

Garth Soderquist
Chairman

Donald Shenton
Watermaster

Keith A. Bramwell
Secretary

RECEIVED
MAR 27 1996

Department of Water Resources
Eastern Region

WATER DISTRICT #31

Dubois, Idaho

CLARK AND JEFFERSON COUNTIES, IDAHO

MINUTES OF THE ANNUAL MEETING OF MARCH 12, 1996

The water users of Water District No. 31 met in the County Courtroom at Dubois, Clark County, Idaho, on Tuesday, March 12, 1996, at 1:00 p.m., as provided by Idaho Statutes, for the purpose of electing a chairman and secretary, electing a watermaster, adopting the 1996 budget, and any other business that may come before the District.

Those in attendance were: Edgar Green, Keith Shuldberg, Dave Hagenbarth, Jim Hagenbarth, Gerry Deutscher, Camas NWR; Sid Brown, Keith C. Wilson, IDWR; LaMoyne Barney, Carl Hoggan, Bill Frederikson, Van Burtenshaw, Gerald Messerli, Todd Simmons, Robert Clark, Keith Clark, 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

LaMoyne Barney moved that the proposed agenda be adopted as the order of business for this meeting. The motion was seconded by Gerald Messerli, and passed unanimously.

ELECTION OF CHAIRMAN

Chairman Soderquist called for nominations from the floor for Chairman. Gerald Messerli moved that Garth Soderquist be nominated for the position of Chairman. The motion was seconded by Edgar Green and the motion passed. Van Burtenshaw moved and Todd Simmons seconded the motion that nominations cease. The motion passed.

ELECTION OF SECRETARY

Chairman Soderquist called for nomination from the floor for Secretary. Keith Shuldborg moved that Keith Bramwell be nominated as secretary. Van Burtenshaw seconded the motion and the motion passed. Jim Hagenbarth moved that nominations cease, Sid Brown seconded the motion and the motion passed.

APPOINTMENT OF CREDENTIALS COMMITTEE

Don Shenton explained what the credentials committee was for. Should there be any contest or conflict, then a credentials committee is appointed to examine qualifications and resolve the conflict. If a problem arises, the members have a right to call for a credentials committee.

A motion was made by Van Burtenshaw to waive appointment of the Credentials Committee, the recess for the Credentials Committee, and the report of the committee. The motion was seconded by Keith Shuldborg, 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 Hagenbarth to dispense with the reading of the minutes of the previous meeting, and seconded by LaMoyne Barney. The motion carried unanimously.

REPORT OF WATERMASTER

Deputy Watermaster Greg Shenton distributed the 1995 Watermaster's Report and time was allowed for review. Greg and Don Shenton reviewed the items in the report.

1995 Water Season

The 1995 water season ranked with some of the best as to water flows from Camas Creek, Beaver Creek, and the tributaries. A heavy late winter snow pack with a lot of early spring rains and snow storms along with a cold late spring made for a long hard run off into the Mud Lake system. A total of 67,995 A.F. of water flowed into Mud Lake and was allotted by decree to users. Everyone had a good irrigation balance.

Early Pumping of Wells

Early pumping of wells commenced on April 17 to partially fill the nearly empty lake. It was feared that, although the snow pack appeared adequate, water may not be available early in the season with the lake so low. A total of 8,122 A.F. was pumped by April 28.

Emergency Operations Plan

The Emergency Operations Plan was put into full effect when it became apparent that the level in Mud Lake would exceed 9.0 ft. All evacuation methods were put into effect, including pumping to INEL, spilling at the Lone Tree diversion, diverting large amounts into the refuge, Warm Creek, Mallard Slew, Gravel Pits and into the IDFG slews. A 24 hour levee patrol was in place during this time and as directed by the E.O.P. The plan lays out the action that is to be taken to prevent flooding and makes it possible to take appropriate action in spite of differences of opinion from the sidelines. The right to store maximum amounts of decreed water should never be denied but not with reckless ambition.

Excess Waters Pumped to INEL

A 9.44 G.H. was reached on June 20, the highest level since 1984. A total of 4,755 A.F. of water was pumped to the desert on the INEL. This was one of the last actions taken as a part of the E.O.P. Consequently, the Mud Lake levee had a good free board and no real problems developed as they did in '83, '84 and '85.

Lone Tree Diversion and Others

Using the Lone Tree diversion, Warm Creek Channel, Dry Creek, the upstream gravel pits, and others took pressure off of the bridges and banks of Camas Creek. Diversions were used from May 11 until July 7, when water use began to exceed flow and the diversions were no longer necessary.

Purpose of the Lone Tree Diversion

Much controversy surrounds the use of the Lone Tree diversion. However, it became necessary as side channels were closed off and development occurred where the creek used to flood. Some people don't want the diversion but do not understand the consequences if it not used when needed. The diversion was put in place in 1969 to save the Mud Lake levee and that is its only purpose. Nevertheless, anytime the diversion is used, someone's valid water rights are being diverted.

Annual Fall Mud Lake Water User Meeting

The annual fall Mud Lake water user meeting was held in early November. Subjects of interest were well monitoring contracts with USGS, cloud seeding, bed losses studies, hydrographs, etc. Business necessary to have a smooth pre-planned water distribution system.

Cloud Seeding for 1996

AT the fall Mud Lake water users meeting, it was unanimously voted to assess five cents per acre for all the canal companies in the Montevue, Hamer, and Mud Lake areas. No help will be available from IDWR. Clark and Jefferson Counties have both pledged support. A coalition between Clark, Jefferson, Bonneville, Fremont, Madison, and Teton, with each county meeting assessment pledges to build our own cloud seeding generators. Wilson's are manufacturing the generators and a less expensive source of supplies has also been located. With our own program in place, seeding will be much cheaper and will be available when it is needed.

Of Serious Concern

In 1993, nearly \$23,000 was spent cleaning large amounts of sand bars and even a partially filled camas Creek Channel from I-15 to 2 miles south of the Camas Wildlife Refuge headquarters. This clogged channel was caused by Camas Creek being re-channelled upstream to allow distribution of irrigation circles for about 5 miles upstream from Camas Town. As a result, tens of thousands of cubic yards of sand was washed down stream and deposited in the channel. During a tour this year, it was determined that the channel is again rapidly being filled in again. Mr. Larsen wants to rebuild this channel by straightening and making it wide enough for large flows. The Mud Lake Water Users are in favor of this plan but various agencies are resisting any changes until they determine the method they are willing to allow it to be done.

Winter Flow Review

The data on winter flow was briefly discussed. After at least 4 consecutive years of no artesian flow, Independent Ditch and Bybee Wells was running a total of 22.79 C.F.S.

Allocable Flow After May 1

Allocable flow after May 1 was 50,185 A.F., after no flow in 1994 and only 26,184 A.F. in 1993 and no flow in '90-'92. Water used by each of the companies was shown.

Snow Report

Snow depth and water content is down considerably from last year. As of March 1, the Camp Creek course was 74% of normal, the Kilgore course was 65%, and the Blue Ledge course was 67% of normal. The average is 69% of normal.

The snow generators worked well when the right kind of clouds with some moisture came through but we did have a shortage of good clouds. The Medicine Lodge percent of average is better than Beaver Creek or Kilgore.

USGS Contract

The USGS provides for outside measurement when disputes arise and has been a very good resource. Unfortunately, The federal government is getting out of the water measurement business. The 1196 contract could be the last. The real problem is the need for well monitoring and to keep hydrographs of well water levels.

Beaver Dams

The Clean Water Act is in conflict with laws governing water rights. After a long and tedious letter writing campaign, the U.S. Army Corps of Engineers finally issued a letter stating their policy on beaver dams. It states that dams up to one year old can be removed without permission or a permit. Older dams can be removed only after the Corps decides they can be and only with a 404 permit. The letter came only after contacting Senator Kempthorn's office and the Senator threatening a senate hearing on the issue. It seems that the local personnel are more unbending and difficult than the officials in headquarters.

The beaver trapping was discussed. A total of 157 beavers were taken in the past 3 years, with 67 being taken last year alone. The bounty of \$10 per head has been helpful, with the funding coming from the Mud Lake Water Users.

Legislation Affecting Water

Beaver Dam Bill--A bill in the senate that recognizes the loss in water rights from beaver dams. The bill was drafted stating, "in addition to property damage, water rights losses shall be considered." The bill allows for I.D.F.G. to come on private property to take beaver. The bill has been watered down. It requires the director of IDWR to make the determinations, taking the watermasters out of the equation. We will be better off without the bill than for it to be passed the way it is now. The bill has passed the senate and has been sent to the house. It is SB1482.

Non-irrigation Water Use--This bill states that the quantity of water in a water right in non-irrigation use does not need to be declared unless it is transferred.

SB1489--Provides for water measurement districts. Any irrigation district measuring water is exempt but canal companies are not included. Groundwater districts are starting to be formed. One is being organized in the

Rexburg area now. The ground water districts are petitioning the counties to take care of collection and management of funds. Many accounts would be involved; even more that the tax roll accounts.

HB494--This is a hot bill. It deals with the removal of public trust doctrine in transferring water rights or the adjudication. The bill clarifies what public trust doctrine can do. It protects private property rights. It appears that the bill is dead due to environmentalist pressure. It is now in the second reading in the House. Public interest criteria can be made to mean anything right now.

1996 WATER DISTRICT 31 PROPOSED BUDGET

Misc. Expense	20,000.00
Channel & Legal	1,800.00
Secretary Salary	300.00
Office Rent	1,200.00
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	\$23,300.00
Watermaster Salary	31,200.00
Deputy Salary	21,400.00
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	52,600.00
Deputy Mileage	8,000.00
Asst. Deputy Salary	6,000.00
Asst. Deputy Mileage	3,500.00
Secretary	1,000.00
Misc. Expense	1,250.00
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Total Budget	\$95,650.00

The proposed budget represents a \$14,050.00 increase, reflected primarily in the addition of an assistant deputy watermaster, slight increases in salaries and miscellaneous expenses. Nearly all of the increase is covered by the Mud Lake Water Users. Don mentioned that he had expressed his desire to partially retire and a trip to Alaska this summer to the Mud Lake Water Users. The Mud Lake Water Users approved of Don's request and agreed to provide the funds necessary to hire and assistant deputy.

Gerry Deutscher asked for more information on the increases. He asked if the 4% increase in the deputy salary was tied to the state increases. Don said that the district can pay what ever it wants to. He also said that there is a new problem. Greg's truck is worn out and is not worth the cost of repair. Greg has leased a truck, since the cost of a new or even late model used is so high. The problem is that the lease is 24 cents per mile, plus the cost of tires,

insurance, etc. Don suggested that we see how it works out. The districts may want to consider providing a vehicle, depending how the real costs for Greg's lease work out.

Gerry Duetscher also asked about the addition \$1000 for a secretary. Don said that it was for office help so that Greg could spend more time in the field. Gerry also asked about the \$1,250 in miscellaneous. Don explained that the money includes the increased costs for state retirement, state and federal taxes, and workman's comp.

LaMoyne Barney moved that the Watermaster's report be accepted. Jim Hagenbarth seconded the motion and the motion passed.

ADOPTION OF BUDGET

Edgar Green moved that the proposed 1996 budget be approved. Gerald Messerli 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. Gerald Messerli moved that Donald Shenton be nominated for the position of Watermaster. Van Burtenshaw seconded the motion and the motion passed unanimously.

ELECTION OF DEPUTY WATERMASTER

The Chairman called for nomination of Deputy Watermaster from the floor. Edgar Green moved that Greg Shenton be nominated as Deputy Watermaster and Gerald Messerli seconded the motion. The motion passed. Gerald Messerli moved that nominations cease. Keith Clark 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 Keith Shuldborg and seconded by Edgar Green to retain the current Advisory Board. 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: Gerald Messerli; Seconded: Todd Simmons; 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: Jim Hagenbarth Seconded: Keith Shuldborg; 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: Edgar Green; Seconded: Jerry Messerli; 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.

District Billings and Collections

Moved: Todd Simmons; Seconded: Van Burtenshaw; 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.

Watermaster and Deputy Watermaster Vehicle Requirement

Moved: Gerald Messerli; Seconded: Edgar Green; Passed

"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."

MEETING TIME

A motion was made by Dave Hagenbarth to schedule next year's meeting at the same time as this year and notify the Department of Water Resources that the 1997 meeting will be at 1:00 p.m. on the second Tuesday of March. Jim Hagenbarth seconded the motion and the motion passed.

OTHER BUSINESS

Don asked Keith Wilson how soon there would be an adjudication director's report on this area. Keith said that it is really hard to tell, but likely sometime in the next 2-5 years.

Chairman Soderquist asked if there was any further business; hearing none, he called for a motion for adjournment.

ADJOURNMENT

Carl Hoggan moved that the meeting be adjourned and Keith Shuldborg 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

October 31, 1996

DON SHENTON
BOX 33
DUBOIS ID 83423

Water District No. 31, 32-C, 32-D

Dear Mr. Shenton:

In accordance with Chapter 6, Section 42-614 of the Idaho Code, and department regulations, the watermaster of each district is required to submit an annual report in TRIPLICATE for each county served, and ALL copies forwarded to the Department of Water Resources. We will then forward one copy to the County Treasurer, if applicable, another copy will be sent to the secretary of the water district, and the third copy will be retained in the files of the Department of Water Resources. Please be certain all of the report is complete.

In accordance with Chapter 6, Section 42-615 of the Idaho Code, and Department regulations, the watermaster is required to submit a Watermaster's Proposed Budget. The budget is to be made up from the deliveries for the past irrigation season or seasons. This budget must be made in DUPLICATE for each county served, and ALL copies forwarded to the Department of Water Resources.

We are enclosing sufficient forms for making out the Watermaster's Report and the Proposed Budget.

Do not fail to send the Watermaster's Daily Record Books along with the report and budget.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/sc