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MAY 17 2007

Department of Water Resources
Eastern Region

WHISKEY CREEK--- WATER DISTRICT--# 13S

Minutes of annual meeting held March 12 ,2007. Niter, Idaho

Meeting called to order by Dan Mickelson at 11:00 a.m. Minutes for previous meeting of March 2006 were read and approved - motion by Mike Tingey , seconded by Max Nichols.

Paul Mendenhall made a motion that Max Nichols be the President for 2007. Mike seconded the motion which passed. Dan continued to conduct the meeting and welcomed Cindi Bird from the Department of Water Resources.

Cindi gave an update on the Snake River adjudication and explained that all owners of Whiskey Creek Water should update their water rights records. She outlined the correct procedure for changing the point of diversion and discussed usage of decreed rights on ground that is owned by the water holder. She also informed us that any adjudication would look at how the water was historically used. If water is to be moved a change of use form must be filed, and one cannot sell water over a state line. She also addressed how decreed water can be enlarged and how it is possible to use under certain conditions.

UNFINISHED BUSINESS; Ten Dollars per inch that was agreed on to be paid last year was not followed through on. The money was to be used to help offset the cost of piping the Mickelson Ditch in the amount of \$14,280. Dan installed a headgate for the project and needs to be paid. We will present a treasury report at next year's meeting giving an accounting for the money raised and how it was spent.

Mike explained that there is moss that breaks loose and floods through Nathan Hale's property. It has washed out their road, and we need to fix the problem.

RASMUSSEN DITCH: The ditch was not cleaned last year and flooded into Hale's property . The water is from the honest end and Last Chance . This water has been Contained in the Rasmussen Ditch for the last ten plus years.

NATHAN HALE PROJECTS; Kent Clegg stated that they are planning to introduce Bonneville Cutthroat Trout into Whiskey Creek which would require raising the head gate near the fish hatchery by eighteen inches. He stated that permits were requested from Corps of Engineers, Stream Modification group and that he had spoken with Trout Unlimited , Fish and Game and also ASCS.

It was agreed to have Kent return to this meeting on the 9th of April and present additional information. This meeting would be continued until that time.

The advisory committee was voted and approved as follows: Frank Swenson, Marlo Mickelson and Duayne Mendenhall.

Paul Mendenhall made a motion that Mike Tingey remain as the Water Master. It was seconded by Duayne and unanimously approved.

Marlo Mickelson motioned that the budget be set at \$280 per year. Seconded by Max and unanimously approved.

Other business for the 9th of April : Charles to report on Mickelson ditch status
Mendenhall ditch project
Kent — projects
\$10.00 assessment

Those in attendance : Dan Mickelson, Dwayne Mendenhall, Paul Mendenhall
Steve Tingey, Mike Tingey, Cindi Bird, Marlowe Mickelson,
Max Nichols, Kent Clegg.

APRIL 9th, 2007 continuation of 13S water meeting .

Those in attendance ---- Mike Tingey, Steve Tingey, Max Nichols, Teri Nichols,
Randy Budge, Cindi Bird, Kent Clegg, Nathan Hale, Marlowe Mickelson, Paul
Mendenhall, Dwayne Mendenhall, Frank Swenson, Riley Mickelson

Conducting: Max Nichols 11 a.m.

Last Year's assessment of \$10 per inch was never collected. This matter must be taken care of this year. Total number of inches is 1421 and each is to be assessed according to their ownership. The money will be used to help offset last year's piping of the Mickelson Ditch. Michael Tingey gave us a report on the Mickelson project and the outstanding amount is \$22,436.41. A copy of the report is available from the Water Master, Mike Tingey.

There was some discussion on the project to pipe the Mendenhall Ditch, but approval has not yet been given and this project may be delayed until 2008. A report on the project will be available at our next meeting, and details will be given as to monies collected and expenditures as well.

April 19th is date set for cleaning of Rassmussen Ditch. There was some discussion as to how the NRCS reimbursed for these projects such as Mickelson and Mendenhall. It is our objective to utilize the "new farmer" status as long as it fits in the NRCS guidelines. Frank mentioned that all projects need to be qualified and that some of the projects have included the Mickelson, Mendenhall, and Rassmussen Ditch.

Kent mentioned that there is a problem where the water surfaces coming out of the Mickelson pipeline. The moss plugs the screen which causes a backup and flooding. Mike will look at the problem and see if it can be corrected. It was suggested by him that the concrete be removed and the pipe extended with a "T" put in. However approval would be needed from the NRCS office on this project.

Frank also has a problem with flooding which needs to be addressed. Frank agreed to take the project on his property. Kent and Mike will be responsible for

problems on Nathan's property . Max and Marlowe will work on the Rassmussen Ditch.

Mike talked about updating water rights and Randy Budge stated that there are simple forms that can be used and it is possible, with the help of Cindi Bird , to update your own water rights. You will need deeds and tax notices as well as other legal documents will be helpful in this project.

Mike made a motion to have a \$10 assessment this year and a second to the motion was made by Frank. The only "no" vote was Nathan Hale and this lead to some discussion and we realized that we had done a poor job of explaining how Water District 13S has operated in the past. We then went back to "square one" and had Nathan tell us about the projects he has for his property. He then told us a little about himself and his objective to improve the habitat as well as to be a good neighbor and did not want to impact any of the other water users. We then explained how each project was self contained and the only agreement he has would be to volunteer to pay \$10 per inch to help offset some of the cost. Frank then stated that the projects are done for the benefit of all and are designed to improve and preserve the water for everyone.

Randy Budge stated that we are basically a water user's association and could perhaps benefit from a more formal structure under Title 42 of the Idaho Code. There was some discussion on the water that comes from Last Chance Canal and flows through the Rassmussen Ditch. It is waste water captured to prevent flooding problems as experienced last year in Nathan's fields.

Kent explained their plans for pivots , fish and birds. Information was requested on these plans and Kent said he would provide it. Marlowe expressed concerns about making deep holes for fishing. Randy explained that it would not impact farming and approval would be required from the water resource natural flow group as well as the fish and game. Kent said the weir would need to be raised 18 inches in order to have sufficient water for the pond. Discussion continued about cutthroat trout and pond evaporation. Kent felt that most of the settlement from the fish would be taken care of in the first two ponds. Max asked about approvals for permits as well as the time frame . Randy stated that they would invite Max and Mike to meetings with them in the future. They will also address concerns about how water rights may be affected by their plans.

Nathan addressed issue of Last Chance overflow and proposed to put it in a pond on his property. Paul wanted to know what would be fair for all concerned. Nathan drew a diagram and explained his proposal. He then stepped out to take a phone call at which time Max proposed the Rassmussen Ditch be cleaned and that provision be made to run water into a pond that is yet to be built by Nathan . Any excess water not contained by the pond will remain in the Rassmussen Ditch as is the present practice. This plan will be reviewed in our March 2008 meeting. This motion

was seconded by Mike and unanimously approved.

Nathan suggested we review our structure to see if a more formal organization would be beneficial. He also stated that he was willing to reverse his opposition to the motion on the ten dollar assessment.

Paul motioned meeting to adjourn , seconded by Steve at 1:45 p.m.