



2019

	MISCELLANEOUS	OFFICE SUPPLIES	MILEAGE	WAGES	Deposits made for month of			Checks Written	TOTAL DEPOSITS
January, 2020	\$0.00	\$0.00	\$0.00	\$390.00					\$0.00
February, 2020	\$0.00	\$0.00	\$0.00	\$255.00				\$1,039.64	\$0.00
March, 2019	\$0.00	\$0.00	\$43.68	\$360.00					\$0.00
April, 2019	\$300.00	\$17.80	\$93.08	\$127.50	\$500.00	\$1,310.37	\$341.71	\$300.00	\$2,152.08
May, 2019	\$0.00	\$0.00	\$98.80	\$105.00	\$750.00	\$399.56			\$1,149.56
June, 2019	\$0.00	\$0.00	\$235.04	\$435.00	\$825.16			\$1,515.90	\$825.16
July, 2019	\$0.00	\$0.00	\$146.64	\$390.00	\$50.00	\$100.00			\$150.00
August, 2019	\$0.00	\$0.00	\$52.00	\$240.00					\$0.00
September, 2019	\$0.00	\$0.00	\$127.40	\$360.00				\$1,316.04	\$0.00
October, 2019	\$0.00	\$0.00	\$0.00	\$0.00					\$0.00
November, 2019	\$0.00	\$0.00	\$94.64	\$300.00					\$0.00
December, 2019	\$0.00	\$0.00	\$0.00	\$0.00					\$0.00
	MISCELLANEOUS	OFFICE SUPPLIES	MILEAGE	WAGES				Checks Written	DEPOSITS
								\$4,171.58	\$4,276.80
2019 Year to Date Totals	\$300.00	\$17.80	\$891.28	\$2,962.50	2019 Budget Funds				\$4,276.80

TOTAL of EXPENCES	\$4,171.58
TOTAL of CHECKS CLEARED	\$4,171.58

Available Balance	\$105.22
Bank Statement Balance	\$105.22

Sharla Bailey paid late fee of \$5.00 this was transferred to busines saving, under June checks written

Transfer of 2018 end of watering season checking account balance to Business Savings.

Business Savings balance as of 3/31/19 \$2616.13 plus intrest of \$.97 = 2617.10. Transfer of 2018 year end checking account balance of 4/3/2019 of \$508.32 brings the Business Saving balance to \$3,125.42.

Water District Saving as of 12/31/2019 \$3,132.68 plus year ending checking balance of \$105.22 = \$3,237.90

Out standing assessments \$223.20

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 Department of Water Resources  
 Eastern Region

WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
D & D Ranches	29-4349	Home Place / Ground Water
Jacob Andersen	29-2470	Ground Water / Artesian Well
	29-13708	Ground Water
	29-14242	Ground Water / Church Lane
	29-2565	Ground Water / Bolingbroke Well
Bill Curry	29-2458A	Home Place / Ground Water
Lyle Woodbury	29-7630	Davis Well / Ground Water
Ryan Cranney / S5 Land Co	29-13984	East Pump / Ground Water
Ryan Cranney / S5 Land Co	29-13949, 13950, 13951, 13952, 13985	West Pump / Ground Water
Vance Ward	29-7291, 29-7931A	Home Place / Ground Water
Vance Ward	29-7291, 29-7931A	West Well (unused - orig PD 29-7291)
Vance Ward	29-13243	Spring
Kimberly Whittier Williams	29-2237A	Midnight Creek / Ground Water
Hans / Twane Hayden	29-7949	Box Car Well / Ground Water
Hans / Twane Hayden	29-2144	Clifton Ck div pump, sw div & gw re-div
Hans / Twane Hayden	29-7272, 29-7110	Clifton Ck well, pumps gw int Clifton Ck
Hans / Twane Hayden	29-13215	Hayden Rattle Snake Ck Div/surface water div & re-div of gw
Russel Hayden	29-2509	Russel Hayden GW well injects into Rattlesnake Ck
Terry & Melanie Schatz	29-7697	Home Place / Ground Water
V Stanley Bailey	29-10506	Knox Canyon / Surface Water
Rickark D Bailey	29-10505	Knox Canyon / Surface Water
Sharla D Bailey	29-10507	Knox Canyon / Surface Water
Vernal & Blanche Bailey % V Stanley Bailey	29-10504	Knox Canyon / Surface Water
Robert & Beverly Feld sold to Mike Gelles	29-7184	Surface Water / Michaud Creek
Orvil H Hilliard/ sold to		
JD Oborn	29-7130	Surface Water
Rosa Gay Jones	29-7913	Ground Water
Michaud Creek Ranches	29-2490	Surface Water / Michaud Creek (Sold in fall of 2019)
Kenneth L Campbell	29-10280	Knox Canyon / Surface Water
J Garth Thompson Family Trust	29-12259	Rattlesnake Creek / Pond
Carol & Steve Horn	29-13861, 29-13859	Michaud Creek
Power County Highway	29-7938	Ground Water / Road Construction
Rex Dale Curry	29-8066	Ground Water / Road Construction
Claudia & Morris Lehman	29-7333	Ground Water

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WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
Arbon School District	29-10549	Ground Water/Lawn sprinkling
Ivan & Marti Bingham	29-4083	Unnamed Stream / West Fork of Knox Canyon Ck
Barry & Valorie Williams	29-13530 29-13764	Springs / Bailey Place Bannock Creek / Woods Place
	29-14187	Jason Well / Ground Water
Barry Williams	29-10990	Rattlesnake Creek / Rattlesnake Ck Ditch
Janet Hayball	29-476	Rattlesnake Creek / Rattlesnake Ck Ditch
Dale Bolingbroke		Sold all ground and water rights
Stuart H & Judy Adams	29-13504 29-10422	Knox Canyon / Surface Water Bannock Creek / Waste Water
Dale Bolingbroke	29-2565	Ground Water / Home Place & Storage Pond
Wynn Jarvis	29-7483	Ground Water
Bonnie B & O liver Ames	29-7483	Michaud Creek
Darin C Ames	29-13677	Michaud Creek
Laurence Nelson	29-7868	Ground Water
John Herman	29-13860, 29-13858	Michaud Creek
Gene A & Lois Anne Stewart	29-2343	Muddy Creek / Spring
Corp of the Presiding Bishop % Darrell Ward	29-13709	Ground Water/Lawn Sprinkling
Byron & Lori Ann Marshal	29-14138	Ground Water
Robert Bodlak & Rhonda Bodlak	29-14164 29-14165 29-14166 29-14167	Rattle Snake Creek Ground Water Springs Irrigation Storage / Irrigation from Storage

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APR 07 2020 MAR 24 2020



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MAR 19 2019

State of Idaho  
Department of Water Resources  
*Certificate of Appointment*

*This is to certify that I have on this day appointed Richard Curry as  
Watermaster of Water District 290 from this day until the 2020 annual  
meeting or until his/her successor is appointed and qualified under the provisions of Idaho Code Section  
42-607, at such rate of compensation as established by applicable law.*



*This certificate has been issued and the seal of the  
Director fixed at Boise, Idaho, this 18th  
day of March, 2019.*

*Gary Spackman*

Director - IDWR

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

State of Idaho )  
County of Power ) ss

Official Oath

I do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution and laws of the State of Idaho, specifically including the provisions of Section 42-605 and 42-607, Idaho Code, and that I will faithfully discharge all the duties of the office of Watermaster of District 29-D according to the best of my ability. So help me God.

Richard Cusny  
Watermaster

SUBSCRIBED AND SWORN TO before me this 13 day of March, 2019

Teri Kendall  
Notary Public

Residing At American Falls ID 83211  
Commission Expires July 19, 2024

SEAL



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MAR 19 2019



PETITION FOR WATERMASTER'S SERVICES

Power County, Idaho  
March 12, 2019

RE: Water District No. 29-0  
Stream: Bannock Creek Drainage  
TO: IDAHO DEPARTMENT OF WATER RESOURCES

I, the undersigned, owner or manager of ditches or person controlling ditches in Water District No. 29-0, hereby request the services of a watermaster for the reason that there is a necessity for the use and control of the waters of the District.

NAME OF WATERMASTER: Richard Curry  
ADDRESS OF WATERMASTER: 4363 Carbon Hwy Carbon Id 83212  
PHONE NUMBER: 208-335-2373 cell 208-530-2803

Date watermaster is to start: March 1<sup>st</sup> 2019

If known, the date services of watermaster are to terminate: Feb 27, 2020

Richard Curry 4363 Carbon Hwy 208-335-2373  
signature address telephone

WARNING: Watermaster cannot begin services until ALL conditions of appointment have been fulfilled.

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

State of Idaho        )  
                              )  
County of Powder    ) ss

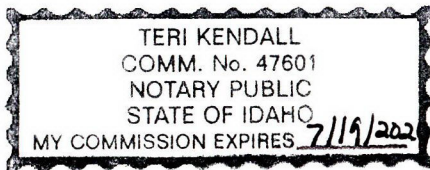
Official Oath

I do solemnly swear or affirm that I will support the Constitution of the United States, and the Constitution and laws of the State of Idaho, specifically including the provisions of Sec. 42-619, Idaho Code, and that I will faithfully discharge all the duties of the office of treasurer of District 29-0 for the calendar year of 2019 according to the best of my ability. So help me God.

Richard Cury  
Treasurer

SUBSCRIBED AND SWORN TO before me this 13 day of March, 2019

Seal



Teri Kendall  
Notary Public

Residing at American Falls ID 83211

Commission Expires July 19, 2024

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MAR 19 2019



WATER DISTRICT INFORMATION SHEET

RECEIVED  
MAR 18 2019  
Department of Water Resources  
Eastern Region

2019  
Year

29-0 Bannock Creek Drainage  
Water District # / Stream Name

Richard Curry  
Watermaster Name

4363 Carbon Hwy Carbon Id 83212  
Address

208-335-2373

208-530-2803

Phone Number, Home / Cell

rd@dcid.net

E-Mail Address

None  
Assistant Watermaster Name

Address

Phone Number, Home / Cell

E-Mail Address

Richard Curry  
Secretary Name

Address

Phone Number, Home / Cell

E-Mail Address

Please print in the blank information above and return it to the Idaho Department of Water Resources. Your cooperation on this matter would be greatly appreciated. If you have any questions, please feel free to contact me.

Respectfully Submitted,

Sharla Cox  
Administrative Assistant

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MAR 19 2019



2019 Annual Water District Business and Budget Meeting Minutes  
3/6/2019

Arbon Elementary School  
Bannock Creek Drainage

Meeting called to order – 6:00 PM

Attendees: Terry Schatz, Stu Adams, Barry Williams, Darrel Ward, Vance Ward, Bill Curry, Jacob Andersen, Ken & Jeff Campbell, Hans Hayden, Jason Williams  
Also see sign in sheet.

Meeting Chairman - Hans calls for nomination for chairman. Barry nominates Hans, Stu seconds. Unanimous.

Minutes taken by Jacob Anderson and Richard Curry

Minutes from 2018 read by Hans, Terry Schatz made motion to accept meeting minutes 2<sup>nd</sup> by Bill.

Richard: he's not going out every week to check water usage because the meters are recording it. BIA is not happy about that and are scrutinizing our water usage. Steve Visky of IDWR and Richard by phone went over the weekly readings. Both BIA and Fort Hall go over the weekly report with a fine tooth comb. There is a new well that they will go after and want to know why this was allowed. The drilling of the new well was approved by IDWR after reviewing all criteria and how it applied to all existing laws.

Richard: With the issue of the water being shut off in the Williams, Hayball and Bodalack ditch Barry and Richard talked and decided he didn't need to chain up his diversion. Richard did talk to Willard Bradley and told him not to touch the diversion head gate if there was an issue of water running into Willard's fields to contact Richard and he in turn would contact Barry. If the issue was not resolved then it would be up to Richard to close the head gate until the problem was taken care of.

After the minutes were read Terry motions to accept minutes. Bill 2<sup>nd</sup>. Unanimous  
Darrel nominates Richard to be water master. Ken 2<sup>nd</sup>. Unanimous

There are two water rights with no payments. One will never pay. Neither uses the water and both are small (3 ac and 10 ac). The 10 acre guy will not pay. If he sells the ground, the water right will be invalidated. Hans said that it's not worth fighting the guy right now. It will go away in the future. Everyone agrees.

Hans asked Richard about work requirements and compensation. Richard gets paid by the hour and he keeps track of time/mileage. Richard stated that his current rate of payment is sufficient.

Richard created a spreadsheet about the water and records surplus. Fiscal year ends March 1st. In the past he has received his last check after the first of March which has some hours from the previous fiscal year and this overlap has created problems in his bookkeeping. Richard hopes to eliminate this issue by ending all transactions by February 15<sup>th</sup>. The ending balance can be moved into the savings/backup fund. Each year would start with a \$0.00 dollar balance.

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This year we ended up with a balance of \$508.32 carryover. When assessments come in, he'll move that into savings/backup fund and start out with a 0 balance. The savings/backup fund will balance will be \$3,124.24 + or - interest.

Barry moves that we leave assessments the same. Ken 2nds. Unanimous

Richard explains the spreadsheet for water usage and passes it around.

Ken asked if he pumps out of the creek, does he need a meter? Richard said that he will need a water meter. The entire country is mandating water meters for water pumpers. Seametrics are no longer approved because the batteries keep dying.

Barry asked why Fort Hall and BIA were interested in his water. Richard said because he drilled a new well and there is a moratorium on new wells. Richard also stated that IDWR approved the drilling of this well and will stand behind their decision.

Right now everyone is allocated 4 acre feet. Water resources is looking at location, soil types, etc, to determine if they need that much water. They might drop us to 2-3 acre feet. Richard thinks in the next 10 years, they'll look at the usage and do reductions.

Motion to accept budget: Barry, Terry 2nd. Unanimous

The Bannock Creek Drainage according to a geological survey done in the early 90's there is approximately 8000 afa coming out of this drainage - we are using according to our metered readings are using 2800 - 3300 acre feet. Fort Hall and BIA want the water right to the remainder.

Jerre Evans has contacted the Power County Commissioners and asked that they request a new Arbon Valley Water Resources board and/or setup a critical ground water management area over Arbon. It will require approval from IDWR and a vote from the residents and a 2/3 majority to put this in place. This would allow the commission to decide how much water each of us is allowed to irrigate.

Richard recommends that we contact the county commissioners. We need to be aware of any meetings that Jerre Evans sets up.

Hans recommends that individuals start a petition stating that we want nothing to do with a water resources group. Get lots of signatures that shows over 2/3 people signing it. There is a water district in existence, a moratorium is setup not to allow any more wells and that everything is metered.

Richard suggests that we check with the prosecuting attorney. Ask TJ if this is a good thing to do or if there are any problems. From residents of Arbon Valley Bannock Creek.

Richard is going to talk to the prosecuting attorney and the Power County commissioners and see if a petition would help our cause. If it does, then a petition will be written up, have the prosecuting attorney review it, and then someone in this group will circulate it.

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We will meet on March 4th, 2020 at 6pm. At the Arbon School Stu moves to adjourn. Darrel  
2nds. Unanimous.

Minutes – Jacob Anderson

Chairman – Hans Hayden

Water Master/Secretary – Richard Curry

A handwritten signature in black ink that reads "Richard Curry". The signature is written in a cursive style with a prominent loop at the end of the word "Curry".





# ARBON VALLEY WATER RESOURCES

It was brought to my attention that there was a meeting scheduled on the Power County Commissioners agenda involving the Arbon Valley Water Resources. I was unfamiliar with this organization so was IDWR of Idaho Falls so I attended the meeting. At the meeting myself and Deanna Curry were the only ones in attendance. Talking with the commissioners Jerry Evans set up the meeting and advised them to contact the Arbon Valley Water Resources representative Roger Warner for a conference call at the meeting. The minutes from that meeting are as follows:

**Arbon Valley Water Resources:** Commissioner Anderson reports that he was contacted by a constituent in Arbon Valley with a concern that there is a party that is buying up all the water rights in the Arbon Valley area, which is causing streams and domestic wells to dry up. Commissioner Anderson reports that the matter was litigated and it was recommended that application be made with the Power County Commissioners to declare a water crisis and put a moratorium on drilling additional wells. Legal Counsel Anson Call, inquired of the statutory authority referencing the scope of the County's authority to take such action. Richard Curry advises that the water transfers have been following the state guidelines and have been moving water from one farm to another. Mr. Curry advises that the Department of Water Resources is not allowing additional wells to be drilled in Arbon Valley at this time. They will allow the moving or redrilling of existing wells, with the exception of domestic wells. Commissioner Funk inquired for validation. W. Roger Warner, Senior Hydrologist for Rocky Mountain Environmental provided a scenario of the water resources concerns in the Arbon Valley. Mr. Warner advises that previous to the 1990's ground water and surface water were being monitored separately. They are now determined to be connected and monitored conjunctively in an attempt to achieve a better balance of the aquifer. Mr. Warner advised the Oneida County Commissioners recently went through a process to place a moratorium on drilling. Mr. Curry advised the Commission on his historical viewpoint of water availability in Arbon Valley.

End of Commissioner's Minutes

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The Arbon Valley Water Resources founded by Jerry Evans, represented by Roger Warner, Senior Hydrologist for Rocky Mountain Resources scheduled a meeting with the Power County Commissioners to set up a water board to represent Arbon Valley residents and control water usage in a proactive manner. This would give the Arbon Valley Water Resources the authority to shut down or reduce ground water use if a domestic well started to suck air or Bannock Creek became low or started to dry up. This would supersede IDWR. According to Roger Warner, Jerry has stated that Arbon Valley is in a pickle and that our underground water supply is in a crisis stage. There was no mention of how he came up with an accurate measurement of the underground water supply or how it was recharged. Roger also stated that according to Jerry that because the

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MAR 19 2019

creek was drying up that some of the meadows along the creek were going to weeds because of lack of water.

After the phone conversation with Roger had concluded I told the commissioners that BIA and Fort Hall claim to have had a survey done and claim that there is over 8,000 acre feet of ground water flowing from the Bannock Creek Drainage, water users are currently using based on metered measurements between 2,800 to 3,200 acre feet annually. I again stated that IDWR has a moratorium in place on new wells in the Bannock Creek Drainage.

Richard Curry

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MAR 19 2019

ADOPTED BUDGET AND RESOLUTIONS  
PERTAINING TO THE COLLECTION THEREOF

FOR 20 2019

RECEIVED  
MAR 18 2019  
Department of Water Resources  
Eastern Region

WATER DISTRICT NO. 29-0  
STREAM Bannock Creek Drainage  
COUNTY Power  
NAME OF SECRETARY Richard Curry  
ADDRESS OF SECRETARY 4363 Carbon Hwy Carbon Id 83212

COLLECTION AND HOLDING OF WATER DISTRICT FUNDS

Please check the appropriate box regarding the collection and holding of Water District funds.

- The Water District collects and holds its own funds.
- \_\_\_\_\_ County collects and holds funds for the Water District.  
(county name)
- \_\_\_\_\_ County collects the Water District's funds and deposits the funds in an account held by the Water District.  
(county name)

(This report must be certified and made in duplicate, one copy to be forwarded to the appropriate regional office of the Idaho Department of Water Resources, and one copy to the Secretary of the Annual Water User's Meeting of the Water District. If a designated county collects funds for the water, then a third copy must be sent to the auditor of the designated county.)

Power County, Idaho, March 12, 20 19

I HEREBY CERTIFY that the within is true and correct copy of the budget as adopted at the annual Water User's Meeting of Water District No. 29-0, held at Carbon Elementary School on the 6<sup>th</sup> day of March, 20 19 and all resolutions adopted at said meeting pertaining to the time and the manner of collecting the amounts provided for in the said budget.

Richard Curry  
Secretary, Water District No. 29-0

SCANNED

MAR 19 2019



**BUDGET ADOPTED AT THE ANNUAL MEETING**

**OF THE WATER USERS**

WATER DISTRICT No. 29.0

Estimated Amount for Watermaster`s Salary .....	\$ 3000.00
Estimateer Amount for Watermaster and other Water District Officials.....	None
Estimator Amount for Other Expenses .....	\$ 1511.37
<b>TOTAL ESTIMATED EXPENSES FOR 2019 .....</b>	<b>\$ 4511.37</b>

**DISTRIBUTION OF THE BUDGET AMONG USERS**

Individual, Ditch or Canal Company, assessed	Water Right Ident. No.	Address	Amount of Budget
Stuart H & Judy G Adams	29-10422 29-13504	1271 Mink Creek Rd Arbon ID 83212	\$100.00
Oliver Daniel Ames	29-13676	2198 Michaud Creek Rd Pocatello ID 83204	\$100.00
Darin Ames	29-13677	645 Mathew Chubbuck ID 83202	\$100.00
Rosa Gay Jones	29-7913	2196 Michaud Creek Rd Pocatello Id 83204	\$50.00
Arbon School District #383	29-10549	Arbon School District #383 Arbon ID 83212	\$50.00
Rickard D Bailey	29-10505	PO Box 980490 Park City Utah 84098	\$50.00
Sharla Dene Bailey	29-10507	PO Box 1847 New York NY 10150-1847	\$50.00
Vernal F & Blanche E Bailey (Stanley Bailey)	29-10504		\$50.00
V Stanley Bailey	29-10506	4052 S Schooner Dr Saratoga Springs Lehi Ut.	\$50.00
Ivan & Marti E Bingham	29-10504	14735 N 4400 W Garland Ut 84312	\$50.00
Kenneth L Campbell	29-10280	4798 Bailey Rd Arbon ID 83212	\$50.00
Corp of the Presiding Bishop % Darrel Ward	29-13709	Corporation of the Presiding Bishop Facilities Management Dep 50 E North Temple St Salt Lake City Ut 84150	\$50.00
Bill & Deanna Curry	29-2458A	PO Box 21 Arbon ID 83212	\$100.00

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**MAR 19 2019**

D & D Ranches Partnership	29-4349	PO Box 7 Arbon ID 83212	\$100.00
Norman & Shirley Davis (New owner Lyle Woodbury)	29-7630	Lyle Woodbury 305 N Yale Rd American Falls Id 83211	\$100.00
Mike & Cami Gelles (Robert W & Beverly Feld)	29-7184	2147 Michaud Creek Rd Pocatello ID 83201	\$100.00
G5 Land Co	29-13949, 29-13950, 29-13951		
	29-13952, 29-13984, 29-13985	1310 S 600 W Oakley ID 83346	\$720.16
Janet Hayball	29-476	PO Box 725 Fort Hall ID 83203	\$141.71
Hans & Twain Hayden	29-2144, 29-7335, 29-10893	C/O Hans Hayden 3747 Mid Crystal Rd Arbon ID 83212	\$0.00
Russell J Hayden; Hans & Twain Hayden	29-13522	C/O Hans Hayden 3747 Mid Crystal Rd Arbon ID 83212	\$0.00
Mid Crystal Farms	29-7110, 29-7948, 29-7949	C/O Hans Hayden 3747 Mid Crystal Rd Arbon ID 83212	\$194.62
John & Sandra Herrman	29-13858 29-13860	2157 Michaud Creek Rd Pocatello Id 83204	\$50.00
(Orval H Hilliard) sold to JD & Terri Oborn	29-7130	575 Cheyenne Ave Pocatello, ID 83204	\$50.00
Steve & Carol Horne	29-13859 29-13861	2155 Michaud Creek Rd Pocatello Id 83204	\$50.00
J Garth Thompson Family Trust	29-12259	J Garth Thompson Trustee 1136 W Thompson Ln Arbon Id 83212	\$50.00
Wynn Jarvis (sold 7 acres to Byron & Lori Marshall)	29-14138	2171 Michaud Creek Rd Pocatello Id 83204	\$100.00
A Jacob Andersen	29-2470		
	29-13708		
	29-477		
	29-2565		
	29-10857		
	29-13234	1170 Lusk Loop Arbon Id 83212	\$436.48
Kimberly Whittier Williams Trust	29-2237A	3291 Midnight Creek Rd Pocatello Id 83204	\$100.00
Morris Lehman	29-7333	2174 Michaud Creek Rd Pocatello Id 83201	\$50.00
Michaud Creek Ranches Inc	29-2490	2470 Michaud Creek Rd Pocatello Id 83204	\$100.00

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MAR 19 2019



Laurence Nelson	29-7868	2184 Michaud Creek Rd Pocatello Id 83204	\$100.00
Power County Highway Dist	29-7938	PO Box 513 American Falls Id 83211	\$50.00
Rex Dale Curry	29-8066	PO Box 1 Arbon Id 83212	\$50.00
Gene & Lois Anne Stewart	29-2343	764 Upper Rattlesnake Rd Arbon Id 83212	\$50.00
Ward & Sons Co Inc	29-7291, 29-7931A, 29-13243	5336 Arbon Hwy Arbon Id 83212	\$368.84
Barry T Williams	29-10990, 29-13530, 29-13764	1277 Mink Creek Rd Arbon Id 83212	\$299.56
Melanie & Terry Schatz	29-7697	4297 Bailey Rd Pocatillo Id 83204	\$100.00
Wynn Jarvis	29-7483	2169 Michaud Creek Rd Pocatello Id 83204	\$100.00
Rhonda & Robert Bodlak	29-14164--29-14165- 29-14166--29-14167	746 Foerster St. San Francisco Ca. 94127-2306	\$100.00
Jake & Brianna Evans	29-14260	Jake & Brianna Evans Arbon Id 83212	\$100.00
			\$4,511.37

RESOLUTIONS PERTAINING TO THE TIME AND MANNER OF COLLECTING THE BUDGET AS  
ADOPTED AT THE ANNUAL MEETING OF THE USERS OF

WATER DISTRICT No. 29-O

SCANNED  
MAR 19 2019

# Annual Water District Meeting Checklist

Per Idaho Code Title 42 Chapter 6 (Distribution of Water Among Appropriators), annual water district meetings must include (at a minimum) the actions listed below.

IDWR wants to ensure each water district is meeting these minimum standards. **Please return this completed checklist to the appropriate IDWR regional office with the annual meeting minutes (this list does not replace meeting minutes) and ensure that all of these actions are clearly addressed in the meeting minutes.**

Water District Number and Name: 29-0 Bannock Creek Drainage

Meeting Date: 2/6/2019

- Election of meeting chairman
- Election of water district watermaster (and assistant watermaster (optional))
- Election of water district secretary and / or treasurer
- Approval of adopted budget
- Minutes, make sure date, time, place and roster of attendees are included in minutes.
- Make sure the secretary or authorized person sign the Minutes.
- Next year's meeting date, location, and time

March 4<sup>th</sup> 6:00 PM 2020 - Urban Elementary School  
Meeting Date, Time of Meeting and Location (next year)

## Preparation Checklist after Annual Meeting

- Idaho Statues 42-605 states, "Within five (5) days after meeting...the meeting secretary shall forward a certified copy of the minutes .... to the department. Along with the Minutes, the Adopted Budget, Oath, Petition of Watermaster and Information sheet should be submitted to IDWR before the irrigation season starts. IDWR needs to send the "Certificate of Appointment" of Watermaster and Treasurer prior to irrigation season.
- Idaho Statues 42-606 states, "All watermasters shall make an annual report to the department ....." This report should be submitted to the Department by December 31 of each year.

By signing below I verify that all required actions have been addressed at the water district annual meeting

Completed by:

Richard Cump

Water District Representative

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MAR 19 2019



ATTN: GARY SPACKMAN



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718  
Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

RECEIVED  
FEB 19 2019  
Department of Water Resources  
Eastern Region

February 11, 2019



Mr. Morris Lehman  
2174 Michaud Creek Rd.  
Pocatello, ID 83204

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

RE: LEHMAN'S IDWR WATER LICENSE NOS 29-7333  
LEHMAN'S WATER RIGHT IN THE MICHAUD CREEK  
DRAINAGE ON THE FORT BAKER RESERVOIR  
HAS A PRIORITY DATE IN 1868, TAKE 1001  
LEHMAN'S WATER RIGHT IS PARAMOUNT AND  
SUPERIOR TO IDAHO POWER AT SWAN FALLS,  
1902

Lehman, Morris  
2174 Michaud Creek Rd  
Pocatello ID 83201

Dear Water User,

Notice is hereby given, that pursuant to law, the regular **annual meeting** for adoption of a budget and election of a water master for **Water District 290, Bannock Creek Drainage**, is scheduled for the time and location listed below.

LEHMAN'S WATER LICENSE # 29-7333

**Day & Date:** Wednesday, March 6, 2019 IS ON MICHAUD CREEK DRAINAGE

**Time:** 5:00 PM LEHMAN'S WATER RIGHT IS PRIOR IN RIGHT

**Location:** ARBON VALLEY ELEMENTARY SCHOOL THEREFORE - PARAMOUNT  
Basement AND SUPERIOR TO THE  
4405 Arbon Valley Highway CURRYS JUNIOR RIGHT ON BANNOCK  
Arbon Idaho 83212 CREEK.

LEHMAN'S WATER RIGHTS  
lands to prevent spread of noxious weeds  
and pests from their lands to adjoining  
lands, crops and animals.

LEHMAN'S PROBLEM

• **Protecting Farm Land**  
There should be no governmental taking of private property rights by restriction of use without just and due compensation.

We support the federal and state "takings" law in support of the U.S. Constitution, Article V.

We oppose any infringement of private property rights caused by regulation of rivers and dams for endangered species.

We oppose infringement on private property rights caused by highway districts and transportation departments.

## comply with new water call settlement

By JOHN O'CONNELL  
joconnell@journalnet.com

POCATELLO — Several cities with wells drawing from the Eastern Snake Plain Aquifer have reached a settlement that will protect their groundwater supplies from the threat of curtailment for the next three decades.

Officials say the city of Pocatello's storage water in Palisades Reservoir will be critical toward helping many participating cities comply with the terms of the agreement, reached in late January.

Sarah Klahn, a Denver attorney representing Pocatello on water issues, said the agreement will provide much-needed security for Pocatello's water supply, noting there have been close calls with curtailment in the past. She confirmed the wells the city uses to irrigate farmland fertilized with biosolids from the waste treatment plant were slated for curtailment in 2005, until an agreement was reached.

The cities of Pocatello, Idaho Falls, Rexburg, Blackfoot, Inkom, Bliss, Burley, Carey, Declo, Gooding, Hazelton, Heyburn, Idaho Falls, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell have signed onto the settlement with the Surface Water Coalition and Idaho Ground Water Appropriators Inc.

## Water/ from A1 water r r Resou

All of the participating cities now have safe harbor from enforcement of a 2005 water call filed by the Surface Water Coalition, which had previously threatened municipal wells with curtailment during especially dry years.

The coalition argued in its call that well irrigation has played a role in reducing spring flows in the Snake River reach from Blackfoot to American Falls Reservoir. The coalition's surface irrigators say the diminished river flows have come at the expense of their senior water rights.

Participating cities have agreed to recharge an annual average of 7.650 acre-feet of water into the aquifer. Managed recharge entails intentionally allowing surface water to seep into the aquifer through unlined canals or spill basins to bolster ESPA groundwater levels, which have declined steadily for the past few decades.

An acre-foot represents the volume of water needed to flood a football field a foot deep with water.

Pocatello is on the hook for providing nearly 2,000 acre-feet of storage to be recharged. Kirk Bybee, a lawyer who represents the city, said most of the cities involved in the settlement have expressed interest in leasing some of Pocatello's 50,000 acre-feet of Palisades storage to meet their own recharge requirements.

Obligations for individual municipalities were based on their groundwater usage and well priority dates. The recharge volume in the agreement was set above the total combined usage of the participating cities to allow for future growth.

"The City Council way back in the 1960s had the foresight to contribute toward building the Palisades Dam," Bybee said. "Most of those (participating) cities don't have water rights. We are offering some of our water rights, and we expect to get some revenue for it."

Klahn said the city leases its storage water for \$20 per acre-foot. She said the cities are negotiating with the Idaho Water Resource Board to oversee arrangements to recharge the water.

"Some of the smaller municipalities may find it easier to sign a lease with Pocatello and let Pocatello take care of all of the administrative stuff than doing it themselves," Klahn said.

When the Surface Water Coalition first filed the call, Klahn said only a couple of city wells near the Pocatello Regional Airport that are used for biosolid applications were in the geographic area subject to the water call. Based on subsequent changes in Idaho Department of Water Resources' policy, she said all of the cities wells are now included in the water call area. The city draws its culinary water from wells, in addition to using them for irrigation and its biosolids operation.

Klahn said many of the

city's wells have relatively senior priority dates, and therefore would be among the last to be curtailed in a dry year. However, she emphasized that the IDWR director has established a groundwater management area for the entire ESPA, concerned the aquifer faced a crisis, and there's no "particular obligation for the director to manage it by priority."

IGWA Executive Director Lynn Tominaga explained his organization, which represents ESPA farmers who use wells for irrigation, reached a prior settlement with the Surface Water Coalition in the fall of 2015. IGWA agreed to help reverse aquifer declines through a combination of recharge and irrigation reductions, averaging 240,000 acre-feet per year. IGWA also agreed to guarantee a minimum 50,000 acre-feet of reservoir storage for the coalition and also vowed to achieve specified milestones for aquifer recovery.

Tominaga explained IGWA is a party to the settlement agreement involving the cities because their water use could affect IGWA's ability to reach its recovery milestones.

The good news, Tominaga said, is that the aquifer has risen by more than 2 feet since the agreement with IGWA was finalized, as measured by 19 sentinel wells throughout the ESPA.

"What everybody is looking at is stabilizing the aquifer and building the aquifer," Tominaga said.



ATTN: GARY SHACKMAN

UNITED STATES  
INVESTIGATIVE UNIT  
SECURITY CLEARANCE FOR: MR. MORRIS LEHMAN

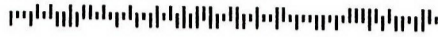
From the Desk of  
David Hinners, Executive Director

NOTICE



To: IDWR WATER DIST 290

Morris Lehman  
2174 Michaud Creek Rd.  
Pocatello, ID 83204-7518



Morris Lehman, **REJECTS RICHARD CURRY'S 2013, 2014, 2015 AND 2016 ASSESSMENTS** WATER

Enclosed is the new issue of the **USDSA Blue Bulletin**, the official newsletter of the U.S. Deputy Sheriffs' Association (USDSA).

As a key supporter, you're aware vests, first-aid kits, and other life-saving sheriffs' departments nationwide.

**Thank you, Morris Lehman! Curry terrorist attacks are making making their dreams come true.**

Now you have a chance to make **Sweepstakes**. By simply filling out and automatically entered to win \$25,000,

### Magnida project collapses, county seeks water rights

By MICHAEL H. O'DONNELL  
For the Journal

AMERICAN FALLS — After years of hoping Magnida would build a new fertilizer plant in Power County, the county commissioners are now asking voters to buy the water rights Magnida holds that initially were held by the FMC Corporation at its phosphate plant in eastern Power County.

Unable to secure \$900 million in financing for the project near the Lamb-Weston potato processing plant just west of American Falls, Magnida is seeking to dispose of the project's assets, according to Power County Commission Chairman Ron Funk.

**ONLINE**  
Comment on this story at PowerCountyJournal.com.

More MAGNIDA | A5

POWER COUNTY DEANNA CURRY SOLD LEHMAN'S LAND AND WATER RIGHTS TO INDIANS.

### Magnida/

from A1

"Our No. 1 goal here is for economic development," Funk said about acquiring the industrial water rights for 8.5 cubic feet per second of water or about 6,000 acre-feet per year.

An acre-foot of water is enough to cover one acre of land with a foot of water.

"We wanted something in place if another company comes along and needs that water," Funk said during a Wednesday county commission meeting.

Voters will be asked to approve an \$8 million bond on Nov. 8. Passage requires a super-majority of 66.6 percent of the voters.

Funk said the water rights are "real property" under Idaho law, and that means the county must secure an outside appraisal of the water rights' value. On Wednesday, the county commissioners — Funk, Bill Lasley and Delane Anderson — started negotiations with an appraiser to determine a value on the water rights. Those negotiations should be completed Monday.

Although Power County ballots already contain the bond issue, Funk said it is possible that the county will drop it from the ballot before the deadline on Oct. 21 if the appraised value doesn't match the estimated value of the water rights.

If the bond passes and Power County acquires the water rights, Funk said Magnida would still be given the first option of re-acquiring those rights if the company is able to secure financing for the fertilizer plant.

During a teleconference with Magnida's attorney, John Simpson of Twin Falls, Simpson said the company hasn't given up all hope that financing can be obtained, but he said, "They're trying to be realistic."

The two water rights — one for 4 cubic feet per second and the other for 4.5 cubic feet per second — expire in 2017, which prompted negotiations between Power County and Magnida officials.

"People understand the need for water," Funk said about the county's decision to move forward with securing the old FMC water rights.

Another bond issue on November's ballot also

has the commissioners concerned about moving forward with the \$8 million bond for water rights. Power County Hospital District are asking voters to approve a \$15.25 million bond for updates and renovations to Power County Hospital.

"We don't want to jeopardize passage of that bond," Funk said.

The hospital bond would pay for major updates to the hospital's 20-bed nursing home, update heating and cooling systems and create a new outpatient therapy space. The original Power County Hospital was built in 1961. The hospital bond also requires a supermajority to pass.

The Magnida fertilizer plant project has been in the works for seven years. Magnida had hoped to turn natural gas into ammonia nitrate fertilizer. If the plant was built, Magnida had plans to hire 1,500 workers during construction and employ 170 workers permanently.

Funk said the potential of attracting some future industrial development in Power County is the main reason the county is moving forward to secure the water rights that Magnida currently holds.

0306-L

### WATER DISTRICT 29-O 2016 ANNUAL ASSESSMENT NOTICE

#### ASSESSMENT FOR THE FOLLOWING WATER RIGHT(S)

Water Right Owner(s)

Morris Lehman

IDWR Water Right Identification Number(s)

29-7333

Assessment Fee 2013 + Penalties & Interest thru 2016:	\$90.79
Assessment Fee 2014 + Penalties & Interest thru 2016:	\$74.42
Assessment Fee 2015 + Penalties & Interest thru 2016:	\$61.00
Assessment Fee 2016:	\$50.00

Total Assessment Fee Due for 2016: \$276.21

#### PLEASE REMIT PAYMENT ON OR BEFORE MAY 1, 2016

All payments for assessments not received by May 1, 2016 shall accrue penalties in the amount of 10% of the charge and interest in the amount of 1% per month, as provided pursuant to Idaho Code 42-617. IDWR has set an acre limit of 5 acres or less is not required to install water measurement devices at this time. The water master will monitor your water usage if any and will be reported on the yearly water report.

Make checks payable to: Water District 29-O

Send payment to: Richard Curry  
4363 Arbon Hwy  
Arbon Valley Idaho 83212

Please note that if a water right has multiple owners, each owner will receive a copy of this bill. However it only needs to be paid once.

If you have any questions about this bill or Water District 29-O in general please contact Richard Curry, Water Master at 208-530-2803 or e-mail [richard@waterdist29.org](mailto:richard@waterdist29.org).

Dated: March 22, 2016





ATTN: GARY SPACKMAN

# Governor refuses to sign 'stand your ground' bill, afraid it could cause kids' deaths

BY BETSY Z. RUSSELL  
The Spokesman-Review

BOISE — Gov. Butch Otter has allowed the "stand your ground" bill to become law without his signature.

"I commend those portions of SB 1313 that codify existing case law and recognize the sanctity of private property," Otter wrote Wednesday in a letter to Lt. Gov. Brad Little, in Little's capacity as president of the Senate.

"However, a thorough review of this bill reveals some concerns that warrant further review during the next legislative session. Among my biggest concerns are the potential unintended consequences on our children," Otter stated.



Otter

## Otter/

from A1  
Otter offered two examples: He said a juvenile who broke into an RV to steal a soda and was discovered by the RV's owner could legally be shot to death under the

MORE ENFORCEMENT NEEDED

bill. And he said rural teenagers who snuck into a corn field in the middle of the night could be legally killed under the bill, "simply because the teenagers used stealth to sneak onto the property and are unlawfully trespassing."

The bill as written, he

said, "will exonerate killings that otherwise would be considered unreasonable."

Otter's comments match concerns about how the bill interacts with Idaho trespassing law, which a deputy Idaho attorney general raised earlier this session.



WE AMENDED THE TRESPASSING LAW TO STOP JUNIOR WATER RIGHTS HOLDERS ON BANNOCK CREEK

# Senate amends trespassing bill

SENIOR WATER RIGHTS & PROPERTY RIGHTS ON MICHAUD CREEK ARE PROTECTED.

BY BRYAN CLARK  
Post Register

BOISE — The Idaho Senate has amended a bill aimed at creating harsher penalties for trespassing, setting upcoming votes in the Senate and House.

The trespassing bill was introduced by Rep. Judy Boyle, R-Midvale, chairwoman of the House Agricultural Affairs Committee. The hearings on the bill have featured farmers explaining the negative impacts of trespassing, often by people driving through farmer's fields, committing serious vandalism to farm equipment or stealing irrigation equipment.

Sportsmen's groups have countered that they don't oppose toughening some penalties for trespassing, but they argued it's unfair to reduce posting requirements that ensure hunters, anglers and others in the backcountry don't wind up on private land without realizing it.

The bill earlier passed the House 45-22. On Tuesday, it was brought up for amendment in the Senate. The Senate opted for a set of amendments proposed by Sen. Mark Harris, R-Soda Springs.

Harris argued that existing trespassing laws leave penalties too light and involve posting requirements that are overly burdensome to

Many of the changes are somewhat minute, including defining what it means to remain on property in terms of what it means for the trespassing law.

The amendments are unlikely to do much to alleviate the concerns of sportsmen's groups, who testified on earlier bills that the reduction of posting requirements would make accidental trespass more likely even as the penalties for such trespassing rise sharply — including felony charges in some cases. Michael Gibson of Trout Unlimited likened it to raising the fines for speeding while removing speed limit signs.

There aren't any significant changes to the posting requirements in the bill. While existing law requires posting signs or similar notifications every 660 feet in order for a person on private land to be liable for civil trespass, the new law only requires painting fence corners, rights of way, gates and navigable streams. It also provides a "reasonable person" standard to determine whether a person should have known they were on private land, a determination that will be up to judges and juries.

Another controversial portion of the bill which was amended concerns the award of attorneys' fees if a landowner files

suit. The original bill called for the award of attorney's fees and investigation fees in the event a landowner's suit is successful, but it contained no similar provision that would award fees to the party being sued if the lawsuit was found to be groundless. The amended bill does allow for defendants who prevail to seek attorney's fees in the case a suit is found to be "without foundation."

But there remains a significant legal asymmetry in the bill. In the event a landowner prevails, the amended bill directs that they "shall" be awarded attorneys' fees. If a defendant proves the suit had no foundation, the bill says the defendant "may" collect attorney's fees — leaving the matter to the judge's discretion.

The amended bill

also contains a special carve-out in liabilities for railroad and aircraft operators, who would be subject only to actual damages in a civil suit involving trespass and destruction of property. While others are subject to treble damages (meaning they would pay three times the value of the damages incurred by the landowner) as well as attorney's fees and investigation costs, aircraft and rail operators would be subject only to simple damages — paying back the landowner for damages.

Harris' amendment passed safely in a voice vote. The bill next moves to the Senate floor. The House will have to concur in the amendments, and Gov. C.L. "Butch" Otter will have to sign the bill before it becomes law.

FEDERAL WATER RIGHTS ARE SENIOR TO IDWR

WATER RIGHTS HELD BY CURRY'S

2018 REPUBLICAN NATIONAL COMMITTEE

30:55:08

MEMBER SINCE

MR. MORRIS M. DEEYAN

SUSTAINING MEMBER

2008

MEMBER SINCE

JANET GUDGER

SIMS