

Garth Soderquist
Chairman

Greg Shenton
Watermaster

Keith A. Bramwell
Secretary

WATER DISTRICT #31

Dubois, Idaho

CLARK AND JEFFERSON COUNTIES, IDAHO

MINUTES OF THE ANNUAL MEETING OF MARCH 9, 1999

The water users of Water District No. 31 met in the County Commissioners Office at Dubois, Clark County, Idaho, on Tuesday, March 9, 1999, at 10:00 p.m., as provided by Idaho Statutes, for the purpose of electing a chairman and secretary, electing a watermaster, adopting the 1999 budget, and any other business that may come before the District.

Those in attendance were: Willy Schmitt, Don Parker, Keith Shuldberg, Dave Hagenbarth, Garth Soderquist, Sid Brown, Gerry Deutscher, Roy Yearsley, David Burtenshaw, Bill Frederiksen, P.C. Bowen, Ken Hall, Valere Maxwell, Greg Shenton, Watermaster; Bart May, Deputy Watermaster; Keith Bramwell, Secretary.

The meeting was called to order by Garth Soderquist, Chairman at 10:12 a.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

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Garth then entertained a motion that the agenda be approved. Don Parker moved that the proposed agenda be adopted as the order of business for this meeting, that the current chairman and secretary be elected, and that the appointment and report of the credentials committee and roll call be dispensed with. The motion was seconded by Keith Shuldberg, and passed unanimously.

READING OF MINUTES OF PREVIOUS MEETING

The chairman asked the secretary to read the minutes of the 1998 annual meeting; following which, he entertained a motion that the minutes be approved. David Burtenshaw moved that the minutes be accepted. Don Parker seconded the motion and the motion passed.

Garth then asked everyone to introduce themselves. He also expressed his sorrow at the passing of Don Shenton and said that Don would be sorely missed. He complimented Greg Shenton on the fine job he is doing in his father's stead.

REPORT OF WATERMASTER

Watermaster Greg Shenton distributed the 1998 Watermaster's Report and time was allowed for review. Greg Shenton discussed many of the items in the report.

Secretary's note: Items in the report are summarized with any discussion occurring in these minutes. Refer to the Watermaster's report for full details.

Canal Companies Merger

The merger of the Holly, Jackett, and Owsley canal companies has been completed and is working well. It has proven to be good for the water district and for the canal companies.

Canal Companies Water Right Transfer

With consolidation of the canal companies, water rights transfer was necessary. The transfer went through without any protests.

Camas Creek Channel Cleaning Permit

Greg moved the discussion to the Camas Creek Channel Cleaning Permit. It was required that the necessary permits be obtained. Greg, after 8-9 months, was successful in getting the required 404 permit. Work on the channel started in the fall, using two dozers and four track hoes, and most of the work was completed. A couple of day's work will be done in the spring along with some work on the refuge being done under the same permit. Larsen Farms is supposed to be working to stabilize the channel banks, but nothing has been done since January 1998. Gerry Duetscher expressed his disappointment and said that the work that has been done will be to no avail if the channel erosion isn't stopped. Greg said that he talked with Mr. Clinger from Larsen Farms and learned that they had run out of rock and had to do some blasting to get more. Greg said that the willows near the highway were causing some problems. Gerry Deutscher concurred, stating that the willows were causing the stream to cut into the bank opposite the willows. Blaine also wanted NRCS to engineer the project. Dave Burtenshaw asked about what he had heard about the use of concrete posts on that project. Garth said that the concrete posts may be used instead of rock. Blaine would like the permit in his name since he would be doing the work. Greg said that he would be willing to work for the permit even if it was in Blaine's name as long as the work got done.

Greg mentioned that two other permits were in the works. One is on Ching Creek. another on Beaver Creek on the Don Peterson ground. The work on the latter has been done but riprap is needed.

Winter Flows, Mud Lake Content, Camas Creek Inflow, and Water Use by Major Canal Companies

March 1 winter flows are very good, with total flows being 46.33 c.f.s. compared to 27.33 c.f.s. in 1998. March 1 gauge height was 4.23; May, 1998 was 5.55; and November 1998 was 2.66. Camas Creek flow into Mud Lake was excellent at 53,412 A.F. measured by the gain in the lake. Average water use in the Mud Lake area was 2.87 A.F. per acre.

Winter Snow Report

The Camp Creek-Beaver Creek measurements show a snow depth of 41.0 with water content at 10.5, compared to the 30 year average of 8.7. Kilgore-Camas Creek measured at 43.0 with water content at 12.3 compared to its 30-year average of 10.5.

USGS Contract

The Watermaster's report included a copy of the water measurement contract with USGS for 1999. The USGS provides for outside measurement when disputes arise and has been a very good resource. The USGS is continuing water measurement, on a 50-50-contract basis. USGS has been taking three measurements on each of five runs for bed loss also. The cost is included in the budget but the contract should still be approved. Gerry Deutscher moved that the contract is approved, Don Parker seconded the motion and the motion passed.

1998 Budget Review and 1999 Budget Proposal

Greg Shenton reviewed the 1998 budget and actual expenses, explaining some of the expenditures. He pointed out where the office rent had been applied and wages paid to Lisa Shenton for some help with reports over the irrigation season. He also mentioned the purchase of a camera to be used in collecting information. The camera has the ability to record the date on the picture, which is quite valuable when the pictures are needed to help resolve issues. G.P. Leasing will no longer be an expense. The state contract for vehicle leases is no longer available.

Greg discussed the proposed 1999 budget. He said that at the canal company meetings, it was expressed to keep the budget as close to the same as last year. Greg presented the suggested increase in the deputy watermaster salary to \$18,000. This would make it possible for Bart to go to work full time for the water districts. Don Parker asked if, with the loss of the leases, that the amount for mileage will be enough, being that it is the same as last year. Greg said that with Bart helping, the mileage expenses are reduced and that it should be enough. Greg said that the additional help is needed more than more mileage. Don proposed a \$1200 increase in watermaster mileage. After a very brief discussion, he made the motion to increase the watermaster mileage by \$1200. Dave Hagenbarth seconded the motion and the motion passed. Gerry Deutscher asked about the \$3000

increase in miscellaneous expenses. Greg said that it is retirement, insurance and other such costs. Gerry also asked about the deputy watermaster expenses. Greg said that what costs there may be are covered in the deputy watermaster mileage. David Burtenshaw asked if just Greg and Bart would be doing all the work. Greg said yes. Bart said that if the District approves this budget reflecting the change in personnel, he would resign as deputy sheriff and work full time for the water districts.

The 1999 proposed budget, including the approved increase is as follows:

1999 WATER DISTRICT 31 PROPOSED BUDGET

Misc. Expense	20,000.00
Channel & Legal	1,000.00
Secretary Salary	400.00
Office Rent	1,500.00
Total	<u>\$22,900.00</u>
Watermaster Salary	26,600.00
Deputy Salary	18,000.00
Total	<u>44,600.00</u>
Watermaster Mileage	10,200.00
Deputy Mileage	7,000.00
Total	<u>\$17,200.00</u>
Total Budget	\$84,700.00
1998 Budget	\$80,150.00
1999 Budget	84,700.00
Increase	<u>\$ 4,550.00</u>
1999 Budget	\$84,700.00
Less Federal agencies	8,804.36
Proposed Budget	<u>\$75,895.64</u>

ADOPTION OF BUDGET

Don Parker moved that the Watermaster's report and the budget as amended be accepted. David Burtenshaw seconded the motion and the motion passed.

IDWR STATEMENT

No IDWR statement was given in the absence of anyone from the agency.

COMPENSATION OF WATERMASTER AND DEPUTY

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

ELECTION OF WATERMASTER AND DEPUTY WATERMASTER

The Chairman called for nominations from the floor for Watermaster. David Burtenshaw moved that Greg Shenton be nominated for the position of Watermaster and that Bart May be nominated for the position of Deputy Watermaster. Don Parker seconded the motion. Dave Hagenbarth moved that nominations cease. Don Parker seconded the motion and the motion passed unanimously, electing Greg and Bart by unanimous ballot.

APPOINTMENT OF ADVISORY BOARD

The Chairman opened the floor for appointment of the Advisory Board. David Burtenshaw asked who had been on the board. Garth read the list from last year. A motion was made by Don Parker and seconded by Keith Shuldberg to retain the current Advisory Board. The motion passed. The following were reappointed to the board: Garth Soderquist, Chairman, Dave Hagenbarth, Carl Hoggan, LaMoyne Barney, Edgar Green, Andy Dobson, Harold Siddoway, and David Burtenshaw as members.

RESOLUTIONS

High Water at Mud Lake

That the Watermaster be authorized to determine when diversion is needed and to divert any high water. That such water be considered stored in the aquifer, with rights to the water being retained by the district. Diversion of said waters would be by diverting at the Lone Tree Diversion, and pumping through the diversion ditch at the end of Owsley Canal.

The resolution was discussed. Don Parker suggested that the resolution be amended to give the watermaster authority to determine when diversion is needed as well as authorization to do it. Sid Brown asked if he would then call the watermaster directly when flooding was occurring or imminent and the watermaster could do it. Sid said that he had purchased the Sander's place and plans to farm it and is very concerned about the risk of being flooded. Greg said that with the exception of one area, flooding should not be a problem because of the work that has been done on the channel. Dave Hagenbarth asked if water diverted at Lone

Tree is ever done before water rights are filled. Greg said that most of the time, flooding is a problem before all the water rights are filled. Don said that, in answer to Sid's question, with the proposed change, calls could go to the watermaster and that he could take action without discussing with the board. Greg said that he would still let the board know if he did divert any water.

Don Parker moved and Willy Schmitt seconded the motion to adopt the resolution with the addition of authority to determine when diversion is needed. (see underlined) Motion passed.

Collection of Water Assessments

Moved: Keith Shuldberg; Seconded: Dave Burtenshaw; 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.

David Burtenshaw moved and Keith Shuldberg seconded a motion to accept the remaining resolutions as they are. Motion passed

Mud Lake Water Users

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

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.

Well Water Measurements

Be it resolved that the following canal companies be allowed to contract with Water District #31 to measure and record and report the well water flows of the Montevieu Canal Company, the Jefferson Irrigation Company, and the Producers' Irrigation.

Be it also resolved that the Watermaster and his Deputies accomplish the required measurements and recording and reporting of the above named companies.

Be it also resolved that monies paid for these services be paid from a separate account deposited in a bank account under a subterranean heading. The above named canal companies will be charged a fee of \$26.00 per second foot(c.f.s.) for the above services. The monies paid out for these services shall be drawn only if the chairman and the secretary of Water District #31 sign the check. We order that the water district is out no costs from any source of the regular water district funds and that recording and reporting be separate from regular water district water reports and budgets.

MEETING TIME

Moved: Gerry Duetscher; Seconded: Keith Shuldberg; Passed.

That the 1999 meeting be held at 1:00 p.m. on the second Tuesday of March, 2000, at the same location.

OTHER BUSINESS

Chairman Garth Soderquist asked if there were any other business. Greg Shenton asked how everyone felt about the cloud seeding, should it be discontinued for the season. Dave Hagenbarth said that it is not needed in Kilgore. Gerry Deutscher said that the water table is higher than it has been in 10 years. Greg suggested that the seeders be shut down, assess the situation in a couple of weeks, and turn them on if needed. He said that funds are getting short and several people are concerned about it raining on the snow and there being a high runoff. Garth asked if there were any objections to doing as Greg suggested. No one objected.

Keith Bramwell reported on the Watershed Advisory Group. He said that a very good set of bylaws had been developed and it was sent to the Upper Snake Basin Advisory Group for approval. The request to be on the agenda of the April 7 meeting of the BAG has been made. Hopefully, the WAG will be approved and work on the TMDL's can begin.

Greg reported on a request that Great Northern Adventures has made for a permit to put in a hydro plant on Ching Creek. It would be used to power a private dwelling. It would require 3.8 c.f.s. of water and would divert the water for $\frac{1}{4}$ mile. Dave Hagenbarth said it would be located on North Antelope Flat on ground the Hagenbarth ranch sold to Mitch Jacobs who, in turn, sold it to the individual with Great Northern Adventures. The land has no irrigation water rights but probably does have normal stock water rights. Greg said he had been asked to endorse or not to endorse the permit request. The amount of work that would be involved is not known at this time. Dave Hagenbarth said that 3.8 c.f.s. is a lot of water and would likely dry up the creek for the $\frac{1}{4}$ mile. Greg said that Fish and Game would very likely protest the permit because of that. He also said that it could be an administrative headache. Being a non-consumptive use, the owners would not be paying anything, yet the watermaster may have to serve it just like regular water rights. Dave Hagenbarth recommended that the official position of Water District 31 be against granting the permit. Garth Soderquist said that member canal companies are aware of the permit request and are against it. Bill Frederiksen moved that Greg not endorse the permit request. David Burtenshaw seconded the motion and the motion passed. Greg added that individual protests can be submitted until March 22.

Garth Soderquist commented on the proposal that the Mud Lake basin withdraw from the Snake River system to be managed separate from the Snake River and to avoid the new ground water regulations. The regulations that are being imposed on the Snake River are becoming unbearable. Greg, Don, and others have gone to Twin Falls for meetings concerning the ground water issue. IDWR has resisted the idea of Mud Lake pulling out but mellowed when the situation was explained to them. Blaine Larsen was originally opposed to the idea, but after reviewing and thinking it over he believed it would be a good proposal. Keith Shuldborg asked if the whole basin would have to go and Greg Shenton said that it would. Dave Hagenbarth said that in his opinion, the regulations being

made are just an end run on water rights. Keith Shuldberg said that this action should be done as soon as possible.

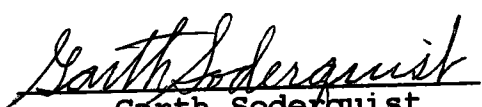
Chairman Soderquist asked if there was any further business; hearing none, he called for a motion for adjournment.

ADJOURNMENT

Willy Schmitt moved that the meeting be adjourned and Keith Shuldberg seconded the motion. The motion carried and the meeting was adjourned at approximately 12:30 p.m.

ATTEST:


Keith A. Bramwell
Secretary


Garth Soderquist
Chairman