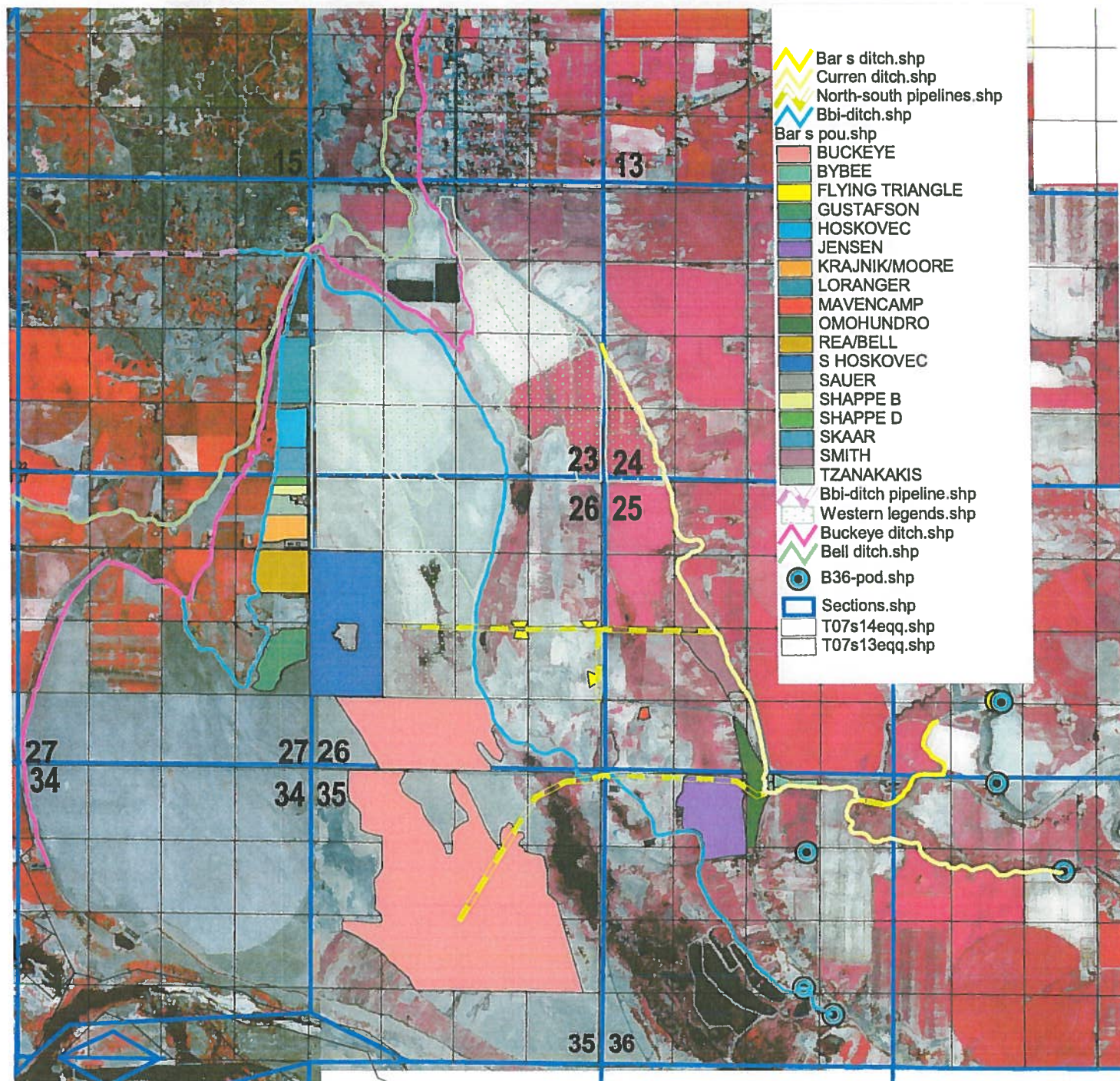
Duties of manager of distributing lateral, § 42-910.

42-1303. Lateral ditches — Repairs, improvements, and maintenance — Assessment of costs. — Immediately after the annual meeting of any such association the directors thereof and the lateral manager shall make an examination of the lateral or distributing ditch or ditches, and make an estimate as to the cost of the necessary repairs and improvements thereon, and the maintenance thereof for the succeeding season, including the compensation of officers and lateral manager and such total cost and charges shall be assessed pro rata to each water user from said lateral, in the following manner, if agricultural land in proportion to the water which the owner is entitled to receive from such lateral or ditch, and if lots within any city or village, then the assessment may be made upon the basis of each lot, the same to be uniform upon lots of the same size. The improvement, repair and maintenance of any such lateral or distributing ditch shall be under the direction of the directors of the association. [1927, ch. 213, § 3, p. 295; I.C.A., § 41-1203.]

Sec. to sec. ref. This section is referred to in § 43-404A.

42-1304. Assessments — Notice — Penalties for delinquency. — On or before the fifteenth day of April in each year the secretary of the association shall notify each water user of the amount assessed against him for that year as herein authorized, and the same shall be due and payable on the first day of May of each year and if not so paid on or before the fifteenth day of June of such year, a penalty of ten per cent (10%) shall be added thereto, and the total amount due shall then draw interest at the rate of ten per cent (10%) per annum from said fifteenth day of June of such year until paid. [1927, ch. 213, § 4, p. 295; I.C.A., § 41-1204; am. 1977, ch. 247, § 1, p. 724.]

IDAHO DEPT OF WATER RESOURCES



1320 0 1320 2640 3960 5280 Feet

BAR-S DITCH SYSTEM

T07S
R13E



- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: JULY 25, 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2002

Distribution: Bar S Ditch Water Distribution Representatives

RE: Additional Considerations Regarding Deliveries from the Bar S Ditch

Dear Interested Parties:

On Thursday, July 25, 2002, several parties met at the Idaho Department of Water Resources (IDWR) Southern Regional Office to discuss options for water delivery on the Bar S Ditch, in response to the ongoing request for IDWR involvement. As a follow-up to this meeting, Dr. Ivan Gustafson invited IDWR to conduct an on-the-ground assessment of the delivery system. Ms. Gwen Tzanakakis also volunteered to attend this assessment, and the field visit was conducted on July 30, 2002. Mr. Dan Yore joined us for the review of the diversion box that splits flow between the north and south pipelines, and Mr. Steve Clelland participated in the entire assessment. The field assessment consisted of a walk of the diversion system from the confluence of the Bar S Ditch and the Curren Ditch, downstream to the end of the Share Ditch deliveries. The walk was made between 10:30 am and 1:30 pm on a hot sunny day, and 65 digital pictures were taken. Dr. Gustafson and Ms. Tzanakakis are to be commended for this donation of effort on behalf of the water users on the ditch.

Based on the results of this field visit, Dr. Gustafson organized a meeting of the water users, held at Hagerman High School on the evening of September 3, 2002. Dr. Gustafson invited me to make a presentation of the results of the field review and recommendations of IDWR. Mr. Nick Spencer and Mr. Steve Clelland accompanied me to ensure that we could answer questions for the group regarding legal and technical considerations on the ditch. A printed version of the slides that I utilized for the briefing is enclosed.

One of the central themes in the discussion at the meeting was the concern on behalf of some of the water users whereby existing contracts provide that maintenance responsibilities are assigned to specific parties. IDWR recognizes that such contracts could be valid. However, Chapter 13, Title 42 of the Idaho Code describes that the costs associated with lateral water users associations are to be paid by the water users. Thus, billing statements should be sent directly to water users. The water users could then seek reimbursement from other parties based on contract provisions.

The morning after the meeting, Dr. Gustafson called to tell me that he had decided to no longer take a leadership role in the formation of the Bar S Ditch Lateral Water Users' Association. He referred me to Mr. Verl Bell as the primary contact in this matter. I later spoke with Mr. Bell, and advised him that I would provide this letter to the known interested parties, to summarize the IDWR position in this matter. IDWR recommendations are summarized as follows.

Recommendations

1. An organization should be formed to provide for maintenance and distribution of water from the Bar S Ditch. The organization set forth in Idaho law to perform these functions is a lateral water users' association. Water users that divert from the Bar S Ditch should form and maintain a fully active lateral water users' association, constituted in accordance with the provisions of Chapter 13, Title 42, Idaho Code. One idea that arose based on discussions at the meeting is to form a similar organization for the Curren Ditch, because many of the users are the same and the ditches are combined in certain reaches. However, formation of an association for the Curren Ditch is not a prerequisite for the formation of an association for the Bar S Ditch.
2. For proper water distribution, deliveries from the Bar S Ditch and the north and south pipelines must be measured and regulated. Each user who diverts from the system should install a measuring device and controlling works, and a "lateral manager" should be appointed by the lateral water users' association to conduct measurement and regulation.
3. The field investigation revealed that the present delivery system has many uncontrolled leaks. While we did not measure the flow rates of the leaks, my visual assessment is that cumulatively these leaks have a significant impact on flows delivered at the end of the ditch. The association should institute a maintenance program which ensures that the water distribution system is repaired.
4. The association should consider sponsorship of construction of a pipeline to replace that portion of the Bar S Ditch from the beginning of the ditch to the confluence with the Curren Ditch. Such a pipeline would have the advantages of:
 - a. Reducing ditch loss.
 - b. Reducing highway safety concerns.
 - c. Reducing water-logging of fields adjacent to the ditch.
 - d. Increasing the portion of water rights satisfied by Weatherby Springs water.
 - e. Reducing ditch maintenance problems.

A copy of a letter from the Hagerman Highway District offering to contribute \$7,000 toward the cost of the ditch is attached. Representatives of the Highway District attended the meeting on September 3, 2002. My response to the Highway District, incorporated in this letter, is that IDWR encourages the construction of the pipeline, but sponsorship by the Bar S Ditch Lateral Water Users' Association appears to be a necessary requirement. As we have discussed, other potential contributors include, but are not limited to, the Natural Resources Conservation Service (NRCS) and the Idaho Water Resource Board (IWRB). The NRCS has mentioned that

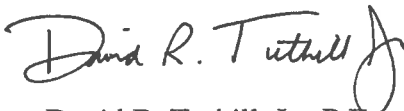
sponsorship might be authorized, depending on the outcome of the new farm bill rules. As we have discussed, the IWRB often provides to water delivery organizations grants for engineering and feasibility studies, and low interest loans for construction. These funds are not available for individuals – the IWRB deals only with entities such as water users' associations.

The flow rate for such a pipeline has not yet been conclusively determined and is subject to further negotiation.

5. Water users should continue to pursue alternate delivery mechanisms. One technique that is being explored is a water exchange with the North Snake Ground Water District that would bring water to the users in the Billingsley Creek area in cooperation with the North Side Canal Company. Another potential technique is injection of Weatherby Springs water into Billingsley Creek, and re-diversion of these flows lower in the system, perhaps through the Buckeye Ditch, or through the Buckeye Ditch into the Big Bend Ditch. While these changes would require the investment of time and effort, and in some cases would require transfers of the water rights, they might be worthwhile in the long term. Again, for participation in these discussions, a water users' organization has more clout than an individual water user.

This letter represents the present IDWR position in this matter, and is sent on behalf of both our Water Distribution Section and our Southern Regional Office. In order to provide interested parties with consistent information in this regard, please send any inquiries regarding the Bar S Ditch directly to me. At this time, we consider the next step in this matter to be item number one above, formation of the lateral water users' association. We will continue to provide support in this regard upon your request.

Sincerely,



David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

Enclosures: Distribution List
 Presentation Slides
 Copy of a letter from the Hagerman Highway District dated August 26, 2002

VERL BELL
853 E 2830 S
HAGERMAN ID 83332

BARBARA HOSKOVEC
2856 S 900 E
HAGERMAN ID 83332

SARAH SKAAR
2795 S 900 E
HAGERMAN ID 83332

DAN YORE
18335 US 30
HAGERMAN ID 83332

FRANK ERWIN
2628 S 975 E
HAGERMAN ID 83332

IVAN GUSTAFSON
BOX 209
HAGERMAN ID 83332

JOHN W "BILL" JONES
PO BOX 265
HAGERMAN ID 83332

PHIL GOSSI
BOX 664
HAGERMAN ID 83332

WESTERN LEGENDS
PO BOX 5656
TWIN FALLS ID 83303

PAT BROWN
HUTCHISON & BROWN LLP
PO BOX 207
TWIN FALLS ID 83303-0207

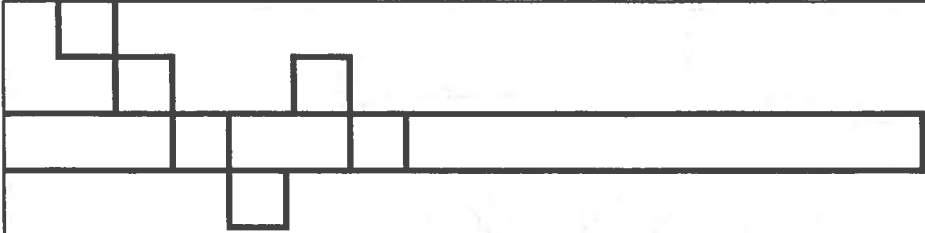
STEVE THOMPSON
C/O USDA NRCS
2111 UNIVERSITY AVE
GOODING ID 83330

GWENDOLYN TZANAKAKIS
2809 S 900 E
HAGERMAN ID 83332

JOHN SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139

HAGERMAN HIGHWAY DIST
PO BOX 411
HAGERMAN ID 83332

IDWR STAFF:
NICK SPENCER
STEVE CLELLAND
DOUG JONES
TIM LUKE
PHIL RASSIER

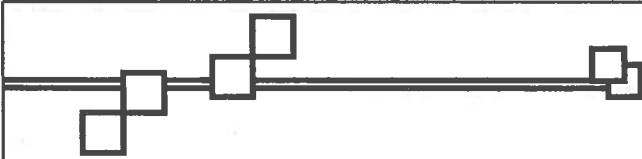


Bar S Ditch Lateral Water Users' Association

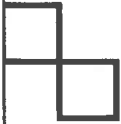
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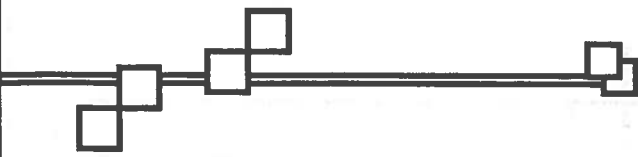
Dave Tuthill, Adjudication Bureau Chief
Nick Spencer, Deputy Attorney General
Steve Clelland, Senior Water Resource Agent

September 3, 2002



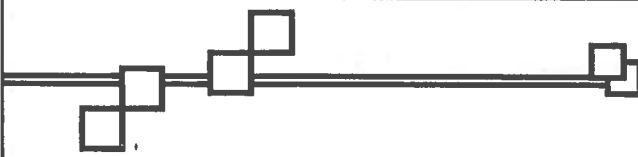
Vision Statement

- 
- Achieve accurate and full delivery of water rights from the Bar S Ditch
- 



Today's Situation

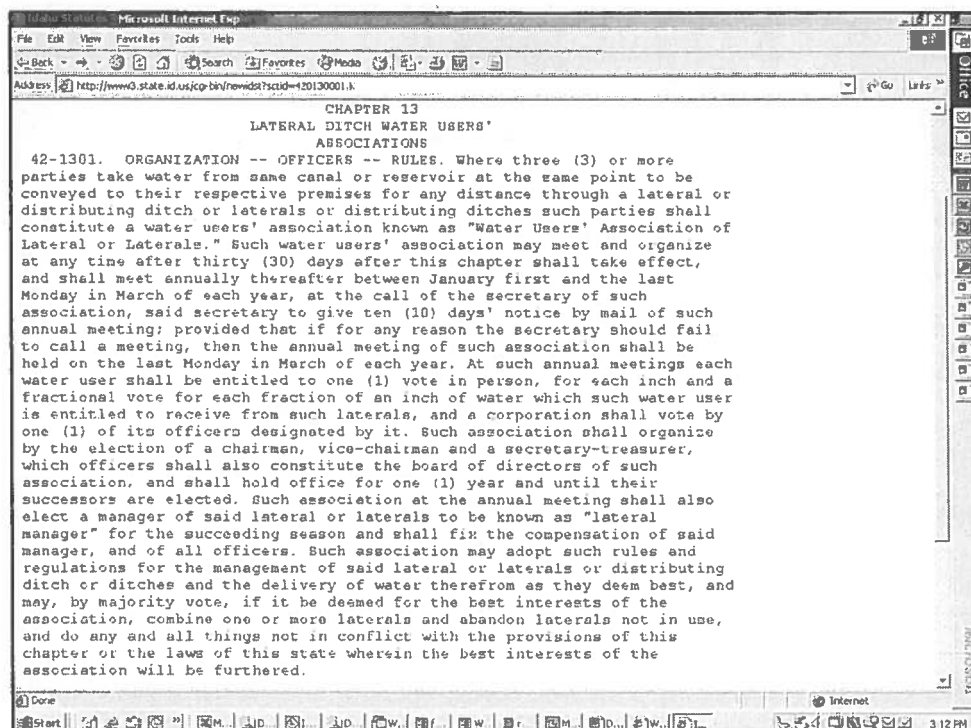
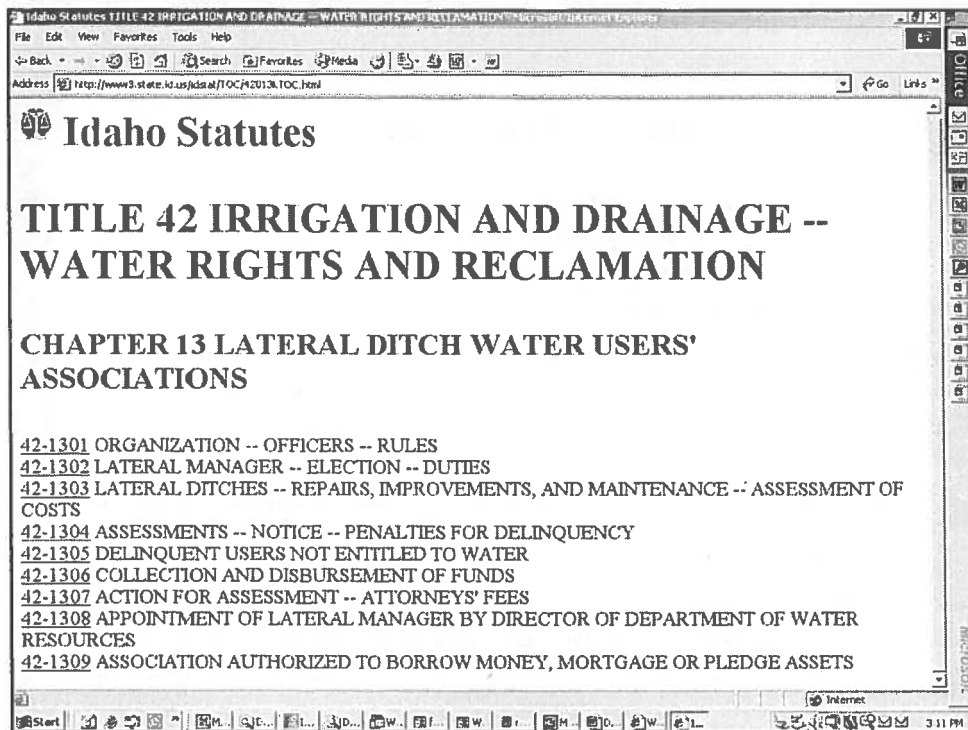
- Area map (Steve Clelland)

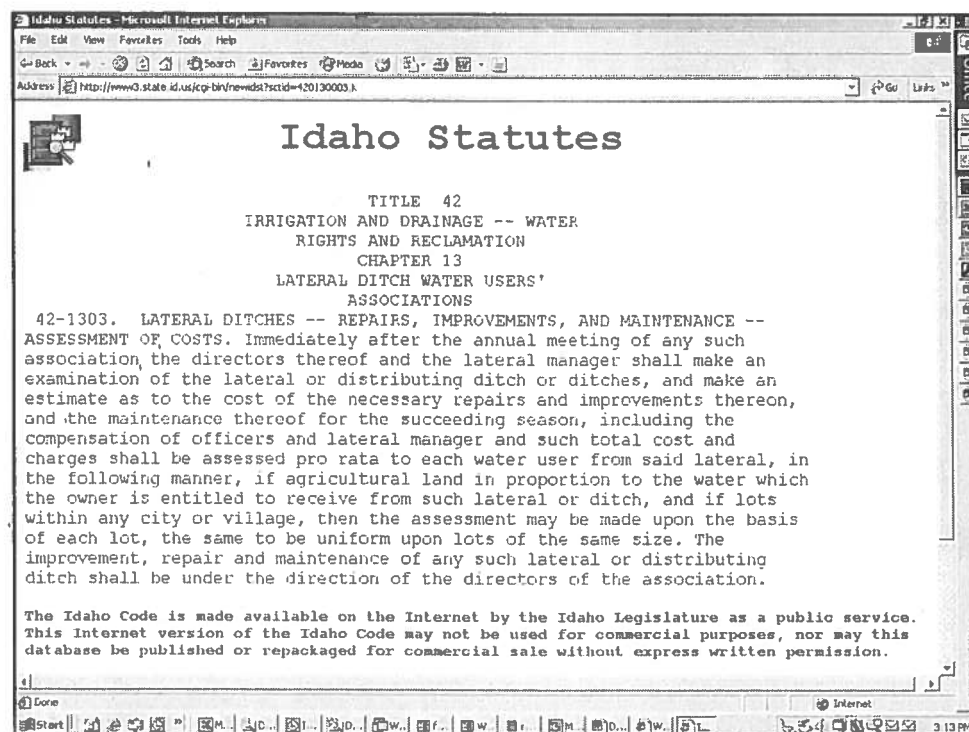
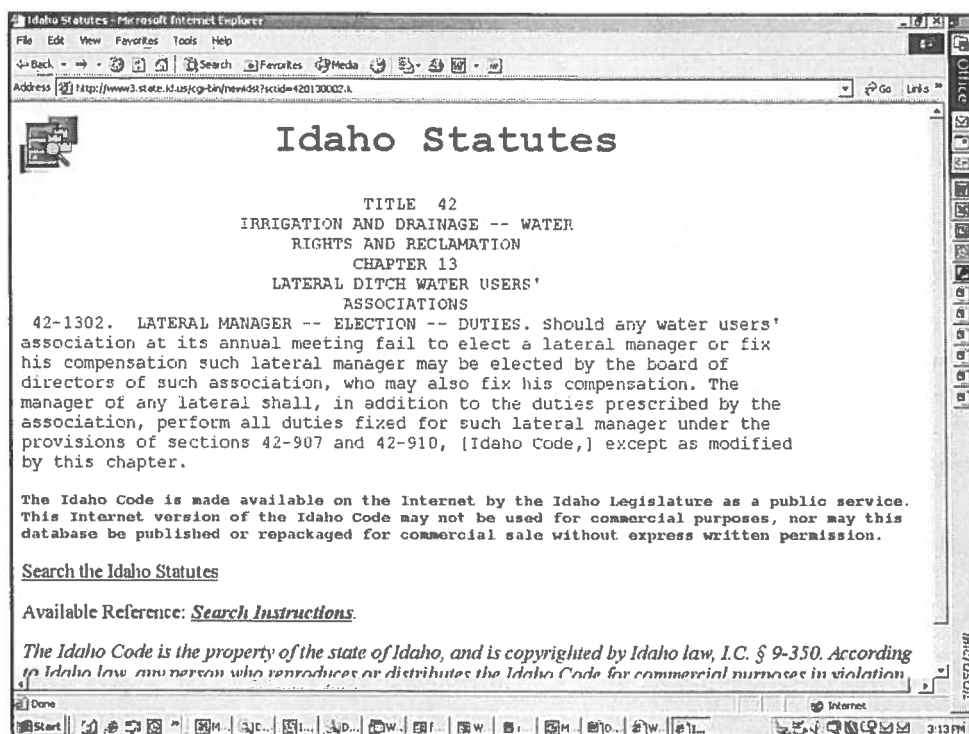


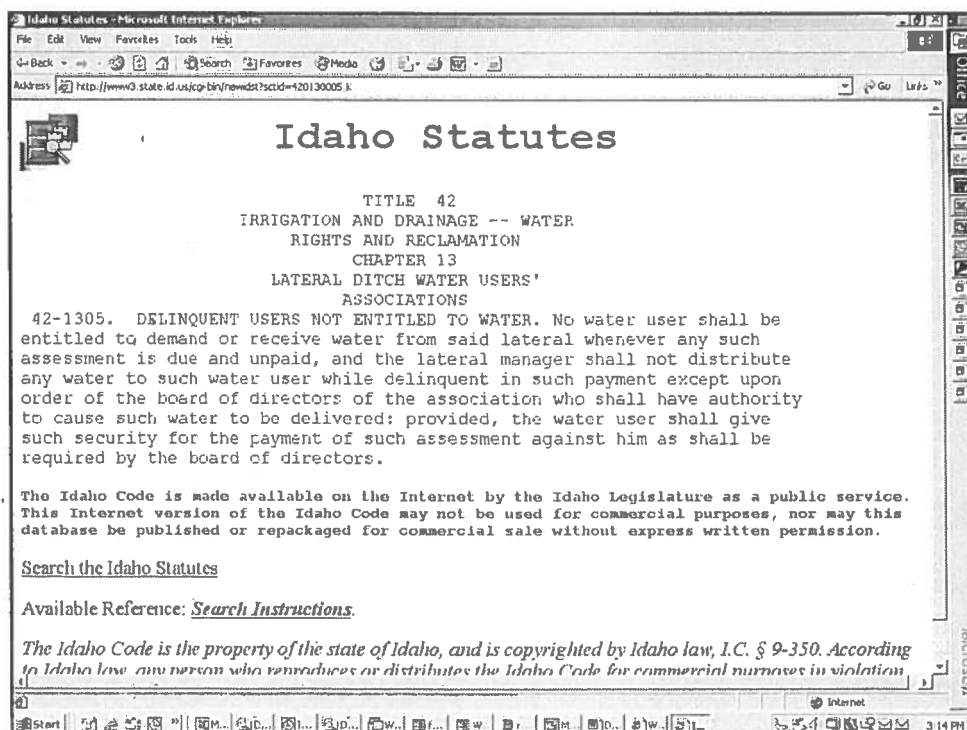
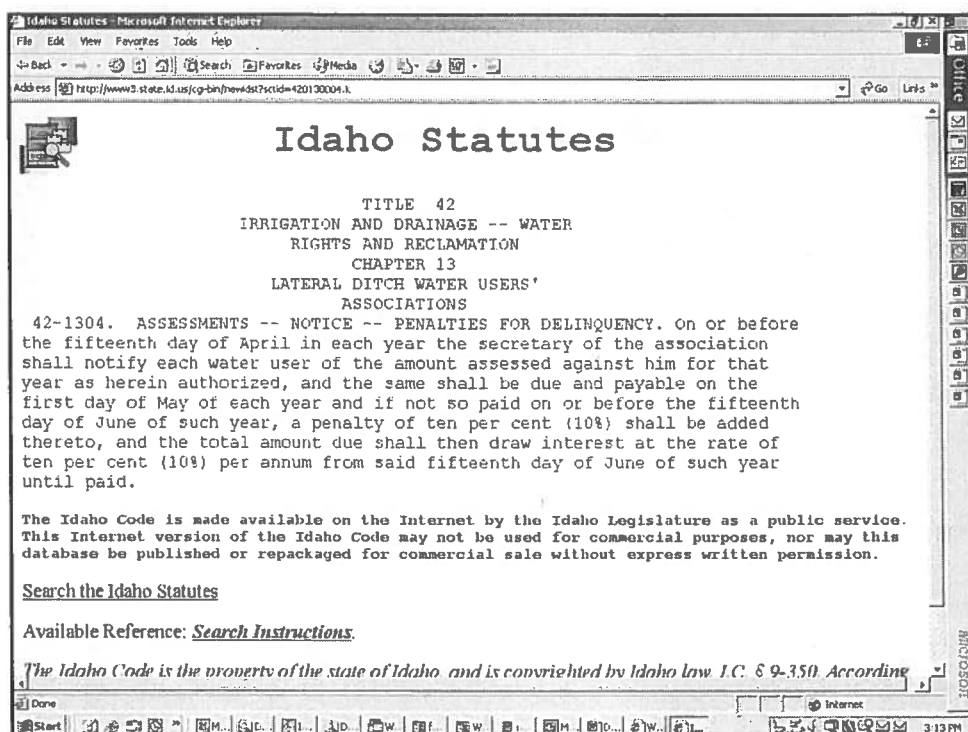
Recommendations

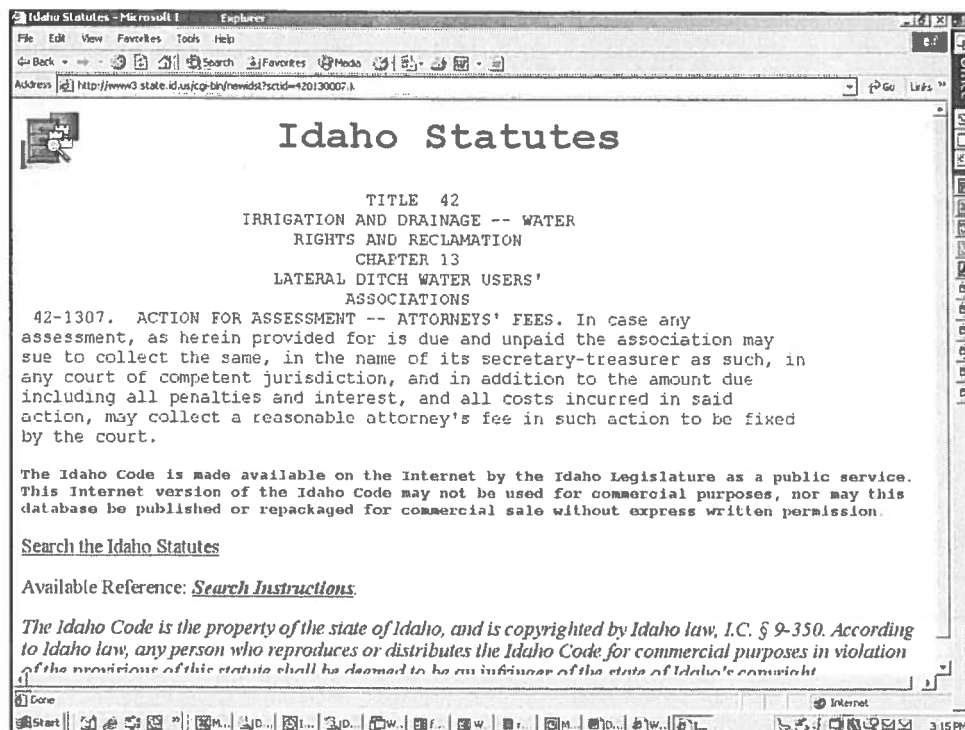
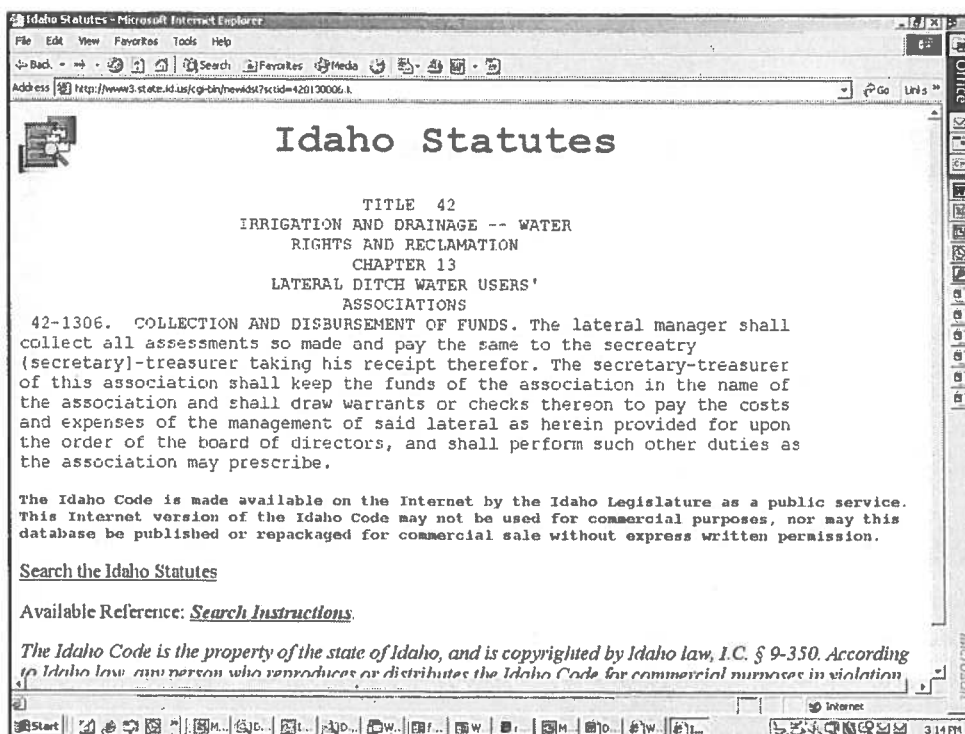
- Form a fully active Bar S Ditch Lateral Water Users' Association

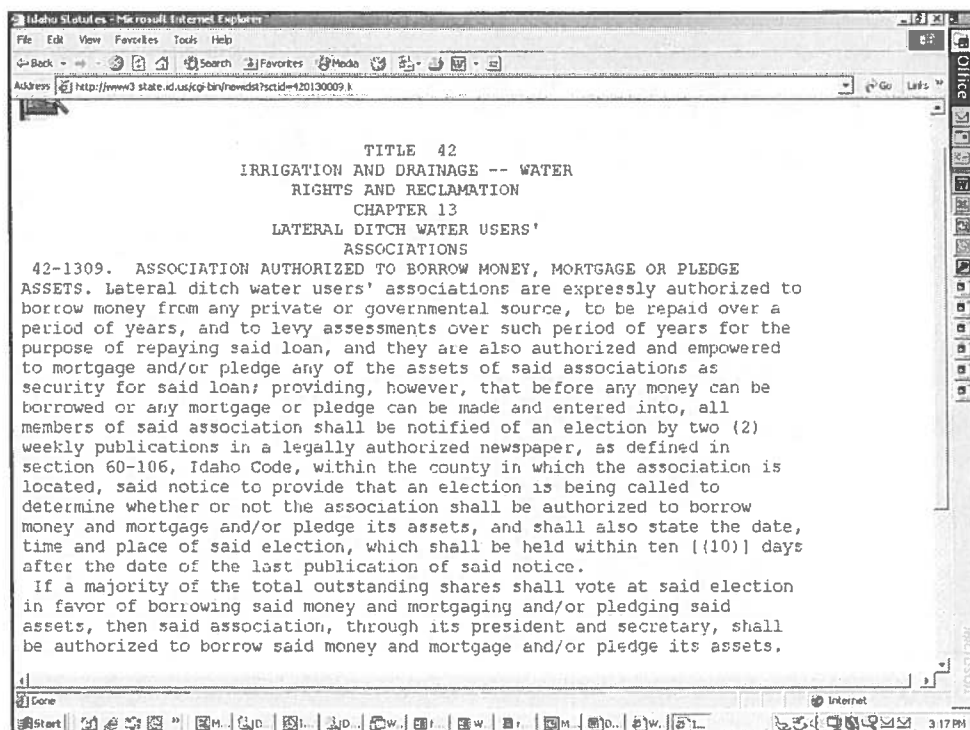
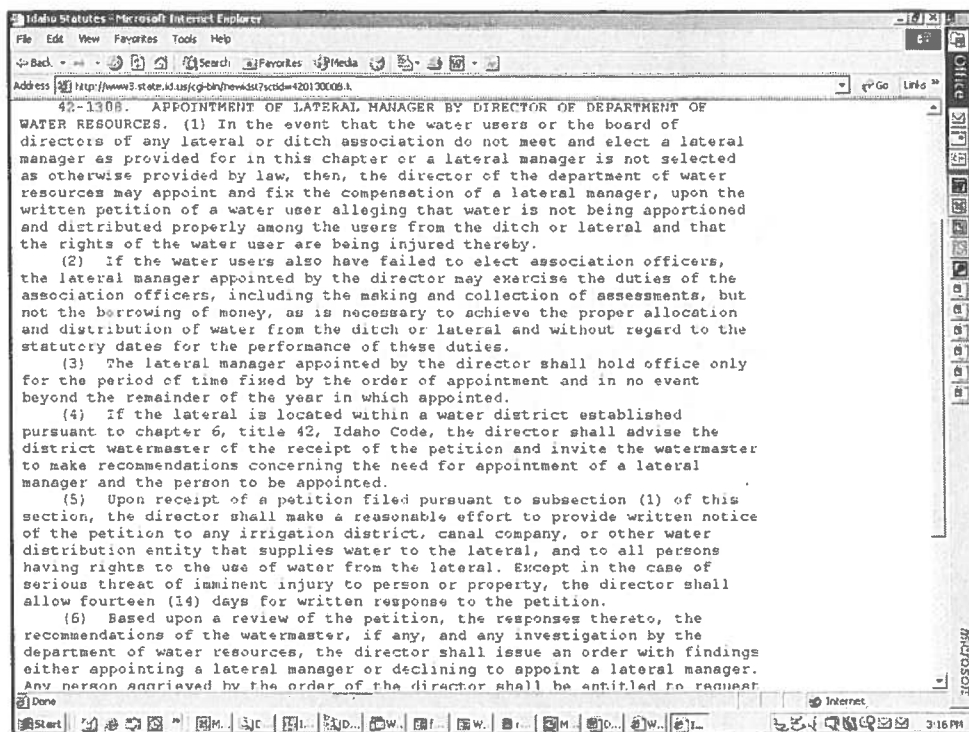






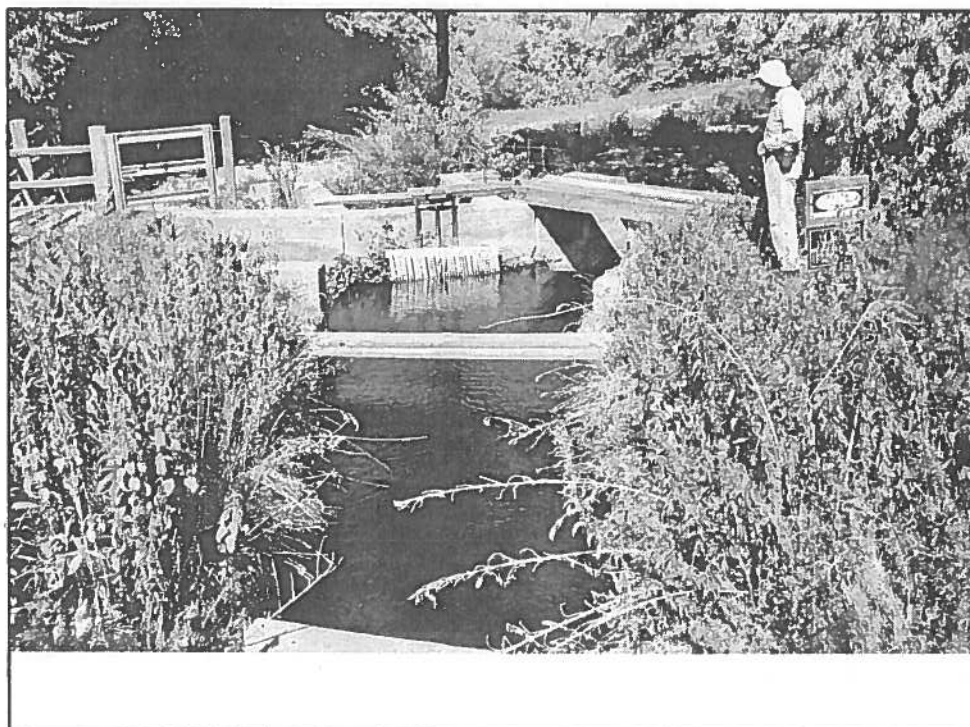


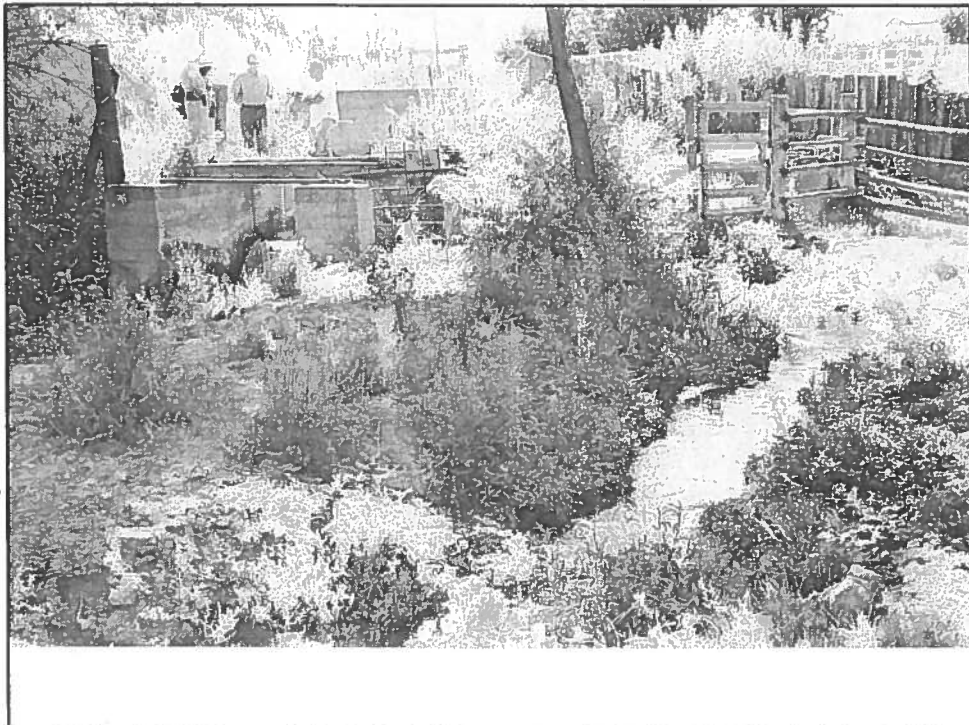
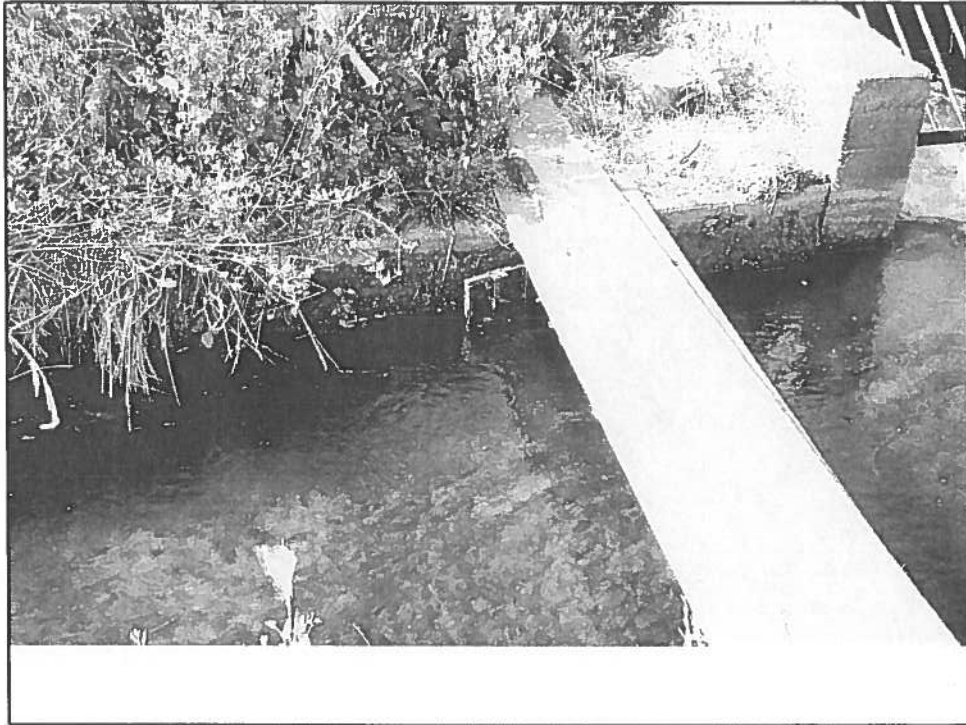


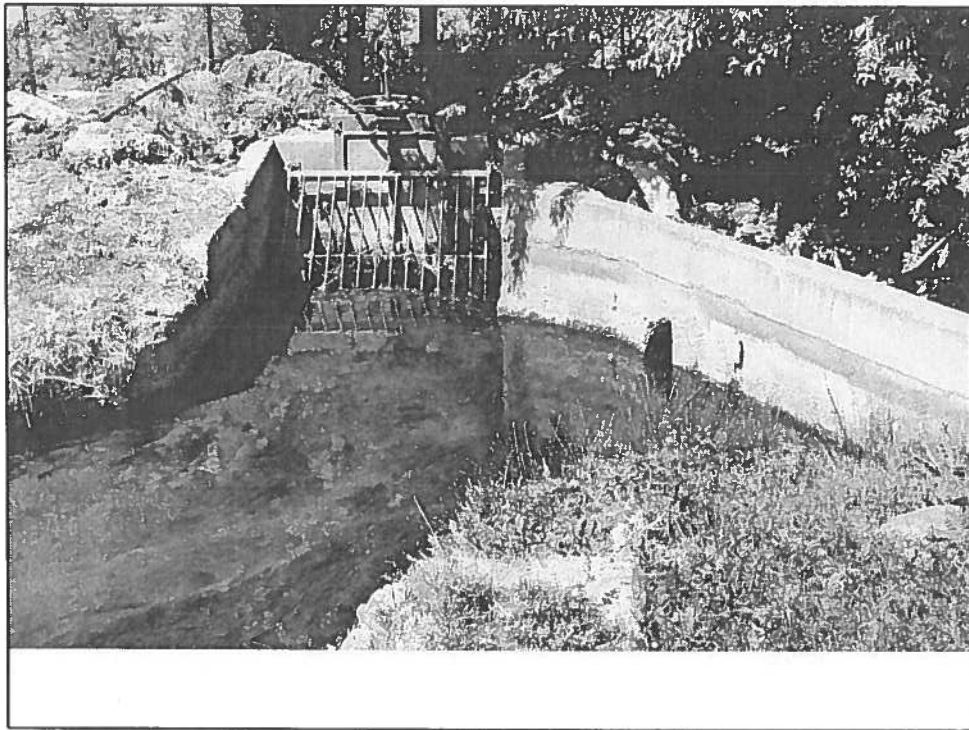


Recommendations

- Form a fully active Bar S Ditch Lateral Water Users' Association
- Ensure that all diversions from the ditch are measured and controlled



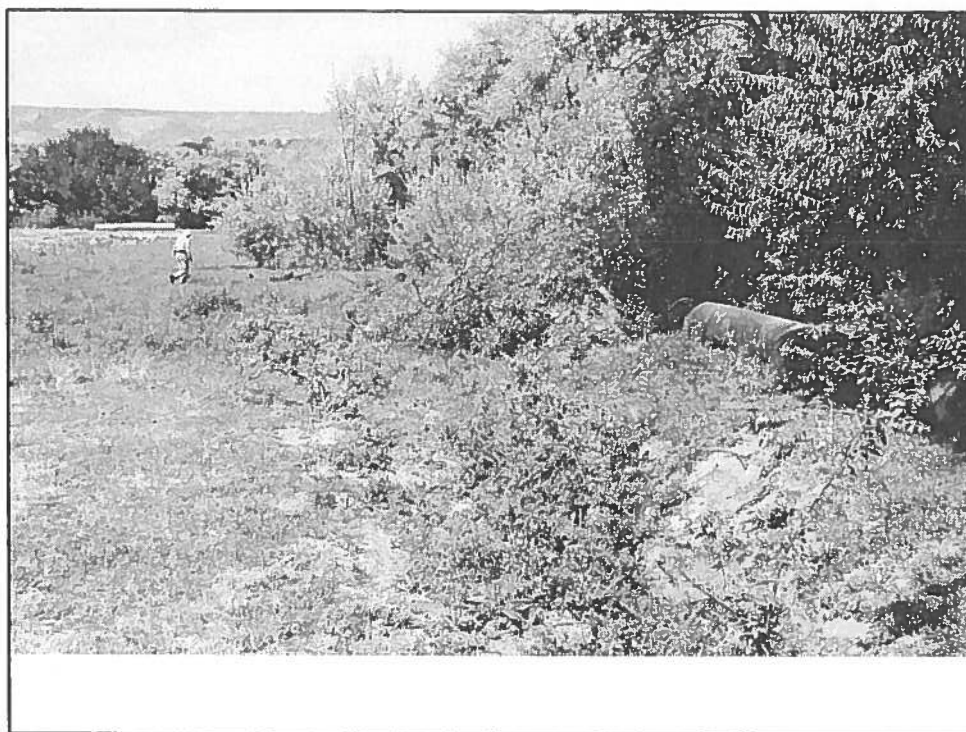




Recommendations

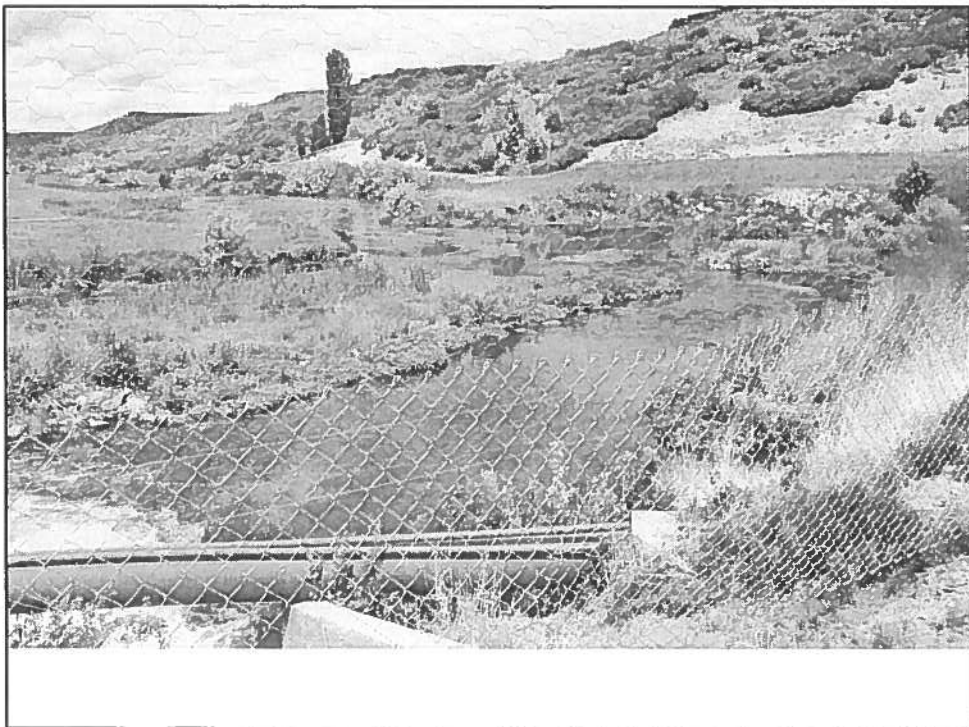
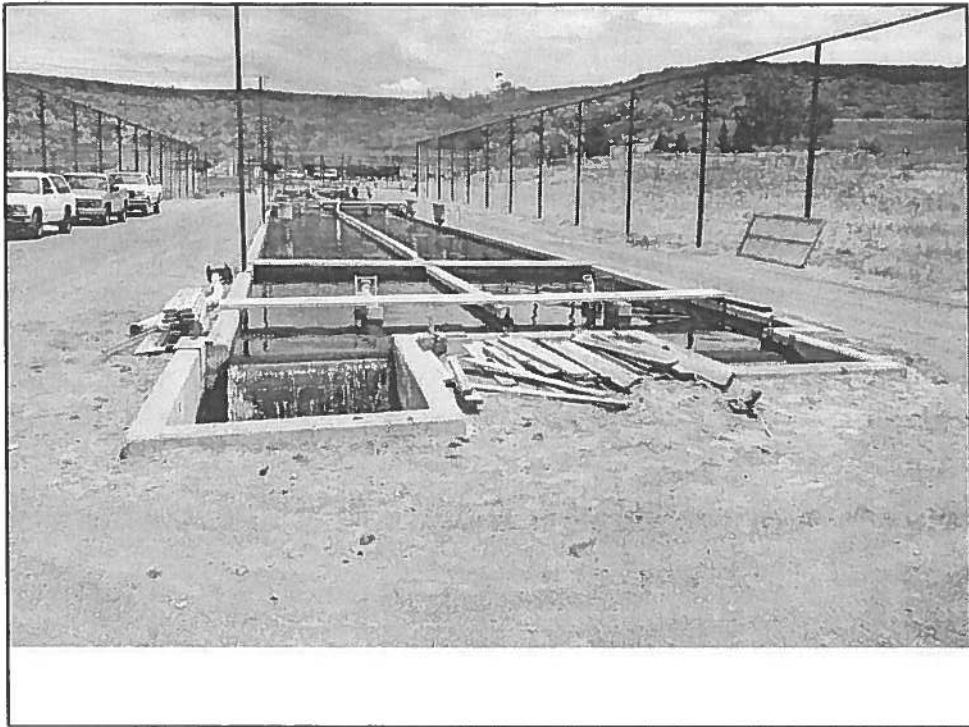
- Form a a fully active Bar S Ditch Lateral Water Users' Association
- Ensure that all diversions from the ditch are measured and controlled
- Repair the delivery facilities to eliminate significant leaks

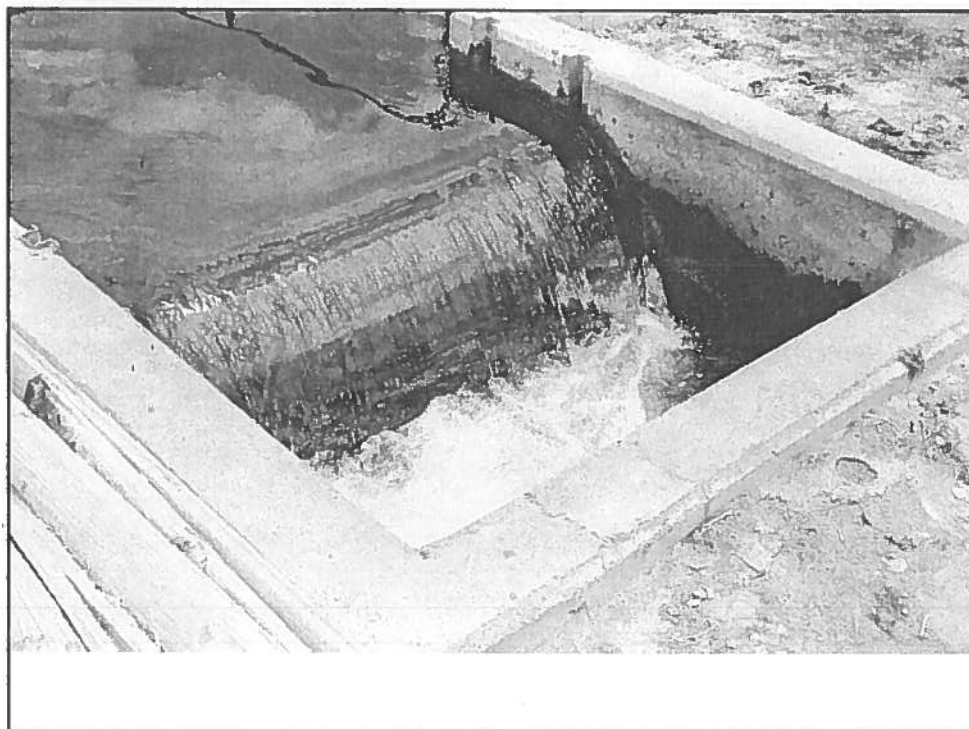
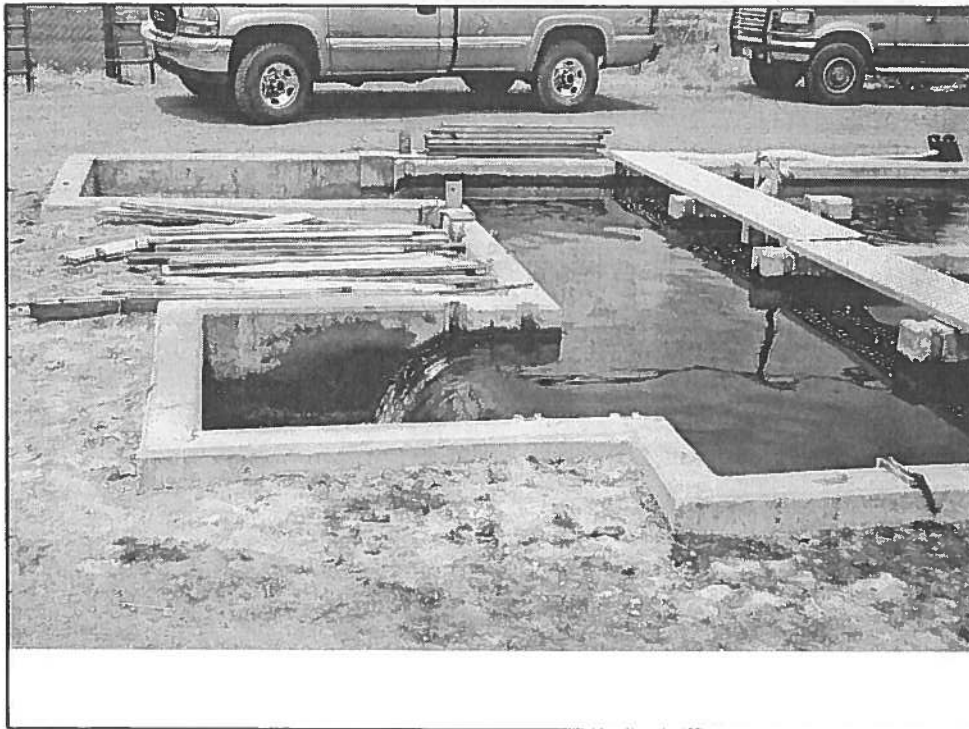


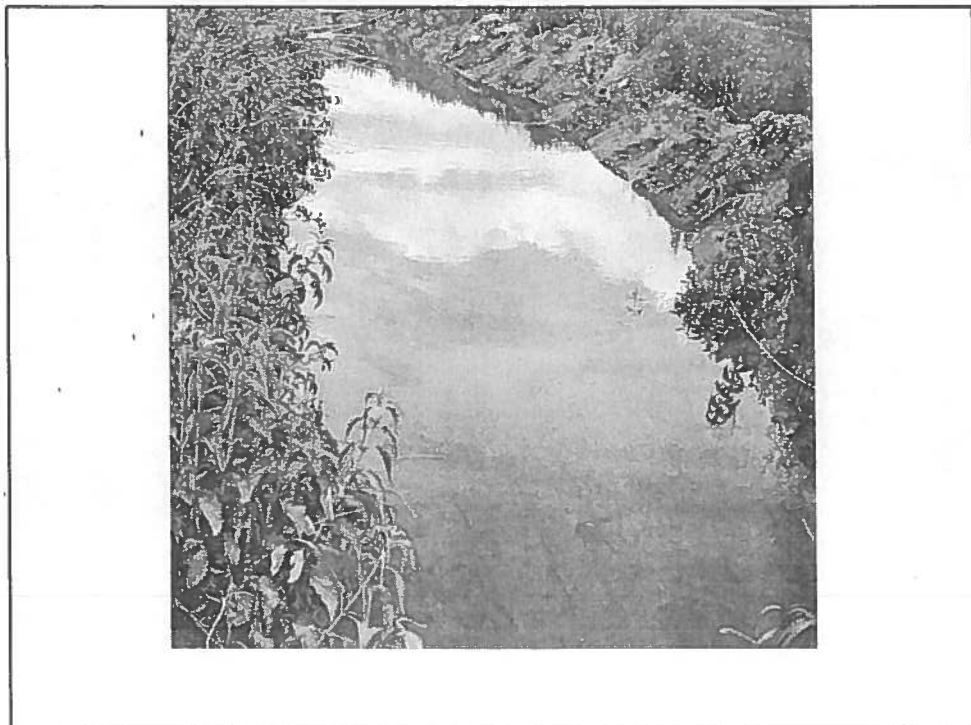


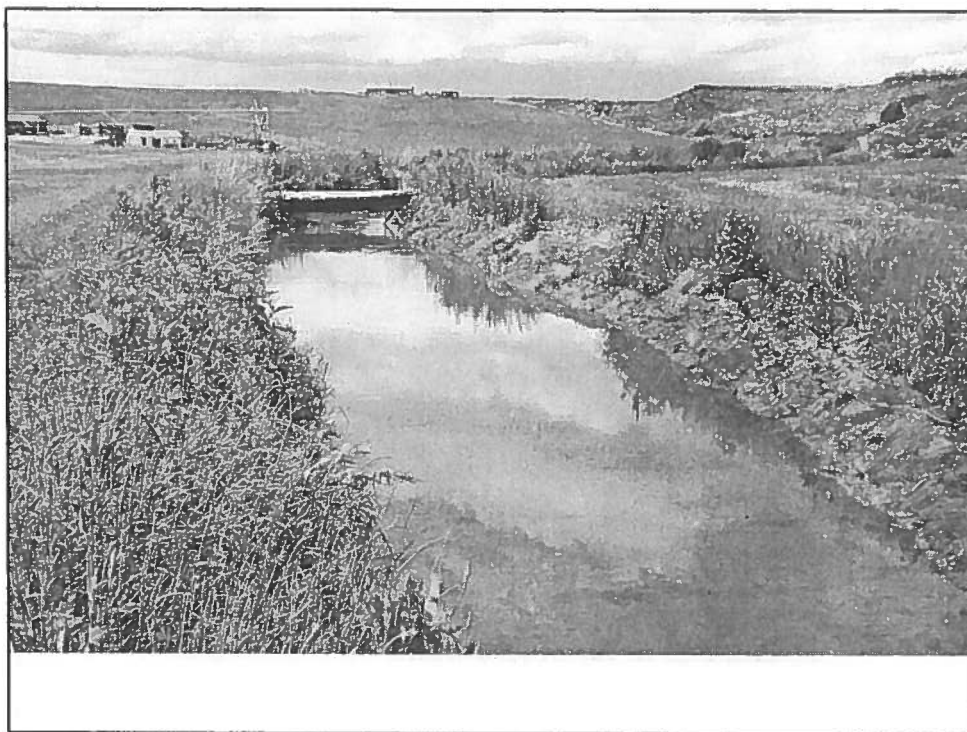
Recommendations

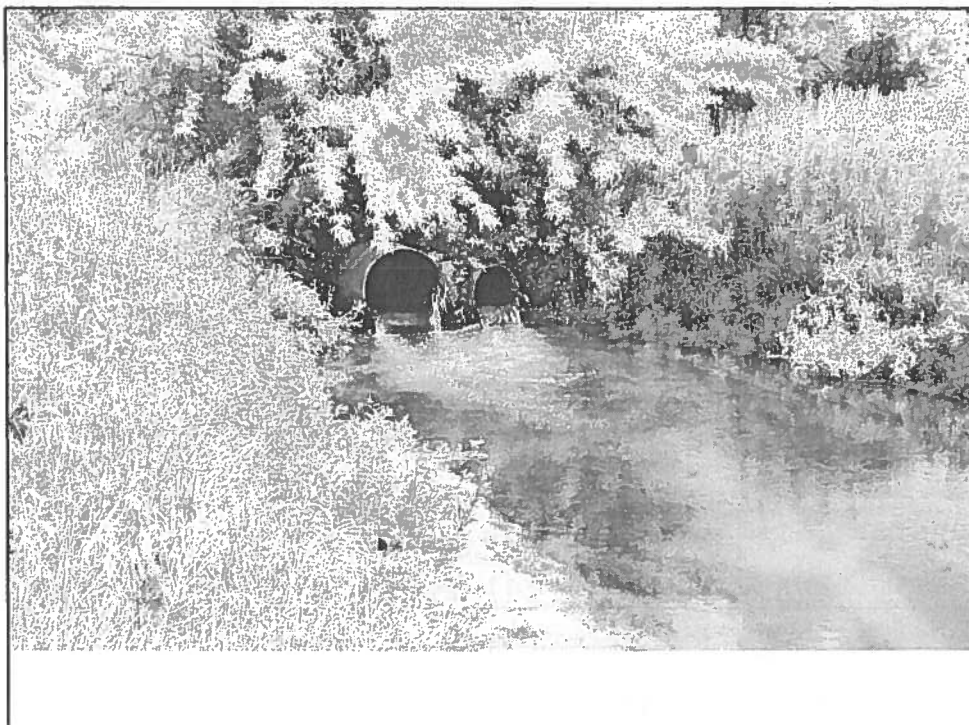
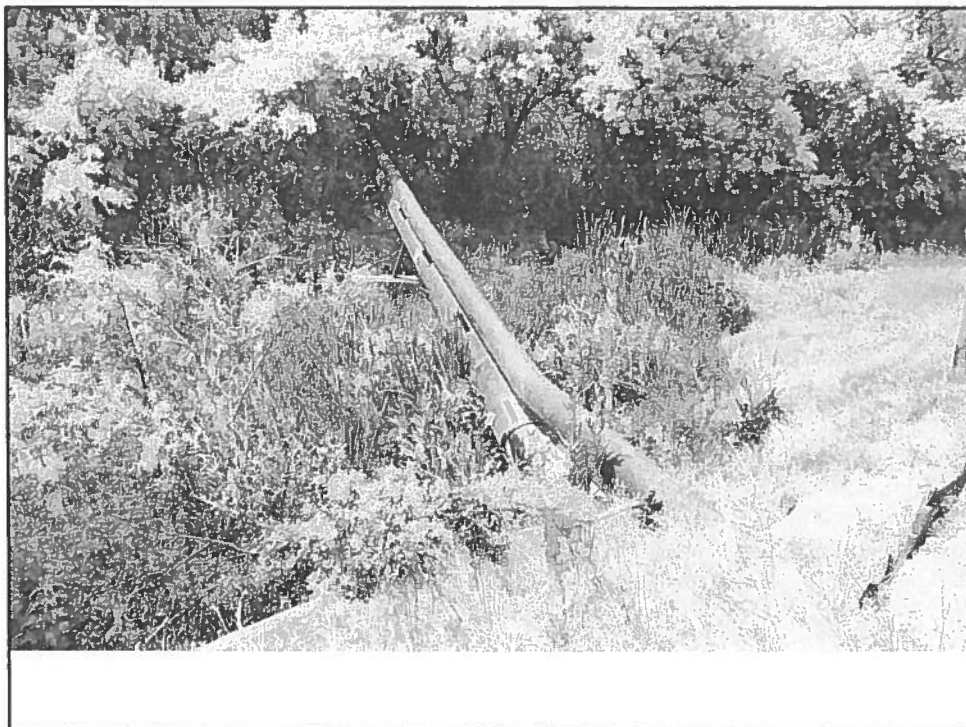
- Form a a fully active Bar S Ditch Lateral Water Users' Association
- Ensure that all diversions from the ditch are measured and controlled
- Repair the delivery facilities to eliminate significant leaks
- Improve the delivery system, to include installation of a pipeline from the point of diversion to the confluence with Curren Ditch

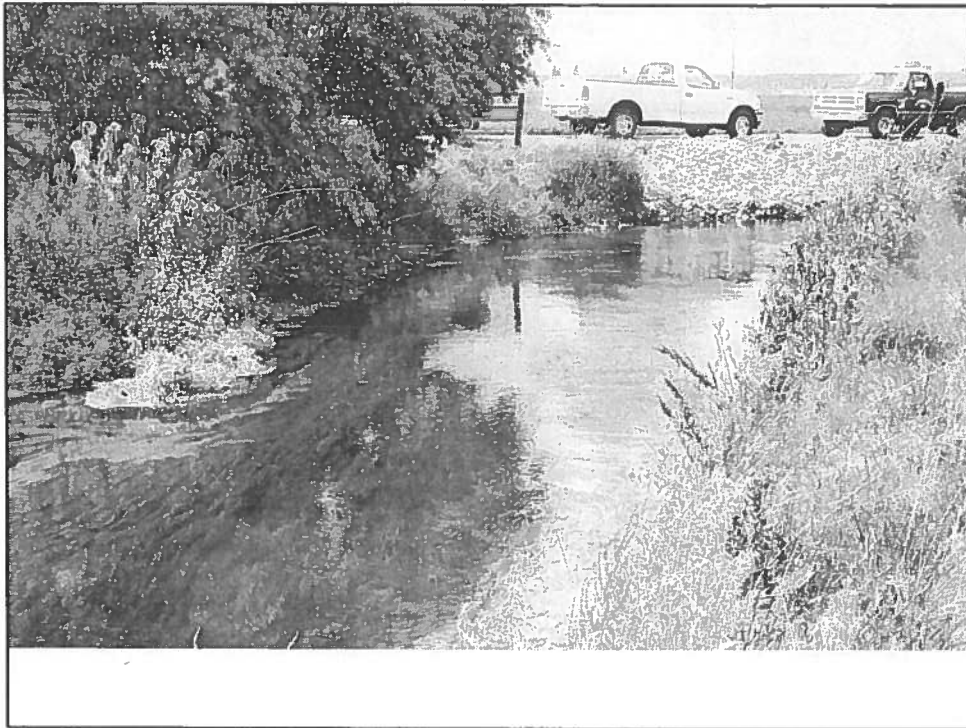












Pipeline Funding

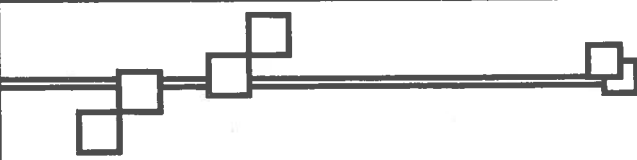
- Hagerman Highway District: \$7,000
- NRCS: Farm Bill Funding
- Idaho Water Resource Board Grant/Loan

- Total Cost: \$27,210 for 6.5 cfs
\$41,654 for 10.06 cfs
- Flow Savings: 1 to 2 cfs (estimated)
- Labor Savings:



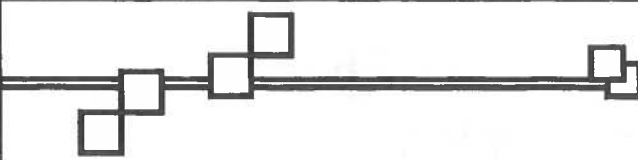
Recommendations

- Form a fully active Bar S Ditch Lateral Water Users' Association
 - Ensure that all diversions from the ditch are measured and controlled
 - Repair the delivery facilities to eliminate significant leaks
 - Improve the delivery system, to include installation of a pipeline from the point of diversion to the confluence with Curren Ditch
 - Continue to pursue alternate points of diversion, such as delivery via the Big Bend or Buckeye Ditch
- 

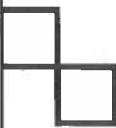


Private Contracts

- Beyond the scope of Lateral Water User Association or IDWR involvement
 - Assessments will be sent to water users – if others need to pay, it is the responsibility of users to secure this payment
- 



Next Steps



- Identify Association leaders
 - Finalize bylaws
 - Work on pipeline details
 - Prepare for 2003 deliveries
 - Seek alternative delivery points
 - IDWR will continue to assist with the process
- 

AUG 30 2002

Department of Water Resources

Date: 8/26/02

To: David R. Tuthill, Jr. P.E.
Adjudication Bureau Chief
Idaho State Dept. of Water Resources
1301 North Orchard St.
Boise, Id 83706

From: Hagerman Highway District
P.O. Box 411
Hagerman, Id 83332

RE: Vader Grade Safety Improvement Project (Phase 1)

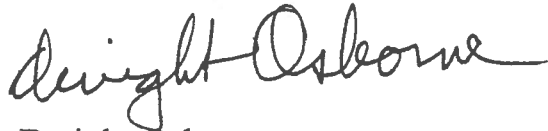
Hagerman Highway District has determined that the lower portion of Vader Grade on the North side has a safety issue due to a very narrow and steep shoulder that drops off into an irrigation conveyance ditch know as the Bar S ditch. The property on the north is owned by Bill Jones and the conveyance ditch delivers water to the Bar S ditch users. To make that portion of the grade safer, the highway district has decided to widen the shoulder by building up the embankment on the north side. In order to accomplish this project the conveyance ditch located at the toe of the current embankment either needs to be piped or relocated, before the district can begin depositing material on the embankment.

The Hagerman Highway District has offered \$7,000.00 to the effort of relocating the conveyance ditch, and will also assist in the repairs of the highway where the new pipe would go under it. (\$7,000.00 is the approximate cost that would be required to pipe the segment of the Bar S ditch at the toe of the embankment.)

We understand that IDWR and the water users of the Bar S ditch have had discussions on this issue and others regarding size of pipe, location of pipe, status of water rights, reducing conveyance loss, ect.

At this time we would like to encourage the IDWR and all affected parties to expedite resolving these issues. In this spirit, we are extending our offer until March 15, 2003.

Sincerely

A handwritten signature in dark ink, reading "Dwight Osborne". The signature is fluid and cursive, with the first name "Dwight" and last name "Osborne" clearly distinguishable.

Dwight Osborne
Chairman

cc: Buckeye Farms, Dan Yore
Bybee Gertrude Owsley
Flying Triangle, Brailsford
Gustafson Ivan
Hoskovec Betty
Hoskovec Stan/Barbara
Jensen Darrell/DeeAnna
Loranger Gene/Beverly
Mavencamp Vernon J
Moore Dave/Dorothy
Omohundro Nevada
Rea Edna
Sauer Roy & Viva
Renda
Skaar Kent/Sarah
Smith Ronnie/Sharlene
Tzanakakis Nicko/Gwen
Jones Bill



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 8, 2008

GWENDOLYN TZANAKAKIS
2809 S 900 E
HAGERMAN ID 83332

Re: Investigation of Use of Share Ditch Water on Wolfe Property

Gwen:

On July 11, 2008, Michelle Richman and I investigated a headgate found in the Share Ditch on property owned by Marvin Wolfe of Meridian, Idaho. We located the headgate approximately 15 feet north of the south property line. There are water rights appurtenant to the Wolfe property from the Big Bend ditch, but no water rights from Weatherby Springs, delivered via the Share Ditch.

There was no evidence or other indication that this headgate has been opened this season, or that water has been diverted from the Share Ditch to the Wolfe property during 2008. An outlet below the ditch could not be located, and it is probable that the headgate is connected to a buried pipeline. A low-volume irrigation system has been installed on the new tree rows on the Wolfe property, and it appears this system diverts from the Big Bend ditch only.

Regarding your request that the Share Ditch headgate on the Wolfe property be ordered removed, this matter is not within the jurisdiction of IDWR or Water District 36A. The requirement for removal of the headgate on the Wolfe property is contained in a private settlement agreement, and any relief must be sought through the court.

Since there is no evidence of illegal use of water, Idaho Department of Water Resources (IDWR) will take no further action on this matter at this time.

Please contact me or Allen Merritt if you have additional questions.

Regards,

Cindy Yenter
Water Distribution Section

Attachment

cc: Marvin Wolfe
Allen Merritt, IDWR Regional Manager
Frank Erwin, WD36A Watermaster

AGREEMENT

RECEIVE
AUG 18 2000
Department of Water Resources
Southern Region

This Agreement, made and entered, this 14 day of June, 2000, by and between William Shappee, Charles Dale Shappee and Brenda S. Shappee, husband and wife and Niko A. Tzanakakis and Gwendolyn P. Tzanakakis, [Tzanakakis] husband and wife,

WHEREAS, the following:

1. Water Right No. 36-00033G was a right to .25 cfs of water from Weatherby Springs and delivered through the Pipe Line Canal and Share Ditch.
2. The Idaho Department of Water Resources [IDWR] recommended Water Right No. 36-00033G be split into three separate water rights and be redesignated Water Right No. 36-00033H, Water Right No. 36-00033J, and Water Right No. 36-00033K.
3. The Tzanakakis are claimants in the Snake River Basin Adjudication [SRBA] of Water Right No. 36-00033G, objecting to the split thereof, and claimants of resulting Water Right No. 36-00033H.
4. William Shappee is the claimant in the SRBA of resulting Water right No. 36-00033J.
5. Charles Dale Shappee and Brenda S. Shappee are the claimants in the SRBA of resulting Water Right No. 36-00033K.
6. The Special Master in the SRBA held that there was no genuine issue of fact that the subject water was deeded to the Tzanakakis and stayed all proceedings in the SRBA in order for the Tzanakakis to file an application for transfer with the IDWR.
7. The Tzanakakis filed an application for transfer with IDWR on June 11, 1999, seeking to recombine the three water rights back into Water Right 36-00033G and to change the place of use of said right.
8. Charles Dale Shappee protested the Tzanakakis application for transfer.

9. The parties hereto are desirous of settling their differences and reaching full settlement and compromise.

NOW THEREFORE, in and for consideration of the premises and the material covenants and agreements herein contained, the parties agree as follows:

10. That the Tzanakakisises will not object to Water Right No. 36-00033J in the name of William Shappee being allowed to retain a quantity of water in the total amount of .01 cfs.
11. That William Shappee, Charles Dale Shappee and Brenda S. Shappee will withdraw all claims and will not assert claims in the future, other than a claim to Water Right No. 36-00033J as described in paragraph 10 of this Agreement, to water from Weatherby Springs as delivered through the Share Ditch.
12. That the purpose of use for Water Right No. 36-00033J shall include stock water and irrigation with the total amount of diversion for combined use not to exceed the quantity of water retained in Water Right No. 36-00033J.
13. That the place of use of Water Right No. 36-00033J for irrigation shall be limited to a .25 acre parcel within Gooding County located in the Northeast quarter of the Northeast quarter of Township 07S, Range 13E, Section ~~7~~ 27.
14. That William Shappee may place a diversion in the Share Ditch capable of diverting no more than the .01 cfs of water retained in Water Right No. 3600033J, as adjusted to .05 cfs pursuant to a five-day rotation with other users of the Share Ditch.
15. That William Shappee, Charles Dale Shappee, and Brenda S. Shappee shall remove all diversions from the Share Ditch located on their respective parcels of Real Property other than the diversion mentioned in paragraph 14 of this Agreement.
16. That William Shappee and the Tzanakakisises will divert and water in their rotation on the same day and the Tzanakakisises will allow sufficient water to pass down the Share Ditch in order for William Shappee to divert the water retained in Water Right No. 3600033J.

17. That Charles Dale Shappee shall dismiss his protest filed with the Idaho Department of Water Resources in the Matter of Application for Transfer No. 5613.
18. That the parties hereto shall cooperate with and abide by the rules promulgated by the users of the Share Ditch.
19. This Agreement shall be effective as of the day and year first above written, and this Agreement shall be binding upon the parties hereto and their respective heirs, personal representatives, and assigns.

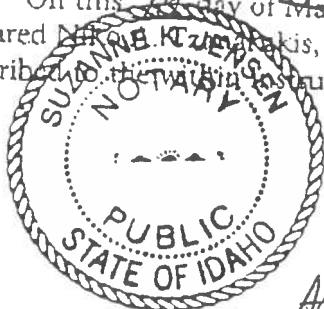
DATED this 15 day of ~~May~~ ^{AUG}, 2000.

STATE OF IDAHO)

County of Gooding)

ss.

On this 15 day of ~~May~~ ^{AUG}, in the year of 2000, before me, a notary public, personally appeared Niko A. Tzanakakis, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Niko A. Tzanakakis
Niko A. Tzanakakis

Suzanne K. Jensen
Notary Public for Idaho
Residing at: Hagerman, Idaho
My Commission Expires: 08/04/2004

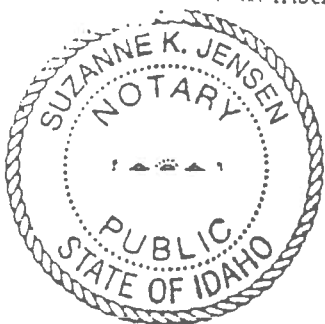
DATED this 15 day of ~~May~~ ^{AUG}, 2000.

STATE OF IDAHO)

County of Gooding)

ss.

On this 15 day of ~~May~~ ^{AUG}, in the year of 2000, before me, a notary public, personally appeared Gwendolyn Tzanakakis, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Gwendolyn Tzanakakis
Gwendolyn Tzanakakis

Suzanne K. Jensen
Notary Public for Idaho
Residing at: Hagerman, Idaho
My Commission Expires: 08/04/2004

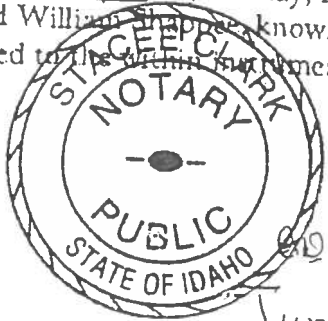
DATED this 14th day of ^{June}~~May~~, 2000.

William B Shappee
William Shappee

STATE OF IDAHO)

County of Gooding)

On this 14th day of ^{June}~~May~~, in the year of 2000, before me, a notary public, personally appeared William Shappee, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Stacey Clark
Notary Public for Idaho
Residing at: Haarman, ID 83332
My Commission Expires: 1-14-2005

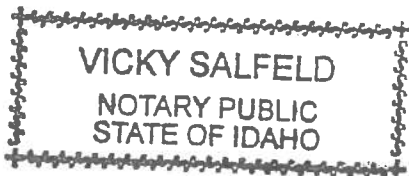
DATED this 6 day of ^{June}~~May~~, 2000.

Charles D Shappee
Charles Dale Shappee

STATE OF IDAHO)

County of ^{Blaine}~~Gooding~~)

On this 6 day of ^{June}~~May~~, in the year of 2000, before me, a notary public, personally appeared Charles Dale Shappee, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



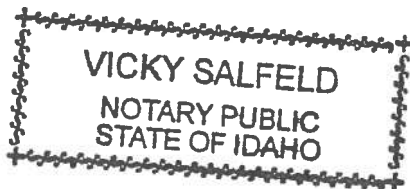
Vicky Salfeld
Notary Public for Idaho
Residing at: Haarman, ID
My Commission Expires: 7-26-2000

DATED this 6 day of ^{June}~~May~~, 2000.

Brenda S. Shappee
Brenda S. Shappee

STATE OF IDAHO)
County of Blaine) ss.
~~Gooding~~)

On this 6 day of ^{June}~~May~~, in the year of 2000, before me, a notary public, personally appeared Brenda S. Shappee, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Vicky Salfeld
Notary Public for Idaho
Residing at: Hailey, ID
My Commission Expires: 7-26-2000

Instrument # 187067

GOODING GOODING, IDAHO

2000-08-16

10:49:44 No. of Pages: 5

Recorded for : NIKO A. TZANAKAKIS

HELEN EDWARDS

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: AGREEMENT

[Signature]