/ Orig

Sheryl Howe ✓

Western Region

WD 65 File ___

WATER DISTRICT NO. 65
102 N. Main St.
Payette, Idaho 83661
Phone (208) 642-4465
Fax (208) 642-1042

May 1, 1995

RECEIVED
MAY 0 3 1995
Department of Water Resources

Local Advisory Committee Meeting

AGENDA

1. Watermaster's Report

2. Approval of lease/rental agreements allowing the Bureau of Reclamation to move 95,000 acre feet of uncontracted storage water through the Water Bank for the 1995 season. Bureau has indicated a willingness to rent an additional 70,000 acre feet from the Water Bank for the 1995 season as available after July 31, 1995.

3. Final approval of Water District cost share on Lower Payette Ditch Company's measuring device. Preliminary approval was already granted to Lower Payette to install this device. Final approval merely allows for a review of bills to determine actual costs incurred as a basis for cost share.

4. Bureau of Reclamation Report.

5. Idaho Department of Water Resources Report.

6. Adjourn.

RECEIVED
MAY 1 1 1995
WATER RESOURCES
WESTERN REGION

ADVISORY BOARD MEETING MINUTES
WATER DISTRICT NO. 65
MARCH 9, 1995

The Advisory Board of Water District No. 65 held a meeting in the office at 102 N. Main, Payette, Idaho, on March 9, 1995 at 1:30 in the afternoon.

Those present were Duane Van Leuven, Virgil Johnson, Marc Shigeta, W.L. Charters, Jay Sisler, Steve Dobson, Leonard Arbuckle, Keith Standley, Dennis Lammey, Steve Russell, Dale Krause, Jerry Anderson, Karl Siller, Mark Limbaugh (WM., WD65), Rick Wells (BOR), Brick Andrew (Chair), Bob Henggeler, Dave Tuthill, Jr. (IDWR), Cecil Shurleff, Cheryl Howe (IDWR), Jerrold Gregg (BOR), and Marcia Herr (Secretary).

The meeting was called to order by Chairman Andrew, who stated that the main purpose of the meeting was to establish the assessment rate for the Water District.

Chairman Andrew welcomed Rick Wells, BOR Hydrologist, Dave Tuthill, IDWR Western Region, and Cheryl Howe, IDWR Water Accounting.

Chairman Andrew stated that any and all questions from those present were welcome and indicated he would assist in answering these questions either himself or by referring them to others who could answer them.

Chairman Andrew then introduced Mark Limbaugh, Watermaster for Water District No. 65. Mark presented the financial statement as of the end of February. Detailed information is in the permanent records at the Water District office. He also presented a listing of water users from Gardena to the confluence, and the number of acres irrigated with the projected assessment at $.50/acre. The total assessment based on the acres presented was $70,864.29. The extra assessment over and above the $70,000 cap voted in at the last meeting would act as a cushion in case some assessments were adjusted or not collected, and if collected, would be credited back to all users next year through the 1996 assessments. Non-consumptive users were also reflected in the assessment listing. A minimum fee of $10.00 per user was suggested by Dave Tuthill to cover costs of mailing and other services to the user, and is consistent with other water districts in the State. The number of acres irrigated were obtained through research of the IDWR Water Right system, and were based on the number of acres filed on for each water right. Chairman Andrew explained that the power plant at the Black Canyon Dam was purposely omitted from assessment as costs allocated to the dam were passed on the irrigation districts, who were already paying their share of the assessment. If questions arise to the number of acres used for a particular user, the issue is open for discussion so that the user is satisfied.

Motion was made by Bob Henggeler, seconded by Duane Van Leuven, to set a $10.00 minimum charge per user, assess $.50/acre irrigated, assess non-consumptive users a flat fee of $200, and set a June 1, 1995 due date for these charges. Motion passed unanimously.

As per the financial report by the Watermaster, on February 28, 1995, cash on hand in the checking account is $7,164.77, savings account is $32,228.92, and certificates of deposit are $100,000.00 at a 7% rate for 6 months.

Mark stated that he was asked to serve on the Idaho Water Users Association Legislative Committee. In his Legislative report, Mark indicated that H.B. 91, regarding an attempt to do away with the last-to-fill provisions, has been withdrawn by the author. S.B.1197, on water quality, is held in committee at this time. This bill calls for a water quality plan to be in place on the river and its watershed. Best management plans would be called for on return flows shown to be a source of non-point pollution. These BMPs would not be mandatory due to an amendment to the bill. H.B. 284 deals with canal company easements to

maintain canals and ditches. It is in committee at this time, but considerable efforts have been made to defeat this bill by private property rights groups.

Rick Wells, BOR Hydrologist, reported that the water outlook was good right now. They are continuing with winter operating procedures with minimum flow releases. He anticipates Deadwood to fill mid-June and Cascade to fill mid-June as well. Natural flow will dominate flows until mid-July, he said. The HydroMet gauge at Cascade Dam was discussed. The gauge is not operating accurately at this time. The USGS is looking into an Acusonic gauge downstream from the power plant at some future date. A review of the flood control curve is scheduled to be released mid to late April.

Jerrold Gregg, BOR Area Manager, spoke about the Biological Opinions released March 1, 1995. They deal with the salmon, sturgeon, and snails on the Snake River system. Copies are available from BOR. The Bureau has been charged with obtaining 427,000 acre feet of storage water to release for flow augmentation efforts from the Upper Snake River Basin. A willing buyer-willing seller format will be followed, and will be in accordance with State law. If these flows are to continue on an annual basis, he said that approximately 900,000 acre feet of storage will be needed to satisfy this amount. Because of the high cost of obtaining this amount of storage space permanently, long term (10-20 year) leases will be considered. Mr. Gregg indicated that districts with contracted storage space are required to have updated conservation plans on file with the Bureau every five years.

Water measuring in the District was discussed. Consensus was reached that measuring should start early in dry years. Jay Sisler asked that users be notified when water measuring commenced. It was brought up that water measurement was a protection for the users on the system in order to account for beneficial use all season.

Keith Standley inquired about Emmett Irrigation District leasing water to the Water Bank for rental prior to June 1, 1995. The Watermaster will research this issue.

Dave Tuthill introduced Cheryl Howe, IDWR, who will be working with the Water District on water accounting for the coming year. Dave spoke about the Bureau's application for transfer of use on the Cascade and Deadwood water rights. For the past four years, the Bureau has been able to release uncontracted and leased storage water downstream for flow augmentation for the salmon without the State Director's approval. This authority ends after the 1995 season and requires a change in the water right for this to be done legally in the future. The application to accomplish this change has not been filed yet by the Bureau, but they have indicated that this application will be filed in the near future. Dave praised the new Watermaster for his early efforts on behalf of the Water District.

Jay Sisler questioned the sale of water rights to the BOR. His concern was that the rights could be moved to another state. Jerrold Gregg said the Bureau would not change the place of use to another state. The flows of uncontracted storage water downstream were for Endangered Species flow augmentation and wildlife enhancement. There is a study in progress to determine the economic effect on Counties and the State of Idaho of purchases of water rights from willing sellers, and it should be out after April 1, 1995.

A regular schedule of meetings for the Advisory Board was not set. Motion made by W.L. Charters, seconded by Jay Sisler, to call meetings as necessary with a 7-10 day notice of the Board. Motion carried.

The Watermaster will be mailing out a newsletter to all the users on the river periodically.

There being no other business to come before the Advisory Board at this time, the meeting was adjourned by Chairman Andrew.

Respectfully submitted,
Marcia Herr, Secretary

ADVISORY BOARD MEETING MINUTES
WATER DISTRICT NO. 65
APRIL 10, 1995

The Advisory Board of Water District No. 65 held a meeting in the office at 102 N. Main, Payette, Idaho, on April 10, 1995 at 8:00 in the evening.

Those present were Duane Van Leuven, Virgil Johnson, Marc Shigeta, Helen Bivens, W.L. Charters, Jay Sisler, Steve Dobson, Leonard Arbuckle, Keith Standley, Dar Olberding, Roy Maxwell, Dale Krause, Tom Pulley, Doug Freeberg, Ed Obermeyer, Mark Windward, C. Eugene Parks, John Hartman, Jerry Anderson, Karl Siller, Mark Limbaugh (WM., WD65), Rick Wells (BOR), Brick Andrew (Chair), Bob Henggeler, Sherl Chapman (IWUA), Dave Tuthill, Jr. (IDWR), Cecil Shurleff, Cheryl Howe (IDWR), Jerrold Gregg (BOR), and Marcia Herr (Secretary).

The meeting was called to order by Chairman Andrew, who welcomed those in attendance. The attendance record in its entirety is attached to these minutes.

The financial report was presented to those present by the Watermaster. On March 31, 1995, cash on hand was checking account, $5,894.67, savings account, $858.44, money market account, $32,004.38, and certificates of deposit, $100,000.00. All other pertinent financial information is on file with the permanent records in the Water District office.

Chairman Andrew introduced Cheryl Howe, IDWR, Dave Tuthill, Jr., IDWR, Jerrold Gregg, BOR, Rick Wells, BOR, and Sherl Chapman, IWUA.

Mark Limbaugh, Watermaster, presented charts depicting river flows at the Horseshoe Bend gauge on the Payette River for the past 5 years. He compared similarities and differences between the flows for each year. Mark also compared snow levels for the past 3 years, and indicated that 1995 snow levels lead the 1993 snow levels as of April 1 of those years. The 1994 snow levels were substantially lower than the other years.

Rick Wells, BOR Hydrologist, presented several graphs depicting storage space of Cascade and Deadwood Reservoirs. He also presented a chart of proposed flood control releases as they related to projected runoff and storage space available for that runoff. Both reservoirs have been maintaining minimum releases during the winter months. The Bureau will begin releases for flood control at Cascade immediately and hold the reservoir steady for a period of time, then start refilling around early May. The reservoir is expected to fill by late June. Deadwood Reservoir will fill and spill as there is no Damkeeper on duty there at this time, and should fill by mid-June. Currently, snow levels continue to accumulate at higher elevations. Releases will be increased gradually as to not disrupt flows with high spill amounts. As runoff occurs, the releases will be regulated to maintain a 12,000 cfs flow at Horseshoe Bend or less. Power plant capacity at Cascade is 2,300 cfs.

Emmett Irrigation District proposed to lease 10,000 acre feet of storage space to the Water Bank, to be rented prior to June 1, 1995, for the purposes of flow augmentation downstream for salmon. Jerrold Gregg, BOR Area Manager, declined to rent this water due to ample flows at this time of year. Flow augmentation this season will probably not be required until late June or early July. Some years, when flows are tighter due to less runoff, a rental of water at this time of year could be possible, if the Water Bank rules of procedure were modified. Chairman Andrew thanked Mr. Gregg for his efforts and praised Emmett Irrigation District for proposing an innovative way of leasing water to the Water Bank.

Chairman Andrew called to the attention of the Advisory Board the Bureau's request to run 95,000 acre feet of uncontracted storage water through the Water Bank for flow augmentation downstream during 1995, and the Bureau's attempt to lease an additional 70,000 acre feet of contracted storage water from the

Water Bank's Rental Pool during 1995 as well for the same purpose. According to the Water Bank Rules of Procedure, dated July 31, 1992, the space holder receives $2.00 per acre foot of water rented, Rental Pool fees of $.50 per acre foot go to the Water Bank, and the $.20 per acre foot IDWR fee is sent to IDWR Board. The last to fill clause in the Rules causes an additional $2.00 to be collected from the lessee, to be paid to the lessor if the storage space leased does not fill during the coming year. An additional $.50 Rental Pool fee is collected for the Water Bank at that time. This $2.00 last to fill cost is reimbursed back to the lessee in the event the space does fill during the coming year; however, the Rental Pool fee is nonrefundable.

Dave Tuthill, Jr., IDWR, indicated that the Water District Advisory Board had the ability to modify the Rules of Procedure to accomplish a lease/rental agreement proposed by Emmett Irrigation District simply by waiving the March 1 cutoff date as described in the Rules. As for the Bureau's application for transfer of use on the Cascade and Deadwood water rights, Dave indicated that the Bureau had filed them last year, but they were put on hold temporarily by the Bureau. These applications call for a transfer of use on these water rights from irrigation and power, as they read now, to include downstream endangered salmon flow augmentation and wildlife enhancement as well. Last year, the special legislative approval allowing these flows to occur was extended to 1995. After 1995, this transfer will be needed to allow these uses to continue downstream. IDWR is now awaiting final word from the Bureau as to the applications on file with the Department. BOR attorneys are reviewing the applications and will decide whether to proceed with the filing at this time or delay filing. The Department will advise the Watermaster as to the fate of these applications. The Bureau can amend the applications prior to the advertising process. When the applications are advertised, the Department will notify all affected parties. Users affected can protest the applications, but the Water District cannot file a protest. After a protest is filed, IDWR holds a hearing to try and resolve the protest or depose the protestant's complaint. The Director then makes a decision either to allow the transfer or deny it. At this point, the decision can be appealed to District Court and then to the Idaho Supreme Court. A question arose as to whether State law would have to be changed to allow the transfer to occur. Sec. 42-222, Idaho Code, allows for a change in the nature of use on a water right. This statute has been in effect for 12-15 years. Offers for either storage space in reservoirs or in-stream water rights have been running around $100.00 per acre foot in some areas of the State. This is not a lease, but an outright purchase of a water right. It must be from a willing seller, and for the buyer to use the right for anything other than its intended use, they must first be granted a transfer of use through the Department.

Dave also announced the appointment of Mr. Karl J. Dreher to the Director's position at IDWR by the Governor. Mr. Dreher is from Colorado and will arrive in Boise around May 15, 1995. Mr. Higginson's resignation is effective May 5, 1995.

Sherl Chapman, Executive Director of the IWUA, spoke about salmon issues, the Biological Opinion, the recovery plan, the Coalition for Idaho Water, education opportunities for managers and assistant managers, the new Director, and the Nez Pierce water rights dispute.

Jerrold Gregg, BOR, mentioned the meeting on operations of the river for the 1995 season to be held in Emmett on Thursday, April 27. He also spoke briefly about the Bureau's Snake River Resource Review, a 3-5 year project.

These minutes were to be mailed prior to the next meeting; however, technical difficulties have prevented this from happening. The minutes will be presented at the next meeting.

There being no other business to come before the Advisory Committee, Chairman Andrew adjourned the meeting.

Respectfully submitted,
Marcia Herr, Secretary

Water District No. 65
Balance Sheet
As of December 31, 1994

	Dec 31, '94
ASSETS	
Current Assets	
Checking/Savings	
Checking - Water Dist.	1,086.31
Savings - Rental Pool	228,649.13
Total Checking/Savings	229,735.44
Total Current Assets	229,735.44
Fixed Assets	
Field Equipment	10,127.00
Office Equipment	1,252.32
Total Fixed Assets	11,379.32
TOTAL ASSETS	**241,114.76**
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Deferred Revenues	17,500.00
IDWRB Fees Payable	3,364.50
Payroll Liabilities	517.99
Water Rentals Payable	82,545.50
Total Other Current Liabilities	103,927.99
Total Current Liabilities	103,927.99
Total Liabilities	103,927.99
Equity	
Opening Bal Equity	137,186.77
Total Equity	137,186.77
TOTAL LIABILITIES & EQUITY	**241,114.76**

WATER DISTRICT #65

BALANCE SHEET

Through PERIOD - 12 - Ending 12/31/94

REPORT DATE - 12/31/94 PAGE - 1

ASSETS		
CURRENT ASSETS		
CHECKING-WATER DISTRICT	1,086.31	
SAVINGS-WATER DISTRICT	132,228.92	
SAVINGS-WATER RENTAL POOL	96,420.21	
TOTAL CURRENT ASSETS		229,735.44
FIXED ASSETS		
OFFICE FURNITURE & EQUIPMENT	11,379.32	
TOTAL FIXED ASSETS		11,379.32
TOTAL ASSETS		241,114.76

WATER DISTRICT #65

BALANCE SHEET

Through PERIOD - 12 - Ending 12/31/94

REPORT DATE - 12/31/94 PAGE - 2

LIABILITIES & EQUITY

CURRENT LIABILITIES		
STATE WITHHOLDING-EMPLOYEE	517.99	
DEFERRED REVENUE-IDAHO POWER	94,500.00	
TOTAL CURRENT LIABILITIES		95,017.99
TOTAL LIABILITIES		95,017.99
EQUITY		
RETAINED EARNINGS	166,475.21	
NET PROFIT	(20,378.44)	
TOTAL EQUITY		146,096.77
TOTAL LIABILITIES AND EQUITY		241,114.76

Water District No. 65
Balance Sheet
As of April 30, 1995

	Apr 30, '95
ASSETS	
Current Assets	
Checking/Savings	
CD's- Rental Pool	100,000.00
Checking - Water Dist.	4,561.77
Money Market Savings	150,512.41
Savings - Rental Pool	858.44
Total Checking/Savings	255,932.62
Accounts Receivable	
A/R - Assessments	15,089.65
A/R - Rental Pool	4,732.29
Total Accounts Receivable	19,821.94
Other Current Assets	
Undeposited Funds	74.00
Total Other Current Assets	74.00
Total Current Assets	275,828.56
Fixed Assets	
Field Equipment	10,127.00
Office Equipment	5,269.64
Total Fixed Assets	15,396.64
TOTAL ASSETS	**291,225.20**
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Deferred Revenues	47,500.00
IDWRB Fees Payable	1,040.62
Payroll Liabilities	843.91
Water Rentals Payable	7,271.00
Total Other Current Liabilities	56,655.53
Total Current Liabilities	56,655.53
Total Liabilities	56,655.53
Equity	
Opening Bal Equity	137,186.77
Net Income	97,382.90
Total Equity	234,569.67
TOTAL LIABILITIES & EQUITY	**291,225.20**

05/01/95

Water District No. 65
Budget Comparison
January through April 1995

	Jan - Apr '95	Budget	% of Budget
Ordinary Income/Expense			
Income			
Admin. Fee Revenue			
Admin. Fees - BOR	42,113.75	89,500.00	47.1%
Admin. Fees - Others	8,679.00	9,000.00	96.4%
Total Admin. Fee Revenue	50,792.75	98,500.00	51.6%
Assessment Rev.	70,127.66	70,000.00	100.2%
Expense Reimbursements	390.81		
Grants			
State	0.00	3,075.00	0.0%
Total Grants	0.00	3,075.00	0.0%
Rental Income - Noble	0.00		
Total Income	121,311.22	171,575.00	70.7%
Expense			
Advertising	0.00	300.00	0.0%
Automobile Expense	570.14	5,500.00	10.4%
Computer Services	0.00	200.00	0.0%
Cost - Share Program	0.00	25,000.00	0.0%
Director's Fees	0.00	50.00	0.0%
Interest Expense			
Rental Pool	1,920.21		
Total Interest Expense	1,920.21		
Miscellaneous	75.00	100.00	75.0%
O & M - River Guage	0.00	15,000.00	0.0%
Office Rent	409.50	1,638.00	25.0%
Office Supplies	523.55	800.00	65.4%
Payroll Expenses			
Benefits - Medical	1,224.30	4,250.00	28.8%
Benefits - Retirement	121.50	554.00	21.9%
Bonuses	5,000.00	5,000.00	100.0%
Salary - Deputy & Asst.	0.00	5,586.00	0.0%
Salary - Office Asst.	1,820.42	8,726.00	20.9%
Salary - Watermaster	9,999.00	40,000.00	25.0%
Total Payroll Expenses	18,165.22	64,116.00	28.3%
Payroll Taxes			
FICA	843.74		
FUTA	200.32	250.00	80.1%
Medicare	197.33		
SUI	260.49		
Payroll Taxes - Other	0.00	5,570.00	0.0%
Total Payroll Taxes	1,501.88	5,820.00	25.8%
Postage and Delivery	192.00	600.00	32.0%
Printing and Reproduction	124.43	100.00	124.4%
Professional Fees			
Accounting	0.00	1,000.00	0.0%
Legal Fees	0.00	2,500.00	0.0%
Total Professional Fees	0.00	3,500.00	0.0%
Radio Rent	40.00	120.00	33.3%
Repairs	20.50	100.00	20.5%
Telephone	645.92	800.00	80.7%
Travel & Ent			
IWUA Conv. Fees	217.70	600.00	36.3%
Travel	0.00	200.00	0.0%
Total Travel & Ent	217.70	800.00	27.2%
Utilities	156.17	400.00	39.0%
Total Expense	24,562.22	124,944.00	19.7%

Water District No. 65
Budget Comparison
January through April 1995

	Jan - Apr '95	Budget	% of Budget
Net Ordinary Income	96,749.00	46,631.00	207.5%
Other Income/Expense			
Other Income			
Interest Income	633.90		
Total Other Income	633.90		
Net Other Income	633.90		
Net Income	**97,382.90**	**46,631.00**	**208.8%**

OFFICE OF THE GOVERNOR

STATE CAPITOL

BOISE 83720-0034

PHILIP E. BATT
GOVERNOR

(208) 334-2100

April 25, 1995

Post-It™ brand fax transmittal memo 7671 | # of pages ▸ 3

To Mark Lemberger	From Sherl
Co.	Co.
Dept.	Phone #
Fax # 642-1042	Fax #

Mr. William Stelle
Regional Director
National Marine Fisheries Service
7600 Sand Point Way, N.E.
Seattle, Washington 98115-0070

Dear Mr. Stelle:

The improved health of the Snake River run of anadromous fish, and particularly of the sockeye salmon, has many supporters. I count myself among them.

A large group of the advocates holds forth an opinion that signing on to one of many proposed plans would assure recovery of the endangered population. I wish that were so, but I don't believe it to be the case.

There are many factors battering these great fish: indiscriminate commercial over-harvest since the 1890's; sea otter predation; in-stream gill netting; ocean fishing; pollution; construction of dams and other impediments to river passage; killing of fish by the turbines; and various other factors.

One of these key factors is the ongoing change in climatic conditions of our oceans. There has been a precipitous decline in anadromous fish runs in all the western U.S. coastal river systems. To the contrary, runs in the far north are flourishing, and Alaska is awash in salmon.

Scientists are at odds about how to help our Snake River run of salmon and steelhead. Most of the prominent proposals entail augmenting flows in the river with stored Idaho water. This, in theory, would abate the adverse effect of the dams. Although there is plenty of conjecture about the benefits of these plans, there is no definitive evidence that the increased flows would help.

The cumulative Snake River annual flow at Lewiston averages

36 million acre feet. Furthermore, the prediction for this year is that 20.7 million acre feet of flow will pass Lewiston from May 1, to July 31. This compares with some 2-1/2 million acre feet of Idaho storage water being asked for in most plans. The fact is that the amount to be obtained from storage is puny compared with natural flows already committed to the river.

But the devastation to historic Idaho users from losing 2-1/2 million acre feet is unmistakable. Irrigation and other commercial use is decreased. Recreation and resident fishing is severely impacted. The survival of other endangered or threatened species such as resident fish and mid-snake snails is impacted.

Therefore, we should be extremely reluctant to commit our precious storage water supplies to unproven experiments, and it is absolutely essential that we don't make such commitments on an ongoing basis. This good water year follows some eight dry seasons.

Testimony in Congress about the use of water flows has not indicated faith in the efficacy of this process, and, in the case of abnormal spills, the testimony indicates serious adverse effects. When Senator Kempthorne asked Dr. John Zirschky, Acting Assistant Secretary of Army for Civil Works Programs, to elaborate on the lack of scientific data on the life cycle of the salmon, Dr. Zirschky responded, "One of our difficult issues to work with on the salmon issue is that there are a number of things other than just hydropower that affect the survival of the salmon. What the public sees, though, in their mind, are dams. They're big, they're easily seen, drawing the water level down has significant effects. We don't believe that we accurately know what percentage of the problem is caused by the dams nor do we have good data on how changes in operation affect the survival of the salmon."

Senator Kempthorne referenced the thousands of dead kokanee salmon which resulted from previous spills and asked the doctor if such spills and the accompanying increased levels of dissolved nitrogen were harmful to the fish. The doctor responded, writing, "It is my understanding that the National Marine Fisheries Service personnel found symptoms of gas bubble disease in juvenile salmon following the spilling of the lake water."

Dr. Nancy Foster, Deputy Assistant Administrator for Fisheries at NMFS, added to those comments, saying, "With regard to the experimentation of the spilling over the eight dams; we stopped that, it was determined that we had the nitrogen level that was such that it was causing damage to both the species we were trying to protect as well as other species."

I offer the forgoing expert testimony to amplify my reluctance to endorse proposed water-based remedies to this problem.

Now, in this water year, (1994-1995) we are blessed with good supplies. Furthermore, the 1995 class of salmon smolts is the largest in many years and is destined to be the largest for many years to come. In view of this convergence of favorable conditions, I am willing to participate in one year, scientifically sound, water-based experiments within the following parameters:

(1) No participation can be construed as setting a precedent for future dry years.

(2) Studies addressing the relationship of flow augmentation and salmon survival must be obtained through careful monitoring and sound science.

(3) No severe impact on Idaho's tourism or our resident fish population may occur.

(4) This important class must be carefully followed and protected during the next three years when it's life cycle is completed.

(5) No damage may be done to the salmon or other resident fish as a result of increased nitrogen levels from experimental spills.

In the meantime, we should install fish-friendly turbines in the dams, carefully control harvest, vigorously pursue the promising experiments with fish by-passes to the dams, and take any other economically feasible measures to help in the recovery program.

Very truly yours,

Philip E. Batt
Governor

PEB:jlm

ACREAGE LIMITATION AND WATER CONSERVATION RULE HEARINGS TO BE HELD

The Bureau of Reclamation has released its Acreage Limitation Rules and Draft EIS for water conservation plans. The evaluation of new rules regarding eligibility of lands for irrigation water and proposals to encourage water conservation was required by a settlement agreement filed with the federal district court in Sacramento, CA, in September, 1993.

The rules contain significant changes from the existing process. The major points are:

1. The definition of a lease is changed from an individual having significant economic risk in the operation of the subject land to one which includes a definition of "possession" of the land by another party. Possession, however, is defined as the authority to make or to prohibit the lessor from making decisions relative to the farming enterprise conducted on the property. This could significantly affect farmers with potato or beet contracts.
2. Equivalency is denied to land not currently subject to equivalency if the Bureau determines that the irrigation of the land could "contribute to hazardous or toxic irrigation return flows".
3. A new process for obtaining and appealing administrative decisions by the Bureau would be established. Decisions would be made by regional directors subject to a variety of procedural "safeguards".
4. The proposed regulations allow districts to increase the reporting and certification threshhold to as much as 240 acres if they meet certain requirements set forth in the regulations and form a "partnership" with the Bureau to meet certain "resource management objectives". Details about such partnership agreements are lacking.

At the same time, the regulations on the Reclamation Reform Act were [illegible] Draft Environmental Impact Statement covering both the Reclamation

Payette River Water Supply Bank

LEASE OF WATER TO WATER SUPPLY BANK

FOR 1995 Irrigation Season

Mail or Deliver to: Watermaster
Water District 65, Payette River

Dear Watermaster:

BUREAU OF RECLAMATION (Name of Organization or Individual) has a storage contract for stored water from CASCADE AND DEADWOOD (Name of Reservoir). BUREAU OF RECLAMATION (Name of Organization or Individual) hereby assigns 95,000 Acre-Feet of storage space/water to the Payette River Water Supply Bank for the 1995 irrigation season. This lease is made pursuant to the Payette River Water Supply Bank Procedures approved by the Idaho Water Resource Board. By this lease you are made the agent of this organization/individual for the rental, delivery, and collection of monies for the above-described water. This lease is made with the understanding that if this water is not rented from the Water Supply Bank in the above-referenced year, the storage space/water will revert to the leasing organization/individual at the end of the irrigation season in that year.

Dated this 11 day of APRIL, 1995.

[signature] (Name of Organization or Individual), by Greg Mayger (Title)

214 BROADWAY
BOISE, ID 83702
(Address of Organization or Individual)

Payette River Water Supply Bank
AGREEMENT TO RENT WATER FROM WATER SUPPLY BANK
FOR 19 95 Irrigation Season

The Committee of Water District 65, being authorized pursuant to Idaho Code Section 42-1765 to lease stored water from water users who own reservoir space and have excess supplies, and to rent said water to requesting parties, does agree to rent to U S Bureau of Reclamation (entity), 95,000 Acre-Feet of water requested for Flow Augmentation (use). This agreement is subject to the adopted Procedures of the Payette River Water Supply Bank and execution of same by the party herein named.

Upon receipt of $ 47,500.00 and the information requested below, the Payette River Watermaster will release to you from storage, at the rate you specify, 95,000 Acre-Feet of stored water between JULY 1 and AUG. 31.

Description of point of diversion: CASCADE OUTLET, DEADWOOD OUTLET
Located in ___ 1/4 ___ 1/4, Sec. ___, T. ___, R. ___;
Other: _____
On source _____ Pump H.P. _____ Lift _____
Headgate _____ (canal name if appropriate)
Description of place of use:
Legal Description: INSTREAM, PAYETTE RIVER
Total number of acres irrigated: _____

_____, by Area Manager, USBR
(Name of Organization or Individual) (Title)

214 Broadway, Boise ID 83702 Dated this 12th day of April, 19 95.
(Address of Organization or Individual)

State of Idaho)
County of Ada)

On this 13th day of April, 1995, before me the undersigned Notary Public in and for said county and state, personally appeared Verrold D. Gregg, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first written.

James B. Brooks

_____
Notary Public in and for Idaho
Residing at: Boise
Commission Expires: 10/13/99

I have accepted the request of _____ to purchase water from the Payette River Water Supply Bank this ___ day of _____, 19___.

_____
Watermaster, Water District No. 65
Agent for the Committee of Water District 65

LOWER PAYETTE DITCH CO.

102 N. Main
PAYETTE, IDAHO 83661
Phone (208) 642-3866

April 11, 1995

Water District # 65
Attention: Mark Limbaugh, Watermaster
102 N Main
Payette, ID 83661

Dear Mark:

The construction of the new measuring flume has been completed, and Lower Payette Ditch Company is now submitting a claim for 50% of the cost of the structure.

Please find enclosed copies of invoices and statements, as well as checks showing payment.

Thank you in advance for any consideration.

Sincerely,

Lower Payette Ditch Company
By: Helen Bivins
Helen Bivins, Secretary

Martin & Martin Builders, Inc.
727 Owyhee Avenue
NYSSA, OREGON 97913

(503) 372-2615

INVOICE

2007

TO
LOWER PAYETTE DITCH CO.
102 N. Main
Payette, ID 83661

DATE: March 31, 1995
CUSTOMER ORDER NO.:
SALESPERSON:
VIA:

TERMS:

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	DIVERSION STRUCTURE & FOOTBRIDGE		
	Original Contract Price	$24,528.32	
	Site Change	5,303.00	
	Design Change	4,389.28	
	TOTAL COST OF STRUCTURE		$34,220.60
	Less 1994 Draw	$ 9,961.06	
	Less 1995 Draw	10,000.00	
	TOTAL ADVANCED		19,961.06
	BALANCE DUE		$14,259.54

ORIGINAL

Thank You!

LOWER PAYETTE DITCH COMPANY
102 NORTH MAIN 642-3866
PAYETTE, IDAHO 83661

№ 5074

PAYETTE OFFICE
FIRST SECURITY BANK OF IDAHO
National Association
2 SOUTH 8TH STREET
PAYETTE, IDAHO 83661
92-6/1241

PAY Nine Thousand Nine Hundred Sixty One and 06/100

DATE 4/ 5/94 | AMOUNT $ 9,962.06

TO THE ORDER OF Martin & Martin Builders, Inc.

LOWER PAYETTE DITCH COMPANY
Allen Sotteberg
Helen L. Givins

[redacted]

⑈0000996 206⑈

SP1000 I C SECURITY PRINTERS, INC.

LOWER PAYETTE DITCH COMPANY
102 NORTH MAIN 642-3866
PAYETTE, IDAHO 83661

№ 5508

PAYETTE OFFICE
FIRST SECURITY BANK OF IDAHO
National Association
2 SOUTH 8TH STREET
PAYETTE, IDAHO 83661
92-6/1241

PAY Ten Thousand and no/ 100

DATE 2/ 15/95 | AMOUNT $ 10,000.00

TO THE ORDER OF Martin & Martin Builders, Inc.

LOWER PAYETTE DITCH COMPANY
Allen Sotteberg
Helen L. Givins

[redacted]

⑈000 1000000⑈

SP1000 I C SECURITY PRINTERS, INC.

LOWER PAYETTE DITCH COMPANY
102 NORTH MAIN 642-3866
PAYETTE, IDAHO 83661

№ 5596

PAYETTE OFFICE
FIRST SECURITY BANK OF IDAHO
National Association
2 SOUTH 8TH STREET
PAYETTE, IDAHO 83661
92-6/1241

PAY Fourteen Thousand Two Hundred Fifty Nine and 54/100

DATE 4/11/95 | AMOUNT $ 14,259.54

TO THE ORDER OF Martin & Martin Builders, Inc.

LOWER PAYETTE DITCH COMPANY
Allen Sotteberg
Helen L. Givins

[redacted]

SP1000 I C SECURITY PRINTERS, INC.