

March 29, 1995

CLARK COUNTY AUDITOR/CLERK
CLARK COUNTY COURTHOUSE
DUBOIS ID 83423

RE: Water District Nos. 31 & 32-C

Dear Sirs:

Enclosed please find copies of the Adopted Budget and Minutes of Water Districts #31 & 32-C. They have been read and approved by this office.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

Enclosure

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 14, 1995

RECEIVED

MAR 28 1995

Department of Water Resources
Eastern District Office

The water users of Water District No. 31 met in the County Courtroom at Dubois, Clark County, Idaho, on Tuesday, March 14, 1995, at 1:00 p.m., as provided by Idaho Statutes, for the purpose of electing a chairman and secretary, electing a watermaster, adopting the 1995 budget, and any other business that may come before the District.

Those in attendance were: Edgar Green, Keith Shuldberg, Kirk Egbert, Scott Smith, K.L. Bennett, Dave Hagenbarth, Jim Hagenbarth, Gerry Deutscher, Camas NWR; Sid Brown, Spence Brown, Ron Hillman, Keith C. Wilson, IDWR; Don Parker, LaMoyne Barney, Carl Hoggan, Bill Frederikson, D.A. Jennings, Dave Burtenshaw, Garth Soderquist, Donald W. Shenton, Watermaster; Greg Shenton, Deputy Watermaster; Keith Bramwell, Secretary.

The meeting was called to order by Garth Soderquist, Chairman at 1:10 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. Adoption of budget
10. Fix the compensation of Watermaster and assistant
11. Election of Watermaster and assistant
12. Appointment of Advisory Board
13. Resolutions
14. Meeting time
15. Other business
16. Adjournment

Jim Hagenbarth moved and Carl Hoggan seconded the motion that the proposed agenda be adopted as the order of business for this meeting. The motion passed unanimously.

ELECTION OF SECRETARY

Chairman Soderquist called for nomination from the floor for Secretary. Dave Burtenshaw moved that Keith Bramwell be nominated as secretary. Kirk Egbert seconded the motion and the motion passed. Dave Hagenbarth moved that nominations cease, Scott Smith seconded the motion and the motion passed.

ELECTION OF CHAIRMAN

Chairman Soderquist called for nomination from the floor for Chairman. Kirk Egbert moved that Garth Soderquist be nominated for the position of Chairman. The motion was seconded by Edgar Green and the motion passed. Dave Hagenbarth moved and Scott Smith seconded the motion that nominations cease. The motion passed.

APPOINTMENT OF CREDENTIALS COMMITTEE

A motion was made by Jim Hagenbarth to waive appointment of the Credentials Committee, the recess for the Credentials Committee, and the report of the committee. The motion was seconded by Jerry Deutcher, 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 Dave Burtenshaw to dispense with the reading of the minutes of the previous meeting, and seconded by Kirk Egbert. The motion carried unanimously.

REPORT OF WATERMASTER

Don Shenton asked if everyone received notice of the meeting, since no one received notices for the meeting that was held on the 13th. IDWR did not publicize that meeting. Some of those present indicated that they had not received notice while others indicated that they had.

Deputy Watermaster Greg Shenton distributed the 1994 Watermaster's Report and time was allowed for review. Don Shenton reviewed the items in the report.

1994 Water Season

The 1994 water season was one of the driest on record, with many of the small tributaries of Camas Creek going dry. Beaver dams were removed in 1993 to allow Spring Creek to flow into Camas Creek. Without this action, water would have never flowed as far as the upper Laird Ranch diversion.

Beaver Dam Problems

The IDFG has backed out of controlling beaver dam problems completely. The agency will grant permission but remind you that the removal of a beaver dam could be a violation of the Clean Water Act and that a 404 permit could be required from the Army Corps of Engineers. However, the Corps will not respond to requests for documentation of their authority to regulate beaver dam removal. Jerry Deutscher stated that some agricultural exemptions may apply, particularly if manmade structures are being affected by the beaver. The regulations are a major problem and the issue has yet to be resolved. A complete file on the problem is being maintained.

North Lake Well Flow Study

In summary, the purpose of the study was to study both the pump flow rate and the seepage losses in the delivery channels from the wells to the lake. The flow at each individual well and the down trend curves were needed to determine which well needed work or moved to different locations. The seepage rate was needed to determine how much transmission losses were occurring so the problem streams could be sealed or bypassed. The study showed that down trend losses are significant. In the 1994 season, less water was being delivered for the Owsley Canal Company than the amount the company has licensed. Seepage losses were not bad except for ditch delivery #1 to #4 wells and two others. The U.S. Geological Survey was contracted to

conduct the study for two reasons. First, under cooperative contract with the water district, the U.S.G.S. pays one half of the cost. Second, the U.S.G.S. is the most qualified available source of expertise and their data will not be questioned during adjudication, which is now underway in this district.

Hydrograph of North Wells

All wells in the study area show a continued decline except for a slight raise in 1993. One study well in the North Lake Wells area showed an erroneous upward trend due to a cave-in in the bottom of the well. The well may need to be cased to solve the problem.

Electric Hour Meters Installed

Hour meters have been installed on 95% of the electrical panels on both wells and lift pumps from Mud Lake. The meters are working very well, being more efficient, more accurate, and making management of the pumps much easier.

Adjudication Agenda

Preliminary surveys were conducted last summer. Not a lot of information was generated. Efforts were made to put Water Districts #31, #32-C, and #32-D together for the study. With the actions of the judge, throwing out 1994 legislation, it is questionable whether or not the adjudication will actually be completed or even if it can be afforded.

Conjunctive Management

Don Shenton reported on the activities of the advisory committee he serves on to help write the conjunctive management rules and regulations. Conjunctive management is the management of all waters, both surface and ground, as a sole source. It resulted from a court order issued because of a suit to shut off wells to deliver priority water to spring flows. Conjunctive management has many people in a panic. Care must be taken to prevent serious mistakes that would adversely affect the water rights in the district. Everyone should keep informed and prevent problems, like the formation of ground water management districts. Such districts would increase water costs considerably.

Annual Fall Mud Lake Water User Meeting

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. The well monitoring contracts with U.S.G.S., cloud seeding, bed loss studies, and hydrographs on the wells were of particular interest.

Drought Water Delivery

Those who use the water pay for the water. Assessments will have credits or debits, depending on water use. Those who do not receive the water are not charged for it. Consequently, those who do, must make up the difference to cover the costs of operation.

Winter Flow Review

The data on winter flow was briefly discussed.

Allotable Flow After May 1

The water use by the three canal companies as listed in the report was discussed. Don Shenton said that independent users could also be added. Some water delivered is not actually used by crops. An 11%+ loss occurs in the canals alone.

Snow Report

Snow depth and water content are very good. As of March 1, the Camp Creek course was 132% of normal, the Kilgore course was 138%, and the Blue Ledge course was 146% of normal. The average is 139% of normal.

The snow generators worked very well. The Medicine Lodge snow pack is better than Beaver Creek or Kilgore for the first time. Jefferson and Clark Counties are working to get their own generators to reduce the cost. The results have far surpassed the cost.

Don reported that Lima, Montana experienced a 100 year flood as a result of rain and rapid snow melt. The town was inundated and 4 miles of railroad track was affected.

1995 WATER DISTRICT 31 PROPOSED BUDGET

Misc. Expense	19,000.00
Channel & Legal	1,800.00
Secretary Salary	300.00
Office Rent	<u>1,200.00</u>
Subtotal	\$22,300.00
Watermaster Salary	30,900.00
Deputy Salary	20,600.00
Deputy Mileage	<u>7,800.00</u>
Total	\$81,600.00

The proposed budget represents a \$1600 increase, reflected in the Misc. Expense and the Deputy Watermaster Salary. Kirk Egbert moved that the Watermaster Salary be increased by \$600. The motion was set aside by the chairman to be discussed at the conclusion of the report.

Legislation Affecting Water

The first piece of legislation of concern, HB #244, is dead. However, HB #284, dealing with conjunctive management, is being considered. It involves forming of well management district including possibly an area with 600 wells. A Hydrographer would be hired and funded to measure water. This person would have no authority to regulate. The proposed district does not include active water districts but will include well not included in active districts. USFWS would not be reporting through the district.

Another bill, HB #323, is water exchange legislation. It will allow the transfer of surface water rights to ground water and visa versa. There is also a bill concerning artesian wells. It specifies that artesian flow is decreed water. It also addresses problems with well contamination. This bill will be included in the ground water district legislation.

Upon completion of the report, Chairman Soderquist asked for further discussion of the motion to increase the watermaster's salary. Ken Bennett seconded the motion previously made by Kirk Egbert to increase the salary by \$600. The motion passed unanimously.

D.A. Jennings moved to accept the watermaster's report by acclamation. Jim Hagenbarth seconded the motion and the motion passed unanimously.

ADOPTION OF BUDGET

Jim Hagenbarth moved that the amended budget be approved. D.A. Jennings seconded the motion and the motion passed.

COMPENSATION OF WATERMASTER AND DEPUTY

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

ELECTION OF WATERMASTER

The Chairman called for nominations from the floor for Watermaster. Dave Burtenshaw moved that Donald Shenton be elected as Watermaster. Ken Bennett seconded the motion and the motion passed unanimously.

ELECTION OF DEPUTY WATERMASTER

The Chairman called for appointment of Deputy Watermaster from the floor. Kirk Egbert moved that Greg Shenton be nominated as Deputy Watermaster and D.A. Jennings seconded the motion. The motion passed. Dave Burtenshaw moved that nominations cease. Jim Hagenbarth seconded the motion. The motion passed unanimously, electing 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 Dave Burtenshaw and seconded by Don Parker to retain the current Advisory Board with Edgar Green being appointed to fill the position vacated by Russell Osborne. The following would be on the board: Garth Soderquist, Chairman, Dave Hagenbarth, Carl Hoggan, LaMoyne Barney, Edgar Green, Andy Dobson, Harold Siddoway, and David Burtenshaw as members. The motion carried.

RESOLUTIONS

Excess Water at Mud Lake

Moved: D.A. Jennings; Seconded: LaMoyne Barney; Passed.

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.

Collection of Water Assessments

Moved: Carl Hoggan Seconded: Ken Bennett; Passed.

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.

Mud Lake Water Users

Moved: Dave Burtenshaw; Seconded: Jim Hagenbarth; Passed.

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.

District Billings and Collections

Moved: Don Parker; Seconded: Kirk Egbert; Passed.

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.

MEETING TIME

A motion was made by LaMoyné Barney to schedule next year's meeting at the same time as this year and notify the Department of Water Resources that the 1995 meeting will be at 1:00 p.m. on the second Tuesday of March. Dave Burtenshaw seconded the motion and the motion passed.

OTHER BUSINESS

Don Shenton reported that he had been audited by the IRS and that the auditor almost did not accept his vehicle expenses as valid deductions because no evidence exists that authorizes the watermaster to use his own vehicle for official business. Chairman Soderquist wrote a letter in support of Don, and the auditor accepted the deductions. Don said that a resolution is needed to provide the official authorization. He presented the following for consideration.

"Be it resolved that the watermaster or deputy watermaster, be required to furnish a vehicle for all job related duties and activities to carry out all his responsibilities as watermaster of this water district. Be it further resolved that any and all expenses of operation of that vehicle or vehicles, for the water district, shall include but not limited to fuels and oils, maintenance and repairs, payments of vehicle, licenses, insurance, and any other fees related to the operation of vehicles."

Following a brief discussion, Don Parker moved that the proposed resolution be accepted. Kirk Egbert seconded the motion and the motion passed.

ADJOURNMENT

Jim Hagenbarth moved that the meeting be adjourned and Kirk Egbert seconded the motion. The motion carried and the meeting was adjourned at 2:45 p.m.

ATTEST:

Keith A. Bramwell
Keith A. Bramwell
Secretary

Garth Soderquist
Garth Soderquist
Chairman