



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

OCT 21 1993

CECIL D. ANDRUS
GOVERNOR

October 20, 1993

Department of Water Resources
Southern Region Office

R. KEITH HIGGINSON
DIRECTOR

Re: Meeting of October 7, 1993 Concerning Water Rights and Water
Distribution on Rice-Lessey Ditch

Dear Water User:

On October 7, 1993, I attended a meeting of water users from the Rice-Lessey Ditch to receive comments concerning my previous correspondence pertaining to water rights and water distribution on the ditch. The meeting commenced at 10 a.m. and was held at the residence of Charles Twitchell. Attendees included Charles Twitchell, Wells Hepworth, Tom Ottley, Dan Adams, Arden Wickel, Art Ward, Larry Edwards, Mr. Lloyd, and Mrs. Darrington.

The primary issue which I wanted to discuss was the diversion of excess water in the Rice-Lessey Ditch resulting from the commingling of ditch water with waste water from the Dry Wash (referred to as Black Sand Creek in my correspondence of September 17, 1993). I also was interested in knowing if all of the water users were receiving their decreed rights, particularly the users at the end of the ditch who hold the earliest priority rights. In regard to this latter issue, I did hear some comments that the lower users may not have been getting all of the water they were entitled to receive throughout the irrigation season. All of the users in attendance agreed that those with the earliest priority rights should receive the full amount under those rights. Several users commented that they were sometimes uncertain as to what rights were deliverable at the head of the ditch or as to what rights should be cut.

Some of the users commented that in addition to gains to the ditch from the Dry Wash, there are gains to the ditch at other locations in the form of springs, seeps or underground flow. There was some comment that portions of the ditch may also lose water. Some of the users clearly stated that they believe they are entitled to divert these gains above and beyond the amount of water which they are entitled to divert under their decreed water rights. They stated that this practice of diverting their decreed rights plus the gains to the ditch, including the inflow from the Dry Wash, has been in place for many years. Some reference was made to the Ottley v. Twitchell court case. I am aware that this case acknowledges that a spring tributary to the Rice-Lessey Ditch does "constitute a portion of their (i.e.; ditch users) decreed rights under the Jobe Adams Decree."

There was some additional comment that the watermaster should only

deliver the decreed rights at the head of the ditch and should not at all take any action down the ditch, including the adjustment of the main headgate to compensate for inflow from the Dry Wash, or adjusting the main headgate if he is convinced or believes that users on the ditch who are entitled to receive water are receiving their full decreed amounts. There also was some discussion about the ditch users seeking a ditch rider and how to accomplish that objective.

In addition to the comments I have summarized above, several users pointed out that there is at least one decreed right from the Dry Wash which can be diverted from the Rice-Lessey Ditch. The right in question is a 40 inch right with priority of April 1, 1886 owned by the Darringtons. Department records show that this right is diverted from the Dry Wash (via pump) as well as from the Rice-Lessey Ditch. The Department's identification number for this right is 43-0441. The watermaster had advised me of this right during my visit in August but I had overlooked it when I wrote my last letter and at the time of our last meeting.

After attending the meeting and listening to the various comments, it appears to me that the Rice-Lessey ditch users would benefit most by organizing and electing a lateral manager. If this can be done, then distribution questions and problems on the ditch can be handled directly by the lateral manager and generally should not involve the Cassia Creek watermaster. Calls or demands for water on the ditch can be made to the lateral manager who in turn would communicate directly with the watermaster.

With regard to water users diverting more than their established water rights of record, the following applies:

- 1) Water users who believe they have a right to divert water in excess of their decreed, permitted and licensed rights should file Notices of Claim to a Water Right pursuant to the Snake River Basin Adjudication. Otherwise, the water users will forfeit any future claim to the water.

- 2) During times of water shortage, however, the Department will instruct the watermaster to deliver water only to the established water rights and not to adjudication claims until such claims are confirmed by the court.

Based on the information presented to me and my understanding of the information, the Department provides the following direction to the watermaster, the water district, and the Rice-Lessey water users regarding delivery of water to the Rice-Lessey Ditch:

- 1) Based on demand or call for water rights, and the available supply of water in Cassia Creek at the point of diversion for the Rice-Lessey Ditch, the watermaster shall deliver the full amount of water under the decreed rights which are called for and which can be delivered at the Rice-Lessey headgate.

2) The water users on the Rice-Lessey Ditch should make every effort possible to appoint a lateral manager and install suitable headgates and measuring devices. The ditch rider should be responsible for taking calls for water from individual ditch users, and then ordering a total amount of water from the Cassia Creek watermaster. The ditch rider should further be responsible for the delivery of water to each individual user, based on the decreed rights and call for water. The ditch rider should also provide for the delivery of the 40 inch 1886 decreed right from the Dry Wash owned by the Darrington's.

3) The Cassia Creek watermaster should not take any action on the ditch other than delivering the decreed rights at the main headgate as directed under item no.s 1 and 2 above.

4) If the ditch users fail to appoint a lateral manager on or before April 1 of each year, the watermaster may appoint a ditch rider as long as he receives a written demand by one or more users on the ditch. The Department will support appointment of a ditch rider by the watermaster but would recommend that the watermaster not appoint himself as ditch rider of the Rice-Lessey Ditch.

5) If the watermaster is forced to appoint a lateral manager on the Rice-Lessey Ditch, the Department will instruct said ditch rider to deliver only the amount of water which is described by decreed rights or other valid water rights on record with the Department of Water Resources.

Please note that enclosed with this letter are copies of the Idaho Code pertaining to the appointment of a lateral manager for ditches and laterals. Note that the law provides several methods for appointing a lateral manager. In the case of the Rice-Lessey Ditch, the most expedient method of appointing a lateral manager appears to be that provided either by Section 42-907, or Sections 42-1301 through 42-1309, Idaho Code. The duties and authority provided to the lateral manager appointed pursuant to Section 42-907 appears to be more comprehensive than those provided under the other statutes (See Section 42-910, Idaho Code for description of the lateral manager's duties pursuant to Section 42-907).

If you have questions concerning this matter, you may contact me directly at 327-7864.

Sincerely,



Tim Luke
Hydrologist
Water Allocations Bureau

cc: see attached mailing list

IDAHO STATUTES PERTAINING TO APPOINTMENT OF LATERAL MANAGERS
AND MAINTENANCE OF DITCHES

42-901. Appointment of watermaster -- Appointment by court. It shall be the duty of those owning or controlling any ditch, canal or lateral to appoint a superintendent or watermaster, whose duty it shall be to measure the water from such ditch, canal or lateral through the outlet of those entitled thereto, according to his or her pro rata share: provided, that any vicinity or neighborhood, the inhabitants of which use the waters of any ditch, canal or lateral for the purpose of irrigation, or have or claim a common right to the waters of any ditch or lateral for such purposes, provided the waters so claimed or used have not been allotted to the individual users thereof, shall constitute a water district.

Any one or more of said joint owners so using the water of any ditch, canal or lateral as aforesaid, when the appointment of a watermaster can not be agreed upon, may petition the judge of the district court in whose district the ditch, canal or lateral may be located for the appointment of a watermaster for said ditch, canal or lateral, and shall set forth in said petition the facts of his or her ownership in said ditch, canal or lateral; the ownership and interest of all other joint owners; the location and length of said ditch, canal or lateral, and requesting said district court to appoint a watermaster to take charge of the same. Upon due notice being given to all of the water users under said ditch, canal or lateral, and after hearing before said court, it shall be the duty of the judge of said district court if he deem it necessary or equitable in order that the rights of all water users under said ditch, canal or lateral may be protected, to appoint a watermaster for the ditch, canal or lateral described in the petition. Said watermaster to receive such compensation as the court in his judgment may deem adequate, and shall be paid in the same manner as is provided for the payment of watermasters under chapter 5 of this title, and shall perform the same duties and have the same power and authority as other watermasters appointed or elected in accordance with the provisions of this code.

42-902. Injuring ditch or headgate -- Triple damages. Any person who, without the consent of the watermaster of the district, diverts any water from the ditch or channel where it was placed, or caused, or left to run by the watermaster or his deputies, or who shuts or opens any ditch, gate or dam with intent so to divert any water, and thereby deprive any person of the use of the same during any part of the time he is entitled to such use, or who, without the consent of the watermaster, cuts any ditch or the banks thereof, or breaks or destroys any gate or flume, is liable in a civil action to any person injured thereby in three times the actual damage sustained in consequence of any such wrongful act or acts.

42-907. Duties of consumers -- Appointment of manager of distributing lateral. Where two (2) or more parties take water from said ditch, canal or reservoir at the same point, to be conveyed to their respective premises for any distance through the same lateral or distributing ditch, such parties shall, on or before April first of each year, select some person to have charge during the succeeding season of the distribution of water from such lateral, whose duty it shall be to ascertain and see that the amount of water to which each of the parties interested is entitled is properly apportioned and distributed. It shall be his further duty to see that the said person, association or corporation, contracting to furnish such water shall deliver

the amount as provided in section 42-905, [Idaho Code,] and in case of dispute between such person and the said person, association or corporation as to the quantity of water to be delivered, or the amount actually delivered, the matter shall be referred to the department of water resources. The parties entitled to said water shall keep their ditches and laterals in good condition for carrying and distributing the same. In case the parties entitled to the use of water as in this section stated shall neglect or refuse to perform the duties imposed upon them by this section, they shall have no cause for damage against the person, association or corporation furnishing said water for failure to properly furnish and distribute the same.

42-908. Manager of distributing lateral -- Alternative method of selection. Wherever two [(2)] or more persons take water from any main ditch, canal or reservoir, at the same point, to be conveyed to their respective premises for any distance through the same lateral or distributing ditch, as provided in section 42-905, [Idaho Code,] the person to be selected by such parties on or before April first of each year, as provided in section 42-907, [Idaho Code,] may be selected and appointed by a written instrument designating such person, signed by the majority of such persons so using the said ditch for their said water, and filed with the watermaster or other managing agent or director of such main canal, ditch or reservoir.

42-909. Manager of distributing lateral -- Appointment by district watermaster -- By directors of irrigation district -- Payment of compensation. If two (2) or more parties taking water from any main ditch, canal or reservoir at the same point to be conveyed to their respective premises for any distance, through the same lateral or distributing ditch, do not select a manager for said lateral, as provided in section 42-907[, Idaho Code,] or section 42-908, [Idaho Code,] the watermaster of the water district, shall on the written demand of any one or more of said parties, appoint a manager for said lateral, who shall have and exercise all the powers and perform all of the duties of a manager of the distributing lateral as provided in section 42-910[, Idaho Code]: provided, that if an irrigation district is owner of the main ditch, canal or reservoir, then the board of directors of such district shall, upon such demand, make such appointment.

The compensation of said manager shall be fixed by said watermaster, and shall be paid in the manner provided by section 42-910[, Idaho Code,] for the payment of expenses incurred by him. If not paid, it may be collected, with other damages in the action provided by said section: provided, that if an irrigation district is the owner of the main ditch, canal or reservoir, the board of directors of such district shall fix the compensation of said manager; and at the end of the irrigation season upon the request of such manager the secretary of such district shall prorate the amount of such compensation among the several parties taking water through such lateral, or distributing ditch upon the basis of the number of acres irrigated by each, and mail each a statement of the amount prorated to such party, requesting that remittance be made to such secretary for and on behalf of such manager. In the event such parties or either of them, not later than the date when irrigation district assessments are delinquent, remit to such secretary, he shall, upon receiving same, and without making any entry in his books of account, deliver it to such manager. Should such parties or either of them fail or refuse at such time to remit to said secretary, then such manager may collect as hereinbefore provided.

42-910. Duties of manager of distributing lateral -- Assessment of repair and maintenance costs -- Appeals. Such person shall be known as the manager of such distributing lateral for the season for which he is selected, and in addition to the powers granted to him by section 42-907[, Idaho Code,] he shall have power to require of each user of such lateral such user's proportion of the amount of labor, material or money reasonably necessary for the proper repair and maintenance of such lateral, and to require measuring weirs, head-gates and checks to be installed for distributing the water among the users, and each user of such lateral shall furnish his proportion of such labor, material or money upon three (3) days' notice so to do, and, in default of so doing, such manager may employ other labor in his place, or furnish the material or money necessary, and such user shall pay to the manager the reasonable value of such material or labor so furnished by the manager, upon demand, in case of default in payment by such user the said manager may sue and collect the same in any court of competent jurisdiction, and in addition to all costs, the court shall allow said manager his reasonable attorney's fees incurred in that behalf.

In the event such water user or water users shall not furnish his or their respective share of such labor, material or money within three (3) days after notice so to do, as hereinabove provided, then said manager may, if he elects, notify the association or corporation delivering water into said distributing lateral of the failure, neglect or refusal of said water users or any of them to furnish his or their respective share of such labor, material or money for the proper repair and maintenance of such lateral or for the furnishing and installation of measuring weirs, head-gates and checks, and upon receipt of such notice said association or corporation may, if it chooses to do so, proceed to furnish all labor, material and money necessary for the proper repair and maintenance of such lateral and for the furnishing and installation of measuring weirs, head-gates and checks, or it may, if it chooses so to do, proceed to repair and maintain said laterals and furnish and install such measuring weirs, head-gates and checks as it shall deem necessary or proper for the distribution of water among the several water users. The cost of such repair and maintenance and the cost of furnishing and installing such measuring devices, head-gates, and checks shall be apportioned among the several water users on the basis of benefits derived therefrom by said water users, and the said association or corporation furnishing said funds or doing the aforesaid things or any of them shall within thirty [(30)] days after completion thereof give each of such water users written notice of the amount or amounts to be paid by him and demand payment thereof. Should the water users or any of them desire to contest the assessment and apportionment made by such association or corporation, appeal may be taken from such assessment and apportionment to the district court in the county where the principal office of said association or corporation is located within ten (10) days after receipt of said notice and demand for payment, in the same manner as in the case of appeals from the boards of county commissioners. In case of appeal any sum or sums determined by said district court to be due, or in the event no appeal is taken then any sum or sums determined by such association or corporation to be due from any water users, shall be paid by such water user within ninety (90) days and the said association or corporation may refuse to deliver any water to any such water user until the amount due shall have been paid in full.

42-1202. Maintenance of ditch. The owners or persons in control of any

ditch, canal or conduit used for irrigating purposes shall maintain the same in good order and repair, ready to deliver water by the first of April in each year, and shall construct the necessary outlets in the banks of the ditches, canals or conduits for a proper delivery of water to persons having rights to the use of the water.

42-1203. Maintenance of embankments. The owner or owners of any irrigating ditch, canal or conduit shall carefully keep and maintain the embankments thereof in good repair, in order to prevent the water from wasting during the irrigation season, and shall not at any time permit a greater quantity of water to be turned into said ditch, canal or conduit than the banks thereof will easily contain or than can be used for beneficial or useful purposes; it being the meaning of this section to prevent the wasting and useless discharge and running away of water.

42-1204. Prevention of damage to others. The owners or constructors of ditches, canals, works or other aqueducts, and their successors in interest, using and employing the same to convey the waters of any stream or spring, whether the said ditches, canals, works or aqueducts be upon the lands owned or claimed by them, or upon other lands, must carefully keep and maintain the same, and the embankments, flumes or other conduits, by which such waters are or may be conducted, in good repair and condition, so as not to damage or in any way injure the property or premises of others.

42-1206. Repair of community ditches. Where a ditch is common property, or there is a common right to the use of the water of a ditch without payment therefor, and any labor or materials are necessary for the repair or cleaning of the ditch, or any gate or flume thereon or thereunto belonging, the watermaster of the district may make a fair pro rata assessment of labor or materials against the inhabitants of the district claiming the use of such water, according to the benefits received by each; and if any person so assessed neglects or refuses, for the period of three (3) days after notice so to do from the watermaster or his deputy, to furnish his just proportion of the necessary labor or materials, according to such assessment, he must pay his pro rata in cash, to be recovered, with costs, in an action by the watermaster in his own name.

42-1301. Organization -- Officers -- Rules. Where three (3) or more parties take water from same canal or reservoir at the same point to be conveyed to their respective premises for any distance through a lateral or distributing ditch or laterals or distributing ditches such parties shall constitute a water users' association known as "Water Users' Association of Lateral or Laterals." Such water users' association may meet and organize at any time after thirty (30) days after this chapter shall take effect, and shall meet annually thereafter between January first and the last Monday in March of each year, at the call of the secretary of such association, said secretary to give ten (10) days' notice by mail of such annual meeting; provided that if for any reason the secretary should fail to call a meeting, then the annual meeting of such association shall be held on the last Monday in March of each year. At such annual meetings each water user shall be entitled to one (1) vote in person, for each inch and a fractional vote for each fraction of an inch of water which such water user is entitled to receive from such laterals, and a corporation shall vote by one (1) of its officers designated by it. Such association shall organize by the election of

a chairman, vice-chairman and a secretary-treasurer, which officers shall also constitute the board of directors of such association, and shall hold office for one (1) year and until their successors are elected. Such association at the annual meeting shall also elect a manager of said lateral or laterals to be known as "lateral manager" for the succeeding season and shall fix the compensation of said manager, and of all officers. Such association may adopt such rules and regulations for the management of said lateral or laterals or distributing ditch or ditches and the delivery of water therefrom as they deem best, and may, by majority vote, if it be deemed for the best interests of the association, combine one or more laterals and abandon laterals not in use, and do any and all things not in conflict with the provisions of this chapter or the laws of this state wherein the best interests of the association will be furthered.

42-1302. Lateral manager -- Election -- Duties. Should any water users' association at its annual meeting fail to elect a lateral manager or fix his compensation such lateral manager may be elected by the board of directors of such association, who may also fix his compensation. The manager of any lateral shall, in addition to the duties prescribed by the association, perform all duties fixed for such lateral manager under the provisions of sections 42-907 and 42-910, [Idaho Code,] except as modified by this chapter.

42-1303. Lateral ditches -- Repairs, improvements, and maintenance -- Assessment of costs. Immediately after the annual meeting of any such association the directors thereof and the lateral manager shall make an examination of the lateral or distributing ditch or ditches, and make an estimate as to the cost of the necessary repairs and improvements thereon, and the maintenance thereof for the succeeding season, including the compensation of officers and lateral manager and such total cost and charges shall be assessed pro rata to each water user from said lateral, in the following manner, if agricultural land in proportion to the water which the owner is entitled to receive from such lateral or ditch, and if lots within any city or village, then the assessment may be made upon the basis of each lot, the same to be uniform upon lots of the same size. The improvement, repair and maintenance of any such lateral or distributing ditch shall be under the direction of the directors of the association.

42-1304. Assessments -- Notice -- Penalties for delinquency. On or before the fifteenth day of April in each year the secretary of the association shall notify each water user of the amount assessed against him for that year as herein authorized, and the same shall be due and payable on the first day of May of each year and if not so paid on or before the fifteenth day of June of such year, a penalty of ten per cent (10%) shall be added thereto, and the total amount due shall then draw interest at the rate of ten per cent (10%) per annum from said fifteenth day of June of such year until paid.

42-1305. Delinquent users not entitled to water. No water user shall be entitled to demand or receive water from said lateral whenever any such assessment is due and unpaid, and the lateral manager shall not distribute any water to such water user while delinquent in such payment except upon order of the board of directors of the association who shall have authority to cause such water to be delivered: provided, the water user shall give such security for the payment of such assessment against him as shall be required

by the board of directors.

42-1306. Collection and disbursement of funds. The lateral manager shall collect all assessments so made and pay the same to the secretary [secretary]-treasurer taking his receipt therefor. The secretary-treasurer of this association shall keep the funds of the association in the name of the association and shall draw warrants or checks thereon to pay the costs and expenses of the management of said lateral as herein provided for upon the order of the board of directors, and shall perform such other duties as the association may prescribe.

42-1307. Action for assessment -- Attorneys' fees. In case any assessment, as herein provided for is due and unpaid the association may sue to collect the same, in the name of its secretary-treasurer as such, in any court of competent jurisdiction, and in addition to the amount due including all penalties and interest, and all costs incurred in said action, may collect a reasonable attorney's fee in such action to be fixed by the court.

42-1309. Association authorized to borrow money, mortgage or pledge assets. Lateral ditch water users' associations are expressly authorized to borrow money from any private or governmental source, to be repaid over a period of years, and to levy assessments over such period of years for the purpose of repaying said loan, and they are also authorized and empowered to mortgage and/or pledge any of the assets of said associations as security for said loan; providing, however, that before any money can be borrowed or any mortgage or pledge can be made and entered into, all members of said association shall be notified of an election by two (2) weekly publications in a legally authorized newspaper, as defined in section 60-106, Idaho Code, within the county in which the association is located, said notice to provide that an election is being called to determine whether or not the association shall be authorized to borrow money and mortgage and/or pledge its assets, and shall also state the date, time and place of said election, which shall be held within ten [(10)] days after the date of the last publication of said notice.

If a majority of the total outstanding shares shall vote at said election in favor of borrowing said money and mortgaging and/or pledging said assets, then said association, through its president and secretary, shall be authorized to borrow said money and mortgage and/or pledge its assets.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

Loren Holmes *GH*

copy
Jim Stanton
for file 43-C
Cassia Ct.

RECEIVED

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 17, 1993

SEP 22 1993

Tommy Hutchinson
HC 61, Box 1248
Malta, ID 83342

Department of Water Resources
Southern Region Office

Re: Water Rights and Water Distribution on Rice-Lessey Ditch

Dear Mr. Hutchinson:

On August 19, 1993, I visited Elba and met with the watermaster of Water District 43-C, Tommy Hutchinson. Mr. Hutchinson had asked me to come to Elba to inspect the Rice-Lessey Ditch and address some questions regarding water distribution along this ditch as well as Cassia Creek. During my visit with Mr. Hutchinson, I also had an opportunity to visit with water district advisory board member Ryan Hawker.

This letter summarizes my field visit and review of water rights on the Rice-Lessey Ditch. This letter also identifies distribution problems on the Rice-Lessey Ditch either as I observed or as explained to me by the watermaster. Please review this letter and provide any comments or additional information. I particularly welcome comments if you feel something has been overlooked or not reported accurately.

During my inspection of the Rice-Lessey Ditch, Mr. Hutchinson explained that there has been some problems with diversions and distribution on the lower end of the ditch below the point where Black Sand Creek (or Black Sand Hollow) commingles with Cassia Creek water in the Rice-Lessey Ditch. The point where these two sources of water commingle is about six-tenths of a mile southwest of the old Elba Schoolhouse. I was told that the last user on the ditch who holds a senior water right was not able to divert his full right due to actions by a ditch user located just above him. There was some concern that the latter user did not have adequate diversion headgates and measuring devices from the ditch and therefore may have been diverting more water than he was entitled to divert at the expense of the senior water right holder located at the end of the ditch. My inspection of the ditch above the last user and below the old Elba Schoolhouse confirmed that proper control gates and measuring devices were not in place.

In addition to the concern described above, the watermaster asked for Department direction on how to distribute the excess water from Black Sand Creek which enters the Rice-Lessey Ditch. The watermaster asked whether this water should be considered as natural flow tributary to Cassia Creek or simply as natural gain to the

September 17, 1993
Page 2

Rice-Lessey Ditch. The watermaster was also concerned that this excess water was being diverted by one of the lower ditch users in addition to that user's regular water rights. The watermaster told me that the same lower ditch user had made previous statements to the watermaster that he had a right to use the water from Black Sand Creek which commingles with Rice-Lessey Ditch and that such water is used to "strengthen his decreed rights". Mr. Ryan Hawker expressed concern that the excess water from Black Sand Creek should be available to fill other water rights on Cassia Creek in accordance with rights of prior appropriation.

Based on my field inspection and subsequent review of water rights I wish to offer the following observations and recommendations:

A) The stream channel which is locally referred to as Black Sand Creek which commingles with the Rice-Lessey Ditch appears to be a natural channel which drains a number of intermittent streams and/or springs including Black Sand Hollow, Echo Hollow, Franks Hollow, Grassy Hollow, Lloyd Hollow or Lloyd Spring and perhaps Poison Hollow. In addition to draining these natural springs and streams, waste water from irrigation ditches and irrigation return flow from farms located south of the Rice-Lessey Ditch also contribute to flows in Black Sand Creek which commingle with Rice-Lessey Ditch.

B) Water in Black Sand Creek which commingles with water in the Rice-Lessey Ditch should be considered as natural flow and separate from water that is diverted into the Rice-Lessey Ditch from Cassia Creek.

C) Department records do not indicate that any of the water users on the lower end of the Rice-Lessey Ditch have any existing water rights and/or adjudication claims from Black Sand Creek or any of the other tributary sources listed above under item 1. The only water rights or claims on file from these sources describe points of diversion and places of use which are upstream from the point where Black Sand Creek meets with the Rice-Lessey Ditch. The Department's water rights records therefore do not support the alleged verbal statements of any water user on the lower end of Rice-Lessey Ditch that he has a right to divert, or is entitled to divert water from Black Sand Creek which commingles with the ditch.

D) It is my opinion that there are three options for distributing the commingled waters of Black Sand Creek and the Rice-Lessey Ditch.

1) Install a measuring device or develop a rating section on Black Sand Creek just above the confluence of the creek and the Rice-Lessey Ditch and then reduce the amount of water delivered to the head of the Rice-Lessey Ditch by the amount of water measured in the creek.

September 17, 1993

Page 3

2) Improve the headgate structure by the old Elba Schoolhouse so that the natural flow from Black Sand Creek can be diverted to Cassia Creek while also insuring that water can be turned down the lower end of the Rice-Lessey Ditch according to rights of prior appropriation. This improvement must include installation of a measurement device to insure that the proper amount of water is turned down the lower end of the Rice-Lessey Ditch.

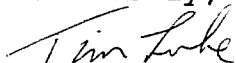
3) Disregard both options above but require watermaster regulation over distribution of water on the lower end of the Rice-Lessey Ditch and below the confluence of the Rice-Lessey Ditch and Black Sand Creek. Watermaster regulation would mean that all users on the lower end of the ditch and below the confluence would have to install controlling lockable headgates and measuring devices.

Of the three options above, I believe option 2 is most preferable. I further believe option 3 is least preferable because it will require additional attention and time from the watermaster. I am not certain that the watermaster now has enough time to add this responsibility to his existing duties and responsibilities. I am also concerned that adopting this option may add to any tension or conflicts which already exist on the Rice-Lessey Ditch. Any financial commitment that is required for option 1 or 2 should be borne by all of the water users in the water district, and not just users on the Rice-Lessey ditch. Option 1 may require a greater financial commitment to install and maintain a measuring device if there are wide seasonal fluctuations in flows of Black Sand Creek. There is a potential that option 1 may also disrupt or interfere with the delivery of water rights along that part of the ditch which is above the confluence of the ditch and Black Sand Creek (i.e.; reducing flow at heading could injure certain water rights or result in a lack of water along this part of the ditch).

Please note at this time I am only providing what I know about the Rice-Lessey/Black Sand Creek matter. Furthermore, I am only offering at this time some suggestions about how the watermaster and water district may address distribution on the ditch. Specific or more definitive direction is being withheld until the Department has had an opportunity to review any comments or information which you may submit.

Please send any comments or information to my attention at the above address. If you have questions concerning this matter, you may contact me directly at 327-7864.

Sincerely,



Tim Luke

Hydrologist

Water Allocations Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of September, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing correspondence to the following:

Dewayne Anderson
PO Box 743
Elba, ID 83326

Thomas Ottley
Box 455
Elba, ID 83326

Art Ward
PO Box 443
Elba, ID 83326

Tommy Hutchison
HC 61 Box 1248
Malta, ID 83342

Ryan Hawker
PO Box 433
Elba, ID 83326

Wally Sears Jr
PO Box 1244
Malta, ID 83326

Ken Jafek
Malta, ID 83342

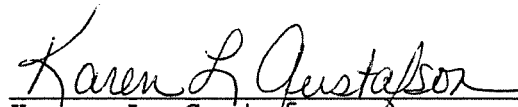
Wells Hepworth
Elba, ID 83326

Golden Gardiner
HC 72 Box 2038
Elba, ID 83342

Forevergreen Inc
Box 464
Elba, ID 83326

Raymond Anderson
1146 S 2900 E
Hazelton, ID 83335

Ruel Barker
1621 W 950 N
Provo, UT 84604



Karen L. Gustafson
Secretary/Records Manager

MINUTES CASSIA WATER DISTRICT 43-C

BUSINESS

DATE: March 8, 1993

PLACE: Raft River Board Room, Malta, Idaho

TIME: 2:00 P.M.

VISITORS: None

RECEIVED

APR 01 1993

Department of Water Resources
Southern Region Office

1. Selection of Chairman and Secretary/Treasurer:
Chairman--Stan Lloyd
Secretary/Treasurer--Maxeen Ward
2. Appointment of Credentials Committee:
Ryan Hawker, Orvil Beecher, Tommy Hutchison
3. Reading of Minutes and Treasurer's Report:
Minutes and Treasurer's Report were read and approved.
4. Fix Watermaster's Compensation:
A motion to pay Watermaster \$50.00 per day was adopted.
5. Election of Watermaster:
 - A. Nomination--Tommy Hutchison was the only nominee.
 - B. Tommy Hutchison was approved by acclamation for Watermaster.
6. Old Business:
Problems with channel deterioration and water control at Robinson Gate and other sites was discussed.
7. New Business:
A motion was adopted to have the Watermaster identify his water control problem areas. He is further authorized to call on the Advisory committee for coordinating help to set work days and to spend district funds as available and as needed to bring District 43-C water under the elected Watermaster's control.
8. Adoption of Budget:

A. Watermaster's compensation (214 days @ \$50.00/day)	\$10,700
B. Workmen Compensation	603
C. Secretary/Treasurer (7 months @ \$100.00 /month)	700
D. Miscellaneous	300
E. Social Security Withholding ???	
	<hr/>
	\$12,303
9. Adoption of Resolutions and collection of budget:
The following resolution was voted and approved:

"That no ditch or canal company or other water user shall have the right to demand and receive water and the watermaster shall not deliver to such person until the amount due and payable from such as fixed by the budget has been paid. Said amounts shall become due and payable fifteen days after receipt of water bills and said amounts, if not paid, shall bear interest at the rate of 8% per annum. Also, the water user must present to the watermaster his paid receipt or other proof that his budget has been paid before he can demand his water."

Advisory Committee:

Ken Jafek, Golden Gardiner, Ryan Hawker and Wally Sears, Jr.

11. Adjournment: 2:50 P.M.

Chairman

Stan Lloyd

Secretary

Maxon Ward

WATER DISTRICT 43-C MINUTES

Before Meeting Announcements:

- A. Water Rights Ajudication
- B. No More State Prepared Budgets
- C. House Bill #300 County District Change Procedures
- D. Convert Surface Rights to Underground
- E. Minimum Charge of \$20.00 per Right Holder
- F. Erratic Billings for Water
- G. Irrigated Acres Taxes
- H. Water Districts Filing for Members ?

RECEIVED

MAR 17 1989

Department of Water Resources
Southern Region Office

BUSINESS

Date: March 6, 1989
Place: Elba Church, Elba, Idaho
Time: 2:00 P.M.
Visitors: Terry Blau, IDWR

1. Selection of Chairman and Secretary

Douglas Harper was selected chairman and Stan Lloyd was selected secretary.

2. Appointment of Credentials Committee

Don Johnson, Colin Bowcutt and Cedric Taylor were appointed by the chairman to the credentials committee.

3. Reading of Minutes

Minutes of the 1988 annual meeting were read and approved. Social Security information from Idaho Department of Water Resources was read.

4. Fix Compensation for Watermaster

Compensation for Watermaster was fixed at \$40.00 per day.

5. Adoption of Budget

The 1989 Budget as voted:

Watermaster Salary (214 days @ \$40)	\$8560.00
Social Security (watermaster)	603.48
Secretary Salary	100.00
Misc.	300.00

Total \$9563.48

6. Adoption of Resolution for Collection of Budget

The following resolution was voted and approved:

"That no ditch or canal company or other water user shall have the right to demand and receive water and the watermaster shall not deliver to such person until the amount due and payable from such as fixed by budget has been paid.

Said amounts shall become due and payable fifteen days after receipt of water bills and said amounts, if not paid, shall bear interest at the rate of 8% per annum. Also, the water user must present to the watermaster his paid receipt or other proof that his budget has been paid before he can demand his water."

7. Other Business

Alan Merritt is the person to call in Twin Falls at 734-3578 if anyone has questions about water adjudication.

8. Election of Water Master

Stan Lloyd and Leonard Hall both withdrew when they were proposed for watermaster.

Archie Parish was chosen for watermaster by acclamation.

9. Selection of Advisory Committee

Ken Jafek, Ted Higley, Merlin Ottley and Don Johnson were appointed by the chairman to serve as the advisory committee.

10. Adjournment

The meeting was adjourned at 3:05 P.M.

Douglas Harper
(chairman)

F. Stanley Lloyd
(secretary)

There was an informal meeting and discussion with Terry Blau after the regular meeting for those who wished to stay.

WATER DISTRICT 43-C MINUTES

Date: March 7, 1988

Place: Elba Church, Elba, Idaho

Time: 2:05 P.M.

Visitors: None

Waterusers present: 16

BUSINESS

1. Selection of Chairman and Secretary

Douglas Harper was selected chairman and Stan Lloyd was selected secretary.

2. Appointment of Credentials Committee

Juleen Cottle, Ken Jafek and Art Ward were appointed by the chairman to the credentials committee.

3. Reading of Minutes

Minutes of the 1987 annual meeting were read and approved.

4. Fix Compensation for Watermaster

Compensation for Watermaster was fixed at \$40.00 per day.

5. Adoption of Budget

The 1988 Budget as voted:

Watermaster Salary(214 days @ \$40)	\$8560.00
Social Security(watermaster)	603.48
Secretary Salary	100.00
Misc.	300.00
Total	\$9563.48

6. Adoption of Resolution for Collection of Budget

The following resolution was voted and approved:

"That no ditch or canal company or other water user shall have the right to demand and receive water and the watermaster shall not deliver to such person until the amount due and payable from such as fixed by budget has been paid. Said amounts shall become due and payable fifteen days after receipt of water bills and said amounts, if not paid, shall bear interest at the rate of 8% per annum. Also, the water user must present to the watermaster his paid receipt or

7. Other Business

Several waterusers joined a discussion concerning erratic and excessive billings for water. The secretary was asked to meet with Water Resources to resolve the situation.

A motion was proposed and adopted to ask the Advisory Board to contact the local Raft River Flood Control Board for funds to repair washed-out diversions up to the points of diversion at the headgates.

A discussion also did proceed with the problem of water going under and/or around headgates into ditches in a manner that prevents the watermaster from having control over such diversions. No solution to the problem was developed.

8. Election of Watermaster

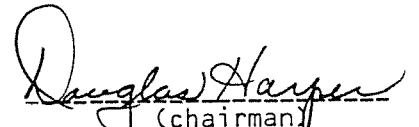
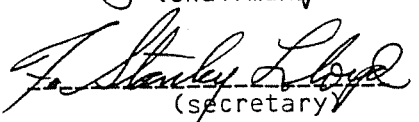
Leonard Hall was chosen for watermaster by acclamation.

9. Selection of Advisory Committee

Ken Jafek, Ted Higley, Merlin Ottley and Don Johnson were appointed by the chairman to serve as the advisory committee.

10. Adjournment

The meeting was adjourned at 3:15 P.M.


(chairman)

(secretary)

WATER DISTRICT 43-C MINUTES

RECEIVED

Date: March 2, 1987

MAR 9 1987

Place: Elba Church, Elba, Idaho

Department of Water Resources
Southern Region Office

Time: 2:05 P.M.

Visitors: Terry Blau, IDWR

Waterusers present: 15

BUSINESS

1. Selection of Chairman and Secretary

Orville Beecher was selected chairman and Jeanette Lloyd was selected secretary.

2. Appointment of Credentials Committee

Juleen Cottle, Ken Jafek and Art Ward were appointed by the chairman to the credentials committee.

3. Reading of Minutes

Minutes of the 1986 annual meeting were read and approved.

4. Fix Compensation for Watermaster

Compensation for Watermaster was fixed at \$40.00 per day.

5. Adoption of Budget

The 1987 Budget as voted:

Watermaster Salary(214 days @ \$40)	\$8560.00	
Social Security	603.48	(or appropriate amount to cover increase if needed)
Secretary Salary	100.00	
Misc.	300.00	
Total	\$9563.48	

6. Adoption of Resolution for Collection of Budget

The following resolution was voted and approved:

"That no ditch or canal company or other water user shall have the right to demand and receive water and the watermaster shall not deliver to such person until the amount due and payable from such as fixed by budget has been paid. Said amounts shall become due and payable fifteen days after receipt

of water bills and said amounts, if not paid, shall bear interest at the rate of 18% per annum. Also, the water user must present to the watermaster his paid receipt or other proof that his budget has been paid before he can demand his water."

7. Other Business

Ted Higley reported that the advisory board, when meeting with Raft River Flood Control, the moneys had all been spent.

Brought up for discussion were the ditches in Clyde Canyon and Stintson that were filled in during early run-off. The beaver dams in Green Canyon were also discussed. It was decided that the Watermaster report these types of problems to the Advisory Board who would then contact Raft River Flood Control for monetary help in repairing damage.

Terry Blau offered to find out about withholding taxes on Watermaster's Salary as this has been an ongoing problem for the watermaster.

8. Election of Watermaster

Leonard Hall was nominated as candidate for watermaster. Votes were cast by secret ballot. The credentials committee counted 299.4 votes cast for Leonard Hall.

At this time it was brought to the attention of the water users that the number of votes is determined by "cubic feet per second including and fractions thereof, of said qualifying water right." (code 42-605)

9. Selection of Advisory Committee

Ken Jafek, Ted Higley, Merlin Ottley and Don Johnson were appointed by the chairman to serve as the advisory committee.

10. Adjournment

The meeting was adjourned at 3:15 P.M.

Orval E. Becker
(chairman)

Janette Lloyd
(secretary)

DISTRICT 43-C MINUTES

Date: March 3, 1986

Place: Elba Church
Elba, Idaho

Time: 2:02 P.M.

Visitors: none

RECEIVED
MAR 18 1986
Department of Water Resources
Bozeman District Office

BUSINESS

1. Selection of Chairman and Secretary

Stan Lloyd was selected chairman and Jeanette Lloyd was selected secretary.

2. Appointment of Credentials Committee

Ken Jafek, Noel Bowcutt, Juleen Cottle and Don Johnson were appointed by the Chairman to the credentials committee.

It was decided that a copy of the water user allowed votes be kept by the secretary in order that they be available to the credentials committee.

3. Reading of Minutes

Minutes of the 1985 annual meeting were read and approved.

A letter from the Idaho Department of Water Resources concerning payment of Social Security for Watermaster was read.

4. Fix Compensation for Watermaster

Compensation for watermaster was fixed at \$40.00 per day.

5. Adoption of Budget

The 1986 Budget as voted:

Watermaster Salary(214 days @ \$40)	\$8560.00
Social Security	603.48
Secretary	100.00
Misc.	300.00
Total	<u>\$9563.48</u>

6. Adoption of Resolution for Collection of Budget

The following resolution was voted and approved:

"That no ditch or canal company or other water user shall have the right to demand and receive water and the watermaster shall not deliver to such person until

the amount due and payable from such as fixed by budget has been paid. Said amounts shall become due and payable fifteen days after receipt of water bills and said amounts, if not paid, shall bear interest at the rate of 18% per annum. Also, the water user must present to the watermaster his paid receipt or other proof that his budget has been paid before he can demand his water.

Discussion:

The repair of ditches and headgates was discussed. Leonard Hall stated that the water user was responsible for maintaining his ditches and headgates. It was voted that the advisory board and watermaster meet with the Raft River Flood District to see what can be done about damage to the system caused by flooding.

7. Election of Watermaster

Leonard Hall and Archie Parish were each nominated as candidates for watermaster. Votes were cast by secret ballot. The credentials committee counted 437 votes; Leonard Hall receiving 407 and Archie Parish receiving 30.

8. Selection of Advisory Committee

Don Johnson, Merlin Ottley, Ted Higley and Ken Jafek were appointed to serve as the advisory committee.

Discussion:

Procedures for payment of work done on main channel was explained by Leonard Hall.

9. Adjournment

The meeting was adjourned at 3:30 P.M.


(chairman)


(secretary)

DISTRICT 43-C MINUTES

Date: March 5, 1985

Place: Elba Church
Elba, Idaho

Time: 2:35 P.M.

Visitors: Terry Blau, IDWR

RECEIVED

MAR 12 1985

Department of Water Resources
Southern District Office

BUSINESS

1. Selection of Chairman and Secretary

Orville Beecher was selected chairman. Jeanette Lloyd was selected secretary.

2. Appointment of Credentials Committee

Chairman Beecher appointed Ken Jafek, Ted Higley, Steve Norman and Ron Robertson as the credentials committee.

A copy of the number of votes allowed for each water user of District 43-C was made available by last years committee appointed for that purpose.

3. Reading of Last Years Minutes

Minutes of 1984 annual meeting were read and approved.

A letter from Idaho Department of Water Resources pertaining to payment of Social Security @ 7.05% to IRS for watermaster was read.

Discussion:

Mr. Hall reported that the county will not withhold Social Security or prepare W-2 form since they are not required to do so by law. Mr. Blauthen told us that there is legislation pending that calls for the appointment of year round secretary to receive collections and make payments.

It was suggested that the advisory committee with Mr. Hall contact Problems Resolutions Officer of IRS in resolving the difficulties concerning Social Security withholding and also the filing of bimonthly reports of earnings to IRS.

It was brought up that Mr. Hall has been paying his own bond of \$30.00. Since the watermaster was not called on last year a motion was made that he be reimbursed that amount from the 1985 budget.

Discussion:

A discussion of Idaho Department of Water Resources jurisdiction for distribution

water. It was explained that the departments' only rights concerned transfer of water rights and changes of diversion; then only if no protests were made following newspaper advertisement.

4. Adoption of 1985 Budget

Following a discussion concerning duties, expenses and time put in it was voted that a salary of \$40.00 per day for watermaster be paid.

The budget as voted:

Watermaster Salary(214 days @ \$40)	\$8560.00
Social Security(7.05%)	603.48
Secretary	100.00
Misc.	300.00
Total	<u>\$9563.48</u>

It was also stated again that accountant fees were not necessary for preparing a proposed budget. The IDWR is available to help watermaster and secretary in computing assessments and filing reports.

A motion that watermaster post dates of water currently "on" was carried by majority vote.

5. Adoption of Resolution for Collection of the Budget

A motion by Ted Higley and seconded by Merlin Ottley for collection of the budget was voted and approved. It reads:

That no ditch or canal company or other water user shall have the right to demand and receive water and the watermaster shall not deliver to such person until the amount due and payable from such as fixed by the budget has been paid. Said amounts shall become due and payable fifteen days after receipt of water bills and said amounts if not paid shall bear interest at the rate of 18% per annum. Also, the water user must present to the watermaster his paid receipt or other proof that his budget has been paid before he can demand his water.

6. Election of Watermaster

Leonard Hall was nominated for the position of watermaster by Wayne Whitaker, seconded by Bernice Stevens. Wally Sears moved that nominations cease, seconded by Ted Higley. The credentials committee counted 448 votes cast by secret ballot for Leonard Hall.

7. Advisory Committee

Jay Cottle, Don Johnson and Merlin Ottley were appointed by Chairman Beecher to serve as advisory committee.

8. Adjournment

The meeting was adjourned at 4:30 P.M.

Orvil E. Beecher
(chairman)

Janette L. Lopez
(secretary)

District 43-C Minutes

Date - March 5, 1984
Place - Elba Church
Time - 2:00 PM

RECEIVED

MAR 20 1984

Department of Water Resources
Southern District Office

Visitors - Allen Merritt - F DWR

Business

- 1- Selection of Chairman and Secretary
Noel Bowcut was Selected Chairman
Stan Lloyd was Selected Secretary
- 2- Appointment of Credentials Committee
Chairman Bowcut appointed Don Johnson, Arden Wickel and John Nye with Charles Twitchell and Leonard Hall as Special Members.
- 3- Reading of Last year's Minutes -
Minutes read by Stan Lloyd
- 4- A list of Number of Votes to be cast by each Member.
a list of Voters And Votes was Certified by the Credentials Committee
5. Proposed budget for 1984
Secretary Stan Lloyd read 1984 Proposed budget from 1983 Water master David O Hutchison as follows:
Water Master Salary @ $50^{\frac{00}{100}}$ / Day for \$
214 Days - 10,700.⁰⁰
Travel Gas Phone Calls and Supplies 300.⁰⁰

5. Proposed Budget for 1984 (Continued) -
 Water District Share of S.S. @ 7% = \$ 721.00
 Accounting — — — 000.00
 Secretary — — — 50.00
 Total — — — \$ 1,171.00

Secretary Stan Lloyd explained that an accountant's services were not needed to prepare the Watermaster's report and his proposed budget whereas the proposed budget is very often not accepted at the annual meeting for District 43-C and was therefore useless. Also the State of Idaho I.D.W.R. will gladly help the Watermaster prepare his Report as well as help the Secretary prepare the new adopted Budget.

A motion by Art Ward and 2nd by Ruben Ward to pay the Watermaster \$35.00 per day was voted and approved.

A Travel and phone and Supplies Expense along with the District's share of Social Security @ 7% Fund was voted and approved.

A motion by Charles Twitchell and 2nd by Keith Darrington to pay the Secretary \$100. per year was voted and approved.

6. Adoption of Resolution for Collection of The Budget.

A motion by Ruben Ward, 2nd By Charles Twitchell for Collection of The

6- Collection Resolution (Continued) - - -

Budget was voted and approved.

The Collection Resolution Reads:

That no ditch or Canal Company or Other Water user shall have the right to demand and receive water: and the Watermaster shall not deliver to Such person until the amount due and payable from Such as fixed by the budget has been paid. Said amounts shall become due and payable fifteen days after receipt of water bills and Said amounts if not paid shall bear Interest at the rate of 18% per annum. Also, the Water user must present to the Watermaster his paid receipt or other proof that his budget has been paid before he can demand his water.

7- Election of Watermaster

Nominations

1. Archie Parish by Charles Twitchell
2. David O. Hutchison by Alvin Nedde
3. Leonard Hall by A.D. Nye

A motion for Nominations to Cease by Merlin Otley and 2nd by Keith Darrington was Voted and approved.

Votes for Watermaster Candidates were collected and counted by Credentials Committee. Results were Archie Parish - 106 votes David Hutchison 175 votes And Leonard Hall 182 votes.

Chairman Noel Bowcut declared Leonard Hall to be Watermaster for 1984.

~~John Nye, Secretary~~ ~~John Nye~~

8- Advisory Committee

Chairman Noel Bowcut appointed Jay Cottle, Wells Hepworth and Merlin Ottley for the advisory Committee.

9. Discussion:

a petition was drawn up to be circulated and sent to Representative Vard Chatburn asking that one vote for water elections be granted for any part of The First Ten inches of water and one vote for each Ten inches thereafter.

Also; Chairman Noel Bowcut directed that at a later date The advisory Committee along with the Chairman and ~~for~~ The Secretary convene to update and Clarify the Number of votes allowed for each water user of District 43-C.

10- Reports

Don Johnson Reported that studies and investigations are on going for Cassia Creek Dam Project. Some possibilities for building still exist but, New factors such as Cost and Location and Impacts have developed.

11- Meeting Adjourned at 3:30 PM.

Noel Bowcut Chairman *[Signature]*
Stan Lloyd, Secretary *[Signature]*

District 43-C

date: March 7, 1983

place: Elba Church

time: 2:00 PM

visitors: None

RECEIVED

MAR 28 1983

Department of Water Resources
Southern District Office

Business

1- Selection of Chairman and Secretary:

Ted Higley was elected Chairman and Stan Lloyd was elected Secretary.

2- Appointment of Credentials Committee.

Chairman Ted Higley appointed Marvin Hall, Don Johnson and Bob Parke as members of The Credentials Committee.

3- Reading of Last years minutes:

Stan Lloyd Read 1982 minutes - There were no Additions or Corrections.

4- A List of Number of Votes to be Cast by each member in attendance.

Credentials Committee Certified The Vote List.

5- Proposed Budget for 1983.

Discussion; water masters Salary - a motion by Art Ward; Second by Alvin Neddo, to pay Water Master \$35.⁰⁰ per day; not \$38.⁰⁰ per day as per the Proposed budget.
Motion carried.

3/7/83

District 43-C Minutes

6. Adoption of Resolutions for Collection of The budget.

The Following Resolution was Read:

That no ditch or Canal Company or, other water user shall have The right to demand And Receive water; And the watermaster shall not deliver to such person until the amount due and payable from such as fixed by the budget has been paid. Said amounts shall become due and payable fifteen days after receipt of water bills and said amounts if not paid shall bear interest at the Rate of 18% per annum. Also, the water user must present to the watermaster his paid receipt or other proof that his budget has been paid before he can demand his water.

7. Election of Watermaster:

Nominations:

Leonard Hall was nominated by Marvin Hall,
David O. Hutchison was nominated by Alvin Veddo
Nominations Cease by Bob Perke Second by
Orville Beecher.

Vote: For Leonard Hall - 236,

For David O. Hutchison - 256

Chairman Higley pronounced David Hutchison
as watermaster.

8. Advisory Committee.

Chairman Higley appointed Marvin Hall,
Charles Twitchell and Steve Norman as the
Advisory Committee.

3/7/83

District 43-C Minutes

9. Discussion:

To remind each person voting to put Candidates name and how many votes on each ballot.

10 Report:

Don Johnson - Reservoir Building on Cassia Creek. Application is still open, Power Generation may be possible. A Decision was made to form a Committee to initiate further Study of Reservoir Building. Committee members are Don Johnson, Alvin Neddo, Ted Higley and Marvin Hall.

10 Motion to Adjourn:

A Motion by Ruben Ward to adjourn:

Second by Alvin Neddo:

Motion Carried:

Time 3:30 PM.

Chairman Ted Higley Secretary Steve Lloyd

Idaho Water District 43C

Date Monday March 1, 1982

Place Elba Church, Elba, Idaho

Time 2:00 PM.

RECEIVED

MAR 23 1982

Department of Water Resources
Southern District Office

Visitors Allen Merrill IOWR

Business

1. Selection of Chairman and Secretary
Ted Higley was Elected Chairman and Stan Lloyd was elected Secretary.
2. Appointment of Credentials Committee
Chairman Ted Higley appointed Noel Bowerntt, Jim Carter and Glen Farke as members of Credentials Committee.
3. Reading of Last Year's Minutes
Stan Lloyd read last year's minutes, there were ~~no~~ additions or corrections.
4. A list of the number of votes to be cast by each member in attendance was certified by the Credentials Committee.
5. Proposed Budget for 1982
Proposed Budget was read by Stan Lloyd.
Discussion: Water Masters pay
A motion by Art Mack and 2nd by Keith Sargent to pay Water Master \$35.⁰⁰ per day and not \$36.⁰⁰ per day was proposed in the Budget.
Vote: all were in favor, unanimous. There were no dissenting votes.
Motion: to adopt the amended proposed budget by Noel Bowerntt, 2nd by Charlie Twitchell. The motion to adopt was voted and approved.
6. Adoption of Resolutions for Collection of the Budget
The following resolution was read: That no ditch or Canal Company or other water user shall have...

Water District 43C (Minutes) 1980
water and the watermaster shall not deliver to such person until the amount due and payable from such as fixed by the budget has been paid. Said amounts shall become due and payable fifteen days after the mailing of water bills and said amounts if not paid shall bear interest at the rate of 18% per annum. Also the water user must present to the watermaster his paid receipt or other proof that his budget has been paid before he can demand his water.

7. Election of Watermaster.

Nomination of Leonard Hall for watermaster. There were no other nominations and all 461 votes were cast for Leonard Hall.

8. Advisory Committee.

Chairman Ted Higley appointed Don Johnson, Art Ward and Noel Bowcutt to be the advisory committee.

9. Discussion.

The John Adams Reservoir is available for study. Charles Twitchell has a copy and Steve Lloyd has a copy.

An inquiry was made by Don Johnson about reservoir building possibilities on Cassin Creek. Don Johnson was nominated as a person to research the issue and report at next years meeting as to his findings.

10. Motion to Adjourn.

A motion by Keith Darlington and 2nd by Merlin Otley was voted and approved.
Time 3:45 PM.

Chairman Ted Higley Secretary Steve Lloyd

Date: Monday, March 2, 1981
Place: Elba Church
Time: 2:00 P.M.
Visitors: None

RECEIVED

MAR 20 1981

Business:

1. Selection of Chairman and Secretary.

Orvil Beecher was elected as chairman and Stan Lloyd was ~~selected as Secretary.~~ ^{Department of Water Resources}

2. Appointment of Credentials Committee.

Chairman Orvil Beecher appointed Jay Cottle, Art Ward and Charles Twitchell as members of the committee.

3. Reading of Past Year's Minutes.

The secretary read the minutes for the 1980 meeting.

Discussion: How users of spring water should vote.

There was a motion by Charles Twitchell and seconded by Art Ward saying that a water user could vote his spring water as decreed in the decree book provided that the number of inches of water was specified. Motion carried.

4. A list of the number of votes to be cast by each member in attendance was certified by the credentials committee.

5. Proposed Budget for 1981.

The Watermasters daily wage rate of \$35.00 per day along with \$884.62 in other expenses was discussed. A motion by Jay Cottle to adopt the proposed budget and seconded by Art Ward was voted on and approved.

6. Adoption of Resolutions for Collection of the Budget.

The following resolution was discussed.

That no ditch or canal company or other water user shall have the right to demand and receive water and the watermaster shall not deliver to such ~~person~~ person until the amount due and payable from such as fixed by the budget has been paid. Said amounts shall become due and payable on or before April 1, 1981, and said amounts if not paid shall bear interest at the rate of 8% per annum. Also the user must present to the watermaster his paid receipt or other proof that his budget has been paid before he can demand his water.

Discussion: To raise % of interest rate. A motion by Arden Wickel and seconded by Art Ward to raise the interest rate to 18% per annum was voted and approved.

Discussion: To allow a time after billing to pay water bill. A motion by Art Ward and seconded by Merlin Ottley to allow 15 days after billing to pay water bills was voted and approved.

7. Election of Watermaster.

Discussion: Whether or not to grant watermaster authority on company ditches. A motion by Art Ward and seconded by Jay Cottle to give the watermaster the authorization to check water users on company ditches at own discretion was voted by a show of hands. 2 in favor and 8 opposed and motion did not carry.

Nomination of Leonard Hall by Jay Cottle. Motion nominations cease by Merlin Ottley and seconded by Art Ward; Motion carried. All of the 336 votes represented were cast for Leonard Hall.

8. Advisory Committee:

Chairman Orvil Beecher appointed Jay Cottle, Arden Wickel and Merlin Ottley as advisory board members.

Discussion: A structure in lower Cassia Creek forks was repaired to deliver water to Shirley Hitt and paid for by a portion of a fund for such purposes carried by District 43-C. A beaver dam in the same area was not removed and such beaver dams and wild animal problems were thought to be directed to Idaho Fish and Game Department.

9. Motion to Adjourn.

Motion to adjourn was made by Charles Twitchell and seconded by A.M. Barker.
Motion carried. Time: 4:00 P.M.

Orville E. Becker
(chairman)

Stan Lloyd
(secretary)

Water District 43-C

Date: Monday, March 3, 1980
Place: Elba Church
Time: 2:00 p.m.
Visitors: None

Business:

1. Selection of Chairman and Secretary: Orvil Beecher was elected as chairman and Stan Lloyd was elected as secretary. The secretary read the minutes of the 1979 Water Meeting.
 2. Appointment of Credentials Committee: Chairman Orvil Beecher appointed Noel Bowcut, Orville Sears and Glen Taylor as the members of the committee.
 3. Report of Credentials Committee: Discussion: Concerning how users of spring water should vote for watermaster. Motion was made by Glen Taylor that the secretary is to write a letter to Idaho Department of Water Resources for an opinion for 1981 Water Meeting. Question: Should spring water which is decreed to the land but not administered by the watermaster be used in voting for a watermaster? Noel Bowcut seconded the motion. Vote for was unanimous and motion carried. A motion by Rex Ottley was made that the watermaster should have a telephone. The motion was seconded by Glen Taylor. Vote for was unanimous and the motion was carried.
Question and answer period concerning budget for watermasters daily salary with number of days proposed for watermasters term along with budget total compared to last years and other years figures was discussed. Motion by Jim Carter to adopt the budget as proposed in the "Watermasters Proposed Budget" for 1980 was made and seconded by Orville Sears. Vote for adoption was unapposed and was carried.
 4. Collection of Budget: Motion by Glen Taylor that the policy for collection of budget be the same as 1979 was seconded by A. D. Nye. Unanimous approval. The resolution reads as follows: "That no ditch, canal company or other water user shall have the right to demand and receive water and the watermaster shall not deliver to such person until the amount due and payable from such as fixed by the budget has been paid and shall become due and payable on or before 1 April 1980, and said amounts if not paid shall bear interest from that date until paid at the rate of eight (8) per cent per annum....Also the user must present to the watermaster his said receipt or other proof that his budget has been paid before he can demand his water."
 5. Discussion: Watermaster can be called on to administer the water in a company ditch if a resolution is passed by the water district. Decision was to table any resolution action until someday if measuring devices are installed on company ditches. It was pointed out that individuals on a company ditch could probably hire their own ditch rider.
 7. Credentials Committee met and approved the number of votes to be cast by each individual according to a list of names with the number of votes intended to be cast by each individual.
 8. Election of Watermaster: Nominations: Morgan Ward was nominated by Orville Sears and Leonard Hall was nominated by Marvin Hall. Motion that nominations cease was made by A. D. Nye and seconded by Noel Bowcut. Results: 600 votes were cast; 116 for Morgan Ward - 484 for Leonard Hall. Leonard Hall was declared watermaster by chairman.
 9. Advisory Board: Chairman Orvil Beecher appointed Blaine Wight, Arden Wickle and Glen Taylor as board members for 1980.
 10. Adjournment: Motion to adjourn was made by Noel Bowcut and seconded by Bernice Stephens. Time: 3:30 p.m.
- A. D. Nye*

Date: March 5, 1979
 Place: Elba Church
 Time: 2:10 P.M.
 Visitors: None

MAR 10 1979

Department of Water Resources
 Southern District Office

Business:

1. Election of Officers: Chairman: Orville Beecher and Noel Bowcut were nominated. Arden Wickel moved that nominations cease; seconded by Shirley Hitt. Orville Beecher received 14 votes; Noel Bowcut received 5 votes. Secretary: Stan Lloyd was unanimously approved as secretary.

2. Appointment of Credentials Committee: Chairman Orville Beecher appointed Blaine Wight, Arden Wickel and Glen Taylor as the three members of the committee. ~~Noel Bowcut, Alvin Neddo and Charles Twitcheil~~

3. Minutes: The minutes of the 1978 meeting were read by Sec. Stan Lloyd. There were no additions or corrections and were so approved.

4. Water Masters Compensation: The Water Masters prepared budget was read by Stan Lloyd. The Watermasters pay proposal was \$30.00 per day for 214 days for a total wage of \$6420.00. The budget also included other expenses of \$393.55 for Social Security for Watermaster, \$300.00 for accounting and \$50.00 for Secretary for an overall total budget of \$7163.55. Motion by Merlin Ottley to accept the budget. Alvin Neddo seconded. Vote was unanimous to adopt the budget.

5. Collection of Budget: Motion by Wallace Sears and seconded by Keith Darrington to use the same method as 1978 to collect the budget. Unanimous approval. The resolution reads as follows: "That no ditch, canal company or other water user shall have the right to demand and receive water and the watermaster shall not deliver to such person until the amount due and payable from such as fixed by the budget has been paid and shall become due and payable on or before 1 April 1979, and said amounts if not paid shall bear interest from that date until paid at the rate of eight (8) per cent per annum....Also the user must present to the watermaster his said receipt or other proof that his budget has been paid before he can demand is water."

6. Watermasters Term: Motion by Noel Bowcut and seconded by Arden Wickel - Unanimous vote that watermasters term be same as last year. That is: Watermasters term starts when he is called on the job and ends October 31.


7. Discussion: (1) Motion by Noel Bowcut and seconded by Alvin Neddo to use Decree book as a basis for voting including springs as long as the spring has a designated number of inches of water in the decree book. Vote was 17 for and 4 against. Motion carried. (2) Motion by Marvin Hall and seconded by Julene Cottle to have secretary show a record of the votes claimed by each person. Vote 15 for with 0 against. Motion carried.

8. Election of Watermaster: Nominations: Leonard Hall nominated by Julene Cottle and Eugene Ward nominated by Wallace Sears. Arden Wickel moved nominations cease. Second by Grant Beeler. Voting was done by secret ballot and counted by credentials committee. Result: Leonard Hall received 364 votes and Eugene Ward 162. Leonard Hall was declared Watermaster by Chairman Orville Beecher.

9. Advisory Board: Chairman Orville Beecher appointed Blaine Wight, Arden Wickel and Glen Taylor as advisory board members.

10. Adjournment: Motion by Alvin Neddo and seconded by Merlin Ottley to adjourn. Vote was unanimous. Time: 3:40 P.M.


 chairman



 secretary

Date: March 6, 1978
Place: Elba Church
Time: 2:10 pm.
Visitors: None

RECEIVED

Business:

1. Election of Officers: Chairman: Alvin Neddo was nominated. Blaine Wight was nominated. Blaine Wight was elected by a show of hands; Neddo 9 and Wight 12. Secretary: Stan Lloyd was unanimously approved as Sec.
2. Appointment of Credentials Committee: Blaine Wight appointed Alvin Neddo, Jim Carter and Glen Parke as the three members of the committee.
3. Minutes: The minutes of the 1977 meeting were read by Stan Lloyd, There were no additions or corrections and were so approved.
4. Water Masters Compensation: The Watermasters pay proposal as read from the proposed budget by Sec. Stan Lloyd was \$27.50 per day for 214 days for a total wage of \$5885.00. The budget also included other expenses of \$344.27 for Social Security for Watermaster and \$50.00 wage for secretary for a total of other expenses of \$394.27 with an overall total budget of \$6279.27. Motion by Glen Parke to adopt the proposed 1978 budget. Seconded by Merlin Ottley. Unanimous approval by vote.
5. Collection of Budget: Motion by Orville Sears and seconded by Charles Ward that we use same method as for 1977 to collect budget. Unanimous approval. The resolution reads as follows: "That no ditch, canal company or other water user shall have the right to demand and receive water, and the watermaster shall not deliver to such person until the amount due and payable from such water user as fixed by the budget has been paid and shall become due and payable on or before 1 April 1978, and said amounts if not paid shall bear interest from that date until paid at the rate of eight (8) per cent per annum....Also the user must present to the watermaster his paid receipt or other proof that his budget has been paid before he can demand his water."
6. Watermasters Term: Motion by Arden Wickel that the watermasters term starts when he is called on and ends October 31. Seconded by Jim Carter. Approved.
7. Unlocking Headgates: Motion by Jim Carter that all locked headgates be opened at the end of Season on October 31 each year. Seconded by Charles Ward. Vote: 14 yes; one no. Approved.
8. Election of Watermaster: Leonard Hall was nominated by Marvin Hall. No other nominations. Moved that nominations cease by Reuben Ward. Seconded by Alvin Neddo. Unanimous approval. Motion by Merlin Ottley to accept Leonard Hall as Watermaster. Seconded by Reuben Ward. Approved.
9. Advisory Board: Mr. Wight appointed Marvin Hall, Orville Sears and Charles Ward as advisory board members.
10. Adjournment: Motion to adjourn by Orville Sears, seconded by Glenn Berryman. Approved. Time: 3:00 p.m.


chairman


secretary

RESOLUTIONS PERTAINING TO THE TIME AND MANNER OF COLLECTING THE BUDGET AS
ADOPTED AT THE ANNUAL MEETING OF THE WATER USERS OF

WATER DISTRICT No. 43-C

- ITEM # 4. Water Masters Compensation: The Watermasters py proposal as read from the proposed budget was \$27.50 per day for 214 days for a total wage of \$5885.00. The budget also included \$344.27 for Social Security for watermaster and \$50.00 for Secretary; for a total budget of \$6279.27. Motion by Glenn Parke to adopt the proposed budget and seconded by Merlin Ottley. Vote unanimously approved.
- ITEM # 5. Collection of Budget: Motion by Erville Sears and seconded by Charles Ward that we use the same method as for 1977 to collect the budget. Unanimous approval. The resolution reads as follows: "That no ditch, canal company or other water user shall have the right to demand and receive water and the watermaster shall not deliver to such person until the amount due and payable from such water user as fixed by the budget has been paid and shall become due and payable on or before 1 April 1978, and said amounts if not paid shall bear interest from that date until paid at the rate of eight (8) per cent per annum.... Also the user must present to the watermaster his paid receipt or other proof that his budget has been paid before he can demand his water."

DATE: 7 MARCH 1977

PLACE: ELBA CHURCH

TIME: 2:10 pm

VISITORS: MR. MIKE STEEL: REGIONAL SUPERVISOR, IDAHO DEPT. OF WATER RESOURCES
MR. GARY FUNDERBURG, WATER RESOURCES AGENT.

BUSINESS: THE VISITORS WERE INTRODUCED AND THEY ELECTED TO COMMENT AS THE MEETING PROGRESSSED.

1. ELECTION OF OFFICERS: CHAIRMAN : GRANT BEYLER NOMINATED BY ALVIN NEDDO. MOVE: NOMINATIONS CEASE: GLEN BERRYMAN, 2d BY ALVIN NEDDO. UNANIMOUS APPROVAL.
SECRETARY: JAY COTTLE, NOMINATED BY GLEN TAYLOR: MOVE NOMINATIONS CEASE BY ARDEN WICKEL, 2d BY GLEN PARKE. UNANIMOUS APPROVAL.
2. APPOINTMENT OF CREDENTIALS COMMITTEE: MR. BEYLER APPOINTED ALVIN NEDDO, ORVIL SEARS AND HAROLD WARD TO THE CREDENTIALS COMMITTEE.
 - A. FUNCTION OF THE CREDENTIALS COMMITTEE WAS DISCUSSED. IT WAS DETERMINED THAT EACH WATER USER WAS ENTITLED TO ONE VOTE PER TEN INCHES OF DECREED WATER. IT WAS MR. STEEL'S OPINION THAT THIS IS BASED ON THE PREVIOUS YEARS DELIVERED WATER AND THUS A DECREE THAT IS NEVER USED IS NOT TO BE VOTED. HE FURTHER STATED THAT THE ONLY WAY A PERSON CAN LOOSE A DECREED WATER RIGHT IS TO PUBLICLY STATE THAT YOU DON'T WANT IT AND THAT YOU CAN SELL OR TRADE A WATER RIGHT WITH OUT THE PROPERTY. DISCUSSION..
3. MR. BEYLER QUESTIONED WHETHER THE MINUTES OF THE 1976 WATER MEETING SHOULD BE READ. MOTION BY ART WARD AND 2d BY ORVIL SEARS TO DISPENSE WITH THE READING OF THE MINUTES. UNANIMOUS APPROVAL.
4. FIX WATERMASTERS COMPENSATION: MOTION BY GLEN PARKE THAT WE ADOPT THE 1977 PROPOSED BUDGET, 2d BY ALVIN NEDDO. UNANIMOUS APPROVAL. THE PROPOSED BUDGET READS AS FOLLOWS: WATERMASTERS WAGE, \$25.00 PER DAY FOR 214 DAYS FOR A TOTAL WAGE OF \$5350.00. THE BUDGET IS TO INCLUDE OTHER EXPENSE OF \$362.98 WHICH INCLUDES WATERMASTERS SOCIAL SECURITY OF \$312.98 AND SECRETARIES WAGE OF \$50.00 FOR A TOTAL BUDGET OF \$5712.98.
5. COLLECTION OF BUDGET: MOTION BY ART WARD AND 2d BY HAROLD WARD THAT WE USE THE SAME METHOD AS LAST YEAR. UNANIMOUS APPROVAL. THE RESOLUTION READS AS FOLLOWS: "THAT NO DITCH, CANAL COMPANY OR OTHER WATER USER SHALL HAVE THE RIGHT TO DEMAND AND RECEIVE WATER, AND THE WATERMASTER SHALL NOT DELIVER TO SUCH PERSON UNTIL THE AMOUNT DUE AND PAYABLE FROM SUCH USER AS FIXED BY THE BUDGET HAS BEEN PAID AND SHALL BECOME DUE AND PAYABLE ON OR BEFORE 1 APRIL 1977, AND SAID AMOUNTS IF NOT PAID SHALL BEAR INTEREST FROM THAT DATE UNTIL PAID AT THE RATE OF EIGHT (8) PER CENT PER ANNUM ALSO THE USER MUST PRESENT TO THE WATERMASTER HIS PAID RECEIPT OR OTHER PROOF THAT HIS BUDGET HAS BEEN PAID BEFORE HE CAN DEMAND HIS WATER."
6. DISCUSSION AS TO WHY THE WATER USERS RECEIVED LETTERS FROM THE PROSECUTING ATTORNEY: MR. STEEL STATED THAT IT WAS TO INSURE THAT EVERY ONE HAS HIS HEADGATES AND MEASURING DEVICES IN GOOD REPAIR FOR THE FAIR DISTRIBUTION OF WATER. THE DEPARTMENT WILL CHECK EACH HEADGATE AND MEASURING DEVICE BEFORE THE IRRIGATION SEASON BEGINS AND THAT A HEADGATE CAN BE LOCKED AND SHUT OFF WITHOUT NOTIFYING THE WATER USER (LEGALLY) . DISCUSSION. MR. STEEL FURTHER STATED THAT THE DECREE'S SHOULD BE BROUGHT UP TO DATE WITH THE LAND DESCRIPTION FROM THE ABSTRACT AND ALSO THE IDENTITY OF THE PRESENT OWNER. HE FURTHER STATED THAT EACH WATER USER SHOULD KEEP A RECORD OF HOW MUCH WATER HE USES AND WHAT HIS WATER IS WORTH.
7. WATERMASTERS TERM OF DUTY DISCUSSED: MOTION BY CHARLES WARD, 2d BY GLEN TAYLOR THAT WE LEAVE THE WATERMASTERS TERM OF DUTY FROM 1 APRIL TO 31 OCTOBER. UNANIMOUS APPROVAL.
8. ELECTION OF WATERMASTER: LEONARD HALL NOMINATED BY MARVIN HALL. GENE WARD NOMINATED BY GLEN PARKE. MOVE NOMINATIONS CEASE BY ALVIN NEDDO, 2d BY HAROLD WARD. UNANIMOUS APPROVAL. THE WATER USERS PRESENT VOTED AND THE CREDENTIALS COMMITTEE COLLECTED AND TABULATED THE VOTES. RESULTS: LEONARD HALL.....275 VOTES: GENE WARD..... 355 VOTES. GENE WARD ELECTED WATERMASTER.
9. APPOINTMENT OF ADVISORY BOARD: MR. BEYLER APPOINTED BLAINE WIGHT, CHARLES WARD AND REX OTTLEY AS ADVISORY BOARD MEMBERS.
10. MOTION MEETING ADJOURN BY ALVIN NEDDO, 2d BY RAY JOHNSON. UNANIMOUS APPROVAL.

TIME: 4:00pm.

Grant M. Beyler
CHAIRMAN


Arden J. Cottle
SECRETARY

RESOLUTIONS PERTAINING TO THE TIME AND MANNER OF COLLECTING THE BUDGET AS
ADOPTED AT THE ANNUAL MEETING OF THE WATER USERS OF

WATER DISTRICT No. 43-C

ITEM #4. FIX WATERMASTERS COMPENSATION: MOTION BY GLEN PARKE THAT WE ADOPT THE 1977 PROPOSED BUDGET, 2D BY ALVIN NEDDO. UNANIMOUS APPROVAL. THE PROPOSED BUDGET READS AS FOLLOWS: WATERMASTERS WAGE, \$25.00 PER DAY FOR 214 DAYS FOR A TOTAL WAGE OF \$5350.00. THE BUDGET IS TO INCLUDE OTHER EXPENSE OF \$362.98 WHICH INCLUDES WATERMASTERS SOCIAL SECURITY OF \$312.98 AND SECRETARIES WAGE OF \$50.00 FOR A TOTAL BUDGET OF \$5712.98.

ITEM #5. COLLECTION OF BUDGET: MOTION BY ART WARD AND 2d BY HAROLD WARD THAT WE USE THE SAME METHOD AS LAST YEAR. UNANIMOUS APPROVAL. THE RESOLUTION READS AS FOLLOWS: "THAT NO DITCH, CANAL COMPANY OR OTHER WATER USER SHALL HAVE THE RIGHT TO DEMAND AND RECEIVE WATER, AND THE WATERMASTER SHALL NOT DELIVER TO SUCH PERSON UNTIL THE AMOUNT DUE AND PAYABLE FROM SUCH USER AS FIXED BY THE BUDGET HAS BEEN PAID AND SHALL BECOME DUE AND PAYABLE ON OR BEFORE 1 APRIL 1977, AND SAID AMOUNTS IF NOT PAID SHALL BEAR INTEREST FROM THAT DATE UNTIL PAID AT THE RATE OF EIGHT (8) PER CENT PER ANUM, ALSO THE USER MUST PRESENT TO THE WATERMASTER HIS PAID RECEIPT OR OTHER PROOF THAT HIS BUDGET HAS BEEN PAID BEFORE HE CAN DEMAND HIS WATER."


CHAIRMAN


SECRETARY

MINUTES OF THE ANNUAL WATER MEETING
DATE: 1 MARCH 1976
PLACE: ELBA CHURCH HOUSE
TIME: 2:15 pm

WATER DISTRICT ^M43-IC 1976

Department of Water Resources
Southern District Office

NOTION BY SAM STEPHENS THAT READING OF MINUTES FROM PREVIOUS MEETING AND THE INSTRUCTIONS BE DISPENSED WITH. 2d BY ORVIL SEARS. UNANIMOUS APPROVAL.

1. ELECTION OF OFFICERS: CHAIRMAN: GLEN TAYLOR NOMINATED BY ALVIN NEDDO.
MOVE NOMINATIONS CEASE BY ORVIL BEECHER: 2d BY GLEN PARKE. UNANIMOUS APPROVAL.
SECRETARY: JAY COTTLE NOMINATED BY ALVIN NEDDO. MOVE NOMINATIONS CEASE BY
GLEN PARKE: 2d BY ORVIL BEECHER. UNANIMOUS APPROVAL.

2. APPOINTMENT OF CREDENTIALS COMMITTEE: CHAIRMAN TAYLOR APPOINTED ORVIL BEECHER, ARDEN WICKEL AND GLEN PARKE.

3. FIX COMPENSATION FOR WATERMASTER: THE PROPOSED BUDGET FOR 1976 WAS READ BY CHAIRMAN TAYLOR. MOTION BY GLEN PARKE, 2d BY ALVIN NEDDO THAT THE WATERMASTERS WAGE BE \$25.00 per day. UNANIMOUS APPROVAL. DISCUSSION ON REPAIR OF DIVERSION IN COTTLES FIELD WITH MONEY FROM "OTHER EXPENSE". MOTION BY ARDEN WICKEL : 2d BY CHARLES WARD : TO USE THE MONEY ACCUMULATED IN "OTHER EXPENSE" TO REPAIR THE DIVERSION IN COTTLES FIELD. DISCUSSION: QUESTION: "WHEN WAS THE DIVERSION PUT IN?" LEWIS OTTLEY STATE D, " THE DIVERSION WAS INSTALLED IN 1918." DISCUSSION. MOTION WAS WITHDRAWN BY ARDEN WICKEL.
- MOTION BY GLEN PARKE, 2d BY SAM STEPHENS: THAT THE MONEY ACCUMULATED IN "OTHER EXPENSE": (\$362.98) BE DIVIDED EQUALLY: ONE-HALF ($\frac{1}{2}$) (\$181.49) TO USERS ABOVE THE DIVERSION IN COTTLES FIELD AND ONE-HALF ($\frac{1}{2}$) (\$181.49) TO USERS BELOW THE DIVERSION IN COTTLES FIELD, FOR REPAIRS AS NEEDED. UNANIMOUS APPROVAL.
- MOTION BY ORVIL SEARS: 2d BY JIM CARTER: THAT THE WATERMASTER AND THE SECRETARY BE AUTHORIZED TO SIGN THE VOUCHER TO WITHDRAW THE MONEY FROM "OTHER EXPENSE" FOR REPAIRS AND THAT THE MONEY CAN ALSO BE WITHDRAWN AFTER THE IRRIGATION SEASON CLOSES OR OPENS IF IT IS NEEDED. UNANIMOUS APPROVAL.
- MOTION BY SAM STEPHENS, 2d BY ALVIN NEDDO THAT WE APPROVE THE 1976 PROPOSED BUDGET WHICH READS: " DAYS OF WORK, 214, TO BE PAID \$25.00 PER DAY FOR A TOTAL OF \$5,350.00: OTHER EXPENSE OF \$362.98 WHICH INCLUDES \$312.98 FOR WATERMASTERS SOCIAL SECURITY AND \$50.00 SECRETARIES WAGE FOR A TOTAL BUDGET OF \$5,712.98." UNANIMOUS APPROVAL.

4. COLLECTION OF BUDGET: MOTION BY GLEN PARKE: 2d BY ART WARD THAT WE USE THE SAME METHOD AS LAST YEAR. UNANIMOUS APPROVAL. THE RESOLUTION READS AS FOLLOWS: "THAT NO DITCH, CANAL COMPANY OR OTHER WATER USER SHALL HAVE THE RIGHT TO DEMAND AND RECEIVE WATER, AND THE WATERMASTER SHALL NOT DELIVER TO SUCH PERSON UNTIL THE AMOUNT DUE AND PAYABLE FROM SUCH USER AS FIXED BY THE BUDGET HAS BEEN PAID AND SHALL BECOME DUE AND PAYABLE ON OR BEFORE 1 APRIL 1976, AND SAID AMOUNTS IF NOT PAID SHALL BEAR INTEREST FROM THAT DATE UNTIL PAID AT THE RATE OF EIGHT (8) PER CENT PER ANUM. ALSO THE USER MUST PRESENT TO THE WATERMASTER HIS PAID RECEIPT OR OTHER PROOF THAT HIS BUDGET HAS BEEN PAID BEFORE HE CAN DEMAND HIS WATER."

DISCUSSION FOLLOWED WHETHER THE WATERMASTER HAS THE RIGHT TO GO ON A PRIVATE DITCH AND REGULATE THE WATER OR NOT.

5. ELECTION OF WATERMASTER: GENE WARD NOMINATED BY ALVIN NEDDO. LEONARD HALL
NOMINATED BY KEITH DARRINGTON. GLEN PARKE MOVED NOMINATIONS CEASE, 2d BY
ALVIN NEDDO. UNANIMOUS APPROVAL. THE WATER USERS PRESENT VOTED AND THE
CREDENTIALS COMMITTEE COLLECTED AND TABULATED THE VOTES.
RESULTS: GENE WARD.....335 VOTES
LEONARD HALL...370 VOTES
LEONARD HALL ELECTED WATERMASTER.

6. APPOINTMENT OF ADVISORY BOARD: CHARIMAN TAYLOR APPOINTED ORVIL BEECHER, ARDEN WICKEL AND GLEN PARKE TO THE ADVISORY BOARD.

5. MOTION THE MEETING BE ADJOURNED BY GLEN TAYLOR, 2d BY BERNIECE STEPHENS.
UNANIMOUS APPROVAL

TIME: 3:40 pm

CHAIRMAN

SECRETARY

RESOLUTIONS PERTAINING TO THE TIME AND MANNER OF COLLECTING THE BUDGET AS
ADOPTED AT THE ANNUAL MEETING OF THE WATER USERS OF

WATER DISTRICT No. 43-C

ITEM #3. FIX COMPENSATION FOR WATERMASTER: MOTION BY GLEN PARKE, 2d BY SAM STEPHENS: THAT THE MONEY ACCUMULATED IN "OTHER EXPENSE": ^{approximate} 600.00 BE DIVIDED EQUALLY; ONE*HALF ($\frac{1}{2}$) ^{approximate} 300.00 TO USERS ABOVE THE DIVERSION IN COTTLES FIELD AND ONE*HALF ($\frac{1}{2}$) ^{approximate} 300.00 TO USERS BELOW THE DIVERSION IN COTTLES FIELD, FOR REPAIRS AS NEEDED. UNANIMOUS APPROVAL.

MOTION BY ORVIL SEARS, 2d BY JIM CARTER: THAT THE WATERMASTER AND THE SECRETARY BE AUTHORIZED TO SIGN THE VOUCHER TO WITHDRAW THE MONEY FROM "OTHER EXPENSE" FOR REPAIRS AND THAT THE MONEY CAN ALSO BE WITHDRAWN AFTER THE IRRIGATION SEASON CLOSES OR OPENS IF IT IS NEEDED. UNANIMOUS APPROVAL.

MOTION BY SAM STEPHENS, 2d BY ALVIN NEDDO THAT WE APPROVE THE 1976 PROPOSED BUDGET WHICH READS: "DAYS OF WORK, 214, TO BE PAID \$25.00 PER DAY FOR A TOTAL OF \$5,350.00: OTHER EXPENSE OF \$362.98 WHICH INCLUDES \$312.98 FOR WATERMASTERS SOCIAL SECURITY AND \$50.00 SECRETARIES WAGE FOR A TOTAL BUDGET OF \$5,712.98." UNANIMOUS APPROVAL.

ITEM #4. COLLECTION OF BUDGET: MOTION BY GLEN PARKE: "2d BY ART WARD THAT WE USE THE SAME METHOD AS LAST YEAR. UNANIMOUS APPROVAL. THE RESOLUTION READS AS FOLLOWS: "THAT NO DITCH, CANAL COMPANY OR OTHER WATER USER SHALL HAVE THE RIGHT TO DEMAND AND RECEIVE WATER, AND THE WATERMASTER SHALL NOT DELIVER TO SUCH PERSON UNTIL THE AMOUNT DUE AND PAYABLE FROM SUCH USER AS FIXED BY THE BUDGET HAS BEEN PAID AND SHALL BECOME DUE AND PAYABLE ON OR BEFORE 1 APRIL 1976, AND SAID AMOUNTS IF NOT PAID SHALL BEAR INTEREST FROM THAT DATE UNTIL PAID AT THE RATE OF EIGHT (8) PER CENT PER ANNUM. ALSO THE USER MUST PRESENT TO THE WATERMASTER HIS PAID RECEIPT OR OTHER PROOF THAT HIS BUDGET HAS BEEN PAID BEFORE HE CAN DEMAND HIS WATER."

CHAIRMAN

Albert J. Little
SECRETARY