

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

R. P. PARRY
BERT LARSON
C. G. McINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. RSHOLT
FRED D. DECKER
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
JAMES C. TUCKER
STEVEN K. TOLMAN

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 733-3722

ET. M. ROBERTSON (1911-1977)
JOHN H. DALY (1913-1968)

RECEIVED

September 7, 1978

SEP 11 1978

Department of Water Resources

Mr. Rod Vissia
Regional Director
Department of Interior
Federal Bldg. & U.S. Courthouse
Box 043 - 550 West Fort Street
Boise, Idaho 83724

Mr. Steve Allred, Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

DIRECTOR	
DEPUTY DIR.	
RESO. ADMIN.	
RESO. ANALYSIS	
OPER. BUREAU	
TECH. SER. BUR.	
PROJ. STUD. BUR.	
LEGAL	
FISCAL	
PERSONNEL	
FILES OI WD	
Permanent file	

Re: Rental of Water - Water District No. 1 Upper Snake River Basin

Gentlemen:

Les Saunders, Chairman of the Committee of Nine, and Bill Watt have advised me of the recent discussions held by the Committee of Nine concerning the lease of water in the Upper Snake River Basin in certain years by the so-called "pool committee". While I recognize that this committee operates through the cooperative efforts of the users who wish to make their water available for lease, the Bureau of Reclamation, and the Water District, I became concerned this year when it was called to my attention that the Rental Committee had received a letter from the attorney for the J. R. Simplot Company (which owns Glen Dale Ranches south of the Milner Low Lift Irrigation District tract) that he took the position that the Company had a continuing right to the use of the water, presumably under Article XV, Section 4 of the Idaho Constitution.

As you know, we employed Professor Doug Grant of the University of Idaho, College of Law in our office last year. As a part of our continuing relationship, I asked him to research the question. I supplied him with a copy of the Committee of Nine minutes and specifically Resolution No. 9. I further made available to him the proposed agreement that Ron Carlson, the Watermaster, had worked out for those seeking to lease water in subsequent years. Doug also had a copy of the letter received from Simplot's lawyer.

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Page 2
September 7, 1978

He has prepared a memorandum, a copy of which I enclose. Essentially, he concludes that the Article XV, Section 4 argument is finessed by the fact that the lease has been only of surplus water.

One reason for writing today is to encourage a slightly more sophisticated approach toward the lease of surplus storage water in subsequent years. While I recognize that Ron Carlson's draft of a letter may well cover the situation, obviously we should not have delivered in 1978 to Glen Dale Farms when their lawyer crossed out the portion of the rental agreement which attempts to specifically set out a waiver of any right to future deliveries.

It seems to me that we should probably have a session of those concerned to work out a particular agreement. Some other considerations that we may be thinking about should include as follows:

1. Can storage water from a federal reservoir be utilized on land other than the lands irrigated at the time of the Palisades Contract and to which the water was subsequently decreed?
2. Does the use of water from any reservoir in the Upper Snake River Basin invoke the application of the 160 Acre Regulations in December of 1979 when they are made effective?
3. Should not the charge for rental water be increased to what is anticipated to be the acre foot charge for American Falls water for the 1979 season, even if bonds have not yet then been sold? There is some general reclamation law that indicates that one cannot profiteer on the sale of water in a federal reservoir. On the other hand, I think we should thoroughly research whether or not the annual lease of surplus water falls within the parameter of this rule. A substantial administrative charge should be included.

I recognize that the drought year created some problems concerning the lease of water. Perhaps some things were done that were slightly beyond what would be better for all concerned. Perhaps we should re-think this total question and eliminate any bugs that may exist.

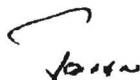
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Page 3
September 7, 1978

It seems to me that the district may indirectly have a hammer with the Glen Dale Farms situation if their counsel persists in fighting the waiver matter. All of the water supplied to Glen Dale Farms must be pumped through the Milner Low Lift system and that district has a short-term agreement to supply the water. I am sure if enough pressure were brought to bear on the Milner Low Lift Irrigation people, they would be willing to help us assert a position of clout.

Thank you for your consideration of this letter. To avoid confusion, I think that we should leave it to Steve Allred to organize through Ron Carlson the meeting at which we might discuss these matters and come up with an acceptable agreement for use in future years.

Sincerely,



JOHN A. ROSHOLT

JAR:bg

cc: Ben Brooks
Josephine Beeman
Carlos Randolph
Les Saunders
Bill Watt
Ron Carlson
Roger Ling
Kent Foster

P.



United States Department of the Interior

BUREAU OF RECLAMATION
MINIDOKA PROJECT OFFICE
BOX 549
BURLEY, IDAHO 83318

IN REPLY
REFER TO: 100
511.

September 5, 1978

RECEIVED

SEP 6 1978

Department of Water Resources

*V NCK
W. SARTON
JDE Fleener
Copy to
Carlson*

Mr. C. Stephen Allred, Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

*File in 01 WD
Permanent File*

Dear Steve:

The Bureau of Reclamation's proposed guidelines for "Rental of Storage Water - Minidoka Project" were discussed at the Committee of Nine meeting held in Idaho Falls, Idaho, August 30, 1978.

They are as follows:

1. Water will be committed for rental on a voluntary basis and in writing.
2. All requests for rental of water will be in writing and forms will stipulate that this is on a temporary and annual basis without in any way establishing a permanent water right.
3. All lands for which rental water is requested, shall have a bona fide water right from the State of Idaho and the rental water will be only a supplemental supply.
4. All those requesting water on a rental basis shall comply with the Federal Reclamation Laws and regulations issued pursuant thereto.
5. All requests for water rental shall comply with these guidelines before water may be delivered to the requesting party.

After some discussion, it was agreed that I should submit the above proposed guidelines to your office for consideration.

We in turn would appreciate having your comments and an outline of any proposals you may have to develop a workable rental package for next irrigation season.



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We would welcome a meeting with you and your staff at your convenience and will await your reply.

Sincerely yours,

Carlos C. Randolph

Carlos C. Randolph
Project Superintendent

cc: Regional Director, Boise, Idaho
Field Solicitor, Boise, Idaho, Attn: 150



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7188

August 21, 1978

RE: Water District 01

Mr. Ronald D. Carlson
1515 Lincoln Rd.
Idaho Falls, ID 83401

Dear Ron:

As per your request, we have appointed Harold Blauer as Deputy Watermaster for the 1978 irrigation season for Water District 01.

A CERTIFICATE OF APPOINTMENT is enclosed for you to present to him.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:jf

Enclosures

cc: IDWR - State Office

To: JAR

From: DIG

Re: Dedication of Leased Water Under Article 15, Section 4

Date: August 15, 1978

FACTS

Some irrigation district and canal company water contracts with the Bureau of Reclamation on the Minidoka Project are for supplemental water. That is, the stored project water supplements direct flow or other rights of the district or company. In years of ample precipitation the districts and companies do not need all of the supplemental water covered by their contracts.

For years the surplus water has been leased to others. The leasing program is administered under the auspices of Water District No. 1. For the current year the watermaster has drafted a letter to lease applicants which reads in part as follows:

"As you are aware, storage water has traditionally been made available upon a year-to-year basis. Many people have, over the years, become dependent upon rentals as their sole water supply. Unfortunately, no water right or priority has ever been established which can be recognized in delivering rental waters.

". . . you should be aware that any agreement to rent water during 1978 does not represent any commitment to provide you with rental water in the future."

Similarly, a document for the 1978 irrigation season entitled

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"Rental Agreement" which is to be signed by the lessee states in part: "I understand that present and past use of rental storage water does not establish any water right or assure me of future water right deliveries." Whether such disclaimers about future water delivery have been communicated to lessees since the commencement of leasing is not known, but I understand the practice is probably of recent vintage.

The watermaster is aided in making water rental policy decisions by a storage pool committee appointed by the chairman of the Committee of Nine. The storage pool committee is usually made up of the watermaster, one member of the Committee of Nine, and the Superintendent of the Minidoka Project.

ISSUE

Do lessees have a perpetual right to receive water upon the ground that it has been dedicated to their use under Idaho Constitution article 15, section 4 or any other ground?

CONCLUSIONS

1. A dedication under article 15, section 4 is only of the character of the water supplied. The surplus water leased for agricultural use probably is dedicated to that use, but the dedication would be only of surplus water. In a year in which there is no surplus, article 15, section 4 would not give a lessee of surplus water any right to water.

2. Because of its trust responsibilities to landowners within its boundaries, an irrigation district lacks power to commit water needed within the district for use outside the district. Thus, an attempt by an irrigation district to lease non-surplus water for use outside the district would be ultra vires and void.

3. There is a difference between an actual constitutional dedication and estoppel to challenge water deliveries outside an irrigation district. Even though a district may have no power to commit non-surplus water to users outside its boundaries, a district and its members may become estopped to deny water to users outside district boundaries--- at least if the district has functioned in the nature of a mutual company in supplying users outside its boundaries.

4. If lessees of Minidoka Project water have been led justifiably to believe that their leases entitle them to water without regard to whether the irrigation districts and canal companies with Bureau contracts have a surplus, it is possible that the districts and companies may be estopped to assert the contrary. Estoppel would require the passage of a long period of time, such as 20 years, as well as substantial investment by lessees in reliance. If disclaimers of continuing delivery contained in the 1978 leasing documents have been used for a number of years, the possibility of estoppel should be foreclosed. Even if such disclaimers are new, lessees might well have difficulty in proving the facts

necessary for a claim of estoppel.

CONSTITUTIONAL PROVISIONS

Article 15, section 4: "Whenever any waters have been, or shall be, appropriated or used for agricultural purposes, under a sale, rental, or distribution thereof, such sale, rental, or distribution shall be deemed an exclusive dedication to such use; and whenever such waters so dedicated shall have been once sold, rented or distributed to any person who has settled upon or improved land for agricultural purposes with the view of receiving the benefit of such water under such dedication, such person, his heirs, executors, administrators, successors, or assigns, shall not thereafter, without his consent, be deprived of the annual use of the same, when needed for domestic purposes, or to irrigate the land so settled upon or improved, upon payment therefor, and compliance with such equitable terms and conditions as to the quantity used and times of use, as may be prescribed by law."

Idaho Code § 42-914 is a statutory enactment of essentially the same language.

Article 15, section 5: " Whenever more than one person has settled upon, or improved land with the view of receiving water for agricultural purposes, under a sale, rental, or distribution thereof, as in the last preceding section of this article provided, as among such persons, priority in time shall give superiority of right to the use of such water in the numerical order of such settlements or improvements; but whenever the supply of such water shall not be sufficient to meet the demands of all those desiring to use the same, such priority of right shall be subject to such reasonable limitations as to the quantity of water used and times of use as the legislature, having due regard both to such priority of right and the necessities of those subsequent in time of settlement or improvement, may by law prescribe."

DISCUSSION

A. Constitutional Dedication

In Niday v. Barker, 16 Idaho 73, 101 P. 254 (1909), the Court held that the plaintiff's rental of water for two and one-half years for irrigation of his land resulted in a dedication of such water for use on his land. The Court hastened to explain the meaning of an article 15, section 4 dedication, however:

"In this connection it should be remembered that a dedication within the purview of the constitution is commensurate only with the character and kind of the waters dedicated and the use and regularity of the use to which they were applied. If the waters received and used and applied by a subsequent settler and claimant were a part of the waters included within the appropriation of prior claimants and were merely waters they were not, for the time, claiming or using, then the dedication and right to the subsequent use thereof would only go to such waters, and would merely constitute a claim for the use of such waters as are not needed or applied by prior consumers at any given time during any subsequent season. It is true that it will become a somewhat indefinite and uncertain right, and yet it will be a fixed right to the particular class of waters." 16 Idaho at 79. (Emphasis added.)

Thus, the article 15, section 4 guarantee of "annual use" operates only to the extent that water of the character dedicated is available in a given year.

Niday v. Barker states the basic rule governing the rights of lessees of Minidoka Project water. If they leased only surplus water not needed by entities with regular Bureau contracts in a given year, then the dedication is only of surplus water. They would not be entitled to water when, because of lack of precipitation or other cause of shortage, the irrigation districts and canal companies with Bureau contracts for supplemental water do not have a surplus.

In rejecting an argument by the defendant irrigation district in Niday v. Barker that it lacked enough water to continue to supply the plaintiff, who was situated at the end of the district's delivery system, the Court stated a presumption.

"It is not likely that prior claimants to waters of the canal system who are entitled to receive and use water therefrom have allowed water to be carried past them from year to year, and on down to the extreme end of the canal system and there delivered to a subsequent settler and user. The very fact that water was carried past all other appropriators along the line of the canal and down to the very last settler at the extreme end of the system raises a prima facie presumption that there was sufficient water for this purpose left over after all other users and consumers had been supplied." 16 Idaho at 78.

In assessing possible application of this presumption to Minidoka Project water, it seems unlikely that many lessees would be physically situated analogous to the plaintiff in Niday v. Barker. More importantly, when the water under lease is supplemental water which is not likely to be fully needed by the contracting irrigation districts and canal companies regularly, there would seem to be much less factual basis for applying a presumption. Finally, even if there were a presumption, the Court's use of the term "prima facie" indicates it would be rebuttable rather than conclusive.

B. Estoppel

Niday v. Barker states the fundamental rule which should govern the present situation at least as to lessees who understood all along that they were leasing merely surplus water.

As to any lessees who were led to understand they were getting something more than that (if there are any), the situation is more complex and involves a series of cases: Yaden v. Gem Irrigation Dist., 37 Idaho 300, 216 P. 250 (1923); Bradshaw v. Milner Low Lift Irrigation Dist., 85 Idaho 528, 381 P.2d 440 (1963); Jensen v. Boise-Kuna Irrigation Dist., 75 Idaho 133, 269 P.2d 755 (1954); and Jones v. Big Lost River Irrigation Dist., 93 Idaho 227, 459 P.2d 1009 (1969).

These cases establish that once water has been used on irrigation district land, it becomes dedicated to use on that land; and any attempt by the directors of the district to obligate such water for use on land outside the district during times when it is needed within the district is ultra vires and void. When the facts of Yaden are read with discussion of that case in Bradshaw, it would appear that the dedication occurs (and the ultra vires limitation arises) as soon as the district acquires the water right, i.e., even before the complete supply of water has been fully utilized on lands within the district. Perhaps the rationale for this is that district lands become subject to assessment for the cost of storing the water even before the full water right is actually used on them. At any rate, the result in the present case should be that it would be ultra vires for an irrigation district (or canal company) with a Minidoka Project contract for supplemental water to make a commitment or lead a lessee to believe he has a commitment to receive

water at times when it is needed within district boundaries (or by canal company shareholders).

The complication comes in determining whether the district and its landowners might be estopped to raise the *ultra vires* point against a lessee who has regularly received water under an expectation that he will continue to do so without regard to whether the district has a surplus. Yaden says:

"The waters were originally appropriated and the systems constructed to apply water to land owners within the boundaries of the district and all persons dealing with the directors or officers of the district are bound to take notice of the various enactments conferring authority upon the directors or officers of the district and the limitation of their powers. The delivery of water by the directors or officers of an irrigation district to exterior lands would simply be an act ultra vires, except in such cases where the district acquired the system burdened with the duty to deliver water without its boundaries, or in case of surplus water." 37 Idaho at 310.

The statement that lessees are on notice of the limitations upon the leasing powers of irrigation districts cuts against estoppel on the ground that no lessee could have a justifiable expectation of receiving non-surplus water.

The Jensen case is even stronger:

"It follows that any water owned by the district and thus dedicated to the irrigation of lands within the district, cannot be supplied to lands outside the district so long as it is needed for the proper irrigation of lands within the district. The officers of the district have no power to contract for the delivery or supplying of such water for use outside the district. Any contract attempting to create or impose an obligation on the district to supply or make available any such water for any such purpose

is ultra vires and void. It also follows that any attempt by the directors of the district to create such an obligation cannot be made the basis of estoppel against the district. Otherwise, the will and purpose of the legislature, and the public policy established by its dedication of such water to the lands within the district, could be defeated by ill-advised contracts of the directors." 75 Idaho at 141-42 (dictum).

The Yaden and Jensen statements about estoppel are clouded by the Jones case, however. Jones was a suit by persons outside an irrigation district against the district for failure to deliver water during a dry year. The Court, in reviewing the evidence, characterized the district as "primarily an irrigation district" with "some additional duties which cause it to function as a ditch company." 93 Idaho at 228. The Court denied the plaintiffs' claim. First the Court relied upon the Yaden ultra vires theory and said the district had no duty to supply water to the plaintiffs when it was needed for lands within district boundaries. Then the Court took up the plaintiffs' argument that the district was estopped to discontinue water delivery because it had functioned as a mutual ditch company and delivered water outside the boundaries of the district for many years. The plaintiffs relied upon Johnson v. Strong Arm Reservoir Irrigation Dist., 82 Idaho 478, 356 P.2d 67 (1960) and Hillcrest Irrigation Dist. v. Nampa & Meridian Irrigation Dist., 57 Idaho 403, 66 P.2d 115 (1937).

The Court made two responses: (1) "The doctrine of estoppel does not apply to use of surplus or waste water.

Jensen v. Boise-Kuna Irr. Dist., supra." 93 Idaho at 230.

(2) The two estoppel cases cited by the plaintiffs were distinguishable, said the Court, because in both the irrigation districts had functioned as mutual ditch companies for over 20 years, while the plaintiffs had received water only for three and one-half years. A possible implication, however, is that estoppel might operate if a longer period had passed.

Turning to the two cases argued by the plaintiffs in Jones, the Hillcrest case involved estoppel but not estoppel of an irrigation district or its members to raise an ultra vires claim against exterior landowners. The Johnson case did involve estoppel of district members to make such an ultra vires claim. However, the counsel in Johnson agreed that the district had failed to function in accordance with the law governing irrigation districts. The Court said its practices tended more toward those of a mutual ditch company. It had sold shares of water stock to persons outside district boundaries. The Court did not even mention the anti-estoppel language in the Jensen case decided six years earlier. Arguably at least Johnson and Jensen can be reconciled on the ground that estoppel to raise the ultra vires limitation is available only when an irrigation district has functioned as a mutual ditch company. (The plaintiffs' argument in the later Jones case was cast in terms of estoppel

of an irrigation district which "has functioned as a mutual ditch company." 93 Idaho at 230.) The cases do not define the characteristics of such functioning. However, it may involve the issuance of stock (as distinguished from the giving of a lease). Presumably it should involve use of the physical facilities of the district to deliver water to users outside its boundaries. If so, it seems unlikely that many lessees could qualify for the protection of estoppel.

There are further factual obstacles to operation of estoppel in the present situation. First, if statements of disclaimer of continued supply like those used in 1978 leasing papers have been made over the years, no lessee could make a case of justifiable expectation of receiving water without regard to whether there is a surplus. Second, the 1978 rental agreement states: "I understand that present and past use of rental storage does not establish any water right or assure me of future water deliveries." Even if such language has not been used over the years, a lessee who assents to it in 1978 might be deemed to waive any claim of estoppel he might otherwise have. Arguably this would not involve waiver of a constitutional right but only waiver of a claim of estoppel, since an irrigation district lacks power to make an actual article 15, section 4 dedication of non-surplus water to exterior lands. The limitations on the waiver possibility are that some lessees may cross out the disclaimer when signing a lease and others may claim coercion

because of threatened loss of even surplus water if they did not sign. Third, arguably under the Yaden statement that people who deal with an irrigation district are bound to know its limitations, no lessee can claim a justifiable expectation of continuous supply without regard to whether there is surplus water. Fourth, if water was not supplied to lessees in a dry year for lack of any surplus and the lessees did not object at that time, this would be circumstantial evidence that they in fact understood their rights were limited to surplus water.

C. Miscellaneous

1. I have assumed that the irrigation districts and canal companies with Bureau contracts would be treated as the actual lessors of water, even though the leasing program is not actually administered by them. I am not sure who ultimately receives the lease rental payments. If they are not credited to the irrigation districts and canal companies, perhaps that would affect the analysis.

2. It is conceivable that some of the above conclusions under state law could be preempted because of inconsistency with a dominant federal policy. Since my attention has not been called to any particular potential federal-state conflict, however, I have not analyzed this issue at this time. I would only note in passing that the recent decision in California v. U.S., 98 S.Ct. 2985 (1978), seems to

allow assertion of state policy regarding surplus water on federal projects absent inconsistency with fairly explicit congressional directive.

3. If the lessees have a continuing right only to surplus water and there is enough surplus for some but not all regular lessees, there is the question of how to determine which of them get water. Since I am not aware of any controversy over this particular issue (I expect a settled practice has developed), I have not researched it specifically. Again, in passing I note that article 15, section 5 provides priority in time gives superiority of right subject to regulation by the legislature as to the quantity of water used and times of use, with due regard to priority of right and the necessities of those subsequent in time. If some lessees have been able to obtain their own permits or licenses (or decreed rights) for the leased water and others have not, it is at least arguable that the provisions of Idaho Code § 42-607 would have to be followed by the watermaster. This section, of course, calls for distribution to the holders of decreed, permit or licensed rights ahead of users lacking such documentation.

4. Arguably there is ambiguity in the statement of the 1978 letter to lease applicants: "any agreement to rent water during 1978 does not represent any commitment to provide you with rental water in the future." Does this mean there is no commitment even though plenty surplus water is available in the future? Or does it mean only that there is no commitment

that surplus water will be available?

5. There is some question about whether even clear language of disclaimer could avoid an article 15, section 4 dedication of surplus water (to the extent surplus should be available in the future). The sentence after the semicolon in that section seems to require that a person receive water with a particular "view" in order to have the water dedicated to his use. Is it enough if his expectation is to receive water for agricultural use under a sale, rental, or distribution thereof (which under the literal language before the semicolon automatically becomes dedicated to agricultural use) or must he have an expectation of receiving water annually before the section 4 guarantee of water becomes operative?

There is no definitive answer, although there are some indications that an expectation of continued supply is necessary. The syllabus by the court in Wilterding v. Green, 4 Idaho 773, 45 P. 134 (1896), indicates that; but there does not seem to be comparable language in the opinion proper. Also, explanation of article 15, section 4 at the constitutional convention by its president, a Mr. Claggett, indicates a purpose to protect people who have settled on land under a promise of receiving water supply. 2 Idaho Constitutional Convention 1178, see also Mellen v. Great Western Beet Sugar Co., 21 Idaho 353, 122 P. 30 (1912) (suggesting Claggett's views are entitled to weight in inter-

preting the section). However, as a matter of strict logic Claggett's statement would not necessarily preclude broader application of article 15, section 4.

6. If lessees have a right to water only when there is a surplus (which should be the case absent estoppel), the Yaden case, supra, may be significant for what it says about determining whether there is a surplus. The district in that case was not obligated to continue to supply water to a person outside its boundaries after it ceased to have a surplus due to an increase in the amount of land irrigated within the district. The expansion of irrigated land within the district occurred within about a decade after the district was created. Whether expansion more remote in time would be allowed to reduce the calculation of surplus water was, of course, not before the Court. It is possible that the Court's view of a district's trust responsibilities to its member landowners would allow even more remote expansion to reduce surplus available to lessees.

PARRY, ROBERTSON, DALY & LARSON
ATTORNEYS-AT-LAW
P. O. BOX 1908
IDAHO FIRST NATIONAL BANK BUILDING
TWIN FALLS, IDAHO 83301
(208) 733-3722

Date: 7/28/78

To: Doug Conant

Re: This is Agreement
the Water Dist. uses for
Rental Water.

PARRY, ROBERTSON, DALY & LARSON

By TLR

P

ROUTING SLIP

July 25, 1978

DATE _____ TIME _____

TO: Attorney Rosholt	REF. No. (if any)
FROM: (show title) Ronald D. Carlson	

- | | | |
|---|--|--|
| FOR YOUR: | REVIEW AND: | PER: |
| <input checked="" type="checkbox"/> Information | <input type="checkbox"/> Call Me <input type="checkbox"/> See Me | <input type="checkbox"/> Our Conversation |
| <input type="checkbox"/> Approval | <input type="checkbox"/> Comment & Return | <input checked="" type="checkbox"/> Your Request |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Take Proper Action | <input type="checkbox"/> Boss's Request |
| | <input type="checkbox"/> Draft a Reply for Me | |

PARRY, KYLE, DAILY & LARSON
 JUL 27 1978
 7 8 9 10 11 12 1 2 3 4 5 6 P.M.

P



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 1

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Your application to rent _____ acre feet of storage water during the 1978 irrigation season has been reviewed and it appears that there will be ample water available to fill your request.

As you are aware, storage water has traditionally been made available on a year-to-year basis. Many people have, over the years, become dependent upon rentals as their sole water supply. Unfortunately, no water right or priority has ever been established which can be recognized in delivering rental waters.

The Idaho Department of Water Resources, the Bureau of Reclamation and the Committee of Nine are presently working together to develop a procedure to make future rentals available on a more dependable basis. Until this is worked out you should be aware that any agreement to rent water during 1978 does not represent any commitment to provide you with rental water in the future.

We have enclosed a form that you will need to complete and return to this office with your check in the amount of \$ _____. This will allow your water needs to be considered in any rental allocation procedure which may be adopted in the future.

Very truly yours,

RONALD D. CARLSON
Watermaster

RDC:cw

Enclosure

P.

R E N T A L A G R E E M E N T

I hereby request the rental of _____ acre feet
of storage water during the 1978 irrigation season. I understand that
present and past use of rental storage water does not establish any
water right or assure me of future water right deliveries.

The lands I wish to irrigate with rented water are described
as follows:

This water will be diverted from _____
(stream or river)
at a point within _____, Section _____, Township _____,
(legal 1/16 section)
Range _____, B.M., _____
(county)

I would like this land included in any program that may be
developed for allocating rental water in the future.

I understand the rental cost for 1978 is \$.75 per acre foot,
\$.25 of which represents the administrative and handling charges of
Water District No. 01.

(signed)

DATE: _____

P.

PARRY, ROBERTSON, DALY & LARSON
ATTORNEYS-AT-LAW

P. O. BOX 1906
IDAHO FIRST NATIONAL BANK BUILDING
TWIN FALLS, IDAHO 83301
(208) 733-3722

Date: 7/25/78

To: Dave Coors

Re: Coors Problems Lease on Water

Resolution #1 of Attached

PARRY, ROBERTSON, DALY & LARSON

By Parson

P.

MINUTES OF ANNUAL MEETING OF WATER DISTRICT NO. 01
Idaho Falls, Idaho, March 6, 1978

The 1978 annual meeting of Water District No. 01 was called to order at 10:10 a.m. in the Westbank Restaurant, Idaho Falls, Idaho, by Watermaster Designate Ronald D. Carlson.

Motion was made by Willis Walker that Leonard Graham be elected as temporary chairman. Motion was seconded and carried by unanimous vote.

Reed Murdock was elected temporary secretary.

The minutes of the March 7, 1977, annual meeting were read by Reed Murdock. It was moved by George Jacobs and seconded by Leo Robison that the minutes be approved as read. Motion carried.

Chairman declared a recess for selection of the Committees on Organization and Order of Business, Credentials, and Committee of Nine. Those nominated for the Order of Business Committee were: Carlos Neilson, Murray Hammond, Martin Bergman, Norman Hillan, Gale Shepard, Leo Hebdey, Glen Larson, Joe Baranaga and Walt Bybee.

Those on the Credentials Committee were Ferris Young, Jack Tominaga, Preston Atchley, Keith Erickson, Frank Kinghorn, Bill Rudd, Bob Burks, Jay Holbrook and Maurice Sharp.

Nominees for the Committee of Nine were: Kenneth Anderson, Reed Murdock, Homer Jones, Reed Oldham, Clyde Beck, William Watts, Lester Saunders, Burdell Curtis, George Stromire as an alternate and Leo Robison.

Wendell Johnson, Carlos Randolph, and Merle Kunz were nominated as Advisory Members.

All members previously mentioned were duly elected.

A roll call of the canals entitled to vote was read by Reed Murdock. Of 110 canals with a total vote of 179,762 votes, 68 canals with total votes of 151,916 were represented.

The 1978 Report of the Committee on Organization and Order of Business:

"We recommend that the temporary organization be made permanent and the following be adopted as the order of business of this meeting:

1. Appointment of a temporary organization.
2. Reading of minutes of previous meeting (omitting the resolutions).

3. Recess for caucus.
4. Roll call of canals shall be held while Committee on Organization, Order of Business, and Committee on Credentials are in caucus.
5. Report of committees.
6. That the temporary organization be made permanent.
7. Financial report of District.
8. Election of Committee of Nine.
9. Resolutions.
10. Election of Watermaster.
11. Unfinished business.
12. New business.
13. Committee of Nine shall serve as a permanent resolution committee and anyone desiring to present a resolution is requested to present it to the Committee of Nine on or before their last meeting prior to Water District No. 01 general meeting.

/s/ Martin Bergman, Chairman"

Upon motion by Reed Murdock, seconded by Willis Walker, the report of the Committee on Organization and Order of Business was adopted by unanimous vote.

1978 Report of Committee on Credentials:

"We, your Committee on Credentials, recommend the following for your consideration:

1. That the representatives of different rights be determined by roll call in advance of voting.
2. That the companies or other organizations owning decreed water rights shall be entitled to vote through their duly elected officers or by written proxy. Each stockholder or any company not represented by duly elected officers or by written proxy shall be entitled to vote the stock held by them.
3. That in case two or more officers are present from any canal company, they shall select one man to vote the stock of said company.
4. That power rights be not recognized in voting.
5. That no person be elected to membership and service on the Committee of Nine, Committee on Organization and Order of Business, or

Credentials Committee unless he be a landowner and wateruser in the canal company or irrigation district which he represents during the term of his office.

/s/

Motion that the report by the Credentials Committee be approved was made by Reed Murdock and seconded by George Jacob. Motion carried.

Ronald D. Carlson, Watermaster Designate, read the Annual Report to the waterusers. It was moved and seconded that the report be accepted. Motion carried.

Meeting recessed for lunch at 11:45 a.m., and reconvened at 1:10 p.m.

The program portion of the afternoon meeting included the following guest speakers:

Chairman Graham introduced Steve Allred, Director of the Department of Water Resources. Mr. Allred indicated the state had received a grant of \$690,000.00 under the National Drought Relief Program to update facilities needed by state water districts. He indicated the water district had received highest priority for these funds and that under this program, the water district would gain a computer capability and 50 canals within the district were being equipped with gage houses and stage recorders.

Steve Allred said the State Water Plan was a major issue before the legislature this session, and that several alternative proposals have been presented. Allred expressed the opinion that he felt the legislature would adopt a modified version of the State Water Plan as an alternative to the hydropower protection initiative.

Carlos Randolph, Superintendent of the Minidoka Project, introduced Rod Vissia, Regional Director of the Bureau of Reclamation, who informed the water users a nine-foot restriction had been placed on Jackson Lake Reservoir. This restriction, amounting to 222,640 acre feet of storage, was imposed because Bureau investigations indicated the hydraulic fill in the north portion of the dike was not safe under earthquake conditions. Mr. Vissia indicated that the nine feet of space could be used for short periods of time for flood control purposes.

Leo Busch, Chief of Reservoir and River Operations of the Bureau's Minidoka Project outlined the water supply season. Data displayed by Mr. Busch indicated that all of the major water sheds are well above normal and that there appeared to be little question that all major reservoirs, with the exception of Jackson Lake, would fill. As of March 3, 1978, American Falls was 72% full, Henry's Lake was 88% full, Island Park was 78% of capacity, Jackson Lake and Palisades were at 39% and 25% respectively. He indicated Palisades was being held down to handle anticipated flood flows this spring.

Ted Diehl, a member of the Legislative Committee of the Idaho Water Users Association, gave a run down on bills presently before the Idaho Legislature. He indicated a large amount of legislation which would be of interest to water users. He urged individuals to make their opinions known to their legislators.

Leon Grieve, member of the Education Committee of the Idaho Water Users Association, reported on the Association's safety program for school children last year and made proposals for the coming year. He announced the 1978 first aid program which will be conducted at various locations within the state.

Chuck Brockway, of the U of I Experiment Station, outlined a research program in which they hoped to evaluate the efficiencies of certain irrigation systems within the district. He indicated this research hoped to identify areas of excessive loss within delivery systems, determine present water use efficiencies and identify improvements which would have the greatest benefit to the company or irrigation district. He urged canal companies who would be interested in having their systems evaluated to contact him.

Ronald Carlson expressed an optimistic outlook for the coming year. He indicated that the drought of 1977 may have been a blessing in disguise since it pointed out weaknesses of the present water accounting procedures, allowed American Falls Reservoir to be evacuated to complete the reconstruction of the American Falls Dam, and it made money available to the water district to make certain needed improvements.

Mr. Carlson said he was confident that, with the computer accounting procedures, he hopes to implement this summer, the water users within Water District No. 01 will have available much better information more rapidly than was possible in the past. He also expressed the hope that the watermaster would be more available to act upon individual problems within the district.

The attached resolutions were presented by Reed Murdock.

Upon motions duly made and seconded, each of the attached resolutions was adopted as presented for the coming year.

A motion was presented by Leonard Graham and seconded by Homer Jones that Ronald D. Carlson be elected watermaster for the ensuing year. Motion carried by unanimous vote.

Two additional resolutions honoring Willis Walker and Leonard Graham were presented by John Rosholt.

Meeting adjourned at 4:10 p.m.

Respectfully submitted,


REED MURDOCK, Secretary

P.

WATER DISTRICT NO. 01

March 6, 1978

RESOLUTIONS

Resolution No. 1. That the watermaster be requested to make such changes in the established water distribution practices as will result; in more accurate deliveries of natural flow and stored water, improved regulation procedures to assure deliveries of all water rights by priority, to improve the availability of water supply and diversion records to the water users, and to assure that all water users are charged for water deliveries on accurate and equitable basis.

Resolution No. 2. Since the Director of the Department of Water Resources is charged by Section 42-602, Idaho Code, with the distribution of all water from streams and rivers in the state and since all watermasters in the state must be appointed and supervised by the Director of the Department of Water Resources pursuant to Section-42-608, Idaho Code, it is hereby recommended that the waterusers of Water District No. 01 enter into a cooperative program with the Idaho Department of Water Resources to provide watermaster services as outlined in a Memorandum of Understanding signed by the Chairman of the Committee of Nine and the Director of the Department of Water Resources on March 5, 1978.

Resolution No. 3. We recommend that Ronald D. Carlson be elected watermaster for the ensuing year, including a staff of a deputy, assistant and a clerk, with an aggregate salary of \$40,953.00. This amount represents 67% of the salary of the watermaster and the salaries of the watermaster and clerk shall be paid from non-water district funding provided by the Idaho Department of Water Resources.

Resolution No. 4. Resolved that the duties of watermaster shall begin on this date and continue for a full period of one year.

Resolution No. 5. Proposed budget for Water District No. 01 for year beginning April 1, 1978:

Hydrographers:

Teton Basin	4½ mos. @ \$750 (+ mileage)	\$ 3,375.	
Idaho Falls area	4½ mos. @ \$800 (+ mileage)	3,600.	
Lower Valley	4 mos. @ \$800 (+ mileage)	3,200.	
Henry's Fork	5 mos. @ \$825 (+ mileage)	4,125.	
Falls River	150 days @ \$ 35 (incl mileage)	5,250.	
Teton River	130 days @ \$ 35 (incl mileage)	4,550.	\$24,100.

River Riders:

Heise Division	100 days @ \$ 20 (incl mileage)	2,000.	
Rigby Division	100 days @ \$ 20 (incl mileage)	2,000.	
Blackfoot Division	100 days @ \$ 20 (incl mileage)	2,000.	
Swan Valley	100 days @ \$ 20 (incl mileage)	2,000.	
Upper Fall Ri. Div.	4 mos. @ \$180 (incl mileage)	720.	
South Leigh Creek	250 days @ \$ 4 (incl mileage)	1,000.	
Willow Creek	5 mos. @ \$500 (incl mileage)	2,500.	\$12,220.

P.

Balance forward

\$ 36,320.

Miscellaneous

Transportation	50,000 @ 20¢ per mi.	\$ 10,000.	
Subsistence & Travel (watermaster and staff)		1,000.	
Watermaster & staff Social Security		4,736.	
Insurance (Workmen's Compensation)		1,000.	
Health, Life, Retirement, etc.		5,533.	
Maintenance & construction		2,000.	
Rent office space		2,500.	
Part-time help		2,000.	
Telephone & telemark		1,200.	
Postage & P.O. Box rent		900.	
Supplies, watermaster's bond, misc.		1,500.	
Printing, binding watermaster report		600.	
Interest on loans		1,500.	
Ground water investigations		2,250.	
Computer costs		5,667.	\$ 43,146.
<u>Watermaster & staff</u>		\$40,953.	40,953.
<u>Streamgaging operations</u> - proportionate share		17,256.	17,256.
<u>Committee of Nine</u>		2,000.	2,000.
	GRAND TOTAL		<u>\$139,675.</u>

Resolution No. 6. Resolved that the watermaster shall prepare a report in accordance with Idaho Code, Section 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 expenses of delivering the waters of the District, including his salary and that of his assistants, and shall make all disbursements necessary to the conduct of the business of administering and delivering the waters of the District.

Resolved that no ditch, canal company, or other water user 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.

Resolved that copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and the report prepared in accordance with Section 42-614, shall be filed with the county clerks of Bonneville, Madison, Teton and Fremont Counties.

Resolution No. 7. We recommend that the Committee of Nine be continued with nine regular members, the members representing the Burley and Minidoka Irrigation Districts are to be alternated between the two districts as they may arrange. In addition, advisory members representing the Bureau of Reclamation, Teton Basin, Gooding Canal, and a member from the Burley or Minidoka District, whichever is not desiring to have representatives attend meetings of the Committee of Nine should notify the watermaster, who will then advise them of dates and times of committee meetings so that they may have an opportunity to attend such meetings.

P.

Resolution No. 8. Whereas in the operation of Water District 01 it is necessary to borrow money at times to meet expenses of operation prior to collection from the canal companies at the close of the irrigation season.

Therefore, be it resolved that the watermaster or his designated representative on the Committee of Nine is hereby authorized to borrow from time to time during the year ending March 31, 1979, such sums as are necessary to pay outstanding bills, signing notes as authorized office of District No. 01 as security therefore, the total amount of any such outstanding indebtedness at any one time not; however, to exceed \$60,000.

Resolution No. 9. Whereas, the operation of the storage pool committee in past years has proved to be of valuable assistance to the watermaster in providing an orderly distribution of rental water.

Therefore, be it resolved, that a pool committee again be appointed by the Chairman of the Committee of Nine for the following purposes:

1. to determine general policy regarding source of rental water;
2. to assist the watermaster in the allocation of rental water;
3. to consult with the watermaster on ways to most fully utilize available storage water.

Resolution No. 10. Whereas, it is in the best interest of the water users of Water District No. 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.

Resolution No. 11. Whereas, Mr. Clifford N. Scoresby served on the Committee of Nine faithfully and conscientiously for 24 years, 19 of them as secretary; and, whereas his career and services were terminated by his death on August 3, 1977,

Now therefore, be it resolved, by the waterusers of Water District No. 01 at their annual meeting held in the City of Idaho Falls, Idaho, this sixth day of March, 1977, that they express their deep appreciation for his many years of dedicated service, and

Be it further resolved, that this expression of appreciation be conveyed to his family.

P.

RECEIVED

Forward to Eastern

RECEIVED



1978
Water Resources
District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER DISTRICT NO. 1

AUG 2 1978

DEPARTMENT OF WATER RESOURCES
Eastern District Office

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

RECEIVED

JUL 25 1978

Department of Water Resources
Eastern District Office

OFFICIAL OATH

STATE OF IDAHO

COUNTY OF Cassia

I do solemnly swear that I will support the Constitution of the United States, and the constitution and laws of this State; that I will faithfully discharge all the duties of the office of Deputy Watermaster of Water District No. 01 to the best of my ability. So help me God.

David M. Blauer

Subscribed and sworn to before me this 10th day of July, 1978.

Mat Shaw

Residing at: Burley Idaho

My commission expires: July 1, 1979



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

September 15, 1978

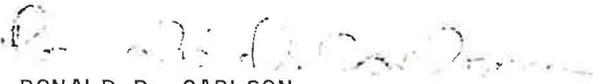
Mr. Harold Blauer
Deputy Watermaster
Water Dist. 01
608 West 21st
Burley, Idaho 83318

Dear Mr. Blauer:

Enclosed herewith is your CERTIFICATE OF APPOINTMENT as Deputy Watermaster for Water District 01. This appointment is for the 1978 irrigation season.

Please feel free to call upon this office whenever we can be of assistance to you.

Very truly yours,


RONALD D. CARLSON
Water District 01

RDC:JF

Enc: Certificate of Appointment
Deputy Watermaster

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed Harold Blauer *as*
Deputy Watermaster *of* Water District 01 *for*
the 1978 irrigation season *or until his successor is appointed and qualified*
under the provisions of Section 42-609, 42-801 *42-802*, *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 _____
day of _____ *19* _____.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7188

October 10, 1978

Mr. Ronald D. Carlson
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Watermaster:

In accordance with Chapter 6, Section 42-614 of the Idaho Code, and department regulations, the watermaster of each district is required to submit an annual report in TRIPLICATE for each county served, to the Department of Water Resources. The department will forward one copy to the County Treasurer, another copy will be sent to the secretary of the water district, and the third copy will be retained in the files of the Department of Water Resources. Please be certain all of the report is complete.

In accordance with Chapter 6, Section 42-615 of the Idaho Code, and department regulations, the watermaster is required to submit a watermaster's Proposed Budget. The budget is to be made up from the deliveries for the past irrigation season or seasons. This budget must be made in DUPLICATE for each county served, and ALL copies forwarded to the Department of Water Resources.

We are enclosing sufficient forms for making out the Watermaster's Report and the Proposed Budget.

Do not fail to send the Watermaster's Daily Record Books along with the report and budget.

Very truly yours,

LOY H. JOHNSON
Senior Resource Agent

Encl: Watermaster's Report Forms
Proposed Budget Forms

SCANNED
JUL 25 2023



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

RECEIVED

JUL 19 1978

Department of Water Resources
Eastern District Office

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

July 13, 1978

RE: Water District 01

Mr. Ronald D. Carlson
1515 Lincoln Rd.
Idaho Falls, ID 83401

Dear Ron:

As per your request we have appointed John Dee O'Brien as Deputy Watermaster for the 1978 irrigation season for the Upper Teton Basin of Water District 01.

A CERTIFICATE OF APPOINTMENT is enclosed for your to present to Mr. O'Brien.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:jd

Enc.

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

July 13, 1978

RE: Water District 01

Mr. Ronald D. Carlson
1515 Lincoln Rd.
Idaho Falls, ID 83401

Dear Ron:

As per your request we have appointed John Dee O'Brien as Deputy Watermaster for the 1978 irrigation season for the Upper Teton Basin of Water District 01.

A CERTIFICATE OF APPOINTMENT is enclosed for your to present to Mr. O'Brien.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:jd

Enc.

cc: IDWR - State Office

RECEIVED

JUL 12 1978

Department of Water Resources
Eastern District Office

July 7, 1978

RE: Water District 01

Mr. Ronald D. Carlson
1515 Lincoln Rd.
Idaho Falls, ID 83401

Dear Ron:

As per your request, we have appointed Arthur Larson, Dennis Dunn, Lee Wright and Val Richards as Deputy Watermasters for the 1978 irrigation season for Water District No. 01.

A CERTIFICATE OF APPOINTMENT is enclosed for you to present to each of the respective Deputy Watermasters.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:jd

Enclosures

cc: IDWR - State Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed Lee Wright *as*
Deputy Watermaster *of* Water District 01, Teton, Fremont and
Madison Counties *for*
the 1978 irrigation season *or until his successor is appointed and qualified*
under the provisions of Section 42-609, 42-801 *42-802*, *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 _____
day of _____ *19*_____.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER DISTRICT NO. 1

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RECEIVED

JUL 12 1978 JJA

OFFICIAL OATH

Department of Water Resources
Eastern District Office

STATE OF IDAHO

COUNTY OF Teton

I do solemnly swear that I will support the Constitution of the United States, and the constitution and laws of this State; that I will faithfully discharge all the duties of the office of Deputy Watermaster of Water District No. 01 to the best of my ability. So help me God.

John Reed'Brien

Subscribed and sworn to before me this 11th day of July, 1978.

Janice M. Sweet

Residing at: Victor, Idaho

My commission expires: Life

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed John Dee O'Brien *as*
Deputy Watermaster *of* The Upper Teton Basin *for*
the 1978 irrigation season *or until his successor is appointed and qualified*
under the provisions of Section^{42-609, 42-801}42-802*, 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 _____
day of _____ *19* _____.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER DISTRICT NO. 1

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RECEIVED

JUL 5 1978 *JWJ*

Department of Water Resources
Eastern District Office

OFFICIAL OATH

STATE OF IDAHO

COUNTY OF Fremont

I do solemnly swear that I will support the Constitution of the United States, and the constitution and laws of this State; that I will faithfully discharge all the duties of the office of Deputy Watermaster of Water District No. 01 to the best of my ability. So help me God.

Val Richards

Subscribed and sworn to before me this 28th day of June, 1978.

Ronald D. Carlson

Residing at: Idaho Falls, Id

My commission expires: 2/19/82

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed Val Richards as
Deputy Watermaster of Teton, Fremont and
Water District 01, Madison Counties for
the 1978 irrigation season or until his successor is appointed and qualified
under the provisions of Section 42-609, 42-801
42-802, 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 _____
day of _____ 19____.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER DISTRICT NO. 1

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RECEIVED

JUN 26 1978

Department of Water Resources
Eastern District Office

OFFICIAL OATH

STATE OF IDAHO

COUNTY OF Bonneville

I do solemnly swear that I will support the Constitution of the United States, and the constitution and laws of this State; that I will faithfully discharge all the duties of the office of Deputy Watermaster of Water District No. 01 to the best of my ability. So help me God.

Dennis Michael Sumner

Subscribed and sworn to before me this 26th day of June, 1978.

Residing at: Idaho Falls, Idaho

My commission expires: 6/15/81

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed Dennis Dunn as
Deputy Watermaster of Water District 01, Teton, Fremont and Madison Counties for
the 1978 irrigation season or until his successor is appointed and qualified
under the provisions of Section 42-609, 42-801, 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 _____
day of _____ 19____.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER DISTRICT NO. 1

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RECEIVED

JUN 26 1978

Department of Water Resources
Eastern District Office

OFFICIAL OATH

STATE OF IDAHO

COUNTY OF Bonneville

I do solemnly swear that I will support the Constitution of the United States, and the constitution and laws of this State; that I will faithfully discharge all the duties of the office of Deputy Watermaster of Water District No. 01 to the best of my ability. So help me God.

Arthur L. Larson

Subscribed and sworn to before me this 26th day of June, 1978.

Deleen Wray

Residing at: Idaho Falls, Idaho

My commission expires: 6/15/78

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed Arthur Larson as
Deputy Watermaster of Water District 01, Teton, Fremont and Madison Counties for
the 1978 irrigation season or until his successor is appointed and qualified
under the provisions of Section 42-609, 42-801, 42-802, 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 _____
day of _____ 19____.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER DISTRICT NO. 1

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RECEIVED

JUN 26 1978

Department of Water Resources
Eastern District Office

OFFICIAL OATH

STATE OF IDAHO

COUNTY OF Bonneville

I do solemnly swear that I will support the Constitution of the United States, and the constitution and laws of this State; that I will faithfully discharge all the duties of the office of Deputy Watermaster of Water District No. 01 to the best of my ability. So help me God.

W Lee Wright

Subscribed and sworn to before me this 26th day of June, 1978.

Colleen Gray

Residing at: Idaho Falls, Idaho

My commission expires: 6/15/81

JON M. STEELE
ATTORNEY AT LAW
One Capital Center
999 Main Street
Boise, Idaho 83707

P. O. Box 27
Telephone (208) 336-2110

RECEIVED

JUL 22 1978

Department of Water Resources
Eastern District Office

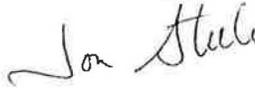
June 20, 1978

Ronald D. Carlson
Water Master
Water District No. 1
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Please find enclosed an executed Rental Agreement for Glen Dale Farms, Inc.'s rental of 1,000 acre feet of storage water and a check in the amount of \$750.00. Glen Dale Farms, Inc. has taken a position in the past and still maintains that past and present use of rental water which has been diverted and applied to a beneficial use entitles Glen Dale Farms, Inc. to the continued availability of that water.

Sincerely,



JON M. STEELE

JMS/gd
Enclosure
cc: Ron Robertson/Glen Dale Farms
John Basabe/Grandview

HARRY, ROBERTSON, DALY & LARSON
RECEIVED
AUG 7 1978
A M
7 8 9 10 11 12 1 2 3 4 5 6 P M

P.

RENTAL AGREEMENT

JUN 22 1978

Department of Water Resources
a Eastern District Office

I hereby request the rental of 1,000
of storage water during the 1978 irrigation season. ~~I understand that present and past use of rental storage water does not establish any water right or assure me of future water right deliveries.~~

The lands I wish to irrigate with rented water are described as follows:

Sections 13, 14, 23, 24 T.11 South, R 20 East B.M.

This water will be diverted from Snake River
(stream or river)
at a point within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, Township 10S,
(legal 1/16 section)
Range 21E, B.M., Twin Falls
(county)

I would like this land included in any program that may be developed for allocating rental water in the future.

I understand the rental cost for 1978 is \$.75 per acre foot, \$.25 of which represents the administrative and handling charges of Water District No. 01.

GLEN DALE FARMS, INC.
Ronald J. James
(signed) Its Secretary

DATE: June 20, 1978

P.
Paid #10681
750 00
6-22-78
CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

June 15, 1978

Mr. Ronald D. Carlson
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Ron:

Enclosed herewith is your CERTIFICATE OF APPOINTMENT as Special Deputy to administer the released and stored waters of the lakes and reservoirs in your district, as set forth in Section 42-801 and 42-802; Idaho Code.

Please feel free to call upon this office whenever we can be of assistance to you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Loy H. Johnson".

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:jd

Enc: Certificate of Appointment
Special Deputy

cc: IDWR - State Office
Carlos C. Randolph,
U.S. Department of Interior
Bureau of Reclamation
Box 549
Burley, ID

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed Ronald D. Carlson *as*
Watermaster *of* Water District 01 *for*
the year of 1978 *or until his successor is appointed and qualified*
under the provisions of Section 42-608 *, 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 _____
day of _____ *19*____.

*Jackson Lake Reservoir
Grassy Lake Reservoir
Island Park Reservoir
Palisades Reservoir
American Falls Reservoir

STATE OF IDAHO

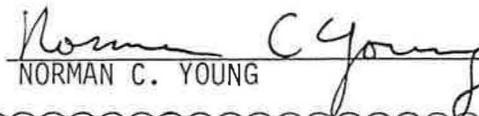
DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF APPOINTMENT

This is to certify that I have this day appointed RONALD D. CARLSON as
Special Deputy _____ of delivery of stored waters* for
the 1978 season _____ or until his successor is appointed and qualified
under the provisions of Section 42-801, 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 12th
day of June 1978.


NORMAN C. YOUNG



United States Department of the Interior

BUREAU OF RECLAMATION
MINIDOKA PROJECT OFFICE
BOX 549
BURLEY, IDAHO 83318

RECEIVED

JUN 9 1978

Department of Water Resources

IN REPLY
REFER TO: 100
550.

June 8, 1978

RECEIVED

JUN 13 1978

Mr. Steve Allred, Director
Idaho Department of Water Resources
373 West Jefferson
Boise, Idaho 83706

Department of Water Resources
Eastern District Office

DIRECTOR	
DEPUTY DIR.	
RES. ADMIN.	
RES. PLANNING	
CONSTRUCTION	
TECHNICAL	
REGISTRATION	
GENERAL	
PERSONNEL	
FILES	

Dear Steve:

Pursuant to the provisions of Chapter 7, Section 41-701 and 41-702 of the Idaho Compiled Statutes, notice is hereby given that the United States, as the owner of Jackson Lake Reservoir, Grassy Lake Reservoir, Island Park Reservoir, Palisades Reservoir, and American Falls Reservoir, desires to use the bed of the Snake River and its tributaries, natural water courses in the State of Idaho, for the purpose of carrying the stored water from said reservoirs to the several projects entitled to use the same, and requests that a special deputy be appointed as provided in said sections to adjust the headgates of the various canals diverting from said stream in such a manner that the parties having the right to the use of such stored water shall secure the volume thereof to which they are entitled.

The dates when the stored water will be discharged, its volume in acre-feet and rate of flow in cubic feet per second will depend upon climatic and runoff conditions and cannot be determined at this time. Stored water released from Island Park and Grassy Lake Reservoirs during the season of 1978 will be for the benefit of the Fremont-Madison Irrigation District.

It has been the custom in the past for the Watermaster of District No. 01 to act in the capacity of the special deputy under appointment by your office. The continuation of this custom is requested for the current year.

Sincerely yours,

Carlos C. Randolph
Project Superintendent

cc: Reg. Dir., Boise, Idaho, Attn: 150 & 400
Watermaster, Idaho Department of Water Resources, Idaho Falls, Idaho



Name of Canal Company or Irrigation District SNAKE RIVER VALLEY IRRIGATION DISTRICT

Address 221 South Emerson, Shelley, ID 83274 Acreage 21,459 District No. 01

LIST OF OFFICERS AND DIRECTORS, YEAR _____

<u>TITLE</u>	<u>NAME</u>	<u>STREET OR ROUTE</u>	<u>CITY</u>	<u>ZIP</u>
President:	Carlos S. Nielson	Route 1	Shelley	83274
Vice Pres.:	Keith L. Nickerson	Route 1	Firth	83236
Secretary:	Ruby Nielsen	P. O. Box 455	Shelley	83274
Treasurer:	Same			
Manager or Supt.:	Dennis J. Hjelm	Box 646	Basalt	83218
Attorney:	W. Joe Anderson	P. O. Box 158	Idaho Falls	83401
Directors:	Carlos S. Nielson	Route 1	Shelley	83274
	Keith L. Nickerson	Route 1	Firth,	83236
	Gerald A. Hansen	Route 2	Shelley	83274

Name and address of person or persons to receive legislative report:

Carlos S. Nielson	Route 1	Shelley	83274
Ruby Nielsen	Box 455	Shelley	83274

Name and address of person or persons to receive notification of workshops, meetings or other functions:

Carlos S. Nielson	Route 1	Shelley	83274
Ruby Nielsen	P. O. Box 455	Shelley	83274