



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 13, 2009

Steve Manning
c/o Oakley Canal Co.
PO Box 207
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 again been elected as treasurer of your district. 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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February 13, 2009

Oakley Canal Co.
PO Box 207
Oakley, ID 83346

RE: Water District 45-B, Birch Creek

Dear Sirs;

We have received the minutes of this year's water meeting showing that you have again been elected as watermaster of your district. 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

RECEIVED
FEB 13 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

**BIRCH CREEK WATER USERS ANNUAL MEETING
MINUTES
FEBRUARY 3, 2009
7:00 P.M.
OAKLEY CANAL COMPANY OFFICE**

PRESENT

Nate Robinson	Marilyn Short
Robert Manning	James Mullen
Tim McKnight	Brian Short
Tim Payton	Gloria Gee
Jim McBride	

Nate Robinson called the meeting to order at 7:15 p.m. The meeting was held at the Oakley Canal Company Office at 100 West Elm Street, Oakley, Idaho.

I. Elections:

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

2. Robert Manning moved to keep all existing officers the same. Jim McBride seconded the motion. All approved.

The officers are: Nate Robinson - President, Steve Manning –Secretary/Treasurer.

3. Oakley Canal Co. was contracted for Watermaster responsibilities. A Motion was made, by Tim McKnight, to hire Brian Short as Watermaster/ ditch rider. It was seconded by Jim McBride. All approved.

II. Minutes:

The minutes of the 2008 annual Birch Creek meeting were read by Nate Robinson. Tim Payton moved to approve the minutes, Jim McBride seconded the motion. Minutes were approved.

III. Financial Report:

The financial reports were discussed. The 2009 water assessment fee is due. Questions were asked about the outstanding accounts receivable. It was reinforced that no one is to receive water until their assessment is paid in full.

The 2009 budget was discussed .It was decided to keep the budget the same as 2008, with \$8534.76 in assessment income and the following known expenses: \$5000.00 fees to Oakley Canal Company and \$150.00 for secretary expense. \$3000.00 was also budgeted to purchase pipe for the line to Gloria Gee and Muriel Peterson.

Jim McBride made a motion to accept the budget. Tim McKnight seconded the motion. The budget was approved.

IV. Watermaster Report:

Tim Payton questioned the 2008 Watermaster report which was prepared by Rychael Ure. A lengthy discussion followed about the way water was delivered and charged. He questioned the fact that several water users did not and could not use their water.

V. Old Business:

1. Rychael Ure was asked to review and explain the new contract he drew up between Birch Creek water district and Oakley Canal Company. (See attached) Discussion was held about the way water has been delivered and how it will be delivered in the future. It was suggested that if the Birch Creek users don't need all the early water, before April 15th, send it to the city users.

1. Proposed: Water users must call Oakley Canal Company for early water use, before April 15th, and anyone who wants the early water can have it.

2. After April 15th the water will be calculated and traded into canal water shares, based on an agreeable trade. After much discussion it was decided that the committee will meet and draw up a proposal for water shares trade and present it at the next Oakley Canal board Meeting

3. After April 15th water will be accumulated under the share holders name and they will have to call the canal company to order water. Oakley Canal Company will keep track of water use.

4. Water delivery will no longer fall on a certain day.

5. A problem solving committee is to be formed to help put trade agreements in writing before trading shares. Tim Payton made a motion to appoint an advisory committee and a credentials committee. Earl Daley seconded the motion.

Nate Robinson then appointed Robert Manning to chair the Credentials Committee and Nate would chair the Advisory Committee. Rychael Ure was appointed to represent Oakley Canal Company and to serve as ditch rider and Watermaster for Birch Creek Irrigation District.

6. Trade agreements must be calculated in writing and signed by a representative of each side of the committee. This will be discussed at the new committee meeting. Tim Payton made a motion that the advisory committee be used to develop a plan or proposal for next year's permanent trade of Birch Creek water and Oakley Canal water and to devise a fair trade agreement of stocks. Robert Manning seconded the motion. It was approved.

7. The new committee will be responsible for resolving all disputes. It was further suggested that the city water users form their own small district to pool shares and trade with Oakley Canal Company and help alleviate some of the existing problems.

8. Rychael was appointed to be the official representative from the Oakley Canal Company on the new committee.

9. All agreed to the \$5000.00 annual assessment fee to Oakley Canal Company

The contract was approved with the stipulation that it can be revised if needed during the year. The Birch Creek Board members will further discuss the

contract and confirm their decision at the next Oakley Canal Board meeting. Randy Robinson suggested that Nate Robinson be placed on the agenda of the next board meeting.

2. Marilyn Short was appointed Secretary/bookkeeper for a fee of \$150.00 per year.
3. Invoice for 2007 water use was presented and will be paid in the near future.
4. Oakley Canal Company will deliver Birch Creek water until April 15th, 2008 after which they will also deliver canal water from Manning's and Robinson's shares from their agreeable trade.

VI. New 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 city canals and will still need to get their water from the 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 purchasé 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

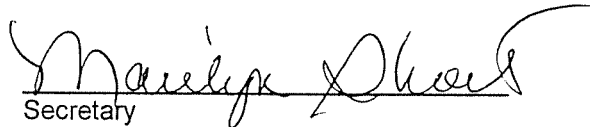
5. The advisory committee will consist of Nate Robinson, Robert Manning and Tim Payton

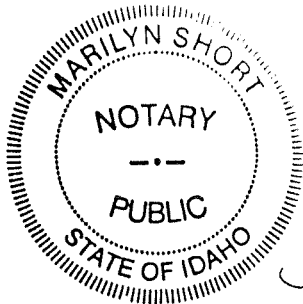
6. Nate Robinson requested he be placed on the agenda of the next Oakley Canal Company Board meeting.

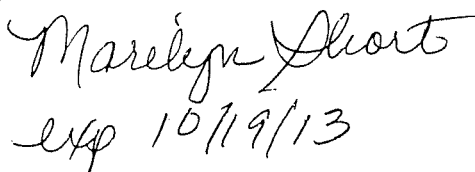
Nate Robinson felt that the advisory committee needed to meet in the next 2 weeks to discuss all these matters.

Tim McKnight moved to adjourn the meeting, Robert Manning seconded the motion. Meeting was adjourned at 9:25. The next Annual board meeting was scheduled for January 14, 2010 at 7:00pm at the Oakley Canal Company office.


President


Secretary




exp 10/19/13