

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 14, 2000

The water users of Water District No. 31 met in the County Commissioners Office at Dubois, Clark County, Idaho, on Tuesday, March 14, 2000, at 1:00 p.m., as provided by Idaho Statutes, for the purpose of electing a chairman and secretary, electing a watermaster, adopting the 2000 budget, and any other business that may come before the District.

Those in attendance were: Garth Soderquist, Chairman; Don Parker, Keith Shuldborg, Dave Hagenbarth, Bill Frederiksen, Valere Maxwell, Farrel Downs, Jim Hagenbarth, Richard Savage, Pete McGarry, Allen Ruberry, IDWR; Bryce Contor, IDWR; Greg Shenton, Watermaster; Bart May, 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

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Department of Water Resources
Eastern Region

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. The motion was seconded by Keith Shuldborg, and passed unanimously.

NOMINATION AND ELECTION OF CHAIRMAN AND SECRETARY

Garth stated that he desired to step down as chairman of the water district after serving for 22 years and opened the floor for nominations for chairman. Don Parker asked if the new chairman would be taking over now or after this meeting. Greg Shenton said that he/she would take over immediately after the election. Don then moved that the election of chairman and secretary be postponed and be the last order of business. Keith Shuldborg seconded the motion and it passed unanimously.

APPOINTMENT OF CREDENTIALS COMMITTEE

The Chairman stated that the credentials committee hasn't been used for a long time and suggested that appointing the committee be dispensed with and that we move to reading of the minutes or to the watermaster's report if no one needed to hear the minutes read. Don Parker moved and Keith Shuldborg seconded the motion to dispense with agenda items No. 3-7 and go directly to No. 8. The appointment of the credentials committee, the recess for the credentials committee, its report, roll call, and reading of the minutes would all be dispensed with. Garth called for a vote and the motion passed unanimously.

REPORT OF WATERMASTER

Watermaster Greg Shenton distributed the 1999 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.

High Water Year

The 1999-year was a high water year for District 31 resulting in water being turned into the desert for groundwater recharge. The Warm Creek Diversion, the Lone Tree Diversion, the F&G headgate, the INEEL Diversion, the west end dike, and the bank of Beaver Creek at the gravel

pit on the county line were opened. Extensive repairs were made on the levee of the lake near Dobson's and from Dobson's to the Owlsey Canal by the boat docks. The lake high was 9.36 on June 16th and the low was 2.29 on November 1, 1999.

Shaun Grover was hired on as the new manager for Mud Lake Water users and did an excellent job, and a good working relationship was established.

The Siepert application for the change of the point of diversion from up to down stream has been tabled until agreement between the Siepert's and the Watermaster can be reached on three issues. They are: handling the loss of water between the two points of diversion, the method of measuring water being diverted from the creek, and the ability to prove to I.D.W.R. why there was a failure to use the water within the last five years.

The Michael Bennett application on Miner's Creek has been tabled until an agreement can be reached between the Bennett's and protesting parties.

Overall, 1999 was a very good year for the district.

Water Measurement District

The result of the resolution passed by District #31 for a contractual arrangement with the canal companies for measuring and reporting their water deliveries has been very positive. New large weirs were constructed and good measurements are being taken. Funding came from a separate account provided by the merging companies and no monies from the district were used.

March 1-Winter Flow

Artesian flow from the Independent Ditch and the Bybee Well has been very good this year, 53.91 cfs compared to 46.33 cfs last year. It is over 4 times the flow in 1997. 150 acre feet per day has been flowing into the lake from artesian flow.

Mud Lake Content

Greg reported on the water levels in Mud Lake for March 1, May 1, and November 1. The levels were fairly consistent over the years except for the low November reading for 1999. This was due to lowering the lake to do some levee repair.

Camas Creek Inflow into Mud Lake

The inflow from Camas and Beaver Creeks was higher in 1999 than it had been for 10 years at 67, 382 A.F. No water from the creeks flowed into the lake in 1991, 1992, and 1994.

1999 Water Use of Major Canal Companies

Mud Lake Water Users drew a total of 68, 930 A.F., applying 3.14 A.F. per acre, while the Independent Water Users drew 7, 122 A.F., applying 1.55 A.F. per acre. Greg also reviewed a table in the report showing the average use in the Mud Lake area for the past 8 years.

Winter Snow Report

The Camp Creek-Beaver Creek measurements show a snow depth of 37.0 with water content at 7.5, compared to the 30 year average of 8.7. Kilgore-Camas Creek measured at 36.0 with water content at 10.0 compared to its 30-year average of 10.4. The Camp Creek snow course is at 86% of normal, the Kilgore course is 96% of normal, the Crab Creek course is at 74%, and the Lake View Ridge is at 64% of normal. There is more snow at lower elevations than at the higher elevations, an unusual occurrence. The average of all courses is 80% of normal. Dave Hagenbarth asked if the cloud seeding had been done this year. Greg said that it has been going but it got a late start due to some extra time required to work out the financial arrangements as a result of the canal company mergers. A December 1 starting date is planned for future years.

1999 Budget Review and 2000 Budget Proposal

Greg Shenton reviewed the 1999 budget and actual expenses, explaining some of the expenditures. He pointed out that the \$3,088.00 listed on the chart did not go to him personally but to USGS. The chart simply shows the expenditure on the same line

Greg discussed the proposed 2000 budget. He reviewed each line item, pointing out those that were being proposed to increase. Those items and the proposed increases were Miscellaneous Expenses, 2,000; Secretary, \$50; Watermaster Salary \$400, Deputy Salary, \$1,000; and Deputy Mileage, \$800. The total, including the proposed increases was \$88,950, representing a total increase of \$4,250. Don Parker said that the increase for the Watermaster salary increase was inadequate and that the watermaster's mileage would definitely need an increase with the increase in fuel

prices. Don moved that the Watermaster Salary item be increased to \$27,500 and that the Watermaster Mileage be increased to \$11,400. Keith Shuldborg seconded the motion and the motion passed unanimously

The 2000 proposed budget, including the approved increase is as follows:

2000 WATER DISTRICT 31 PROPOSED BUDGET

Misc. Expense	22,000.00
Channel & Legal	1,000.00
Secretary Salary	450.00
Office Rent	1,500.00
<u>Total</u>	<u>\$24,950.00</u>

Watermaster Salary	27,500.00
Deputy Salary	19,000.00
<u>Total</u>	<u>46,500.00</u>

Watermaster Mileage	11,400.00
Deputy Mileage	7,800.00
<u>Total</u>	<u>\$19,200.00</u>

Total Budget		\$90,650.00
1999 Budget	\$84,700.00	
2000 Budget	90,650.00	
<u>Increase</u>	<u>\$ 5,950.00</u>	

2000 Budget	\$90,650.00
Less Federal agencies	9,675.16
<u>Proposed Budget</u>	<u>\$80,974.84</u>

Letter from JoAnn Wood

Greg directed everyone's attention to the copy of a letter from JoAnn Wood included in the report. He pointed out that State Supreme Court Justice Kathy Silack basically sold the waterusers in the state out. Bill Frederiksen said that Judge Silack also is in favor of employers being responsible for employees even when they aren't working and that employers are also responsible the safety and behavior of the employees' families. Support of Judge Eismann, who is running against Judge Silack, was strongly encouraged.

USGS Contract

The Watermaster's report included a copy of the water measurement contract with USGS for 2000. 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 arrangement continues to be a good deal for the water district. Chairman Soderquist entertained a motion that the USGS contract, the proposed budget, and the watermaster's report be accepted.

ADOPTION OF BUDGET

Don Parker moved that the USGS contract, Watermaster's report, and the budget as amended be accepted. Jim Hagenbarth 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 AND DEPUTY WATERMASTER

The Chairman called for nominations from the floor for Watermaster. Keith Shuldborg moved that Greg Shenton be elected as Watermaster and that Bart May be elected as Deputy Watermaster. 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. He said that several members of the board have indicated a desire to step down, primarily for health reasons. They include Carl Hoggan, LaMoyne Barney, and Harold Siddoway. A question was asked as to how many people should be on the board. Greg Shenton said that is should have at least seven including the chairman. Garth was asked if he would continue on the board even though he is stepping down as chairman and he said that he would do it. Representation on the board was discussed and it was decided that Beaver Creek needed to be represented. Bill Frederiksen moved that Valere Maxwell be elected to the Board. Don Parker seconded the motion and Valere was elected to the board by unanimous ballot. Valere asked how much work the advisory board required. Garth said that it had not been called to duty in 15 years but when it is needed, it is very important to have. Dave Hagenbarth pointed out that the purpose of the advisory board is to advise the chairman in delicate or controversial issues where the chairman must make a major decision. Garth entertained a motion to accept

the advisory board membership as amended. Don Parker made the motion, Jim Hagenbarth seconded it, and the motion passed unanimously. The following were appointed or re-appointed to the board: the new chairman as Chairman, Garth Soderquist, Dave Hagenbarth, Valere Maxwell, Andy Dobson, Edgar Green, and David Burtenshaw as members.

RESOLUTIONS

Chairman Soderquist asked the secretary to read the titles of the resolutions and asked if there were any questions about any of the resolutions. Farrel Downs asked about the financing in the well water measurement resolution. Greg said that the measuring is working well and that, although the money goes through the district, the district has no associated costs.

Garth entertained a motion to accept the resolutions as they currently stand. Don Parker made the motion, Dave Hagenbarth seconded it, and the motion passed unanimously.

High Water at Mud Lake

Be it hereby resolved, 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.

Collection of Water Assessments

Be it hereby resolved, 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.

Be it further resolved 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

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

Be it further 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.

IDWR REPORT

Al Ruberry gave a presentation on the water right adjudication that will take place this year on Basin 31, which includes Camas Creek, Beaver Creek and the Mud Lake area (see Adjudication Bureau Presentation by Al Ruberry and Bryce Contor). He discussed enlargement claims, splits of water rights from the land, excess of diversion rate, and the claims review process. GIS technology is being used to verify the size and shape of fields and the placement of the water diversions that go with them. A 1987 map is being used since water rights established before November 19, 1987 will be recognized through the adjudication.

Don Parker asked about "out of basin transfers." Al said, in reply, that IDWR cannot block a transfer unless there is an objection filed. Such an issue can go all the way to the Idaho Supreme Court. Transfers can be made within the same quarter section without a permit but all other transfers require a transfer permit even on property owned by the same person.

Al said that it is the IDWR Adjudication Bureau objective to represent the waterusers as accurately as possible. Individuals will be contacted and given the opportunity to amend their claims to better represent the water right or to preserve certain elements of the right. Nevertheless, it is up to the wateruser to take the action. Al also said that if you are considering any kind of a transfer, explore it carefully because there are lots of angles to it.

Al discussed the claim review process. It is on a very tight schedule. Department agents are to complete their fieldwork and report their recommendations to the waterusers in July or August. All beneficial use must be measured and proof of priority established. Recommendations to the SRBA court will be made only with user input based on individual consultation and a public meeting where a preliminary recommendation review is held. Problems found thus far in the adjudication process include such things as fence lines placed according to pre-1903 surveys, which had many errors in them. Solving such problems between private landowners has not been too bad but when BLM has been involved the problems have been very difficult to solve. BLM considers the problem a trespass and wants the water that has been used on that land.

Don Parker asked how much time would waterusers have to review the recommendations. Al said that most people would have 60 days depending on how many rights are being reviewed

at the time. Al looks forward to getting to know the people and the country and invited everyone to get acquainted with the field agent that will be working in their area and to review their water rights and prepare for the review.

MEETING TIME

Moved: Don Parker; Seconded: Farrel Downs; Passed.

That the 2001 meeting be held at 1:00 p.m. on the second Tuesday of March, 2001, at the same location.

OTHER BUSINESS

Chairman Soderquist asked if there was any other business to be brought before the district. No other business was offered to be discussed.

NOMINATION AND ELECTION OF CHAIRMAN AND SECRETARY

Don Parker moved that Dallas Furness be nominated for the office of chairman. Keith Shuldberg seconded the motion and the motion passed. Dave Hagenbarth moved that nominations cease. Bill Frederiksen seconded the motion and the motion passed. Dallas Furness was elected by unanimous ballot.

Don Parker moved that Keith Bramwell be nominated as secretary. Jim Hagenbarth seconded the motion and the motion passed. Keith Shuldberg moved that nominations cease. Pete McGarry seconded the motion and the motion passed, electing Keith Bramwell by unanimous ballot.

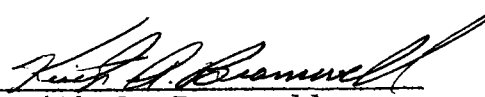
Greg Shenton expressed his appreciation and the appreciation of the district to Garth Soderquist for his 22 years of service as chairman of Water District 31.

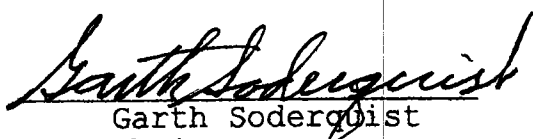
ADJOURNMENT

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

Don Parker moved that the meeting be adjourned and Keith Shuldberg seconded the motion. The motion carried and the meeting was adjourned at approximately 3:40 p.m.

ATTEST:


Keith A. Bramwell
Secretary


Garth Soderquist
Chairman