



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCH 21, 2000

MR. KEITH BRAMWELL
P.O. BOX 65
DUBOIS, ID. 83423

RE: Water District No. #32-C

Dear Mr. Bramwell:

We acknowledge receipt of the Minutes of the Annual Watermaster's Election Meeting held in your district.

Now we need the Oath of Office for Watermaster and for the Assistant Watermaster before they can be officially certified in your district.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:dn



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EASTERN REGION

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MARCH 21, 2000

KARL J. DREHER
DIRECTOR

CLARK COUNTY AUDITOR/RECORDER
C/O MS. CAROL HOOPES
CLARK COUNTY COURTHOUSE
DUBOIS, ID. 83423

RE: Water District No.# 32-C

Dear Sirs:

Enclosed please find copies of the Adopted Budget and Minutes of Water District #32-C. They have been read and approved by this office.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

Enclosure

HWJ:dn

Pat McGarry
Chairman

Greg Shenton
Watermaster

Keith A. Bramwell
Secretary

RECEIVED

WATER DISTRICT 32-C

MAR 15 2000

MEDICINE LODGE CREEK

Department of Water Resources
Eastern Region

Dubois, Clark County, Idaho

MINUTES OF THE ANNUAL MEETING OF MARCH 7, 2000

In accordance with the provisions of the Idaho Code setting the date of the annual meeting for the Water District, the users of Water District 32-C met this day at 3:00 p.m. at the Commissioners' office in the Courthouse in Dubois, Idaho, for the purpose of electing a Watermaster and Secretary, adopting a budget, fixing the salary of the Watermaster and secretary, and transacting such other business that might come before the meeting pertaining to the irrigation water of the District.

Those in attendance were: Pat McGarry, Chairman, Lee Small, Lynn Hoggan, Sid Brown, Brion Egan, Steve Worthen, Grant Ashcraft, Derek Bell, Stuart Breinholt, Dean Shenton, Dave Leonardson, Keith Wilson, IDWR; Greg Shenton, Watermaster; Bart May, Deputy Watermaster; Keith Bramwell, Secretary.

ADOPTING PROPOSED AGENDA

Chairman Pat McGarry presented the agenda for the meeting as listed below:

- Review of Agenda
- Election of Credentials Committee
- Election of Officers
- Approval of 1999 Minutes
- Watermaster's Report
- Budget Approval
- Election of Watermaster
- Election of Deputy Watermaster
- Review of Resolutions
- IDWR Report
- Other Business
- Next Annual Meeting Time

Lee Small moved and Sid Brown seconded that the proposed agenda be accepted. The Motion passed unanimously.

MAR 15 2000

CREDENTIALS COMMITTEE

Department of Water Resources
Eastern Region

Chairman McGarry asked for nominations for the credentials committee or a motion to waive the committee. Sid Brown moved and Grant Ashcraft seconded a motion to dispense with appointing a credentials committee for determination of voting rights. The motion passed.

ELECTION OF OFFICERS

The Chairman asked for nominations from the floor for the office of Chairman. Steve Worthen moved that the chairman and secretary stay the same. Sid Brown seconded the motion and the motion passed. Pat McGarry was retained as chairman and Keith Bramwell was retained as secretary.

MINUTES

Chairman Pat McGarry asked if the minutes needed to be read and entertained a motion to dispense with reading of the minutes and approve them as they are written. Grant Ashcraft moved that the minutes be approved as written and reading of them be waived. Lee Small seconded the motion and the motion passed.

WATERMASTER'S REPORT

Watermaster Greg Shenton distributed the 1999 Water District 32-C Report and asked that each read it before having a group review. Time was allowed for reading of the report.

1999 Water Year

The 1999 water year was above normal with good spring flows and water licenses being delivered throughout the irrigation season. A total of 45,198 A.F. of water were diverted compared to 1998 at 40,542 A.F. and only 15,392 A.F. delivered in the bad drought year of 1994.

1999-2000 Snow Course Measurements

Snow measurements are fair with Irving Creek at 106% of normal, Webber Creek at 113 %, and the average of the two creek drainages at 110% of normal. Snow depth in the valley floor is fair but there is some question concerning the amount of water that will be available for irrigation. Brion

Egan asked if the amounts found in the snow course measurements could be deceiving. Greg said that it was a possibility since the soil under the snow was powder dry. Greg also said that the snow course measurements were higher than the measurements taken in surrounding areas. Stuart Breinholt further inquired about the snow situation, observing that it did not appear to be as much snow up high as in the past. Greg said that there is a significant difference in Kilgore, since snow at the Kilgore store was at 96% while it is only 69% up high.

Financial Report and Budget

Last year's costs debits and credits were reviewed and the 2000 proposed budget was presented. Greg Shenton said that having plenty of water contributed to reduced costs. \$11,320 of the \$15,750 budgeted was spent in the 1999 season. The 1999 report of water delivered and the credit and debit sheet were briefly reviewed with no one having any questions about them.

2000 Proposed Budget

| | |
|--------------------|--------------------|
| Watermaster | \$1,800.00 |
| Deputy Watermaster | 5,400.00 |
| Mileage | 4,080.00 |
| Other | 4,470.00 |
| <u>Total</u> | <u>\$15,750.00</u> |

| | |
|---------------------|--------------------|
| 1999 Adopted Budget | \$15,750.00 |
| 1999 Actuarial Cost | <u>\$11,320.47</u> |
| TOTAL | \$ 4,429.53 |

303(d) Stream Listings, TMDL's, and the Continental Divide Watershed Advisory Group

Greg directed the attention of the group to the map included in the Watermaster's Report. It shows the stream segments that appear on Idaho's 1998 303(d) list. Warm Springs Creek, Irving Creek, Fritz Creek, Edie Creek, Spring Hollow Creek, and Medicine Lodge Creek down to Small. He suggested that the group consider what may be done with the listings.

BUDGET APPROVAL

Pat entertained a motion to approve the proposed budget and to accept the watermaster report as given. Grant Ashcraft moved to approve the proposed budget and to accept the watermaster report as given. Steve Worthen seconded the motion and the motion passed unanimously.

ELECTION OF WATERMASTER AND DEPUTY WATERMASTER

Dean Shenton asked about the regulations that were followed in the past wherein the deputy watermaster was placed in active duty only after the approval of three water users in the district instead of being elected. He said that this was one area where local people can still have control. He said that his proposal to go back to following the old regulations was not a reflection on the work that had been done but a desire for the district to have more say in its operation. Brion Egan asked how difficult it would be to find someone to work on an as needed basis. Greg Shenton said that it would be really difficult to find someone off the street that had the experience and skill to do the job. Greg went on to say that it would be impossible for him to handle the job by himself, considering the magnitude of his work throughout the Clark County and Mud Lake area. Dean went on to say that in good water years, the deputy might not be needed at all. It was pointed out that last year, during the period of time that the deputy watermaster was asked not to run, some headgates got plugged up resulting in some flooding.

Pat called for the election of the watermaster. Brion Egan moved and Steve Worthen seconded the motion that Greg Shenton be elected by unanimous ballot. The motion passed. After further discussion, Brion Egan made the motion that the deputy watermaster be appointed by the watermaster. Dave Leonardson seconded the motion and the motion passed. The question was raised about whether or not the deputy watermaster had to be sworn in, just as the watermaster is. Keith Wilson researched the question in the Idaho Code and reported that the answer is yes, the deputy watermaster is sworn in. Keith also said that as near as he could tell only one signature was required to bring the deputy watermaster on duty but that the district could set it up any way it wanted as long as it did not go against Idaho Code.

Dean Shenton moved and Grant seconded the motion that a resolution be written that states that the deputy

watermaster be called for duty after three signatures are obtained to authorize it. The motion passed. After further discussion, Grant Ashcraft moved and Stuart Breinholt seconded the motion to adopt Dean's resolution, study how it works out and that it be reported on at next year's meeting. The motion passed. Keith Bramwell was asked to prepare the motion as a resolution. Dave Leonardson asked about the effect of not having the deputy on duty and the water not being measured regularly and how that would affect reporting. Greg Shenton and Bart May pointed out that in the event of questions on water rights and in the case of adjudication, the lack of records could cause problems for the water users.

RESOLUTIONS

Headgates and Weirs

"All control devices and measuring devices shall be in good working order before water can be demanded and delivered. The Watermaster shall not deliver any water unless such devices are in good working order."

Collection of Water Assessments

"That no ditch, canal, or other water user shall have the right to demand and receive water until full payment due is paid. Payment shall become due April 1, 2000 and shall become delinquent May 1, 2000, and if not paid by May 1, 2000, the payment shall bear interest from May 1, 2000 at the rate of eight percent (8%) per annum.

The watermaster shall not deliver any water until full payment due is paid."

Watermaster Term of Service

"That the Watermaster shall be elected for a term of one full year. The purpose is so the watermaster can serve in the legal capacity to do official business for the district in the event of emergencies, legislative actions, hearings, disputes or other water related or job related activities.

The watermaster cannot be required to make water deliveries before April 1, or after November 1, (the normal irrigation season) unless an emergency exists. The watermaster shall not be paid before April 1, or after November 1 from water district budgeted regular funds."

Sprinkler Irrigation

"To prohibit sprinklers pumping directly from Medicine Lodge Creek as per the motion adopted in 1980, which read as follows: "That no additional sprinkler pumping be allowed from Medicine Lodge Creek or its tributaries, without first diverting water into a private pond or sump, to eliminate any interference with regulation of stream waters."

Calling the Deputy Watermaster to Duty

"To call the deputy watermaster to duty as per the motion adopted March 7, 2000, which read as follows: "That the deputy watermaster be called to duty by the Watermaster for the remainder of the season at the request of three water users whose signatures shall authorize said action."

Grant Ashcraft moved that the resolutions be accepted as given. Dean Shenton seconded the motion and the motion passed unanimously.

APPOINTMENT OF ADVISORY COMMITTEE

The advisory committee was discussed. Pat said that if there were no objections, he would appoint the same individuals currently on the advisory committee. With that decision, current members are Pat McGarry, Chairman; Steve Worthen, Lee Small, Jack McGarry, and Lynn Hoggan.

IDWR REPORT

Keith Wilson reported that the watermaster duties and appointment of assistants is outlined in the Idaho Code. He said that there is a handbook for irrigation that has all the statutes from the Idaho Code in one place, making it much easier to research legal questions. He said that he would research the watermaster/deputy watermaster issue and get back to Greg.

OTHER BUSINESS

Steve Worthen moved that a committee be appointed to address the TMDL issue working through the Watershed Advisory Group (WAG) and the Natural Resource Conservation Service (NRCS). Pat suggested that the issue be discussed more fully before

discussing the motion. Pat said that several problems do exist on the stream, including bank cutting due to heavy runoff. 319 grant funds are available through DEQ at 60% matching and the challenge can be in funds or in kind. The Clark County Soil Conservation District got grant funds for stream bank restoration on Indian Creek using beavers for damming.

Dave Leonardson asked if authorization is needed to work on 303(d) listed streams. Pat said that the WAG would be working on priorities at its next meeting. He suggested that the irrigation district apply to NRCS to develop a plan and then run it passed the WAG for endorsement. He said that anyone can apply for 319 grants to address 303(d) listed streams but that those streams coming up for review first have priority. He also said that the Soil Conservation Commission also has funds available to assist. Dave Leonardson asked what kind of problems could be addressed. Steve Worthen said that a good example of what needs to be taken care of is the gravel that has washed down the creek, damming it off. The channels need to be cleaned out. This problem exists in several places along the creek.

Questions were asked about the 303(d) steam listing process and de-list process. Keith Bramwell explained how the streams were placed on the list and the steps necessary to get them de-listed. The BURP sites and the criteria for listing would need to be reviewed and evidence presented to refute the initial listings. He said that it is far better to work to get the streams off the list than to allow DEQ to get into trouble with EPA and have EPA come in and tell you how you are going to do it. Stuart Breinholt reiterated the importance of taking these steps. Brion Egan pointed out that use of beaver in slowing runoff would have to be done in accordance and approved by the Clark County Planning and Zoning Commission due to a provision in the zoning ordinances regulating the introduction of beaver in Clark County streams.

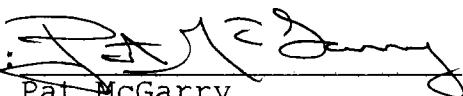
Pat asked if the district was now ready to consider a motion regarding the 303(d) streams. Grant Ashcraft moved and Lee Small seconded a motion that the irrigation district make a request to NRCS to develop a plan for 319 grant funding to deal with 303(d) listed streams in the Medicine Lodge drainage. The motion passed unanimously. Keith Wilson said that the district was wise to take this action but that channel changes would need authorization. Permits will be required below the high water mark. Changes at the headgates would be ok.


MEETING TIME

Lee Small moved that next year's meeting be held the same time, the first Tuesday of March at 3:00 p.m., at the Clark County Courthouse in Dubois, Idaho. Dave Leonardson seconded the motion and the motion passed.

ADJOURNMENT

Lynn Hoggan moved to adjourn the meeting. The motion passed, and the meeting adjourned at 4:35 p.m.

Attest: 
Pat McGarry
Chairman


Keith A. Bramwell
Secretary