



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 8, 2010

Oakley Canal Co
PO Box 207
Oakley, ID 83346

RE: Water Districts 45-B, Birch Creek

Dear Sirs;

We have received the minutes of this year's water meeting. Enclosed are oaths of office for James Mullen and Steve Manning. Once we receive their notarized oaths as watermaster and treasurer, respectively, their certificates of appointment will be issue.

Regards,

James E. Stanton
Sr. Water Resource Agent

**BIRCH CREEK WATER USERS ANNUAL MEETING
MINUTES
January 28, 2010
7:00 P.M.
OAKLEY CANAL COMPANY OFFICE**

**RECEIVED
FEB 05 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION**

PRESENT

Nate Robinson	Marilyn Short
Robert Manning	James Mullen
Tim Payton	Rod King
Gloria Gee	Earl Dayley

Nate Robinson called the meeting to order at 7:10 p.m. The meeting was held at the Oakley Canal Company Office at 100 West Elm Street, Oakley, Idaho.

I. Elections:

1. Robert Manning moved to appoint Marilyn Short meeting secretary, Tim Payton seconded the motion. Motion carried

2. Tim Payton moved to keep all existing officers the same. Seconded the motion. All approved. Nate Robinson announced it would be his last year as President. The officers are: Nate Robinson - President, Steve Manning -Secretary/Treasurer.

3. Oakley Canal Co. was contracted for Watermaster responsibilities. James Mullen will assume the responsibility of Watermaster. All approved.

II. Minutes:

The minutes of the 2009 annual Birch Creek meeting were read individually by everyone present Tim Payton moved to approve the minutes, Robert Manning seconded the motion. Minutes were approved.

III. Financial Report:

The financial reports were discussed. The current bank balance is \$7427.21. Questions were asked about the outstanding accounts receivables and what has been done to collect them. Nate Robinson will obtain a report from the county assessor's office. Assessments are due in full by April 15th. It was reinforced that no one is to receive water until their assessment is paid in full.

The 2010 budget was discussed. After some discussion about the way fees should be determined, it was decided to keep the budget the same as 2008, with the exception of and the following changes:

1. Norm McMurray's assessment will be changed to the minimum amount of \$40.00 with the difference of his previous fees being divided equally between Dutch Robinson and Robert Manning.
2. The secretary fees be raised from \$150.00 to \$300.00.

Gloria Gee made a motion to approve the budget with the change, Tim Payton seconded the motion. The budget of \$8534.76 in assessment income was approved for

2010. The following checks were approved for payment: \$5000.00 fees to Oakley Canal Company and \$300.00 for secretarial work.

IV. Watermaster Report:

James Mullen explained the Watermaster report. He reported that it had been accepted by the Department of Water Resources. Tim Payton questioned whether or not all water users were getting the water they should. Marilyn Short stated that they were. Corrections will need to be made due to the change in charges. Robert Manning moved to approve the report with the change. Earl Dayley seconded the motion. The report was approved.

V. Old Business:

1. There was much discussion about the way water is to be delivered this year. Tim Payton felt that several water users did not get the water they had rights to. It was explained that they could have received water by calling the canal office and ordering it. It was felt that we needed to look at the way the amounts were allotted to individuals to insure they are receiving the correct amounts for their 1875, 1881 and 1882 shares. Marilyn Short was asked to find Rychael Ure's reports showing the formula he used to determine how much water each user was entitled to. This would be reviewed by the Advisory Committee. The committee will also review the way water fees are assessed.

2. The trade agreement of 2008 was discussed and the general feeling was that, even though it wasn't perfect, it was the best solution to the delivery problem. It will need to be modified this year due to the fact that Gloria Gee and Muriel Peterson are located above the east canal and will still need to get their water from Birch creek. They would therefore be exempt from the trade. Robert Manning moved to continue the 2008 trade agreement with Oakley Canal Company for the 2009 season. Jim McBride seconded the motion. Motion carried.

There was also much discussion about a long term trade agreement, whether to make it a permanent trade or remain on a year to year basis. There were many advantages and disadvantages discussed. Due the fact that all water users would have to agree to a permanent trade it was decided to continue on a year to year basis for now.

3. Gloria Gee addressed her problems with getting water last year. She was unable to get water much of the season due to the problems with the ditches. James Mullen reported that he had to get water to her from the high line. Nate Robinson said that he was unaware of her problem and that it needed to be resolved this year. James proposed laying a pipeline from Wilson St. to Muriel Peterson & Gloria Gee's land. There was discussion about the problems with the ditches and the large amount of ditch loss and all felt that the pipe line was the best solution to the situation. Nate will call Butte Irrigation for an estimate of the

cost of pipe, fittings and two valves. The need for meters to be placed on the lines was discussed. Since that is the responsibility of the land owners, the board agreed to purchase them and allow the Gees and Petersons to pay for them over time. They will be assessed \$50.00 per year until paid for. Nate Robinson moved to proceed with the pipe project and approved \$3000.00 to purchase materials. Jim McBride seconded the motion. All approved – motion carried. If additional funds are needed they will be reviewed by the advisory committee. It was decided that this project needs to be done this spring. James Mullen agreed that the Oakley Canal company will take care of the labor if Birch Creek Irrigation District purchases the materials.

4. There was discussion about constructing a pipeline from Birch Creek to town. That would save a lot of ditch loss. This decision was put on hold pending the decision about the permanent trade agreement

5. The advisory committee will consist of Nate Robinson, Robert Manning and Tim Payton

6. Nate Robinson requested he be placed on the agenda of the next Oakley Canal Company Board meeting.

Nate Robinson felt that the advisory committee needed to meet in the next 2 weeks to discuss all these matters.

VI. New Business

1. The water Delivery policy will remain the same as 2009. A new agreement for 2010 was signed.

2. Nate Robinson reported on the Advisory committee. The only thing on the agenda for last year was piping water to Gloria Gee. This will be done this year.

3. James was asked to report on the proposed pipe line projects for 2010. He presented maps of the proposed pipelines for the Canal Company, Birch Creek and D&N Ranch. There will be 3 pipe lines in the ditch. This is to separate Birch Creek water from canal water on the weeks both are using water. This will go from Wilson St and get water to Muriel Peterson and Gloria Gee. James felt that 8" pipe is needed and Nate Robinson said that would tie into their existing 8" line. James stated the need for an agreement is critical to establish ownership and liability for the pipe lines. Canal Company needs to have a right-of-way through the Birch creek ditches. James will work on drafting this agreement. It will need to be seen by an attorney and then recorded.

4. Future pipe lines were discussed which could possibly deliver water from Birch Creek through the town. It was proposed that the Advisory Committee address long term plans for pipe projects.

5. James Mullen stressed the importance of the officers being more involved with the finances of the district. He suggested that they check more than once a year on the unpaid balances of the water users and the bank balance.

Meeting was adjourned at 8:55. The next Annual board meeting was scheduled for January 13, 2011 at 7:00pm at the Oakley Canal Company office.



President

Secretary