

State of Idaho

Water District 1

RONALD CARLSON
WATERMASTER

(208) 525-7172

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

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RECEIVED
MAY 26 1988

Department of Water Resources

COMMITTEE OF NINE

CHAIRMAN

Dale Rockwood
Idaho Falls

VICE CHAIRMAN

Phil Hanks
Burley

SECRETARY

Reed Murdock
Blackfoot

Clon Atchley
Ashton

Reed Oldham
Rexburg

Claude Storer
Idaho Falls

Paul Berggren
Blackfoot

Robert Reichert
Filer

Lester Saunders
Hazelton

ALTERNATES

Dave Rydallch
St. Anthony

Leonard Scheer
Rupert

ADVISORY

Murle Kunz
Victor

Wendell Johnson
Richfield

Max Van Den Berg
Burley

John Rosholt
Twin Falls

Ken Dunn
Boise

ATTORNEY

Kent Foster
Idaho Falls

May 25, 1988

Honorable Mayor Thomas Campbell
City of Idaho Falls
P.O. Box 220
Idaho Falls, ID 83403

Dear Mayor Campbell:

I have enclosed a copy of the hydrographs for the Snake River near Lorenzo, Rexburg, and Shelley for the three day period May 21 - May 23. These hydrographs clearly reveal the magnitude of river fluctuations induced by the operation of the City's hydropower facilities. These fluctuations at the Shelley gaging station exceed 1,200 cfs. As I write this letter I am observing the river in the process of being changed by a similar amount.

The Department of Water Resources, canal company and irrigation district representatives, the Committee of Nine, and the watermaster have contacted and met with the City numerous times during the past five years concerning these fluctuations and the associated interference with the delivery of decreed, natural flow, and storage rights. While you have consistently given assurances that the City will operate its facilities responsibly and will not allow associated operations to impact other water users, the fluctuations continue to occur.

Based upon the City's unsuccessful record and the current difficulties local canals are having because of the unpredictable flows below your Gem State facility, it appears that I have no choice but to seek appropriate remedies to assure my ability to properly distribute available water supplies.

I anticipate that on the next occurrence we will immediately commence action pursuant to Chapter 3 of Title 42, Idaho Code which provides for the cancellation of water right permits and licenses. This action will, of course, be independent of possible actions effected irrigation companies might

SCANNED
OCT 26 2011

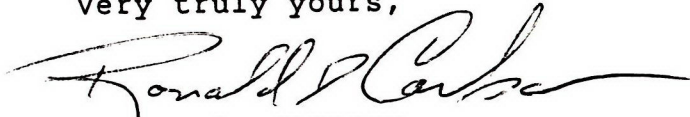
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Mayor Thomas Campbell
May 25, 1988
Page 2

take in a civil proceedings pursuant to Idaho Code,
Section 42-902 which establishes your liability at
"three times the actual damage sustained in
consequence of any such wrongful act or acts."

One of the major concerns expressed to the Department
of Water Resources by those originally objecting to
City hydropower projects related to anticipated river
fluctuations associated with these projects. The
Director was sufficiently satisfied that the City was
capable of operating run-of-the-river hydropower
facilities without impacting other water users to
grant the City permits. The continuing unacceptable
performance of the City indicates the Director's
conclusions may have been in error. If the City is
not capable of operating its hydropower facilities in
the manner consistent with pre-construction
representations, the error the Department made in
granting the City water right permits should be
corrected before further injury occurs.

Very truly yours,



RONALD D. CARLSON
Watermaster

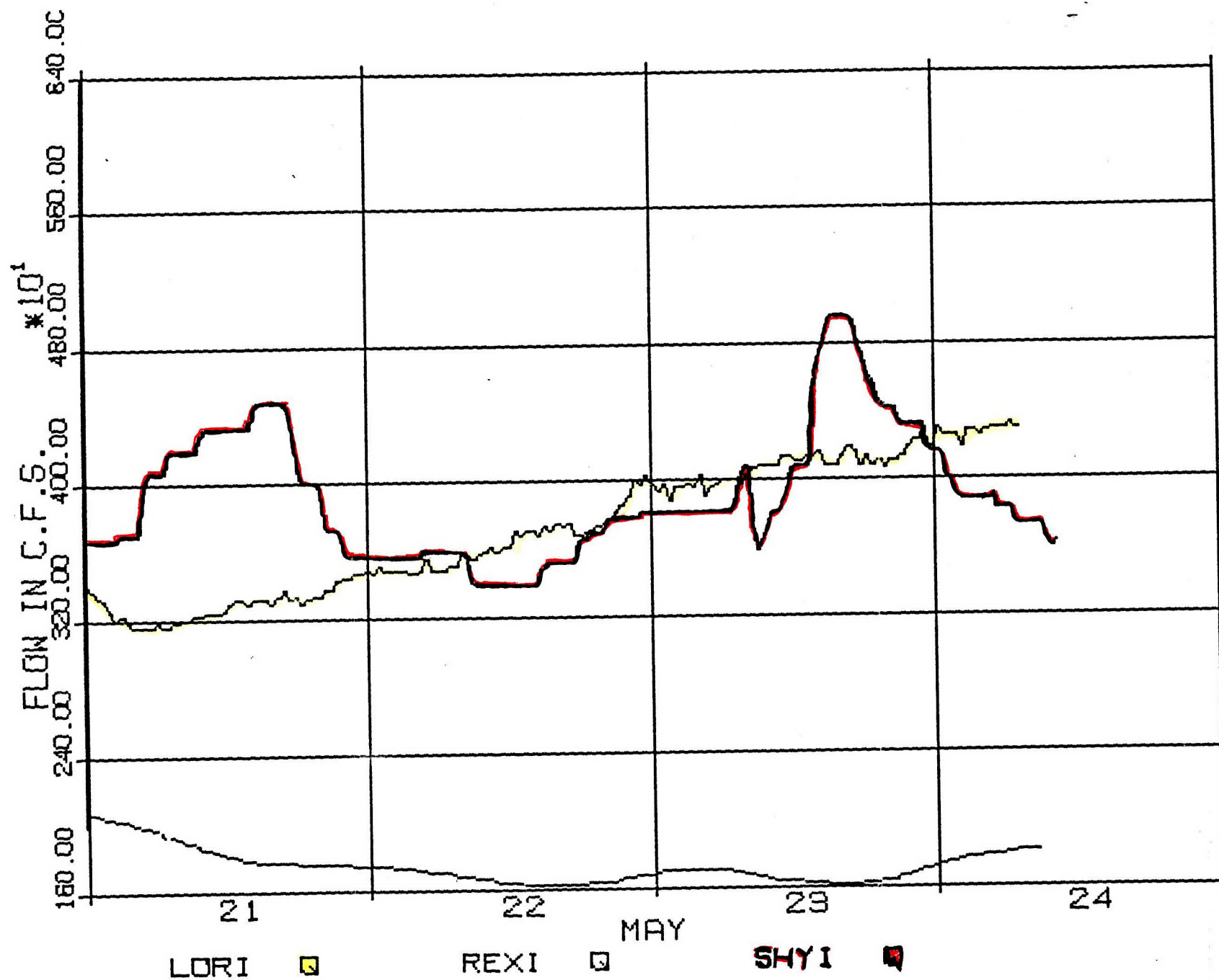
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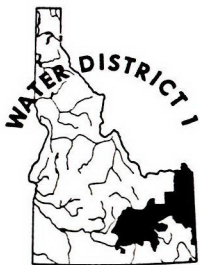
Enclosure

✓ cc: R. Keith Higginson

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RONALD CARLSON
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Idaho Falls, Idaho 83402

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JUN 27 1988

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Wendell Johnson
Richfield

Max Van Den Berg
Burley

John Rosholt
Twin Falls

Ken Dunn
Boise

ATTORNEY
Kent Foster
Idaho Falls

June 24, 1988

Department of Water Resources

Mr. Douglas R. Whipple
Attorney at Law
111 West 15th Street
Burley, ID 83318

Dear Mr. Whipple:

At your request I have discontinued all efforts to collect Burley Irrigation District's share of any monies I believe are still owed to the Water Bank for 1987. Burley Irrigation District may consider that they have been paid in full.

Very truly yours,

RONALD D. CARLSON
Watermaster

RDC:cw

cc: Phil Hanks
Keith Higginson

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Norm FYI

AGENDA

Committee of Nine Meeting

Jackson, Wyoming - 7:30 p.m.
Wednesday, September 28, 1988

7:30 a.m.

Call to Order

Reading of Minutes - Reed Murdock

Reservoir Operations

1988 Carry-over

Fall & Winter Operations

Canal Shutoff Date

Shut Down of Palisades & American Falls ✓

1988 Storage Use & Rental Report

Drought Effects

South Fork

Falls River

Teton River

Lower Valley

Adjudication

Canal Company Land Lists

Additional W.D. Staff

Public Relations Person/Attorney

Equipment Maintenance

Indian Negotiations

Status Report

Other Business

Adjourn

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1988 - WATER BANK SUPPLIERS

<u>Date</u>	<u>Name</u>	<u>Amount</u> <u>A.F. Supplied</u>	<u>Yield</u>
1/08	City of Pocatello	50,000	31,320
1/25	Salmon River Canal	6,658	6,580
2/02	Kent Klosterman	1,075	515
	Artesian Irrigation	2,853.57	2,781
	Gerald Gray	35	17
	Danny Traughber	400	191
2/04	Alice Harris	15	7
	Maryellen Hittson	480	230
	M.J. Burke	910	436
3/07	FMC Corp.	5,000	3,132
3/10	M.J. Danielson	240	115
3/11	Ray W. Stoddard	318	152
3/15	Elsie Quinn	100	48
3/16	Delbert Winterfeld	200	96
3/30	Ardean Bench	460	220
4/13	Estle Traughber	480	225
6/07	Lois McCulloch	1,650	790
6/20	Falls Irrigation Dist.	15,000	15,000
6/22	A&B Irrigation	27,000	27,000
6/24	New Sweden Irrigation	20,000	20,000
6/28	Canyon View Irrigation	13,176	6,574
6/29	Burley Irrigation	<u>90,000</u>	<u>90,000</u>
		235,325	205,429

1988 - RENTAL REQUESTS

<u>Request Date</u>	<u>Name</u>	<u>Amount Requested</u>	<u>Amount Allotted</u>	<u>G.W. Requests</u>	<u>Amount Paid</u>	<u>Date Paid</u>
<u>1987</u>						
4/24	James Campbell	960				
11/6	Deloss C. Stoker	686				
<u>1988</u>						
1/08	Glen Dale Farms	1,000	1,000		\$2,500.00	3/03/88
1/14	J. Blair Moncur	4	4		10.00	1/14/88
1/15	Burley Deseret Ind.	.05				
2/01	Verl L. Bitter	150	150		375.00	4/18/88
2/04	Clyde Burtenshaw	120	120		300.00	4/20/88
2/12	Blaine Larsen 31-7450	312	312	X	780.00	2/12/88
	" 31-7477	228.8	228.8	X	572.00	"
2/26	Glen A. Breeding	500	500		1,250.00	2/26/88
2/29	Merlin Hill	120	120		300.00	4/12/88
3/04	Dan Albertson	40	40		100.00	3/22/88
3/08	Kirk Finn	2	2		5.00	3/08/88
3/09	Eugene Phillips	75	75		187.50	3/09/88
3/14	Mike Borich	85	85		212.50	3/30/88
	Wm. Kent Jenkins	75	75		187.50	3/14/88
	J.R. Byrne	200	200		500.00	3/14/88
3/15	Glen Dale Farms	500	500		1,250.00	3/15/88
	Dayton Grover	15	15		37.50	3/15/88
	Brent Covington	1,200	1,200		3,000.00	3/15/88
	Lee W. Harris	5	5		12.50	3/15/88
3/17	Simon Martin	594	594	X	1,485.00	2/22/88
	Otto Garz	20	20		50.00	3/17/88
3/18	Dan A. McKenzie	5	5		12.50	3/18/88
	Riverside Canal	1,500	1,500		3,750.00	3/18/88
3/22	Sunnydell Canal	8,000	8,000		20,000.00	3/22/88
3/25	John McCulloch	50	50		125.00	3/25/88
3/28	Farmers Friend	2,000	2,000		5,000.00	3/25/88
	Jerry Blosch	300	300		750.00	3/25/88
	City of Blackfoot	280	280		700.00	3/25/88
	Lenroot Canal	4,000	4,000		10,000.00	3/25/88
	Blair Chase	100	100		250.00	3/25/88
4/06	Nick Olson	250	250		625.00	4/06/88
4/11	Mike Smith	160	160		400.00	5/23/88
4/19	Frank Ohme	60	60		150.00	4/19/88
4/20	H.W. Bitton	100	100		250.00	4/20/88
5/04	Craig-Mattson	220	220		550.00	5/04/88
5/19	Dilts Irrigation	800	800		2,000.00	6/17/88
5/24	Trieste Robison	20	20		50.00	5/24/88
6/01	Lloyd Jacobson	25	25		62.50	6/01/88
6/02	Jay Wadsworth	80	80		200.00	6/02/88
6/06	Island Irrigation	2,000	2,000		5,000.00	6/06/88
6/08	Golden Valley	250	250		625.00	6/08/88

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6/20	Idaho Power	50,000	50,000	125,000.00	7/18/88
6/29	Riverside Canal	80	80	200.00	6/29/88
7/05	Poplar Irrigation	880	880	2,200.00	7/05/88
7/06	Gary Lundquist	32	32	80.00	7/06/88
7/18	Hill-Pettinger	200	200	500.00	7/18/88
	LaBelle Irrigating	1,000	1,000	2,500.00	7/18/88
7/19	Eldon Ward & Sons	100	100	250.00	7/19/88
7/20	Steven Tanner	200	200	500.00	7/20/88
7/21	Rigby Canal	3,500	3,500	8,750.00	7/21/88
	Devon Jacobson	100	100	250.00	7/21/88
	Max Jacobson	100	100	250.00	7/21/88
	Larry M. Hill	200	200	500.00	7/21/88
7/22	Horace Hill	200	200	500.00	7/22/88
	Wade Fleming	200	200	500.00	7/22/88
	Lyle Weeks	20	20	50.00	7/22/88
	Larry Harrop	250	250	625.00	7/22/88
7/25	Riverside Canal	500	500	1,250.00	7/25/88
	Burgess-Ward, etc.	3,531.8	3,531.8	8,829.50	7/25/88
	Kelly Hill	96	96	240.00	7/25/88
	Merlin Hill	100	100	250.00	7/25/88
	Steve Weeks	1,000	1,000	2,500.00	7/25/88
7/26	Burgess Canal	1,850	1,850	4,625.00	7/26/88
	Burgess-Ward, etc.	1,254	1,254	3,135.00	7/26/88
	Archie McKay	80	80	200.00	7/26/88
	Robert Simmons	52	52	130.00	7/26/88
	Everett Griffel	80	80	200.00	7/26/88
	Osgood Canal	2,000	2,000	5,000.00	7/26/88
7/27	Progressive Irrig.	9,228.5	9,228.5	23,071.25	7/27/88
	Twin Falls Canal	10,000	10,000	25,000.00	7/27/88
7/28	Gary Steed	500	500	1,250.00	7/28/88
7/29	Bob Perry	100	100	250.00	7/29/88
8/01	Snake River Valley	7,000	7,000	17,500.00	8/01/88
	Mary Call	120	120	300.00	"
8/04	Blackfoot Irrig.	4,616	4,616	11,540.00	8/04/99
8/05	Tim Parkinson	275	275	687.50	8/05/88
8/15	Marvin G. Miller	60	60	150.00	8/15/88
8/17	Merlin Hill	50	50	125.00	8/17/88
8/24	Blackfoot Irrig.	3,000	3,000	7,500.00	8/13/88
8/23	Glen Dale Farms	300	300	750.00	8/23/88
8/24	New Sweden	20,000*	20,000		
9/01	Steve Weeks	200	200	500.00	9/01/88
	Twin Falls Canal	20,000	20,000	50,000.00	9/01/88
9/06	Wilbur Shaw	15	15	37.50	9/06/88
9/08	New Sweden	2,500*	2,500		
	Fremont-Madison	15,000	15,000	37,500.00	9/08/88
9/13	SJS	50	50	125.00	9/13/88
9/16	Calvin Kinghorn	75	75	187.50	9/16/88
	Total	181,139.22	181,139.22	\$409,102.75	

*Not Paid

R.

MITIGATION WATER

7/25	Burgess Canal	1,100	1,375.00	7/26/88
7/26	Osgood Canal	828	1,035.00	7/26/88
7/27	Progressive Irrig.	773	966.25	7/27/88
8/01	Snake River Valley	3,151	3,938.75	8/01/88
	Sunnydell	417	521.25	8/01/88
8/04	Blackfoot Irrig.	768	960.00	8/04/88
8/10	Enterprise	1,173	1,466.25	8/10/88
8/24	New Sweden	2,347*		
9/11	North Side	32,526	40,657.50	9/12/88
	Total	43,083	\$50,920.00	

*Not Paid

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Initial Rental Bank Requests Reduced By Request

<u>Canal</u>	<u>Original Request</u>	<u>Amount Rented</u>	<u>Fee Returned</u>
Lenroot	5,000	4,000	\$ 2,500
Mike Smith	200	160*	
Dilts Irrigation	1,000	800*	
Poplar Irrigation	1,000	880*	
Enterprise	5,000	-0-	12,500

*Reduced at time of payment.

P.

MINUTES OF THE MEETING OF THE
LOWER VALLEY COMMITTEE OF NINE
THURSDAY, OCTOBER 27, 1988

Bob Reichert called the meeting of the Lower Valley Committee of Nine representatives to order in the offices of Nelson, Rosholt, Robertson, Tolman & Tucker in Twin Falls, Idaho, at 1:30 p.m. Attached hereto is an agenda of the meeting which was precirculated as well as a list of those persons in attendance. Included were representatives of TFCC, NSCC, AFRD#2, A & B, M.I.D., B.I.D., Falls Irrigation District, Aberdeen-Springfield and the Bureau of Reclamation.

Chairman Reichert first called on Attorney John Rosholt to summarize the activities of TFCC and NSCC in bringing an action to enlarge Water District 01 and for a moratorium as against the groundwater diversions which could impact the flows of the Snake River above Milner. Rosholt also discussed generally the problems that everyone had with water accounting in the summer of 1988 alleging that it appears that the water measurements are being balanced by varying the natural flow to the extent necessary.

Bob Reichert indicated there were some problems that the Lower Valley Representatives had encountered in the past in the operation of the District. The Lower Valley had suggested solutions for some of those problems by recommending quarterly meetings, appropriate notices of meetings and an agenda to accompany each notice of meeting. He indicated that for the most part this had not been accomplished as evidenced by meetings in Jackson Hole and other locations in the recent past.

Chuck Coiner then talked about a proposed study of the Water District operations by the University of Idaho and the Idaho Department of Water Resources that might identify the impacts of additional development within Water District 01 as well as reasons for the fluctuations in natural flow measurements and District 01 accounting. He suggested that Charles Brockway could coordinate such a study. Upon motion by Richard Morris, seconded by Leonard Scheer, it was suggested that the Lower Valley Representatives prepare a resolution to be circulated in advance of the Water District meeting recommending that the Water District finance such a study. The motion carried unanimously. The purpose for having the study coordinated by Brockway through the University of Idaho and the Idaho Water Resources Research Institute is so that we could obtain an independent look at the operation of the District.

Jack Eakin then talked about possible accounting methods and the annual District 01 audit. He indicated substantial dissatisfaction amongst those at the annual District meeting. He indicated that in the past the Lower Valley Representatives had proposed a simpler form for the watermaster to present the numbers to both the Committee of Nine and to the annual Water District meeting. There was also some discussion that the auditor was employed by the watermaster as opposed to a committee of the Committee of Nine. There was also some discussion that we are operating the District with year old financial data for the reason that the books are not closed until the Water District meeting in March and it is impossible for that reason to have an audit for the Water District meeting until the following March. It was moved by Coiner, seconded by Morris that we ask Jack Eakin to write a letter to the watermaster requesting:

1. More simplified fiscal statements.
2. That an audit committee of the Committee of Nine select the auditor for the annual audit.
3. That a resolution be adopted changing the fiscal year of the District to the calendar year so that audits could be performed after January 1 and be available for the March meeting of the Water District, two months later.

The group then discussed agenda items D and E which deal with the scheduling of meeting dates and advance notice for meetings of the Committee of Nine. It was suggested that Phil Hanks, chairman of the Committee of Nine who was present, could contact the watermaster in this regard and that no formal action or letter would be necessary.

As to agenda No. F, there was a discussion that the assessments and the votes at the annual Water District meeting are not equal. Rosholt suggested that an amendment was agreed to by the Committee of Nine and submitted to the legislature in late 1988, but did not get considered. It was suggested that we ask the Committee of Nine to validate resubmitting amendment to Idaho Code § 42-605 so as to better equalize votes with the assessments paid.

Thereafter, a long discussion ensued concerning agenda item G -- reapportionment of the District for the representatives to the Committee of Nine. This discussion centered around the fact that the Committee of Nine director districts varied between 9.1 percent of the vote and 18.1 percent of the vote. After a long discussion as to the inequitable makeup of the Committee of Nine, it was moved by Coiner, and seconded by Oneida that the firm of Nelson, Rosholt draft and circulate draft legislation which would facilitate

the official formation of a Board of Directors and business organization for large water districts, to be governed by formal articles and bylaws. The motion carried. Rosholt indicated that it was possible that only a brief statutory amendment would be necessary to facilitate the formalization of such an organization.

The group then discussed proposed public relations -- attorney representative requested by Ron Carlson. While there was some discussion that a PR person could well enhance the water users' public image, ideas from newsletters to advertising agencies were proposed. Lester Saunders indicated that the Board of Directors of his company were happy with the present attorney arrangement. Some indicated that if the PR effort was needed in the District, that the Committee of Nine should direct the watermaster to carry out that effort and if it meant that he needed to hire additional people, that he get them involved.

There being no further business to come before the meeting, the same was adjourned at approximately 3:45 p.m.

ROBERT REICHERT
Acting Chairman

JOHN A. ROSHOLT
Acting Secretary

0489m

Meeting of Lower Valley Representatives

Oct. 27, 1958

1:30 PM

<u>Name</u>	<u>Organization</u>
Jack Eakin	TFC
Lee Peterson	FID
John Zooley	Minidoka Project
Virgil D Temple	A&E Irrigation Dist
John Rosholt	Tacc - NSCC
Leslie Saunders	Comm mine
Dick Enids	AFRI #2
Ted Diehl	NSCC
Allen Judge	Aberdeen Springfield
Dick Mersbach	NSCC
DeWitt Moss	NSCC
Kenneth Koompin	Fallington
Herald Schniger	Falls Irrigation
VINCE ALBEROI	NSCC
Robt Burks	NSCC
Russell Woolley	NSCC
Frank Schen	NSCC
Gayle Perkins	B.I.R.
Phil Harker	Comm of Mine
Robert W. Schaeer	Twin Falls Canal Co
Clarence M. Hall	Twin Falls Canal Co.
Clarence Schaefer	Aberdeen - Springfield
John Isaac	Aberdeen - Springfield
Rudy Morris	Twin Falls Canal Co
Charles	T.F.C.C.
Robert Fickert	

Meeting of Lower Valley Representatives
Water District No.1
Conference Room, Nelson Rosholt Office
Thursday, October 27, 1988 1:30 PM

A G E N D A

- A. Water accounting methods
- B. Fiscal accounting methods
- C. Annual audit
- D. Schedule of meeting dates for
Committee of Nine
- E. Need for advance notice and
copy of agenda for meetings
of Committee of Nine
- F. Basis of assessment and voting
distribution within water district
- G. Allocation of representatives to
Committee of Nine
- H. Public Relations Representatives-Attorney
requested by Ron Carlson
- I. Other items of Common Interest

P.