

April 20, 1995

Don Shenton, WM
Box 33
Dubois ID 83423

Don:

I have discussed the recent Water District meeting for 32-C with my supervisor, Ron Carlson. The minutes of the meeting reflect that the issue of the Whittaker stockwater delivery was brought up. Since it appears that no one present at the meeting voiced an objection to the practice of a constant stockwater flow for Mr. Whittaker, we feel this issue should be dealt with at your discretion.

If you feel the regulation of this stockwater delivery will noticeably effect a senior right holder, then you should take steps to do so. However, if you feel there is only a negligible effect by restricting this stockwater flow, then you may choose to let it continue.

I hope this helps.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

Jack Webster
Chairman

Donald Shenton
Watermaster

Keith A. Bramwell
Secretary

WATER DISTRICT 32-C

MEDICINE LODGE CREEK

Dubois,
Clark County, Idaho

RECEIVED

MAR 28 1995

Department of Water Resources
Eastern District Office

MINUTES OF THE ANNUAL MEETING OF MARCH 14, 1995

In accordance with the provisions of the Idaho Code setting 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 County Commissioners Room 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: Jack Webster, Chairman, David Burtenshaw, Ken Rowland, Pat McGarry, Gerald D. Holmes, Lee Small, Keith C. Wilson (IDWR), Dusty Shifflett, Carl Hoggan, David Leonardson, Sid Brown, Spence Brown, Garth Ashcraft, Don Shenton, Watermaster; Greg Shenton, Deputy Watermaster; Keith Bramwell, acting secretary.

Chairman Jack Webster called the meeting to order at 3:10 p.m..

ADOPTING PROPOSED AGENDA

Chairman Jack Webster presented the agenda for the meeting as listed below:

- Review of Agenda
- Election of Credentials Committee
- Election of Officers
- Approval of 1994 Minutes
- Watermaster's Report
- Budget Approval
- Election of Watermaster
- Election of Deputy Watermaster
- Election of Advisory Board
- Review of Resolutions
- IDWR Report
- Other Business

Garth Ashcraft moved and Carl Hoggan seconded that the proposed agenda be accepted. The motion passed unanimously.

CREDENTIALS COMMITTEE

Chairman Webster asked for nominations for the credentials committee or a motion to waive the committee. A motion made by Dave Burtenshaw to dispense with appointing a credentials committee for determination of voting rights was seconded by Sid Brown. The motion carried.

ELECTION OF OFFICERS

The Chairman asked for nominations from the floor for the office of Chairman. Jack indicated that it was his preference not to be nominated, but that he would accept his nomination with the understanding that this would be his last year. Dave Burtenshaw moved that Jack Webster be re-elected as chairman. Sid Brown seconded the motion and the motion passed unanimously.

The chairman asked for nominations for secretary. Keith Bramwell was nominated by Gerald Holmes. Pat McGarry seconded the nomination, and with no further nominations, Keith was elected by unanimous ballot.

MINUTES

Chairman Webster asked the secretary to read the minutes of the 1994 meeting. Garth Ashcraft moved that the minutes be accepted as read. The motion was seconded by Ken Rowland and the motion passed unanimously.

WATERMASTER'S REPORT

Deputy Watermaster Greg Shenton distributed the 1994 Water District 32-C Report and asked that each read it before having a group review. Time was allowed for reading of the report.

Don Shenton, Watermaster, reviewed the 1994 water year and indicated that it was probably the worst year for stream flows since the early 1960's. Several 1883 water priorities were cut early and continued through most of the season. A total of 15,392 A.F. of water was delivered in 1994, approximately 1,000 A.F. less than in 1992. Most people were cooperative and understanding of the extreme drought

conditions. There were some complaints about a stock water stream that was delivered that historically has been an accepted stream delivery for many years. This item is to be brought up under other business.

Sid Brown and Dave Leonardson became new water users in the district with the purchase of the Middle Creek Ranch, which was previously owned by Tom Christensen. The 1883 water rights were sold with the property with the exception of the 1.00 c.f.s. stock water right owned by Stoddard, Alan, and Shenton.

The final sale of land previously owned by Tom Christensen prompted some necessary action by the buyers to get the lands and the water rights to be the same as the contracts of sale. Since all the water rights were assigned to the total land area by decree and the contracts by which the land was sold are in variance, water right transfers through IDWR were necessary. Currently, the transfers are being advertised. The transfers need to be completed before the water rights are adjudicated to be legally correct.

The drought has had a major effect on the water assessments. Those who did not receive their water do not pay for it while those who did must pay extra to cover the costs of the district. The additional debit could be as much as 40 %, temporarily. The choice is to have water and pay more or have no water and pay no assessment.

Beaver dams are becoming more of a problem as they are moving down stream and diverting water and plugging control structures, sometimes nightly. A kill permit has been issued for Medicine Lodge Creek and Camas Creek, but the Idaho Fish and Game Department has yet to respond to the letter and resolution over the concerns regarding beaver management. A new problem has emerged, however. The IDFG will no longer remove beaver dams. Although they will grant permission, they also advise that a 404 permit must be obtained from the U.S. Army Corps of Engineers. The Corps state that they must grant permission before a beaver dam can be removed. Their authority has been called into question and they have not chosen to document their authority over beaver dams. Usual practices will continue in order to deliver the water according to Idaho law. Legislation is being sought to make the IDFG more responsive to beaver management problems. The Clean Water Act and the 404 permit supposed requirements currently pose the greatest threat to water rights because the Army Corps of Engineers claim that their authority supersedes water rights.

The adjudication process has begun in Clark County. Efforts were made by IDWR personnel to combine Water District #31, #32-C, and #32-D for the directors' report. Some field work was done last summer. The adjudication is in trouble, however, since the judge dismissed legislation passed last year. Legislators are questioning whether or not the adjudication can ever be completed or afforded. A special session of the legislature may be called to address the adjudication.

The 1994 Monthly Flow Chart, showing water use, credits and debits, and the budget list was reviewed. Those on the list with 0.00's did not receive any water. Users pay in according to the five year average. When water cannot be delivered, credits and debits are created based on who got water and who did not.

The financial report and budget were presented. Past years' costs, the five year average cost and the 1994 proposed costs were listed and compared. There are several credit and debit carryovers. There was a balance difference between the 1994 budget and actual costs of \$916.33. The breakdown of expenses was reviewed. Retirement benefits of \$824.97 was inadvertently left out of the list but was included in the total so the total is correct. The total was \$14,383.67. Dusty Shiftlett asked how the mileage was figured. Don said that it is figured as an allowance since the watermaster and deputy watermaster work for several water districts.

The proposed 1995 budget was presented in the report. It is \$200 more than the proposed 1994 budget, and is reflected in "Other Costs."

1995 Budget

Watermaster	1,800.00
Deputy	5,400.00
Mileage	4,080.00
Other	<u>4,220.00</u>
Total	\$15,500.00

The snow course measurement was discussed. Irving Creek is 139% of normal and Weber Creek is 125% of normal. The water content is excellent.

The snow generators were discussed. Don said that according to the Idaho Basin Outlook Report, there is a significant difference between areas where the generators are used and areas where they are not. The highest relative levels in the state are at the locations of the snow generators.

Dave Leonardson expressed his appreciation for the help he received in working out the water right transfers on the Middle Creek Ranch purchase.

Ken Rowland asked about the adjudication, if it was going to be done or not. Don Shenton said that no one knows what will happen with the adjudication, although preliminary work in this area is under way.

Don asked if there were any further questions. With no questions, Chairman Webster asked for a motion to accept the report. Dave Burtenshaw moved that the Watermaster's report be accepted. Sid Brown seconded the motion and the motion passed.

BUDGET APPROVAL

Chairman Jack Webster asked if anyone had any questions regarding the budget. Carl Hoggan moved that the proposed budget be accepted. Lee Small seconded the motion and the motion passed.

ELECTION OF WATERMASTER AND DEPUTY WATERMASTER

The chairman called for the election of the watermaster and the deputy watermaster. Dave Burtenshaw moved and Sid Brown seconded that Donald Shenton continue as watermaster. The motion passed unanimously.

Election of the deputy watermaster was next. Dave Leonardson moved that Greg Shenton continue as deputy watermaster. Pat McGarry seconded the motion and the motion passed.

APPOINTMENT OF ADVISORY COMMITTEE

The advisory committee was discussed next. Elman Woodfield will not be able to continue on the committee. Carl Hoggan moved that Pat McGarry be appointed to the committee to replace Elman. Dave Leonardson seconded the motion and the motion passed. With the new appointment, current members are Pat McGarry, Lee Small, Jack McGarry, and Lynn Hoggan.

RESOLUTIONS

Headgates and Weirs

Moved: Gerald Holmes; Seconded: Garth Ashcraft; Passed.

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 Assessment

Moved: Dave Burtenshaw; Seconded: Sid Brown; Passed.

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, 1995 and shall become delinquent May 1, 1995, and if not paid by May 1, 1995 the payment shall bear interest from May 1, 1995 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

Moved: Dave Leonardson; Seconded: Sid Brown; Passed.

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

Moved: Dave Leonardson; Seconded: Sid Brown; Passed.

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."

Carl Hoggan said that the purpose of this resolution is to maintain stream flow for down stream users. Don Shenton said that one pump located in the same quarter section as the land it waters does pump out of the creek because the water right was transferred to the pump prior to 1980 and, therefore, grandfathered in

Water Right Exchanges

Don Shenton stated that the resolution on water right exchanges that has been in existence since 1954 is illegal. All transfers must be handled through IDWR. Temporary transfers for specified periods of time can be made by permit but must go through IDWR. Transfers within the same properties can be made with out IDWR permits.

OTHER BUSINESS

Don Shenton explained that he had been audited by the IRS for 1993 and found that there was a problem in how vehicle expenses were considered. The auditor could not find any authorization for the use of the watermaster's private vehicle for official water district business. Don presented a resolution for consideration of the district to correct the problem. It is as follows:

Be it resolved that the watermaster, and/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 are not limited to fuels and oils, maintenance and repairs, payments for vehicle, licenses, insurance, and any other fees related to operation of vehicle

Chairman Webster asked for discussion. It was stated that the need to use a vehicle was obvious, but if it has to be official, then the resolution is needed. Pat McGarry moved that the resolution be accepted. Sid Brown seconded the motion and the motion passed.

Idaho Department of Water Resources Report

Keith Wilson, from IDWR, reported on some of the current issues facing IDWR. The first one was the adjudication. It appears that the judge is broadening the scope of the adjudication which creates some serious problems. Work is currently being done without knowing if it is even necessary. The federal government is included in the adjudication process to prevent federal agencies from adjudicating the water themselves. The federal reserve water rights will be qualified by the state instead.

A new device is available for determining the depth from which water is pumped from a well. Other measuring devices are available for measuring in line but they wear out and are not desirable. Other methods include power use calculated with depth of water. This method is very accurate. Well flow measurement will be required in the near future.

Stock water Use

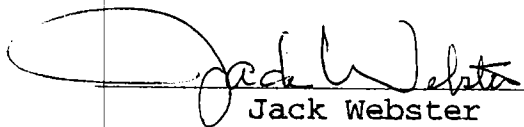
The complaints of last summer concerning a stock water stream that was delivered were addressed. The water delivery in question, namely, the Whittaker stock water diversion, has been an accepted water delivery for 60 or more years. Chairman Jack Webster said that if there were concerns, the issue should be discussed and action taken. Until now, no one has objected, since this stock water use is considered negligible. It was mentioned that the diversion had some leakage that needed to be corrected. The chairman asked if anyone had any objections to the manner in which the diversion is being managed and there was no response. Seeing no objections, he said that no official action will be taken. There was a general concensus that Mr. Whittaker keep his water for livestock and domestic purposes as in the past, but on the condition that his weir is working, the ditch kept clean and watertight, and the flow kept to a minimum. Chairman Webster asked the watermaster to visit with the water user in question about the leak. Chairman Webster asked if there was any further discussion or objections, and hearing none, the discussion ended.

MEETING TIME

Garth Ashcraft made the motion that the 1995 meeting be held on the second Tuesday of March 1996, at 3:00 p.m. in the County Commissioners Room, at the Courthouse, in Dubois, Idaho. Ken Rowland seconded the motion and the motion carried.


ADJOURNMENT

Carl Hoggan moved to adjourn the meeting, and Dave Burtenshaw seconded the motion. The motion carried. The meeting adjourned at 5:00 p.m.



Jack Webster
Chairman

ATTEST:



Keith A. Bramwell
Secretary