

Garth Soderquist  
Chairman

Donald Shenton  
Watermaster

Keith A. Bramwell  
Secretary

RECEIVED

WATER DISTRICT #31

MAR 26 1997

Dubois, Idaho

Department of Water Resources  
Eastern Region

CLARK AND JEFFERSON COUNTIES, IDAHO

MINUTES OF THE ANNUAL MEETING OF MARCH 18, 1997

The water users of Water District No. 31 met in the County Courtroom at Dubois, Clark County, Idaho, on Tuesday, March 18, 1997, at 1:00 p.m., as provided by Idaho Statutes, for the purpose of electing a chairman and secretary, electing a watermaster, adopting the 1997 budget, and any other business that may come before the District.

Those in attendance were: Emmett Shippen, Ron Hillman, Nick Hillman, George Pershon, Renee Pershon, Harvey Blackburn, USSES; Dwain Kirkham, Willy Smitt, Don Parker, Richard Savage, Edgar Green, Keith Shuldberg, Dave Hagenbarth, Jim Hagenbarth, Gerry Deutscher, Camas NWR; Keith C. Wilson, IDWR; LaMoyne Barney, Bill Frederikson, Garth Soderquist, Donald W. Shenton, Watermaster; Greg Shenton, Deputy Watermaster; Keith Bramwell, Secretary.

The meeting was called to order by Garth Soderquist, Chairman at 1:10 p.m. He requested that everyone introduce themselves.

ADOPTION OF AGENDA

Garth Soderquist read the following as the proposed agenda:

1. Adoption of agenda
2. Nomination and election of Chairman and Secretary
3. Appointment of credentials committee
4. Recess to allow Credentials Committee to prepare report
5. Report of Credentials Committee
6. Roll call
7. Reading of minutes of previous meeting
8. Report of Watermaster and approval
9. Adoption of budget
10. Fix the compensation of Watermaster and assistant
11. Election of Watermaster and assistant
12. Appointment of Advisory Board
13. Resolutions
14. Meeting time
15. Other business
16. Adjournment

Jim Hagenbarth moved that the proposed agenda be adopted as the order of business for this meeting. The motion was seconded by Keith Shuldberg, and passed unanimously.

#### READING OF THE MINUTES

The Chairman asked if there was a need to read the minutes of the previous meeting. A motion was made by Don Parker to dispense with the reading of the minutes of the previous meeting, and seconded by Keith Shuldberg. The motion carried unanimously.

#### ELECTION OF CHAIRMAN

Chairman Soderquist called for nominations from the floor for Chairman. Don Parker moved that Garth Soderquist be nominated for the position of Chairman. The motion was seconded by Keith Shuldberg and the motion passed. Don Parker moved and Dave Hagenbarth seconded the motion that nominations cease. The motion passed.

#### ELECTION OF SECRETARY

Chairman Soderquist called for nomination from the floor for Secretary. Willy Smitt moved that the same secretary be retained. Don Parker seconded the motion and the motion passed, retaining Keith Bramwell as secretary.

#### APPOINTMENT OF CREDENTIALS COMMITTEE

Don Shenton explained what the credentials committee was for. Should there be any contest or conflict, then a credentials committee is appointed to examine qualifications and resolve the conflict. If a problem arises, the members have a right to call for a credentials committee.

A motion was made by Don Parker to waive appointment of the Credentials Committee, the recess for the Credentials Committee, and the report of the committee. The motion was seconded by Jim Hagenbarth, and passed.

#### REPORT OF WATERMASTER

Watermaster Don Shenton distributed the 1996 Watermaster's Report and time was allowed for review. Don Shenton discussed many of the items in the report.

### Don's Retirement

Don said that this is a different report due to his impending retirement as watermaster. He has served District #31 since 1960. He said that not many of the users that were in the district then are around any more. He expressed his appreciation for the support the district water users have given him.

Secretary's note: Not all of the items in the report were discussed. Those that were are included in the minutes. See the report for full details.

### Cloud Seeding for 1997

Cloud seeding started in December but ended abruptly due to notification that the private contractors were not covered for liability through the county. When the snow pack reached 100% by January 1, seeding was no longer necessary. It has been proposed in the other districts to continue supporting the cloud seeding project and Don recommended that district #31 also continue support. It is being done by voluntary help and the county now has its own generators. Two more snow measuring sites are needed to help verify the effectiveness.

### Camas Creek Alteration Permit

In 1993, \$23,000 was spent removing sandbars in the Camas Creek channel caused by the channel being re-routed to provide for irrigation pivots to be installed on Larsen Farms. Blaine Larsen has been trying to get a permit to repair the channel so it will carry more water and reduce erosion. A tour last summer showed that the channel needs to be cleaned again. In January, a permit was finally granted but the work has to be done while the creek is dry, which means the work may not be finished this winter. Gerry Duetcher said that currently, the project is well underway and going well and that the earlier channel alterations created huge amounts of erosion and damage to the downstream channel.

### Jackett-Owsley Test Merger

The Jackett and Owsley canal companies merged for 1996, to test whether or not such a merger would work. Although there were some bugs, most of the problems were solved and the merger appears workable. The merger poses some definite advantages for the district. The Owsley company also

contracted to manage the Holly canal and this arrangement may also result in a merger.

Don further indicated that a consolidation of systems would simply the measurement and other processes considerably. Currently, with everyone doing things a little differently, the work is unwieldy and complex.

#### Winter Flow Review

The data on winter flow was briefly discussed. After at least 4 consecutive years of no artesian flow, Independent Ditch and Bybee Wells ran a total of 22.79 cfs in 1996 and 12.46 cfs in 1997.

#### Mud Lake Content

The Mud Lake water content was briefly discussed. On March 1, the lake was at its highest level, at 11,100 A.F., on that date in the past six years.

#### Camas Creek In Flow to Mud Lake

Don said that since 1931, the average inflow of Camas Creek storage water has been 18,000 A.F. annually. The last two years have been well over that amount, with 1995 at 50,185 A.F. and 1996 at 30,562 A.F. Water usage, however, is fairly consistent regardless of the inflow amounts but higher inflows does save substantial pumping costs.

#### Snow Report

Camp Creek is 100% of normal, Kilgore was at 115% of normal but the last storm raised it to 133%. Blue Ledge is 123% of normal. The average of all courses is over 113%.

The risk of flooding is real, but the snow levels are more of a blessing. Any year that is over 120% of normal will be a good water year. Runoff in some areas is high due to the warmer than average temperatures while frost remains in the ground.

#### The Beaver Bounty Account

Approximately half of the funds in the beaver bounty account has been used, with \$2,290.00 remaining in the account. Only one or two trappers are allowed to work the area to prevent trapper conflict and maintain consistent control. A total of 203 beaver have been taken since May, 1993. 51 beaver were taken in 1996 alone.

## USGS Contract

The USGS provides for outside measurement when disputes arise and has been a very good resource. The USGS is continuing water measurement, on a 50-50 contract basis. Districts can contract for measurements but individuals cannot.

## IDWR Statement

The Lone Tree reservoir water gauge on Camas Creek has been used, but overlooked in the fees charged by IDWR. Don recommended that it be included in the budget.

## 1996 Expenditures and the Proposed 1997 Budget

The 1996 expenses were briefly reviewed. The Mud Lake water users has paid for 64-75% of the water assessments due to water usage. Mud Lake continues to contribute to the district budget and have agreed to support the proposed budget. Mud Lake money will be coming in through supplemental assessments. Changes in the budget are primarily due to Don's retirement and the use of \$20,000 in surplus funds that have accumulated over the years. Don cannot go back to work for the same employer for 90 days after retirement and cannot accept more than 20 hours per week and/or 1/2 pay. The changes are in the salary amounts and the mileage amounts on the expense side, and the inclusion of the surplus money on the income side. Last year, the deputy watermaster didn't spend \$9,000 of budgeted money. \$83,550 is the budget amount, \$12,100 less than last year. With the use of the \$20,000 of surplus funds, the 1997 water assessments will be significantly lower than last year. However, the 1998 assessments will be back up to usual levels. The surplus money is an accumulation of delinquent interest, 5 year average differences and other miscellaneous incomes over a long period of time.

1997 WATER DISTRICT 31 PROPOSED BUDGET

Misc. Expense	21,500.00
Channel & Legal	1,800.00
Secretary Salary	350.00
Office Rent	1,200.00
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	\$24,850.00

Watermaster Salary	25,000.00
Deputy Salary	12,000.00
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	37,000.00

Watermaster Mileage	9,000.00
Deputy Mileage	0.00
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Asst. Deputy Salary	6,500.00
Asst. Deputy Mileage	3,500.00
Secretary	1,200.00
Misc. Expense	1,500.00
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	12,700.00

Total Budget	\$83,550.00
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1996 Budget	\$95,650.00
1997 Budget	83,550.00
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Decrease	\$12,100.00

1997 Budget	\$83,550.00
Less Federal agencies	-8,038.68
Less surplus credit	20,000.00
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Proposed Budget	\$55,511.32

Keith Shuldberg moved that the Watermaster's report be accepted. Dwain Kirkham seconded the motion and the motion passed.

ADOPTION OF BUDGET

Edgar Green moved that the proposed 1997 budget be approved. Keith Shuldberg seconded the motion and the motion passed.

COMPENSATION OF WATERMASTER AND DEPUTY

Compensation of the watermaster and deputy watermaster was set with approval of the amended budget.

## ELECTION OF WATERMASTER

The Chairman called for nominations from the floor for Watermaster. Keith Shuldberg moved that Greg Shenton be nominated for the position of Watermaster. Ron Hillman seconded the motion and the motion passed unanimously. Dave Hagenbarth moved and Dwain Kirkham second the motion to close nominations. The motion passed, electing Greg Shenton as watermaster.

## ELECTION OF DEPUTY WATERMASTER

The election of a deputy watermaster was discussed. It was suggested in the discussion that the district authorize Greg to hire assistants. Keith Shuldberg moved and Jim Hagenbarth seconded the motion to authorize Greg to hire assistants as needed and the motion passed.

## APPOINTMENT OF ADVISORY BOARD

The Chairman opened the floor for appointment of the Advisory Board. A motion was made by Don Parker and seconded by Willy Smitt to retain the current Advisory Board. The following would be on the board: Garth Soderquist, Chairman, Dave Hagenbarth, Carl Hoggan, LaMoyne Barney, Edgar Green, Andy Dobson, Harold Siddoway, and David Burtenshaw as members. The motion carried.

## RESOLUTIONS

### High Water at Mud Lake

Jim Hagenbarth asked if the high water needed to be filed on and that the wording in the resolution be modified to state that the water is merely diverted instead of disposed of. Don said that the water is decreed back to approximately 1912. Edgar Green moved to amend the resolution as per Jim's recommendation. Keith Shuldberg seconded the motion and the motion passed. Jim Hagenbarth was asked to draw up the wording for the added portion regarding filing on the water. The resolution as amended is below, with the motion approving the resolution.

Moved: Don Parker;                      Seconded: Nick Hillman; Passed.

That the Watermaster be authorized to disperse any high water and that such water be considered stored in the aquifer, with rights to the water being retained by the District. Dispersal of said waters would be by diverting at the Lone Tree diversion site, and pumping through the diversion ditch at the end of Owsley Canal.

Be it further resolved that the advisory board seek legal advice on filing a use right or amending an existing claim to ensure the recording of the historical use of the diversion of Camas Creek surface flows into the aquifer at the Lone Tree Diversion. This diversion practice has occurred for years and is well documented in the Swave Decree and other District 31 records.

#### Collection of Water Assessments

Moved: Edgar Green;           Seconded: Don Parker; Passed.

That no ditch, canal co., or other water user shall have the right to demand and receive water, and the watermaster shall not deliver such water, until full payment is made. Said payment becomes due April 1, and becomes delinquent April 15, and if not paid by April 15, shall bear interest from the date of April 1, until paid at the rate of 8% per annum. That government agencies be exempt from the above provisions to the extent necessary for them to comply with payments according to the provisions of Federal law, and that the Watermaster of District 31, be authorized to enter into contract with said agencies of the United States for payment of assessment as provided in the budget.

#### Mud Lake Water Users

Moved: Don Parker;           Seconded: Keith Shuldberg; Passed.

That any water user that completes the water year with a negative balance on the Mud Lake balance sheet shall have that negative balance carried forward to the April draft column on the balance sheet of the following year, and said negative balance shall be charged to the Mud Lake allotment of said following year, as set forth in part 5, paragraph 4 of the Mud Lake Decree.

#### District Billings and Collections

Moved: Willy Smitt;           Seconded: Don Parker; Passed.

Be it resolved that the Clark County Auditor make up a roll of all Water District 31 users to include all Jefferson County users. Be it further resolved that the Clark County Treasurer mail out said billings and make collections of all



Water District 31 Water Users to include all Jefferson County Water Users in said Water District 31 boundaries. Be it further resolved that the Clark County Treasurer also make all payments and disbursements owed by Water District 31, which are presented through the proper claims procedures which are common to other Clark County practices.

#### Watermaster and Deputy Watermaster Vehicle Requirement

Moved: Ron Hillman; Seconded: LaMonyne Barney; Passed

"Be it resolved that the watermaster or deputy watermaster, be required to furnish a vehicle for all job related duties and activities to carry out all his responsibilities as watermaster of this water district. Be it further resolved that any and all expenses of operation of that vehicle or vehicles, for the water district, shall include but not limited to fuels and oils, maintenance and repairs, payments of vehicle, licenses, insurance, and any other fees related to the operation of vehicles."

#### Well Water Measurement

Moved: Don Parker; Seconded: Willy Smitt; Passed.

Be it resolved that the following canal companies be allowed to contract with Water District #31 to measure and record and report the well water flows of the Montevue Canal Company, the Jefferson Irrigation Company, and the Producers' Irrigation.

Be it also resolved that the Watermaster and his Deputies accomplish the required measurements and recording and reporting of the above named companies.

Be it also resolved that monies paid for these services be paid from a separate account deposited in a bank account under a subterranean heading. The above named canal companies will be charged a fee of \$26.00 per second foot(c.f.s.) for the above services. The monies paid out for these services shall be drawn only if the check is signed by the chairman and the secretary of Water District #31. We order that the water district is out no costs from any source of the regular water district funds and that recording and reporting be separate from regular water district water reports and budgets.

## MEETING TIME

Don suggested that the meeting time be adjusted to save IDWR some travel by fitting it in with the schedules of the other districts. He suggested that the meeting be scheduled at 10:00 a.m. on the second Tuesday of March. This would also not conflict with the Clark County Commissioners meeting.

A motion was made by Edgar Green to schedule next year's meeting at 10:00 a.m. on the second Tuesday of March, 1998, and to notify the Department of Water Resources. Don Parker seconded the motion and the motion passed.

## IDWR REPORT

Chairman Garth Soderquist invited Keith Wilson to report any new from the department. Keith said that he did not have anything but would be happy to answer any questions. Jim Hagenbarth asked if there was a time limit on filing water rights for the adjudication. Keith said that no limit exists and that water rights can be filed up until the judge makes his ruling. It was asked when the adjudication would be done. Keith said that no one knows, but the original time limit is being reached and the adjudication can't possibly be finished for years after the original time limit is reached.

## OTHER BUSINESS

Don Shenton introduced George Pershon and his wife Renee. He explained that the Pershons had filed an application for water from Ching Creek for recreational use in a pond. The use of the water would not be consumptive, since it would go into the pond and back out again. The Mud Lake water users filed a protest, based on assumed losses of water to seepage and evaporation. Don suggested that they file for water for the pond from high water, but that water would run out when the water level dropped to the water right decree. Don Parker asked where Ching Creek drained. Don said it is a tributary of Camas Creek and Mud Lake. Bill Frederikson asked if the protest states the objections that need to be resolved as required by law. Resolving those objections may be all that is needed. Don Shenton mentioned that Hagenbarth's have a pond water right. Dave Hagenbarth said that they didn't face this problem because their pond is on a dead end water right and laughingly pointed out, for the record, "that the pond is not open to the public." Gerry Duetcher asked if the application is still pending and that if it is, perhaps some informal discussion could resolve the protest. Mrs. Pershon said that it was reasonable to allow the pond, since it would provide some storage, regardless of

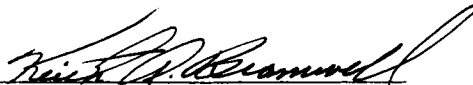
how large, in the upper reaches of the Camas Creek drainage and she did not understand why anyone would object to such storage. Everyone agreed. Jim and Dave Hagenbarth recommended that the Pershons go ahead with the legal process and by doing so, may likely have their application approved.

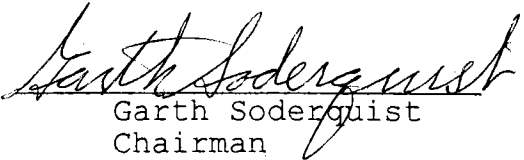
Chairman Soderquist asked if there was any further business; hearing none, he called for a motion for adjournment.

ADJOURNMENT

Ron Hillman moved that the meeting be adjourned and Dwain Kirkham seconded the motion. The motion carried and the meeting was adjourned at 3:05 p.m.

ATTEST:

  
Keith A. Bramwell  
Secretary

  
Garth Soderquist  
Chairman