



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

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SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 7, 2006

Clint Muhlestein  
C/o Oakley Canal Co.  
PO Box 207  
Oakley, ID 83346

RE: Water District 45-B, Birch Creek

Dear Clint;

We have received the minutes of this year's water meeting showing that you have been elected as watermaster of your district for this year. An oath of office is enclosed for your signature. Once we receive your notarized oath, a certificate of appointment will be issued.

Regards,

James E. Stanton  
Sr. Water Resource Agent



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SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

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Director

February 7, 2006

Steve Manning  
442 W 1900 S  
Oakley, ID 83346

RE: Water District 45-B, Birch Creek

Dear Mr. Manning;

We have received the minutes of this year's water meeting showing that you have been elected as treasurer of your district for this year. In order for you to be appointed to your position as required by law, you need to sign the enclosed oath of office before a notary before returning it to this office. Once we receive your notarized oath, a certificate of appointment will be issued.

Regards,

James E. Stanton  
Sr. Water Resource Agent

**BIRCH CREEK  
ANNUAL MEETING  
January 10, 2006**

**PRESENT:**

Robert Manning  
Robert Whiteley  
Nate Robinson  
Darren Critchfield  
Steve Manning  
Noland Critchfield  
Tim Payton  
Clint Muhlestein

**OTHERS PRESENT:**

Christy Adams

RECEIVED

JAN 23 2006

Department of Water Resources  
Southern Region

Tim Payton called the meeting to order at 7 p.m. on January 10, 2006. The meeting was held at the Oakley Canal Company Office at 100 West Elm St. Oakley, Idaho.

**MINUTES:**

The minutes of the 2005 annual meeting were read by Christy Adams. Nate Robinson Motioned that no changes be made to the minutes of 2005. Tim Payton seconded the motion. Motion carried.

**ELECTIONS:**

Nate Robinson motioned to keep Tim Payton as president, Tim Declined the motion. Steve Manning motioned to elect Nate Robinson to be the new president of Birch Creek. Robert Manning seconded. All approved

Tim Payton motioned to elect Steve Manning as Treasure. Robert Manning seconded the motion. All approved.

**BUDGET:**

The 2006 budget was set at \$8000.00. \$2000.00 for watermaster/ditchrider. \$3000.00 for the Oakley Canal Company expense. \$2000.00 for the FSA Loan. \$1000.00 for Cement. All approved.

**OLD BUSINESS:**

**Hiring of a Watermaster/ditchrider:** A motion was made by Nate Robinson to keep Clint on as watermaster for Birch Creek. Clint Muhlestein agreed to be the watermaster provided that Mannings and Robinsons measure their water daily and report to Clint with the measurement from their weir. If the water reaches 80" the watermaster does not need to read the meter since you need 70" to get the water to town. Steve manning seconded the motion. All approved.

Robert Manning motioned to trade water with the towns people at 50". Steve Manning seconded the motion. All approved.

MEMO

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FROM: Jim Stanton

DATE: 1-24-06

TO: File 45-B, Birch Creek Water District

SUBJECT: Water-District Billing

This district has an unusual billing system. Most of the users are billed the minimum charge of \$40 for up to a couple of cfs. Now that the arrangement with the Oakley Canal Co. for them to pay \$440 a year has expired, they were billed the minimum charge for 2005 water even though they used around 48 24-hr sec. ft. The 3 main users pay most of the bill for operating the district. The watermaster keeps track of how much water each person uses; most of the minimum users are in Oakley, where 70" of water (I think) is delivered on a rotation basis. The OCC gets all the available flow above a certain amount, taking it to Oakley Reservoir as long as it is available; there is little watermaster time involved here, so they now just pay the minimum fee.

At the end of the season, all deliveries are added up and divided by the total cost to determine the cost per 24-hr sec. ft. For the minimum users, this will amount to only a portion of the \$40 fee. They have agreed to pay the rest of the \$40 for ditch maintenance, as many are elderly and not able to do this themselves; someone that gets no water at all pays more for ditch maintenance than does someone who gets all they can and still be a minimum user. The maintenance fee is in addition to the total amount budget for the district; only the money that pays for actual water used is kept by the district. So the unit cost shown on the Watermaster's Report is normally correct, but it can only be used to check the cost for the non-minimum users.

As far as billing is concerned, this district pays for the water this spring that it actually received last year. I discussed this with the watermaster, as it is all very confusing. We finally decided that filing proposed and adopted budgets provides no benefit to anyone and is therefore not needed. The annual meeting minutes break down the budget expenses adopted for the year, and the billing is shown on the Watermaster's Report. If something happens unexpectedly that increases the district expenses (such as a canal break that needs costly repairs), additional money is budgeted the following year to compensate. The district has a bank account that can handle some extra costs, but can take out a bank loan if needed. The system makes sense once you understand it, and seems to work well.

I plan to keep this memo in the file every year in case it is needed.

All was in favor NOT to assess late fees on payments due.

**NEW BUSINESS:**

Tim Payton wrote a letter to the Canal Company asking the Canal Company to pay for a \$2000.00 maintenance fee. Robert Whiteley, representing the Oakley Canal Company asked if their had been an increase with the other Birch Creek water users. Mr. Payton replied NO. Mr. Whiteley stated that the OCC. Then protests the increase, and that the OCC. can not pay the maintenance when in fact that no one else is having an increase, that it was simply unfair.

It was asked when to start charging for water. Tim Payton motioned to start charging April 1 thru Oct. 15. Steve Manning seconded the motion. All approved.

Tim Payton had asked if Birch Cree can use the backhoe FREE of charge to clean ditches. Robert Whiteley said he alone could not approve that with out talking to the other Board Members of the OCC. first, that he would have to get back to them about that matter.

Clint Muhlestein asked that Birck Creek purchase a 4 drawer filing cabinet for all their Bookkeeping files and documents since at the present time they are using a OCC. Filing cabinet.  
All Approved. <sup>ok</sup>

Nate Robinson motioned to adjourn the meeting 9:05 p.m. Steve Manning seconded the motion. All approved.

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President

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Secretary