

ROSHOLT, ROBERTSON & TUCKER
ATTORNEYS AT LAW

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TWIN FALLS, IDAHO 83303-1906



KEITH HIGGINSON
IDAHO DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD
STATEHOUSE MAIL
BOISE ID 83720

COMMITTEE OF NINE
Advisory Committee to Water District No. 1

900 North Skyline Drive
Idaho Falls, Idaho 83402
(208) 525-7172

RECEIVED

MAR 8 1993

Department of Water Resources

March 4, 1993

Keith Higginson, Director
Idaho Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720

Re: Water District No. 1

Dear Mr. Higginson:

Water District No. 1, at its March 2, 1993 annual meeting, elected Mr. Claude Storer, Treasurer. His compensation is in accordance with the Committee of Nine Reimbursement Policy and rate (\$30 per day/meeting and .28 per mile travel). His term will be from March 2, 1993 until the March 1, 1994 annual Water District No. 1 meeting.

So that the District could function in the absence of the Treasurer, the Committee of Nine elected Dell Raybould as Assistant Treasurer for Water District No. 1 for the above same term and compensation.

Water District No. 1 respectfully requests your approval of this election and appointment.

Sincerely,



DEWITT A. MOSS, Chairman
Committee of Nine

03039301
Enclosure

cc: Ron Carlson

SCANNED

JUL 27 2023

WATER DISTRICT 01 ANNUAL MEETING

Resolutions 1993

1. BE IT RESOLVED, that the watermaster continue to apply the best available methods and technology to assure: accurate deliveries of natural flow and stored water, consistent regulation procedures, the availability of water supply and diversion records to the water users, and that all water users are assessed for water deliveries on a timely, accurate and equitable basis, and the preparation of the annual watermaster's report required by Idaho Code § 42-606.

BE IT FURTHER RESOLVED that:

2. The watermaster continue to expand and maintain automated data collection where it can effectively reduce personnel costs, travel costs, or result in cost or water savings for Snake River water users or assure better and more current data.
3. The water users of Water District 01 continue the cooperative program with the Idaho Department of Water Resources as outlined in the Memorandum of Understanding dated March 2, 1993, previously approved by the Committee of Nine and IDWR, and signed by the Chairman of the Committee of Nine and the Director of the Department of Water Resources, a copy of which Agreement is attached hereto as Exhibit A and made a part hereof as if set out at length herein.
4. Ronald D. Carlson be re-elected watermaster for the ensuing year, and be authorized to hire a full-time staff of a deputy, two assistants, a secretary, a data specialist, and such other assistants as provided by the adopted budget. The watermaster may hire additional assistants as authorized in Idaho Code § 42-609 in an emergency.
5. Claude Storer be elected Water District Treasurer and his annual compensation set by the Committee of Nine but not to exceed the \$5,000 provided in the 1993 Water District budget.
6. The duties of the watermaster and treasurer shall begin on this date and continue for a period of one full year.
7. The Budget for Water District 01 for the 1993 year beginning November 1, 1992 be as follows:

1993 WATER DISTRICT BUDGET

HYDROGRAPHERS

Teton Basin	1,000 hrs (+ mi.)	\$ 8,000	
Idaho Falls	800 hrs (+ mi.)	4,500	
Lower Valley	400 hrs (+ mi.)	7,000	
Henrys Fork	1,800 hrs (inc. mi.)	16,000	
Teton River	520 hrs (+ mi.)	<u>4,100</u>	
			\$ 39,600

RIVER RIDERS

Rigby & Heise Div.	1,200 hrs (+ mi.)	\$ 6,500	
Blackfoot Division	600 hrs (+ mi.)	3,000	
Swan Valley	480 hrs (+ mi.)	4,500	
Upper Falls River	250 hrs (+ mi.)	1,000	
Willow Creek	5 mos. @ \$550 (inc. mi.)	3,000	
Idaho Falls	6 mos. @ \$450 (inc. mi.)	1,000	
Milner	12 mos. @ \$30 (inc. mi.)	<u>360</u>	
			\$ 19,360

PROGRAM EXPENSES

Automation Expansion	\$ 15,000	
Sutron	52,000	
Streamgaging	105,000	
U of I Studies	<u>2,000</u>	
		\$174,000

EQUIPMENT EXPENSES

Furniture	\$ 1,000	
Computer	6,500	
PC's	3,000	
		\$ 10,500

PERSONNEL EXPENSE

Retirement	\$ 5,000	
Social Security	5,000	
Mileage	21,000	
State Insurance Fund	2,500	
Employment Insurance	500	
Part-time Help	4,900	
Misc. Hydrographer Expense	500	
Treasurer	<u>5,000</u>	
		\$ 44,400

MISCELLANEOUS EXPENSE

IWUA	\$ 1,000	
Otto Otter	500	
Postage	2,200	
Supplies, phone, copying	2,000	
Audit	5,500	
Meetings	1,200	
Legal Fees	500	
Committee of Nine	<u>10,000</u>	
		\$ 22,900

WATERMASTER

IDWR Contract	\$254,330	
Report	4,500	
Travel	<u>1,500</u>	
		\$260,330

Total 1993 Distribution Budget	<u>\$571,090</u>
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UPPER VALLEY

Consultants & Atty.	\$ 65,000
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8. BE IT RESOLVED that the watermaster is hereby authorized to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as necessary for the proper distribution of water and shall provide that all such real and personal property shall remain in the custody of the watermaster and the watermaster's successor.
9. WHEREAS, it is the watermaster's responsibility to assure the proper delivery of both natural flow and storage supplies to all water users, and;

WHEREAS, the normal district cost of delivering water to many water users is greater than their normal assessments would be based upon their total season use of water;

NOW, THEREFORE, BE IT RESOLVED that the watermaster of Water District 01 is hereby authorized to assess a \$20.00 minimum charge for every diversion within his jurisdiction.

10. WHEREAS, the water users of Water District 01 meeting in regular annual session find it necessary to adopt certain "on-going" resolutions to direct the watermaster and treasurer of the district in certain aspects of district operations;

NOW, THEREFORE, BE IT RESOLVED that the Water District 01 budget prepared pursuant to Idaho Code § 42-615, and adopted in Resolution No. 7 at this Water District 01 annual meeting, shall become the basis for the official billing of the amount of said budget for the succeeding year to the respective water users, using the actual deliveries for the past irrigation season or seasons, as the basis for said distribution of such billing to the individual water users, canal companies, and irrigation districts, and is hereby authorized to collect all of the amounts billed.

The treasurer shall establish and maintain a general account and shall cause to be deposited all monies received pursuant to the billing and shall make all disbursements as necessary to conduct the business of administering and delivering the waters of the district.

That no ditch, canal company, or other water users shall have the right to demand and receive water, and the watermaster shall not deliver to such person until receipt of the amount due and payable from such user.

That copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and the report prepared in accordance with Idaho Code § 42-615, shall be filed with the director of the Department of Water Resources and with the county auditors of Bonneville, Madison, Teton, and Fremont Counties in accordance with Idaho Code § 42-617.

11. WHEREAS, it is in the best interest of the water users of Water District 01 to account for all diversions which might adversely affect any prior natural flow or storage diversions;

BE IT RESOLVED that the watermaster shall collect records of water diversions during the entire year.

12. BE IT FURTHER RESOLVED that the Committee of Nine be designated the Advisory Committee under Idaho Code § 42-605 and be continued with nine regular members. The members representing the Burley and Minidoka Irrigation projects are to be alternated between the two districts as they arrange. In addition, advisory members representing the Bureau of Reclamation, Teton Basin, AFRD #2 Canal, A & B Irrigation, the Wyoming State Engineer and a member from the Burley or Minidoka District, whichever is not currently represented on the regular committee be included.

13. WHEREAS, the members of the Committee of Nine, as the Water District's Advisory Committee, are elected to represent the general interest of the water users;

NOW, THEREFORE, BE IT RESOLVED that the Committee of Nine is hereby authorized to:

- (a) Advise and consult with the watermaster and director in matters related to water distribution.
 - (b) Serve as the Resolutions Committee for the annual Water District meeting.
 - (c) Take those actions necessary to represent and protect the interests of the water users of the district.
 - (d) Employ such legal, engineering, technical and clerical services as may be deemed necessary by the Committee.
 - (e) Make and execute such contracts and agreements as may be deemed necessary or convenient.
 - (f) To do such other things as the Committee shall deem to be beneficial to the water users of the District.
14. BE IT HEREBY RESOLVED that in accordance with the provisions of the March 2, 1993 Memorandum of Understanding with IDWR, the watermaster is hereby designated manager of the rental pool for the Committee of Nine.
15. BE IT FURTHER RESOLVED that the Committee of Nine is hereby ratified as the local committee for the rental of stored water under Idaho Code § 42-1765.

16. BE IT RESOLVED that the Committee of Nine as the duly elected Advisory Committee be authorized a maximum of \$100,000 of available funds to be expended as needed as approved by the Committee of Nine from the separate account maintained by the district treasurer of funds retained from the lease of stored water from the rental pool to be used only for the following purposes upon approval of the Committee of Nine:

- (1) Expenses of the District.
- (2) Improvements to the district's facilities, including a reasonable reserve for future improvements.
- (3) Educational projects designed to increase public awareness in the area of water distribution, water rights and water conservation.
- (4) Other public projects designed to assist in the adjudication, conservation or more efficient distribution of water.
- (5) For involvement in legislative and agency deliberations on issues involving water quantity and quality which could effect water users of the Water District.
- (6) To reimburse Advisory Committee members in accordance with the policy attached hereto as Exhibit B.

17. BE IT RESOLVED that the Water District establish a reserve fund to cover rental pool payment disputes which are deemed the responsibility of the district, to an amount of \$100,000.00, the funds to be designated and held in the separate account of district funds retained from the lease of stored water from the rental pool.

BE IT FURTHER RESOLVED that the treasurer may only invest pursuant to the public depository law as provided in Idaho Code § 42-1765.

18. WHEREAS, the Water District's Credentials Committee has historically specified that "no person be elected to membership and service on the Committee of Nine and Credentials Committee unless he be a land owner and a water user...";

IT IS THEREFORE RESOLVED that water user and land owner shall be defined as follows:

1. One who owns an irrigated farm that is comprised of more than twenty (20) irrigated acres, that has valid surface water rights deliverable by the Water District 01 Watermaster.

2. One who has received over 50 percent of his annual income during one or more of the past ten years from farming activities.
19. WHEREAS, it is in the interest of all water users to have the water rights within Water District 01 delivered according to the priority system; and,

WHEREAS, the accounting system now used by Water District 01 requires that each diversion have assigned to it a specific list of decreed, licensed, and storage entitlement; and,

WHEREAS, those diversions which have no record of water rights on file with the Department of Water Resources or the water district office will, necessarily be taking storage water any time a diversion takes place.

NOW, THEREFORE, BE IT RESOLVED that no diversion shall be allowed to divert water unless the proper list of rights for that diversion are found in the watermaster's records or proper arrangements have been made to procure an adequate water supply prior to the start of the irrigation season.

20. BE IT RESOLVED that the annual Water District 01 meeting shall hereafter be held on the first Tuesday of March of each year; and

BE IT FURTHER RESOLVED that the water users of Water District 01 waive mailed notice of the annual meeting and direct publication of the meeting notice for two (2) consecutive weeks in an appropriate number of newspapers located throughout the district.

21. WHEREAS, the water users located above Blackfoot, excluding Aberdeen Springfield Canal Company, (Upper Valley) have chosen to collectively retain legal counsel; and,

WHEREAS, it is their desire to have the watermaster assess the Upper Valley water users for these legal services in proportion to their water use;

NOW, THEREFORE, BE IT RESOLVED this second day of March 1993, that the watermaster hereby be authorized to assess canals located above Blackfoot (excluding Aberdeen Springfield Canal Company) for legal fees and other appropriate expenses associated with representing the collective interest of the Upper Valley.

BE IT FURTHER RESOLVED that such charges may not exceed the amount budgeted during the current year.

BE IT FURTHER RESOLVED that the district treasurer shall maintain said amounts in a separate account and that payment therefrom shall ONLY be made when authorized by the Upper Valley Committee of Nine Representatives.

22. BE IT RESOLVED that the amendment to 8.2 of Water District 01 Rental Pool Rules and Regulations be approved as hereafter set out and transmitted to the Idaho Water Resource Board for approval.
23. WHEREAS, the Idaho Water Resources Board has adopted a Comprehensive State Water Plan for the Henry's Fork Basin after holding public hearings over a two year period and amending the original plan several times in order to formulate a plan that adequately protects the outstanding streams in the Henry's Fork Basin while leaving some streams without protection so that future water storage projects can be built in the basin, and

WHEREAS, House Bill 136 which approves the Henry's Fork Plan as adopted by the Idaho Water Resources Board passed in the Idaho House of Representatives by unanimous vote and is currently being considered by the Senate Resources and Environment Committee, and

WHEREAS, environmental groups have written a river protection plan known as the Henry's Fork 279 which proposes to protect stream segments in the Henry's Fork Basin which clearly do not meet the definitions of Natural and Recreational Rivers as described in the Comprehensive State Water Plan Act, and

WHEREAS, the Henry's Fork 279 plan is being proposed to the Idaho Legislature as Senate Bill 1171 and will be considered by the Senate Resources and Environment Committee.

NOW THEREFORE, BE IT RESOLVED that Water District 01 in it's annual meeting on March 2, 1993, supports House Bill 136, and opposes Senate Bill 1171 both of which are currently before the Senate Resources and Environment Committee.

BE IT FURTHER RESOLVED that copies of this resolution be immediately sent to the Chairman and each member of the Senate Resources and Environment Committee and to the Governor of the State of Idaho.

WATER DISTRICT 01
RENTAL POOL PROCEDURES

- 8.2 The rental price for 1993 shall be \$2.95 including the State Water Board surcharge of \$0.20 and the district's administrative charge of \$0.75 per acre foot for both irrigation and non-irrigation water uses above Milner Dam. Any water rented below Milner Dam for any use shall be subject to a surcharge of an additional \$6.05 per acre foot of which \$5.50 per acre foot shall accrue to the lessor and \$0.55 to the Idaho Water Resource Board and shall also be subject to Rule 3.6 of the rental pool rules.

Any spaceholder who puts water in the rental pool for lease but must thereafter lease water from the rental pool, shall pay \$0.75 per acre foot administrative charge.

COMMITTEE OF NINE
Advisory Committee to Water District No. 1

900 North Skyline Drive
Idaho Falls, Idaho 83402
(208) 525-7172

RECEIVED
MAR 8 1993
Department of Water Resources

March 4, 1993

Chair JoAn Wood
Idaho Legislature

VIA FAX 334-5221

Re: Minimum Stream Flows
House Bill 318

Dear Rep. Wood:

Be advised that the Committee of Nine voted to support H.B. 318 at their reorganization meeting on March 2, 1993.

While I presume you had heard of the outcome of the discussion, this letter shall make it official.

Respectfully,



DEWITT A. MOSS
Chairman

03049308

cc: Senator Laird Noh
Keith Higginson
Ron Carlson

R E S O L U T I O N

WHEREAS, the Pacific Northwest Electric Power and Conservation Planning Council, charged by Congress with the duty to assure the Pacific Northwest of an adequate, efficient, economical, and reliable power supply and to adopt a plan to protect, mitigate and enhance fish and wildlife in the Columbia River power system, has adopted, among other things, a water budget to accommodate its goals; and,

WHEREAS, certain species of salmon have been listed under the Endangered Species Act as either endangered or threatened which must, to survive, negotiate the numerous federal dams on the Columbia River in their journey from and to the ocean; and,

WHEREAS, numerous proposals have been made that the conservation and recovery of these endangered species can be accomplished, in part, through the augmentation of flows of water through the Columbia River system with water from the Upper Snake River, including water from Water District 01 of the State of Idaho; and,

WHEREAS, recommendations of the Flow Augmentation Committee of the Committee of Nine, the advisory committee of Water District 01, has been presented and approved by the Committee of Nine.

NOW, THEREFORE, BE IT RESOLVED by the Committee of Nine of Water District 01, that:

(1) Water from the Upper Snake River above Milner Dam be provided for flow augmentation on a voluntary basis only, through the water bank operated by the Committee of Nine, and pursuant to the rules of said water bank, so long as said water can be provided under the existing laws of the State of Idaho, for the following reasons, to-wit:

a. That the natural flow of the Snake River above Milner is fully appropriated.

b. That irrigated agriculture in Southern Idaho is dependent upon stored water in facilities above Milner Dam in Southern Idaho.

c. That the recent drought has clearly demonstrated that there is no surplus storage in the Upper Snake River Basin in many years when flow augmentation would be most desired.

d. That the Upper Snake River Basin above Milner Dam is not a part of the critical habitat of the endangered and threatened species listed by the National Marine Fisheries Service and there are adequate flows in the critical habitat areas of these listed species to sustain and conserve the species, in the absence of the dams constructed on the Lower Snake and Columbia system.

e. That the depletion of carry-over storage in the Upper Snake River Basin has a direct effect upon groundwater supplies in Southern Idaho and storage water supplies in the Upper Snake River Basin needed for irrigated agriculture.

f. That the reduction of carry-over storage in the reservoirs in the Upper Snake River Basin has a serious effect upon resident fisheries and wildlife which rely upon the stored water in these facilities for their survival.

BE IT FURTHER RESOLVED that proposals to obtain water from the Upper Snake River Basin for flow augmentation by the adoption of conservation measures are opposed for the following reasons:

a. Voluntary conservation measures by irrigators within Water District 01 have reduced diversions over the Snake Plain Aquifer by as high as 800,000 acre-feet per year, which has had an effect upon the groundwater supply of the Snake Plain Aquifer and the flow of the springs at Thousands Springs into the Snake River.

b. Increased conservation measures will seriously effect the artificial wetlands that now exist within the Upper Snake River Basin as a result of irrigation.

c. That conservation of water seriously impacts the storage of water in the Snake Plain Aquifer and the return flows to the Upper Snake River which is relied upon by irrigated agriculture.

d. That present conservation measures are required to meet the minimum stream flow requirements adopted by the State of Idaho at Murphy, Weiser, Johnson's Bar and Lime Point.

e. That the conservation of water does not create new or additional supplies of water, but merely changes the time and place where water from the Upper Snake River that is not consumptively used is returned to the system.

BE IT FURTHER RESOLVED that proposals to change the laws of the State of Idaho to authorize the transfer of water rights used for irrigation to an instream flow use be opposed for the reasons that such transfers could and would have a serious economical effect upon irrigated agriculture in Southern Idaho.

BE IT FURTHER RESOLVED that the transfer of uncontracted storage in Palisades and Ririe Reservoirs to Mitigation, Inc., as authorized by Congress, be accomplished without further delay.

MEMORANDUM

RECEIVED

FEB 8 1993

Department of Water Resources

TO: Committee of Nine
FROM: DeWitt A. Moss
DATE: February 5, 1993
RE: Minutes

Enclosed are draft meeting Minutes from the following meetings:

- a. December 10, 1992 Committee of Nine
Burley Elks Lodge (this followed the morning Bureau of Reclamation meeting).
- b. December 21, 1992 Committee of Nine
Rental Pool Committee at Idaho Falls Public Library

Please review and we can approve these or their corrected versions at the February 15, 1993 Pocatello Airport Committee of Nine meeting.

Thanks,



DEWITT A. MOSS

02059303

MINUTES

DRAFT

Committee of Nine
December 10, 1992, 2:00 p.m.
Burley Elks

Chairman Moss called the meeting to order at 2:00 p.m. Paul Berggren moved to accept the minutes as written and Jim Siddoway seconded the motion. Motion passed without dissent.

Chairman Moss mentioned the formation of a coalition of concerned water interests to be united to intervene in the pending lawsuits to protect irrigation interests in Idaho. Claude Storer moved to join the coalition with a \$5,000.00 investment to insure Water District 01 a member on the Steering Committee. Jim Siddoway seconded. Motion passed without dissent. Chairman Moss was asked to be that member.

Members of the Committee of Nine were encouraged to bring their reimbursement vouchers up to date to avoid delays during the holidays.

Norm Young addressed the Committee on flow improvement measures for fish enhancement. He mentioned there is talk that water purchased from the Upper Snake is going to be cheaper than lowering the dams on the Lower Snake. He stated the Idaho Water Resource Department position is still the lowering of the dams.

John Dooley told of drought relief funds totaling \$2,000,000 available for those whose wells have been affected by the drought. Also, there is available \$1,500,000 for water to be purchased for improved stream flows.

Earl Corless brought us up to date on how the reservoir system is filling. The system is now at 26 percent full. Snowfall is at 80 percent of normal and precipitation is at 73 percent of normal.

Al Inman told of the upcoming building of a new power plant at Minidoka Dam and showed slides of other work that has been done on the Bureau's dams on the Upper Snake.

Harold Short gave a brief presentation on a Resource Management Committee of the American Falls Dam.

Max Van DeBerg talked of water measurement and water conservation. We will be under increased scrutiny as to our measurement and the application of that water as to applying it to the appropriate deeded lands. Spreading the water to other lands without a valid water right is illegal.

Rich Rigby mentioned long term water leases will be more difficult to approve in the future. His statement of no water for fish enhancement will be met with the attitude of no water for irrigation by some.

Roger Ling asked for the Committee to adopt the position that water rentals need to continue to go through the appropriate water bank procedures, whether the water is for use above or below Milner Dam. Dale Rockwood moved that this continue to be our position and Jim Siddoway seconded. Motion passed without dissent. Roger was asked to continue with his Committee to draft more concise wording with his proposals.

Wayne Lincoln presented an updated Memo of Understanding with the IDWR to each member and Wayne moved that we accept this as it is written. Dale Rockwood seconded. Motion passed without dissent.

Norm Young then discussed the moratoriums on drillings in the Clearwater area on the Snake above Weiser and the Bear River. Drillings were allowed on an emergency basis for replacement purposes and then only at the rightful deeded amounts, not to be increased by amount of water or number of acres. He expressed concern over the lawsuit filed by the North Side and Twin Falls Canal Companies for the moratorium on drilling above Milner. He expressed his hope that a compromise could be worked out. Hearings on this matter will be as follows: Twin Falls at C.S.I. on December 21 at 2:00 p.m., Pocatello I.S.U. Student Union Building on December 22 at 9:00 a.m., Rexburg at the Teton Flood Museum on December 22 at 6:00 p.m.

Claude Storer gave a financial update and mentioned that we are approximately \$60,000.00 under budget.

Dell Raybould told of the need for an audit. This audit needs to cover the time frame of March 1, 1991 - March 1, 1992 and from March 1, 1992 - October 31, 1992.

There will be a Committee of Nine meeting December 21 at Pocatello. Asking for any further business and hearing of none, Chairman Moss adjourned the meeting at 3:50 p.m.

Attendance Roll - Committee of Nine - Dec. 10, 1992 - Burley Elks

DeWitt A. Moss	Committee of Nine
Claude Storer	Committee of Nine
Wayne Lincoln	Committee of Nine
Claude Lilya	Committee of Nine
Paul Berggren	Committee of Nine
Jeff Marotz	Committee of Nine
Dale Rockwood	Committee of Nine
James Siddoway	Committee of Nine
Leonard Beck	Committee of Nine
Max Van DeBerg	Bureau of Reclamation

John Dooley
Earl Corless
Rich Rigby
Ron Carlson
Dell Raybould
Ray Rigby
Lionel Boyer
Dick Oneida
Charles Coiner
John Rosholt
Norm Young
Ella M. Mink
Shaun Parkinson
Roger Ling
Randy Bingham
Tony Olenichak
Lyle Swank
Larry Moore
Leonard Scheer
Wesley Goff
Bill Sargent
Scott Breeding
Dave Rydalch

Bureau of Reclamation
Bureau of Reclamation
Bureau of Reclamation
Manager, Water District 01
Alternate Committee of Nine
Attorney
Shoshone Bannock Tribes
AFRD #2
Alternate Committee of Nine
Attorney
Idaho Department of Water Resources
AFRD, Jerome
Idaho Power
Attorney
Burley Irrigation District
Water District 01
Water District 01
A & B Irrigation District
Minidoka Irrigation District
Minidoka Irrigation District
Milner Irrigation District
Milner Irrigation District
Chairman, Idaho Water Resource Board

02059302

Rental Pool Committee
D R A F T

Minutes

Meeting of December 21, 1992

The meeting was called to order by Claude Storer at 9:40 am at Idaho Falls Public Library meeting room. Those present were:

Members:

Claude Storer, Committee of Nine
Jeff Marotz, Committee of Nine
Ron Carlson, Water District 1
Leonard Beck, Committee of Nine
John Dooley, Minidoka Project

Observers:

Wayne Lincoln, Committee of Nine, TFCC
Mike Beus, Minidoka Project
John Rosholt, Attorney
Dick Onieda, AFRD #2
Ed Clark, Fremont-Madison ID
Dale Swenson, Fremont-Madison ID

The minutes of the Rental Pool Committee meeting of December 10 were read and accepted. Leonard Beck nominated John Dooley to be secretary of the Committee for this meeting. It was so approved.

I.

Claude Storer opened the meeting by asking for input from the Committee on the pricing issue as regards water from the Upper Snake Rental Pool and also the last-to-fill rule. He also mentioned that over 70,000 acre feet of requests for rental pool water have been received for water in 1993.

Requests for power water (fish flush) will probably come later. In relation to this water pricing and the last-to-fill rule remain as big issues. Members of the Committee asked how much water is needed for fish flush water. The quantity of 100,000 acre feet is what has been presented to date, in various. In general the Committee sees need to be proactive in some way and addressing the pricing issues as well as the water bank rules will show some response.

Many prices were discussed. The present price is \$2.95 per acre foot to the lessee for agriculture and \$5.90 per acre foot for water below Milner (power or fish). The question was addressed in several ways as well, for example "What can we get?". The prices discussed ranged from \$2.95 to \$3.25 per acre foot for agricultural water and from \$5.90 to \$10 to \$20 per acre foot for

water below Milner. The Rental Pool Committee recommended making a proposal to the Committee of Nine that raising the rental price from \$2.95 to \$3.00 for agricultural water and from \$5.90 to \$9.00 for water below Milner. Leonard Beck made the motion to do so and it was seconded by Jeff Marotz. It was passed by the Committee.

II.

The next issue was Fremont-Madison (FM) 1990 use of water. Ron Carlson summarized by reading meeting notes from the Rental Pool Committee meeting of August 1991 and also commenting further on the issue. In brief, Fremont-Madison originally had an excess use of water in 1990 (some 60,450 ac ft on the 2/14/91 accounting) and it was their desire to purchase rental water to cover these needs that were excess. Fremont-Madison paid some \$110,900 for use of rental pool water following receipt of the accounting from Water District 1. They disputed storage assessments for water deliveries through the Cross Cut Canal. The Rental Pool Committee met in August 1991 to consider the Fremont-Madison disputed issues. They recommended that an adjustment reduction of some 14,400 acre feet be made but that the remaining 6,050 acre feet of excess use was as legitimate obligation and needed to be paid. Fremont-Madison board subsequently met and decided to offer to reduce their carry-over by 6,050 acre feet rather than pay the rental pool for that amount of water.

Several questions were asked by the Committee and by Fremont-Madison representatives. Leonard Beck asked how would it affect the lessors. It had no affect because the space filled and Fremont-Madison had carryover storage. Jeff Marotz said that the water was used within Fremont-Madison but that they can move water around within the District to adjust as needed. The rental pool concluded that adjustments need to be paid. The standard practice is that if use is charged as excess use it comes out of the rental pool; if adjustments/corrections are made after the final accounting is completed (and they are) the presumption is that they are taken (made) from the rental pool.

In 1990 some 295,000 acre feet were in the rental pool (water bank at that time) . Original computations indicated that some 218,000 acre feet had been rented but after adjustments had been made the final figure was 198,000 acre feet.

The Committee decided to accept Fremont-Madison's offer of reducing and using their carryover storage and then make the necessary adjustments.

III.

The next issue was a similar issue regarding AFRD #2 use of excess water. The issue was also discussed at the August 1991 Rental Committee meeting. There again was a dispute regarding the amount of use and if it could be charged to AFRD #2 and thus to the rental pool without their knowledge and consent. At the Rental Pool Committee meeting on December 10, Dick Onieda of AFRD #2 asked how AFRD's contract with Reclamation for space in American Falls and the filling of American Falls did affect the quantity of excess that had been charged to AFRD #2. Claude Storer reported that they had been charged with an excess water use of 9,043 acre feet. This had been reduced by some 5,000 acre feet when additional data and information had been provided by AFRD #2 after the 1991 meeting. They had not paid for the remaining excess use (9,043 af) and disputed that amount.

Dick Onieda asked when American Falls had filled in 1990; he had been under the impression that it had filled in May 11, 1990. Ron Carlson reported that it had filled, by water right, on March 23, 1990 and did not fill again after that. The fill rule and contract implication with AFRD #2, as mentioned above, were discussed. Mike Beus and Ron Carlson both confirmed that it been accounted for in computing AFRD #2's use of excess water. Therefore no further reductions could be made.

Considerable discussion ensued. John Rosholt related that all agricultural storage rights had filled the following year, 1991. Therefore no harm was done except that lessors perceived that more water had been sold and thus they were out some amount of money. The Rental Pool Committee strongly stated that if the entities involved continued their position that debt no was owed and no compromise was reached that the future of the water bank was in peril.

At this point Ed Clark, Fremont-Madison Board President, offered a compromise ~~that~~ in which they would pay one half the bill assessed for excess water use in 1990. Dick Onieda also made a similar offer. Both of these offers have the caveat of needing confirmation by the respective Boards. In brief, the offer is that Fremont-Madison make a payment of (round numbers) \$8,300 and AFRD #2 of \$12,500. Jeff Marotz made the motion to accept the compromise offered. John Dooley seconded the motion. The Rental Pool Committee voted to accept the compromise. Ron Carlson will send out bills for those amounts and in addition will re-bill several other outstanding 1990 bills as well. All bills will be accompanied by a letter stating that no rental water will be delivered in the future to these entities until these bills are paid.

IV.

Other business discussed included the following.

Water rental rules need to be reviewed and amended, including two-tier pricing, by the rental committee so the Committee can act on some resolution before the annual meeting. The overall issue of excess use must also be addressed by the Committee of Nine and a position stated so the rental pool does not continually get in a situation as these previously discussed cases presented. Several matters involving will need to be addressed this year. However there is no pool of rental pool water to be tapped as yet this year. The Committee of Nine needs to consider some type of general fund being created to compensate those that have contributed to the water rental pool rather than having them wait until all disputes involving water use are settled. ←?

The Rental Pool Committee was also presented with an issue via a letter from the Burley Irrigation District (BID) regarding some transfers of water within BID involving the City of Burley. Apparently some transfers were received and processed by BID for supplying water to the Burley Golf Course but not to Burley City farm ground. This is some 98 acres within the Burley airport confines that are farmed each year. BID's letter to Water District 1 stated that the final accounting of water use by BID should not include this ground. Ron Carlson stated the Water District 1 will investigate the issue prior to final accounting.

Keith

RECEIVED

FEB 8 1993

Department of Water Resources

MEMORANDUM

TO: Committee of Nine

FROM: DeWitt A. Moss

DATE: February 4, 1993

RE: Committee of Nine Meeting, 9:30 A.M., February 15, 1993, Pocatello Airport

I request your presence at the above subject meeting.

The primary purpose of the meeting will be to quickly review general business items and then concentrate on the preparation for the annual March 2, 1993 meeting. Please read my suggested enclosed draft Resolutions that attempt to reflect the new legislation under which we now operate and my initial attempt to clean up some language. Your comments and proposed specific word changes are welcome and solicited. We need to approve the proposed 1993 budget and the specific wording of the Resolutions for the annual meeting at this Pocatello meeting.

Also included is a proposed draft Agenda for the annual meeting for your review and comments.

Thanks for your help.


DEWITT A. MOSS

Enclosures:

1. February 15, 1993 Committee of Nine Agenda
2. Draft Agenda March 2, 1993 Annual Meeting
3. Draft Minutes of December 21, 1992 Committee of Nine Meeting
4. Draft 1993 Resolutions with Changes Noted
 - A. Water District 01/IDWR MOU
 - B. Committee of Nine Reimbursement Rules
5. Draft 1993 Resolutions as Proposed
6. Copy - Idaho Water Law S.B. No. 1450

02049301

DRAFT

WATER DISTRICT 01 ANNUAL MEETING

Elks Lodge, Idaho Falls

March 2, 1993

- 9:00 Welcome - Committee of Nine - DeWitt Moss, Chairman
- 9:10 IDWR Report - R. Keith Higginson
- 9:30 Water Supply Outlook and B of R Activities - John Dooley
- 10:00 IWUA Report - Sherl Chapman
- 10:15 Call to Order
- A. Election of Meeting Chairman and Secretary
 - B. Reading of 1992 Annual Meeting Minutes
 - C. Recess to Caucuses for Election of Committee of Nine Members
(3 Lower Valley, 2 Protective Union, 4 from Snake River Districts)
 - D. Reconvene Meeting:
 - 1. Appoint and Excuse Credentials Committee
 - 2. Read List of Elected Committee of Nine Members
 - 3. Accept Credentials Committee Report upon Return of Committee
- 10:45 Financial Report
- A. Treasurer - Claude Storer
 - B. Auditor
- 11:15 Watermaster's Report - Ron Carlson
- 11:45 Committee of Nine Report - DeWitt Moss
- 12:00 Lunch
- 1:00 Resolution Committee Report - Claude Storer (Including Resolutions on Election of Watermaster, Treasurer, and Approval of new MOU with IDWR)
- 2:00 Old Business
New Business
- 2:30 Adjourn

AGENDA

Monday, February 15, 1993 - 9:30 A.M.
Committee of Nine Meeting
Conference Room
Pocatello, Idaho

- 9:30 Call to Order - Moss
 Minutes of December 10, 1992 - Beck
 Minutes of December 21, 1992
 (Rental Pool Committee and Committee of Nine)
- 9:45 Water Outlook - Carlson, Dooley
- 10:00 Approval of MOU with IDWR - Lincoln
- 10:15 IWUA - Legislative Report - Diehl
- 10:30 Aquifer Suit Settlement Agreement - Higginson/Young
- 10:45 Endangered Species Act - Moss
- 11:00 Discussion - Annual Meeting
- A. Review 1992 Minutes - Beck
 B. Review 1993 Budget - Carlson
 C. 1993 Resolutions - Moss
 D. Resolution - Old 18 - Upper Valley Legal Fees
 Aberdeen Springfield - Ling
- 12:00 Old Business
 New Business
- 12:15 Adjourn

02039301

MINUTES

DRAFT

Committee of Nine
December 21, 1992, 1:30 p.m.
Idaho Falls Library

Claude Storer called the meeting to order at 1:30 p.m.

Claude Storer gave an update on the rental pool meeting held earlier in the day and the decisions formulated in that meeting. Those decisions being the following:

- a) Fremont-Madison and AFRD required to pay 1/2 of amount now showing on the books.
- b) Other individuals, companies and districts required to pay all that is now showing on account as past due with interest. With no possibility of water rentals in the future until they are current with payment.
- c) Pricing of water rental in the future, water for irrigation above Milner \$2.95, \$2.00 for entity supplying water, .20 for state surcharge, .75 for administration of Water District 01, \$9.00 for water used below Milner, ~~\$7.42~~ to entity supplying water, ~~.83~~ for state surcharge, .75 for administration of Water District 01.
7.50 .75

Dale Rockwood moved to accept Rental Pool's proposals of past water rental use in 1990. Paul Berggren seconded. Motion passed without dissent.

Leonard Beck moved to accept the future pricing of water leased from the Water Bank as the amounts listed in c) above. Dale Rockwood seconded. Motion passed without dissent.

An open discussion was then held around the idea of establishing a fund to handle unresolved disputes in the future with regards to the lessor and lessee of water in Water District 01 water rental bank.

It was mentioned that the cloud seeding program had been postponed until January.

James Siddoway commented his irrigation district was contemplating forming their own water bank. John Dooley and John Rosholt both stated that if it was federally stored water it would have to go through Water District 01 water bank.

Mike Beuss of the Bureau gave an updated reservoir report. System is now at 28 percent of capacity in comparison of 54 percent a year ago. In most areas we are behind even last year's snow and moisture content.

Meeting adjourned at 2:35 p.m.

Attendance Roll - Committee of Nine - Dec. 21, 1992 - Idaho Falls

Claude Storer	Committee of Nine
Ron Carlson	Water Master - Water District 01
Jeff Marotz	Committee of Nine
John Dooley	Bureau of Reclamation
Paul Berggren	Committee of Nine
Dale Rockwood	Committee of Nine
Dave Rydalch	Idaho Water Resource Board Chairman
Mike Beuss	Bureau of Reclamation
Terrel Sorenson	Falls Irrigation
Dell Raybould	Alt. Committee of Nine
John Rosholt	Attorney
Claude Lilya	Committee of Nine
Wayne Lincoln	Committee of Nine
Leonard Beck	Committee of Nine

02029306

WATER DISTRICT 01 ANNUAL MEETING

Resolutions 19923

- X
1. BE IT RESOLVED, that the watermaster continue to apply the best available methods and technology to assure: accurate deliveries of natural flow and stored water, consistent regulation procedures, the availability of water supply and diversion records to the water users, and that all water users are assessed for water deliveries on an accurate and equitable basis, and the preparation of the annual watermaster's report required by Idaho Code § 42-606.

and timely submitted

BE IT FURTHER RESOLVED that:

2. The watermaster continue to expand and maintain automated data collection where it can effectively reduce personnel costs, travel costs, or result in cost or water savings for Snake River water users or assure better and more current data.
3. The water users of Water District 01 continue the cooperative program with the Idaho Department of Water Resources as outlined in the Memorandum of Understanding dated March 2, 1993, previously approved by the Committee of Nine and IDWR, and signed by the Chairman of the Committee of Nine and the Director of the Department of Water Resources—on March 3, 1979, a copy of which Agreement is attached hereto as Exhibit A and made a part hereof as if set out at length herein.
4. Ronald D. Carlson be re-elected watermaster for the ensuing year, and is —This recommendation shall, under the cooperative program with the IDWR, authorize the watermaster authorized to hire a full-time staff of a deputy, two assistants, a secretary, and a data specialist, and additional assistants as authorized in Idaho Code § 42-609 in an emergency. —Thirty-three percent of the watermaster's salary and benefits shall be paid from non-water district funding provided by the Idaho Department of Water Resources.
5. Claude Storer be elected Water District Treasurer and his annual salary set by the Committee of Nine but not to exceed the \$8000-\$_____ provided in the 19923 Water District budget.
6. The duties of the watermaster and treasurer shall begin on this date and continue for a period of one full year.
7. The Budget for Water District 01 for the 19923 year beginning March 1 be as follows:

WATER DISTRICT 01
PROPOSED BUDGETS FOR 1993

BUDGET ITEM WITH IDWR WDOI SEPARATE WM CONTRACT

HYDROGRAPHERS

IDAHO FALLS	3500	3500	INC
TETON BASIN	8000	8000	INC
TETON RIVER	4100	4100	INC
HENRYS FORK	16000	16000	INC
LOWER VALLY	7000	7000	INC
SUBTOTAL	38600	38600	

RIVER RIDERS

RIGBY-HEIS	6500	6500	INC
SWAN VALLY	4500	4500	INC
IDAHO FALL	1000	1000	INC
WILLOW CK	3000	3000	INC
UPR FALL R	1000	1000	INC
BLACKFOOT	3000	3000	INC
MILNER	360	360	INC
SUBTOTAL	19360	19360	

PROGRAM EXP

SUTRON	52000	52000	52000
U OF I	2000	2000	2000
STREAM GNG	105000	105000	105000
SUBTOTAL	159000	159000	159000

EQUIPMENT

FURNITURE	0	3000	INC
FAX	0	1200	INC
COMPUTER	6500	10000	INC
PRINTER	0	3500	INC
COPY MACH	0	2400	INC
PC'S	3000	6000	INC
SUB TOTAL	9500	26100	

PERSONNEL EXP

RETIREMENT	5000	5000	INC
SOCIAL SECU	5000	5000	INC
MILEAGE	21000	21000	INC
INS FUND	2500	2500	INC
EMPL INS	500	500	INC
PRT TM HELP	4900	4900	INC
MISC HYD EX	500	500	INC
TREASURER	7500	7500	1200
SUBTOTAL	46900	46900	1200

MISC EXPENSES

IWUA	1000	1000	1000
OTTO OTTER	500	500	500
POSTAGE	2200	2200	INC
SUPPLIES	2000	2000	INC
PHONE	INC	3700	INC
AUDIT	3300	3300	500
MEETINGS	1200	1200	1200
LEGAL FEES	500	500	500
IDWR CONF	254330	0	0
SUBTOTAL	264030	13400	3700

WATERMASTER

STAFF	0	225025	347025
REPORT	4500	4500	4500
TRAVEL	1500	3500	7500
RENT	0	21600	INC
SUB TOTAL	6000	254625	359025
STARTUP COSTS		14400	14400
TOTAL	543390	572385	537325

8. ~~WHEREAS, the watermaster needs supplies, equipment and other facilities including but not limited to, desks, chairs, computers, measuring equipment, storage facilities, for the purpose of administering, delivering and distributing water within Water District 01; and~~

~~WHEREAS, equipment has been purchased in the past and additional equipment will be purchased in the future;~~

~~NOW, THEREFORE, BE IT RESOLVED that the watermaster is hereby authorized to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as is necessary for proper distribution of water and other district responsibilities.~~

8. BE IT RESOLVED that the watermaster is hereby authorized to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as necessary for the proper distribution of water and shall provide that all such real and personal property shall remain in the custody of the watermaster and the watermaster's successor.

10.9. WHEREAS, it is the watermaster's responsibility to assure the proper delivery of both natural flow and storage supplies to all water users, and;

WHEREAS, the normal district cost of delivering water to many water users is greater than their normal assessments would be based upon their total season use of water;

NOW, THEREFORE, BE IT RESOLVED that the watermaster of Water District 01 is hereby authorized to assess a \$20.00 minimum charge for every diversion within his jurisdiction.

11.10. WHEREAS, the water users of Water District 01 meeting in regular annual session ~~this Third day of March 1993~~ find it necessary to adopt certain "on-going" resolutions to direct the watermaster and treasurer of the district in certain aspects of district operations;

7 { NOW, THEREFORE, BE IT RESOLVED that the Water District 01 budget prepared pursuant to Idaho Code § 42-615, and adopted in Resolution No. 7 at this Water District 01 annual meeting, shall become the basis for the official billing of the amount of said budget for the succeeding year to the respective water users, using the actual deliveries for the past irrigation season or seasons, as the basis for said distribution of such ~~watermaster shall prepare a report in accordance with Idaho Code § 42-614, which shall become the official billing to the individual water users, canal companies, and irrigation districts, and is hereby authorized to collect all of the amounts billed, expenses of delivering the waters of the district, including his salary and that of his assistants.~~

Not clear which assessments will be collected directly by watermaster + which will be by Counties.

The treasurer shall establish and maintain a general account and shall deposit all monies received pursuant to the billing and shall make all disbursements as and oversee the deposit of monies necessary to conduct the business of administering and delivering the waters of the district. ~~and the Committee of Nine.~~

That no ditch, canal company, or other water users shall have the right to demand and receive water, and the watermaster shall not deliver to such person until receipt of the amount due and payable from such user ~~for the past years water use.~~

That copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and the report prepared in accordance with Idaho Code § 42-6145, shall be filed with the director of the Department of Water Resources and with the county clerks auditors of Bonneville, Madison, Teton, and Fremont Counties in accordance with Idaho Code § 42-617.

Noncomprehensive

~~12.11. WHEREAS, the Committee of Nine has been appointed by the Idaho Water Resource Board pursuant to Section 42-1765, Idaho Code, and;~~

~~WHEREAS, the watermaster of Water District 01 has traditionally acted on behalf of the Committee of Nine as manager of the rental pool, and;~~

~~WHEREAS, it is necessary for an orderly rental program that the watermaster continue to have the authority to act on behalf of the Committee of Nine,~~

~~THEREFORE, BE IT RESOLVED that for the purpose of water board appointment and managing the rental pool of Water District 01, the watermaster be considered to be a member of the Committee of Nine.~~

WHEREAS, it is in the best interest of the water users of Water District 01 to account for all diversions which might adversely affect any prior natural flow or storage diversions;

BE IT RESOLVED that the watermaster shall collect records of water diversions during the entire year.

~~12.~~ BE IT FURTHER RESOLVED that ~~with the exception noted in Resolution No. 8,~~ we recommend that the Committee of Nine be designated the Advisory Committee under Idaho Code § 42-605 and be continued with nine regular members. The members representing the Burley and Minidoka Irrigation projects are to be alternated between the two districts as they arrange. In addition, advisory members representing the Bureau of Reclamation, Teton Basin, Gooding Canal, A & B Irrigation, the Wyoming State Engineer and a member from the Burley or Minidoka District, whichever is not currently represented on the regular committee be included. ~~Any canal company or district desiring to have representatives attend meetings of the Committee of Nine should notify the watermaster, who will then advise them of dates and time of committee meetings so that they may have the opportunity to attend such meetings.~~

9.13. WHEREAS, the members of the Committee of Nine, as the Water District's Advisory Committee, are elected to represent the general interest of the water users ~~each represents and;~~

~~WHEREAS, to the extent possible, the Committee of Nine represents collective interests of the water users of Water District 01.~~

NOW, THEREFORE, BE IT RESOLVED that the Committee of Nine is hereby authorized to:

- Too broad?*
- (a) Advise and consult with the watermaster and director in matters related to water distribution.
 - (b) Take those actions necessary to represent and protect the interests of the water users of the district.
 - (c) Employ such legal, engineering, technical and clerical services as may be deemed necessary by the Committee.
 - (d) Make and execute such contracts and agreements as may be deemed necessary or convenient.
 - (e) To do such other things as the Committee shall deem to be ~~of~~ beneficial to the water users of the District.

*Limited to
District of 9/16 of
MCC.*

14. ~~BE IT HEREBY RESOLVED that the watermaster is hereby designated manager of the rental pool for the Committee of Nine.~~

15. ~~BE IT FURTHER RESOLVED that the Committee of Nine is hereby ratified as the local committee for the rental of stored water under Idaho Code § 42-1765.~~

16. ~~BE IT RESOLVED that the Committee of Nine as the duly elected Advisory Committee be authorized a maximum of \$ _____ to be expended as needed as approved by the Committee of Nine from the separate account maintained by the district treasurer of funds retained by the District from the rental of water shall be used for the payment of Water District expenses including the payment of the salary and operating expenses of the Watermaster and assistants, until all costs of the District can be determined and assessments collected from the lease of stored water from the rental pool to be used only for the following purposes upon approval of the Committee of Nine:~~

- (1) Expenses of the District.
- (2) Improvements to the district's facilities, including a reasonable reserve for future improvements.

(3) Educational projects designed to increase public awareness in the area of water distribution, water rights and water conservation.

(4) Other public projects designed to assist in the adjudication, conservation or more efficient distribution of water.

(5) Membership dues of \$ _____ for 1993 in the Idaho Water Users Association including support of the Otto Otter Program.

(6) Financial support of \$ _____ for 1993 in the Idaho Water Users Association Task Force involved in legal matters concerning endangered species in the Snake River Basin.

(7) \$ _____ in 1993 for involvement in legislative and agency deliberations on issues involving water quantity and quality which could effect water users of the Water District.

(8) To reimburse Advisory Committee members in accordance with the policy attached hereto as Exhibit B.

(9) To establish a reserve fund to cover rental pool payment disputes which are deemed the responsibility of the district.

BE IT FURTHER RESOLVED that the treasurer may only invest pursuant to the public depository law as provided in Idaho Code § 42-1765.

~~15.17. WHEREAS, the Committee of Nine represents irrigators from all areas of Water District 01, and;~~

~~WHEREAS, the Water Bank Rules specify that the operation of the water bank be by and for irrigators, and;~~

WHEREAS, the Water District's Credentials Committee has historically specified that "no person be elected to membership and service on the Committee of Nine and, ~~Committee on Organization, and Order of Business or~~ Credentials Committee unless he be a land owner and a water user . . ."; ~~and;~~

~~WHEREAS, questions have arisen over the definition of "land owner" and "water user."~~

IT IS THEREFORE RESOLVED ~~by the water users of Water District 01 this Fifth day of March 1992,~~ that water user and land owner shall be defined as follows:

1. ~~That he~~ One who owns an irrigated farm that is comprised of more than twenty (20) irrigated acres, that has valid surface water rights deliverable by the ~~SNAKE RIVER WATER DISTRICT 01~~ Watermaster.

I wouldn't want "water user" definition to control voting. Would be better if this section dealt directly with qualifications of Committee members.

2. ~~That he One who~~ has received over 50 percent of his annual income during one or more of the past ten years from farming activities within ~~the portion of the Snake River valley served by~~ Water District 01. ~~This definition shall not be used to limit the continuation of any one currently serving on the Committee of Nine and does not apply to advisory members now or in the future.~~

16.18. WHEREAS, it is in the interest of all water users to have the water rights within Water District 01 delivered according to the priority system; and,

WHEREAS, the accounting system now used by Water District 01 requires that each diversion have assigned to it a specific list of decreed, licensed, and storage entitlement; and,

WHEREAS, those diversions which have no record of water rights on file with the Department of Water Resources or the water district office will, necessarily be taking storage water any time a diversion takes place.

NOW, THEREFORE, BE IT RESOLVED that no diversion shall be allowed to divert water unless the proper list of rights for that diversion are found in the watermaster's records or proper arrangements have been made to procure an adequate water supply prior to the start of the irrigation season.

17. ~~WHEREAS, Idaho Code § 42-605 provides that water districts may, by resolutions adopted at an annual meeting, change the date for annual meetings in subsequent years to any weekday . . . between the second Monday of January and the third Monday in March . . ."; and,~~

~~WHEREAS, it has been determined that the first day of March is generally acceptable as a meeting day as long as it does not fall on a Saturday, Sunday, or Monday.~~

~~WHEREAS, it is the desire of the water users of Water District 01 here assembled to establish the first day of March as the date for further annual meetings unless it should fall on a Saturday, Sunday, or Monday, in which case it shall be scheduled for the first Tuesday in March.~~

~~NOW, THEREFORE, BE IT RESOLVED by the water users of Water District 01, meeting this third day of March, 1992, in regular annual session, that the next annual meeting shall be scheduled for Tuesday, March 2, 1993, and subsequent meetings shall be scheduled pursuant to this resolution unless otherwise modified and that the watermaster be directed to give appropriate notices thereof.~~

19. BE IT RESOLVED that the annual Water District 01 meeting shall hereafter be held on the first Tuesday of March of each year; and

BE IT FURTHER RESOLVED that the water users of Water District 01 waive mailed notice of the annual meeting and direct publication of the meeting notice for two (2) consecutive weeks in an appropriate number of newspapers located throughout the district.

- 18.20 WHEREAS, the water users located above Blackfoot (Upper Valley) have chosen to collectively retain legal counsel; and,

WHEREAS, it is the desire of those located above Blackfoot to have the watermaster assess the Upper Valley water users for these legal services in proportion to their water use;

NOW, THEREFORE, BE IT RESOLVED this ~~third~~ second day of March 19923, that the watermaster hereby be authorized to assess canals located above Blackfoot for legal fees and other appropriate expenses associated with representing the collective interests of the Upper Valley.

BE IT FURTHER RESOLVED that such charges may not exceed \$50,000 during the current year. ~~and all such work must be authorized by the Upper Valley Committee of Nine Representatives.~~

BE IT FURTHER RESOLVED that the district treasurer shall maintain said amounts in a separate account and that payment therefrom shall ONLY be made when authorized by the Upper Valley Committee of Nine Representatives.

19923 BUDGET
OF THE
UPPER VALLEY
COMMITTEE OF NINE

UPPER VALLEY LEGAL & OTHER EXPENSES \$50,000
TOTAL BUDGET \$50,000

21. BE IT RESOLVED that the amendment to 8.2 of Water District 01 Rental Pool Rules and Regulations be approved as hereafter set out and transmitted to the Idaho Water Resource Board for approval.

WATER DISTRICT 01
RENTAL POOL PROCEDURES

- 8.2 The rental price for 19943 shall be \$2.75-\$2.95 including the State Water Board surcharge of .20¢ and the district's administrative charges of .75¢ per acre foot for both irrigation and non-irrigation water uses located above Milner Dam, together with any surcharge due the Board, under Idaho Water Bank Rules and Regulations.

The cost for water rented rental price for 1991³ for delivery below Milner Dam shall be \$5.50\$9.00, including the State Water Board surcharge of .75¢, and the district's administrative charge of .75¢ per acre foot for water use below Milner Dam, plus the surcharge, per acre foot, with \$2.00 being paid to the lessors and \$2.00, plus a portion of the surcharge and any accrued interest, returned to the renter if the reservoirs fill in the following year. In the case that the reservoirs do not fill in the succeeding year, the lessee shall be entitled to receive a payment for the \$2.00 and accrued interest in proportion to the storage lost through the restriction associated with Rule 3.6. The remaining portion of the \$2.00 and accrued interest not disbursed shall be returned to the renter. In the case that another water bank or space holder should lease water for the purpose of arbitrage and, consequently, seek to secure replacement water from the Rental Pool, the price shall be the amount charged by that water bank or space holder plus an additional \$0.75 per acre foot administrative charge.

Any spaceholder who puts water in the rental pool for lease but must thereafter lease water from the rental pool, shall pay .75¢ per acre foot administrative charge.

02029311



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 30, 1992

DeWitt Moss, Chairman
Committee of Nine
Water District 1
269-B South 300 East
Jerome, Idaho 83338

RE: Water District 1/IDWR Memorandum of Understanding

Dear DeWitt:

Enclosed is a copy of the revised MOU cleaned up to remove the underline/strike-out changes. As we discussed last week, the MOU provides for approval at the Water District annual meeting in March 1993. Because of the change to the indirect rate, it will be cleaner if the MOU is not signed until then and we operate on the existing MOU through the remainder of this water district budget year.

Revisions which are essentially clerical in nature have been made to the last sentence of (1) near the middle of page 3 in an effort to clarify this provision that you described as confusing during the Committee of Nine meeting in Burley. Please let me know if this resolves your concern or if a further change is needed.

Sincerely,

Norman C. Young
By W. Cline
NORMAN C. YOUNG
Administrator

cc: Ron Carlson

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into by and between the Director of the Department of Water Resources, (hereinafter called the Director) and the water users of Water District No. 1, Upper Snake River, (hereinafter called Water District No. 1) acting through the Water District advisory committee known as the Committee of Nine.

WHEREAS, the statutes of the State of Idaho provide for the Director to have direction and control of the distribution of the waters of the state to those holding valid rights to the use thereto; and

WHEREAS, the Water District No. 1 authorized the Committee of Nine, as advisors to, and elected representatives of the water district, by resolution duly adopted at the March 2, 1993, annual meeting of the water users of the district to enter this memorandum of understanding continuing a cooperative program with the Director to provide watermaster services for Water District No. 1 and

WHEREAS, the Committee of Nine will, among other things, serve as advisors to the Director and the watermaster in matters relating to the distribution of the natural flow and stored water within the district:

NOW, THEREFORE, the Director agrees to provide the following services to Water District No. 1, effective upon the execution of this memorandum of understanding and to continue to provide the services from year-to-year as herein provided upon election of the regional manager of the Department as watermaster and the adoption of a budget by the water users at the annual water district meeting authorizing expenditures in accordance with the purposes of this memorandum of understanding:

- 1) To provide watermaster services to Water District No. 1 for the period from the effective date of this memorandum until the end of any subsequent water district year as agreed to by the water users of Water District No. 1 at their annual meeting and the director of the Department. Such watermaster services will be provided under the direction of the regional manager of the Department's Eastern Region consistent with the provisions of Title 42, Idaho Code.

- 2) To provide the equivalent of 2/3 of a person year of the Regional manager as watermaster throughout the Water District year and to provide any additional part time

or full time employees as necessary for the water distribution operations of Water District No. 1 in accordance with its adopted budget.

3) To provide office space as necessary for operation of Water District No. 1 and to provide Department vehicles for use by full-time employees of the Department, to conduct Water District business, and to share the use of other Department equipment and facilities as are necessary to equitably distribute the waters to the users within Water District No. 1.

WATER DISTRICT NO. 1 agrees as follows:

1) To pay the Department, on an advance basis, sufficient funds to cover the costs of operations incurred in providing watermaster services to Water District No. 1 provided, however, that reimbursement for the watermaster shall not exceed 2/3 of the personnel costs of the regional manager and provided further that all other costs incurred in conducting Water District No. 1 business will be paid in full. Indirect costs will be paid at the rate approved by the Department of the Interior Inspector General and current at the time of the water district annual meeting. The approved indirect rate shall be reduced in recognition of the Department's statutory responsibility to supervise water distribution by subtracting in the indirect calculation any personnel costs included for the Director and the Administrator of the Water Management Division.

Mileage and per diem costs will be based upon the rate provided by state law for state employees.

The Department will credit the District for a portion of the District's expenditures to the U.S. Geological Survey for the cooperative streamgaging program. The amount credited each year will be one-half (1/2) the amount the district pays for that year to the U.S. Geological Survey for operation of certain streamgages the Director determines are needed for data collection purposes needed by the Department other than and in addition to the District's water distribution data needs.

THE PARTIES mutually agree that:

1) The regional manager and any other persons directly employed by the Department as classified state employees, performing duties on behalf of Water District No. 1 under this memorandum will only perform duties necessary to:

MEMORANDUM OF UNDERSTANDING - 2

a) Deliver and account for distribution of natural flow and stored water within the District,

b) Provide assistance to the Committee of Nine in operating the local rental pool. This assistance will include accepting applications to put water into the pool and to rent water from the pool, receipting and depositing funds associated with the bank, providing information on the water in the bank and rentals therefrom. The Committee of Nine, or its designated subcommittee will determine the water leases and rentals and approve all disbursements of rental pool money.

c) Prepare reports and proposed budgets as required by Title 42, Idaho Code.

d) Provide technical assistance and information to the Committee of Nine and the Department relative to the water distribution and water banking duties of the watermaster.

The Committee of Nine will make other arrangements for representation and management of any other interests of the water users within the Water District as directed at the annual meeting.

2) The director of the Department and the chairman of the Committee of Nine shall consult annually prior to the end of the water district's fiscal year concerning the continuation of this memorandum and any need for modification of it.

3) This memorandum of understanding will continue from year to year and can be amended or terminated at any time by agreement of the director of the Department and Water District No. 1, on the recommendation of the Committee of Nine.

4) This memorandum of understanding supersedes and replaces the memorandum of understanding dated March 3-4, 1979.

5) Nothing in this agreement will act to change, modify, or release either party of any obligation or responsibility otherwise provided by contract or by law.

R. KEITH HIGGINSON
Director
Department of Water Resources

Date: _____

DEWITT MOSS
Chairman
Committee of Nine/Water District No. 1

Date: _____

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into by and between the Director of the Department of Water Resources, (hereinafter called the Director) and the water users of Water District No. 1, Upper Snake River, (hereinafter called Water District No. 1) acting through the Water District advisory committee known as the Committee of Nine.

WHEREAS, the statutes of the State of Idaho provide for the Director to have direction and control of the distribution of the waters of the state to those holding valid rights to the use thereto; and

WHEREAS, the Water District No. 1 authorized the Committee of Nine, as advisors to, and elected representatives of the water district, by resolution duly adopted at the March 2, 1993, annual meeting of the water users of the district to enter this memorandum of understanding continuing a cooperative program with the Director to provide watermaster services for Water District No. 1 and

WHEREAS, the Committee of Nine will, among other things, serve as advisors to the Director and the watermaster in matters relating to the distribution of the natural flow and stored water within the district:

NOW, THEREFORE, the Director agrees to provide the following services to Water District No. 1, effective upon ~~signature~~ the execution of this memorandum of understanding and to continue to provide the services from year - to - year as herein provided upon election of the regional manager of the Department as watermaster and the adoption of a budget by the water users at the annual water district meeting authorizing expenditures in accordance with the purposes of this memorandum of understanding:

1) To provide watermaster services to Water District No. 1 for the period from the effective date of this memorandum until the end of any subsequent water district year as agreed to by the water users of Water District No. 1 at their annual meeting and the director of the Department. Such watermaster services will be provided under the direction of the regional manager of the Department's Eastern Region consistent with the provisions of Title 42, Idaho Code.

2) To provide the equivalent of 2/3 of a person year of the Regional manager as watermaster throughout the Water District year and to provide any additional part time or full time employees as necessary for the water distribution operations of Water District No. 1 in accordance with its adopted budget.

3) To provide office space as necessary for operation of Water District No. 1 and to provide Department vehicles for use by full-time employees of the Department, to conduct Water District business, and to share the use of other Department equipment and facilities as are necessary to equitably distribute the waters to the users within Water District No. 1.

WATER DISTRICT NO. 1 agrees as follows:

1) To pay the Department, on an advance basis, sufficient funds to cover the costs of operations incurred in providing watermaster services to Water District No. 1 provided, however, that reimbursement for the watermaster shall not exceed 2/3 of the personnel costs of the regional manager and provided further that all other costs incurred in conducting Water District No. 1 business will be paid in full. Indirect costs will be paid at the rate approved by the Department of the Interior Inspector General and current at

the time of the water district annual meeting. The approved indirect rate shall be reduced in recognition of the Department's statutory responsibility to supervise water distribution by subtracting in the indirect calculation any personnel costs included for the Director and the Administrator of the Water Management Division. ~~Application of the change in indirect rate from that previously approved shall be implemented over a three year period effective the date of this agreement as follows:~~

~~(1) For the first year, the rate is to be increased from 14.2% by one third of the difference between 14.2% and the Department indirect rate for FY 1992 and rounded to the nearest whole number. The calculation is as follows:~~

$$\text{First Year} = 14.2\% + 1/3 (35\% - 14.2) = 21\%$$

~~(2) For the second year, the rate is to be increased from the first year rate by one-half of the difference between the first year rate and the Department indirect rate for FY 1993. The calculation is as follows:~~

$$\text{Second Year} = 21\% + 1/2 (35\% - 21\%) = 28\%$$

~~(3) For the third year, the rate is to be increased to the Department indirect rate for FY 1994.~~

Mileage and per diem costs will be based upon the rate provided by state law for state employees.

The Department will credit the District for a portion of the District's expenditures to the U.S. Geological Survey for the cooperative streamgaging program. The amount credited each year will be one-half (1/2) the amount the district pays for that year to the U.S. Geological Survey for operation of certain streamgages the Director determines are

needed for data collection purposes needed by the Department other than and in addition to the District's water distribution data needs.

THE PARTIES mutually agree that:

1) The regional manager and any other persons directly employed by the Department as classified state employees, performing duties on behalf of Water District No. 1 under this memorandum will only perform duties necessary to:

a) Deliver and account for distribution of natural flow and stored water within the District.

b) Provide assistance to the Committee of Nine in operating the local rental pool. This assistance will include accepting applications to put water into the pool and to rent water from the pool, receipting and depositing funds associated with the bank, providing information on the water in the bank and rentals therefrom. The Committee of Nine, or its designated subcommittee will determine the water leases and rentals and approve all disbursements of rental pool money.

c) Prepare reports and proposed budgets as required by Title 42, Idaho Code.

d) Provide technical assistance and information to the Committee of Nine and the Department relative to the water distribution and water banking duties of the watermaster.

The Committee of Nine will make other arrangements for representation and management of any other interests of the Water District as directed at the annual meeting.

2) The director of the Department and the chairman of the committee of nine shall consult annually ~~at least sixty (60) days prior to the water district meeting to discuss~~

the implementation prior to the end of the water district's fiscal year concerning the continuation of this memorandum and any need for modification of it.

3) This memorandum of understanding will continue from year to year and can be amended or terminated at any time by agreement of the director of the Department and Water District No. 1, ~~acting through~~ on the recommendation of the Committee of Nine.

4) This memorandum of understanding supersedes and replaces the memorandum of understanding dated March 3-4, 1979.

5) Nothing in this agreement will act to change, modify, or release either party of any obligation or responsibility otherwise provided by contract or by law.

SIGNED this _____ day of _____, 1993.

R. KEITH HIGGINSON
Director
Department of Water Resources

DEWITT MOSS
Chairman
Committee of Nine or Water District No. 1

PROPOSED

Draft July 9, 1992
Approved October 29, 1992

COMMITTEE OF NINE

MEETING REIMBURSEMENT RULES

1. All Committee of Nine expenses must be approved by Chairman.
2. All requests for reimbursement must be on an approved form with copies of receipts attached.
3. Reimbursement is intended only for official Committee of Nine and Sub-committee meetings called by Chairman or Vice-Chairman, or other meetings approved in advance by Committee of Nine.
4. Reimbursement shall include per diem (\$30/day), mileage (0.28¢/mi.), meals, travel, and room (if necessary).
5. Reimbursement is intended for Committee of Nine members who are not on Government payroll or employed by an irrigation district or canal company. If the Committee of Nine approves per diem and reimbursement for a Government, irrigation district or canal company employee, reimbursement shall be made to the employer.
6. Advisors (except lawyers) and/or Alternates to regular Committee of Nine meetings shall not be authorized per diem and reimbursement for regular Committee of Nine meetings but shall be reimbursed if they serve on a special Committee of Nine Subcommittee, or attend other meetings approved by the Committee of Nine.

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COMMITTEE OF NINE
MEETING REIMBURSEMENT

DATE AND PLACE OF MEETING: _____

PURPOSE OF MEETING: _____

OFFICIAL POSITION: _____

PER DIEM \$ 30.00

PERSONAL CAR USAGE _____ MILES \$ _____
(at 28 cents per mile)

MEALS \$ _____

LODGING \$ _____

AIR FARE \$ _____

OTHER TRAVEL FARE \$ _____

MISCELLANEOUS \$ _____
(Parking, tips, cab, etc.)

TOTAL \$ _____
(Attach all available receipts)

Committee Member (Signature)

APPROVED:

Chairman, Committee of Nine

AMOUNT REIMBURSED \$ _____

Date _____ Bookkeeper's Initials _____ Check # _____

WATER DISTRICT 01 ANNUAL MEETING

Resolutions 1993

1. BE IT RESOLVED, that the watermaster continue to apply the best available methods and technology to assure: accurate deliveries of natural flow and stored water, consistent regulation procedures, the availability of water supply and diversion records to the water users, and that all water users are assessed for water deliveries on an accurate and equitable basis, and the preparation of the annual watermaster's report required by Idaho Code § 42-606.

BE IT FURTHER RESOLVED that:

2. The watermaster continue to expand and maintain automated data collection where it can effectively reduce personnel costs, travel costs, or result in cost or water savings for Snake River water users or assure better and more current data.
3. The water users of Water District 01 continue the cooperative program with the Idaho Department of Water Resources as outlined in the Memorandum of Understanding dated March 2, 1993, previously approved by the Committee of Nine and IDWR, and signed by the Chairman of the Committee of Nine and the Director of the Department of Water Resources, a copy of which Agreement is attached hereto as Exhibit A and made a part hereof as if set out at length herein.
4. Ronald D. Carlson be re-elected watermaster for the ensuing year, and is authorized to hire a full-time staff of a deputy, two assistants, a secretary, a data specialist, and additional assistants as authorized in Idaho Code § 42-609 in an emergency.
5. Claude Storer be elected Water District Treasurer and his annual salary set by the Committee of Nine but not to exceed the \$ _____ provided in the 1993 Water District budget.
6. The duties of the watermaster and treasurer shall begin on this date and continue for a period of one full year.
7. The Budget for Water District 01 for the 1993 year beginning March 1 be as follows:

WATER DISTRICT 01
PROPOSED BUDGETS FOR 1993

BUDGET ITEM WITH IDWR WDO1 SEPARATE WM CONTRACT

HYDROGRAPHERS

IDAHO FALLS	3500	3500	INC
TETON BASIN	8000	8000	INC
TETON RIVER	4100	4100	INC
HENRYS FORK	16000	16000	INC
LOWER VALLY	7000	7000	INC
SUBTOTAL	38600	38600	

RIVER RIDERS

RIGBY-HEIS	6500	6500	INC
SWAN VALLY	4500	4500	INC
IDAHO FALL	1000	1000	INC
WILLOW CK	3000	3000	INC
UPR FALL R	1000	1000	INC
BLACKFOOT	3000	3000	INC
MILNER	360	360	INC
SUBTOTAL	19360	19360	

PROGRAM EXP

SUTRON	52000	52000	52000
U OF I	2000	2000	2000
STREAM GNG	105000	105000	105000
SUBTOTAL	159000	159000	159000

EQUIPMENT

FURNITURE	0	3000	INC
FAX	0	1200	INC
COMPUTER	6500	10000	INC
PRINTER	0	3500	INC
COPY MACH	0	2400	INC
PC'S	3000	6000	INC
SUB TOTAL	9500	26100	

PERSONNEL EXP

RETIREMENT	5000	5000	INC
SOCIAL SECU	5000	5000	INC
MILEAGE	21000	21000	INC
INS FUND	2500	2500	INC
EMPL INS	500	500	INC
PRT TM HELP	4900	4900	INC
MISC HYD EX	500	500	INC
TREASURER	7500	7500	1200
SUBTOTAL	46900	46900	1200

MISC EXPENSES

IWUA	1000	1000	1000
OTTO OTTER	500	500	500
POSTAGE	2200	2200	INC
SUPPLIES	2000	2000	INC
PHONE	INC	3700	INC
AUDIT	3300	3300	500
MEETINGS	1200	1200	1200
LEGAL FEES	500	500	500
IDWR CONT	254330	0	0
SUBTOTAL	254330	13400	3700

WATERMASTER

STAFF	0	225025	347025
REPORT	4500	4500	4500
TRAVEL	1500	3500	7500
RENT	0	21600	INC
SUB TOTAL	6000	254625	359025
STARTUP COSTS		14400	14400
TOTAL	543390	572385	537325

8. BE IT RESOLVED that the watermaster is hereby authorized to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as necessary for the proper distribution of water and shall provide that all such real and personal property shall remain in the custody of the watermaster and the watermaster's successor.

9. WHEREAS, it is the watermaster's responsibility to assure the proper delivery of both natural flow and storage supplies to all water users, and;

WHEREAS, the normal district cost of delivering water to many water users is greater than their normal assessments would be based upon their total season use of water;

NOW, THEREFORE, BE IT RESOLVED that the watermaster of Water District 01 is hereby authorized to assess a \$20.00 minimum charge for every diversion within his jurisdiction.

10. WHEREAS, the water users of Water District 01 meeting in regular annual session find it necessary to adopt certain "on-going" resolutions to direct the watermaster and treasurer of the district in certain aspects of district operations;

NOW, THEREFORE, BE IT RESOLVED that the Water District 01 budget prepared pursuant to Idaho Code § 42-615, and adopted in Resolution No. 7 at this Water District 01 annual meeting, shall become the basis for the official billing of the amount of said budget for the succeeding year to the respective water users, using the actual deliveries for the past irrigation season or seasons, as the basis for said distribution of such billing to the individual water users, canal companies, and irrigation districts, and is hereby authorized to collect all of the amounts billed.

The treasurer shall establish and maintain a general account and shall deposit all monies received pursuant to the billing and shall make all disbursements as necessary to conduct the business of administering and delivering the waters of the district.

That no ditch, canal company, or other water users shall have the right to demand and receive water, and the watermaster shall not deliver to such person until receipt of the amount due and payable from such user.

That copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and the report prepared in accordance with Idaho Code § 42-615, shall be filed with the director of the Department of Water Resources and with the county auditors of Bonneville, Madison, Teton, and Fremont Counties in accordance with Idaho Code § 42-617.

11. WHEREAS, it is in the best interest of the water users of Water District 01 to account for all diversions which might adversely affect any prior natural flow or storage diversions;

BE IT RESOLVED that the watermaster shall collect records of water diversions during the entire year.

12. BE IT FURTHER RESOLVED that we recommend that the Committee of Nine be designated the Advisory Committee under Idaho Code § 42-605 and be continued with nine regular members. The members representing the Burley and Minidoka Irrigation projects are to be alternated between the two districts as they arrange. In addition, advisory members representing the Bureau of Reclamation, Teton Basin, Gooding Canal, A & B Irrigation, the Wyoming State Engineer and a member from the Burley or Minidoka District, whichever is not currently represented on the regular committee be included.
13. WHEREAS, the members of the Committee of Nine, as the Water District's Advisory Committee, are elected to represent the general interest of the water users;

NOW, THEREFORE, BE IT RESOLVED that the Committee of Nine is hereby authorized to:
 - (a) Advise and consult with the watermaster and director in matters related to water distribution.
 - (b) Take those actions necessary to represent and protect the interests of the water users of the district.
 - (c) Employ such legal, engineering, technical and clerical services as may be deemed necessary by the Committee.
 - (d) Make and execute such contracts and agreements as may be deemed necessary or convenient.
 - (e) To do such other things as the Committee shall deem to be beneficial to the water users of the District.
14. BE IT HEREBY RESOLVED that the watermaster is hereby designated manager of the rental pool for the Committee of Nine.
15. BE IT FURTHER RESOLVED that the Committee of Nine is hereby ratified as the local committee for the rental of stored water under Idaho Code § 42-1765.
16. BE IT RESOLVED that the Committee of Nine as the duly elected Advisory Committee be authorized a maximum of \$_____ to be expended as needed as approved by the Committee of Nine from the separate account maintained by the district treasurer of funds retained from the lease of stored water from the rental pool to be used only for the following purposes upon approval of the Committee of Nine:
 - (1) Expenses of the District.

(2) Improvements to the district's facilities, including a reasonable reserve for future improvements.

(3) Educational projects designed to increase public awareness in the area of water distribution, water rights and water conservation.

(4) Other public projects designed to assist in the adjudication, conservation or more efficient distribution of water.

(5) Membership dues of \$ _____ for 1993 in the Idaho Water Users Association including support of the Otto Otter Program.

(6) Financial support of \$ _____ for 1993 in the Idaho Water Users Association Task Force involved in legal matters concerning endangered species in the Snake River Basin.

(7) \$ _____ in 1993 for involvement in legislative and agency deliberations on issues involving water quantity and quality which could effect water users of the Water District.

(8) To reimburse Advisory Committee members in accordance with the policy attached hereto as Exhibit B.

(9) To establish a reserve fund to cover rental pool payment disputes which are deemed the responsibility of the district.

BE IT FURTHER RESOLVED that the treasurer may only invest pursuant to the public depository law as provided in Idaho Code § 42-1765.

17. WHEREAS, the Water District's Credentials Committee has historically specified that "no person be elected to membership and service on the Committee of Nine and Credentials Committee unless he be a land owner and a water user . . .";

IT IS THEREFORE RESOLVED that water user and land owner shall be defined as follows:

1. One who owns an irrigated farm that is comprised of more than twenty (20) irrigated acres, that has valid surface water rights deliverable by the Water District 01 Watermaster.
2. One who has received over 50 percent of his annual income during one or more of the past ten years from farming activities within Water District 01.

18. WHEREAS, it is in the interest of all water users to have the water rights within Water District 01 delivered according to the priority system; and,

WHEREAS, the accounting system now used by Water District 01 requires that each diversion have assigned to it a specific list of decreed, licensed, and storage entitlement; and,

WHEREAS, those diversions which have no record of water rights on file with the Department of Water Resources or the water district office will, necessarily be taking storage water any time a diversion takes place.

NOW, THEREFORE, BE IT RESOLVED that no diversion shall be allowed to divert water unless the proper list of rights for that diversion are found in the watermaster's records or proper arrangements have been made to procure an adequate water supply prior to the start of the irrigation season.

19. BE IT RESOLVED that the annual Water District 01 meeting shall hereafter be held on the first Tuesday of March of each year; and

BE IT FURTHER RESOLVED that the water users of Water District 01 waive mailed notice of the annual meeting and direct publication of the meeting notice for two (2) consecutive weeks in an appropriate number of newspapers located throughout the district.

20. WHEREAS, the water users located above Blackfoot (Upper Valley) have chosen to collectively retain legal counsel; and,

WHEREAS, it is the desire of those located above Blackfoot to have the watermaster assess the Upper Valley water users for these legal services in proportion to their water use;

NOW, THEREFORE, BE IT RESOLVED this second day of March 1993, that the watermaster hereby be authorized to assess canals located above Blackfoot for legal fees and other appropriate expenses associated with representing the collective interests of the Upper Valley.

BE IT FURTHER RESOLVED that such charges may not exceed \$50,000 during the current year.

BE IT FURTHER RESOLVED that the district treasurer shall maintain said amounts in a separate account and that payment therefrom shall ONLY be made when authorized by the Upper Valley Committee of Nine Representatives.

1993 BUDGET
OF THE
UPPER VALLEY
COMMITTEE OF NINE

UPPER VALLEY LEGAL & OTHER EXPENSES \$50,000
TOTAL BUDGET \$50,000

21. BE IT RESOLVED that the amendment to 8.2 of Water District 01 Rental Pool Rules and Regulations be approved as hereafter set out and transmitted to the Idaho Water Resource Board for approval.

WATER DISTRICT 01
RENTAL POOL PROCEDURES

- 8.2 The rental price for 1993 shall be \$2.95 including the State Water Board surcharge of .20¢ and the district's administrative charge of .75¢ per acre foot for both irrigation and non-irrigation water uses above Milner Dam.

The rental price for 1993 shall be \$9.00, including the State Water Board surcharge of .75¢, and the district's administrative charge of .75¢ per acre foot for water use below Milner Dam.

Any spaceholder who puts water in the rental pool for lease but must thereafter lease water from the rental pool, shall pay .75¢ per acre foot administrative charge.

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event, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation, or a comparable program. Such treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event that funding is provided for or on behalf of the defendant by an entity of state government, restitution shall be ordered to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing contained herein shall be construed as requiring a court to order that a governmental entity shall provide alcohol treatment at government expense unless otherwise required by law.

(11) Any person who is disqualified shall not be granted restricted driving privileges to operate a commercial motor vehicle.

Approved April 13, 1992.

CHAPTER 339
(S.B. No. 1450)

AN ACT

RELATING TO WATER DISTRICTS; REPEALING SECTION 42-601, IDAHO CODE; AMENDING SECTION 42-602, IDAHO CODE, TO REVISE AUTHORITIES OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES REGARDING THE SUPERVISION OF WATER DISTRIBUTION; REPEALING SECTION 42-602A, IDAHO CODE; AMENDING SECTION 42-603, IDAHO CODE, TO REVISE THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES CONCERNING RULES AND REGULATIONS; AMENDING SECTION 42-604, IDAHO CODE, TO REVISE PROCEDURES FOR THE CREATION OF WATER DISTRICTS; AMENDING SECTION 42-605, IDAHO CODE, TO REVISE PROCEDURES FOR DISTRICT MEETINGS, EMPLOYEES, ELECTIONS, OATHS, BONDS AND ADVISORY COMMITTEES; AMENDING SECTION 42-605A, IDAHO CODE, TO CORRECT A REFERENCE AND TO CORRECT A TYPOGRAPHICAL ERROR; AMENDING SECTION 42-606, IDAHO CODE, TO REVISE REQUIREMENTS FOR REPORTS OF WATERMASTERS; AMENDING SECTION 42-607, IDAHO CODE, TO PROVIDE FOR THE SHUTTING OR FASTENING THE HEADGATES OF FACILITIES FOR DIVERSION OF WATER; AMENDING SECTION 42-608, IDAHO CODE, TO REVISE REQUIREMENTS FOR A WATERMASTER'S TERM OF SERVICE; AMENDING SECTION 42-609, IDAHO CODE, TO PROVIDE FOR APPOINTMENT OF ASSISTANTS TO THE WATERMASTER; AMENDING SECTION 42-610, IDAHO CODE, TO PROVIDE FOR COMPENSATION OF THE WATERMASTER'S ASSISTANTS; AMENDING SECTION 42-612, IDAHO CODE, TO REVISE PROCEDURES FOR ADOPTION OF A BUDGET FOR A WATER DISTRICT; AMENDING SECTION 42-613, IDAHO CODE, TO PROVIDE FOR FILING OF A CERTIFIED COPY OF A DISTRICT'S BUDGET WITH THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES BY THE WATERMASTER; AMENDING SECTION 42-613A, IDAHO CODE, TO REVISE PROCEDURES FOR HANDLING PROCEEDS DERIVED FROM THE LEASE OF STORED WATER; REPEALING SECTION

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42-601, IDAHO CODE;
AUTHORITIES OF THE
GARDING THE SUPER-
42-602A, IDAHO
THE AUTHORITY
SOURCES CONCERNING
IDAHO CODE, TO
DISTRICTS; AMENDING
ES FOR DISTRICT
ADVISORY COMMIT-
RECT A REFERENCE
SECTION 42-606.
OF WATERMASTERS;
OR THE SHUTTING
VERSION OF WATER;
QUIREMENTS FOR A
ION 42-609, IDAHO
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URES FOR HANDLING
REPEALING SECTION

42-614, IDAHO CODE; AMENDING SECTION 42-615, IDAHO CODE, TO REVISE PROCEDURES FOR PREPARING A PROPOSED BUDGET FOR THE SUCCEEDING YEAR; AMENDING SECTION 42-616, IDAHO CODE, TO REVISE PROCEDURES FOR THE COLLECTION OF CHARGES; AMENDING SECTION 42-617, IDAHO CODE, TO REVISE BUDGETING PROCEDURES; AMENDING SECTION 42-618, IDAHO CODE, TO PROVIDE FOR COLLECTION OF FUNDS AND THEN DISBURSEMENT; AMENDING SECTION 42-619, IDAHO CODE, TO REVISE PROCEDURES ON AN ALTERNATE PLAN FOR PAYMENT OF WATER DISTRICT EXPENSES; AND AMENDING SECTION 42-1765, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF WATER DISTRICT ADVISORY COMMITTEES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-601, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 42-602, Idaho Code, be, and the same is hereby amended to read as follows:

42-602. DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO SUPERVISE WATER DISTRIBUTION. It shall be the duty of the director of the department of water resources to have immediate direction and control of the distribution of water from all of the streams, rivers, lakes, ground water and other natural water sources in this state to the canals, and ditches, pumps and other facilities diverting therefrom. Distribution of water shall be accomplished either (1) by watermasters appointed as provided in this chapter and supervised by the director; or (2) directly by employees of the department of water resources under authority of the director in those areas of the state not constituted into water districts as provided in this chapter. The department director must execute the laws relative to the distribution of water in accordance with rights of prior appropriation as provided in section 42-106, Idaho Code.

The director of the department of water resources shall, in the distribution of water from the streams to the canals, rivers, lakes, ground water and other natural water sources, be governed by this title.

SECTION 3. That Section 42-602A, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 42-603, Idaho Code, be, and the same is hereby amended to read as follows:

42-603. SUPERVISION OF WATER DISTRIBUTION -- RULES AND REGULATIONS. The director of the department of water resources shall provide such rules and regulations in relation to making of proof of completion of works constructed under the provisions of this title; and of the proof of application of the water as provided for in this title; and shall also devise all needful is authorized to adopt rules and regulations for the distribution of water from the streams, rivers, lakes, ground water and other natural water sources as shall be necessary to carry out the laws in accordance with the priorities of the

rights of the users thereof. Promulgation of rules and regulations shall be in accordance with the procedures of chapter 52, title 67, Idaho Code.

SECTION 5. That Section 42-604, Idaho Code, be, and the same is hereby amended to read as follows:

42-604. CREATION OF WATER DISTRICTS. The director of the department of water resources shall divide the state into water districts in such manner that each public stream and tributaries, or independent source of water supply, shall constitute a water district: provided, that any stream or water supply, when the distance between the extreme points of diversion thereon is more than forty (40) miles, may be divided into two (2) or more water districts: provided, that any stream tributary to another stream may be constituted into a separate water district when the use of the water therefrom does not affect or conflict with the rights to the use of the water of the main stream: provided, that any stream may be divided into two (2) or more water districts, irrespective of the distance between the extreme points of diversion, where the use of the waters of such stream by appropriators in one district does not affect or conflict with the use of the waters of such stream by appropriators outside such district: provided, that this section shall not apply to streams or water supplies whose priorities of appropriation have not been adjudicated by the courts having jurisdiction thereof.

The director may create, revise the boundaries of, or abolish a water district or combine two (2) or more water districts by entry of an order if such action is required in order to properly administer uses of the water resource. Copies of the order shall be sent by regular mail to all holders of rights to the waters affected by the order. The director's order is subject to judicial review as provided in section 42-1701A, Idaho Code.

Before entering an order creating, modifying, or abolishing a district, the director shall, by regular mail, send notice of the proposed action to each water user in the district or proposed district. The notice shall describe the proposed action to be taken, the reasons therefore, the time and place of a hearing to be held concerning the proposed action, and provide a time period within which written comment on the action will be accepted. The hearing shall not be held sooner than ten (10) days after the mailing of the notice, and the written comment period shall not close sooner than ten (10) days after the hearing. Instead of mailing notice, the director may publish notice describing the proposed action, the time and place for the hearing, and the deadline for receiving written comment. The notice shall be published once a week for two (2) weeks in a newspaper or newspapers having general circulation within the district or proposed district, with the second publication appearing at least ten (10) days before the date set for the hearing. The hearing shall be held within the district or proposed district, or at some nearby location convenient to the affected water users.

Each water district created hereunder shall be considered an instrumentality of the state of Idaho for the purpose of performing the essential governmental function of distribution of water among

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SECTION 6. That Section 42-605, Idaho Code, be, and the same is hereby amended to read as follows:

42-605. DISTRICT MEETINGS -- WATERMASTER AND ASSISTANTS -- ELECTION -- REMOVAL -- OATH AND BOND -- ADVISORY COMMITTEE. (1) There shall be held on the first Monday in March in each year, and, except as provided in subsection (2) of this section, commencing at two o'clock P.M., a meeting of all persons owning or having the use of a water right, in the waters of the stream or water supply comprising such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources.

(2) Such meeting shall be held at some place within the water district, or at some nearby location convenient to a majority of those entitled to vote thereat, which place shall be designated by the director of the department of water resources, and the department. The director shall, between January first and February first of each year, file such designation with the county auditor of the county or counties within which such water district is situated and shall notify by regular mail all persons, companies or corporations known by the director to own or claim hold rights to the use of the waters of such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources. Provided that in, of the time, date, location and purpose of the annual meeting. At any annual meeting the water users may vote to waive the requirement for notice by mail and provide for notice to be given for future meetings by publication of the time, date, location and purpose of the meeting in a newspaper or newspapers in general circulation in the district. Published notice shall be made once per week for two (2) consecutive weeks with the second notice appearing at least thirty (30) and not more than sixty (60) days prior to the meeting. In water districts whose area includes land in more than four (4) counties the annual meeting shall commence at ten o'clock A.M. instead of two o'clock P.M.: Provided, further, that the water users of any water district may, by resolution adopted at an annual meeting or at a special meeting properly called for that purpose, change the time of day when the meeting shall commence or change the date for annual meetings in subsequent years to any weekday except Saturday and Sunday between the second Monday of January and the third Monday in March or change both the time and the date, in which case the director of the department of water resources shall send its notification at least thirty (30) days prior to said meeting date. At an annual meeting the water users may adopt resolutions to assure or improve the distribution of the waters of the district within state law, and may provide that such resolutions shall continue from year to year.

(3) At such the meeting of the water users of a district there shall be elected a watermaster for such water district, and who may be authorized to employ such other regular assistants as such meeting the water users shall deem necessary, and who, upon appointment by the director of the department of water resources, shall be responsible

for distribution of water within said water district, and such meeting the water users shall, prior to the election of such watermaster and approval of the employment of assistants, fix the compensation to be paid them during the time actually engaged in the performance of their duties.

(4) At such meeting Voting shall be by majority vote of the water users present at the meeting unless one (1) or more water users requests voting using the procedure which follows in this subsection. In such case the meeting chairman shall appoint a credentials committee to determine the number of votes each water user present is authorized to cast. If requested, each person present, owning or having the use for the ensuing season of any water right in the stream or water supply comprising such water district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources, shall be entitled to a number of votes equal to the average annual dollar amount and any fraction thereof assessed for that person's qualifying water right for the previous five (5) years, or such lesser number of years as the right has been assessed. If a right has not previously been assessed, a person present, owning or having the use of the right for the ensuing season shall be entitled to a number of votes equal to the dollar amount and any fraction thereof which the right would have been assessed had it existed and been reasonably used when water was available under the priority of the right during the previous season.

(5) At such meeting the water users shall choose a meeting chairman and meeting secretary and shall determine the manner and method of electing the watermasters and assistants. The water users shall, at the annual meeting, provide for the water district treasurer functions in accordance with section 42-619, Idaho Code. Within five (5) days after such meeting the meeting chairman and meeting secretary shall forward a certified copy of the minutes of such meeting to the department of water resources. The meeting chairman, or the meeting secretary, if the meeting chairman is not present, from the immediately preceding annual meeting shall call the meeting to order and preside over the election of officers for the meeting.

(6) At such meeting the water users may choose an advisory committee to be composed of members selected as may be determined at the meeting, which committee shall serve as advisors to the director and the watermaster in matters pertaining to the distribution of water within the district. The advisory committee may be authorized to carry out policies as set forth in resolutions duly adopted by the water users at the annual meeting or at a special meeting. The advisory committee may also serve as the local committee to facilitate the rental of stored water if appointed by the water resource board for such purpose under the provisions of section 42-1765, Idaho Code.

(67) A corporation or a water delivery organization, including, but not limited to a corporations, a water company, an irrigation districts, an irrigation company and or a canal company, shall be considered a person for the purpose of this section and shall cast its vote by someone to be designated by the corporation; provided, that each stockholder in said corporation shall be entitled to as many votes as he shall have units of cubic feet per second or fraction thereof, of water in the stream or water supply comprising such water

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(78) Should said meeting not be held, or should said watermaster not be chosen elected or his the watermaster's compensation not be fixed as above provided, then the director of the department of water resources is authorized to appoint such a watermaster and fix his the watermaster's compensation.

(89) The director of the department of water resources may remove any watermaster whenever such watermaster fails to perform his the watermaster's duty as--watermaster, upon complaint in that respect being made to the department director in writing, by one (1) person owning or having the right to the use of a water right in such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources provided, that upon investigation the department director, after a hearing with the other water users of said district, which shall be held in the district or at some location convenient to the water users of the district, finds such charge to be true, and the department director may appoint a successor for the unexpired term.

(910) Before entering upon the duties of his the watermaster's office, said watermaster shall take and subscribe an oath before some officer authorized by the laws of the state to administer oaths, to faithfully perform the duties of his the watermaster's office, as provided in section 42-607, Idaho Code, and shall file that oath with the department of water resources. Upon appointment by the director of the department of water resources, the actions taken by a watermaster in fulfillment of the duties of his office are covered by the state group surety bond as provided by sections 59-801 through 59-804, Idaho Code.

(11) The director shall call a special meeting of the water users of a district upon receipt of a written request for such meeting from a majority of the members of the advisory committee for a district, a written request from water users representing thirty per cent (30%) or more of the votes cast at the last regular annual meeting, a written request from the watermaster or on the director's own motion if the director determines a meeting is necessary to address matters that cannot be delayed until the next regular annual meeting. Notice of the time, place and purpose of the special meeting shall be given by the director in the manner provided in section 42-605(2), Idaho Code.

(12) The water users may, by resolution, authorize the watermaster [to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as necessary for the proper distribution of water and shall provide that all such real and personal property shall remain in the custody of the watermaster and the watermaster's successor.

SECTION 7. That Section 42-605A, Idaho Code, be, and the same is hereby amended to read as follows:

42-605A. NONCONSUMPTIVE WATER RIGHTS -- ASSESSMENTS -- VOTING.

(1) Notwithstanding other provisions of this chapter, the setting of annual water district assessments and the voting of permitted, licensed and decreed water rights administered by the watermaster solely for nonconsumptive purposes shall be determined in accordance with the provisions of this section. For purposes of this chapter, a

water right is nonconsumptive if so designated by provisions of the permit or license issued by the department of water resources, or otherwise so designated by the director, or by decree of the court allowing use of the right to continue when the diversion of earlier priority water rights from the same source has been reduced or stopped by action of the watermaster.

(2) A nonconsumptive water right is subject to the provisions of this section if water is taken into man-made facilities for beneficial use whether or not the water leaves the river or stream channel. Instream flow water rights held in the name of governmental entities or agencies for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality shall be exempt from the payment of assessments and the rights shall not be voted. The procedure for collection and payment of the assessments shall be the same as used for consumptive water rights under this chapter.

(3) In preparing the next year's budget, the watermaster shall determine an assessment for the ensuing year for each water right used solely for nonconsumptive purposes. The assessment shall be sufficient to pay the additional costs and expenses for watermaster services for data collection, water measurement, delivery of water, and record keeping directly attributable to delivery of the water right.

(4) The assessment shall not become final until adopted as part of the water district budget at the annual meeting of water users in accordance with section 42-612, Idaho Code. The assessment shall not exceed an amount necessary to pay for watermaster services associated with the nonconsumptive right. Nothing in this section shall affect the right, under section 42-612, Idaho Code, of the water users at the annual meeting to provide by resolution for a minimum charge for watermaster services, except as to those instream flow rights exempt from the payment of assessments under this section.

(5) The holder of a water right assessed under the provisions of this section who desires to contest the amount of an assessment for a nonconsumptive water right shall file a written petition with the director of the department of water resources stating the grounds for contesting the assessment and requesting a hearing. The petition must be filed with the director within thirty (30) days after the billing is mailed to the holder of the water right as provided in section 42-613 or 42-618, Idaho Code. The hearing before the director and any judicial review thereof shall be in accordance with the provisions of section 42-1701A, Idaho Code. The filing of a petition under this section shall not relieve the holder of a nonconsumptive water right from the obligation to pay the assessment when due and payable. The amount of any excessive or deficient assessment determined by a final order of the director shall be credited or collected in the succeeding year in the manner provided under section 42-61406, Idaho Code.

(6) At water district meetings, each person present holding a water right used solely for nonconsumptive purposes shall be entitled to a number of votes equal to the average dollar amount and any fraction thereof assessed in accordance with subsection (3) of this section for that person's qualifying nonconsumptive water right for the previous five (5) years, or such lesser number of years as the right has been assessed in accordance with subsection (3) of this section.

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If a nonconsumptive right has not been assessed in previous years using subsection (3) of this section, a person present owning or having the use of the right for the ensuing seasons shall be entitled to a number of votes equal to the dollar amount and any fraction thereof which the right is assessed under subsection (3) of this section for the ensuing season.

SECTION 8. That Section 42-606, Idaho Code, be, and the same is hereby amended to read as follows:

42-606. REPORTS OF WATERMASTERS. All watermasters shall make an annual reports to the department of water resources as often as may be deemed necessary by said department; said reports shall contain the following information: The amount of water necessary to supply all of the ditches, canals and reservoirs of the district; the amount of water actually coming into the district to supply such ditches, canals or reservoirs; whether such supply is on the increase or decrease; what ditches, canals and reservoirs are at times without their proper supply; and the probability as to what the supply will be during the period before the next report will be required; and such other information as the department may suggest. Said department shall carefully file and preserve such reports and shall from them ascertain what ditches, canals and reservoirs are, and what are not, receiving their proper supply of water; and if it shall appear that in any district of that division, any ditch, canal or reservoir is receiving water whose priority postdates that of the ditch, canal or reservoir in another district as ascertained from its register, it shall at once order such postdate ditch, canal or reservoir shut down, and the water given to the elder ditch, canal or reservoir, its orders being directed at all times to the enforcement of priority of appropriation, according to its tabulated statement of priorities, to the whole division; and without regard to the district within which the ditches, canals or reservoirs may be located prior to the expiration of the watermaster's appointment for the current year. This report shall show the total amount of water delivered by the watermaster during the preceding year, the amount delivered to each water user, the total expense of delivery and the apportionment of expenses among users and all debits and credits to be carried over to the following year. Such report shall also include records of stream flow the watermaster used or made in the process of distributing water supplies. The director may ask for other information deemed necessary in assuring proper distribution of water supplies within the district. The reports of watermasters to the department of water resources shall be filed and kept in the office of the department.

SECTION 9. That Section 42-607, Idaho Code, be, and the same is hereby amended to read as follows:

42-607. DISTRIBUTION OF WATER. It shall be the duty of said watermaster to distribute the waters of the public stream, streams or water supply, comprising his a water district, among the several ditches taking water therefrom according to the prior rights of each respectively, in whole or in part, and to shut and fasten, or cause to

be shut or fastened, under the direction of the department of water resources, the headgates of the ditches heading or other facilities for diversion of water from such stream, streams or water supply, when in times of scarcity of water it is necessary so to do in order to supply the prior rights of others in such stream or water supply; provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the department of water resources, shall, for the purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply, and the watermaster shall close all headgates of ditches or other diversions having no adjudicated, decreed, permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply. So long as a duly elected watermaster is charged with the administration of the waters within a water district, no water user within such district can adversely possess the right of any other water user.

SECTION 10. That Section 42-608, Idaho Code, be, and the same is hereby amended to read as follows:

42-608. WATERMASTER'S TERM OF SERVICE. (1) Said A watermasters shall not begin their work until they have been called upon by three one (31) or more owners or managers of ditches or persons controlling ditches or other diversion facilities, in the several districts, by application in writing to the department of water resources, stating that there is a necessity for the use and control of the waters of such district.

(2) In the absence of application or in water districts in which there are five (5) or fewer adjudicated water rights, the watermaster may be called upon to assume his the watermaster's duties at any time the department of water resources finds that there is a necessity for the use and control of the waters of the district.

(3) The watermaster shall not continue performing services after the necessity therefor shall cease, which shall be determined by the department of water resources, and which shall not be after the first of November of each year, unless determined necessary by the director of the department of water resources or is otherwise provided by the rules and regulations of the respective districts, a resolution adopted at the annual water users' meeting for said water district.

(4) At any annual meeting the water users may, by resolution, provide that the watermaster shall serve throughout the year. The department of water resources, upon receipt of a certified copy of the minutes of said meeting containing such resolution and upon the receipt of the oath of said watermaster, as provided for in section 42-605, Idaho Code, shall immediately issue a certificate of appointment ordering said watermaster to assume his the watermaster's duties at once and continue the same throughout the year as provided for in said resolution.

(5) The director of the department of water resources, upon receipt of a petition requesting an extension of the watermaster's

term of service in ar ing the diversion or the extension is sou shall extend the wa determined necessary watermaster services the director shall be rights delivered by vice. For the purpose meeting, amounts paid section shall be amounts and assessments Code.

SECTION 11. Th hereby amended to re

42-609. WATERMA OATH AND COMPENSATIC emergency, with th water resources, to who may have been at the district to a watermaster's duties and shall obey his i tled to a salary as approved by the di no budget is adopted water resources, to payment of waterma tant shall be appoi waters have been at

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term of service in any year from the holder of a water right authorizing the diversion or storage of water during the time period for which the extension is sought and upon a determination of necessity therefor shall extend the watermaster's term of service for the period of time determined necessary by the director in any year. Payment for watermaster services during the extended term of service ordered by the director shall be the responsibility of the holders of water rights delivered by the watermaster during the extended term of service. For the purpose of determining voting rights at a water district meeting, amounts paid for watermaster services pursuant to this subsection shall be included in the calculation of annual assessment amounts and assessment rates under sections 42-605 and 42-605A, Idaho Code.

SECTION 11. That Section 42-609, Idaho Code, be, and the same is hereby amended to read as follows:

42-609. WATERMASTER'S ASSISTANTS -- EMPLOYMENT IN EMERGENCY -- OATH AND COMPENSATION. Said A watermaster shall have power, in case of emergency, with the approval of the director of the department of water resources, to employ suitable assistants in addition to those who may have been approved at the annual meeting of the water users of the district to aid him the watermaster in the discharge of his the watermaster's duties, who shall take the same oath as the watermaster, and shall obey his the watermaster's instructions, and shall be entitled to a salary as set by the water users in their adopted budget and approved by the director of the department of water resources, or if no budget is adopted, then as set by the director of the department of water resources, to be paid in the same manner as provided for the payment of watermasters; ~~provided, that not more than one (1) assistant shall be appointed to each fifteen (15) miles of the stream whose waters have been allotted.~~

SECTION 12. That Section 42-610, Idaho Code, be, and the same is hereby amended to read as follows:

42-610. COMPENSATION OF WATERMASTERS -- ALLOTMENT AND CHARGE AGAINST LAND -- CHARGE AGAINST CANAL. Watermasters herein provided for shall make up a sworn statement which shall be approved by the department of water resources, and shall show the number of days said watermaster has devoted to the distribution of such water, and the number of days his the watermaster's assistant or assistants have devoted to the same purpose, and such statement shall also show the volume of water, stated in cubic feet per second, he the watermaster has by virtue of the allotment of said waters delivered to each user each day; ~~and shall describe the lands to which said water was so delivered.~~ The pay for the services of said watermaster and his the watermaster's assistants shall be a charge against the land of the users to which said water was so delivered, the expense for said services being first divided between all classes as to priority of allotment or decree, in the proportion which the number of days such water is received by all users in the same class of priority of allotment or decree bears to the whole number of days said watermaster is engaged

in distributing said water; the amount charged to each user in the same class of priority of allotment or decree bearing the same proportion to the amount charged to all users in the same class of priority of allotment or decree as the volume of water delivered to each user bears to the whole amount delivered to all of like class of priority of allotment or decree, by the said watermaster and his the watermaster's assistants. This statement, which shall show the proper distribution of the said expenses among the various users, shall be filed with the auditor and recorder of the county or counties in which the said water was delivered, unless such county or counties have elected to not provide county services for the collection of assessments and payment of district expenses as provided in section 42-619, Idaho Code: provided, that in counties which have not so elected to decline providing the services, when any portion of the allotted waters is distributed by said watermaster to the canal of any duly organized canal company, the amount of the expense chargeable for such services shall be a charge against such canal and the account of such charge to be paid by the county in the manner herein provided shall be charged as a tax against such canal, which tax shall be collected in the manner provided by law for the collection of other taxes, and no canal in this state shall be exempt from the payment of such tax, whether the water right be decreed or undecreed, or whether the water so distributed to said canal be the natural flow of the stream, or stored water, or whatever may be its source, nature or description.

SECTION 13. That Section 42-612, Idaho Code, be, and the same is hereby amended to read as follows:

42-612. BUDGET OF WATER DISTRICT -- ADOPTION AND CONTENTS -- DEBT OF WATER USER. At any annual meeting the water users must adopt a budget covering the estimated expenses of delivering the water of said district for the ensuing year, and by resolution determine that said budget shall be collected, and the compensation of the watermaster and his the watermaster's assistants and any other expenses of delivering the water of said district to the users thereof, including the costs of the advisory committee in implementing resolutions adopted by the water users of the district for activities other than the payment of the salary and operating expenses of the watermaster and assistants. shall be paid in the manner hereinafter, in this section, provided. To the extent possible, funding for advisory committee expenses associated with implementing resolutions adopted by the water users for other than the payment of the salary and operating expenses of the watermaster and assistants shall come from funds available pursuant to section 42-613A, Idaho Code. Said budget shall show the aggregate amount to be collected from all the water users in said district, and the amount to be paid by each ditch, canal company, irrigation district or other water user, and for the purpose of computing said respective amounts, the water delivered to the various ditches, canal companies, irrigation districts or other users during the past season or seasons, not exceeding five (5) seasons, shall be used as a basis. Upon the adoption of said budget the amount payable by each ditch, canal company, irrigation district or other water user, as shown by said budget, shall become the debt of each respectively and shall

become due and ; chapter 6, tit the annual meeti exceed twenty vices. Said mini against any di user is less tha

SECTION 14. hereby amended :

42-613. BUT Said budget wher meeting and ther file a certifi water resources county or coun than one (1) cou amount to be c each county shal ties so designat amount of said t canal company, same shall be co said roll is c the county treas thereupon mail trict or other v user, for the trict for the es the first day interest at the until paid. It auditors and tre

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SECTION 15. hereby amended :

42-613A. PR RETENTION -- CCA committee of 4 Idaho Code, and appointed by the stored water is shall be authori ceeds accruing v

become due and payable as hereinafter provided. Other provisions of chapter 6, title 42, Idaho Code, notwithstanding, water users may at the annual meeting by resolution provide for an annual charge not to exceed twenty dollars (\$20.00) per water user for watermaster services. Said minimum charge is applicable whenever the prorated charge against any ditch, canal company, irrigation district or other water user is less than the minimum charge.

SECTION 14. That Section 42-613, Idaho Code, be, and the same is hereby amended to read as follows:

42-613. BUDGET -- COLLECTION -- PAYMENT OF DISTRICT EXPENSES. Said budget when approved shall be filed with the secretary of said meeting and thereupon he the watermaster shall immediately prepare and file a certified copy thereof with the director of the department of water resources and a certified copy with the county auditor of such county or counties designated at said water users' meeting. If more than one (1) county is designated then said budget shall show the amount to be collected in each county and the water users from which each county shall make collection. Each auditor of the county or counties so designated, shall immediately make up a roll showing the amount of said budget to be collected by his the county and the ditch, canal company, irrigation district or other water user from whom the same shall be collected and the respective amounts from each. When said roll is completed, the county auditor shall deliver the same to the county treasurer for collection. Said county treasurer shall thereupon mail a notice to each ditch, canal company, irrigation district or other water user of the amount payable by each such water user, for the distribution of water and other expenses of said district for the ensuing year, which amount shall be due and payable on the first day of June of said year and if not so paid, shall bear interest at the rate of eight per cent (8%) per annum from said date until paid. It is hereby declared the duty of the respective county auditors and treasurers to perform the services herein required.

The county treasurer, upon receipt of said roll, shall open a special account to be known as "Water District Funds" and shall credit to said account all moneys received from the water users of said district. The compensation of the watermaster and his assistants and any other charges against said water district shall be paid from the funds of said account in the same manner as bills against the county are paid.

SECTION 15. That Section 42-613A, Idaho Code, be, and the same is hereby amended to read as follows:

42-613A. PROCEEDS FROM THE LEASE OF STORED WATER -- DISTRICT RETENTION -- CONTROL AND USE BY ADVISORY COMMITTEE. Each The advisory committee of a water district created pursuant to section 42-604, Idaho Code, and chosen pursuant to section 42-605(6), Idaho Code, when appointed by the water resource board to facilitate the rental of stored water in the district pursuant to section 42-1765, Idaho Code, shall be authorized to manage and retain in a special account the proceeds accruing within the district from the rental of storage water

leased under the provisions of section 42-1765, Idaho Code. ~~The account shall not be used to reduce assessments to water users nor shall it be paid to water users in any event.~~ Notwithstanding the supervisory responsibilities of the director of the department of water resources over the activity of watermasters delivering water within water districts, the account shall be under the exclusive control of the advisory committee of the water district when such committee has been appointed by the water resource board to facilitate the rental of stored water in the district within which the leased water is stored.

All proceeds from the lease of stored water which are retained by the advisory committee of any district under this section shall be used in accordance with the resolutions duly adopted by the water users of the district solely for one or more of the following public purposes:

- (1) Expenses of the district.
- (2) Improvements to the district's facilities, including a reasonable reserve for future improvements.
- (3) Educational projects designed to increase public awareness in the area of water distribution, water rights and water conservation.
- (4) Other public projects designed to assist in the adjudication, conservation or more efficient distribution of water.

All funds retained by an advisory committee pursuant to this section shall be deposited by the water district treasurer pursuant to the public depository law.

SECTION 16. That Section 42-614, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Section 42-615, Idaho Code, be, and the same is hereby amended to read as follows:

42-615. PROPOSED BUDGET FOR SUCCEEDING YEAR. Said Each watermaster shall, on or before November-fifteenth-in-each-year at least thirty (30) days prior to the annual meeting of the water users of the water district, also prepare and file with the secretary of said-water-meeting department of water resources a proposed budget for the succeeding year, together with a distribution of the amount of said budget to the respective water users, using the actual deliveries for the past irrigation season or seasons, as the basis for said distribution as hereinabove provided, which said proposed budget and distribution shall be submitted to the water users for consideration and approval at the next annual water meeting.

SECTION 18. That Section 42-616, Idaho Code, be, and the same is hereby amended to read as follows:

42-616. BUDGET -- ACTION TO COLLECT CHARGES -- ATTORNEY'S FEES. Said The county treasurer or water district treasurer of a water district shall have the right to collect any charges due and unpaid, by civil action, said action to be brought in any court of competent jurisdiction, in the name of the county treasurer or water district treasurer to whom such charges are payable, and in addition to the

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SECTION 19
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42-617.
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amount found due, together with interest and costs, may also recover such sum as the court may adjudge reasonable as attorney's fees in said action.

SECTION 19. That Section 42-617, Idaho Code, be, and the same is hereby amended to read as follows:

42-617. TIME FOR COLLECTION OF BUDGET -- WATER NOT DELIVERED UNTIL CHARGES PAID -- FILING OF RESOLUTIONS AND COPIES -- COLLECTION AT TIME FIXED. At any annual meeting of the water users at which a budget has been adopted, covering the estimated expenses of said district for the ensuing year, as provided in section 42-612, Idaho Code, said water users may by resolution fix a date different than that fixed by said section 42-613, Idaho Code, upon which the amount payable by each ditch, canal company, irrigation district or other water user shall become due and payable, and said amount shall become due and payable from each such user on the date so fixed by said resolution, and if not paid when due shall bear interest from said date until paid at the rate of eight per cent (8%) per annum. Said water users at said meeting may also by resolution provide that no ditch, canal company, irrigation district or other water user shall have the right to demand and receive or to continue to receive any water and the watermaster shall not deliver water to any such user until the amount due and payable from such user, as shown by the budget adopted at said meeting, has been paid.

All resolutions adopted under the provisions of this section shall be filed with the secretary of said meeting and thereupon he shall immediately prepare and file a certified copy thereof with the commissioner-of-reclamation director of the department of water resources and a certified copy with the county auditor of such county or counties as designated at said water users' meeting.

At the same time the county auditor delivers the roll to the county treasurer for collection, as provided in said section 42-613, Idaho Code, he shall also deliver to said treasurer a copy of any resolutions filed in his office, under the provisions of this section. The county treasurer shall collect said roll in the manner provided in said section 42-613, Idaho Code, or the watermaster may collect the assessment as provided in section 42-618, Idaho Code: provided, that if said water users at their annual meeting have by resolution provided for a time of payment of the amount due from each user, as shown in said budget, other than the time fixed in said section 42-613, Idaho Code, the said county treasurer or said watermaster shall collect the same at the time fixed in said resolution: and, provided further, that if said water users have by resolution provided that no water shall be delivered to any water user until the amount due from such user has been paid, said the notice, to be mailed by said county treasurer or watermaster, shall also state the substance of said resolution.

SECTION 20. That Section 42-618, Idaho Code, be, and the same is hereby amended to read as follows:

42-618. ALTERNATE PLAN OF COLLECTING EXPENSES IN WATER DISTRICTS.

In water districts the water users, instead of following the provisions of sections 42-612, 42-613, ~~42-614~~, 42-615, 42-616, and 42-617, Idaho Code, may, at any annual meeting, authorize the watermaster to collect his compensation and that of his assistants, and other expenses of delivering the water of said district to the users thereof, directly from the water users, canal companies, and irrigation districts. When so authorized the watermaster shall collect such compensation and expenses directly from the water users and shall turn the collected funds over to the water district treasurer for deposit and disbursement in accordance with section 42-619, Idaho Code. The water users in such water districts may also, at any annual meeting, authorize the watermaster to withhold water deliveries or suspend water deliveries in the event delivery has commenced, from those users who have not paid their pro rata share of the cost of operating the district as levied until such time as said pro rata share of the cost is paid. Said water district shall have the right to collect any charges due and unpaid, by civil action, said action to be brought in any court of competent jurisdiction, in the name of the watermaster to whom such charges are payable, and in addition to the amount found due, together with interest and costs, may also recover such sum as the court may adjudge reasonable as attorney's fees in said action.

SECTION 21. That Section 42-619, Idaho Code, be, and the same is hereby amended to read as follows:

42-619. ALTERNATE PLAN FOR PAYMENT OF DISTRICT EXPENSES. (1) The county commissioners of any county having determined that providing the service of payment of water district expenses by the county treasurer from water district funds pursuant to section 42-613, Idaho Code, is an undue burden upon the county and shall no longer be provided, shall notify the director of the department of water resources of this action by December 1 in the year preceding the year for which the action shall first be effective by providing to the director a certified copy of the resolution of the commissioners taking such action.

(2) Notice of the action of the county commissioners shall be given to the water users of the district by the department of water resources together with the notice of the annual meeting given pursuant to section 42-605, Idaho Code.

(3) At each annual meeting of a district for which the county commissioners have taken the action provided for in subsection (1) of this section, the water users shall provide for the election or appointment of a water district treasurer. If a water district treasurer is not elected at the annual meeting, and one is found to be necessary, the director of the department of water resources shall appoint a water district treasurer. The water district treasurer shall keep a complete, accurate and permanent record of all moneys received by and disbursed for and on behalf of the district. The water district treasurer shall deposit all moneys of the district in a designated depository approved at the annual meeting, and shall comply with the public depository law as contained in chapter 1, title 57, Idaho Code.

(4) Before undertaking the duties of the office, the water district treasurer shall take and subscribe to an oath before an officer

authorized by the director of the department of water resources to perform the duties of the director of the department of water resources in the state group 59-804, Idaho Code.

(5) The water district treasurer in the state group 59-804, Idaho Code, shall be elected or appointed by the water users of the district and shall be removed from office if the office is vacated.

(6) Compensation shall be set at a sum, per diem, appointed by the water users at the annual meeting, any.

(7) With respect to the moneys have taken from the district, or for which the district has taken action, in subsection thereof, the compensation thereof, the compensation of the water district treasurer shall be set at a sum, per diem, appointed by the water users at the annual meeting, any.

(8) The treasurer shall not receive moneys from the district without a voucher approved by the district treasurer. The district treasurer shall not receive moneys from the district without a voucher approved by the district treasurer.

(9) It shall be the duty of the treasurer to prepare a statement of each fiscal year of the department of water resources of the district, at district expense, for districts having less than \$3,000, and for districts having more than \$3,000. A certificate of the department of water resources shall be filed with the statement.

(10) In the event the water users have not taken action, the water district treasurer shall approve a resolution

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authorized by the laws of the state to administer oaths, to faithfully perform the duties of the office, and shall file the oath with the director of the department of water resources. Upon issuance by the director of a certificate confirming the election or appointment of a water district treasurer, the actions taken by the water district treasurer in fulfillment of the duties of the office are covered by the state group surety bond as provided in sections 59-801 through 59-804, Idaho Code.

(5) The water district treasurer shall serve until a successor is elected or appointed, and qualified. A water district treasurer may be removed from office by the director for failure to perform the duties of the office in the manner provided for removal of a watermaster.

(6) Compensation for the services of the water district treasurer shall be set at the annual meeting and may be established on a fixed-sum, per diem, or voluntary basis. If a water district treasurer is appointed by the director in the absence of being elected at the annual meeting, the director shall fix the compensation to be paid, if any.

(7) With respect to any district for which the county commissioners have taken the action provided for in subsection (1) of this section, or for which the water users have taken the action provided for in subsection (10) of this section and have notified the county thereof, the county auditor shall in the time and manner provided by section 63-2104, Idaho Code, transmit to the water district treasurer of the water district a settlement of all moneys belonging to such district paid into the county treasury and apportioned to such water district on or after the second Monday of the preceding month; provided, however, that in the months of July and January the money may be transmitted no later than the 25th of the month. The treasurer of the water district shall immediately deposit the funds in the designated depository for the district.

(8) The treasurer of the water district shall only disburse moneys from the water district account upon submission of a written voucher approved by the watermaster for expenses incurred for water district purposes related to the delivery of water or by a voucher approved by the chairman of the advisory committee for activities pursuant to resolutions adopted by the water users from district funds or funds retained pursuant to section 42-613A, Idaho Code.

(9) It shall be the duty of the water district treasurer to prepare a statement of the financial affairs of the district at the end of each fiscal year and to file the statement with the director of the department of water resources. An audit of the financial affairs of the district, by an independent public accounting firm, shall be made at district expense at intervals of not more than three (3) years for districts having an annual expense of more than three thousand dollars (\$3,000), and at intervals of not more than five (5) years for districts having an annual expense of three thousand dollars (\$3,000) or less. A certified copy of the audit shall be filed with the director of the department of water resources following the audit.

(10) In any water district for which the county commissioners have not taken the action provided for in subsection (1) of this section, the water users may at the annual meeting of the district approve a resolution authorizing the election or appointment of a

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water district treasurer who shall exercise all duties and responsibilities of a treasurer provided for in this section.

(11) In water districts with an annual budget of three thousand dollars (\$3,000) or less, the water users may by resolution adopted at the annual meeting authorize the watermaster to serve as water district treasurer. Watermasters in water districts with annual budgets in excess of three thousand dollars (\$3,000) shall not be authorized to act as water district treasurer.

SECTION 22. That Section 42-1765, Idaho Code, be, and the same is hereby amended to read as follows:

42-1765. LOCAL COMMITTEES -- RENTAL OF STORED WATER -- APPORTIONMENT OF RENTAL PROCEEDS. The water resource board may appoint local committees, including water district advisory committees as provided in section 42-605(6), Idaho Code, to facilitate the rental of stored water. When so appointed, the committee shall have the authority to market stored water between consenting owners and consenting renters under rules and regulations adopted by the board. The director of the department of water resources may approve a general lease which the local rental committee may utilize to meet the approval requirements enumerated in section 42-1763, Idaho Code.

In exercising its authority under this section, the local rental committee, if also the advisory committee of a water district, shall determine, in advance, at the annual meeting of water users of the water district held pursuant to section 42-605, Idaho Code, each year, that portion of the proceeds for the year from the lease of stored water to be paid to consenting contract holders of the storage water rights as reimbursement for their costs and that portion to be retained by the district in which the committee is located. Any proceeds retained by a district shall be used exclusively by the advisory committee of the water district for public purposes as set forth in section 42-613A, Idaho Code, and as provided by resolutions adopted by the water users of the district.

Approved April 14, 1992.

CHAPTER 340
(H.B. No. 892)

AN ACT

RELATING TO INTERIM PROTECTED RIVERS; PROVIDING THAT THE WATER RESOURCE BOARD SHALL DESIGNATE STRETCHES OR REACHES OF STREAMS OR RIVERS IN THE HENRYS FORK BASIN AS AN INTERIM PROTECTED RIVER, TO PROVIDE THAT THE WATER RESOURCE BOARD SHALL DETERMINE THAT CERTAIN ACTIVITIES ARE PROHIBITED AND TO PROVIDE WHEN INTERIM PROTECTED RIVER STATUS SHALL TERMINATE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Notwithstanding any other provision of law to the con-

trary, the Water stretches or reaches river pursuant to Board shall determine of Section 42-1734A stretches or reaches

- (1) Henrys Fork
- Henrys Fork
- ers of Ast
- (2) Warm River
- (3) Falls River
- (4) Bitch Creek
- (5) Teton River

Interim protection not later than legislative session

SECTION 2. As hereby declared to on and after its passage

Approved April 14,

RELATING TO ADOPT IDAHO CODE, TO ADOPTIVE PARENT FOR NOTICE TO TURE; AMENDING NOMENCLATURE; THAT A DECREE ADOPTION RECORDS FOR SERVICE SECTION 16-151

Be It Enacted by :

SECTION 1. hereby amended to

16-1506. PROC child shall be copy thereof. Said sons proposing to court of the courtioners shall have of Idaho for at of a petition. The

February 19, 1993

Committee of Nine

Re: Water District 01 Meeting

Gentlemen:

Enclosed is the packet which includes the February 15, 1993 meeting Minutes, a new Agenda for the annual meeting, and the changes to the Resolutions.

Please bring the packet to the Committee of Nine meeting where the Committee will sit as the Resolutions Committee. I ask Ron Carlson to advertise the meeting for Monday, March 1, 1993 at 2:00 p.m. in the Idaho Falls Elks Club in his Water Report. Ron will also please make arrangements for the meeting room.

Respectfully submitted,

DeWitt A. Moss

DEWITT A. MOSS

02199301

Enclosures

WATER DISTRICT 01 ANNUAL MEETING

Elks Lodge, Idaho Falls

March 2, 1993

- 9:00 Welcome - Committee of Nine - DeWitt Moss, Chairman
- 9:10 IDWR Report - R. Keith Higginson
- 9:30 Water Supply Outlook and B of R Activities - John Keys and John Dooley
- 10:00 IWUA Report - Sherl Chapman
- 10:15 Call to Order
- A. Election of Meeting Chairman and Secretary
 - B. Roll Call
 - C. Reading of 1992 Annual Meeting Minutes
 - D. Recess to Caucuses for Election of Committee of Nine Members
(3 Lower Valley, 2 Protective Union, 4 from Snake River Districts)
 - E. Reconvene Meeting:
 - 1. Appoint and Excuse Credentials Committee
 - 2. Read List of Elected Committee of Nine Members
 - 3. Accept Credentials Committee Report upon Return of Committee
- 10:45 Financial Reports
- A. District General Account
 - 1. Treasurer - Claude Storer
 - 2. Auditor - Rudd & Company
 - B. Water Bank Report - Claude Storer
- 11:15 Watermaster's Report - Ron Carlson
- 11:45 Committee of Nine Report - DeWitt Moss
- 12:00 Lunch
- 1:00 Resolution Committee Report - Claude Storer (Including Resolutions on Election of Watermaster, Treasurer, and Approval of new MOU with IDWR)
- 2:00 Old Business
New Business
- 2:30 Adjourn

WATER DISTRICT 01 ANNUAL MEETING

Resolutions 1993

1. BE IT RESOLVED, that the watermaster continue to apply the best available methods and technology to assure: accurate deliveries of natural flow and stored water, consistent regulation procedures, the availability of water supply and diversion records to the water users, and that all water users are assessed for water deliveries on ~~an~~ a timely, accurate and equitable basis, and the preparation of the annual watermaster's report required by Idaho Code § 42-606.

BE IT FURTHER RESOLVED that:

2. The watermaster continue to expand and maintain automated data collection where it can effectively reduce personnel costs, travel costs, or result in cost or water savings for Snake River water users or assure better and more current data.
3. The water users of Water District 01 continue the cooperative program with the Idaho Department of Water Resources as outlined in the Memorandum of Understanding dated March 2, 1993, previously approved by the Committee of Nine and IDWR, and signed by the Chairman of the Committee of Nine and the Director of the Department of Water Resources, a copy of which Agreement is attached hereto as Exhibit A and made a part hereof as if set out at length herein.
4. Ronald D. Carlson be re-elected watermaster for the ensuing year, and ~~is~~ be authorized to hire a full-time staff of a deputy, two assistants, a secretary, a data specialist, and such other assistants as provided by the adopted budget. The watermaster may hire additional assistants as authorized in Idaho Code § 42-609 in an emergency.
5. Claude Storer be elected Water District Treasurer and his annual ~~salary~~ compensation set by the Committee of Nine but not to exceed the \$5,000 provided in the 1993 Water District budget.
6. The duties of the watermaster and treasurer shall begin on this date and continue for a period of one full year.
7. The Budget for Water District 01 for the 1993 year beginning March 1 be as follows:

	1992 Budgeted	1992 Actual	1993 Budgeted
<u>HYDROGRAPHERS</u>			
Teton Basin	\$ 8,000	\$ 7,845	\$ 8,000
Idaho Falls	3,000	3,198	4,500
Lower Valley	4,500	2,492	7,000

Henry's Fork	16,000	15,060	16,000
Teton River	4,100	4,797	4,100
	<u>\$ 35,600</u>	<u>\$ 33,392</u>	<u>\$ 39,600</u>

RIVER RIDERS

Rigby & Heise Div.	\$ 6,500	\$ 6,650	\$ 6,500
Blackfoot Division	3,000	2,243	3,000
Swan Valley	4,500	5,400	4,500
Upper Falls River	1,000	925	1,000
Idaho Falls	1,000	500	1,000
Willow Creek	3,000	3,167	3,000
Milner	360	360	360
	<u>\$ 19,360</u>	<u>\$ 19,245</u>	<u>\$ 19,360</u>

PROGRAM EXPENSES

Automation	\$ 15,000	\$ 47,714 *	\$ 15,000
Sutron	37,500	32,760	52,000
Streamgaging	105,000	137,630	105,000
U of I Studies	10,000	5,009	2,000
	<u>\$167,500</u>	<u>\$223,143</u>	<u>\$174,000</u>

EQUIPMENT EXPENSES

Furniture			\$ 1,000
Computer			6,500
PC's			3,000
			<u>\$ 10,500</u>

PERSONNEL EXPENSE

Retirement	\$ 5,000	\$ 3,376	\$ 5,000
Social Security	5,000	4,244	5,000
Mileage	21,000	27,956	21,000
State Insurance Fund	2,500	3,423	2,500
Employment Insurance	500	260	500
Part-time help (F-Mad)	4,900		4,900
Misc. Hydrographer Exp.	500	295	500
Treasurer	18,000	5,819	5,000
	<u>\$ 57,400</u>	<u>\$ 45,364</u>	<u>\$ 46,900</u>

MISCELLANEOUS EXPENSE

Otto Otter	\$ 500	\$ 266	\$ 500
IWUA	1,000	1,125	1,000
Postage	2,000	3,032	2,200
Supplies, Copying, Phone	2,500	2,951	2,000
Audit	3,300	2,500	5,500
Meetings	1,200	2,058	1,200
Legal Fees	500	589	500
	<u>\$ 11,000</u>	<u>\$ 12,521</u>	<u>\$ 10,900</u>

WATERMASTER

IDWR Contract	\$253,000	\$230,000	\$254,330
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Report	4,500	2,757	4,500
Travel	<u>2,100</u>	<u>2,094</u>	<u>1,500</u>
	\$259,600	\$234,851	\$260,330

Total	\$550,460	\$568,516	\$561,590
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UPPER VALLEY ADD ON

Committee of Nine	\$ 10,000	\$ 4,043	\$ 10,000
Legal	<u>50,000</u>	<u>420</u>	<u>65,000</u>

Total	\$610,460	\$572,979	\$636,590
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*New Sutron Sites for Teton Pumpers - \$38,989.50 will be billed to pumpers.

1993 WATER DISTRICT BUDGET

HYDROGRAPHERS

Teton Basin	1,000 hrs. (+ mi.)	\$ 8,000
Idaho Falls	800 hrs. (+ mi.)	4,500
Lower Valley	400 hrs. (+ mi.)	7,000
Henrys Fork	1,800 hrs. (inc. mi.)	16,000
Teton River	520 hrs. (+ mi.)	<u>4,100</u>

\$ 39,600

RIVER RIDERS

Rigby & Heise Div.	1,200 hrs. (+ mi.)	\$ 6,500
Blackfoot Division	600 hrs. (+ mi.)	3,000
Swan Valley	480 hrs. (+ mi.)	4,500
Upper Falls River	250 hrs. (+ mi.)	1,000
Willow Creek	5 mos. @ \$550 (inc. mi.)	3,000
Idaho Falls	6 mos. @ \$450 (inc. mi.)	1,000
Milner	12 mos. @ \$30 (inc. mi.)	<u>360</u>

\$ 19,360

PROGRAM EXPENSES

Automation Expansion	\$ 15,000
Sutron	52,000
Streamgaging	105,000
U of I Studies	<u>2,000</u>

\$174,000

EQUIPMENT EXPENSES

Furniture	\$ 1,000
Computer	6,500
PC's	<u>3,000</u>

\$10,500

PERSONNEL EXPENSE

Retirement	\$ 5,000
Social Security	5,000
Mileage	<u>21,000</u>

State Insurance Fund	2,500
Employment Insurance	500
Part-time Help	4,900
Misc. Hydrographer Expense	500
Treasurer	<u>7,500</u>

\$ 46,900

MISCELLANEOUS EXPENSE

IWUA	\$ 1,000
Otto Otter	500
Postage	2,200
Supplies, phone, copying	2,000
Audit	3,500
Meetings	1,200
Legal Fees	500
Committee of Nine	<u>10,000</u>

\$ 20,900

WATERMASTER

IDWR Contract	\$254,330
Report	4,500
Travel	<u>1,500</u>

\$260,330

Total 1993 Distribution Budget

\$571,590

UPPER VALLEY

Cons. & Atty.	\$ 65,000
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8. BE IT RESOLVED that the watermaster is hereby authorized to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as necessary for the proper distribution of water and shall provide that all such real and personal property shall remain in the custody of the watermaster and the watermaster's successor.

9. WHEREAS, it is the watermaster's responsibility to assure the proper delivery of both natural flow and storage supplies to all water users, and;

WHEREAS, the normal district cost of delivering water to many water users is greater than their normal assessments would be based upon their total season use of water;

NOW, THEREFORE, BE IT RESOLVED that the watermaster of Water District 01 is hereby authorized to assess a \$20.00 minimum charge for every diversion within his jurisdiction.

10. WHEREAS, the water users of Water District 01 meeting in regular annual session find it necessary to adopt certain "on-going" resolutions to direct the watermaster and treasurer of the district in certain aspects of district operations;

NOW, THEREFORE, BE IT RESOLVED that the Water District 01 budget prepared pursuant to Idaho Code § 42-615, and adopted in Resolution No. 7 at this Water District 01 annual meeting, shall become the basis for the official billing of the amount of said budget for the succeeding year to the respective water users, using the actual deliveries for the past irrigation season or seasons, as the basis for said distribution of such billing to the individual water users, canal companies, and irrigation districts, and is hereby authorized to collect all of the amounts billed.

The treasurer shall establish and maintain a general account and shall ~~deposit cause to be deposited~~ all monies received pursuant to the billing and shall make all disbursements as necessary to conduct the business of administering and delivering the waters of the district.

That no ditch, canal company, or other water users shall have the right to demand and receive water, and the watermaster shall not deliver to such person until receipt of the amount due and payable from such user.

That copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and the report prepared in accordance with Idaho Code § 42-615, shall be filed with the director of the Department of Water Resources and with the county auditors of Bonneville, Madison, Teton, and Fremont Counties in accordance with Idaho Code § 42-617.

11. WHEREAS, it is in the best interest of the water users of Water District 01 to account for all diversions which might adversely affect any prior natural flow or storage diversions;

BE IT RESOLVED that the watermaster shall collect records of water diversions during the entire year.

12. BE IT FURTHER RESOLVED that ~~we recommend that~~ the Committee of Nine be designated the Advisory Committee under Idaho Code § 42-605 and be continued with nine regular members. The members representing the Burley and Minidoka Irrigation projects are to be alternated between the two districts as they arrange. In addition, advisory members representing the Bureau of Reclamation, Teton Basin, ~~Gooding AFRD #2~~ Canal, A & B Irrigation, the Wyoming State Engineer and a member from the Burley or Minidoka District, whichever is not currently represented on the regular committee be included.

13. WHEREAS, the members of the Committee of Nine, as the Water District's Advisory Committee, are elected to represent the general interest of the water users;

NOW, THEREFORE, BE IT RESOLVED that the Committee of Nine is hereby authorized to:

- (a) Advise and consult with the watermaster and director in matters related to water distribution.

- (b) Serve as the Resolutions Committee for the annual Water District meeting.
 - (c) Take those actions necessary to represent and protect the interests of the water users of the district.
 - (d) Employ such legal, engineering, technical and clerical services as may be deemed necessary by the Committee.
 - (e) Make and execute such contracts and agreements as may be deemed necessary or convenient.
 - (f) To do such other things as the Committee shall deem to be beneficial to the water users of the District.
14. BE IT HEREBY RESOLVED that in accordance with the provisions of the March 2, 1993 Memorandum of Understanding with IDWR, the watermaster is hereby designated manager of the rental pool for the Committee of Nine.
15. BE IT FURTHER RESOLVED that the Committee of Nine is hereby ratified as the local committee for the rental of stored water under Idaho Code § 42-1765.
16. BE IT RESOLVED that the Committee of Nine as the duly elected Advisory Committee be authorized a maximum of \$100,000 of available funds to be expended as needed as approved by the Committee of Nine from the separate account maintained by the district treasurer of funds retained from the lease of stored water from the rental pool to be used only for the following purposes upon approval of the Committee of Nine:
- (1) Expenses of the District.
 - (2) Improvements to the district's facilities, including a reasonable reserve for future improvements.
 - (3) Educational projects designed to increase public awareness in the area of water distribution, water rights and water conservation.
 - (4) Other public projects designed to assist in the adjudication, conservation or more efficient distribution of water.
 - ~~(5) Membership dues of \$ _____ for 1993 in the Idaho Water Users Association including support of the Otto Otter Program.~~
 - ~~(6) Financial support of \$ _____ for 1993 in the Idaho Water Users Association Task Force involved in legal matters concerning endangered species in the Snake River Basin.~~

(75) \$ _____ in 1993 for involvement in legislative and agency deliberations on issues involving water quantity and quality which could effect water users of the Water District.

(86) To reimburse Advisory Committee members in accordance with the policy attached hereto as Exhibit B.

(9) — 17. BE IT RESOLVED that the Water District To establish a reserve fund to cover rental pool payment disputes which are deemed the responsibility of the district, to an amount of \$100,000.00, the funds to be designated and held in the separate account of district funds retained from the lease of stored water from the rental pool.

BE IT FURTHER RESOLVED that the treasurer may only invest pursuant to the public depository law as provided in Idaho Code § 42-1765.

4718 WHEREAS, the Water District's Credentials Committee has historically specified that "no person be elected to membership and service on the Committee of Nine and Credentials Committee unless he be a land owner and a water user . . .";

IT IS THEREFORE RESOLVED that water user and land owner shall be defined as follows:

1. One who owns an irrigated farm that is comprised of more than twenty (20) irrigated acres, that has valid surface water rights deliverable by the Water District 01 Watermaster.
2. One who has received over 50 percent of his annual income during one or more of the past ten years from farming activities. ~~within Water District 01.~~

4819 WHEREAS, it is in the interest of all water users to have the water rights within Water District 01 delivered according to the priority system; and,

WHEREAS, the accounting system now used by Water District 01 requires that each diversion have assigned to it a specific list of decreed, licensed, and storage entitlement; and,

WHEREAS, those diversions which have no record of water rights on file with the Department of Water Resources or the water district office will, necessarily be taking storage water any time a diversion takes place.

NOW, THEREFORE, BE IT RESOLVED that no diversion shall be allowed to divert water unless the proper list of rights for that diversion are found in the watermaster's records or proper arrangements have been made to procure an adequate water supply prior to the start of the irrigation season.

~~1920~~ BE IT RESOLVED that the annual Water District 01 meeting shall hereafter be held on the first Tuesday of March of each year; and

BE IT FURTHER RESOLVED that the water users of Water District 01 waive mailed notice of the annual meeting and direct publication of the meeting notice for two (2) consecutive weeks in an appropriate number of newspapers located throughout the district.

~~2021~~ WHEREAS, the water users located above Blackfoot, ~~excluding Aberdeen Springfield Canal Company~~, (Upper Valley) have chosen to collectively retain legal counsel; and,

WHEREAS, it is their ~~desire of those located above Blackfoot~~ to have the watermaster assess the Upper Valley water users for these legal services in proportion to their water use;

NOW, THEREFORE, BE IT RESOLVED this second day of March 1993, that the watermaster hereby be authorized to assess canals located above Blackfoot ~~(excluding Aberdeen Springfield Canal Company)~~ for legal fees and other appropriate expenses associated with representing the collective interests of the Upper Valley.

BE IT FURTHER RESOLVED that such charges may not exceed ~~\$50,000 the amount budgeted~~ during the current year.

BE IT FURTHER RESOLVED that the district treasurer shall maintain said amounts in a separate account and that payment therefrom shall ONLY be made when authorized by the Upper Valley Committee of Nine Representatives.

~~1993 BUDGET
OF THE
UPPER VALLEY
COMMITTEE OF NINE~~

~~UPPER VALLEY LEGAL & OTHER EXPENSES \$50,000~~

~~TOTAL BUDGET \$50,000~~

~~2122~~ BE IT RESOLVED that the amendment to 8.2 of Water District 01 Rental Pool Rules and Regulations be approved as hereafter set out and transmitted to the Idaho Water Resource Board for approval.

WATER DISTRICT 01
RENTAL POOL PROCEDURES

8.2 The rental price for 1993 shall be \$2.95 including the State Water Board surcharge of .20¢ and the district's administrative charge of .75¢ per acre foot for both irrigation and non-irrigation water uses above Milner Dam. ~~Any water rented below~~

Milner Dam for any use shall be subject to a surcharge of an additional \$6.05 per acre foot and also be subject to Rule 3.6 of the rental pool rules.

~~The rental price for 1993 shall be \$9.00, including the State Water Board surcharge of .75¢, and the district's administrative charge of .75¢ per acre foot for water use below Milner Dam.~~

Any spaceholder who puts water in the rental pool for lease but must thereafter lease water from the rental pool, shall pay .75¢ per acre foot administrative charge.

02029311

MINUTES

Committee of Nine
February 15, 1993, 9:30 a.m.
Pocatello Airport Conference Room

Chairman, DeWitt Moss, called the meeting to order at 9:30 a.m. pursuant to the Agenda which had been pre-circulated, a copy of which is attached hereto as Exhibit A. Upon respective motions duly made, seconded, and unanimously carried, the Rental Pool Minutes of December 21, 1992, the Committee of Nine Minutes of December 21, 1992, and the Committee of Nine Minutes of December 10, 1992 were approved.

John Dooley and Earl Corless of the Bureau of Reclamation reported on the water outlook. In essence, Earl reported that the numbers are not that good even though there appears to be a lot of winter in Southern Idaho. They handed out a copy of the teacup diagram dated February 10, 1993, a copy of which is attached hereto as Exhibit B. Earl's charts show that American Falls Reservoir will fill for sure in its own right on May 19, if we don't irrigate prior to that time. John Dooley reported that the Salmon Flush Plan as proposed by the Corps of Engineers and the Bonneville Power Administration still would require some 427,000 acre feet from the Upper Snake Basin.

The next order of business involved a discussion of the proposed Memorandum of Understanding between Water District 01 and the Idaho Department of Water Resources. The Chairman called on Wayne Lincoln for a short report on the draft which was attached to the meeting Agenda. Upon motion made by Claude Storer, seconded by Dale Rockwood, and unanimously approved, the Committee of Nine approved the draft Memorandum of Understanding and authorized the draft to be submitted to the annual Water District meeting for approval.

Ted Diehl was then called upon, as Chairman of the Idaho Water Users Association Legislative Committee, to offer a legislative report of the current legislators' activities. Ted reported that the legislature was proceeding with Comprehensive Plan bills for the Henry's Fork and the Payette and was prepared to fast track the Middle Snake Comprehensive Plan authorization legislation. Ted reported that a comprehensive package had been proposed by the Nampa Meridian Irrigation District to provide other opportunities for annexation and disannexation from irrigation districts. Ted reported that House Bill 111, which would allow emergency transfers during drought conditions, was being considered. Essentially, this is the same bill as was authorized during 1992. Ted also reported on some sanction legislation which would allow major penalties to be imposed for illegal diversion of water. At this point, the bills only have RS numbers. One of the bills provided a more sophisticated method for the accounting of water diversions from ground water. The bill proposes a new Idaho Code Section 42-233c.

Ted also reported on a couple of bills that would require cogenerators to register their hydroplants with the Public Utilities Commission and advise them of change

of ownership, etc. This has been dubbed the Idaho "FERC" Act. Ted also mentioned House Bill 260 which would allow more flexibility in irrigation corporation assessments and Senate Bill 1033 which would clarify the law as to easements and conduits.

In the absence of both Keith Higginson and Norm Young, Wayne Lincoln was asked to give a report of the efforts by Twin Falls and North Side Canal Companies to secure study funds from the Legislature to do a comprehensive study of the Snake Plain Aquifer. Wayne reported that he had attended the Technical Advisory Committee meetings and that at present the tentative estimates were somewhere in the neighborhood of \$300,000 to accomplish the five-year study. It was estimated that about one-third of the money would be required to update the database of information that has been accumulated by Water District 01 so as to better analyze the final impacts.

Chairman Moss then gave a report on the Endangered Species Act as a member of the ESA Task Force of the National Water Resources Association. DeWitt indicated that recent meetings had brought him to conclude that amendment of the Endangered Species Act to take cognizance of economic conditions or to lessen the protections for subspecies would in fact not occur.

The meeting then turned to a discussion of the annual meeting. Ron Carlson provided a copy of the draft Minutes of the annual Water District meeting, dated March 3, 1992, a copy of which is attached hereto as Exhibit C. The Committee then addressed the proposed annual meeting Agenda. John Dooley asked that John Keys be added to the Bureau's report. Apparently John had indicated he would like to talk both about the salmon recovery plan and again discuss the acquisition of water for salmon. The Bureau agreed to limit their presentation to a total of 30 minutes. The Committee noted that roll call had been deleted and suggested that it be reinserted as a part of the Agenda. Under financial reports, Claude Storer suggested that Rudd & Company be designated to give the auditor's report. Claude also agreed to give a short report concerning the Water Bank account.

Thereafter, the Chairman directed the discussion concerning the proposed Resolutions for the annual meeting. He prefaced his remarks saying that there were two copies in the packet. The Committee agreed to work from the shadow version which was Exhibit 4 of the meeting Agenda exhibits. Substantial discussion ensued resulting in amendments to Resolutions 1, 4, 5, 7, 10, 12, 13, 14, 16, 17, 20, and 21. Most of the discussion centered around the proposed budget for the year and finally decided that the budget to be presented at the annual meeting would be the budget for the period of November 1, 1992 through October 31, 1993. Substantial discussion also ensued concerning Resolution No. 16 which is an attempt to identify as well as authorize expenditures for Committee of Nine activities between March of 1993 and March of 1994, and is now required by the Water District statutes. There was also substantial discussion concerning Resolution No. 17 which sets forth the requirement for a Committee of Nine member.

Some discussion ensued concerning Resolution No. 21 which provided an amendment to the Water District Water Bank Rules to reflect the previously agreed rental

price of \$2.95 for water leased for use above Milner Dam, and \$9.00 per acre foot for water to be used below Milner Dam.

Upon motion duly made, seconded, and unanimously carried, Resolution No. 21 was amended to reflect that the charge per acre foot for water above and below Milner would be the same, however, a \$6.05 per acre foot surcharge would be applied to water used below Milner, which would also be subject to Rule 3.6 of the Rental Pool.

A resolution proposed by Roger Ling as Chairman of the Flow Augmentation Committee was then discussed. A motion was made and seconded to approve it for recommendation to the annual Water District meeting. After substantial discussion, the motion and second were withdrawn, the matter to be deferred for discussion at the meeting on March 1 in Idaho Falls at 2:00 p.m., at which time the Committee of Nine officially sits as the Resolutions Committee for the Water District meeting.

Upon motion duly made, seconded, and unanimously carried, the Committee moved to amend Resolution No. 13 to designate the Committee of Nine as the official Resolutions Committee of the Water District.

There being no further business to come before the meeting, the same was adjourned at approximately 1:30 p.m.

Attendance Roll - Committee of Nine - February 15, 1993 - Pocatello

Ron Carlson	Water Master - Water District 01
DeWitt A. Moss	Committee of Nine
Claude Storer	Committee of Nine
Dale Rockwood	Committee of Nine
Jeff Marotz	Committee of Nine
Claude Lilya	Committee of Nine
Wayne Lincoln	Committee of Nine
Dell Raybould	Alt. Committee of Nine
John Dooley	Bureau of Reclamation/Minidoka Project
Earl Corless	Bureau of Reclamation/Minidoka Project
Mike Kleinkopf	Milner Irrigation District
Dan Stapelman	Milner Irrigation District
Dick Oneida	AFRD #2
Ted Diehl	North Side Canal Company
John Rosholt	Attorney

Roger D. Ling
Ray W. Rigby

Attorney
Attorney

John A. Rosholt, Acting Secretary

Approved:

DeWitt A. Moss, Chairman

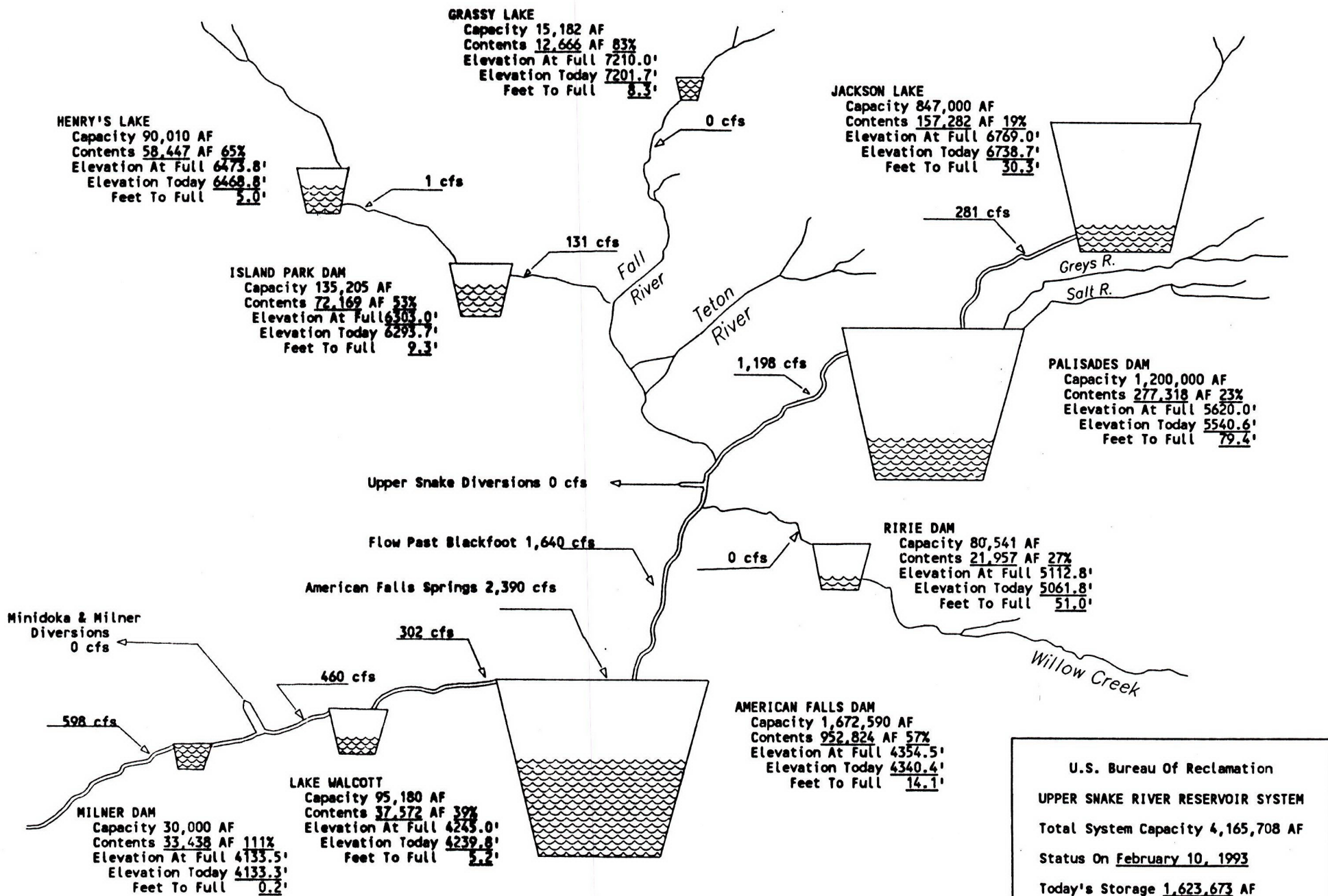
02179304

AGENDA

Monday, February 15, 1993 - 9:30 A.M.
Committee of Nine Meeting
Conference Room
Pocatello, Idaho

- 9:30 Call to Order - Moss
 Minutes of December 10, 1992 - Beck
 Minutes of December 21, 1992
 (Rental Pool Committee and Committee of Nine)
- 9:45 Water Outlook - Carlson, Dooley
- 10:00 Approval of MOU with IDWR - Lincoln
- 10:15 IWUA - Legislative Report - Diehl
- 10:30 Aquifer Suit Settlement Agreement - Higginson/Young
- 10:45 Endangered Species Act - Moss
- 11:00 Discussion - Annual Meeting
- A. Review 1992 Minutes - Beck
 B. Review 1993 Budget - Carlson
 C. 1993 Resolutions - Moss
 D. Resolution - Old 18 - Upper Valley Legal Fees
 Aberdeen Springfield - Ling
- 12:00 Old Business
 New Business
- 12:15 Adjourn

02039301



U.S. Bureau Of Reclamation

UPPER SNAKE RIVER RESERVOIR SYSTEM

Total System Capacity 4,165,708 AF

Status On February 10, 1993

Today's Storage 1,623,673 AF

System Is 39% Filled

12/01/91 EMC, KB, DRD

Annual Meeting Water District No. 1
Idaho Falls, March 3, 1992

The meeting was convened at 9:40 by Chairman Paul Berggren. This portion of the annual meeting of Water District 1 was designated to be a time for updating the water users on topics of interest to them.

Sherl Chapman reported for the Idaho Water Users Association (I.W.U.A.) Sherl reported on legislation before the Idaho Legislature that could affect water users. Sherl's remarks are summarized as follows.

SB 1450 Was a re-write of Chapter 6 of Title 42, Idaho Code. This legislation would provide for the appointment of a water district treasurer and would recognize advisory committees in the operations of water districts. Sherl said the IWUA supported this legislation.

SB-1308 Was the Water Resource Board's comprehensive plan for the Henry's Fork basin. Sherl indicated amendments were being proposed to address the objections some water user groups had to this plan.

H.B. 743 would provide for election consolidation. Sherl said that at the present time irrigation districts would still be in if the bill were to pass.

Sherl also talked about the Idaho Department of Lands "Submerged lands issue. He said that yesterday a new set of regulations were adopted which had a \$300 minimum and a grandfather clause for some projects.

Sherl then addressed the BOR's efforts to get water for flushing salmon. He indicated that the Bureau's proposed transfer of upper Snake storage generated 650 protests. Sherl said that bills to fix the out of state diversion issue have gone nowhere. He said the Rosholt-Rigby bill was still the best. Sherl then commented that draw-down tests on the lower Columbia still need to be done. He said that the test is needed to get real data. Sherl concluded by noting that there are no minimum stream flows in northern Idaho.

Gerald Jeppsen, who represented the Madison Soil Conservation District and the Greater Yellowstone Association of Conservation Districts talked about the ethics of preservation groups and the impacts they are having on the west. Mr. Jeppsen said that preservationists have an agenda and are working very effectively to accomplish it. He said this year these groups have a combined budget of \$750 million dollars. Among their goals is to have a priority to all water coming off of federal lands. Mr. Jeppsen said they use scare tactics to get people to contribute to their cause. He cited cranberries, and apples of two fabricated hazards these groups used to generate contributions from the public. He said that during the ALAR scare police were stopping school busses and confiscating the apples from children's lunches. The fact was that there was no real danger from apples, but these groups made millions of dollars at the expense of apple farmers.

The annual meeting of Water District 1 was called to order at 10:20 a.m. Councilman Ralph Wood welcomed the water users to Idaho

Falls. Nominations were then opened for a meeting Chairman and Secretary. Paul Berggren and Reed Murdock were elected to these respective positions by acclamation.

The minutes of the 1991 annual meeting was read by Reed Murdock and approved as read.

The chairman then dismissed the water users to caucus and select Committee of Nine representatives.

DeWitt Moss read the names of those selected to serve on the Committee of Nine. It was moved and seconded that those selected be approved by acclamation. The motion carried. The names of those elected is attached.

Next, John Dooley, the Superintendent of the Minidoka project introduced his staff. John advised that for five of the last six years water supplies have been below normal. He advised that the Bureau would release no storage before April 1, and asked that water users not start diverting irrigation water until April 15. John said the project average for O & M was \$0.20/AF. This will go up \$0.02 in 1992. He indicated satisfaction with the progress that has been made in controlling erosion around American Falls Reservoir. He said about 9000 feet of shoreline was protected in 1991 and expects to complete another 7000 feet in 1992. Nearly 12.5 miles of shore line has now been protected. John also talked about the power plant rewinds at Minidoka and Palisades and the upgrade of the Jackson Lake parking lot. He also announced that reclamation has to contribute to the salmon recovery plan and has applied to the IDWR for a change in nature of use of its storage rights. He also announced that Mitigation Inc. has applied for the mitigation water in Ririe and Palisades. He advised that it might be 18 months before the space can be turned over the Mitigation Inc.

Next Earl Corliss presented the reclamation's water supply outlook for 1992. Earl advised that this is the sixth year of normal or below normal water supplies. He advised water users to conserve water and try to hold off diversions until April 15. He advised that in 1991 350 swan were captured and relocated. This year 250 swans have been relocation. Earl reported on that no storage water has gone past Milner since 1986. He said that as of February 28, Palisades is 62% full. American Falls is 76% full. Earl expects to be able to finish filling American Falls this spring. He said Ririe fell short of filling last year. The current forecast for Willow Creek is 18% of normal.

Earl said there were flood control operations at Palisades in 1991. The 32,000 cfs peak was reduced to 23,000 cfs. Earl said the swan relocation program on North Fork has been a success. He advised the the Valley View snow course above Henry's lake indicates 84% of normal. Earl said that Jackson last year and that he expects it to fill this year. The current forecast for Jackson is 80% of normal.

Earl emphasized that the BOR Contracts call for 150 days shut-off and suggested that there should be no delivery after November 1 under state law.

Next Tony Olenichek reported on the Water District 1 accounting process and explained how the water diversion data are processed. Tony explained how a canal is measured and how the shifts are calculated and applied. Tony explained that the stream gages are all

on HYDOMET and that each reach begins and ends with a gauge station. All gages are corrected an at the end of the year. Tony also explained the computation of reach gains and their use in properly distributing natural flow.

Director Keith Higginson then reported for I.D.W.R. Keith advised that there are 85 functioning Water Districts in the state. Keith said chapter 6 of title 42 Idaho Code needed badly to be rewritten to make it a workable statute. He noted that one of the problems with revision of the water master statutes is the fact that it must be written to apply to all water districts. Currently, there are three districts in the state that have rental pools. Keith reviewed the provisions of SB-1450. These included: clarification of the director's authority, adoption of rules, calling special meetings, recognition of advisory committees and election of a treasurer. Keith also provided an update on the status of the adjudication process. He said the court does not want the 43 separate reports he was planning to submit. Keith also briefly addressed the Salmon issue and indicated that current proposals are calling for 2,847,000 A/F out of Idaho.

Chairman Paul Berggren then reported for the Committee of Nine. Paul reported that in 1991 the legislative auditor completed audits for the years of 1988, 1899, and 1990. He said that while the audit itself was clean the findings of the auditor and the attorney general made it mandatory that Water District 1 seek corrective legislation. Paul also discussed the ramifications of the listing of the sockeye salmon as an endangered species. He reported that the Committee of Nine had approved the sale of 99,000 AF of storage to help salmon.

Next Reed Murdock presented the treasurer's report. His report indicated that the operation of the water district for 1991 had cost about \$459,000, which was about \$81,000 under the amount budgeted. Total expenditures for the year, including rental pool payments were about \$1,246,000. It was moved and seconded that the treasurers report be approved. The motion carried by acclamation.

Ron Carlson then gave the watermaster's report for 1991. Ron said that the above average precipitation in March and April of 1991 prevented what might have been a very difficult year. He said that the 1992 snow course data for the end of February are currently very similar to what they were in 1991. He advised that it is probably not reasonable to expect the 150% of normal precipitation again this year. He added that without additional water we could be facing a situation similar to the drought years of 1931 or 1934.

The next order of business was the consideration of the resolutions for 1992. These resolutions are attached hereto and the action taken on each is summarized as follows:

Resolutions 1-2-3- moved to adopt. passed.

4 - moved to adopt. passed.

5 - moved to adopt. passed.

6 - moved to adopt. passed.

7 - moved to adopt. passed.

8 - moved to adopt. passed.

9 - moved to adopt. passed.

10 - moved to adopt. passed.

11 - moved to adopt. passed.

- 12 - moved to adopt. passed.
- 13 - moved to adopt. passed.
- 14 - moved to adopt. passed.
- 15 - moved to adopt. passed.
- 16 - moved to adopt. passed.
- 17 - moved to adopt. passed.
- 18 - moved to adopt. passed.
- 19 - moved to adopt. amendment, passed
- 20 - moved to adopt. passed.
- 21 - moved to adopt. passed.
- 22 - moved to adopt. passed.

A motion moving the adoption of the Rental Pool procedures for 1992 was duly seconded and passed.

In matters of unfinished business, Paul Berggren was presented a plaque for his service as Chairman of the Committee of Nine. Reed Murdock, who is stepping down as a member of the Committee of Nine and as water district treasurer was presented a Plaque for his many years of service.

There being no further business the meeting was adjourned at 3:35 p.m.

Respectfully submitted

Reed Murdock, Secretary

R E S O L U T I O N

WHEREAS, the Pacific Northwest Electric Power and Conservation Planning Council, charged by Congress with the duty to assure the Pacific Northwest of an adequate, efficient, economical, and reliable power supply and to adopt a plan to protect, mitigate and enhance fish and wildlife in the Columbia River power system, has adopted, among other things, a water budget to accommodate its goals; and,

WHEREAS, certain species of salmon have been listed under the Endangered Species Act as either endangered or threatened which must, to survive, negotiate the numerous federal dams on the Columbia River in their journey from and to the ocean; and,

WHEREAS, numerous proposals have been made that the conservation and recovery of these endangered species can be accomplished, in part, through the augmentation of flows of water through the Columbia River system with water from the Upper Snake River, including water from Water District 01 of the State of Idaho; and,

WHEREAS, recommendations of the Flow Augmentation Committee of the Committee of Nine, the advisory committee of Water District 01, has been presented and approved by the Committee of Nine.

NOW, THEREFORE, BE IT RESOLVED by the Committee of Nine of Water District 01, that:

(1) Water from the Upper Snake River above Milner Dam be provided for flow augmentation on a voluntary basis only, through the water bank operated by the Committee of Nine, and pursuant to the rules of said water bank, so long as said water can be provided under the existing laws of the State of Idaho, for the following reasons, to-wit:

a. That the natural flow of the Snake River above Milner is fully appropriated.

b. That irrigated agriculture in Southern Idaho is dependent upon stored water in facilities above Milner Dam in Southern Idaho.

c. That the recent drought has clearly demonstrated that there is no surplus storage in the Upper Snake River Basin in many years when flow augmentation would be most desired.

d. That the Upper Snake River Basin above Milner Dam is not a part of the critical habitat of the endangered and threatened species listed by the National Marine Fisheries Service and there are adequate flows in the critical habitat areas of these listed species to sustain and conserve the species, in the absence of the dams constructed on the Lower Snake and Columbia system.

e. That the depletion of carry-over storage in the Upper Snake River Basin has a direct effect upon groundwater supplies in Southern Idaho and storage water supplies in the Upper Snake River Basin needed for irrigated agriculture.

f. That the reduction of carry-over storage in the reservoirs in the Upper Snake River Basin has a serious effect upon resident fisheries and wildlife which rely upon the stored water in these facilities for their survival.

BE IT FURTHER RESOLVED that proposals to obtain water from the Upper Snake River Basin for flow augmentation by the adoption of conservation measures are opposed for the following reasons:

a. Voluntary conservation measures by irrigators within Water District 01 have reduced diversions over the Snake Plain Aquifer by as high as 800,000 acre-feet per year, which has had an effect upon the groundwater supply of the Snake Plain Aquifer and the flow of the springs at Thousands Springs into the Snake River.

b. Increased conservation measures will seriously effect the artificial wetlands that now exist within the Upper Snake River Basin as a result of irrigation.

c. That conservation of water seriously impacts the storage of water in the Snake Plain Aquifer and the return flows to the Upper Snake River which is relied upon by irrigated agriculture.

d. That present conservation measures are required to meet the minimum stream flow requirements adopted by the State of Idaho at Murphy, Weiser, Johnson's Bar and Lime Point.

e. That the conservation of water does not create new or additional supplies of water, but merely changes the time and place where water from the Upper Snake River that is not consumptively used is returned to the system.

BE IT FURTHER RESOLVED that proposals to change the laws of the State of Idaho to authorize the transfer of water rights used for irrigation to an instream flow use be opposed for the reasons that such transfers could and would have a serious economical effect upon irrigated agriculture in Southern Idaho.

BE IT FURTHER RESOLVED that the transfer of uncontracted storage in Palisades and Ririe Reservoirs to Mitigation, Inc., as authorized by Congress, be accomplished without further delay.

WATER DISTRICT 01 ANNUAL MEETING
Elks Lodge, Idaho Falls
March 2, 1993

9:00 Welcome - Committee of Nine - DeWitt Moss, Chairman

9:10 IDWR Report - Norm Young

9:30 Water Supply Outlook and B or R Activities - John Keys
and John Dooley

10:00 IWUA Report - Sheryl Chapman

10:15 Call to Order

A. Election of Meeting Chairman and Secretary

B. Roll Call

C. Reading of 1992 Annual Meeting Minutes

D. Recess to Caucuses for Election of Committee of Nine
Members (3 Lower Valley, 2 Protective Union, 4 from
Snake River Districts)

E. Reconvene Meeting:

1. Appoint Credentials Committee

2. Elect Committee of Nine

10.45: Financial Reports

A. District General Account

1. Treasurer - Claude Storer

2. Auditor - Rudd & Company

B. Water Bank Report - Claude Storer

11:15 Wastermaster's Report - Ron Carlson

11:45 Committee of Nine Report - DeWitt Moss

12:00 Lunch

1:00 Resolution Committee Report - Claude Storer (Including
Resolutions on Election of Watermaster, Treasurer, and
Approval of new MOU with IDWR)

2:00 Old Business
New Business

2:30 Adjourn

WATER DISTRICT 01 ANNUAL MEETING

Resolutions 1993

1. BE IT RESOLVED, that the watermaster continue to apply the best available methods and technology to assure: accurate deliveries of natural flow and stored water, consistent regulation procedures, the availability of water supply and diversion records to the water users, and that all water users are assessed for water deliveries on a timely, accurate and equitable basis, and the preparation of the annual watermaster's report required by Idaho Code § 42-606.

BE IT FURTHER RESOLVED that:

2. The watermaster continue to expand and maintain automated data collection where it can effectively reduce personnel costs, travel costs, or result in cost or water savings for Snake River water users or assure better and more current data.
3. The water users of Water District 01 continue the cooperative program with the Idaho Department of Water Resources as outlined in the Memorandum of Understanding dated March 2, 1993, previously approved by the Committee of Nine and IDWR, and signed by the Chairman of the Committee of Nine and the Director of the Department of Water Resources, a copy of which Agreement is attached hereto as Exhibit A and made a part hereof as if set out at length herein.
4. Ronald D. Carlson be re-elected watermaster for the ensuing year, and be authorized to hire a full-time staff of a deputy, two assistants, a secretary, a data specialist, and such other assistants as provided by the adopted budget. The watermaster may hire additional assistants as authorized in Idaho Code § 42-609 in an emergency.
5. Claude Storer be elected Water District Treasurer and his annual compensation set by the Committee of Nine but not to exceed the \$5,000 provided in the 1993 Water District budget.
6. The duties of the watermaster and treasurer shall begin on this date and continue for a period of one full year.
7. The Budget for Water District 01 for the 1993 year beginning November 1, 1992 be as follows:

1993 WATER DISTRICT BUDGET

HYDROGRAPHERS

Teton Basin	1,000 hrs (+ mi.)	\$ 8,000	
Idaho Falls	800 hrs (+ mi.)	4,500	
Lower Valley	400 hrs (+ mi.)	7,000	
Henrys Fork	1,800 hrs (inc. mi.)	16,000	
Teton River	520 hrs (+ mi.)	<u>4,100</u>	
			\$ 39,600

RIVER RIDERS

Rigby & Heise Div.	1,200 hrs (+ mi.)	\$ 6,500	
Blackfoot Division	600 hrs (+ mi.)	3,000	
Swan Valley	480 hrs (+ mi.)	4,500	
Upper Falls River	250 hrs (+ mi.)	1,000	
Willow Creek	5 mos. @ \$550 (inc. mi.)	3,000	
Idaho Falls	6 mos. @ \$450 (inc. mi.)	1,000	
Milner	12 mos. @ \$30 (inc. mi.)	<u>360</u>	
			\$ 19,360

PROGRAM EXPENSES

Automation Expansion	\$ 15,000	
Sutron	52,000	
Streamgaging	105,000	
U of I Studies	<u>2,000</u>	
		\$174,000

EQUIPMENT EXPENSES

Furniture	\$ 1,000	
Computer	6,500	
PC's	3,000	
		\$ 10,500

PERSONNEL EXPENSE

Retirement	\$ 5,000	
Social Security	5,000	
Mileage	21,000	
State Insurance Fund	2,500	
Employment Insurance	500	
Part-time Help	4,900	
Misc. Hydrographer Expense	500	
Treasurer	<u>5,000</u>	
		\$ 44,400

MISCELLANEOUS EXPENSE

IWUA	\$ 1,000	
Otto Otter	500	
Postage	2,200	
Supplies, phone, copying	2,000	
Audit	5,500	
Meetings	1,200	
Legal Fees	500	
Committee of Nine	<u>10,000</u>	
		\$ 22,900

WATERMASTER

IDWR Contract	\$254,330	
Report	4,500	
Travel	<u>1,500</u>	
		\$260,330

Total 1993 Distribution Budget	<u>\$571,090</u>
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UPPER VALLEY

Consultants & Atty.	\$ 65,000
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8. BE IT RESOLVED that the watermaster is hereby authorized to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as necessary for the proper distribution of water and shall provide that all such real and personal property shall remain in the custody of the watermaster and the watermaster's successor.

9. WHEREAS, it is the watermaster's responsibility to assure the proper delivery of both natural flow and storage supplies to all water users, and;

WHEREAS, the normal district cost of delivering water to many water users is greater than their normal assessments would be based upon their total season use of water;

NOW, THEREFORE, BE IT RESOLVED that the watermaster of Water District 01 is hereby authorized to assess a \$20.00 minimum charge for every diversion within his jurisdiction.

10. WHEREAS, the water users of Water District 01 meeting in regular annual session find it necessary to adopt certain "on-going" resolutions to direct the watermaster and treasurer of the district in certain aspects of district operations;

NOW, THEREFORE, BE IT RESOLVED that the Water District 01 budget prepared pursuant to Idaho Code § 42-615, and adopted in Resolution No. 7 at this Water District 01 annual meeting, shall become the basis for the official billing of the amount of said budget for the succeeding year to the respective water users, using the actual deliveries for the past irrigation season or seasons, as the basis for said distribution of such billing to the individual water users, canal companies, and irrigation districts, and is hereby authorized to collect all of the amounts billed.

The treasurer shall establish and maintain a general account and shall cause to be deposited all monies received pursuant to the billing and shall make all disbursements as necessary to conduct the business of administering and delivering the waters of the district.

That no ditch, canal company, or other water users shall have the right to demand and receive water, and the watermaster shall not deliver to such person until receipt of the amount due and payable from such user.

That copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and the report prepared in accordance with Idaho Code § 42-615, shall be filed with the director of the Department of Water Resources and with the county auditors of Bonneville, Madison, Teton, and Fremont Counties in accordance with Idaho Code § 42-617.

11. WHEREAS, it is in the best interest of the water users of Water District 01 to account for all diversions which might adversely affect any prior natural flow or storage diversions;

BE IT RESOLVED that the watermaster shall collect records of water diversions during the entire year.

12. BE IT FURTHER RESOLVED that the Committee of Nine be designated the Advisory Committee under Idaho Code § 42-605 and be continued with nine regular members. The members representing the Burley and Minidoka Irrigation projects are to be alternated between the two districts as they arrange. In addition, advisory members representing the Bureau of Reclamation, Teton Basin, AFRD #2 Canal, A & B Irrigation, the Wyoming State Engineer and a member from the Burley or Minidoka District, whichever is not currently represented on the regular committee be included.

13. WHEREAS, the members of the Committee of Nine, as the Water District's Advisory Committee, are elected to represent the general interest of the water users;

NOW, THEREFORE, BE IT RESOLVED that the Committee of Nine is hereby authorized to:

- (a) Advise and consult with the watermaster and director in matters related to water distribution.
- (b) Serve as the Resolutions Committee for the annual Water District meeting.
- (c) Take those actions necessary to represent and protect the interests of the water users of the district.
- (d) Employ such legal, engineering, technical and clerical services as may be deemed necessary by the Committee.
- (e) Make and execute such contracts and agreements as may be deemed necessary or convenient.
- (f) To do such other things as the Committee shall deem to be beneficial to the water users of the District.

14. BE IT HEREBY RESOLVED that in accordance with the provisions of the March 2, 1993 Memorandum of Understanding with IDWR, the watermaster is hereby designated manager of the rental pool for the Committee of Nine.

15. BE IT FURTHER RESOLVED that the Committee of Nine is hereby ratified as the local committee for the rental of stored water under Idaho Code § 42-1765.

16. BE IT RESOLVED that the Committee of Nine as the duly elected Advisory Committee be authorized a maximum of \$100,000 of available funds to be expended as needed as approved by the Committee of Nine from the separate account maintained by the district treasurer of funds retained from the lease of stored water from the rental pool to be used only for the following purposes upon approval of the Committee of Nine:

- (1) Expenses of the District.
- (2) Improvements to the district's facilities, including a reasonable reserve for future improvements.
- (3) Educational projects designed to increase public awareness in the area of water distribution, water rights and water conservation.
- (4) Other public projects designed to assist in the adjudication, conservation or more efficient distribution of water.
- (5) For involvement in legislative and agency deliberations on issues involving water quantity and quality which could effect water users of the Water District.
- (6) To reimburse Advisory Committee members in accordance with the policy attached hereto as Exhibit B.

17. BE IT RESOLVED that the Water District establish a reserve fund to cover rental pool payment disputes which are deemed the responsibility of the district, to an amount of \$100,000.00, the funds to be designated and held in the separate account of district funds retained from the lease of stored water from the rental pool.

BE IT FURTHER RESOLVED that the treasurer may only invest pursuant to the public depository law as provided in Idaho Code § 42-1765.

18. WHEREAS, the Water District's Credentials Committee has historically specified that "no person be elected to membership and service on the Committee of Nine and Credentials Committee unless he be a land owner and a water user...";

IT IS THEREFORE RESOLVED that water user and land owner shall be defined as follows:

1. One who owns an irrigated farm that is comprised of more than twenty (20) irrigated acres, that has valid surface water rights deliverable by the Water District 01 Watermaster.

2. One who has received over 50 percent of his annual income during one or more of the past ten years from farming activities.
19. WHEREAS, it is in the interest of all water users to have the water rights within Water District 01 delivered according to the priority system; and,
- WHEREAS, the accounting system now used by Water District 01 requires that each diversion have assigned to it a specific list of decreed, licensed, and storage entitlement; and,
- WHEREAS, those diversions which have no record of water rights on file with the Department of Water Resources or the water district office will, necessarily be taking storage water any time a diversion takes place.
- NOW, THEREFORE, BE IT RESOLVED that no diversion shall be allowed to divert water unless the proper list of rights for that diversion are found in the watermaster's records or proper arrangements have been made to procure an adequate water supply prior to the start of the irrigation season.
20. BE IT RESOLVED that the annual Water District 01 meeting shall hereafter be held on the first Tuesday of March of each year; and
- BE IT FURTHER RESOLVED that the water users of Water District 01 waive mailed notice of the annual meeting and direct publication of the meeting notice for two (2) consecutive weeks in an appropriate number of newspapers located throughout the district.
21. WHEREAS, the water users located above Blackfoot, excluding Aberdeen Springfield Canal Company, (Upper Valley) have chosen to collectively retain legal counsel; and,
- WHEREAS, it is their desire to have the watermaster assess the Upper Valley water users for these legal services in proportion to their water use;
- NOW, THEREFORE, BE IT RESOLVED this second day of March 1993, that the watermaster hereby be authorized to assess canals located above Blackfoot (excluding Aberdeen Springfield Canal Company) for legal fees and other appropriate expenses associated with representing the collective interest of the Upper Valley.
- BE IT FURTHER RESOLVED that such charges may not exceed the amount budgeted during the current year.

BE IT FURTHER RESOLVED that the district treasurer shall maintain said amounts in a separate account and that payment therefrom shall ONLY be made when authorized by the Upper Valley Committee of Nine Representatives.

22. BE IT RESOLVED that the amendment to 8.2 of Water District 01 Rental Pool Rules and Regulations be approved as hereafter set out and transmitted to the Idaho Water Resource Board for approval.
23. WHEREAS, the Idaho Water Resources Board has adopted a Comprehensive State Water Plan for the Henry's Fork Basin after holding public hearings over a two year period and amending the original plan several times in order to formulate a plan that adequately protects the outstanding streams in the Henry's Fork Basin while leaving some streams without protection so that future water storage projects can be built in the basin, and

WHEREAS, House Bill 136 which approves the Henry's Fork Plan as adopted by the Idaho Water Resources Board passed in the Idaho House of Representatives by unanimous vote and is currently being considered by the Senate Resources and Environment Committee, and

WHEREAS, environmental groups have written a river protection plan known as the Henry's Fork 279 which proposes to protect stream segments in the Henry's Fork Basin which clearly do not meet the definitions of Natural and Recreational Rivers as described in the Comprehensive State Water Plan Act, and

WHEREAS, the Henry's Fork 279 plan is being proposed to the Idaho Legislature as Senate Bill 1171 and will be considered by the Senate Resources and Environment Committee.

NOW THEREFORE, BE IT RESOLVED that Water District 01 in it's annual meeting on March 2, 1993, supports House Bill 136, and opposes Senate Bill 1171 both of which are currently before the Senate Resources and Environment Committee.

BE IT FURTHER RESOLVED that copies of this resolution be immediately sent to the Chairman and each member of the Senate Resources and Environment Committee and to the Governor of the State of Idaho.

WATER DISTRICT 01
RENTAL POOL PROCEDURES

- 8.2 The rental price for 1993 shall be \$2.95 including the State Water Board surcharge of \$0.20 and the district's administrative charge of \$0.75 per acre foot for both irrigation and non-irrigation water uses above Milner Dam. Any water rented below Milner Dam for any use shall be subject to a surcharge of an additional \$6.05 per acre foot of which \$5.50 per acre foot shall accrue to the lessor and \$0.55 to the Idaho Water Resource Board and shall also be subject to Rule 3.6 of the rental pool rules.

Any spaceholder who puts water in the rental pool for lease but must thereafter lease water from the rental pool, shall pay \$0.75 per acre foot administrative charge.

WATER DISTRICT NO. 1

RENTAL POOL PROCEDURES

RULE 1. AUTHORITY AND STATEMENT OF PURPOSE.

1.1. These procedures have been adopted by the Committee of Nine pursuant to Section 42-1765, Idaho Code, to assure the orderly operation of the Water District 1 Rental Pool by the Committee of Nine of Water District 1. Under no circumstances shall these procedures be interpreted or construed to limit the authority of the Director of the Department of Water Resources, the Water Resource Board, the Committee of Nine, or the Snake River Watermaster in discharging their duties as set forth in the statutes of the State of Idaho and rules and the regulations promulgated thereto.

1.2. It is the purpose of these procedures to:

A. Provide the procedures by which the Committee of Nine, upon being appointed a local Committee by the Water Resource Board, shall facilitate the rental of stored water made available to the Committee for that purpose.

B. Provide the process, consistent with the Idaho Code and rules of the Idaho Water Resource Board, by which stored water supplies may be made available, for a specified period of time for a particular beneficial use, to water users who need additional water.

C. Provide incentives for those owning reservoir space and having stored water which may be, from time to time, surplus to their needs, to make such space and water accruing thereto, available to the Rental Pool for other users and uses. In no case will water from the Rental Pool be used to maintain minimum flows greater than those established pursuant to state law.

D. Provide a recognized system through which stored water supplies may be located, identified, advertised, and subsequently leased and rented for specific times, purposes, and uses.

E. Provide payment to Water District 1 for services rendered in the operation of the Rental Pool; to use said revenue to make improvements in distribution facilities; to aid in improving efficiency in the distribution of water within Water District 1; comply with the local public interest; and is consistent with the conservation of water resources within the State of Idaho.

1.3. Available water supplies may be leased to the Rental Pool by the lessor and rented from the Rental Pool by the Committee for any beneficial purpose recognized by the laws of the State of Idaho, provided other water rights are not injured, or irrigators are not deprived of supplemental storage by renting water for uses other than irrigation.

RULE 2. DEFINITIONS.

2.1. **ACRE-FOOT** - a volume of water sufficient to cover one acre of land one foot deep and is equal to 43,560 cubic feet.

2.2. **ANNUAL** - refers to the period between annual meetings of Water District 1, and normally will be a period starting the first Tuesday in March and ending on the first Monday of March of the succeeding year.

2.3. **BANK** - means the Water Supply Bank of Water District 1, as operated by the Committee of Nine as a designated local Committee.

2.4. **BOARD** - means the Idaho Water Resource Board.

2.5. **BUREAU** - means the Bureau of Reclamation, Department of the Interior, United States of America, sometimes known as the BOR.

2.6. **COMMITTEE** - means the Committee of Nine as appointed by the water users of Water District 1.

2.7. **DEPARTMENT** - means the Idaho Department of Water Resources or IDWR.

2.8. **DIRECTOR** - means the Director of the IDWR.

2.9. **DISTRICT** - means Snake River Water District 1 of the State of Idaho.

2.10. **LATE SEASON RENTAL** - means water rented from the Rental Pool for release for non-irrigation beneficial uses after October 31 of one calendar year and before June 15 of the following year.

2.11. **LEASE** - a written contract by which a storage water right accruing to a specified storage by a consenting contract holder, is made available to the Committee for rental from the Rental Pool.

2.12. **LESSEE** - means any person renting water or space from the Rental Pool.

2.13. **LESSOR** - is any person leasing space or water to the Rental Pool.

2.14. **MILNER** - means Milner Dam or the lowest diversion in Water District 1.

2.15. **PERSON** - means any individual, corporation, partnership, irrigation district, canal company, or other political subdivision or governmental agency.

2.16. **LONG-TERM LEASE** - means a contract with the Committee for an improved priority within a given priority category to rent water from space leased to the Rental Pool in future years.

2.17. **RENT or RENTAL** - means a written storage contract for the exclusive use of stored water leased to the Committee for a determinate period for a specified price.

2.18. **RENTER** - means the person renting water from the Committee or the lessee.

2.19. **RENTAL POOL** - refers to the water bank activities administered by a local Committee appointed by the Water Resources Board.

2.20. **RENTAL POOL COMMITTEE** - A sub-committee appointed by the Committee of Nine composed of the Water District 1 Watermaster, superintendent of the Minidoka Project of the Bureau, and three members of the Committee of Nine.

2.21. **SPACE** - means all or any portion of the active impoundment volume of a reservoir measured in acre-feet.

2.22. **STORAGE** - means the portion of the available space that is storing water.

2.23. **WATERMASTER** - means the Watermaster of Water District 1.

2.24. **PAID-OUT** - means the cost of construction under a space holder's contract with the Bureau has been paid in full, or for other reasons there are no remaining obligations to comply with the reporting requirements of the Reclamation Reform Act (RRA) of 1982.

RULE 3. GENERAL PROCEDURES.

3.1. It is the policy of the water users of Water District 1 and the Committee to operate the Rental Pool under the priorities

here-in-after stated for the maximum beneficial use of available water supplies.

3.2. A primary purpose in the operation of the Rental Pool will be to benefit the agricultural water users within Water District 1. These procedures are designed to assure that stored water leased to the Rental Pool from federal and other private reservoirs within Water District 1 is rented, or otherwise allocated, in a manner that protects other water rights and assures that water is first made available to meet the irrigation requirements of irrigation water users within Water District 1 before other uses are considered.

3.3. The operation of the Rental Pool shall in no way recognize any obligation to maintain flows below Milner Dam or to assure the minimum stream flows established at the USGS gaging station on the Snake River near Murphy unless specific arrangements to do so are made under these procedures.

3.4. The operation of the Rental Pool shall be consistent with the statutes creating the Water Supply Bank, the rules and regulations of the Board, and the provisions of the space holder's contracts with the United States.

3.5. Storage water is accepted by, or leased to, the Rental Pool on a contingency basis. Payments to the lessor will be made to the extent rental monies are received by Water District 1 in trust for the Committee pursuant to these rules.

3.6. The space of storage water leased to the Rental Pool that is rented for uses below Milner shall be the last space to fill in the ensuing year.

3.7. No storage water leased to the Rental Pool shall be rented for uses below Milner without the express written consent of the lessor.

3.8. It is the policy of the Committee of Nine, in operating the Rental Pool to facilitate annual leases and rentals, to base all transactions on water stored (storage) rather than reservoir space.

3.9. Any Lessor, Lessee, or Applicant aggrieved by a decision of the Rental Pool Committee on matters related to the operations of the Rental Pool may request a hearing before the Committee of Nine within fifteen (15) days after receiving notice in writing of the decision. After hearing the grievance and after review by the Committee of Nine, a decision will be made by the Committee of Nine in writing, setting forth the reasons for its decision, and said review decision must be signed by a majority of the Committee of Nine. The decision of the Committee of Nine may be appealed to the Board.

3.10. All leases of stored water within Water District 1, unless the associated change in point of diversion and place of use is being initiated through the statutory transfer process, (with the exception of other approved water rental pools within the District and, specifically, those exclusions applying to the Shoshone-Bannock Indian tribes) shall be transacted through the Water District 1 Rental Pool, unless the transaction is an internal rental within the distribution system of a contracting entity.

RULE 4. MANAGEMENT.

4.1. The Rental Pool shall be operated pursuant to Idaho Code, Section 42-1761 to 42-1766 with all policies being established through the approval of the Committee of Nine.

4.2. A sub-committee composed of the Watermaster, the superintendent of the BOR's Minidoka Project, and three members of the Committee of Nine appointed by the chairman shall have the following general responsibilities:

A. To determine general policies regarding annual storage leases which may not be covered by the adopted procedures of the Committee of Nine.

B. To assist the Watermaster in the allocation of water from the Rental Pool when conflicts arise.

C. To advise the Committee of Nine on water banking activities.

D. To set policies for the disbursement of funds generated by the Rental Pool.

4.3. The Watermaster shall act as the manager of the Rental Pool. His authority shall include accepting water or space into the Rental Pool, executing rental agreements on behalf of the Committee of Nine, disbursing and investing funds generated through the rental of stored water, and distribution of water supplies from the Rental Pool. All funds invested shall be considered public funds for investment purposes pursuant to the Public Depository Law, Chapter 1, Title 57, Idaho Code.

RULE 5. LEASES.

5.1. Any person who owns or controls space or storage in a

reservoir located in Water District 1 may seek to lease any portion of his space or accrued storage to the Rental Pool.

5.2. Leases of space and water accruing therein will be identified by reservoir. If no designation is made by a lessor holding space in more than one reservoir, it shall be understood that American Falls space will be designated before Jackson space and Jackson space will be designated before Palisades space.

5.3. Storage leases are subject to the approval of the Rental Pool Committee. Reservoir space submitted for lease to the Rental Pool may be rejected in whole, or in part, by the Rental Pool Committee or they may place special conditions on usage, allocation, and price, if, in the judgment of the Committee, accepting said water will not be in the best interest of the Rental Pool or the water users of Water District 1.

5.4. Leases of storage to the Committee shall be on a priority basis as set forth in Rule 6.

5.5. Leases of storage to the Committee shall be in writing on forms provided by the Watermaster and shall bear the date they were received in the Watermaster's office in Idaho Falls.

5.6. Leases of reservoir space may be made for periods of up to twenty (20) years. Any space leased for periods in excess of two (2) years shall be subject to Rule 9 of these procedures.

5.7. All space leased to the Committee shall be under the control of the Watermaster and the Rental Pool Committee for the duration of the lease.

5.8. Any lease executed by the Committee at the direction of the Director or the Board, cannot be for a rental charge less than that charged by the local Committee in any year of said lease.

5.9. The lessor (contract holder) is responsible for paying lessor's continuing obligations to the Bureau of Reclamation for construction or annual operation and maintenance.

5.10. Subject to the provisions of paragraph 7.5 and 7.6, any lease of space or storage leased to the Rental Pool, or any portion thereof, which has not been rented by the Committee prior to November 1, of that year, shall be terminated, the lease of the space to the Rental Pool shall be null and void, and the storage water not rented shall be returned to the credit of the lessor.

RULE 6. LESSOR PRIORITIES.

6.1. Any person holding space in a federal or private reservoir who leases storage to the Rental Pool for annual rental prior to June 1 of any year shall share proportionally with other lessors leasing storage to the Rental Pool prior to that date. Long-term leases shall be considered to be in this time frame.

6.2. Any person holding space in a federal or private reservoir who leases storage to the Rental Pool for annual rental after June 1 and before July 1 of any year shall share proportionally with other lessors leasing storage to the Rental Pool within this time frame.

6.3. Any person holding space in a federal or private reservoir who leases storage to the Rental Pool for annual rental after July 1 of any year shall receive his share of the proceeds for the rental of all or part of the water rented which was made available after July 1 of that year on a "first come" basis, after water from space leased prior to July 1 has been rented.

6.4. All storage leased to the Rental Pool before June 1 of any year will be rented before any storage leased after June 1 is rented. All storage leased to the Rental Pool after June 1 and before July 1 will be rented before any storage leased after July 1 is rented.

6.5. Whenever a request to lease storage to the Rental Pool is made for an annual lease it will be assumed that it is the intention of the lessor to assign sufficient space to yield the designated amount of storage.

6.6. If a spaceholder should choose to lease all of his space to the Rental Pool, the "yield" of that space shall be determined by the watermaster after calculating the percentage of fill of that leased space in that particular reservoir, minus evaporation, and any fill restrictions associated with restrictions arising from Rule 3.6 of these procedures.

RULE 7. LESSEE PRIORITIES.

7.1. Any storage available through the Rental Pool prior to June 1 for annual use shall be rented prior to June 1 on a priority basis as hereinafter provided. Any storage available after June 1 and before July 1 for annual use shall be rented prior to July 1 on a priority basis as hereinafter provided. The priority within each priority group hereinafter provided within the above time frames and after July 1 shall be determined by the date of the lessees rental agreement and upon payment in the office of the watermaster within

the above time frames.

A. The first priority in renting water from the Committee shall be given to those lessees owning space in any of the Bureau's federal storage reservoirs in the District for storage prior to 1979, used for irrigation of lands in the district, for use on said lands, and lessees eligible for mitigation under the 1990 For Hall Indian Water Rights Agreement and who are stockholders in the Mitigation Corporation that has contracted with the BOR for mitigation water, and only to the extent mitigation water is unavailable through sources made available through the Mitigation Corporation.

B. The second priority in renting water from the Rental Pool shall be given to lessees for other irrigation uses above Milner, with preference going to lands for which storage was rented prior to 1992.

C. The third priority in acquiring stored water from the Rental Pool shall be given to other beneficial uses in the order in which their requests are received.

7.2. Priority among each priority class listed above shall be determined by the date on which the water user's contract and payment is received at the office of the Watermaster in Idaho Falls; the earlier in the year the executed lease is received by the Watermaster, the higher the priority in the priority group the entity will receive. Long-term leases shall be in the priorities outlined in Rule 7.1, as initiated in Rule 9.4. The first lessee who has entered into a long-term rental agreement and has rented storage water prior to 1992, shall have the earliest priority for Rental Pool supplies within his priority class. All subsequent long-term rental agreements shall have the same relative priorities in their appropriate priority group as their rental agreement does to other long-term rental agreements in the same priority group.

7.3. Any person having initiated an annual contract for stored water may request water in subsequent years by confirming, in writing, that all of the information on the original rental agreement is true and correct, and by identifying the amount of water he wishes to rent. The priority, in this case, will be the date on which payment is received by the Watermaster.

7.4. Space leased to the Rental Pool for more than one year from reservoirs with paid-out federal contracts shall be first reserved for allocation for irrigation purposes. Any person renting water from such space for irrigation shall be subject to all applicable water laws of the State of Idaho but shall not as a result be subject to the Federal Reclamation Reform Act of 1982 (RRA). If sufficient

space is not available in paid-out reservoirs and stored water is rented from a reservoir with remaining federal repayment contracts, then anyone renting such water may be responsible for compliance with the limitations and reporting requirements of the RRA should the Bureau of Reclamation determine RRA compliance is required.

7.5. The Watermaster will use his best efforts to assure that unauthorized diversions of water do not occur. In the case unauthorized diversions do occur, any water diverted within Water District 1 will be charged by the Watermaster as storage used. Any such unauthorized use of water shall be replaced from available water bank supplies at a cost to the user equal to the established water bank price plus an additional seventy-five cents (\$.75) to cover increased administrative costs. The administrative costs may be waived by the Watermaster if, in his judgment, such unauthorized use resulted from measurement or accounting errors. If there is insufficient storage available in the Rental Pool during the current year, then the obligation of the renter to rent water to replace the stored water used without authorization shall continue to the following year.

7.6. Water rented and unused for irrigation purposes may be leased to the Rental Pool by September 1, for rental by the Rental Pool under the same conditions that said water was originally leased to the Rental Pool. Any proceeds from the re-rent of said water by the Rental Pool shall be refunded to the original renter of said water in the same proportion the rental proceeds are remitted to other lessors of water to the Rental Pool. Water rented from the Rental Pool and not rented by the end of the irrigation season or by March 15 of the following year for non-agricultural uses shall be returned to the lessor or lessors as carry over storage of lessors, and all rights to said water leased from the Rental Pool by the renter shall be deemed to be terminated, except that, renters who own reservoir space may carry over water rented from the Rental Pool in their space for use the following year, unless lost through the subsequent filling of that space.

7.7. No water may be rented after November 1 of each year without the lessor's approval.

RULE 8. LEASE PAYMENTS AND WATER COSTS.

8.1. The lease price of the storage rented from the Rental Pool shall be set by the Committee of Nine each year.

8.2. The rental price for 1993 shall be \$2.95 including the State Water Board surcharge of \$0.20 and the district's administrative

charge of \$0.75 per acre foot for both irrigation and non-irrigation water uses above Milner Dam. Any water rented below Milner Dam for any use shall be subject to a surcharge of an additional \$6.05 per acre foot of which \$5.50 per acre foot shall accrue to the lessor and \$0.55 to the Idaho Water Resources Board and shall also be subject to Rule 3.6 of the rental pool rules.

Any spaceholder who puts water in the rental pool for lease but must thereafter lease water from the rental pool, shall pay \$0.75 per acre foot administrative charge.

~~The rental price for 1992 shall be \$2.95 including administrative charges for both irrigation and non-irrigation water uses located above Milner Dam, together with any surcharge due the Board, under Idaho Water Bank Rules and Regulations. The cost for water rented for 1992 for delivery below Milner Dam shall be \$5.50, plus the surcharge, per acre foot, with \$2.00 being paid to the lessors and \$2.00, plus a portion of the surcharge and any accrued interest, returned to the renter if the reservoirs fill in the following year. In the case that the reservoirs do not fill in the succeeding year the lessee shall be entitled to receive a payment from the \$2.00 and accrued interest in proportion to the storage lost through the restriction associated with Rule 3.6. The remaining portion of the \$2.00 and accrued interest not disbursed shall be returned to the renter. In the case that another water bank or spaceholder should lease water for the purpose of arbitrage and, consequently, seek to secure replacement water from the Rental Pool, the price shall be the amount charged by that water bank or spaceholder plus an additional \$0.75 per acre foot administrative charge.~~

8.3. Lease payments to the lessors shall be made in accordance with the priorities of Rule 6 and shall be based upon the annual report of the Snake River Watermaster. Payments to the lessors shall be considered due and payable once the Watermaster has calculated the actual water used within Water District 1 for the annual Watermaster's report and the rental payments have been received.

8.4. The Rental Pool Committee may authorize the Watermaster to make timely partial payments to the lessors based upon provisional data when, in the judgment of the Rental Pool Committee, such partial payments can be made with reasonable certainty.

8.5. All rental monies not paid to lessor's under Rule 8.4 above shall be maintained in a separate interest-bearing account with accrued interest being distributed on a pro-rata basis at the time that final payments are made. The Water District shall be entitled to use all rental funds on an as needed basis provided the accrual of interest due suppliers is not affected. Payments for water rented

from the Rental Pool and distributed after October 31 shall be computed on a pro-rata basis for all unrestricted water supplied pursuant to the priorities in Rule 6.

RULE 9. LONG-TERM RENTAL AGREEMENTS.

9.1. The Committee of Nine may arrange rentals of storage space for periods not to exceed twenty (20) years. Such long-term rentals will be negotiated on a case-by-case basis and may be supplied from anticipated future annual space/water leases to the Rental Pool or from specific long-term space assignments, or a combination of the two.

9.2. Contracts for long-term rentals shall be subject to the provisions of the Rule 6 and 7, unless different provisions are specified in the rental agreement. Long-term rental agreements in excess of five (5) years shall only become effective upon final approval of the lease agreement by the Board.

9.3. Any contract for a Long-term Rental Agreement shall contain the following information:

- A. Name and address of renter.
- B. Amount of storage space obligated.
- C. The rental price.
- D. The legal description of the point of diversion and place of use.
- E. The duration of the rental agreement.
- F. The understanding of responsibilities and exposure if reservoir space does not fill at some time during the term of the rental agreement.
- G. The beneficial use to be achieved through the delivery of water from the rented space.

9.4. A long-term rental agreement will be initiated by submitting an application on forms provided by the Watermaster to the Watermaster's office in Idaho Falls. Upon approval of the request by the Committee of Nine, the Watermaster shall initiate the rental upon receipt of the first year's rental payment. Each successive year the scheduled payment shall be due on the date specified in the rental agreement. Failure of the renter to meet any payment shall void the

rental agreement and any subsequent rental by that renter shall be under the last priority provided by Rule 7.

9.5. For the purposes of Rule 7, the date of the agreement shall be the date the application is received by the Watermaster.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 30, 1992

DeWitt Moss, Chairman
Committee of Nine
Water District 1
269-B South 300 East
Jerome, Idaho 83338

RE: Water District 1/IDWR Memorandum of Understanding

Dear DeWitt:

Enclosed is a copy of the revised MOU cleaned up to remove the underline/strike-out changes. As we discussed last week, the MOU provides for approval at the Water District annual meeting in March 1993. Because of the change to the indirect rate, it will be cleaner if the MOU is not signed until then and we operate on the existing MOU through the remainder of this water district budget year.

Revisions which are essentially clerical in nature have been made to the last sentence of (1) near the middle of page 3 in an effort to clarify this provision that you described as confusing during the Committee of Nine meeting in Burley. Please let me know if this resolves your concern or if a further change is needed.

Sincerely,

Norman C. Young
By H. Clive

NORMAN C. YOUNG
Administrator

cc: Ron Carlson

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into by and between the Director of the Department of Water Resources, (hereinafter called the Director) and the water users of Water District No. 1, Upper Snake River, (hereinafter called Water District No. 1) acting through the Water District advisory committee known as the Committee of Nine.

WHEREAS, the statutes of the State of Idaho provide for the Director to have direction and control of the distribution of the waters of the state to those holding valid rights to the use thereto; and

WHEREAS, the Water District No. 1 authorized the Committee of Nine, as advisors to, and elected representatives of the water district, by resolution duly adopted at the March 2, 1993, annual meeting of the water users of the district to enter this memorandum of understanding continuing a cooperative program with the Director to provide watermaster services for Water District No. 1 and

WHEREAS, the Committee of Nine will, among other things, serve as advisors to the Director and the watermaster in matters relating to the distribution of the natural flow and stored water within the district:

NOW, THEREFORE, the Director agrees to provide the following services to Water District No. 1, effective upon the execution of this memorandum of understanding and to continue to provide the services from year-to-year as herein provided upon election of the regional manager of the Department as watermaster and the adoption of a budget by the water users at the annual water district meeting authorizing expenditures in accordance with the purposes of this memorandum of understanding:

- 1) To provide watermaster services to Water District No. 1 for the period from the effective date of this memorandum until the end of any subsequent water district year as agreed to by the water users of Water District No. 1 at their annual meeting and the director of the Department. Such watermaster services will be provided under the direction of the regional manager of the Department's Eastern Region consistent with the provisions of Title 42, Idaho Code.

- 2) To provide the equivalent of 2/3 of a person year of the Regional manager as watermaster throughout the Water District year and to provide any additional part time

or full time employees as necessary for the water distribution operations of Water District No. 1 in accordance with its adopted budget.

3) To provide office space as necessary for operation of Water District No. 1 and to provide Department vehicles for use by full-time employees of the Department, to conduct Water District business, and to share the use of other Department equipment and facilities as are necessary to equitably distribute the waters to the users within Water District No. 1.

WATER DISTRICT NO. 1 agrees as follows:

1) To pay the Department, on an advance basis, sufficient funds to cover the costs of operations incurred in providing watermaster services to Water District No. 1 provided, however, that reimbursement for the watermaster shall not exceed 2/3 of the personnel costs of the regional manager and provided further that all other costs incurred in conducting Water District No. 1 business will be paid in full. Indirect costs will be paid at the rate approved by the Department of the Interior Inspector General and current at the time of the water district annual meeting. The approved indirect rate shall be reduced in recognition of the Department's statutory responsibility to supervise water distribution by subtracting in the indirect calculation any personnel costs included for the Director and the Administrator of the Water Management Division.

Mileage and per diem costs will be based upon the rate provided by state law for state employees.

The Department will credit the District for a portion of the District's expenditures to the U.S. Geological Survey for the cooperative streamgaging program. The amount credited each year will be one-half (1/2) the amount the district pays for that year to the U.S. Geological Survey for operation of certain streamgages the Director determines are needed for data collection purposes needed by the Department other than and in addition to the District's water distribution data needs.

THE PARTIES mutually agree that:

1) The regional manager and any other persons directly employed by the Department as classified state employees, performing duties on behalf of Water District No. 1 under this memorandum will only perform duties necessary to:

MEMORANDUM OF UNDERSTANDING - 2

a) Deliver and account for distribution of natural flow and stored water within the District,

b) Provide assistance to the Committee of Nine in operating the local rental pool. This assistance will include accepting applications to put water into the pool and to rent water from the pool, receipting and depositing funds associated with the bank, providing information on the water in the bank and rentals therefrom. The Committee of Nine, or its designated subcommittee will determine the water leases and rentals and approve all disbursements of rental pool money.

c) Prepare reports and proposed budgets as required by Title 42, Idaho Code.

d) Provide technical assistance and information to the Committee of Nine and the Department relative to the water distribution and water banking duties of the watermaster.

The Committee of Nine will make other arrangements for representation and management of any other interests of the water users within the Water District as directed at the annual meeting.

2) The director of the Department and the chairman of the Committee of Nine shall consult annually prior to the end of the water district's fiscal year concerning the continuation of this memorandum and any need for modification of it.

3) This memorandum of understanding will continue from year to year and can be amended or terminated at any time by agreement of the director of the Department and Water District No. 1, on the recommendation of the Committee of Nine.

4) This memorandum of understanding supersedes and replaces the memorandum of understanding dated March 3-4, 1979.

5) Nothing in this agreement will act to change, modify, or release either party of any obligation or responsibility otherwise provided by contract or by law.

R. KEITH HIGGINSON
Director
Department of Water Resources

Date: _____

DEWITT MOSS
Chairman
Committee of Nine/Water District No. 1

Date: _____

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the time of the water district annual meeting. The approved indirect rate shall be reduced in recognition of the Department's statutory responsibility to supervise water distribution by subtracting in the indirect calculation any personnel costs included for the Director and the Administrator of the Water Management Division. ~~Application of the change in indirect rate from that previously approved shall be implemented over a three year period effective the date of this agreement as follows:~~

~~(1) For the first year, the rate is to be increased from 14.2% by one third of the difference between 14.2% and the Department indirect rate for FY 1992 and rounded to the nearest whole number. The calculation is as follows:~~

$$\text{First Year} = 14.2\% + 1/3 (35\% - 14.2) = 21\%$$

~~(2) For the second year, the rate is to be increased from the first year rate by one half of the difference between the first year rate and the Department indirect rate for FY 1993. The calculation is as follows:~~

$$\text{Second Year} = 21\% + 1/2 (35\% - 21\%) = 28\%$$

~~(3) For the third year, the rate is to be increased to the Department indirect rate for FY 1994.~~

Mileage and per diem costs will be based upon the rate provided by state law for state employees.

The Department will credit the District for a portion of the District's expenditures to the U.S. Geological Survey for the cooperative streamgaging program. The amount credited each year will be one-half (1/2) the amount the district pays for that year to the U.S. Geological Survey for operation of certain streamgages the Director determines are

needed for data collection purposes needed by the Department other than and in addition to the District's water distribution data needs.

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c) Prepare reports and proposed budgets as required by Title 42, Idaho Code.

d) Provide technical assistance and information to the Committee of Nine and the Department relative to the water distribution and water banking duties of the watermaster.

The Committee of Nine will make other arrangements for representation and management of any other interests of the Water District as directed at the annual meeting.

2) The director of the Department and the chairman of the committee of nine shall consult annually ~~at least sixty (60) days prior to the water district meeting to discuss~~

the implementation prior to the end of the water district's fiscal year concerning the continuation of this memorandum and any need for modification of it.

3) This memorandum of understanding will continue from year to year and can be amended or terminated at any time by agreement of the director of the Department and Water District No. 1, ~~acting through~~ on the recommendation of the Committee of Nine.

4) This memorandum of understanding supersedes and replaces the memorandum of understanding dated March 3-4, 1979.

5) Nothing in this agreement will act to change, modify, or release either party of any obligation or responsibility otherwise provided by contract or by law.

SIGNED this _____ day of _____, 1993.

R. KEITH HIGGINSON
Director
Department of Water Resources

DEWITT MOSS
Chairman
Committee of Nine or Water District No. 1

PROPOSED

Draft July 9, 1992
Approved October 29, 1992

COMMITTEE OF NINE

MEETING REIMBURSEMENT RULES

1. All Committee of Nine expenses must be approved by Chairman.
2. All requests for reimbursement must be on an approved form with copies of receipts attached.
3. Reimbursement is intended only for official Committee of Nine and Sub-committee meetings called by Chairman or Vice-Chairman, or other meetings approved in advance by Committee of Nine.
4. Reimbursement shall include per diem (\$30/day), mileage (0.28¢/mi.), meals, travel, and room (if necessary).
5. Reimbursement is intended for Committee of Nine members who are not on Government payroll or employed by an irrigation district or canal company. If the Committee of Nine approves per diem and reimbursement for a Government, irrigation district or canal company employee, reimbursement shall be made to the employer.
6. Advisors (except lawyers) and/or Alternates to regular Committee of Nine meetings shall not be authorized per diem and reimbursement for regular Committee of Nine meetings but shall be reimbursed if they serve on a special Committee of Nine Subcommittee, or attend other meetings approved by the Committee of Nine.

06249201.JAR

COMMITTEE OF NINE
MEETING REIMBURSEMENT

DATE AND PLACE OF MEETING: _____

PURPOSE OF MEETING: _____

OFFICIAL POSITION: _____

PER DIEM \$ 30.00

PERSONAL CAR USAGE _____ MILES \$ _____
(at 28 cents per mile)

MEALS \$ _____

LODGING \$ _____

AIR FARE \$ _____

OTHER TRAVEL FARE \$ _____

MISCELLANEOUS \$ _____
(Parking, tips, cab, etc.)

TOTAL \$ _____
(Attach all available receipts)

Committee Member (Signature)

APPROVED:

Chairman, Committee of Nine

AMOUNT REIMBURSED \$ _____

Date _____ Bookkeeper's Initials _____ Check # _____

Annual Meeting Water District No. 1
Idaho Falls, March 3, 1992

The meeting was convened at 9:40 by Chairman Paul Berggren. This portion of the annual meeting of Water District 1 was designated to be a time for updating the water users on topics of interest to them.

Sherl Chapman reported for the Idaho Water Users Association (I.W.U.A.) Sherl reported on legislation before the Idaho Legislature that could affect water users. Sherl's remarks are summarized as follows.

SB 1450 Was a re-write of Chapter 6 of Title 42, Idaho Code. This legislation would provide for the appointment of a water district treasurer and would recognize advisory committees in the operations of water districts. Sherl said the IWUA supported this legislation.

SB-1308 Was the Water Resource Board's comprehensive plan for the Henry's Fork basin. Sherl indicated amendments were being proposed to address the objections some water user groups had to this plan.

H.B. 743 would provide for election consolidation. Sherl said that at the present time irrigation districts would still be in if the bill were to pass.

Sherl also talked about the Idaho Department of Lands "Submerged lands issue. He said that yesterday a new set of regulations were adopted which had a \$300 minimum and a grandfather clause for some projects.

Sherl then addressed the BOR's efforts to get water for flushing salmon. He indicated that the Bureau's proposed transfer of upper Snake storage generated 650 protests. Sherl said that bills to fix the out of state diversion issue have gone nowhere. He said the Rosholt-Rigby bill was still the best. Sherl then commented that draw-down tests on the lower Columbia still need to be done. He said that the test is needed to get real data. Sherl concluded by noting that there are no minimum stream flows in northern Idaho.

Gerald Jeppsen, who represented the Madison Soil Conservation District and the Greater Yellowstone Association of Conservation Districts talked about the ethics of preservation groups and the impacts they are having on the west. Mr. Jeppsen said that preservationists have an agenda and are working very effectively to accomplish it. He said this year these groups have a combined budget of \$750 million dollars. Among their goals is to have a priority to all water coming off of federal lands. Mr. Jeppsen said they use scare tactics to get people to contribute to their cause. He cited cranberries, and apples of two fabricated hazards these groups used to generate contributions from the public. He said that during the ALAR scare police were stopping school busses and confiscating the apples from children's lunches. The fact was that there was no real danger from apples, but these groups made millions of dollars at the expense of apple farmers.

The annual meeting of Water District 1 was called to order at 10:20 a.m. Councilman Ralph Wood welcomed the water users to Idaho

Falls. Nominations were then opened for a meeting Chairman and Secretary. Paul Berggren and Reed Murdock were elected to these respective positions by acclamation.

The minutes of the 1991 annual meeting was read by Reed Murdock and approved as read.

The chairman then dismissed the water users to caucus and select Committee of Nine representatives.

DeWitt Moss read the names of those selected to serve on the Committee of Nine. It was moved and seconded that those selected be approved by acclamation. The motion carried. The names of those elected is attached.

Next, John Dooley, the Superintendent of the Minidoka project introduced his staff. John advised that for five of the last six years water supplies have been below normal. He advised that the Bureau would release no storage before April 1, and asked that water users not start diverting irrigation water until April 15. John said the project average for O & M was \$0.20/AF. This will go up \$0.02 in 1992. He indicated satisfaction with the progress that has been made in controlling erosion around American Falls Reservoir. He said about 9000 feet of shoreline was protected in 1991 and expects to complete another 7000 feet in 1992. Nearly 12.5 miles of shore line has now been protected. John also talked about the power plant rewinds at Minidoka and Palisades and the upgrade of the Jackson Lake parking lot. He also announced that reclamation has to contribute to the salmon recovery plan and has applied to the IDWR for a change in nature of use of its storage rights. He also announced that Mitigation Inc. has applied for the mitigation water in Ririe and Palisades. He advised that it might be 18 months before the space can be turned over the Mitigation Inc.

Next Earl Corliss presented the reclamation's water supply outlook for 1992. Earl advised that this is the sixth year of normal or below normal water supplies. He advised water users to conserve water and try to hold off diversions until April 15. He advised that in 1991 350 swan were captured and relocated. This year 250 swans have been relocation. Earl reported on that no storage water has gone past Milner since 1986. He said that as of February 28, Palisades is 62% full. American Falls is 76% full. Earl expects to be able to finish filling American Falls this spring. He said Ririe fell short of filling last year. The current forecast for Willow Creek is 18% of normal.

Earl said there were flood control operations at Palisades in 1991. The 32,000 cfs peak was reduced to 23,000 cfs. Earl said the swan relocation program on North Fork has been a success. He advised the the Valley View snow course above Henry's lake indicates 84% of normal. Earl said that Jackson last year and that he expects it to fill this year. The current forecast for Jackson is 80% of normal.

Earl emphasized that the BOR Contracts call for 150 days shut-off and suggested that there should be no delivery after November 1 under state law.

Next Tony Olenichek reported on the Water District 1 accounting process and explained how the water diversion data are processed. Tony explained how a canal is measured and how the shifts are calculated and applied. Tony explained that the stream gages are all

on HYDOMET and that each reach begins and ends with a gauge station. All gages are corrected an at the end of the year. Tony also explained the computation of reach gains and their use in properly distributing natural flow.

Director Keith Higginson then reported for I.D.W.R. Keith advised that there are 85 functioning Water Districts in the state. Keith said chapter 6 of title 42 Idaho Code needed badly to be rewritten to make it a workable statute. He noted that one of the problems with revision of the water master statutes is the fact that it must be written to apply to all water districts. Currently, there are three districts in the state that have rental pools. Keith reviewed the provisions of SB-1450. These included: clarification of the director's authority, adoption of rules, calling special meetings, recognition of advisory committees and election of a treasurer. Keith also provided an update on the status of the adjudication process. He said the court does not want the 43 separate reports he was planning to submit. Keith also briefly addressed the Salmon issue and indicated that current proposals are calling for 2,847,000 A/F out of Idaho.

Chairman Paul Berggren then reported for the Committee of Nine. Paul reported that in 1991 the legislative auditor completed audits for the years of 1988, 1899, and 1990. He said that while the audit itself was clean the findings of the auditor and the attorney general made it mandatory that Water District 1 seek corrective legislation. Paul also discussed the ramifications of the listing of the sockeye salmon as an endangered species. He reported that the Committee of Nine had approved the sale of 99,000 AF of storage to help salmon.

Next Reed Murdock presented the treasurer's report. His report indicated that the operation of the water district for 1991 had cost about \$459,000, which was about \$81,000 under the amount budgeted. Total expenditures for the year, including rental pool payments were about \$1,246,000. It was moved and seconded that the treasurers report be approved. The motion carried by acclamation.

Ron Carlson then gave the watermaster's report for 1991. Ron said that the above average precipitation in March and April of 1991 prevented what might have been a very difficult year. He said that the 1992 snow course data for the end of February are currently very similar to what they were in 1991. He advised that it is probably not reasonable to expect the 150% of normal precipitation again this year. He added that without additional water we could be facing a situation similar to the drought years of 1931 or 1934.

The next order of business was the consideration of the resolutions for 1992. These resolutions are attached hereto and the action taken on each is summarized as follows:

Resolutions 1-2-3- moved to adopt. passed.

4 - moved to adopt. passed.

5 - moved to adopt. passed.

6 - moved to adopt. passed.

7 - moved to adopt. passed.

8 - moved to adopt. passed.

9 - moved to adopt. passed.

10 - moved to adopt. passed.

11 - moved to adopt. passed.

- 12 - moved to adopt. passed.
- 13 - moved to adopt. passed.
- 14 - moved to adopt. passed.
- 15 - moved to adopt. passed.
- 16 - moved to adopt. passed.
- 17 - moved to adopt. passed.
- 18 - moved to adopt. passed.
- 19 - moved to adopt. amendment, passed
- 20 - moved to adopt. passed.
- 21 - moved to adopt. passed.
- 22 - moved to adopt. passed.

A motion moving the adoption of the Rental Pool procedures for 1992 was duly seconded and passed.

In matters of unfinished business, Paul Berggren was presented a plaque for his service as Chairman of the Committee of Nine. Reed Murdock, who is stepping down as a member of the Committee of Nine and as water district treasurer was presented a Plaque for his many years of service.

There being no further business the meeting was adjourned at 3:35 p.m.

Respectfully submitted

Reed Murdock, Secretary

COMMITTEE OF NINE REPORT

I would like to welcome all Water District No. 1 water users and guests to this annual meeting. The past year, the sixth year of drought, was not an easy one. We entered into the 1992 irrigation year with about 1.5 M Ac.Ft. of carryover in the reservoir system and received only about 70% of our normal precipitation. Although we anticipated almost totally emptying the reservoirs at the end of 1992, we actually ended up with a slightly over 500,000 Ac.Ft. carryover and this was because a late August killing frost reduced anticipated deliveries. However, this is one of the lowest carryovers in recent memory.

The Water Master of Water District No. 1 and his staff are to be commended for their effort to make the appropriate deliveries during this water short year. The Committee of Nine, the irrigation districts and companies and the water users wish to extend our "well-done" thanks to Ron Carlson and his staff.

Both the Endangered Species Act (ESA) and the Clean Water Act (CWA) are supposed to be reauthorized by Congress this year. We now have a major interest in the ESA because of the listings of salmon and snails. We are most concerned about proposals for flow augmentation. We have a major interest in the CWA because of recent efforts to make irrigation return flows point sources subject to National Pollution Discharge Elimination System (NPDES) permits in an effort to clean up the waters of our Nation. Unfortunately, we water users have a dwindling number of friends in Washington to protect us.

On the positive side, Water District No. 1 and your Committee of Nine have some accomplishments to report for this past year.

- a. In 1992, we worked with the IDWR and our legislators to help draft new legislation which resulted in an updated version of the Water District law in S.B. 1450. This Bill delineated how the Water District No. 1 would function and established the official legal status for the Committee of Nine to operate as an Advisory Committee with the District and the IDWR Director. We have attempted to comply with every part of the new statutes. Water District No. 1 Resolutions were rewritten to reflect and comply with the new statutes. These Resolutions have been approved by the Committee of Nine and later this afternoon your approval of the Resolutions will be requested.
- b. At our March, 1992 annual Water District No. 1 meeting, we were beginning the process of complying with the State of Idaho auditor's report regarding the emplacement of a Treasurer for Water District No. 1. At that time, we asked your indulgence to allow the Committee of Nine to determine how best to address this "treasurer" issue and you gave us this permission. We established a Finance Committee chaired by Dell Raybould to review the Treasurer's position, reviewed and recommended changes in the office accounting (with the help and

advice of an Idaho Falls accounting firm), installed new computer software to separate and keep track of expenses in an efficient manner and appointed Claude Storer initially as interim Treasurer and more recently as permanent Treasurer until this meeting. In accordance with the new Resolutions, you will be asked to reappoint Mr. Storer for this position next year.

- c. Last year the IDWR requested that we update the MOU of 1979 between IDWR and water users of Water District No. 1. This MOU allows us to jointly employ the Watermaster of Water District No. 1 and operate more efficiently. Under the chairmanship of Wayne Lincoln and his subcommittee, the new MOU was developed reflecting the new statutes and increasing our costs slightly which reflects updated IDWR indirect overhead charges. This MOU can be continued from year to year and it too will be a part of the Resolutions for your approval later today. The current version proposed has been approved by the Committee of Nine and the IDWR and with your approval of the MOU, both parties will sign the MOU today.
- d. During the spring of 1992, the BOR requested Water District No. 1 to consider assisting in augmenting flows from the Upper Snake River for salmon smolt migration during the spring and summer of 1992. 100,000 Ac.Ft. was the proposed amount sought on a willing buyer/willing seller basis. Because of the abnormal low precipitation prior to the irrigation season, only 4,135 Ac.Ft. of water was available for rent through the rental pool with Ag. uses receiving priority in accordance with Water District No. 1 Rental Pool procedures. There were about 150,000 Ac.Ft. of requests. A Flow Augmentation Subcommittee, chaired by Roger Ling, was asked to look at how Water District No. 1 should respond to future requests for "salmon flush" water.

In view of the drought and in concert with the IDWR and the State of Idaho position, this subcommittee recommends we continue to operate on the willing buyer/willing seller basis. Your Committee of Nine agrees. Because the salmon recovery plan is to be released shortly, it is anticipated your Committee of Nine will be revisiting this issue during the ensuing year. To provide the seller with some incentive to send water below Milner, but keeping the "last-to-fill" and Ag. priority provisions of the Rental Bank Rules in effect, new rates for water rentals were established. Again, this afternoon your approval of a resolution is requested setting the rental at \$2.95 per Ac.Ft. for Ag. water and \$9.00 per Ac.Ft. for water sent past Milner. Following your approval, these new rates will be submitted to the IWRB for their approval.

- e. The new state Water District statutes would allow Committee of Nine expenses to be paid by Water District No. 1. In the past, the Committee of Nine expenses have been paid directly or indirectly by the Committee members' sponsoring organization, district or canal company. A new voucher system for Committee of Nine reimbursement was developed, approved and instituted this year.
- f. During 1990, water deliveries on the order of 15,000 Ac.Ft. were made to certain users, the payments for which have been in dispute ever since. The Rental Pool Committee met several times to resolve this issue and I can report we gave, the users gave, a compromise was agreed to, and this issue has now been resolved. This particular issue demonstrated the need to establish a small reserve fund in the Water District No. 1 budget to cover impacted parties without waiting years to resolve differences. A resolution addressing this matter is a part of the package needing your approval later this afternoon.
- g. Because there was early recognition that rental pool monies would be scarce in 1992, your Water District No. 1 operated with this in mind. I can report that we operated within the budget the water users approved last year at the annual meeting.
- h. A new organization, the "Coalition for Idaho Water," has been formed to protect Idaho water and agriculture. Formulation of the Coalition was prompted by the filing of five lawsuits in Portland and Seattle. The suits seek to require the pertinent federal agencies to enter into consultation on nearly every activity on federal land or in regard to federally constructed reservoirs. Some say decisions which will come from these suits may affect Idaho and Idaho agriculture for decades. It is the Coalition's opinion that the lawsuits will damage Idaho interests because no grazing, timber, road building, recreation activities, or other activities which directly or indirectly impact salmon species can be done until a section 7 consultation takes place. Further, there is a real concern of using more Idaho water to increase velocities through the system as the solution to the salmon problem. Your Committee of Nine has approved a \$5,000 contribution from Water District No. 1 to the Coalition. We have joined with the IWUA, IGPA, ISG, IPG, Water District No. 63, Simplot and other agriculture interests in this endeavor.

Lastly, the environmental community nationally has already organized to draft their agenda for the new Clinton administration water policies. Their proposed reforms "all call for reform in the way existing institutions govern water." Water efficiency, ecological integrity and restoration, clean water, and equity in distribution form the major bases of their proposed program. In my opinion, one of their main aims is to develop a new national water policy, avoiding individual and state confrontations, thus allowing direction in resources policy to be concentrated in Washington, D.C. where laws are made and passed.

The environmental community has demonstrated their application of resources in the past. The CVP Improvement Act allocating the first 800,000 Ac.Ft. of California's Federal Central Valley Project to fish and wildlife annually, plus surcharges on water and power to maintain an annual \$50 million fish and wildlife restoration program, is just one example.

It is my opinion your Committee of Nine's major activities over the next and ensuing years will be focusing more on these broad national water policy onslaughts which may affect Idaho's water and agriculture industries. Even with the drought continuing and short water supplies, delivering the water to Water District No. 1 water users will be viewed as the easy part, protecting our water rights will require our vigilance and emphasis and this will be the challenge for each of us.

May I take this opportunity to thank the Water District No. 1 water users for your support and specifically the Committee of Nine and advisors for their assistance. It has been my pleasure to represent you on these important water issues.

02229301

	<u>1992 Budgeted</u>	<u>1992 Actual</u>	<u>1993 Budgeted</u>
<u>HYDROGRAPHERS</u>			
Teton Basin	\$ 8,000	\$ 7,845	\$ 8,000
Idaho Falls	3,000	3,198	4,500
Lower Valley	4,500	2,492	7,000
Henrys Fork	16,000	15,060	16,000
Teton River	<u>4,100</u>	<u>4,797</u>	<u>4,100</u>
	\$ 35,600	\$ 33,392	\$ 39,600
<u>RIVER RIDERS</u>			
Rigby & Heise Div.	\$ 6,500	\$ 6,650	\$ 6,500
Blackfoot Division	3,000	2,243	3,000
Swan Valley	4,500	5,400	4,500
Upper Falls River	1,000	925	1,000
Idaho Falls	1,000	500	1,000
Willow Creek	3,000	3,167	3,000
Milner	<u>360</u>	<u>360</u>	<u>360</u>
	\$ 19,360	\$ 19,245	\$ 19,360
<u>PROGRAM EXPENSES</u>			
Automation	\$ 15,000	\$ 47,714 *	\$ 15,000
Sutron	37,500	32,760	52,000
Streamgaging	105,000	137,660	105,000
U of I Studies	<u>10,000</u>	<u>5,009</u>	<u>2,000</u>
	\$167,500	\$223,143	\$174,000
<u>EQUIPMENT EXPENSES</u>			
Furniture			\$ 1,000
Computer			6,500
PC's			<u>3,000</u>
			\$ 10,500
<u>PERSONNEL EXPENSE</u>			
Retirement	\$ 5,000	\$ 3,422	\$ 5,000
Social Security	5,000	4,287	5,000
Mileage	21,000	27,956	21,000
State Insurance Fund	2,500	3,423	2,500
Employment Insurance	500	260	500
Part-time help (F-Mad)	4,900		4,900
Misc. Hydrographer Exp.	500	295	500
Treasurer	<u>18,000</u>	<u>5,819</u>	<u>5,000</u>
	\$ 57,400	\$ 45,462	\$ 44,400
<u>MISCELLANEOUS EXPENSE</u>			
Otto Otter	\$ 500	\$ 266	\$ 500
IWUA	1,000	6,125	1,000
Postage	2,000	3,532	2,200
Supplies, Copying, Phone	2,500	3,200	2,000
Audit	3,300	2,500	5,500
Meetings	1,200	2,065	1,200
Legal Fees	<u>500</u>	<u>589</u>	<u>500</u>
	\$ 11,000	\$ 18,277	\$ 12,900
<u>WATERMASTER</u>			
IDWR Contract	\$253,000	\$230,000	\$254,330
Report	4,500	2,757	4,500
Travel	<u>2,100</u>	<u>2,525</u>	<u>1,500</u>
	\$259,600	\$235,282	\$260,330
Total	<u>\$550,460</u>	<u>\$574,801</u>	<u>\$561,090</u>
<u>UPPER VALLEY ADD ON</u>			
Committee of Nine	\$ 10,000	\$ 5,204	\$ 10,000
Legal	<u>50,000</u>	<u>22,780</u>	<u>65,000</u>
Total	<u>\$610,460</u>	<u>\$602,785</u>	<u>\$636,090</u>

*New Sutron Sites for Teton Pumpers - \$38,989.50 will be billed to pumpers

Water District 01 Profit & Loss
3/ 1/92 Through 2/28/93

Water District 1-All Accounts
3/ 1/93

Page 1

Inc/Exp Description	3/ 1/92- 2/28/93
INCOME/EXPENSE	
INCOME	
400-Fee Income:	
404-Contract Palisade	3,350.00
410-Delivery 1989	11,063.22
411-Delivery 1990	55,852.85
412-Delivery 1991	493,876.48
420-Delivery Bonn. Co. 1990	94.00
421-Delivery Frem. Co. 1990	3,287.52
424-Delivery Teton Co. 1991	8,209.06
425-Delivery Bonn. Co. 1991	3,785.48
426-Delivery Frem. Co. 1991	3,186.10
427-Delivery Madi. Co. 1991	1,310.30
Total 400-Fee Income	584,015.01
450-Rental Income:	
453-Rental Income '92	119,339.37
454-Rental Income '93	0.00
Total 450-Rental Income	119,339.37
470-Storage:	
472-Excess Storage '90	8,600.62
Total 470-Storage	8,600.62
480-Dividend/Interest Income:	
481-Merrill Lynch '92	15,037.25
482-Interest 1526-General 92	6,694.05
483-Interest 1620-Power 92	6,252.09
484-Interest 1621-Ag 92	2,877.34
485-Interest (checking) '92	2,875.46
480-Dividend/Interest Income - Other	0.06
Total 480-Dividend/Interest Income	33,736.25
490-Miscellaneous Income	922.23
492-State Insurance Refund	682.00
494-State of Idaho Treasurer	10.00
TOTAL INCOME	747,305.48
EXPENSES	
599-Operating Expenses:	
600- Program Expenses:	
605- Sutron Maintenance	32,760.00
610- Streamgaging:	
611- USGS Coop:	
612- USGS Steam Gaging	50,653.00
613- D St. Rental USGS	30,326.76
Total 611- USGS Coop	80,979.76
614- IDWR Stream Gaging	54,360.00
Total 610- Streamgaging	135,339.76

Water District 01 Profit & Loss
3/ 1/92 Through 2/28/93

Water District 1-All Accounts
3/ 1/93

Page 2

Inc/Exp Description	3/ 1/92- 2/28/93
620- U of I Contract	5,008.68
Total 600- Program Expenses	173,108.44
650-Personnel Expense:	
660-Mileage:	
661-Mileage(Wetzel/VonAchen)	1,155.70
662-Mileage (O'Brien)	4,070.30
663-Mileage (Blanchard)	2,964.26
664-Mileage (Blauer,Mills)	1,199.12
665-Mileage (Lindsay)	2,112.50
666-Mileage (Lenz)	884.01
667-Mileage (Richards)	5,020.00
668-Mileage (Brown)	5,395.00
669-Mileage (Newby)	5,154.78
Total 660-Mileage	27,955.67
675-State Insurance Fund Exp.	3,423.08
680-Hydrographer Misc Exp	294.98
685-TREASURER'S EXPENSES:	
686-TREASURER'S SALARY	739.06
687-TREASURE'S MISC	15.82
688-MILEAGE TREASURER'S	64.60
685-TREASURER'S EXPENSES - Other	5,000.00
TOTAL 685-TREASURER'S EXPENSES	5,819.48
Total 650-Personnel Expense	37,493.21
700-Miscellaneous:	
701-Otto Otter	266.24
702-IWUA	6,125.00
703-Postage	3,532.40
704-Office Supplies	886.29
706-Telephone	90.57
707-Audit	2,500.00
708-Meetings:	
709-Annual Meeting	443.00
710-Meetings-General	1,657.13
Total 708-Meetings	2,100.13
715-Legal:	
720-Shelley Project	589.38
Total 715-Legal	589.38
725-Fees for 1526,1620,1621	324.47
730-Fees for Savings/Checking	165.00
740-Gage-Staff Gaging Equip.	2,319.97
745-Miscellaneous	1,207.00
700-Miscellaneous - Other	526.80
Total 700-Miscellaneous	20,633.25
750-Watermaster:	
760-IDWR Contract	230,000.00

Water District 01 Profit & Loss
3/ 1/92 Through 2/28/93

Water District 1-All Accounts
3/ 1/93

Page 3

Inc/Exp Description	3/ 1/92- 2/28/93
770-Annual Book	2,756.60
780-Travel	2,525.21
Total 750-Watermaster	235,281.81
800-Water Bank:	
722-Idaho Water Resbord	22,131.69
810-Rental Refund	97,882.67
820-Rental Water Supplies:	
822-pwr payment	3,885.06
823-Water Bank Supp. Pmt	12,808.00
Total 820-Rental Water Supplies	16,693.06
Total 800-Water Bank	136,707.42
850-Sutron (New Sights)	47,713.78
955-Committee of Nine:	
960-Dale Rockwood	389.79
961-Leonard Beck	604.71
962-Paul Berggren	312.90
963-Merle Kunz	412.80
964-Reed Murdock	158.76
965-James Siddoway	684.10
966-Claude Storer	1,729.27
967-Jeff Marotz	313.18
968-Claude Lilya	203.20
969-Dell Raybould	395.28
Total 955-Committee of Nine	5,203.99
975-Upper Valley Expense:	
980-Legal & Other Exp.	22,779.54
Total 975-Upper Valley Expense	22,779.54
Total 599-Operating Expenses	678,921.44
Payroll-:	
Comp FICA-	3,474.28
Comp FUTA-	336.84
Comp MCARE-	812.64
Comp PERSI-	3,422.17
Comp SUI-	260.04
Gross-	56,536.04
Total Payroll-	64,842.01
Trfs. to Fund B-	189,915.44
Expenses - Other	0.00
TOTAL EXPENSES	933,678.89
TOTAL INCOME/EXPENSE	-186,373.41

SUMMARY REPORT
3/ 1/92 Through 2/26/93

Water District 1-All Accounts
2/26/93

Page 1

Inc/Exp Description	3/ 1/92- 2/26/93
INCOME/EXPENSE	
INCOME	
400-Fee Income:	
404-Contract Palisade	3,350.00
410-Delivery 1989	11,063.22
411-Delivery 1990	55,852.85
412-Delivery 1991	493,876.48
420-Delivery Bonn. Co. 1990	94.00
421-Delivery Frem. Co. 1990	3,287.52
424-Delivery Teton Co. 1991	8,209.06
425-Delivery Bonn. Co. 1991	3,785.48
426-Delivery Frem. Co. 1991	3,186.10
427-Delivery Madi. Co. 1991	1,310.30
Total 400-Fee Income	584,015.01
450-Rental Income:	
453-Rental Income '92	119,339.37
454-Rental Income '93	0.00
Total 450-Rental Income	119,339.37
470-Storage:	
472-Excess Storage '90	8,600.62
Total 470-Storage	8,600.62
480-Dividend/Interest Income:	
481-Merrill Lynch '92	15,037.25
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483-Interest 1620-Power 92	6,252.09
484-Interest 1621-Ag 92	2,877.34
485-Interest (checking) '92	2,875.46
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Total 480-Dividend/Interest Income	33,736.25
490-Miscellaneous Income	922.23
492-State Insurance Refund	682.00
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TOTAL INCOME	747,305.48
EXPENSES	
599-Operating Expenses:	
600- Program Expenses:	
605- Sutron Maintenance	32,760.00
610- Streamgaging:	
611- USGS Coop:	
612- USGS Steam Gaging	50,653.00
613- D St. Rental USGS	30,326.76
Total 611- USGS Coop	80,979.76
614- IDWR Stream Gaging	54,360.00
Total 610- Streamgaging	135,339.76

SUMMARY REPORT
3/ 1/92 Through 2/26/93

Water District 1-All Accounts
2/26/93

Page 2

Inc/Exp Description	3/ 1/92- 2/26/93
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660-Mileage:	
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662-Mileage (O'Brien)	4,070.30
663-Mileage (Blanchard)	2,964.26
664-Mileage (Blauer,Mills)	1,199.12
665-Mileage (Lindsay)	2,112.50
666-Mileage (Lenz)	884.01
667-Mileage (Richards)	5,020.00
668-Mileage (Brown)	5,395.00
669-Mileage (Newby)	5,154.78
Total 660-Mileage	27,955.67
675-State Insurance Fund Exp.	3,423.08
680-Hydrographer Misc Exp	294.98
685-TREASURER'S EXPENSES:	
686-TREASURER'S SALARY	739.06
687-TREASURE'S MISC	15.82
688-MILEAGE TREASURER'S	64.60
685-TREASURER'S EXPENSES - Other	5,000.00
TOTAL 685-TREASURER'S EXPENSES	5,819.48
Total 650-Personnel Expense	37,493.21
700-Miscellaneous:	
701-Otto Otter	266.24
702-IWUA	6,125.00
703-Postage	3,532.40
704-Office Supplies	886.29
706-Telephone	90.57
707-Audit	2,500.00
708-Meetings:	
709-Annual Meeting	443.00
710-Meetings-General	1,657.13
Total 708-Meetings	2,100.13
715-Legal:	
720-Shelley Project	589.38
Total 715-Legal	589.38
725-Fees for 1526,1620,1621	324.47
730-Fees for Savings/Checking	165.00
740-Gage-Staff Gaging Equip.	2,319.97
745-Miscellaneous	1,207.00
700-Miscellaneous - Other	526.80
Total 700-Miscellaneous	20,633.25
750-Watermaster:	
760-IDWR Contract	230,000.00

SUMMARY REPORT
3/ 1/92 Through 2/26/93

Water District 1-All Accounts
2/26/93

Page 3

Inc/Exp Description	3/ 1/92- 2/26/93
770-Annual Book	2,756.60
780-Travel	2,525.21
Total 750-Watermaster	235,281.81
800-Water Bank:	
722-Idaho Water Resbord	22,131.69
810-Rental Refund	97,882.67
820-Rental Water Supplies:	
822-pwr payment	3,885.06
823-Water Bank Supp. Pmt	12,808.00
Total 820-Rental Water Supplies	16,693.06
Total 800-Water Bank	136,707.42
850-Sutron (New Sights)	47,713.78
950-Upper Valley Expense:	
955-Committee of Nine:	
960-Dale Rockwood	389.79
961-Leonard Beck	604.71
962-Paul Berggren	312.90
963-Merle Kunz	412.80
964-Reed Murdock	158.76
965-James Siddoway	684.10
966-Claude Storer	1,729.27
967-Jeff Marotz	313.18
968-Claude Lilya	203.20
969-Dell Raybould	395.28
Total 955-Committee of Nine	5,203.99
970-Legal & Other Exp.	22,779.54
Total 950-Upper Valley Expense	27,983.53
Total 599-Operating Expenses	678,921.44
Payroll-:	
Comp FICA-	3,474.28
Comp FUTA-	336.84
Comp MCARE-	812.64
Comp PERSI-	3,422.17
Comp SUI-	260.04
Gross-	56,536.04
Total Payroll-	64,842.01
Trfs. to Fund B-	189,915.44
Expenses - Other	0.00
TOTAL EXPENSES	933,678.89
TOTAL INCOME/EXPENSE	-186,373.41

Water District 01 Profit & Loss
11/ 1/92 Through 2/28/93

Water District 1-All Accounts
3/ 1/93

Page 1

Inc/Exp Description	11/ 1/92- 2/28/93
INCOME/EXPENSE	
INCOME	
400-Fee Income:	
404-Contract Palisade	3,350.00
420-Delivery Bonn. Co. 1990	57.40
Total 400-Fee Income	3,407.40
450-Rental Income:	
454-Rental Income '93	0.00
Total 450-Rental Income	0.00
470-Storage:	
472-Excess Storage '90	8,600.62
Total 470-Storage	8,600.62
480-Dividend/Interest Income:	
481-Merrill Lynch '92	6,838.14
483-Interest 1620-Power 92	612.19
484-Interest 1621-Ag 92	952.44
485-Interest (checking) '92	390.00
Total 480-Dividend/Interest Income	8,792.77
490-Miscellaneous Income	2.45
492-State Insurance Refund	682.00
TOTAL INCOME	21,485.24
EXPENSES	
599-Operating Expenses:	
600- Program Expenses:	
610- Streamgaging:	
611- USGS Coop:	
612- USGS Steam Gaging	50,653.00
613- D St. Rental USGS	10,108.92
Total 611- USGS Coop	60,761.92
Total 610- Streamgaging	60,761.92
Total 600- Program Expenses	60,761.92
650-Personnel Expense:	
660-Mileage:	
662-Mileage (O'Brien)	224.38
663-Mileage (Blanchard)	494.26
664-Mileage (Blauer,Mills)	127.92
665-Mileage (Lindsay)	325.00
667-Mileage (Richards)	1,680.00
668-Mileage (Brown)	840.00
Total 660-Mileage	3,691.56
675-State Insurance Fund Exp.	3,423.08
685-TREASURER'S EXPENSES:	

Water District 01 Profit & Loss
11/ 1/92 Through 2/28/93

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Water District 1-All Accounts
3/ 1/93

Inc/Exp Description	11/ 1/92- 2/28/93
686-TREASURER'S SALARY	438.00
685-TREASURER'S EXPENSES - Other	5,000.00
TOTAL 685-TREASURER'S EXPENSES	5,438.00
Total 650-Personnel Expense	12,552.64
700-Miscellaneous:	
702-IWUA	5,625.00
703-Postage	500.00
704-Office Supplies	214.76
706-Telephone	42.62
707-Audit	2,500.00
708-Meetings:	
710-Meetings-General	444.97
Total 708-Meetings	444.97
715-Legal:	
720-Shelley Project	72.83
Total 715-Legal	72.83
725-Fees for 1526,1620,1621	47.37
745-Miscellaneous	450.56
Total 700-Miscellaneous	9,898.11
750-Watermaster:	
760-IDWR Contract	80,000.00
780-Travel	1,762.31
Total 750-Watermaster	81,762.31
800-Water Bank:	
722-Idaho Water Resbord	1,984.20
Total 800-Water Bank	1,984.20
955-Committee of Nine:	
960-Dale Rockwood	200.79
961-Leonard Beck	604.71
962-Paul Berggren	286.90
965-James Siddoway	445.70
966-Claude Storer	1,039.91
967-Jeff Marotz	313.18
968-Claude Lilya	203.20
969-Dell Raybould	395.28
Total 955-Committee of Nine	3,489.67
975-Upper Valley Expense:	
980-Legal & Other Exp.	22,569.04
Total 975-Upper Valley Expense	22,569.04
Total 599-Operating Expenses	193,017.89
Payroll:-	
Comp FICA-	770.70

Water District 01 Profit & Loss
11/ 1/92 Through 2/28/93

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Water District 1-All Accounts
3/ 1/93

Inc/Exp Description	11/ 1/92- 2/28/93
Comp FUTA-	31.97
Comp MCARE-	180.29
Comp PERSI-	1,059.82
Comp SUI-	44.51
Gross-	12,430.41
Total Payroll-	14,517.70
Expenses - Other	0.00
TOTAL EXPENSES	207,535.59
TOTAL INCOME/EXPENSE	-186,050.35

BALANCE SHEET
As of 2/26/93

Water District 1-All Accounts
2/26/93

Page 1

Account	2/26/93 Balance
ASSETS	
CURRENT ASSETS	
100-Petty Cash	350.00
102-Cash-Bank of Commerce	22,292.37
104-Cash-Merrill Lynch	303,186.72
108-Savings-Bank of Comm.	0.00
110-Savings-Gen.Fund	130,430.10
112-Savings-Rent.Pool Pow	2,784.23
114-Savings-Rent.Pool Ag	66,316.56
120-Assessments Rec.	43,637.52
132-Funds Held By IDWR	14,293.00
134-'90 Excess Receivable	0.00
YTD Payroll Adj-	0.00
Undeposited received payments	0.00
TOTAL CURRENT ASSETS	583,290.50
TOTAL ASSETS	583,290.50
LIABILITIES	
CURRENT LIABILITIES	
201-1993 Water Bank	0.00
202-WR-Water Bank	710.00
210-Second Yr. Power Fees	0.00
211-Prepaid Water Leases	0.00
212-Water Bank Supplier	0.00
213-'90 Water Bank Suppli	0.00
Payroll-FICA-	299.96
Payroll-FUTA-	356.52
Payroll-FWH-	158.00
Payroll-MCARE-	70.16
Payroll-PERSI-	395.20
Payroll-SUI-	4.01
Payroll-SWHID-	71.25
TOTAL CURRENT LIABILITIES	2,065.10
TOTAL LIABILITIES	2,065.10
EQUITY	
EQUITY ACCOUNTS	
300-Operations Fund	767,598.81
TOTAL EQUITY ACCOUNTS	767,598.81
CURRENT EARNINGS	-186,373.41
TOTAL EQUITY	581,225.40

BALANCE SHEET
As of 2/26/93

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Water District 1-All Accounts
2/26/93

Account	2/26/93 Balance
TOTAL LIABILITIES AND EQUITY	583,290.50

SUMMARY REPORT
11/ 1/92 Through 2/26/93

Water District 1-All Accounts
2/26/93

Page 1

Inc/Exp Description	11/ 1/92- 2/26/93
INCOME/EXPENSE	
INCOME	
400-Fee Income:	
404-Contract Palisade	3,350.00
420-Delivery Bonn. Co. 1990	57.40
Total 400-Fee Income	3,407.40
450-Rental Income:	
454-Rental Income '93	0.00
Total 450-Rental Income	0.00
470-Storage:	
472-Excess Storage '90	8,600.62
Total 470-Storage	8,600.62
480-Dividend/Interest Income:	
481-Merrill Lynch '92	6,838.14
483-Interest 1620-Power 92	612.19
484-Interest 1621-Ag 92	952.44
485-Interest (checking) '92	390.00
Total 480-Dividend/Interest Income	8,792.77
490-Miscellaneous Income	2.45
492-State Insurance Refund	682.00
TOTAL INCOME	21,485.24
 EXPENSES	
599-Operating Expenses:	
600- Program Expenses:	
610- Streamgaging:	
611- USGS Coop:	
612- USGS Steam Gaging	50,653.00
613- D St. Rental USGS	10,108.92
Total 611- USGS Coop	60,761.92
Total 610- Streamgaging	60,761.92
Total 600- Program Expenses	60,761.92
650-Personnel Expense:	
660-Mileage:	
662-Mileage (O'Brien)	224.38
663-Mileage (Blanchard)	494.26
664-Mileage (Blauer,Mills)	127.92
665-Mileage (Lindsay)	325.00
667-Mileage (Richards)	1,680.00
668-Mileage (Brown)	840.00
Total 660-Mileage	3,691.56
675-State Insurance Fund Exp.	3,423.08
685-TREASURER'S EXPENSES:	

SUMMARY REPORT
11/ 1/92 Through 2/26/93

Water District 1-All Accounts
2/26/93

Page 2

Inc/Exp Description	11/ 1/92- 2/26/93
686-TREASURER'S SALARY	438.00
685-TREASURER'S EXPENSES - Other	5,000.00
TOTAL 685-TREASURER'S EXPENSES	5,438.00
 Total 650-Personnel Expense	 12,552.64
700-Miscellaneous:	
702-IWUA	5,625.00
703-Postage	500.00
704-Office Supplies	214.76
706-Telephone	42.62
707-Audit	2,500.00
708-Meetings:	
710-Meetings-General	444.97
 Total 708-Meetings	 444.97
715-Legal:	
720-Shelley Project	72.83
 Total 715-Legal	 72.83
725-Fees for 1526,1620,1621	47.37
745-Miscellaneous	450.56
 Total 700-Miscellaneous	 9,898.11
750-Watermaster:	
760-IDWR Contract	80,000.00
780-Travel	1,762.31
 Total 750-Watermaster	 81,762.31
800-Water Bank:	
722-Idaho Water Resbord	1,984.20
 Total 800-Water Bank	 1,984.20
950-Upper Valley Expense:	
955-Committee of Nine:	
960-Dale Rockwood	200.79
961-Leonard Beck	604.71
962-Paul Berggren	286.90
965-James Siddoway	445.70
966-Claude Storer	1,039.91
967-Jeff Marotz	313.18
968-Claude Lilya	203.20
969-Dell Raybould	395.28
 Total 955-Committee of Nine	 3,489.67
970-Legal & Other Exp.	22,569.04
 Total 950-Upper Valley Expense	 26,058.71
 Total 599-Operating Expenses	 193,017.89
Payroll-:	
Comp FICA-	770.70

SUMMARY REPORT
11/ 1/92 Through 2/26/93

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Water District 1-All Accounts
2/26/93

Inc/Exp Description	11/ 1/92- 2/26/93
Comp FUTA-	31.97
Comp MCARE-	180.29
Comp PERSI-	1,059.82
Comp SUI-	44.51
Gross-	12,430.41
Total Payroll-	14,517.70
Expenses - Other	0.00
TOTAL EXPENSES	207,535.59
TOTAL INCOME/EXPENSE	-186,050.35

BALANCE SHEET
As of 2/26/93

WaterBank-All Accounts
2/26/93

Page 1

Account	2/26/93 Balance
ASSETS	
CURRENT ASSETS	
102-General Checking	109,151.07
Receivables-A/R Account	11,498.32
Undeposited received payment	0.00
TOTAL CURRENT ASSETS	120,649.39
TOTAL ASSETS	120,649.39
LIABILITIES	
CURRENT LIABILITIES	
200-1993 WB Liability	120,649.39
TOTAL CURRENT LIABILITIES	120,649.39
TOTAL LIABILITIES	120,649.39
EQUITY	
CURRENT EARNINGS	0.00
TOTAL EQUITY	0.00
TOTAL LIABILITIES AND EQUITY	120,649.39

SALES REPORT
10/ 1/92 Through 2/26/93

WaterBank-Receivables
2/26/93

Page 1

		10/ 1/92-	2/26/93
Item Code	Description	Units	Dollars
1991Ex	1991 Excess Storage Use	3,963	10,897.50
1993	1993 Water Bank Rental	37,204	109,751.89
Liability	Water Rental not yet approv	19	0.00
OVERALL TOTAL			120,649.39

1994 WATER DISTRICT BUDGET**HYDROGRAPHERS**

Teton Basin	1,000 hrs. (+ mi.)	\$ 8,000
Idaho Falls	800 hrs. (+ mi.)	4,500
Lower Valley	400 hrs. (+ mi.)	6,000
Henrys Fork	1,800 hrs. (inc. mi.)	17,000
Teton River	520 hrs. (+ mi.)	<u>4,500</u>
		\$ 40,000

RIVER RIDERS

Rigby & Heise Div.	1,200 hrs. (+ mi.)	\$ 6,500
Blackfoot Division	600 hrs. (+ mi.)	3,000
Swan Valley	480 hrs. (+ mi.)	5,500
Upper Falls River	250 hrs. (+ mi.)	1,000
Willow Creek	5 mos. @ \$550 (inc. mi.)	3,000
Idaho Falls	6 mos. @ (inc. mi.)	1,000
Milner	12 mos. @ \$ 30 (inc. mi.)	<u>360</u>
		\$ 20,360

PROGRAM EXPENSES

Automation Expansion	\$ 15,000
Sutron	52,000
Streamgaging	108,410
U of I Studies	<u>4,000</u>
	\$179,410

EQUIPMENT EXPENSES

Furniture	\$ 1,000
Computer	6,500
PC's	<u>3,000</u>
	\$ 10,500

PERSONNEL EXPENSE

Retirement	\$ 5,000
Social Security	5,000
Mileage	21,000
State Insurance Fund	3,500
Employment Insurance	500
Part-time Help	4,900
Miscellaneous Hydrographer Expense	500
Treasurer	<u>7,500</u>
	\$ 47,900

MISCELLANEOUS EXPENSE

IWUA	\$ 1,000
Otto Otter	500
Postage	2,500
Supplies, phone, copying	2,000
Audit	5,500
Meetings	1,200
Legal Fees	10,500
Committee of Nine	<u>10,000</u>
	\$ 33,200

WATERMASTER

IDWR Contract	\$254,330
Report	4,500
Travel	<u>3,500</u>
	\$262,330

Total 1993 Distribution Budget	<u>\$593,700</u>
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UPPER VALLEY

Consultants & Atty.	\$ 65,000
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	<u>1993</u> <u>Budgeted</u>	<u>1993</u> <u>Actual</u>	<u>1994</u> <u>Budgeted</u>
<u>HYDROGRAPHERS</u>			
Teton Basin	\$ 8,000	\$ 6,638	
Idaho Falls	4,500	1,515	
Lower Valley	7,000	1,561	
Henrys Fork	16,000	15,120	
Teton River	<u>4,100</u>	<u>4,362</u>	
	\$ 39,600	\$ 29,196	
<u>RIVER RIDERS</u>			
Rigby & Heise Div.	\$ 6,500	\$ 6,020	
Blackfoot Division	3,000	2,066	
Swan Valley	4,500	5,400	
Upper Falls River	1,000	803	
Idaho Falls	1,000	525	
Willow Creek	3,000	2,621	
Milner	<u>360</u>	<u>360</u>	
	\$ 19,360	\$ 17,795	
<u>PROGRAM EXPENSES</u>			
Automation	\$ 15,000	\$ 0	
Sutron	52,000	28,350	
Streamgaging	105,000	80,980	
U of I Studies	<u>2,000</u>	<u>0</u>	
	\$174,000	\$109,330	
<u>EQUIPMENT EXPENSES</u>			
Furniture	\$ 1,000	\$ 1,102	
Computer	6,500	0	
PC's	<u>3,000</u>	<u>0</u>	
	\$ 10,500	\$ 1,102	
<u>PERSONNEL EXPENS</u>			
Retirement	\$ 5,000	\$ 4,062	
Social Security	5,000	4,143	
Mileage	21,000	20,259	
State Insurance Fund	2,500	3,423	
Employment Insurance	500	271	
Part-time help (F-Mad)	4,900	7,160	
Misc. Hydrographer Exp.	500	1,040	
Treasurer	<u>5,000</u>	<u>7,022</u>	
	\$ 44,400	\$ 47,380	
<u>MISCELLANEOUS EXPENSE</u>			
Otto Otter	\$ 500	\$ 264	
IWUA	1,000	5,625	
Postage	2,200	1,830	
Supplies, Copying, Phone	2,000	1,076	
Audit	5,500	4,527	
Meetings	1,200	932	
Legal Fees	<u>500</u>	<u>2,185</u>	
	\$ 12,900	\$ 16,439	
<u>WATERMASTER</u>			
IDWR Contract	\$254,330	\$225,000	
Report	4,500	1,250	
Travel	<u>1,500</u>	<u>3,708</u>	
	\$260,330	\$229,958	
Total	<u>\$561,090</u>	<u>\$451,200</u>	
<u>UPPER VALLEY ADD ON</u>			
Committee of Nine	\$ 10,000	\$ 7,571	
Legal	<u>65,000</u>	<u>39,706</u>	
Total	<u>\$636,090</u>	<u>\$498,477</u>	



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 31, 1993

Re: Statutory Changes Regarding Financial Audits of Water Districts

Dear Water District Secretary:

A Department letter dated February 16, 1993 to all Water District Secretaries provided a reminder about Section 42-619, Idaho Code. This code section which was passed in 1989 required that districts which handle their own funds must annually submit a statement of the district's financial affairs to the Department. In addition to submitting this annual financial statement, the law also required that districts handling their own funds must have a financial audit completed by an independent public accounting firm every few years.

During the 1993 legislative session, the legislature enacted a new law which amends Section 42-619(9), Idaho Code and removes the independent financial audit requirement for most state water districts. The new law, referenced by Section 67-450B, Idaho Code (copy enclosed) identifies minimum audit requirements for all local government entities. Under the new statute, the governing body of any local government entity (i.e.; water district) whose annual budget does not exceed fifty thousand dollars (\$50,000) has no minimum audit requirements under this section. This means that any district which handles its own money and whose budget is fifty thousand dollars (\$50,000) or less does not have to have an independent public accounting firm conduct a financial audit every few years as previously required by Section 42-619(9).

Only Districts with budgets greater than \$250,000 must have a full and complete audit of its financial statements made each year. Districts with budgets between \$50,000 and \$100,000 may elect to have audits completed either every year or every two years as outlined under Section 67-450B, Idaho Code.

Please note that only the statutory requirement regarding the independent financial audit has been changed. Districts handling their own funds (i.e.; districts who collect and/or disburse their own funds) must still submit their own statement of the water district's financial affairs at the end of each fiscal year. As recommended in the Department's February 16, 1993 letter and the 1993 Watermaster Handbook, a copy of the financial statement may be submitted either with the annual water masters report or with the minutes of the annual meeting for the ensuing year. An example of an annual financial statement may be found in Appendix C of the 1993 Watermaster Handbook.

Please send a copy of this letter and attached statutes to the watermaster of your district and insert a copy of this letter in the Watermaster Handbook until such time as the Department distributes revisions of the 1993 Handbook.

Further questions regarding this matter may be directed to my attention or to any of the regional offices.

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

Tim Luke
Water Allocations

cc: Regions

State of Idaho

Water District 1

RONALD CARLSON
WATERMASTER

(208) 525-7172

Fax (208) 525-7177

900 N. Skyline Dr.

Idaho Falls, Idaho 83402-1718

CHAIRMAN
LEITH HIGGINSON

COMMITTEE OF NINE

May 3, 1993

CHAIRMAN
Dewitt Moss
Jerome

VICE CHAIRMAN
Claude Storer
Idaho Falls

SECRETARY
Leonard Beck
Burley

Jeff Marotz
Ashton

James Siddoway
Teton

Paul Berggren
Blackfoot

Dale Rockwood
Idaho Falls

Claude Liliya
Blackfoot

Wayne Lincoln
Filer

ALTERNATES
Dell Raybould
Rexburg

Leonard Scheer
Rupert

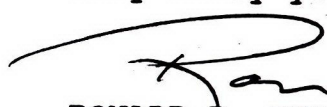
Dell Raybould
3215 N 2000 W
Rexburg, ID 83440

Dear Dell:

This CERTIFICATE OF APPOINTMENT appointing you as Assistant Treasurer of Water District No. 1 is enclosed herewith.

If you have any questions concerning your duties or responsibilities or if we can assist you in other related matters, please feel free to contact me.

Very truly yours,



RONALD D. CARLSON
Watermaster

RDC:wjm

Enclosure: Certificate

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed Delmar H. Raybould *as*
Assistant Treasurer of Water District No. 01 *for*
March 1, 1993 to February 28, 1994 *or until his successor is appointed and qualified*
under the provisions of Section 42-605 and 42-607 *, Idaho Code, at such rate of compensation as established by*
applicable law.



This certificate has been issued and the seal of the
Director affixed at Boise, Idaho this 3rd
day of May *19* 93.



W A T E R D I S T R I C T N O. 1

STATE OF IDAHO

STATE OF IDAHO

County of Madison

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 Assistant Treasure, Water District No. 1 according to the best of my ability. So help me God.

Delmar H. Raybould

Delmar H. Bayh et al
Principal

SUBSCRIBED AND SWORN to before me this 21st day of April, 1993.

Marsha L. Mahany

NOTARY PUBLIC

Residing at

SEAL

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed L. CLAUDE STORER *as*
TREASURER *of* WATER DISTRICT 01 *for*
MARCH 1 1993 - FEBRUARY 28, 1994 *or until his successor is appointed and qualified*
under the provisions of Section 42-605 and 42-607 *, Idaho Code, at such rate of compensation as established by*
applicable law.



This certificate has been issued and the seal of the
Director affixed at Boise, Idaho this 8TH
day of APRIL *19* 93.



STATE OF IDAHO

STATE OF IDAHO)
)
County of Bonn.) 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 Treasurer according to the best of my ability. So help me God.

L. Claude Stover
Principal

SUBSCRIBED AND SWORN to before me this 5 day of April, 1993.

Betty J. Thompson
 NOTARY PUBLIC
 Residing ~~BETTY J. THOMPSON, NOTARY PUBLIC~~
 Commission Expires ~~RESIDING AT IDAHO FALLS, IDAHO~~
 MY COMMISSION EXPIRES: 6-30-94

SEAL

MEMORANDUM

TO: WENDY MURPHY

FROM: TIM LUKE *TJL*

DATE: March 23, 1993

RE: WATER DISTRICT 01 - Appointment of Treasurer & Assistant Treasurer

=====

I received a copy of the attached memo from Norm Young which indicates that the Director will appoint both Claude Storer as treasurer, and Del Raybould, as assistant treasurer of Water District 01. As we did last year, I suggest that Claude, and now Del take the required oath of office before a certificate of appointment is actually made. Please coordinate with Claude and Del regarding the oath. I think that once you receive the oaths, you can probably work with Skip and/or Julie to have the actual certificates of appointment issued to Claude and Del. As suggested by Norm, the cover letter which goes with the appointments should specifically state that the Director is appointing the assistant treasurer on his own motion at the request of the Committee of Nine.

Call me at 327-7864 if you have questions.

TO: ~~GLEN~~ *Jim*

FROM: NORM *Ny*

RE: APPOINTMENT OF WATER DISTRICT TREASURERS

DATE: MARCH 19, 1993

Please prepare the certificate to appoint Claude Storer as treasurer for Water District 01. Also prepare one to have Del Raybould appointed as an assistant treasurer. Keith has some concern about appointing an assistant, but Phil indicates that Keith can do so if wants to. The cover letter should indicate that both should take the required oath and should also make it clear that Keith is appointing the assistant treasurer on his own motion at the request of the Committee of Nine.

Also, when a certificate of appointment is issued for whoever in Southern Region to act as watermaster in Golden Valley, lets clarify in the cover letter that the watermaster is authorized to collect the assessment and deposit it to the Fee Account. Because of the state's handling of the payment of expenses (the watermaster's salary thru the normal payroll), I do not see a reason to require a treasurer for the district or to require the periodic audit.

NORM

From: Phil

It seems reasonable that someone be authorized to act in the absence of the Treasurer. I, however, don't see any reference to the Assistant Treasurer approval in the Resolution. It seems doubtful the Committee of Nine has authority to make such an appointment on its own. Under 42-619(3) it would seem that the Director would have this authority to appoint if it is deemed necessary. The certificate should take the same oath as the Treasurer.

March 22, 1993

**NOTICE OF WATERMASTER TRAINING AND
WATER DISTRICT MANAGEMENT WORKSHOP**

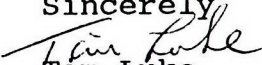
The Department of Water Resources has scheduled several workshop sessions for watermasters and interested Idaho water district water users and officials. Dates and locations of the sessions are shown below. A tentative agenda of topics is attached. All watermasters must attend one of the sessions. A watermaster handbook has been completed and will be distributed at each session. Attendance at a workshop along with receipt and session review of the handbook will provide watermaster certification. Watermasters who did not attend a 1992 training session and fail to attend a 1993 session are at risk of not being appointed by the Department.

April 1, 1993	Salmon, Idaho 8:30 - 4:30 Salmon Valley Center, City Hall 200 Main St.
April 6, 1993 *	Pocatello, Idaho 8:30 - 4:30 Heritage Room (Third Floor) Pond Student Union Building Idaho State University 1055 South 8th St.
April 8, 1993 *	Boise, Idaho 8:30 - 4:30 Room D (First Floor) Division of Environmental Quality 1410 N. Hilton

* See additional instructions or information on attached agenda

Each of the above sites will accommodate about 30 people or more. We also encourage attendance of water district secretaries, treasurers and/or advisory committee members but suggest that each district limit attendance to the watermaster and no more than two additional members. Note that we have not added a fourth workshop session in the Twin Falls-Burley area this year. We hope that those of you in these areas can attend either the Pocatello or Boise workshops. If there is enough interest, we can consider adding a fourth session somewhere in our Southern Regional area. A copy of this letter has been sent to each watermaster and district secretary. We ask that secretaries notify other interested district members.

Sincerely,


Tim Luke

Water Allocations

cc: Regions

WATERMASTER TRAINING
1993 TENTATIVE AGENDA

Sessions 1 thru 7 plan to be held in the morning from 8:30 a.m. to about 12:30 p.m. with breaks. Sessions 8 and 9 will be held in the afternoon from 1:30 p.m. until about 4:30 p.m.

TOPIC	SPEAKER
1. Welcome & Introduction	Regional Mgr. or Rep.
2. Idaho Water Districts - organization, annual meetings, watermaster election and appointment, advisory committee and resolutions etc.	
3. Watermaster Duties I - basic role & responsibilities	
4. Watermaster Duties II - Discussion from watermaster's perspective	Guest Watermaster
5. Water Right Terminology & Discussion	
6. Water Distribution	
7. Water District Reports and Budgets - Annual reports, daily record keeping, budgets, audits & assessments - Personal Computer Reports Demonstration	
LUNCH (on your own)	
8. Water Measurement - Importance of measurement - measurement examples & video	
9. Practical Application of Water Measurement - Afternoon field session, look at weir sites and review current metering.	

Additional Info: Pocatello: ISU will be on spring break April 6 and thus parking should be less competitive. Parking is available in visitor lot south of the Student Union Building. Visitor parking costs 2.00 per day using parking meters. Call ISU at 236-2297 for further information or directions if needed.

Boise: DEQ Building is the large brick and green roof building located behind the Department of Water Resources State Office. Recommend finding IDWR office and then driving behind IDWR building. Parking is in back or side of IDWR office. IDWR office address is 1301 N. Orchard and located near Orchard & Fairview Ave. Call 327-7900 for further instructions if needed.

NDPM

TO: KEITH HIGGINSON *KH*
FROM: RON CARLSON *RDC*
RE: WATER DISTRICT NO. 1 RESOLUTIONS
DATE: MARCH 10, 1993

The Committee of Nine approved the Water District No. 1 Resolutions at the March 2, 1993 annual meeting. Attached are copies of the resolutions.

WATER DISTRICT 01 ANNUAL MEETING

Resolutions 1993

1. BE IT RESOLVED, that the watermaster continue to apply the best available methods and technology to assure: accurate deliveries of natural flow and stored water, consistent regulation procedures, the availability of water supply and diversion records to the water users, and that all water users are assessed for water deliveries on a timely, accurate and equitable basis, and the preparation of the annual watermaster's report required by Idaho Code § 42-606.

BE IT FURTHER RESOLVED that:

2. The watermaster continue to expand and maintain automated data collection where it can effectively reduce personnel costs, travel costs, or result in cost or water savings for Snake River water users or assure better and more current data.
3. The water users of Water District 01 continue the cooperative program with the Idaho Department of Water Resources as outlined in the Memorandum of Understanding dated March 2, 1993, previously approved by the Committee of Nine and IDWR, and signed by the Chairman of the Committee of Nine and the Director of the Department of Water Resources, a copy of which Agreement is attached hereto as Exhibit A and made a part hereof as if set out at length herein.
4. Ronald D. Carlson be re-elected watermaster for the ensuing year, and be authorized to hire a full-time staff of a deputy, two assistants, a secretary, a data specialist, and such other assistants as provided by the adopted budget. The watermaster may hire additional assistants as authorized in Idaho Code § 42-609 in an emergency.
5. Claude Storer be elected Water District Treasurer and his annual compensation set by the Committee of Nine but not to exceed the \$5,000 provided in the 1993 Water District budget.
6. The duties of the watermaster and treasurer shall begin on this date and continue for a period of one full year.
7. The Budget for Water District 01 for the 1993 year beginning November 1, 1992 be as follows:

1993 WATER DISTRICT BUDGET

HYDROGRAPHERS

Teton Basin	1,000 hrs (+ mi.)	\$ 8,000
Idaho Falls	800 hrs (+ mi.)	4,500
Lower Valley	400 hrs (+ mi.)	7,000
Henrys Fork	1,800 hrs (inc. mi.)	16,000
Teton River	520 hrs (+ mi.)	<u>4,100</u>

\$ 39,600

RIVER RIDERS

Rigby & Heise Div.	1,200 hrs (+ mi.)	\$ 6,500
Blackfoot Division	600 hrs (+ mi.)	3,000
Swan Valley	480 hrs (+ mi.)	4,500
Upper Falls River	250 hrs (+ mi.)	1,000
Willow Creek	5 mos. @ \$550 (inc. mi.)	3,000
Idaho Falls	6 mos. @ \$450 (inc. mi.)	1,000
Milner	12 mos. @ \$30 (inc. mi.)	<u>360</u>

\$ 19,360

PROGRAM EXPENSES

Automation Expansion	\$ 15,000
Sutron	52,000
Streamgaging	105,000
U of I Studies	<u>2,000</u>

\$174,000

EQUIPMENT EXPENSES

Furniture	\$ 1,000
Computer	6,500
PC's	<u>3,000</u>

\$ 10,500

PERSONNEL EXPENSE

Retirement	\$ 5,000
Social Security	5,000
Mileage	21,000
State Insurance Fund	2,500
Employment Insurance	500
Part-time Help	4,900
Misc. Hydrographer Expense	500
Treasurer	<u>5,000</u>

\$ 44,400

MISCELLANEOUS EXPENSE

IWUA	\$ 1,000
Otto Otter	500
Postage	2,200
Supplies, phone, copying	2,000
Audit	5,500
Meetings	1,200
Legal Fees	500
Committee of Nine	<u>10,000</u>

\$ 22,900

WATERMASTER

IDWR Contract	\$254,330
Report	4,500
Travel	<u>1,500</u>

\$260,330

Total 1993 Distribution Budget

\$571,090

UPPER VALLEY

Consultants & Atty.	\$ 65,000
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8. BE IT RESOLVED that the watermaster is hereby authorized to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as necessary for the proper distribution of water and shall provide that all such real and personal property shall remain in the custody of the watermaster and the watermaster's successor.
9. WHEREAS, it is the watermaster's responsibility to assure the proper delivery of both natural flow and storage supplies to all water users, and;

WHEREAS, the normal district cost of delivering water to many water users is greater than their normal assessments would be based upon their total season use of water;

NOW, THEREFORE, BE IT RESOLVED that the watermaster of Water District 01 is hereby authorized to assess a \$20.00 minimum charge for every diversion within his jurisdiction.

10. WHEREAS, the water users of Water District 01 meeting in regular annual session find it necessary to adopt certain "on-going" resolutions to direct the watermaster and treasurer of the district in certain aspects of district operations;

NOW, THEREFORE, BE IT RESOLVED that the Water District 01 budget prepared pursuant to Idaho Code § 42-615, and adopted in Resolution No. 7 at this Water District 01 annual meeting, shall become the basis for the official billing of the amount of said budget for the succeeding year to the respective water users, using the actual deliveries for the past irrigation season or seasons, as the basis for said distribution of such billing to the individual water users, canal companies, and irrigation districts, and is hereby authorized to collect all of the amounts billed.

The treasurer shall establish and maintain a general account and shall cause to be deposited all monies received pursuant to the billing and shall make all disbursements as necessary to conduct the business of administering and delivering the waters of the district.

That no ditch, canal company, or other water users shall have the right to demand and receive water, and the watermaster shall not deliver to such person until receipt of the amount due and payable from such user.

That copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and the report prepared in accordance with Idaho Code § 42-615, shall be filed with the director of the Department of Water Resources and with the county auditors of Bonneville, Madison, Teton, and Fremont Counties in accordance with Idaho Code § 42-617.

11. WHEREAS, it is in the best interest of the water users of Water District 01 to account for all diversions which might adversely affect any prior natural flow or storage diversions;

BE IT RESOLVED that the watermaster shall collect records of water diversions during the entire year.

12. BE IT FURTHER RESOLVED that the Committee of Nine be designated the Advisory Committee under Idaho Code § 42-605 and be continued with nine regular members. The members representing the Burley and Minidoka Irrigation projects are to be alternated between the two districts as they arrange. In addition, advisory members representing the Bureau of Reclamation, Teton Basin, AFRD #2 Canal, A & B Irrigation, the Wyoming State Engineer and a member from the Burley or Minidoka District, whichever is not currently represented on the regular committee be included.

13. WHEREAS, the members of the Committee of Nine, as the Water District's Advisory Committee, are elected to represent the general interest of the water users;

NOW, THEREFORE, BE IT RESOLVED that the Committee of Nine is hereby authorized to:

- (a) Advise and consult with the watermaster and director in matters related to water distribution.
 - (b) Serve as the Resolutions Committee for the annual Water District meeting.
 - (c) Take those actions necessary to represent and protect the interests of the water users of the district.
 - (d) Employ such legal, engineering, technical and clerical services as may be deemed necessary by the Committee.
 - (e) Make and execute such contracts and agreements as may be deemed necessary or convenient.
 - (f) To do such other things as the Committee shall deem to be beneficial to the water users of the District.
14. BE IT HEREBY RESOLVED that in accordance with the provisions of the March 2, 1993 Memorandum of Understanding with IDWR, the watermaster is hereby designated manager of the rental pool for the Committee of Nine.
15. BE IT FURTHER RESOLVED that the Committee of Nine is hereby ratified as the local committee for the rental of stored water under Idaho Code § 42-1765.

16. BE IT RESOLVED that the Committee of Nine as the duly elected Advisory Committee be authorized a maximum of \$100,000 of available funds to be expended as needed as approved by the Committee of Nine from the separate account maintained by the district treasurer of funds retained from the lease of stored water from the rental pool to be used only for the following purposes upon approval of the Committee of Nine:

- (1) Expenses of the District.
- (2) Improvements to the district's facilities, including a reasonable reserve for future improvements.
- (3) Educational projects designed to increase public awareness in the area of water distribution, water rights and water conservation.
- (4) Other public projects designed to assist in the adjudication, conservation or more efficient distribution of water.
- (5) For involvement in legislative and agency deliberations on issues involving water quantity and quality which could effect water users of the Water District.
- (6) To reimburse Advisory Committee members in accordance with the policy attached hereto as Exhibit B.

17. BE IT RESOLVED that the Water District establish a reserve fund to cover rental pool payment disputes which are deemed the responsibility of the district, to an amount of \$100,000.00, the funds to be designated and held in the separate account of district funds retained from the lease of stored water from the rental pool.

BE IT FURTHER RESOLVED that the treasurer may only invest pursuant to the public depository law as provided in Idaho Code § 42-1765.

18. WHEREAS, the Water District's Credentials Committee has historically specified that "no person be elected to membership and service on the Committee of Nine and Credentials Committee unless he be a land owner and a water user...";

IT IS THEREFORE RESOLVED that water user and land owner shall be defined as follows:

1. One who owns an irrigated farm that is comprised of more than twenty (20) irrigated acres, that has valid surface water rights deliverable by the Water District 01 Watermaster.

2. One who has received over 50 percent of his annual income during one or more of the past ten years from farming activities.
19. WHEREAS, it is in the interest of all water users to have the water rights within Water District 01 delivered according to the priority system; and,

WHEREAS, the accounting system now used by Water District 01 requires that each diversion have assigned to it a specific list of decreed, licensed, and storage entitlement; and,

WHEREAS, those diversions which have no record of water rights on file with the Department of Water Resources or the water district office will, necessarily be taking storage water any time a diversion takes place.

NOW, THEREFORE, BE IT RESOLVED that no diversion shall be allowed to divert water unless the proper list of rights for that diversion are found in the watermaster's records or proper arrangements have been made to procure an adequate water supply prior to the start of the irrigation season.

20. BE IT RESOLVED that the annual Water District 01 meeting shall hereafter be held on the first Tuesday of March of each year; and

BE IT FURTHER RESOLVED that the water users of Water District 01 waive mailed notice of the annual meeting and direct publication of the meeting notice for two (2) consecutive weeks in an appropriate number of newspapers located throughout the district.

21. WHEREAS, the water users located above Blackfoot, excluding Aberdeen Springfield Canal Company, (Upper Valley) have chosen to collectively retain legal counsel; and,

WHEREAS, it is their desire to have the watermaster assess the Upper Valley water users for these legal services in proportion to their water use;

NOW, THEREFORE, BE IT RESOLVED this second day of March 1993, that the watermaster hereby be authorized to assess canals located above Blackfoot (excluding Aberdeen Springfield Canal Company) for legal fees and other appropriate expenses associated with representing the collective interest of the Upper Valley.

BE IT FURTHER RESOLVED that such charges may not exceed the amount budgeted during the current year.

BE IT FURTHER RESOLVED that the district treasurer shall maintain said amounts in a separate account and that payment therefrom shall ONLY be made when authorized by the Upper Valley Committee of Nine Representatives.

22. BE IT RESOLVED that the amendment to 8.2 of Water District 01 Rental Pool Rules and Regulations be approved as hereafter set out and transmitted to the Idaho Water Resource Board for approval.
23. WHEREAS, the Idaho Water Resources Board has adopted a Comprehensive State Water Plan for the Henry's Fork Basin after holding public hearings over a two year period and amending the original plan several times in order to formulate a plan that adequately protects the outstanding streams in the Henry's Fork Basin while leaving some streams without protection so that future water storage projects can be built in the basin, and

WHEREAS, House Bill 136 which approves the Henry's Fork Plan as adopted by the Idaho Water Resources Board passed in the Idaho House of Representatives by unanimous vote and is currently being considered by the Senate Resources and Environment Committee, and

WHEREAS, environmental groups have written a river protection plan known as the Henry's Fork 279 which proposes to protect stream segments in the Henry's Fork Basin which clearly do not meet the definitions of Natural and Recreational Rivers as described in the Comprehensive State Water Plan Act, and

WHEREAS, the Henry's Fork 279 plan is being proposed to the Idaho Legislature as Senate Bill 1171 and will be considered by the Senate Resources and Environment Committee.

NOW THEREFORE, BE IT RESOLVED that Water District 01 in it's annual meeting on March 2, 1993, supports House Bill 136, and opposes Senate Bill 1171 both of which are currently before the Senate Resources and Environment Committee.

BE IT FURTHER RESOLVED that copies of this resolution be immediately sent to the Chairman and each member of the Senate Resources and Environment Committee and to the Governor of the State of Idaho.

WATER DISTRICT 01
RENTAL POOL PROCEDURES

- 8.2 The rental price for 1993 shall be \$2.95 including the State Water Board surcharge of \$0.20 and the district's administrative charge of \$0.75 per acre foot for both irrigation and non-irrigation water uses above Milner Dam. Any water rented below Milner Dam for any use shall be subject to a surcharge of an additional \$6.05 per acre foot of which \$5.50 per acre foot shall accrue to the lessor and \$0.55 to the Idaho Water Resource Board and shall also be subject to Rule 3.6 of the rental pool rules.

Any spaceholder who puts water in the rental pool for lease but must thereafter lease water from the rental pool, shall pay \$0.75 per acre foot administrative charge.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 30, 1992

DeWitt Moss, Chairman
Committee of Nine
Water District 1
269-B South 300 East
Jerome, Idaho 83338

RE: Water District 1/IDWR Memorandum of Understanding

Dear DeWitt:

Enclosed is a copy of the revised MOU cleaned up to remove the underline/strike-out changes. As we discussed last week, the MOU provides for approval at the Water District annual meeting in March 1993. Because of the change to the indirect rate, it will be cleaner if the MOU is not signed until then and we operate on the existing MOU through the remainder of this water district budget year.

Revisions which are essentially clerical in nature have been made to the last sentence of (1) near the middle of page 3 in an effort to clarify this provision that you described as confusing during the Committee of Nine meeting in Burley. Please let me know if this resolves your concern or if a further change is needed.

Sincerely,

Norman C. Young
By W. Cline

NORMAN C. YOUNG
Administrator

cc: Ron Carlson

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into by and between the Director of the Department of Water Resources, (hereinafter called the Director) and the water users of Water District No. 1, Upper Snake River, (hereinafter called Water District No. 1) acting through the Water District advisory committee known as the Committee of Nine.

WHEREAS, the statutes of the State of Idaho provide for the Director to have direction and control of the distribution of the waters of the state to those holding valid rights to the use thereto; and

WHEREAS, the Water District No. 1 authorized the Committee of Nine, as advisors to, and elected representatives of the water district, by resolution duly adopted at the March 2, 1993, annual meeting of the water users of the district to enter this memorandum of understanding continuing a cooperative program with the Director to provide watermaster services for Water District No. 1 and

WHEREAS, the Committee of Nine will, among other things, serve as advisors to the Director and the watermaster in matters relating to the distribution of the natural flow and stored water within the district:

NOW, THEREFORE, the Director agrees to provide the following services to Water District No. 1, effective upon the execution of this memorandum of understanding and to continue to provide the services from year-to-year as herein provided upon election of the regional manager of the Department as watermaster and the adoption of a budget by the water users at the annual water district meeting authorizing expenditures in accordance with the purposes of this memorandum of understanding:

- 1) To provide watermaster services to Water District No. 1 for the period from the effective date of this memorandum until the end of any subsequent water district year as agreed to by the water users of Water District No. 1 at their annual meeting and the director of the Department. Such watermaster services will be provided under the direction of the regional manager of the Department's Eastern Region consistent with the provisions of Title 42, Idaho Code.

- 2) To provide the equivalent of 2/3 of a person year of the Regional manager as watermaster throughout the Water District year and to provide any additional part time

or full time employees as necessary for the water distribution operations of Water District No. 1 in accordance with its adopted budget.

3) To provide office space as necessary for operation of Water District No. 1 and to provide Department vehicles for use by full-time employees of the Department, to conduct Water District business, and to share the use of other Department equipment and facilities as are necessary to equitably distribute the waters to the users within Water District No. 1.

WATER DISTRICT NO. 1 agrees as follows:

1) To pay the Department, on an advance basis, sufficient funds to cover the costs of operations incurred in providing watermaster services to Water District No. 1 provided, however, that reimbursement for the watermaster shall not exceed 2/3 of the personnel costs of the regional manager and provided further that all other costs incurred in conducting Water District No. 1 business will be paid in full. Indirect costs will be paid at the rate approved by the Department of the Interior Inspector General and current at the time of the water district annual meeting. The approved indirect rate shall be reduced in recognition of the Department's statutory responsibility to supervise water distribution by subtracting in the indirect calculation any personnel costs included for the Director and the Administrator of the Water Management Division.

Mileage and per diem costs will be based upon the rate provided by state law for state employees.

The Department will credit the District for a portion of the District's expenditures to the U.S. Geological Survey for the cooperative streamgaging program. The amount credited each year will be one-half (1/2) the amount the district pays for that year to the U.S. Geological Survey for operation of certain streamgages the Director determines are needed for data collection purposes needed by the Department other than and in addition to the District's water distribution data needs.

THE PARTIES mutually agree that:

1) The regional manager and any other persons directly employed by the Department as classified state employees, performing duties on behalf of Water District No. 1 under this memorandum will only perform duties necessary to:

MEMORANDUM OF UNDERSTANDING - 2

a) Deliver and account for distribution of natural flow and stored water within the District,

b) Provide assistance to the Committee of Nine in operating the local rental pool. This assistance will include accepting applications to put water into the pool and to rent water from the pool, receipting and depositing funds associated with the bank, providing information on the water in the bank and rentals therefrom. The Committee of Nine, or its designated subcommittee will determine the water leases and rentals and approve all disbursements of rental pool money.

c) Prepare reports and proposed budgets as required by Title 42, Idaho Code.

d) Provide technical assistance and information to the Committee of Nine and the Department relative to the water distribution and water banking duties of the watermaster.

The Committee of Nine will make other arrangements for representation and management of any other interests of the water users within the Water District as directed at the annual meeting.

2) The director of the Department and the chairman of the Committee of Nine shall consult annually prior to the end of the water district's fiscal year concerning the continuation of this memorandum and any need for modification of it.

3) This memorandum of understanding will continue from year to year and can be amended or terminated at any time by agreement of the director of the Department and Water District No. 1, on the recommendation of the Committee of Nine.

4) This memorandum of understanding supersedes and replaces the memorandum of understanding dated March 3-4, 1979.

5) Nothing in this agreement will act to change, modify, or release either party of any obligation or responsibility otherwise provided by contract or by law.

R. KEITH HIGGINSON
Director
Department of Water Resources

DEWITT MOSS
Chairman
Committee of Nine/Water District No. 1

Date: _____

Date: _____

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into by and between the Director of the Department of Water Resources, (hereinafter called the Director) and the water users of Water District No. 1, Upper Snake River, (hereinafter called Water District No. 1) acting through the Water District advisory committee known as the Committee of Nine.

WHEREAS, the statutes of the State of Idaho provide for the Director to have direction and control of the distribution of the waters of the state to those holding valid rights to the use thereto; and

WHEREAS, the Water District No. 1 authorized the Committee of Nine, as advisors to, and elected representatives of the water district, by resolution duly adopted at the March 2, 1993, annual meeting of the water users of the district to enter this memorandum of understanding continuing a cooperative program with the Director to provide watermaster services for Water District No. 1 and

WHEREAS, the Committee of Nine will, among other things, serve as advisors to the Director and the watermaster in matters relating to the distribution of the natural flow and stored water within the district:

NOW, THEREFORE, the Director agrees to provide the following services to Water District No. 1, effective upon ~~signature~~ the execution of this memorandum of understanding and to continue to provide the services from year - to - year as herein provided upon election of the regional manager of the Department as watermaster and the adoption of a budget by the water users at the annual water district meeting authorizing expenditures in accordance with the purposes of this memorandum of understanding:

1) To provide watermaster services to Water District No. 1 for the period from the effective date of this memorandum until the end of any subsequent water district year as agreed to by the water users of Water District No. 1 at their annual meeting and the director of the Department. Such watermaster services will be provided under the direction of the regional manager of the Department's Eastern Region consistent with the provisions of Title 42, Idaho Code.

2) To provide the equivalent of 2/3 of a person year of the Regional manager as watermaster throughout the Water District year and to provide any additional part time or full time employees as necessary for the water distribution operations of Water District No. 1 in accordance with its adopted budget.

3) To provide office space as necessary for operation of Water District No. 1 and to provide Department vehicles for use by full-time employees of the Department, to conduct Water District business, and to share the use of other Department equipment and facilities as are necessary to equitably distribute the waters to the users within Water District No. 1.

WATER DISTRICT NO. 1 agrees as follows:

1) To pay the Department, on an advance basis, sufficient funds to cover the costs of operations incurred in providing watermaster services to Water District No. 1 provided, however, that reimbursement for the watermaster shall not exceed 2/3 of the personnel costs of the regional manager and provided further that all other costs incurred in conducting Water District No. 1 business will be paid in full. Indirect costs will be paid at the rate approved by the Department of the Interior Inspector General and current at

the time of the water district annual meeting. The approved indirect rate shall be reduced in recognition of the Department's statutory responsibility to supervise water distribution by subtracting in the indirect calculation any personnel costs included for the Director and the Administrator of the Water Management Division. ~~Application of the change in indirect rate from that previously approved shall be implemented over a three-year period effective the date of this agreement as follows:~~

~~(1) For the first year, the rate is to be increased from 14.2% by one third of the difference between 14.2% and the Department indirect rate for FY 1992 and rounded to the nearest whole number. The calculation is as follows:~~

$$\text{First Year} = 14.2\% + 1/3 (35\% - 14.2) = 21\%$$

~~(2) For the second year, the rate is to be increased from the first year rate by one-half of the difference between the first year rate and the Department indirect rate for FY 1993. The calculation is as follows:~~

$$\text{Second Year} = 21\% + 1/2 (35\% - 21\%) = 28\%$$

~~(3) For the third year, the rate is to be increased to the Department indirect rate for FY 1994.~~

Mileage and per diem costs will be based upon the rate provided by state law for state employees.

The Department will credit the District for a portion of the District's expenditures to the U.S. Geological Survey for the cooperative streamgaging program. The amount credited each year will be one-half (1/2) the amount the district pays for that year to the U.S. Geological Survey for operation of certain streamgages the Director determines are

needed for data collection purposes needed by the Department other than and in addition to the District's water distribution data needs.

THE PARTIES mutually agree that:

1) The regional manager and any other persons directly employed by the Department as classified state employees, performing duties on behalf of Water District No. 1 under this memorandum will only perform duties necessary to:

a) Deliver and account for distribution of natural flow and stored water within the District.

b) Provide assistance to the Committee of Nine in operating the local rental pool. This assistance will include accepting applications to put water into the pool and to rent water from the pool, receipting and depositing funds associated with the bank, providing information on the water in the bank and rentals therefrom. The Committee of Nine, or its designated subcommittee will determine the water leases and rentals and approve all disbursements of rental pool money.

c) Prepare reports and proposed budgets as required by Title 42, Idaho Code.

d) Provide technical assistance and information to the Committee of Nine and the Department relative to the water distribution and water banking duties of the watermaster.

The Committee of Nine will make other arrangements for representation and management of any other interests of the Water District as directed at the annual meeting.

2) The director of the Department and the chairman of the committee of nine shall consult annually ~~at least sixty (60) days prior to the water district meeting to discuss~~

the implementation prior to the end of the water district's fiscal year concerning the continuation of this memorandum and any need for modification of it.

3) This memorandum of understanding will continue from year to year and can be amended or terminated at any time by agreement of the director of the Department and Water District No. 1, ~~acting through~~ on the recommendation of the Committee of Nine.

4) This memorandum of understanding supersedes and replaces the memorandum of understanding dated March 3-4, 1979.

5) Nothing in this agreement will act to change, modify, or release either party of any obligation or responsibility otherwise provided by contract or by law.

SIGNED this _____ day of _____, 1993.

R. KEITH HIGGINSON
Director
Department of Water Resources

DEWITT MOSS
Chairman
Committee of Nine or Water District No. 1

PROPOSED

Draft July 9, 1992
Approved October 29, 1992

COMMITTEE OF NINE

MEETING REIMBURSEMENT RULES

1. All Committee of Nine expenses must be approved by Chairman.
2. All requests for reimbursement must be on an approved form with copies of receipts attached.
3. Reimbursement is intended only for official Committee of Nine and Sub-committee meetings called by Chairman or Vice-Chairman, or other meetings approved in advance by Committee of Nine.
4. Reimbursement shall include per diem (\$30/day), mileage (0.28¢/mi.), meals, travel, and room (if necessary).
5. Reimbursement is intended for Committee of Nine members who are not on Government payroll or employed by an irrigation district or canal company. If the Committee of Nine approves per diem and reimbursement for a Government, irrigation district or canal company employee, reimbursement shall be made to the employer.
6. Advisors (except lawyers) and/or Alternates to regular Committee of Nine meetings shall not be authorized per diem and reimbursement for regular Committee of Nine meetings but shall be reimbursed if they serve on a special Committee of Nine Subcommittee, or attend other meetings approved by the Committee of Nine.

06249201.JAR

COMMITTEE OF NINE
MEETING REIMBURSEMENT

DATE AND PLACE OF MEETING: _____

PURPOSE OF MEETING: _____

OFFICIAL POSITION: _____

PER DIEM \$ 30.00

PERSONAL CAR USAGE _____ MILES \$ _____
(at 28 cents per mile)

MEALS \$ _____

LODGING \$ _____

AIR FARE \$ _____

OTHER TRAVEL FARE \$ _____

MISCELLANEOUS \$ _____
(Parking, tips, cab, etc.)

TOTAL \$ _____
(Attach all available receipts)

Committee Member (Signature)

APPROVED:

Chairman, Committee of Nine

AMOUNT REIMBURSED \$ _____

Date _____ Bookkeeper's Initials _____ Check # _____

Water District no. (01) is being skipped
as part of the microfilm process for
now per instructions from Jay Spalman
and Tim Luke → as of 4-3-93. (previously)
Evidently, Eastern Regional office
has a tremendous amount of paper
work for Dist. (#01) filed and
stored ~~at~~ there. State office
has (1) box located in vault.
Can't microfilm until all (01) records are
together for Organization & documents.