

March 30, 1994

Keith Bramwell, Secretary
PO Box 65
Dubois, ID 83423

RE: Water District No. 31

Dear Mr. Bramwell:

We acknowledge receipt of the Minutes of the Annual
Watermaster's Election Meeting held in your district.

Sincerely,

Lisa Keiser
Office Secretary

RECEIVED
MAR 24 1994
Department of Water Resources

RECEIVED
MAR 29 1994

Department of Water Resources
Eastern District Office

Garth Soderquist
Chairman

Donald Shenton
Watermaster

Keith A. Bramwell
Secretary

WATER DISTRICT #31

Dubois, Idaho

CLARK AND JEFFERSON COUNTIES, IDAHO

MINUTES OF THE ANNUAL MEETING OF MARCH 15, 1994

The water users of Water District No. 31 met in the County Courtroom at Dubois, Clark County, Idaho, on Tuesday, March 15, 1994, at 1:00 p.m., as provided by Idaho Statutes, for the purpose of electing a chairman and secretary, electing a watermaster, adopting the 1994 budget, and any other business that may come before the District.

Those in attendance were: David Burtenshaw, Andy Dobson, Don Parker, Willy Schmitt, Van Burtenshaw, Independent Water Users; Kirk Egbert, Steven Cherry, Gerald Messerli, Garth Soderquist, Owsley Canal Co.; Lew Green, Rulon Yearsley, Jackett Canal; Sid Brown, Gerry Deutscher, USFWS; LaMoyné Barney, Carl Hoggan, Holley Water Users; Robert Clark, Keith Clark, Modoc Water Users; Harold Siddoway, Dean Crain, D.A. Jennings, Jack Hamilton, K.L. Bennett, Elwin Bradshaw, Kilgore; Greg Taylor, Dave Carlson, IDWR; Shawn Burtenshaw, Reed Sanders, Nick Hillman, Spence Brown, J. Albert Laird, Jim Hagenbarth, Scott Smith, Ron Hillman, Donald W. Shenton, Watermaster; Greg Shenton, Deputy Watermaster; Keith Bramwell, Acting Secretary.

The meeting was called to order by Garth Soderquist, Chairman at 1:00 p.m.

ADOPTION OF AGENDA

Garth Soderquist read the following as the proposed agenda:

1. Adoption of agenda
2. Nomination and election of Chairman and Secretary
3. Appointment of credentials committee
4. Recess to allow Credentials Committee to prepare report
5. Report of Credentials Committee
6. Roll call
7. Reading of minutes of previous meeting
8. Report of Watermaster and approval
9. Fix the compensation of Watermaster and assistant

10. Other expenses
11. Method of election
12. Election of Watermaster
13. Appointment of Advisory Board
14. Other business
15. Collection of water assessments
16. Adoption of budget
17. Adjournment

Andy Dobson moved that the proposed agenda be adopted as the order of business for this meeting. The motion was seconded by Don Parker and the motion carried.

ELECTION OF SECRETARY

Chairman Soderquist called for nomination from the floor for Secretary. Don Shenton suggested that Keith Bramwell be nominated for secretary. He said that business of the district runs smoothly through the Extension office. Gerald Messerli nominated Keith Bramwell for Secretary, Andy Dobson seconded the motion, and the motion carried. Andy Dobson moved and Steve Cherry seconded that nominations cease. Motion carried.

ELECTION OF CHAIRMAN

Chairman Soderquist called for nomination from the floor for Chairman. Garth Soderquist was nominated by Andy Dobson, seconded by Lew Green. A motion for nominations to cease was made by Gerald Messerli and seconded by Dave Burtenshaw. The motion passed.

APPOINTMENT OF CREDENTIALS COMMITTEE

A motion was made by Don Parker to waive appointment of the Credentials Committee, the recess for the Credentials Committee, and the report of the committee. The motion was seconded by Gerald Messerli, and passed.

READING OF THE MINUTES

The Chairman asked if there was a need to read the minutes of the previous meeting. A motion was made by Jim Hagenbarth to dispense with the reading of the minutes of the previous meeting, and seconded by Elwin Bradshaw. Motion carried unanimously.

REPORT OF WATER MASTER

Deputy Watermaster Greg Shenton distributed the 1993 Watermaster's Report and time was allowed for review. D.A. Jennings asked if was possible to get a copy of the report before the meeting and if it was possible to send it with the notice of the meeting. Don Shenton explained that the notices are sent out by the IDWR and it would be difficult to send them with the notice. Also, the report cannot be printed until the water supply data comes in, which is just a few days before the meeting. He suggested that those who would like a copy of the report before the meeting contact him and arrangements would be made for them.

Don summarized the 1993 water year, indicating that 1993 was the best water year since 1984 and 1985. Water was delivered to licensed high water rights through most of the summer on Medicine Lodge Creek and water use in the Mud Lake area was down near 1 A.F. per acre due to timely rains and good early soil moisture.

The early pumping plan adopted at the 1993 annual meeting was implemented. Care was taken not to overfill the lake. The first pump was started on March 19th and the last pump on April 8th. On May 4, all the wells were shut off due to high water flows from Camas Creek and some rainfall, reducing irrigation demand. The Mud Lake Gauge Height was 6.85 ft. on this date. Total early pumped water into Mud Lake was 18,690 A.F.

Due to the large run-off flows in Camas Creek, the rechanneled areas through Larsen Farms eroded seriously, causing large amounts of sand to settle in the stream bed and fill the channel bottom to a point that some stream banks broke and others over flowed, flooding large areas. As a result, sand and willows were removed from the channel in September.

The dyke along the north side of Camas Creek starting from the U.S.G.S. gauging station and extending up stream for 3/4 mile was repaired this fall. Mud Lake Levee District paid for the work.

The annual fall Mud Lake water users meeting was held in early November. Business conducted at the meeting addressed issues and resolutions needed in order to have a smooth pre-planned water distribution system.

Power meters have been installed on 60 to 70 percent of both well and lift pumps from Mud Lake. The meters will provide a more accurate measure and should account for some of the unaccounted losses from Mud Lake. The power meters are much less expensive than flow meters and last much longer. A law

may be passed to require in line flow meters. The meters cost \$400 to \$500 and it may take 2 or 3 meters on each line to get through one season.

Districts 31, 32-C, and 32-D have been targeted for review this year under the adjudication, to determine validity and priorities of water claims. However, with the turmoil and funding problems, it is anyone's guess if it will actually take place.

Don has been appointed to an advisory board for the conjunctive management rules and regulation writing process. Conjunctive management is the management of surface and ground water as one source. This issue could affect everyone. Senior appropriators can call on a junior appropriator for water regardless whether or not surface or ground water is affected. Interconnected water sources are not divided up, so someone in the lower Snake could call for water from someone in the upper Snake. Reasonable use of the water by the senior appropriator must be established and injury must be evident before a call can be made. Items checked includes acres watered, meters used, and others. Many questions have risen over what is "reasonable." A meeting will be held in Rexburg tomorrow at 10:00 a.m. to discuss the issue for those interested.

The cloud seeding project that was approved last year didn't happen due to a shortage of funds resulting from the Upper Snake program not coming together. Don said he was able to come up with less than half of the needed \$21,193.75 and was forced to cancel the project for 93-94. With cooperation from everyone, cloud seeding will be planned for 94-95.

There are several bills in the legislature that affect water this year. Don said that he is staying abreast of the developments at the state house. Conjunctive management will have a host of bills associated with it.

The drought has had a major effect on the water assessments. Those who did not receive their water do not pay for it while those who did must pay extra to cover the costs of the districts. The choice is to have water and pay more or have no water and pay no assessment.

The problem of too many beavers continues to be a source of complaints and frustration. The district has a kill permit for private property but watermasters have other things to do besides sitting on stream banks looking for problem beaver. Trapping has been successful except last fall. Contributions have been collected to support a bounty, with the approval of Idaho Fish and Game. A financial report will be given to those who have contributed to the bounty fund.

Don reviewed the snow report as of March 1, 1994. Average percent of the total snow courses is 66% of normal.

1994 WATER DISTRICT 31 PROPOSED BUDGET

Misc. Expense	17,500.00
Channel & Legal	1800.00
Secretary Salary	300.00
Office Rent	1200.00
Watermaster Salary	29,100.00
Deputy Salary	20,000.00
Deputy Mileage	<u>7,800.00</u>
	\$77,700.00

The proposed budget represents a \$2550 increase. A new budgetary item is office rent. More space is needed. The office will be moved to Greg Shenton's new home, where a special room is planned. Don indicated that due to his health, he will be scaling back, although he will assist through the adjudication process.

Don reviewed the attachments to the report. The district has a contract with the U.S. Geological Survey to measure stream channel seepage losses. The cost is shared with each party paying \$410.

Don discussed the correspondence regarding the cloud seeding. \$21000 is too much money for the project. Efforts to get a cloud seeding project in place for next winter will be pursued, although difficult due to funding.

A question was asked concerning the Idaho Watershed Project group led by Marvel and how much power the group has. Keith Bramwell explained that the group has money, and therefore, power. The group has targeted state land leases in Clark and other counties that have stream flow through them. The problem will be addressed by the Clark County Stock Growers Association.

A motion was made by Carl Hoggan to accept the Watermasters report as given and seconded by Ab Laird. The motion carried.

Don Parker moved that the watermaster's salary, as listed in the proposed budget, be increased by \$1200. Andy Dobson seconded the motion and the motion passed.

Andy Dobson asked if a fax machine was needed and if the district should purchase one. Don Shenton said that the days of the fax are here. It is surprising how much communication is done by fax now. Concern was expressed that the office being in Greg's home would be an imposition. Greg explained that it would be more convenient with everything there, and it would probably save the district some money. It was proposed that the rent be paid to Don this year and then to Greg in the future. It was asked if additional insurance is needed. Don indicated that coverage of the office will probably be included in Greg's homeowner's policy. It was suggested that a dedicated line for the fax machine be put in.

Andy Dobson moved that an additional \$500 be added to the budget to purchase a fax machine. Don Parker seconded the motion and the motion passed with one negative vote. D.A. Jennings suggested that a fax machine that interfaces with the computer may be less expensive. Don Parker proposed that the details of the purchase be worked out at the discretion of the watermaster.

With the addition of the increase in salary for the watermaster and the money for a fax machine, the budget stood approved.

COMPENSATION OF WATERMASTER AND DEPUTY

Compensation of the watermaster and deputy was set with approval of the amended budget.

ELECTION OF WATERMASTER

The Chairman called for nominations from the floor for Watermaster. D.A. Jennings moved that Donald Shenton be elected by acclamation. Jim Hagenbarth seconded the motion and the motion passed unanimously.

APPOINTMENT OF DEPUTY WATERMASTER

The Chairman called for appointment of Deputy Watermaster from the floor. David Burtenshaw moved to nominate Greg Shenton as Deputy and Steve Cherry seconded the motion. A motion to close nominations was made by D.A. Jennings and seconded by Lew Green. The motion carried, thus appointing Greg Shenton as deputy watermaster.

APPOINTMENT OF ADVISORY BOARD

The Chairman opened the floor for appointment of the Advisory Board. A motion was made by Andy Dobson and seconded by Don Parker to retain the current Advisory Board of Garth Soderquist, Chairman, Dave Hagenbarth, Carl Hoggan, LaMoyne Barney, Russell Osborne, Andy Dobson, Harold Siddoway, and David Burtenshaw as members. The motion carried.

EXCESS WATER AT MUD LAKE

Steve Cherry moved that the Watermaster be authorized to dispose of any excess water and that such water be considered lost to the District. Disposal of excess water would be by diverting at the Lone Tree diversion site, and pumping through the diversion ditch at the end of Owsley Canal. The motion seconded by Dave Burtenshaw. Motion carried.

COLLECTION OF WATER ASSESSMENT

Don Parker moved that no ditch, canal co., or other water user shall have the right to demand and receive water, and the watermaster shall not deliver such water, until full payment is made. Said payment becomes due April 1, and becomes delinquent April 15, and if not paid by April 15, shall bear interest from the date of April 1, until paid at the rate of 8% per annum. That government agencies be exempt from the above provisions to the extent necessary for them to comply with payments according to the provisions of Federal law, and that the Watermaster of District 31, be authorized to enter into contract with said agencies of the United States for payment of assessment as provided in the budget.

The motion was seconded by Gerald Messerli, and it carried.

MEETING TIME

A motion was made by Dave Burtenshaw to notify the Department of Water Resources that the 1994 meeting will be at 1:00 p.m. on the second Tuesday of March. Kirk Egbert seconded the motion and the motion passed.

MUD LAKE WATER USERS

Dave Burtenshaw moved that any water user that completes the water year with a negative balance on the Mud Lake balance sheet shall have that negative balance carried forward to the April draft column on the balance sheet of the following year, and said negative balance shall be charged to the Mud Lake allotment of said following year, as set forth in part 5, paragraph 4 of the Mud Lake Decree. The motion was seconded by Steve Cherry and the motion carried.

RESOLUTION

A motion was made by Andy Dobson to adopt the following resolution:

Be it resolved that the Clark County Auditor make up a roll of all Water District 31 users to include all Jefferson County users. Be it further resolved that the Clark County Treasurer mail out said billings and make collections of all Water District 31 Water Users to include all Jefferson County Water Users in said Water District 31 boundaries. Be it further resolved that the Clark County Treasurer also make all payments and disbursements owed by Water District 31, which are presented through the proper claims procedures which are common to other Clark County practices.

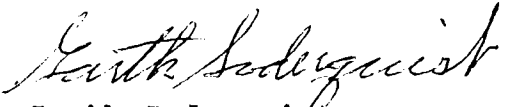
The motion was seconded by Lew Green and the motion carried.


IDAHO DEPARTMENT OF WATER RESOURCES

Greg Taylor said that Don Shenton had covered the items of concern, namely, the adjudication review starting this year and the conjunctive management issue.

ADJOURNMENT

Steve Cherry moved that the meeting be adjourned and Dave Burtenshaw seconded the motion. The motion carried and the meeting was adjourned at 2:50 p.m.


Garth Soderquist
Chairman

ATTEST: 
Keith A. Bramwell
Secretary