

AGREEMENT

Upon due consideration, in meeting assembled, the Blackfoot River Wateruser's Association hereby adopts the following articles of resolution and agreement, to be in effect and to govern the action of the said organization for the year commencing January 1, 1994, and ending December 31, 1994, or upon the date of election next succeeding the election of the Watermaster for 1994.

1. EXECUTIVE COMMITTEE

An executive committee consisting of five members shall in all matters represent this organization during the term of this agreement and the organization shall be bound by the action of the committee.

2. METHOD OF ASSESSMENTS

It is hereby agreed that the natural flow users under the Stevens Decree shall pay 40% of the Watermaster's salary and other expense incurred in distributing the waters of the Blackfoot River, hereinafter called District 27, and that the Fort Hall Project shall pay 60% of said expense. The rate of assessment per 24 hour second foot shall be computed in accordance with the above proportions.

3. NOTICE OF ASSESSMENT

The Secretary is hereby directed to file with the auditors of Bingham and Caribou counties, copies of these resolutions and the budget adopted, covering estimated expenses of the operation of District 27 for the year 1994.

4. PAYMENT OF ASSESSMENTS

No water shall be delivered to any delinquent user until all delinquencies have been paid, and no water shall be delivered after the first day of June, 1994, until the current year's assessment has been paid: Provided that assessments in excess of \$100.00 may be paid in installments of 1/3 of the total assessment, less any credit due on previous years, May 1, 1994, and 1/3 of the total assessment on the first of July, 1994. The balance of the assessment shall become due and payable upon approval of the Watermaster's report by the Director of the Department of Water Resources for the State of Idaho, as provided in Section 42-614 of the Idaho Law.

5. WATERMASTER

The Watermaster elect will distribute the water of District 27 in accordance with the terms of the Stevens Decree and the Statutes of Idaho, Section 42-614. The Watermaster's term of service is to begin April 15, of each year without notice. He will, not later than November 15th of each year, prepare and submit a report in accordance with the aforementioned statute. In addition to the information required by statute, the Watermaster will include in his report a statement of the decree rights and the respective owners of such rights to whom water has been delivered during the irrigation season. The Watermaster will be governed by the following rules:

(a) Water measurements

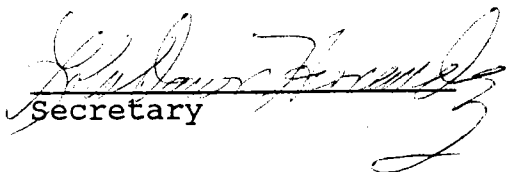
The Watermaster will make, or cause to be made, measurements of all water diverted to each canal or water user entitled to receive water from the Blackfoot River. The results of such measurements shall become part of the record, and the property of the Blackfoot River Water User's Association. The results of water measurements shall at all times be available for inspection by any member of the Association. Measurements of each separate diversion shall be made as often as required in the judgment of the Watermaster, but in no case shall measurements be made less than once in each fifteen days during the months of June, July and August. Measurements may be made by means of current meter, standard orifice, weir, or other standard measurement device.

(b) The Watermaster shall in like manner make, or cause to be made, measurements and keep records of inflows to the Blackfoot River. Record of measurements obtained by the Watermaster through cooperation with the Fort Hall Project personnel shall be accepted as fulfilling requirements of the resolution. The Watermaster shall, upon request, furnish the Fort Hall Project Engineer copies of measurements.


(c) The Watermaster will adjust the headgates of all natural flow rights in accordance with the Stevens Decree and measurements obtained as directed in paragraph (b). The Fort Hall Project Engineer will adjust the central gates of the Blackfoot Reservoir, the equalizing reservoir, and the North and Main Canal headgates. The Watermaster will be duly advised of all changes made in the gates regulated by the Fort Hall Project Engineer.

6. ACCEPTANCE BY THE UNITED STATES INDIAN SERVICE

Adoption of these resolutions shall become effective with respect to the Fort Hall Project and all water distributed to the Fort Hall Project from any source, when the Fort Hall Project Engineer has affixed his signature in the presence of two witnesses. They shall otherwise be null and void with respect to the Fort Hall Project.


Secretary


VINCENT REID, CHAIRMAN
Blackfoot River Water User's Assn.


Allan L. Oliver, Irrigation Mgr.
Fort Hall Agency

Approved and accepted this 12 day of January, 1995

WITNESSES: 