

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF DIVERSION AND)
USE OF WATER NOT IN CONFORMANCE)
WITH WATER RIGHTS OR CONTROLLED)
BY BRET NEWBOLD AND/OR DOUGLAS)
NEWBOLD)
_____)

NOTICE OF VIOLATION

The Director of the Department of Water Resources (IDWR) is charged with the duties of protecting vested water rights, enforcing specific statutes of the state of Idaho, and enforcing the rules promulgated by IDWR. The Director is also authorized to order the cessation of violations or attempted violations of the provisions of the law relating to all aspects of appropriation and distribution of water.

Based on the information gathered and the records of IDWR, IDWR finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Jerry Myers (Myers) is the elected and appointed watermaster for Water District no. 67, Weiser River. As the watermaster, Myers regulates diversions of the water flowing in tributaries of the Weiser River, including Rush Creek.
2. A pipeline was constructed to deliver water diverted from Rush Creek pursuant water right nos. 67-00285, 67-00286, and 67-00287. Other water rights are also delivered through the pipeline. The elevation difference between the point of diversion and the location of pipeline valves creates sufficient pressure to irrigate with sprinklers.
3. The intake to the pipeline is located at the edge of the Rush Creek streambed. Inflow to the pipeline is not controlled at the inlet but depends on the demand for water at valves

along the pipeline. Myers has regulated the flow by opening or closing the valves along the pipeline to deliver the proper quantity of water to lands described by the water rights.

4. Water right nos. 67-00285, 67-00286, and 67-00287 were decreed in the case of Muir v. Allison. The following is a summary of the decreed water rights and corresponding claims filed in the Snake River Basin Adjudication.

Water Right No.	Quantity (cfs)	Decreed POU	Claimed POU	Acreage Claimed
67-00285	0.05 cfs	NWNE, SWNE, S10, T15N, R03W	SWNE, S10 T15N, R03W	3
67-00286	0.03 cfs	NESE, S10, T15N, R03W	NESE, S10, T15N, R03W	2
67-00287	0.38 cfs	NWSE S03 SWSE S03 SESE S03 NENE S10 T15N, R03W	NWSE S03 SWSE S03 SESE S03 NENE S10 T15N, R03W	19 10 10 10

5. IDWR records show that water right nos. 67-00285 and 67-00286 are owned by Melvin and Bessie Newbold. IDWR records also show water right no. 67-00287 is owned by Kermit Wiggins. Myers informed IDWR that Bret Newbold acquired water right nos. 67-00285 and 67-00286 and the places of use described by the rights from his parents, Melvin and Bessie Newbold. Myers also informed IDWR that Bret Newbold acquired the property described as a place of use by water right no. 67-00287, and that Myers delivered water authorized by water right no. 67-00287 to Bret Newbold during the 2000 irrigation season.

6. Flows in Rush Creek and the Weiser River are not presently sufficient to satisfy all of the water rights. Myers has prevented diversion of Rush Creek water authorized by late priority water rights to satisfy the early priority water rights.

7. On or about July 26, 2000, Myers informed Bret Newbold that adjudicated water rights were being regulated. Myers told Bret Newbold to limit use on his father's place (place of use for 67-00285 and 67-00286) to ten sprinkler heads, estimated to be 0.08 cfs. Myers also told Bret Newbold that he could run a one-quarter mile line on the land formerly owned by Kermit Wiggins (place of use for 67-00287).

8. On June 27, 2000, Myers observed hand lines irrigating land in the SENE of Section 10, T15N, R03W, B.M., which is not described by any water right deliverable on or after July 26, 2000. Approximately 20 acres of alfalfa is planted and irrigated in the SENE of Section 10.

9. On July 30, 2000, Myers discovered that Bret Newbold, Douglas Newbold (Bret's brother), their representatives, or employees, were diverting more water than authorized by water right nos. 67-00285 and 67-00286 by operating a one-quarter mile sprinkler line, estimated to be 32 sprinkler heads. The sprinkler line was irrigating land located in the NESE of Section 10, T15N, R03W, B.M., which is the place of use described by water right no. 67-00286 (0.03 cfs, 2 acres). Approximately 20 acres of alfalfa is planted and is irrigated in the NESE of Section 10.

10. After discovering the additional water diverted on July 30, 2000, Myers closed the valve delivering water to the one-quarter mile sprinkler line delivering water to the NESE of Section 10, and placed a watermaster warning on a marker post that the valve should not be readjusted.

11. On August 2, 2000, Myers discovered that the valve had been reopened. Land located in the NESE of Section 10 was again being irrigated with the one-quarter mile sprinkler line.

CONCLUSIONS OF LAW

1. Idaho Code Section 42-351 states:

If the director of the department of water resources finds, on the basis of available information, that a person is diverting water or has diverted water from a natural water course or from a ground water source without having obtained a valid water right to do so, or is applying water or has applied water not in conformance with a valid water right, then the director of the department of water resources shall have the discretion to issue a notice of violation to the person in accordance with the provisions of section 42-1701B, Idaho Code, for the illegal diversion or use of water.

2. Idaho Code Section 42-1701B states:

(2) Notice. . . . the notice of violation shall identify the alleged violation and shall specify each provision of the designated chapter, rule, permit, condition of approval or order which has been violated. The notice of violation shall state the remedy, including all restoration and mitigation measures, and the amount of any civil penalty the director seeks for redress of the violation. Factors the director may consider in seeking the appropriate remedy include the impact of the violation and whether the violation was willful, a repeat violation for which the violator had been given a prior written warning, or the violator has otherwise refused to comply with the department's lawful directives. The notice of violation shall inform the person to whom it is directed of an opportunity to confer with the director, or the director's designee in a compliance conference concerning the alleged violation.

(6) Penalties.

(a) . . . persons determined to be in violation of section 42-351, Idaho Code, shall be liable for a civil penalty not to exceed:

(ii) For irrigation uses, three hundred dollars (\$300) annually for each acre irrigated, in whole or in part, by the illegal use or diversion.

3. Bret Newbold, Douglas Newbold and their representatives or employees are diverting Rush Creek water in excess of the 0.03 cfs authorized for diversion by water right no 67-00286, and applying the water to approximately 20 acres of land in the NESE, Section 10, T15N, R03W, not authorized or claimed to be irrigated by water right no. 67-00286.

4. Bret Newbold, Douglas Newbold and their representatives or employees are also diverting Rush Creek water and irrigating approximately 20 acres of land located in the SENE, Section 10, T15N, R03W, without any water right authorizing the diversion or irrigation of these lands.

5. The diversion and use of water described above violates Idaho Code § 42-351.

ORDER

IT IS HEREBY ORDERED that Bret and Douglas Newbold and their representatives or employees shall cease and desist diverting water from Rush Creek in excess of 0.03 cfs for the irrigation of land located in the NESE, Section 10, T15N, R03W.

IT IS FURTHER ORDERED that Brett and Douglas Newbold and their representatives or employees shall cease and desist diverting water from Rush Creek for irrigation of lands located in the SENE, Section 10, T15N, R03W.

IT IS FURTHER ORDERED that IDWR seeks a civil penalty of \$300 per acre of land irrigated without a water right, totaling \$12,000 for 40 acres irrigated without a water right.

IDWR may pursue injunctive relief in the district court of the State of Idaho if Bret or Douglas Newbold do not cease the illegal use of water.

NOTICE IS GIVEN that Bret or Douglas Newbold may request, in writing, a compliance conference with IDWR within 14 days of the date of receipt of this notice of violation.

Dated this 4th day of August, 2000.



GARY SPACKMAN
Western Regional Manager

AJ5809NP
No. A67-00287

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/03/00
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KERMIT L WIGGINS	05/01/1895	IRRIGATION	03-15 11-15	0.600 CFS	
C	JOANA WIGGINS					
TOTAL DIVERSION:					0.600 CFS	
CONSUMPTIVE USE:						90.00 AFA

Water Source: RUSH CREEK

Tributary to: WEISER RIVER

Stage: DECREED

Point(s) of Diversion:

T15N R03W S03

SWSWNE

WASHINGTON County

T16N R03W S34

SWSWNW

WASHINGTON County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE					
NENE NWNE SWNE SENE												NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				SUM	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
15N	03W	3	:																						
15N	03W	10	:		10																				
TOTAL ACRES																							49.0		

POU County: WASHINGTON

Non-Irrigation Uses: INCIDENTAL STOCKWATER

Other Rights: FLOOD WATER RIGHT FROM STREAM A67-04155 CLAIMED.

Remarks: GEN ABSTRACT OF TITLE FOR THIS PROPERTY THE NITA CARRICK PROPERTY STATES THAT RIGHT NO. 24 WAS TO BE FOR 30" WITH A 05/01/1895 PRIORITY, RATHER THAN THE 19" SHOWN IN THE DATA BASE. AMENDED ON 10/1/93 TO INCREASE THE QUANTITY AND ADD A PLACE OF USE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 67

Field Inspection Flag:
Presumption Flag:

WR5809NP
No. 67-00287

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/03/00
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J. EDWARD WICKS	05/01/1895	IRRIGATION	00/00 00/00	0.380 CFS	
TOTAL DIVERSION:					0.380 CFS	

Water Source: RUSH CREEK

Tributary to: WEISER RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
15N	03W	3	:																	:	
15N	03W	10	:			I														:	

Pou County: WASHINGTON

Dates:	App. Received:	Priority Date:	05/01/1895
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 67 Field Exam Fee:

AJ5809NP
No. A67-00286

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/03/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BESSIE NEWBOLD	05/01/1894	IRRIGATION	03-15 11-15	0.030 CFS	
C	MELVIN L NEWBOLD					
TOTAL DIVERSION:					0.030 CFS	
CONSUMPTIVE USE:						6.00 AFA

Water Source: RUSH CREEK

Tributary to: WEISER RIVER

Stage: DECREED

Point(s) of Diversion:

T15N R03W S03

SWNE

WASHINGTON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
15N	03W	10	:																	:	2.0
																				TOTAL ACRES	2.0

POU County: WASHINGTON

Other Rights: A67-04490

Remarks: GEN ADDRESS CHANGE BY CLAIMANT LETTER 5/5/99 SS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 67

Field Inspection Flag:

Presumption Flag:

WR5809NP
No. 67-00286

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/03/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MINTA DUGGER	05/01/1894	IRRIGATION	00/00 00/00	0.030 CFS	
TOTAL DIVERSION:					0.030 CFS	

Water Source: RUSH CREEK

Tributary to: WEISER RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM
15N	03W 10	:				:				:				:				:

Pou County: WASHINGTON

Dates:	App. Received:	Priority Date:	05/01/1894
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 67 Field Exam Fee:

AJ5809NP
No. A67-00285

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/03/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BESSIE NEWBOLD	05/01/1894	IRRIGATION	03-15 11-15	0.050 CFS	
C	MELVIN NEWBOLD					
TOTAL DIVERSION:					0.050 CFS	
CONSUMPTIVE USE:						9.00 AFA

Water Source: RUSH CREEK

Tributary to: WEISER RIVER

Stage: DECREED

Point(s) of Diversion: T15N R03W S03 SWNE

WASHINGTON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
15N	03W	10	:				03	:					:					:						
TOTAL ACRES																							3.0	

POU County: WASHINGTON

Other Rights: A67-04490

Remarks: GEN ADDRESS CHANGE BY CLAIMANT LETTER 5/5/99 SS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 67

Field Inspection Flag:

Presumption Flag:

WR5809NP
No. 67-00285

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/03/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	W. H. GIBSON	05/01/1894	IRRIGATION	00/00 00/00	0.050 CFS	
TOTAL DIVERSION:					0.050 CFS	

Water Source: RUSH CREEK

Tributary to: WEISER RIVER

Stage: DECREED

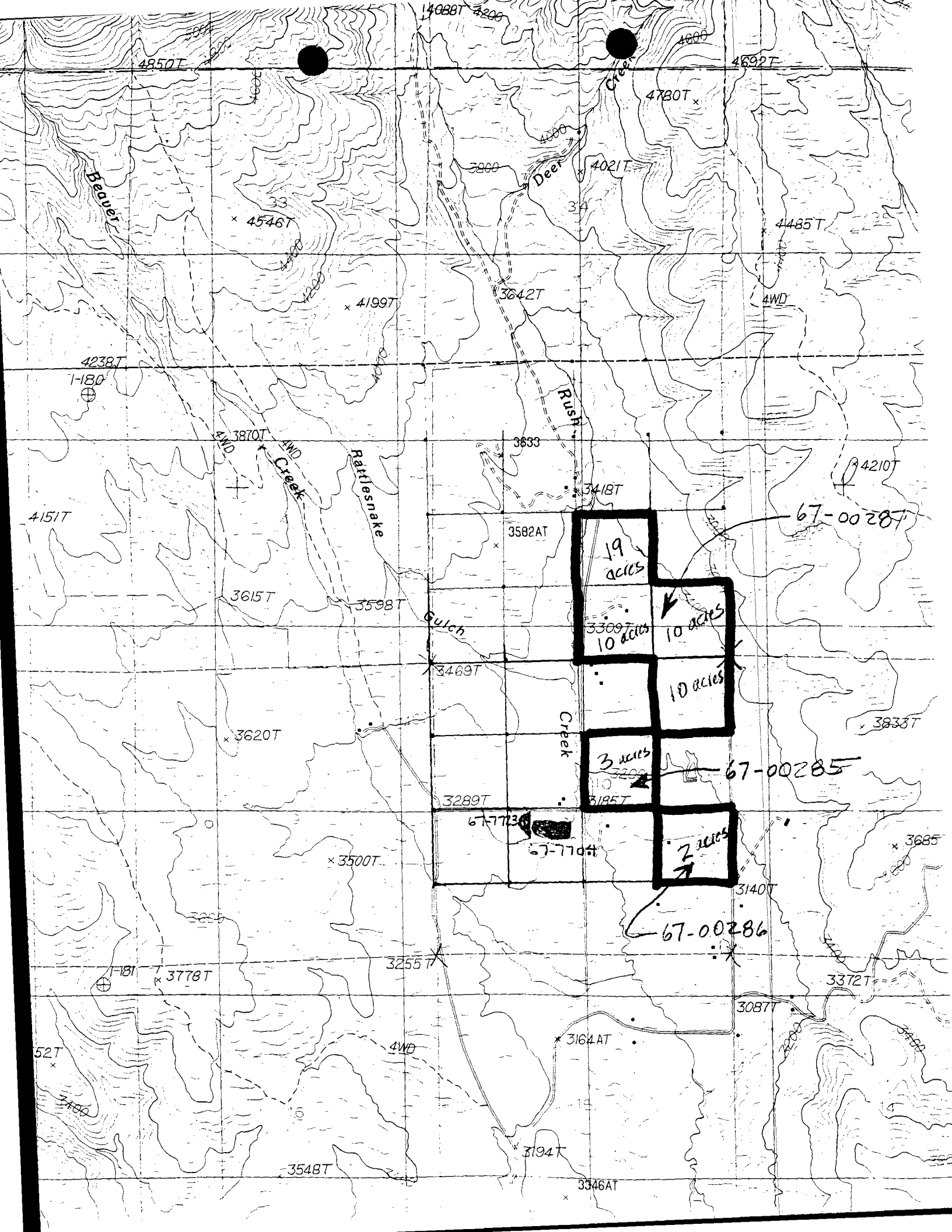
Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM
15N	03W 10	:		I	I	:				:				:				:

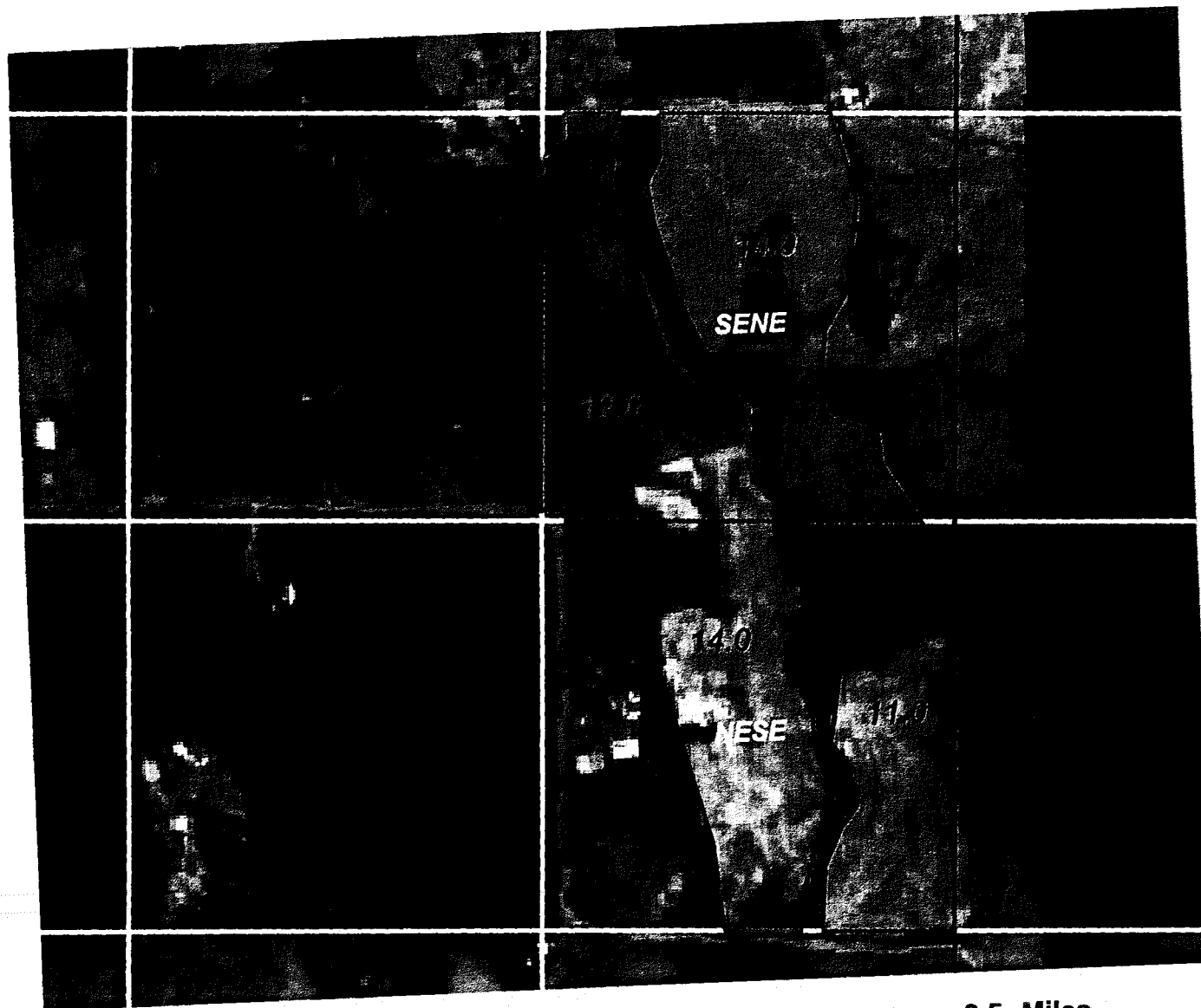
Pou County: WASHINGTON

Dates:	App. Received:	Priority Date:	05/01/1894
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

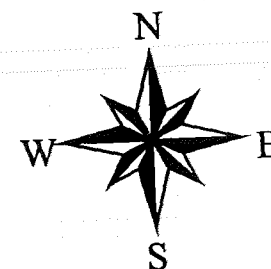
Misc: Water District Number: 67 Field Exam Fee:



T15N, R03W, S10



 Temppou.shp
 S15n03w.shp
 P15n03w.shp



0 0.25 0.5 Miles

SENE

NESE

WD 67, 3002

Pg 1 of 3

Gary

The only way I have regulated the water through the pipeline is by telling the water user, is that their water is down to adjudication and they can run 10 heads on the 67-00285 and the 67-00286 water rights being only 4" of adjudicated water and on the 67-00287 they can run a quarter mile line being 32 heads on their 19" right, there is really no other way too adjust the water.

On July ~~26~~ 26 I told Bret that the water was down too adjudicated and too run only 10 heads on his fathers place and could run a quarter mile line 32 heads on the 67-00287 right. I had a complaint called to me that on the 67-00285 & 67-00286 water rights that Newbolds were running a quarter mile line 32 heads on that land. I went and talked to Douglas Newbold about it and I then tagged the valves and shut the water line off. This was on July 30. Aug 1 they turned the water back on in the quarter mile line. I had told them to leave it off but that they could run 10 heads, they also ran the quarter mile lines Aug 2, 2000

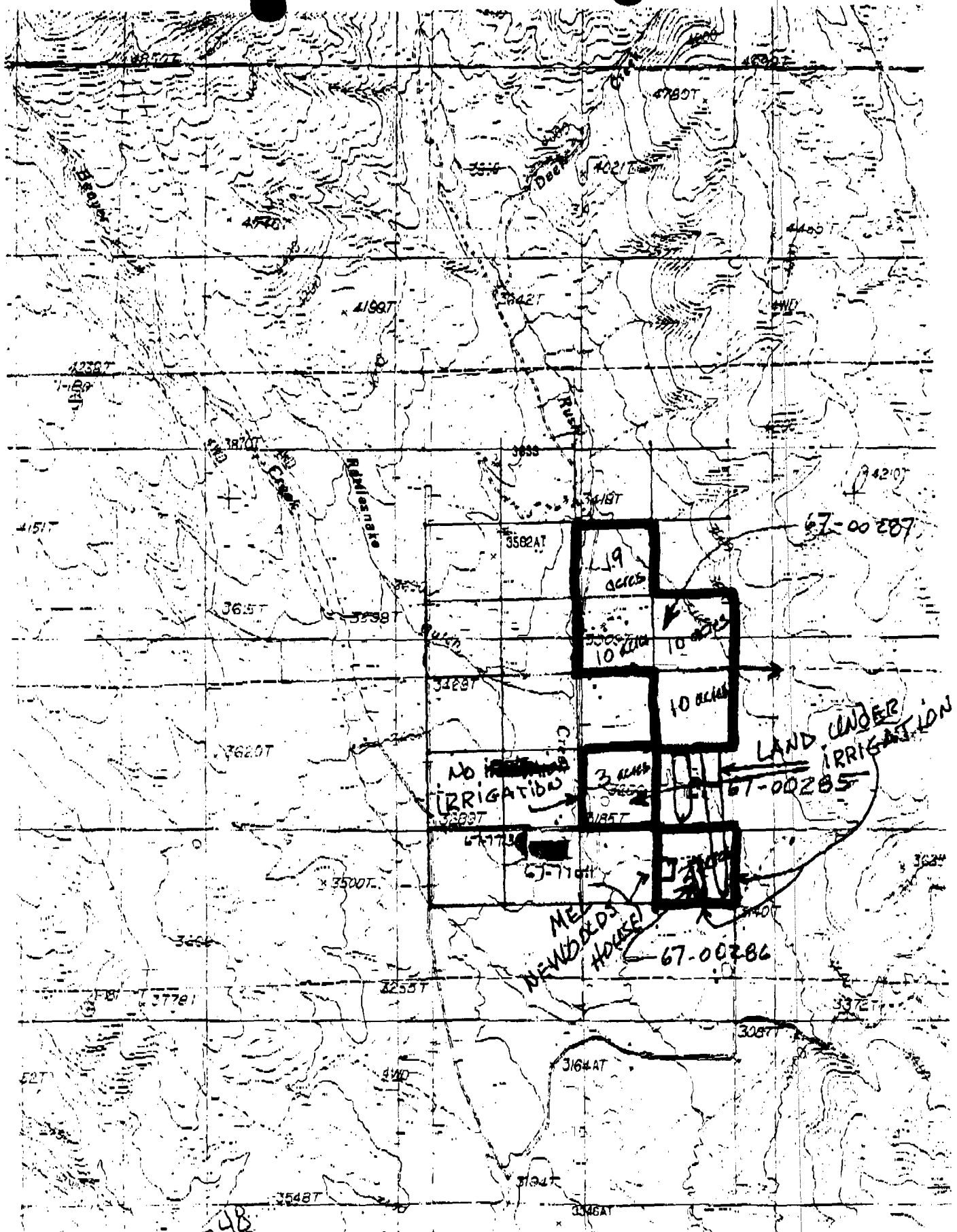
I was told by the neighbors that they ran the quarter lines on July 28 and 29 but I was gone and didn't see it.

Thank you
Jerry Myers

P.S. I found the valve had been turned back on not the deputy watermaster line 10

Bret Neubold is the owner of the land Douglas doesn't own any of it.

Any questions call I'll be home in the morning tell 9



34-2348
JAX



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 12, 2000

Tamarack Mills, LLC
DBA Evergreen Forests
P.O. Box H
New Meadows, ID 83654

Re: Diversion of Water from the Weiser River

Dear Sirs:

On July 11, 2000, I conversed with Jerry Myers, watermaster for the Weiser River, about a diversion of water from the Weiser River by Evergreen Forest Products at Tamarack, Idaho. After searching the records of the Idaho Department of Water Resources (IDWR), I found two beneficial use claims at the location where diversion is occurring. I've enclosed summaries of these claims for your reference.

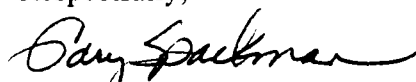
As the watermaster for the Weiser River, Jerry Myers regulates deliveries of water in the river when there is insufficient water to satisfy all the water rights. Water is delivered first to waterusers who own the oldest rights bearing the earliest dates of priority.

The claimed water rights described by the reports sent to you bear late priority dates. Furthermore, the laws governing deliveries state that water rights solely represented by a claim for beneficial use, without the additional recognition of being decreed by a court or licensed by IDWR, will be delivered last when a watermaster is regulating deliveries, regardless of the date of priority.

If your diversion from the Weiser River is not authorized by a water right (something other than a beneficial use claim), or if a water right does not bear an early priority date, you are probably diverting water that should be delivered to other waterusers.

The purpose of this letter is too inform you that Jerry Myers will shortly ask that the diversion from the Weiser River cease unless you can show that you are entitled to continue diverting water. I would be happy to discuss this matter with you if you have any questions.

Respectfully,


Gary Spackman

cc. Jerry Myers

AJ5809NP
No. A67-04088

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/12/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TAMARACK MILLS, LLC	06/01/1967	INDUSTRIAL	06-01 10-15	1.620 CFS	

TOTAL DIVERSION: 1.620 CFS

Water Source: WEISER RIVER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T19N R01E S30

NENW

ADAMS County

Place of use Legal Description for: INDUSTRIAL

	NE					NW					SW					SE														
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
19N	01E	30	:		:		:		:		:		:		:		:		:		:		:		:		:		:	

POU County: ADAMS

Remarks: GEN AC. DIV. RATE=728 GPM.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A67-04572

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/12/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BOISE CASCADE CORP	05/01/1945	STOCKWATER	05-01 11-30	0.200 CFS	
			COMMERCIAL	05-01 11-30	0.200 CFS	
			FIRE PROTECTION	05-01 11-30	0.200 CFS	
TOTAL DIVERSION:					0.200 CFS	

Water Source: WEISER RIVER
UNNAMED STREAM
RUBICON CREEK
UNNAMED STREAM

Tributary to: SNAKE RIVER
WEISER RIVER
WEISER RIVER
RUBICON CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:	T19N R01E S21	SWNW	ADAMS County
	S29	NENE	ADAMS County
	S30	NENW	ADAMS County
	S32	NESW	ADAMS County
	S33	NENW	ADAMS County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
19N	01E	21	:					:				S	:					:					:	
19N	01E	29	:	S				:					:					:					:	
19N	01E	32	:					:					:	S				:					:	
19N	01E	33	:					:	S				:					:					:	

Place of use Legal Description for: COMMERCIAL

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
19N	01E	17	:					:					:					:					C	:	
19N	01E	20	:	C		C		C		C			:				C	:	C		C		C	:	
19N	01E	21	:					:		C			:	C		C		:						:	
19N	01E	28	:			C		C		C		C	:	C		C		:		C		C		:	
19N	01E	29	:			C		C		C		C	:	C		C		:	C		C		C	:	
19N	01E	30	:	C				C					:					:	C				C	:	
19N	01E	31	:	C				C					:					:	C			C		C	:
19N	01E	32	:	C		C		C		C		C	:			C		C	:	C		C		C	:
19N	01E	33	:							C		C	:	C		C		C	:	C		C		C	:
19N	01W	32	:										:			C		C	:					:	
19N	01W	33	:			C		C					:			C		C	:	C		C		C	:

Place of use location for FIRE PROTECTION is the same location as described for: COMMERCIAL

POU County: ADAMS

Non-Irrigation Uses: S/800 RANGE, C/ DUST ABATEMENT FOR ROADS

Other Rights: NONE

AJ5809NP
No. A67-04572

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/12/00
PAGE: 3

Remarks: GEN SOURCES ARE UNNSTREAMS, TRIB. RUBICON CK.; WEISER R., TRIB. SNAKE
R.,; UNNAMED STREAM, TRIB. WEISER R.; RUBICON CK.,TRIB. WEISER R.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed GERALD MEYERS *as*
WATERMASTER *of* WEISER RIVER WATER DISTRICT *for*
THE 2000 IRRIGATION SEASON *or until his successor is appointed and qualified*
under the provisions of Section 42-605 *, Idaho Code, at such rate of compensation as established by*
applicable law.

This certificate has been issued and the seal of the
Director affixed at Boise, Idaho this 30th
day of MARCH *19*2000.



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

MAR 29 2000

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

County of Washington & Adams SS

OFFICIAL OATH

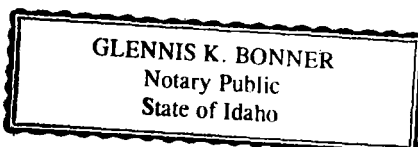
I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution and laws of the State of Idaho, specifically including the provisions of Section 42-605 and 42-607, Idaho Code and that I will faithfully discharge all the duties of the office of Watermaster according to the best of my ability. So help me God.

Gerald K. Myers
Principal

SUBSCRIBED AND SWORN to before me this 28th day of Mar, 2000 ^{JB}

Glenn K. Bonner
NOTARY PUBLIC
Residing at Midvale, Idaho
Commission Expires 4/6/06

SEAL



WATERMASTER'S PROPOSED BUDGET 2000

WATER DISTRICT 67

	1999 Proposed Budget	1999 Actual Budget	2000 Proposed Budget
Watermaster Salary	11,000.00	11,000.04	11,000.00
Deputies Salaries	8,400.00	5,450.00	8,400.00
Secretary Salary	700.00	700.00	700.00
State Insurance Fund	920.00	489.42	798.00*
Insurance	100.00	100.00	100.00
Telephone	200.00	59.05	200.00
Social Security	1,600.00	1,277.55	1,600.00
Miscellaneous	200.00	30.00	200.00
Mileage @ .31	4,000.00	1,878.60	4,000.00
Water Association Fee	3,500.00	3,500.00	3,500.00
Postage	30.00	19.41	30.00
TOTALS	30,650.00	24,504.07	30,528.00
*Dividend of \$258.04 received			
Bank Savings Account		23,567.26	
Bank Checking Account		14,188.29	
Ending Balance for 1999		37,755.55	
Receivables:			
Washington County		22,212.60	
Adams County		4,049.15	
TOTAL		26,261.75	
2000 Assessment for 42,260.01 inches at .55/inch			23,243.01
Minimum of 7.50 for 199 water rights			1,492.50
TOTAL 2000 ASSESSMENT			24,735.51

SUGGESTED ANNUAL MEETING AGENDA

- Meeting called to order by the Chairman**
- Reading of last years meeting minutes- Secretary**
- Old Business**
- New Business**
- Elections**
 - Chairman**
 - Secretary**
 - Treasure**
 - Watermaster**
 - Advisory Committee**
- Treasurer Report**
- Presentation of previous year Watermaster Report- Watermaster**
- Proposed budget for the new year- Watermaster**
- Adoption of a Budget**
- Adoption of District Resolutions**
- Time and place for next years meeting**
- Adjournment**

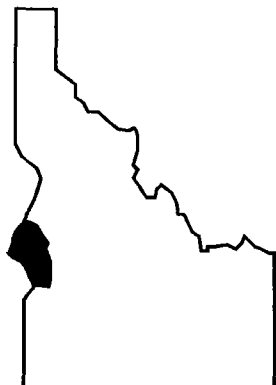
Mtg - 1st Mon. in Feb - February 4, 2002

Gary,

*Weiser River WD Meeting 1:00 PM
Kays Cade, Cambridge*

- Please give Oath to elected Watermaster.*
- Meeting agenda if they request it.*

John



Water District 67

2165 Seid Creek Road
Cambridge, ID 83610

RECEIVED

FEB 22 2000

WATER RESOURCES
WESTERN REGION

Watermaster: Gerald Myers
355-2345

Chairman: Vernon Lolley
549-0248

Secretary: Mary Ellen Pugh
257-3790

February 10, 2000

ANNUAL MEETING OF WATER DISTRICT NO. 67

FEBRUARY 8, 2000

The annual meeting of Water District 67 was called to order at 1:00 p.m. by Milton Kerner at Kay's Cafe on February 8, 2000.

Milton Kerner resigned his position as chairman and turned the meeting over to Mary Ellen Pugh who called for nominations for chairman. Harmon Horton and Vernon Lolley were both nominated; however, Vernon was elected chairman for the year by the group. His nomination was made by Dale Barton and seconded by Gail Van Tassell. John Sachtjen made a motion to elect Mary Ellen Pugh as secretary/treasurer which was seconded by A. G. Salfen and the motion carried.

The members of the Credential Committee appointed by the chairman are:

Butch Snorgrass
John Sachtjen
Laurie Chandler
Vernon Lolley
Harmon Horton
Paul Striker

Council
Cambridge
Monroe Creek
Weiser
Midvale
Mann's Creek

Vernon Lolley appointed an Advisory Committee for the year consisting of himself and:

Ladell Merk
Randy Noah
John Sachtjen
Wendell Walker
Harmon Horton
Paul Striker
Laurie Chandler

Council
Cambridge
Cambridge
Sunnyside
Midvale
Mann's Creek
Monroe Creek

Vernon Lolley
John Lewallen

Weiser
Institute Ditch

Next Gerald Myers presented the proposed 2000 budget. As there were no changes for the coming year, A. G. Salfen made a motion to accept the proposed budget. John Sachtjen seconded the motion and the proposed budget was passed. The budget is attached to these minutes.

John Sachtjen made a motion to elect Gerald Myers as the watermaster for 2000, seconded by LeeRen Walker, and the motion carried. Jerry mentioned in August when there was a swift current in one of the creeks, he slipped on some rocks and hurt his leg. He's been on blood thinners to remove the blood clots. In February he will visit the doctor again for more treatment. While he's been on the injured list, his wife, Joan, has been reading the water flows.

Gail Van Tassell made a motion to elect the following people as deputies for the 2000 season:

Bosco Bosler
Norma Ratcliff
Bruce Gochmour
Robert Stringer
Jackie Wray
Jim Brown
Joan Myers

Rush Creek
Council
Galloway
Sunnyside
Weiser
Mann's Creek/Monroe Creek
District 67

Jerry mentioned the need to have another person learn the locations of all the turn out points for Water District 67 in case of an emergency. Bob Cox expressed some interest in this. Water District 67 should begin looking for a new watermaster as this will be Jerry's last year.

John Westra from the Department of Water Resources stated that the readjudication of the Snake River water rights is still on schedule. Joe Jordan mentioned two cases coming before the courts should be watched since they could affect our water rights. One case involves the Native Americans who claim they sold their land but not the water rights; the other involves unappropriated water on federal ground remaining with the wilderness area.

Currently the snow pack is 40—50 percent of normal with 28 percent moisture; so the district may be somewhat short of water this summer.

There was a question regarding stock water being turned off. Stock water is treated as any other water right and is turned off according to its date with Water Resources.

Harmon Horton made a motion to notify Washington and Adams Counties to collect the money for Water District 67 through the tax system and send it to the district. John Sachtjen seconded this motion, and it carried unanimously.

A. G. Salfen made a motion to hold the next annual meeting for Water District 67 on Monday, February 5, 2001, at 1 p.m. at Kay's Cafe and to pay the cafe \$30 for the use of their room. Harmon Horton seconded the motion and the motion carried.

Colonel Bob Brown presented a plan to raise Lost Valley Reservoir to promote trout fishing; however, another group is already well underway on this project.

Harmon Horton made a motion to adjourn the meeting, seconded by Dale Barton. The meeting adjourned at 2:15 p.m. The following people attended the meeting:

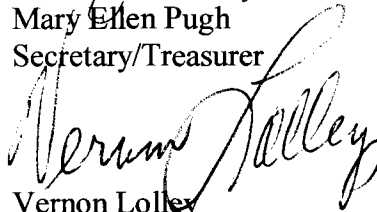
Bert Pattee
John Westra
R. J. Brown
Joe Jordan
Harmon Horton
Dale Barton
Joe Hinson

Jeri Bemis
John Sachtjen
Gail Van Tassell
Bob Cox
Ladell Merk
Gerald Myers
Milton Kerner

Vernon Lolley
A. G. Salfen
Charles Haight
Chester Madsen
Randy Noah
Mary Ellen Pugh

Respectfully submitted,


Mary Ellen Pugh
Secretary/Treasurer


Vernon Lolley
Chairman

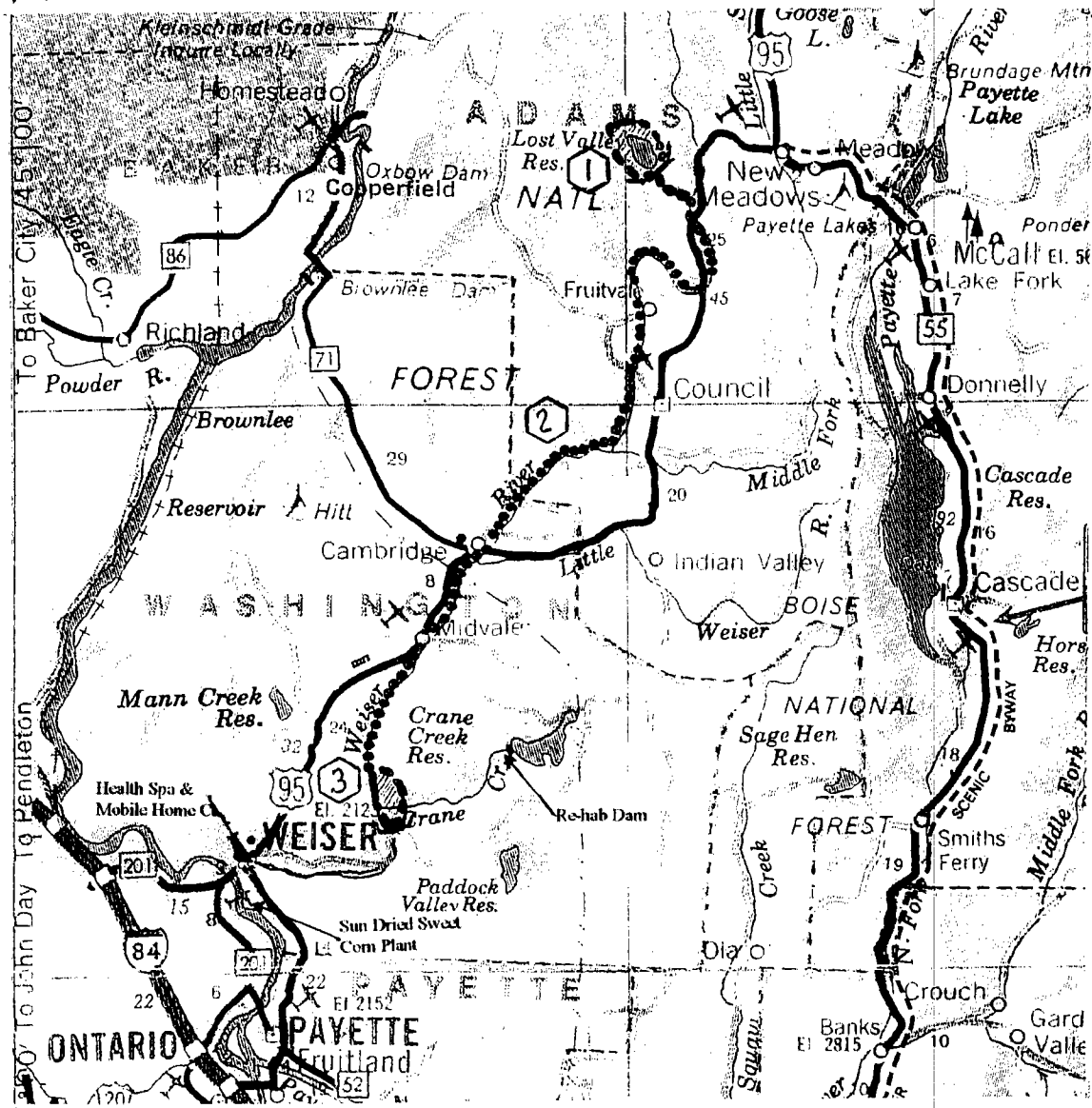
Attachment

cc: Adams County
Washington County
Gerald Myers
Department of Water Resources

WEISER RIVER PROJECT

A PROJECT TO MAKE A BLUE RIBBON TROUT
STREAM OUT OF THE WEISER RIVER

PROJECT SUPERINTENDENT - ROBERT J. BROWN



① ENLARGE LOST VALLEY DAM 20 FEET TO STORE
30,000 ACRE FEET OF ADDITIONAL WATER

② BLUE RIBBON TROUT STREAM LOCATION

③ BUILD GALLOWAY STORAGE DAM TO RECOVER FISH
RELEASES FROM LOST VALLEY RESERVOIR AND
IRRIGATE LANDS IN AREA

DATE AUG. 25 1997