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John

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WATER RESOURCES
WESTERN REGION

ANNUAL MEETING OF WATER DISTRICT NO. 67

FEBRUARY 6, 1995

The annual meeting of Water District 67 was called to order at 1:00 p.m. by Milton Kerner at Kay's Cafe on February 3, 1995.

The first order of business was to ask for nominations for chairman. A. G. Salfen nominated Milton Kerner, seconded by John Sachtjen. As no other nominations were made, Milton Kerner was elected chairman unanimously.

Butch Snorgrass made a motion to elect Mary Ellen Pugh as secretary/treasurer which was seconded by Gail Van Tassell, and the motion carried.

The members of the Credential Committee appointed by the chairman are:

- | | |
|-----------------|--------------|
| Butch Snorgrass | Council |
| John Sachtjen | Cambridge |
| Laurie Chandler | Monroe Creek |
| A. G. Salfen | Weiser |
| Harmon Horton | Midvale |
| Jim McQueen | Mann's Creek |

Milton Kerner appointed an Advisory Committee for 1995 consisting of himself and:

- | | |
|-----------------|-----------------|
| Ladell Merk | Council |
| Randy Noah | Cambridge |
| John Sachtjen | Cambridge |
| Wendell Walker | Sunnyside |
| Harmon Horton | Midvale |
| Jim McQueen | Mann's Creek |
| Laurie Chandler | Monroe Creek |
| A. G. Salfen | Weiser |
| John Lewallyn | Institute Ditch |

Vernon Lolley made a motion to elect Gerald Myers as watermaster for 1995, seconded by A. G. Salfen and the motion carried.

Next Gerald Myers presented the proposed 1995 budget. There were some questions concerning membership in the Idaho Water Users Association. Some patrons indicated they were not happy with the way Sherl Chapman was representing us citing specific examples. Joe Jordan stated Chapman is trying to serve all the water users: senior water rights and ground water users. He felt that it was important to have someone follow what is going on or we will become blindsighted. John Sachtjen stated there are test cases before the court now and even though these cases don't pertain to this area, precedents will be set and carried over to our district.

Dave Tuthill from the Department of Water Resources stated that the Muir Allison Decree is so old that the water rights no longer match the water on the ground. Of course

the water rights are still valid to the degree they still exist. At the present time water right changes need to be recorded but for so many years this hasn't been done. The Weiser basin has the most changes in the state. It will be very difficult to align water rights to the ground that actually gets covered. A lot of farms have expanded their water rights' place of use. The legislature has devised a plan to include these changes in the original water rights as long as the same amount of water is being used and no one downstream can show injury. This plan is before the court now.

Jim McQueen made a motion that Water District 67 withdraw from the Idaho Water Users Association and those individuals who wish to may belong. This motion died for lack of a second. Gail Van Tassell made a motion to invite Sherl Chapman to an additional meeting so that he might address everyone's concerns. At that meeting it will be decided whether Water District 67 will continue their membership in the association. This motion was seconded by Vernon Lolley; and the motion carried. This meeting will be held on February 27 at 7:30 p.m. at Kay's Cafe. Mary Ellen Pugh will put notifications in the local newspapers.

Gail Van Tassell made a motion to accept the proposed budget; however, if the district decides not to join the Idaho Water Users Association, that money will not be spent. Vern Lolley seconded the motion, and the motion carried.

In discussing the budget Mary Ellen Pugh stated that after an audit with the State Department of Employment it was determined that Water District 67 is a public entity and its officials and watermaster and deputies are elected. Therefore, the district will not have to pay unemployment in the future. After this past summer with many problems on Monroe Creek, Jerry felt we should have a deputy in that area. Jim Brown will be approached to see if this area might be added to what he already covers. Vern Lolley made a motion to elect the following people as deputies for the 1995 season:

Bosco Bosler
Norma Ratcliff
Jim Davis
Robert Stringer
Jackie Wray
Jim Brown

Rush Creek
Council
Sunnyside
Sunnyside
Weiser
Mann's Creek/Monroe Creek

John Sachtjen seconded the motion, and the motion ^{requiring} carried. Dave Tuthill mentioned that the Department of Water Resources will be ~~providing~~ providing measuring devices for Monroe Creek and Hornet Creek. The water users will need to provide lockable headgates.

Earlier in the meeting there was some discussion regarding a raise for the watermaster. Jerry had indicated they had purchased a computer and he hoped to put the district records on the computer thus allowing him to do a better job. Dave Tuthill mentioned records were all done by hand until the 1970's when the Department of Water Resources went on computer. He is seeing now that several districts records have been computerized and they have been pleased with the results, both the department and the district. "Knowledge is power." The Department of Water Resources will provide the training and programs necessary for Jerry to be linked into the statewide system. In this way very accurate records can be kept and perhaps in the future, water users will be billed for the actual amount of water received and water can be better correlated to the actual ground covered.

Paul Striker made a motion to notify Washington and Adams Counties to collect the money for Water District 67 through the tax system and send it to the district. John Sachtjen seconded this motion, and it carried unanimously.

Joe Jordan said he is a director of the Idaho Water Resources Board appointed by the governor; and he would be willing to represent the concerns of Water District 67 patrons. He felt this might be a good avenue to voice our opinions; and he invited everyone to attend a meeting being held shortly.

Next Judy Boyle presented Resolution 1 which she prepared asking the state legislature to nullify Idaho Code 42-1763A which allows Idaho water to be taken out of Idaho's borders. Paul Striker made a motion to approve this resolution, seconded by John Sachtjen; and the motion carried.

John Sachtjen made a motion to hold the next annual meeting for Water District 67 on Monday, February 5, 1996, at 1 p.m. at Kay's Cafe and to pay the cafe \$30 for the use of their room. Gail Van Tassell seconded this motion and the motion carried. Paul Striker made a motion to adjourn the meeting, seconded by A. G. Salfen. The meeting was adjourned at 3:10 p.m. The following people attended the meeting:

Floyd A. Snorgrass
Vernon Lolley
Doug Scism
William T. Pallis
John Sachtjen
Marilyn Kelley
Jim McQueen
Milton Kerner
Paul Striker

Judy Boyle
Gail Van Tassell
Ladell Merk
Bill Harp
Richard J. Hancock
John E. Lewallen
Bert Pattee
Mary Ellen Pugh

John B. Cary
A. G. Salfen
Joe Jordan
Hubert Ward
Dave Tuthill
Debra Stephens
Gilbert Ball
Gerald Myers

Respectfully submitted,

Mary Ellen Pugh 257-3790

Mary Ellen Pugh
Secretary/Treasurer

Milton Kerner
Chairman
Milton Kerner

Attachments

cc: Adams County
Department of Water Resources
Gerald Myers
Washington County

WATERMASTER'S PROPOSED BUDGET 1995
WATER DISTRICT 67

	1994 Proposed Budget	1994 Actual Budget	1995 Proposed Budget
Watermaster Salary	10,200.00	10,200.00	11,000.00
Deputies Salaries	7,500.00	8,490.01	8,500.00
Secretary Salary	600.00	600.00	600.00
State Insurance Fund	1,300.00	353.55	2,560.00
Deposit on hand		856.00	
Insurance	100.00	100.00	100.00
Telephone	200.00	233.64	200.00
Social Security	1,400.00	1,441.26	1,600.00
Miscellaneous	150.00	129.69	200.00
Unemployment	659.00	634.48	0
Mileage @ .26	3,500.00	4,505.70	4,000.00
Water Association Fee @ .12/acre	3,000.00	3,000.00	3,284.76
TOTALS	28,609.00	29,688.33	32,044.76
Bank Savings Account			20,289.13
Bank Checking Account			<u>7,628.01</u>
Ending Balance for 1994			27,917.14
Receivables:			
Washington County			27,935.33
Adams County			4,524.38
Interest			<u>603.07</u>
TOTALS			33,062.78
1995 Assessment for 43,800.96 inches at .55/inch			24,090.53
Minimum of 7.50			<u>1,523.00</u>
TOTAL 1995 ASSESSMENT			25,613.53

**IDAHO WATER DISTRICT 67
RESOLUTION 1
FEBRUARY 6, 1995**

This measure would declare that Idaho Water District 67 respectively requests the First Session of the Fifty-Third Idaho Legislature to declare an emergency and repeal Idaho Code 42-1763A which allows Idaho water to be sent outside the borders of Idaho to be effective immediately.

WHEREAS, water is the lifeblood of the state of Idaho, to her people in their inherent rights to life, liberty, and the pursuit of happiness guaranteed to them under both the United States & Idaho Constitutions; and,

WHEREAS, the use of Idaho water for over 100 years has allowed Idaho to become a great state; and

WHEREAS, water flowing within the boundaries of the state of Idaho belongs to the state of Idaho; and

WHEREAS, this state-owned water is under the direction of the Idaho Department of Water Resources to be used by the citizens of Idaho through water rights based on beneficial use; and

WHEREAS, according to the Idaho Constitution Article XV, Section 3 the use of said water shall have a priority of the following order of domestic, agricultural, manufacturing, mining if outside a mining district; and,

WHEREAS, according to the Idaho Constitution Article XV, Section 1 the use of all waters now appropriated, or that may hereafter be appropriated for sale, rental, or distribution, is subject to the regulations and control of the state in the manner prescribed by law; and,

IDAHO WATER DISTRICT 67 RESOLUTION 1 - PAGE 2

WHEREAS, water applied to the land for agricultural use has been declared a beneficial use the Idaho Department of Water Resources; and,

WHEREAS, Agriculture makes up a substantial portion of Idaho's economy and Idaho leads the United States in the production of potatoes and trout, second in sugarbeets, plums and prunes, third in hops, mint, barley, and onions all of which require a steady reliably supply of water; and

WHEREAS, Idaho Code 42-1763A was only designed as interim authority for experimental study purposes to augment lower Snake River flows during the migration of Snake River Salmon; and

WHEREAS; science has not proved conclusively that these augmental flows have helped the Snake River Salmon; and,

WHEREAS; Idaho has done its part in providing water for this experiment for the past three (3) years; and

WHEREAS, allowing Idaho water to be taken beyond Idaho's borders for five (5) consecutive years could constitute "implied consent;" and,

WHEREAS, a case could be made that rental rights of water sold to the federal government could become permanent federal rights; and

WHEREAS, there are now federal agencies who threatened that water supply both for agriculture and domestic use which will negatively affect the Idaho economy and Idahoans well-being; and

WHEREAS, the drawing down and flushing of Idaho water has harmed the Idaho economy and her people, and with the threat of "implied consent" by allowing this action to continue; now, therefore, be it

IDAHO WATER DISTRICT 67 RESOLUTION 1 - PAGE 3

RESOLVED BY IDAHO WATER DISTRICT 67, respectively request that the First Session of the Fifty-Third Legislature of the State of Idaho declare an emergency and nullify immediately Idaho Code 42-1763A which allows Idaho water to be taken out of Idaho's borders.

RESOLVED, copies of the above Resolution be transmitted to the Speaker of the Idaho House of Representatives, President pro Tempore of the Idaho Senate, Governor of the State of Idaho, Idaho Attorney General, Idaho Secretary of State, Idaho members of the Northwest Power Planning Council, Idaho Department of Water Resources, Idaho Board of Water Resources, members of the House and Senate Resource Committees, members of the House and Senate Agriculture Committees, members of the House and Senate State Affairs Committees, and members of the Idaho Congressional Delegation, and all other Idaho Water Districts.

2/6/95

D. Tuttle

Notes for Water District 67 Meeting

Chairman Milt Kerner

Secretary Mary Ellen Pugh

Monroe Creek - 5 primary headgates

Budget approved (attached) except payment to IWUA is dependent on meeting w/ Shel Chapman

Discussion Items for IDWR

1. Deputy on Monroe? If so, MD reg'mnts to be sent ✓
2. Election of other deputies? ✓
3. Computerization of district ✓

Next meeting is 1:00 pm Feb 5, 1996

→ Send headgate/owner reg letter to Monroe Cr & Hornet Cr users

Meeting to discuss IWUA: 7:30 pm 27 Feb @ Kay's Cafe

Attached Resolution to be sent to Id Legislature

Adjourned @ 3:10 pm