STATE ASSOCIATION OF
WASHINGTON IRRIGATION DISTRICTS
SOUND IRRIGATION PROGRAMS PROMOTE PROSPERITY
1252 N. Perry Loop Kennewick, Washington 99336

OBJECTIVES:
1...TO PROMOTE THE INTERESTS
OF IRRIGATED FARMING
2...TO IMPROVE THE OPERATION
OF IRRIGATED DISTRICTS OF
THE STATE
3...TO ACT AS A CLEARING HOUSE
ON INFORMATION
FOR IRRIGATION DISTRICTS

AGENDA

Ephrata U.S.B.R. Building May 13, 1977
1:00 a.m.


2. Report of January 14 meeting with Representative Newhouse, State Treasurers
   Association and a representative of the State Port Districts Association.

3. Report of January 22 meeting with Representative Tilly regarding change of
   election laws for irrigation districts.

4. Status of complaint S.A.W.I.D. vs John Biggs and State Department of
   Ecology regarding adoption of WAC 173-596.

5. Legislative report by Van E. Nutley - Legislative Liaison Officer.

6. Planning Annual Meeting, And Vice-President Chan Bailey.

7. Consideration of proposed Federal "Reclamation Lands Family Farm Act"
   before the 95th Congress.

8. Drought and Association activities.

9. District furnished housing as "wages-in-kind" at "fair market value" as
   interpreted by State Employment Security Department for reporting and sub-
   mission of contributions to the Social Security Administration.

10. Any other old or new business that is of concern to the Association.

HOPE YOU CAN ALL MAKE IT TO THE MEETING. SEE YOU IN EPHRATA ON FRIDAY,
MAY 13 at 10:00 a.m. at the Bureau Building.

R.S.N., Secretary
STATE ASSOCIATION OF
WASHINGTON IRRIGATION DISTRICTS

Director's Meeting

Members of the S.A.W.I.D. Board of Directors approved the following motions at a meeting held following the meeting with Legislators and members of the County Executives [Treasurers and Auditors] held in Olympia on January 14, 1977:

That the dues for the year 1977 for the State Association of Washington Irrigation Districts be the same as those charged for the year 1976.

That the Secretary be reimbursed for out of pocket expense for attending the Annual Meeting of the NWRA at Portland and the Annual Meeting of the S.A.W.I.D. at Yakima.

Ephrata, WA

Director's Meeting

May 13, 1977

10:00 a.m.

The following persons attended the meeting:

Ervin Easterday
Chan Bailey
V-President
V-President

Rosadell S. Nutley, Secretary

Board Members:

Rogers R. Neff
Dick Hendrick
James W. Webb
Mel Stepon
Ed Armbruster
Stan R. Powers

Committee Members:

Lowell Felt
Paul Lemargie
Roy J. Orr
James W. Trull
Van E. Nutley

Ist Vice-President Ervin Easterday conducted the meeting as President Russ Smith was unable to attend.

It was moved, seconded and carried that the minutes of the Annual Meeting of October 13 and the Director's Meeting following it be approved as written.

It was moved by Bailey, seconded by Neff and carried that the motion made in the January 14, 1977 mini-meeting to set the dues the same as for the year 1976 be approved.

A report on the meeting held in Olympia on January 14 was made. Jim Trull, Secy for Consolidated No. 19, Spokane, informed those present that Kermit Rudolf was quite concerned over the legislation as H.B. 255 does not clarify many problems which will exist in the matter of the taking of property for non-payment of assessment. It does not properly dispose of the issuing of deeds for the property once it becomes delinquent.

Those present were informed that the January 22 meeting with Representative Earl Tilly in Wenatchee regarding voting rights had been successful in that Tilly would not introduce legislation which would be a problem for the districts.
Paul Lemargie reported on the SAWID vs DOE case. He said that if the Grange Bill (59) or a substitute passed WAC 173-596 would have to be rewritten and that the Association should wait for the voting in November. Dick Hendrick said that Director Wib Hallauer would like to see it off the books and that it had been suggested by Fiedler that the act be repealed.

A report was made on the status of the following legislation: H.B. 1230, H.B. 255, H.B. 947, H.B. 627, H.B. 472, H.B. 714. H.B. 231-S.B. 2133 (Ch 75,L77) and S.B. 2620 (Ch 1, L 77).

After a discussion of the problem of reimbursing Directors for cost of trips, it was decided to discuss the matter with Darrell Russell, Chief Examiner of the Division of Municipal Corporations.

Dick Hendrick made a report on the return flow 208 Planning program. The following points were listed by Dick:

1. Area or general permits—must have these for irrigation districts
2. Farmers must make decision on action and adopt rules.
3. One person can be made to apply individually if you don't comply.

At present there are no fines set up and no assessments.

The Annual Meeting of SAWID has been set for November 17 with the WSRA on November 18 at Pasco. (Due to a problem which developed after our May 13 meeting, the meeting will be held at Hangford House-Thunderbird in Richland). Following are suggested items for the meeting:

1. A panel on 208 planning;
2. Get attorneys a special topic;
4. Van Nutley report on State Auditor problems.

No action was taken on the Federal "Reclamation Lands Family Farm Act". It was discussed.

After an explanation of the problem existing in the Yakima Office of the DOE due to the inability of the staff to keep up with the requests of farmers for well permits during the first two months of the Yakima water shortage, it was moved by Hendrick, seconded by Powers and carried that the members of the Association accept the President's action in advancing money to pay for additional help in the DOE office up to and including the month of May, 1977.

V-Pres. Easterday appointed Doug Finkelnberg to the Legislative Committee.

It was moved by Stepon, seconded by Trull and carried that Dick Hendrick be reimbursed for his motel, $28.00, phone, $15.00 and $39.75 for gas expense for attending meetings for the 208 Planning Committee.

Meeting adjourned at 12 p.m.
IRRIGATION RETURN FLOW POLLUTION ABATEMENT

Department of Ecology Position Paper
April 1977

Preface

The following is a Department of Ecology position paper and is intended to help readers with a more thorough understanding of the Department's program for reducing pollutants in irrigation return flows. This paper covers the irrigated agriculture situation in three sections: 1) Background, 2) the Department's interpretation of the Federal permit program for irrigated agriculture and 3) the Department's position concerning the Federal regulations and proposed approach to the problem.

Introduction

Section 208 of P.L. 92-500 directs the State of Washington to undertake a program for controlling nonpoint sources of pollution, including irrigation return flows. The Environmental Protection Agency (EPA) has ruled, and Federal Courts confirmed, that irrigation return flows are point sources, and that they must be included under Section 402 of P.L. 92-500 (the NPDES permit section). However, Federal regulations proposed by EPA on February 4, 1977, give all the states the opportunity, through the "208 process," to supply details for any such regulatory permit program. As the principal State water pollution control agency, the Department of Ecology (DOE) has begun a two-year planning process to develop a program for reducing pollution from irrigation return flows. The State Conservation Commission has agreed to assist in this effort.

History - Federal Water Pollution Control Act Amendments (P.L. 92-500)

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500), were the most far-reaching water pollution legislation ever enacted by Congress. The ramifications of its passage began to be felt immediately. However, debates on its intent and applicability were to continue as its various programs were undertaken. Some debate has been resolved through judicial processes. Much debate will continue among and within administrative agencies as they deal with interpretation of the legislation.

The potential for pollution from agricultural lands was mentioned in the Act under two specific headings. First, Section 304 requires the EPA to develop information and "guidelines for evaluating the nature and extent of nonpoint sources of pollutants" and "processes, procedures and methods for control of pollution" resulting from agricultural activities (among others). Section 208 of the Act requires, as an element of area-wide planning processes, the identification of agricultural related nonpoint sources of pollutants. This section also requires identification of procedures and methods to control these sources to the extent feasible.
The Act has an indirect reference to irrigation return flows in Section 502--General Definitions—which defines a point source as "any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, . . . from which pollutants are or may be discharged."

Section 402 of the Act establishes a National Pollutant Discharge Elimination System (NPDES) requiring permits for all point sources of waste water discharges. Such permits are to contain effluent limitations as defined by the EPA in accordance with Section 306 of P.L. 92-500.

In December 1972, EPA began to solicit information concerning the types of agricultural point sources which would come under the NPDES program. The result of these activities was regulations pertaining to agricultural point sources published July 5, 1973. These regulations included irrigation return flows because EPA determined that they were point sources under the definition contained in Section 502 of the act. The regulations, however, attempted to exempt what EPA considered to be the less significant portion of discharges; that is, those discharges from less than 3,000 acres.

The initial regulation did not specifically identify the individual or organization who was to receive the permit. However, because the permittee was to be the party having control of or responsibility for the discharge of irrigation return flow from large areas, it was apparent that irrigation districts were the planned recipients.

Prior to initiation of a permit system in Washington State, the Natural Resources Defense Council (NRDC) challenged EPA's authority to exclude certain categories of point sources from the NPDES permit system. A lawsuit was filed in Federal District Court for the District of Columbia. In early 1975, the NRDC received a favorable judgment regarding the 3,000-acre limitation. The Court held that EPA had erred in its July 5, 1973 regulations and ordered EPA to draft and promulgate a new set of regulations relating to irrigated agriculture (and certain other sources). The Court gave EPA one year to complete that task.

**History of Permit Program in Washington State**

Authority is contained in P.L. 92-500 for delegation of the NPDES permit program to qualified states. The State of Washington was one of the first states in the nation to seek this authority, and in November 1973, the NPDES program authority and responsibility was officially transferred from Region X, EPA, to the Department of Ecology (DOE).

The Department's Authority for activities under sections 402 and 208 come from State Law—RCW 90.48.1, which reads in part:

"The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of
the Federal Water Pollution Control Act as it now exists and is hereby authorized to participate fully in the programs of the Act as well as to take all action necessary to secure to the state and benefits and to meet the requirements of that act. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following: . . . . (3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basic planning." (Emphasis added.)

Legal and jurisdictional questions in the agricultural program area were immediately apparent. Prior to November 1973, EPA had solicited applications from irrigation districts of 3,000 acres or more, according to the then current interpretation of the regulations. Questions arose as to irrigation districts' legal authority to apply for the permits, let alone be responsible for water quality degradation within their boundaries.

In July 1974, DOE turned its attention to the agricultural point source permit program. The above-mentioned questions remained an issue. As a result, DOE established a State Technical Advisory Committee for Water Quality Improvement. This Committee contained representation from the following groups: The U.S. Geological Survey, the U.S. Bureau of Reclamation, the U.S. Soil Conservation Service, Washington State University, the Washington Association of Conservation Districts, the Washington Reclamation Association, the State Association of Washington Irrigation Districts, and DOE. The Committee was active over the next two years, supplying input to policies and proposals affecting irrigated agriculture. As its first charge, the Committee was to supply guidance to the content of the proposed NPDES permits. Because of the legal challenge by the NRDC to the then existing regulations, these permits were never issued. However, this group continued to function and was a key in the development of a pilot program in the Sulphur Creek area of the Yakima Basin. This program was designed to test the workability and effectiveness of a voluntary program for applying improved farm management practices on individual farms.

In compliance with the court order following the NRDC suit, EPA promulgated final NPDES regulations for agricultural activities on July 12, 1976. Agricultural point sources were defined in the regulations as "any discernible, confined, and discrete conveyance from which any irrigation return flow is discharged into navigable waters." Also, the previous "3,000-acre" exclusion for agricultural point sources was eliminated, and a general permit program was proposed details of which to be published at a later date. The general permit program regulations were subsequently proposed on February 4, 1977, with promulgation of final regulations expected in July of 1977.

**Philosophy of EPA General Permit Program**

The general permit regulations (February 4, 1977) as proposed by EPA are designed to provide maximum flexibility in the design and implementation of a permit program. The regulations specifically recognize that control
of pollution from agricultural sources is more effectively achieved by the concept of "best management practices" (BMP) rather than by imposing effluent limitations achieved by end-of-pipe pollution control technology. However, it appears that under P.L. 92-500, BMP to achieve pollution abatement and meet water quality standards can be imposed as requirements in NPDES permits only in limited, specified circumstances. One such way is for BMP to be a requirement under the area-wide waste management plan approved pursuant to Section 208 and to be implemented through the permit procedure. Therefore, EPA believes the most effective mechanism for controlling pollutant discharges from point sources in the agricultural area appear to be a combination of general permits, the 208 plans, and the regulatory programs designed to implement 208 plans.

Because it is generally recognized that BMP requirements will not be uniformly applicable in all localities, Section 208 provides for local participation in the development and implementation of area-wide waste treatment management plans containing BMP. In this way, BMP can be tailored to the specific area in which they are to be applied, taking into consideration local variations in geography, geology, meteorology, rainfall, topography, and crop production. The proposed EPA regulations covering general permits for irrigation return flows utilize to the fullest extent possible the local expertise and public participation provisions of the 208 planning process.

"While it is the express policy of EPA to regard development and implementation of 208 plans as a local government function, a failure to develop and implement adequate 208 plans may compel more substantive restrictions in general permits or in individual permits. These could include conventional effluent limitations, management practices, or other appropriate requirements." (Federal Register, February 4, 1977, emphasis added.)

General permits may be issued for a term not exceeding five years, and may be modified, suspended, or terminated under certain conditions, as follows:

1. Where requirements of an approved 208 plan are not being met, individual permits may be issued to those owners and operators not in compliance.

2. Where a point source is judged to be a significant source of pollution, the owner or operator of that point source may be required to obtain an individual NPDES permit.

A general permit will authorize the discharge of irrigation return flows to navigable waters (as defined in P.L. 92-500). The general permit is intended to be very simple, prohibiting only the disposal of toxic substances (in toxic quantities) into the return flows. The permit concept is to delegate implementation of the program for irrigated agriculture to a local designated agency. Designation of the local implementing agency will be the responsibility of the Governor upon receiving recommendations through the 208 planning program. The designated agencies will be recommended for each of the general permit areas established in the State through the 208 planning process.
With this approach, the permit by itself has the effect of legalizing current discharges and allowing local programs to proceed toward improvements in water quality. The final 208 plan, as approved by the Governor, will be referenced in the permit and will serve as the blueprint for the abatement program. In effect, the 208 plan will provide the direction, and the permit will provide the final regulatory authority, if needed. Through the authority of the general permit, the 208 plan may be implemented throughout an irrigated area even though the permit itself applies only to where the return flows discharge into "navigable waters."

The proposed general permit regulations present the State’s three options for implementation. These are:

1. Design an individual permit program (similar to the municipal and industrial NPDES).

2. Continue with an alternate, and acceptable to EPA, state permit program already in place (the State of Washington has no such program in operation), or

3. Develop and adopt a general permit program in accordance with the rules and regulations proposed by EPA.

Under option 3, the time frame for developing specific details of a general permit program is approximately two years from January 1977. The schedule is basically as follows: The proposed regulations published by EPA are scheduled for adoption in June 1977. Those regulations propose that within 18 months thereafter the State will have designed the general permit program and local programs for submittal to EPA for approval. Upon EPA approval of the general permit program, the State is to begin implementation, or authorize implementation, of the programs at the local level. This schedule places implementation of the program in the irrigation season of 1979.

Philosophy of DOE Concerning Implementation of 208 and General Permit Programs

Implementation of the NPDES program for irrigated agriculture in Washington will utilize the general permit concept proposed by EPA (option No. 3). This will eliminate the need for individual farmers, growers, or water users to apply for permits, and it will eliminate the issuance of individual NPDES permits to irrigation districts, water users, growers, or operators. A general permit taking a form similar to a regulation will be issued by DOE for each general permit area.

The contents of the general permit will include the minimum requirements of EPA regulations, plus implementation and enforcement elements of 208 plans locally developed for each general permit area. These elements could include the name of the local implementation agency, the criteria for determining compliance with water quality laws and enforcement provisions. Specific provisions to be included will be dependent upon the results of the 208 planning process.
The general permit issued under section 402 of P.L. 92-500 authorizes the discharge of return flows. Even though it is a general permit, it is in substance a discharge permit for the discharge of pollutants to waters of the United States. It is not a landuse permit or permit requiring land use practices. The State of Washington does not intend to utilize the NPDES permits to enforce, regulate or otherwise require the use of BMP. The general permit, under the State program, authorizes local programs established under 208 to be implemented and thereby achieve compliance with Section 402 of the Federal Act.

The failure to carry out an effective 208 program within a general permit program area will not result in the penalties and enforcement provisions of Section 402 being used to require farming practices. Instead, failure to carry out an effective program under Section 208 within the general permit program area will result in withdrawal of the general permit and return to the use an individualized permit system. This alternative, of course, is much less flexible and therefore would be used only as a last resort.

It is the State's position that the 208 program provides the greatest opportunity for a flexible program being implemented at the local level. It is the Department of Ecology's objective to see that implementation, including any regulatory control for irrigation return flows, will be carried out locally. The use of individualized permits is not a desirable approach but could become the only alternative should local programs fail to be implemented.

Because the 208 program is in concept a local government function, the Department is actively encouraging local involvement both in developing the plan and in its implementation. Local input into the program has been extensive and enthusiastic. Primarily, this has been through local water quality committees organized around the nucleus of conservation districts, but with an expanded representation.

The decision to proceed with the general permit concept has lead to the immediate development of Department policy concerning several questions. These are:

1. What should be the general permit areas?
2. Who will be the implementing agency?
3. What role will BMP have in the process?
4. What will be the enforcement criteria?

General Permit Areas--The Department has requested that the local water quality committees within the Columbia and Yakima basins form basin committees to address the question of general permit areas. It is the Department's belief that, while not all of the questions affecting the general permit area designation can be answered immediately, representatives from the water quality committees in each of the basin counties
should reach an agreement on whether they will accept a basin approach or whether they wish to deal with implementation on a more local basis. This question must be answered before progress can be made in dealing with other questions such as of lead agency, best management practices and regulation.

In addition to providing recommendations on general permit areas, basin groups are expected to provide a formal mechanism for the exchange of ideas and development of workable programs. Because of interdependence on water supply, irrigation storage, and distribution facilities, the basin groups were formed to facilitate development of similar program structures within each basin, the maximum utilization of existing organizations, and implementable programs. In other areas where large interdependent systems do not exist, local committees will be seeking programs to fit their needs and resources.

**Implementing Agency**—Once a decision is made locally by the basin committees to either utilize a basin-wide or more localized approach, then either the basin or local water quality committees will begin to deal with the question of what local agency would be most appropriate for implementing a program. Determination of the local agency will involve evaluation of public attitudes, and of the capabilities of the different organizations to efficiently and responsively carry out a program. The recommendations of the local water quality committees or basin committees, as appropriate, will be made to the Department of Ecology and State advisory groups for incorporation into the final 208 planning recommendations to the Governor.

Discussions to date at the water quality committee level have generally identified five possible alternatives for the local implementing authority. These are:

1. Irrigation districts
2. Conservation districts
3. Water quality committees
4. County government
5. "Clean Water Authority"

DOE's position is that any proposed agency or program should be judged on its capacity to "do the job." In short, any one or a combination of the five would be acceptable provided a suitable implementation program could be developed with the attendant legal authority and resources. It is possible that differing programs with different implementing agencies may develop depending upon the area.

The degree of implementation to be performed by the local authority is also unresolved at this time. If local government were to assume complete responsibility for implementation, up to and including actual enforcement authority, enabling legislation would probably be necessary.
With complete local control, the local agency would be expected to provide, or develop a program to provide, technical assistance to farmers needing help; an incentives program; an informational and educational program; agreements with other agencies, as needed; and adopt ordinances or regulations necessary to carry out a program. (For example, the State waste discharge permit system can be delegated to local governments having proper authority and ordinances to accept such a delegation.)

Short of complete autonomy, the local authorities could perform certain specified functions with respect to implementation, but reserve final enforcement powers to the Department of Ecology. These local functions could include identifying problem areas, conducting compliance monitoring, and offering technical assistance to farmers who are identified as not being in compliance with the general permit for their area.

Role of BMP--The role to be played by "best management practices" is critical to the success of the general permit program. The relationship of BMP to the general permit and the designated agency’s program, however, will depend entirely upon the kind of program the local agency proposes to carry out for improving the quality of return flows.

The Department does not view P.L. 92-500 as a land use or farming practices act. It is most clearly a water quality law. The Department’s position is that P.L. 92-500 and the State Water Pollution Control Act (RCW 90.48) will not be used to implement land use planning or mandate farming practices. However, the concept of BMP is appropriate for use in determining acceptable levels of pollutants to be contained in irrigation return flows. Consequently, BMP will be documented solely as a yardstick for substantiating any water quality discharge requirements to apply to irrigated agriculture. Unless locally developed plans should recommend otherwise, BMP will only be published by the Department as guidelines.

Should a local program also utilize BMP only as guidelines, the local agency will then be faced with the question as to what criteria will it use to determine whether an individual discharge of return flow waters is "out of compliance." If a water quality performance standard is sought, how much sediment represents a violation? Or, should a water use efficiency be used and, if so, what represents a reasonable amount of water? Should a numerical standard be set? DOE considers that the local water quality committees should address these questions: Standards must not only be understandable and acceptable by the local people, but also be tailored to the physical characteristics of the local geographical area. The only apparent alternative to a water quality performance standard for a local agency would be for the local agency to utilize BMP or a combination of BMP as criteria to judge farming operations. Any criteria will have to be understandable, enforceable, and equitable.

Enforcement criteria--The performance standard is envisioned as a means to identify the serious violator. Once a discharger is identified as such, he then faces the problem of how to come into compliance. In this situation, the discharger would have several options: 1) he should immediately correct the problem as a voluntary action so that he meets
the standard or criteria, 2) he could agree to a long-range program (compliance schedule) for correction, or 3) he could do nothing and be subject to enforcement action (which might include an individual permit with effluent limits). The standards and procedures of all alternatives will be detailed by local committees through 208 planning process.

Implementation of any program under the general permit system is designed to be by a local agency. However, it is possible that where a gross pollution problem results from an individual not participating in the developed 208 program, this individual may be referred to the State Department of Ecology for regulation.

This concept, as suggested by several individuals, has been referred to as a process of "regulation on the basis of exception." It is the policy of the Department that departmental resolutions will only occur on the "exception basis." It is the opinion of the Department that, if regulation of individual return flow discharges should be necessary, then it will be accomplished under State law or through the NPDES permit authority.

Legal questions pertaining to control of and responsibility for return flows are complex. Nevertheless, under State law, the State discharge permit system might be utilized for enforcement on the "exception basis." In fact, under this system, control and permit writing authority can be granted to local government. Consequently, enforcement through issuance of individual State discharge permits (with compliance schedules) could occur through DOE or local government. In other words, enforcement "by exception" is not limited to DOE, and local government could assume this policy also.

The situation with State permits would be analogous to that of METRO in Seattle, where an NPDES discharge permit regulates discharges into Puget Sound and State permits (issued by METRO) regulate discharges into the sewer system. In the same manner, an NPDES permit would regulate irrigation discharges into the Columbia or Yakima rivers, and State permits would regulate those discharges into the irrigation wasteways which do not comply with the 208 plan.

**Summary**

*Whatever the mechanism, the Department in its 208 efforts intends to pursue programs which will be locally acceptable to the majority of farmers. Therefore, the overall effect on the farming community should be minimal.*

Some of the frame work and possible programs has been presented here. There will be a general (area-wide) permit, a 208 program, and hope-fully, local control. Any developed program will be judged by its responsi-viveness to people and water pollution problems. Above all, a reasonable and workable program will be sought. The 208 program hopefully will provide all of the details for proposed programs through farmer input. Questions of lead agency, roles of involved organizations (agencies), regulatory mechanisms, and incentives all should ultimately be answered through the current 208 planning program.
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: March 8, 1977

SUBJECT: Regulatory Nonpoint Source Control

FROM: Eckardt C. Beck, Deputy Assistant Administrator for Water Planning and Standards

TO: All Regional Administrators

ATTN: All Regional Water Division Directors

Program Guidance Memorandum: SAM

Purpose

This memorandum sets forth the requirements for the development of regulatory and other programs at the State and local level under Section 208, P.L. 92-500, to control nonpoint sources (NPS) of water pollution.

It defines the regulatory and other program requirements, establishes criteria for approval of the NPS elements of a water quality management plan, and addresses the role of the Regional Administrator in insuring development and implementation of effective NPS programs. It should be forwarded to Water Quality Management (208) Agencies, to the Office of Regional Counsel, to the Regional Nonpoint Source Coordinator and to the Regional 208 Coordinator.

Background

Section 201(c) requires that to the extent practicable, waste treatment management shall provide control or treatment of all point and NPS of pollution. Section 208(b)(2)(C) requires that regulatory programs be established to imple-
ment the waste treatment management requirements of Section 201(c). Section 208(b)(2)(F)-(K) of the Federal Water Pollution Control Act requires that plans developed pursuant to that section set forth procedures and methods to control, to the extent feasible, NPS of pollution. These sections of the Act provide the legal basis for requiring that regulatory and other programs be established to control water pollution problems from nonpoint sources.

Further authority is found in EPA's general authority to require that plans developed pursuant to Section 208 be effective. Requirements are set forth in 40 CFR Part 131. This guidance memorandum further defines those requirements.

The following materials are available to assist the Regional Administrator in implementing the policy established in this memorandum. "Compilation of Federal, State and Local Laws Controlling Nonpoint Pollutants" (EPA-440/9-75-011) and SCAMP (Sediment Control and Manpower Project) issued under TECH MEMO No. 3, 5, 6, 7, 11, 12 and 16.

Policy

(1) General

A regulatory program is required and shall be submitted for approval as part of a 208 plan in those cases where the 208 agency, in consultation with the Regional Administrator, has
determined that it is the only practicable method of assuring that a NPS program is implemented. Such a determination shall be based on economic, technical, social, and environmental factors.

Regulatory programs are defined as programs which are enforceable and are administered by agencies with adequate legal authority and resources to ensure their implementation. They are programs which are designed to attain the 1983 water quality goals set forth in Section 101(a) of the Act.

Control programs are not required where the plan prepared under Section 208 certifies that significant water quality problems, resulting from NPS, do not exist.

There is a great deal of flexibility as to the particular regulatory program which is most appropriate to control a particular NPS. The program may address a particular category of activity, such as construction or mining; a particular pollutant, such as sediment; or particular geographical areas which are determined to be sensitive or critical. Choice of a regulatory program and the appropriate level of government (State, local or regional) to administer the program will depend on the type and extent of the NPS problem, State constitutional authority, existing programs and existing
intergovernmental relationships. However, where necessary to ensure an effective program, new relationships should be developed.

The type of control tools to be utilized, such as permits, licenses, contracts, notification, bonding, leases, plans, and various management techniques, will depend upon the intensity, scope and type of NPS problem to be controlled, land ownership patterns, and such physical factors as rainfall, soil characteristics, geologic conditions and topography.

(2) Regulatory Program -- Approval

An approvable regulatory program must include the following:

(a) Authority to control the problem which the program addresses (i.e., an activity, pollutant, or geographical area).

(b) Authority to require the application of Best Management Practices and their periodic revision.

(c) Monitoring and/or inspection authority.

(d) Authority to implement the chosen control tool (i.e., permits, licenses, contracts, etc.)

(e) Enforcement authority.

(f) A designated management agency responsible for implementing the regulatory program with:

- expertise in the subject matter area to be controlled
● adequate staff
● adequate funding
● the relevant authorities pursuant to Section 208(c)(2) and 40 CFR 131.11(o).

To be approved, a regulatory program must have the necessary implementing regulations in effect and sufficient resources available to carry out the required activities.

Adequacy of a particular program to achieve compliance should be evaluated in light of the stage of development of the program. In some jurisdictions, NPS control programs are already in existence, and therefore, a certain level of program maturity exists therein which may not exist in jurisdictions which lack nonpoint source control experience. Where a program is fully established and has been in place for a period of time, it should be possible to determine its effectiveness and evaluate where changes need to be made.

Deficiencies of a program could include insufficient legal authority, inadequate rules and regulations, inadequate resources and an inadequate management agency. Determinations of adequacy or sufficiency relating to particular elements of a regulatory program will be made by the Regional Administrator on a case by case basis.
Where grants have been or will be given for the purpose of developing and implementing a NPS regulatory program, this portion of the plan shall not be fully approved until a regulatory program, as defined by this guidance, is developed.

(3) Regulatory Program -- Conditional Approval

Conditional approval may be granted under the following conditions:

(a) Where the legislative authority exists but means of implementation are not available or are not satisfactory, such as insufficient resources, lack of regulations, questions regarding designated agency capability, etc.; or

(b) Where the legislation has been introduced, but not enacted; or

(c) Where a specific legislative proposal has been developed and the plan contains a schedule for introduction to the legislative body.

In any of the above situations, the conditions for full approval and a schedule for meeting the conditions should be agreed to by the Regional Administrator and the agency(ies) involved prior to conditional approval being granted.

Periodic (at least annual) reporting to the Regional Administrator on progress being made in meeting the
schedule shall be required. Conditional approval shall be withdrawn if the Regional Administrator finds the agreed to progress is not being made.

(4) Regulatory Program -- Disapproval

The Regional Administrator shall disapprove any regulatory program which does not meet the conditions set forth in this memorandum for either approval or conditional approval.

(5) Other Program Approval

Other approaches to NPS control may be approved by the Regional Administrator as fulfilling the NPS control requirements in Section 208(b)(2)(F-K) only where, in his judgment, the program will result in implementation of NPS controls which will result in achievement of the desired water quality goals. Approval shall be given only when the following conditions are met:

- Provision of an effective educational program to inform the affected public of the requirements.
- Provision of adequate technical assistance and financial assistance.
- Agreement on schedule of milestones, such as implementation, monitoring and program evaluation.
- Agreement to reporting system (at least annual) to the Regional Administrator on progress made in implementation.
The Regional Administrator can require such information in these reports as is necessary to evaluate milestone progress. Milestone progress can be shown in terms of implementation measures, resource commitment, and water quality improvement.

Approval of these other approaches shall be withdrawn if the Regional Administrator determines that implementation milestones are not being met. These approaches will be allowed to continue from one reporting period to the next only when continuing and substantial progress is being made toward attaining water quality goals. Where such progress is not being made, then approval of these approaches shall be revoked.

(6) Other Programs - Disapproval

The Regional Administrator shall disapprove a proposed other than regulatory program as being inadequate for the NPS portion of the plan when he has reason to believe it will not be effective and will not lead to the application of Best Management Practices. Factors he should consider in making that determination should include the severity of the NPS problem, past experience of the involved governmental unit with the proposed approach, and the type of program that is proposed.
Those programs which are merely an extension of an existing program (i.e., do not provide additional educational, technical or financial assistance, or utilize techniques and institutions which have not been successful) shall not qualify as acceptable.

Where regulatory programs already exist (e.g., construction, mining) other approaches will not be acceptable. In those situations, proposed programs will be expected to be at least as stringent as existing regulatory programs, and if necessary to achieve water quality goals, more stringent.

(7) Assistance in Development and Implementation of NPS Control Programs

The Regional Administrator has the responsibility for providing necessary technical assistance to State and local planning agencies to assure that effective programs are developed and implemented.

It is especially important that the Regional Administrator work closely with both legislative and executive decision-makers at the State and local level in development of regulatory programs. Development of regulatory programs shall be addressed in the continuing planning process (CPP) or water quality management (WQM) plan by writing schedules of milestones into the 208 grant agreements and/or work plans. Specific program milestones might include:
(a) completion of phases in water quality assessment of NPS pollution impacts.
(b) identification of NPS problems.
(c) identification of legislation needs.
(d) certification from State Attorney-General or local legal office that adequate legal authority exists.
(e) proposal of legislation.
(f) enactment of legislation.
(g) proposal of new or upgraded rules and regulations.
(h) promulgation of rules and regulations.
(i) establishment or identification of institutions necessary to administer the program.
(j) establishment of interagency and intergovernmental coordination mechanisms.
(k) establishment of monitoring, inspection and enforcement procedures.
(l) provisions of funds, personnel, facilities and equipment for regulatory objectives.
(m) development and implementation of educational programs in support of regulatory objectives.
(n) development of public participation programs.
(o) assessment of adequacy of Best Management Practices.

The actual milestones should be negotiated between the Regional Administrator and the planning agency. Such an agreement will lead to an orderly development of NPS controls, early resolution
of any EPA objections to the proposed program and will expedite approval of that portion of the plan. While it is hoped that such actions will be unnecessary, the Regional Administrator will have authority under such an agreement to withhold funds if milestones are not being met.

(8) Interim Outputs
Planning agencies can expedite the development of a program by submitting interim outputs to the Regional Administrator for approval. Pre-adoption review will not substitute for approval, but interim outputs developed in accordance with the requirements of Parts 130 and 131 may be adopted, certified and submitted during plan development, and approved in the same manner as a completed plan (see 40 CFR 131.20(d), (jj)). Submission of NPS control programs as interim outputs is strongly encouraged. Those outputs should be reviewed in accordance with this Program Guidance Memorandum. The Regional Administrator should disapprove interim or final outputs which do not meet the minimum requirements of this memorandum.
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<td>1</td>
<td>James W. Trull</td>
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<td>Mary J. Lynn</td>
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STATE ASSOCIATION OF  
WASHINGTON IRRIGATION DISTRICTS  
SOUND IRRIGATION PROGRAMS PROMOTE PROSPERITY  
1252 N. Perry Loop  
Kennewick, Washington 99336

OBJECTIVES:
1. TO PROMOTE THE INTERESTS OF IRRIGATED FARMING  
2. TO IMPROVE THE OPERATION OF IRRIGATED DISTRICTS OF THE STATE  
3. TO ACT AS A CLEARING HOUSE ON INFORMATION FOR IRRIGATION DISTRICTS  

July 27, 1977

NOTICE OF MEETING  
and  
AGENDA

August 8, 1977  
10:00 a.m.  
U.S.B.R. Building  
Ephrata, Washington


2. Report of Legislature activities:
   a. House Bill 55 - Stream Patrolman  
   b. House Bill 255 - Irrigation District Treasurers  
   c. House Bill 928 - Governor's Energy Bill  
   d. House Bill 1120 - Adjudication Procedures  

3. Report on activities of the State Technical Advisory Committee on Irrigation Agricultural Return Flows by Delegate Henry Vancik

4. Discussion of Local "208" Planning Group activities.

5. Lunch

6. Director Web Hallauer and Assistant Attorney General Charles Roe of Department of Ecology to discuss efforts of Indians in the Water Rights Area and possible adjudication of the Yakima River water rights by the State of Washington.

7. Any other old or new business of interest to the Association.

[Signature]
Russell D. Smith  
President

RDS: wh
STATE ASSOCIATION OF
WASHINGTON IRRIGATION DISTRICTS

Ephrata, WA

Director's Meeting

Tha following persons attended the meeting:

Russ Smith
Ervin Easterday
Chan Bailey

President
V-President
V-President

Board Members:

Walter Peterson
Rogers Neff
R. W. Hendrick
James W. Webb
Henry Vancik
Mel Stepon
Ed Armbruster
Stan Powers
George O'Brien

Dept of Ecology:

WLB Hallauer,
Director

State Attorney
General's Office:

Charles B. Roe

Van E. Nutley, Acting Secretary

Committee Members:

Paul Lemargie
James W. Trull
Doug Finkelnburg

Visitors:

John Baird
Ernest Shelton
Richard Lemargie

It was moved by Armbruster, seconded by Stepon and carried that the minutes of the meeting of May 13, 1977 be approved as written.

In discussing legislation that was recently passed, it was suggested by those present that HB 255 should be amended in two or three years.

Henry Vancik reported on the activities of the State Technical Advisory Committee on Irrigation Agricultural Return Flows. After further discussion of the matter, it was moved by Vancik, seconded by Chan Bailey and unanimously carried that the following resolution be adopted:

Resolution No. 77-8-8

WHEREAS, The State of Washington and this Association has long been interested in the quality of the waters in the State that those waters may properly serve the many water uses and demands of the citizens of the State; and

WHEREAS, Following the enactment of PL.92-500, the Clean Water Act of 1972 by the Federal Government the State elected to, and was approved to, assume those responsibilities for enforcement of as much of duties within the State that could be delegated by the Environmental Protection Agency; and

WHEREAS, The Governor, through the Director of the Department of Ecology, established the "Technical Advisory Committee for Water Quality Improvement" during late summer of 1974; and

WHEREAS, This Association has been privileged to have a representative on that Committee since its inception and on the successor enlarged committee renamed the "Irrigated Agricultural Technical Advisory Committee"; and
WHEREAS, The Technical Advisory Committee has been involved in the planning, development and operation of the Sulphur Creek Study on the Yakima Project and the Royal Slope Study on the Columbia Basin Project -- both studies intended to quantify pollutants in irrigated agricultural return flows and to identify Best Management Practices that are both effective and economically practical;

NOW, THEREFORE, BE IT HEREBY RESOLVED That the Directors of the State Association of Washington Irrigation Districts commends the State of Washington Department of Ecology for their support and participation in the activities of the Technical Committee and in the Sulphur Creek and Royal Slope Studies which studies also have the support of the U. S. Agricultural Department, the U.S. Department of Interior, the Environmental Protection Agency, Washington State University, the State Conservation Commission, and local irrigation districts; and

BE IT FURTHER RESOLVED That this Association requests the State Department of Ecology to continue their staff and monetary involvement in the studies to their conclusion to provide directions and practices for the practical improvement of irrigated agricultural return flows.

Dated this 8th day of August, 1977.

* * * * * * * *

Dick Hendrick reported that 208 planning is progressing slowly and that he expects all Rules and Regulations will be submitted by large or small areas, either irrigation districts or combinations of irrigation districts. Individuals will have 60 days to comply before they are expelled from group and they must then deal with D.O.E. on an individual basis. If the situation warrants EPA will come in with daily fines, etc.

The group was informed that Clyde Erney, SAWID Director for Division 3 will no longer participate in SAWID and that a new Director would be elected at the Annual Meeting.

(Lunch)

Paul Lemarie discussed some of the problems concerning the Yakima Indian Nation suit claiming more water from the Yakima River.

Wib Hallauer, Director, Department of Ecology and Charles Roe, Assistant Attorney General of the Department of Ecology, gave a long and detailed discussion regarding the water rights question in the State of Washington. They had spent the previous week in Washington, DC, presenting proposals to Representative Foley and others with little success at the national level.

Following are some of the suggestions, etc., voiced by the DOE representatives:

1. They think that adjudication would be better in State Court.
2. Roza asked for setting aside water rights Decree of 1945.
3. Jim Hovis beat everyone to punch by previously filing Indian suit.
4. Six legislators from Yakima Valley have written to Hallauer asking him to handle problems.
5. Hallauer and Roe have met with most attorneys on what they think should be done.
6. Decisions will be made by Halauer in early fall on what direction DOE will take.
7. Chance about 1 in 5 for political solution.
8. Ajudication will probably take about 10 years.
9. Hallauer says if adjudication goes in favor of Indians, the only answer is more storage on the Yakima River.

There followed considerable discussion as to costs involved and the best possible ways to handle the expenses which will surely have to be borne in part by the irrigation districts.

There being no further business the meeting adjourned.

Van E. Nutley, Acting Secretary
RESOLUTION NO. 77-8-8

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BE IT FURTHER RESOLVED That this Association requests the State Department of Ecology to continue their staff and monetary involvement in the studies to their conclusion to provide directions and practices for the practical improvement of irrigated agricultural return flows.

Dated this 8th day of August, 1977.

President
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<th>Names of those present</th>
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<tr>
<td>John Baird, Ephrata</td>
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<td>Chan Bailey, Othello</td>
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<td>George C. Baker, Presser</td>
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<td>Paul Lemarie, Ephrata</td>
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<td>E. M. Carver, Basin City</td>
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Quincy District
ECBID
Pasco
SCBID
O. I. D.
STATE ASSOCIATION OF
WASHINGTON IRRIGATION DISTRICTS

Richland, WA

Director's Meeting

November 16, 1977

8:20 p.m.

The following persons attended the meeting:

Russell D. Smith
President
Rosadell S. Nutley, Secretary

Ervin G. Easterday
V-President
Chan Bailey
V-President

Board Members:

Committee Members:

Rogers R. Neff
Dick Hendrick
Jim Webb
Hank Vancik
Melvin Stepon
Ed Armbruster
Stan R. Powers

Lowell Felt
Paul Lemargie
Roy J. Orr
Kermit M. Rudolf
James W. Trull
Doug Finkelnburg
Van E. Nutley

Visitors present were: Merle Gibbens, Maria Klug, Hazel Herrett, Harold E. Herrett,
Clair Hobkirch, Howard Frye, Larry Sizer, Warren Dickman, Howard Morgan, John Baird,

President Russ Smith introduced Hazel and Harold Herrett as being those who had
come a considerable distance to attend the meeting. They are from the Cline
Irrigation District at Sequim, Washington. All present welcomed them.

It was moved by Armbruster, seconded by Stan Powers and carried that the minutes
of the meeting of August 8, 1977 be approved as written.

There followed a discussion of the hearing held at Yakima on the 160 acre limitation
and residency requirements. There was considerable testimony against the action
of the Department of Interior at the hearing and it was felt by those present that
there would be no end to the problems arising if the 1902 laws are implemented at
this late date.

Those present who had attended the hearing called by the State Senate Agriculture
Committee at Pasco regarding irrigation district election laws and other matters
discussed some of the ramifications which could cause considerable problems to
the irrigation districts if the suggested changes were to be made in the present
laws.

Engrossed Senate Bill 2480, which has been interpreted by State officials to include
irrigation districts, and which requires the payment of unemployment insurance cov-
erage to certain groups, was discussed at length by several of the attorneys present.
It was suggested that possibly the Association should try to obtain an Attorney
General's opinion on the matter. It was moved by Hendrick, seconded by Neff and
carried that the Association should take the position that we believe we are not
included in unemployment insurance coverage and write a letter to that effect.
A copy of the letter to be sent to all irrigation districts in the State.
The possibility of hiring an executive secretary was discussed and it was suggested that a committee be appointed to study the matter.

It was moved by Armbruster, seconded by Bailey and carried that Dick Hendrick be reimbursed for out of pocket expense needed for attending meetings of the 208 Planning Committee.

The matter of the committee to study the hiring of an executive secretary was again discussed and it was decided that the President and the 2 Vice-Presidents would meet and determine who should serve on the committee.

The problem of getting liability insurance for irrigation districts appears to be increasing and the possibility of the districts setting up a fund instead of purchasing insurance was discussed. President Russ suggested that those present consider this matter very seriously.

House Bill 255, which permits certain districts to have their own Treasurer, among other things, was discussed. As this law needs to be studied for further action at a later date, it is felt that not many districts will take advantage of it at the present time.

Meeting adjourned at 10 p.m.

Rosadell S. Nutley, Secretary
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<td>Ted Gibbons</td>
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<td>Larry Jones</td>
<td>Yoloma-Triton</td>
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<td>Warren Dickman</td>
<td>B10 Benton City</td>
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STATE ASSOCIATION OF
WASHINGTON IRRIGATION DISTRICTS
ANNUAL MEETING

HANFORD HOUSE-THUNDERBIRD     RICHLAND, WASHINGTON     NOVEMBER 17, 1977

Registration and coffee at 8:45 a.m.

President Russ Smith called the meeting to order at 9:30 a.m. and introduced Mr. & Mrs. Harold Herrett of Cline Irrigation District at Sequim, Washington and welcomed them and all attending the meeting.

The President's Report included a reference to the Water Policy Papers of Mr. Andrus, Secretary of Interior. He stated that there might be 70,000 acres in the South Columbia Basin Irrigation District which would be ineligible to receive water under the present proposals. Also President Russ stated that he would write a letter in regard to the payment of unemployment insurance coverage and that copies would be sent out to all irrigation districts in the state. He named the following persons to serve on a committee to study the possibility of hiring an executive secretary: Doug Finkenburg, Chairman, Joe Morrison, Lloyd Ottem, Jim Twell and Walt Peterson. This committee is to report back to the Association President as soon as possible.

The report of the Secretary-Treasurer was presented to those present and is attached.

The following committees were appointed by President Smith:

Nominating Committee:  Auditing Committee:
Dick Hendrick, Chairman    Lowell Felt, Chairman
Van E. Nutley
Henry Vancik
Roy Orr
Ida Focht

Van Nutley, Legislative Officer, in making his report, requested that the following items of proposed legislation be voted on so that a report could be sent to Senator Marcus S. Gaspard, Chairman, State Senate Agriculture Committee, in answer to the hearing held in Pasco on November 10, 1977:

1. Change elections to be under County Auditor - unanimous against.
2. Change in Director requirements regarding ownership of 5 acres - unanimous no.
3. Number of votes changed to give fiscal matters to acreage owners voting - none in favor.
4. Require sale of District owned land - all opposed.
5. Change laws to permit recall of directors - It was moved by Easterday, seconded by Powers and carried that the Association take no stand on the recall legislation until we are able to study any bill that is drafted, after input from the Association. This motion was also carried unanimously.

Those present were informed by Mr. Nutley that the Director pay increase bill, HB 947 had been returned four times to committee. A copy of the balance of the report is attached.

Stan Powers, President, Yakima River Basin Association, reported on the drought of 1977 in the Yakima Valley. He informed the waterusers of the measures taken
by irrigation districts and farmers to meet the situation both as it was expected to be and as it turned out to be. These preventative measures included the study of the Roza Irrigation District to pump from the Columbia River and the Kittitas Reclamation District proposal to pump the dead storage from Lake Cle Elum.

Glen Fiedler, Department of Ecology, Olympia, gave a very interesting talk on what is occurring at the present time in regard to Water Pollution Regulations. He stated that the regulations are not finalized and may never be. He spoke very highly of the work being done by the committees which were appointed at the State level. He also said that it was hoped that many of the problems would be settled in the near future as to the proper procedures for the handling of complaints and that it appeared that the areas designated would probably be basin wide with the irrigation districts acting in the Columbia Basin and the Conservation Districts acting in the Yakima Basin. He announced that a hearing would be held in Yakima on December 2 and that there would be additional meetings in January and he hoped that many of those present would attend these meetings.

Van Nutley reported on problems concerning irrigation district audits. Copy of this report is attached. He also informed those present that the only items which could be discussed in a closed meeting are National Defense, Personnel and the purchase of land.

Meeting recessed for lunch at 11:50 a.m.

The afternoon session was called to order at 1:15 p.m. with V-President Easterday presiding.

Paul Lemargie, Moderator for the Panel Discussion, introduced Andrew C. Bohrnsen, Pasco, whose subject was: History, Purpose and Authority of the State Association of Washington Irrigation Districts.

Richard A. Lemargie, Ephrata, was introduced by his father, Paul Lemargie. His subject for the Panel Discussion was: Proposed Reclamation Rules and Regulations for Acreage Limitation and Related Matters.

James E. Egan, Kennewick, was introduced and spoke on: Irrigation District Elections and Problems in Connection Therewith.

The 4th member of the Panel, Daniel R. Peterson, Sunnyside, was introduced. His subject: Irrigation District L.I.D.'s Formed Pursuant to Emergency Drought Legislation and Appropriations.

It was the opinion of those present at the Annual Meeting that all of the Attorneys had done an excellent job of presenting their topics for the Panel Discussion and that they wished to continue having this part of program at the Annual Meeting of the Association.

Lowell Felt, Chairman of the Auditing Committee, announced that the books had been audited and found to be in order.

Dick Hendrick, Chairman of the Nominating Committee, presented the name of Ervin G. Easterday for President. It was moved by Nutley, seconded by Webb and unanimously carried that Easterday be elected President for the 1977-78 year.
Mr. Hendrick presented Chan Bailey for 1st V-President. It was moved by Webb, seconded by Powers and carried unanimously that Bailey be elected 1st V-President for the 1977-78.

The name of Jim Trull was presented for 2nd V-President. It was moved by Peterson, seconded by Stepon and carried that nominations be closed and elective ballot cast for Jim Trull for 2nd V-President.

The following Directors were elected to serve with their term of office as listed: Director No. 3 – Joe Morrison – 1980; Director 5 – James W. Webb – 1980; At Large – Warren Dickman – 1980. There being no nominations from the floor, all were elected unanimously.

Russ Smith again brought up the subject of liability insurance for the districts with the suggestion that it should be pursued further.

President Easterday asked that the name of Russ Smith be added to those of the other members of the Legislative Committee.

Meeting adjourned at 3:55 p.m.

Rosadell S. Nutley, Secretary

Director's Meeting

November 17, 1977

It was moved by Chan Bailey, Seconded by Mel Stepon and carried that Rosadell S. Nutley be appointed Secretary-Treasurer.

It was decided to have a meeting late in December.

It was moved by Vancik, seconded by Trull and carried that Van E. Nutley continue to serve as Liaison Officer.

It was moved by Russ Smith, seconded by Peterson and carried that Dick Hendrick be reappointed to serve on the Advisory Committee for 208 policy.

It was moved by Smith, seconded by Peterson and carried that Henry Vancik be reappointed to the Technical 208 Committee.

Meeting adjourned at 4:05 p.m.

Rosadell S. Nutley, Secretary
RECLAMATION RULES AND REGULATIONS FOR ACREAGE LIMITATIONS

That topic might be more specifically delineated by asking the question: Are residency requirements and 160 acre limitations, as provided by reclamation laws, rules and regulations, an effort to march backward into the future?

Federal involvement in the reclamation of arid areas of the West has always been justified by the desirability of fostering the "family farm" as a way of life. The tradition of a family farm in the United States is a strong one. It dominated land settlement policies throughout the nineteenth century, and with the closing of the frontier at the end of the nineteenth century, public support grew to open new frontiers on yet unsettled arid lands of the West, thereby justifying Federal reclamation programs.

By 1890 it was apparent the greater portion of the arable land contained in the public domain had been appropriated under terms of the Homestead Act, and the nation was again faced with the problem of providing suitable lands as an outlet for the overcrowded population of the East. The only large areas of public domain remaining were located in arid areas which could only support substantial populations if irrigation was available. Congress was aware that land needed for reservoir sites and other irrigation works was disappearing under liberal terms of the various acts designed to promote settlement of public lands. Congressional concern increased as it became further apparent that by various methods large landholdings were being accumulated by individuals and groups, which could hamper any comprehensive plan for irrigation of those arid lands.
Legislation was enacted withdrawing all arid lands from entry, Act of October 2, 1888; (25 Stat. 526). This withdrawal was subsequently removed by the Act of August 30, 1890 (26 Stat. 391), which restored arid lands to entry. However, that same Act did reserve to the United States a right of way for ditches or canals constructed by authority of the United States. After prolong and intense discussion, the Act of June 17, 1902 (32 Stat. 388), was enacted and provided the authority for the establishment of the Federal reclamation program. The 1902 Act may be regarded as an adaptation of the homestead laws to regulate settlement upon arid lands. However, the undertaking resulted in the development of many additional provisions and safeguards, and various statutes supplementary thereto or amendatory thereof. This discussion is essentially limited to the provisions commonly referred to as "excess land or acreage limitations," in particular, Section 3 of the 1902 Act, which authorized the Secretary of the Interior to withdraw from entry public lands required for proposed project works and public lands believed susceptible of irrigation. The Section specifically established the conditions under which entry was to be made;

"... public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under provisions of the homestead laws in tracts of not less than 40 nor more than 160 acres, and shall be subject to the limitations, charges, terms, and conditions herein provided: Provided, that commutation provisions of the homestead laws shall not apply to entries made under this Act."

Section 5 of the 1902 Act then provided that until payment had been made of all the charges allocated against such lands under Section 4 of the Act, patent was not to be issued in the case of public lands, nor should right to the use of water permanently attach to private lands. Thus,
the apparent effect of the 1902 Act would limit the initiation of a right to the use of water and in the case of public lands, to the ownership of land itself, to the acreage provided by the Act. The specific wording is as follows:

"... No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefore are made."

Looking back at the brief history of reclamation programs, one witnesses a history of extraordinary efforts by farmers to obtain the economics of scale requiring large acreages while attempting to live within the policies of the small family farm concept. The dilemma is caused by the desire to take advantage of new agricultural production and marketing techniques and to comply with the family farm legislation that has been idealized as part of an anti-corporation, anti-commercial tradition.

The emotional strength of tradition continues to make rational decisions regarding acreage limitations and residency requirements difficult. This difficulty is evidenced by the diversity of opinion and consequent positions regarding the proposed reclamation rules and regulations which relate to acreage limitations.

A brief review of the media's effort to report developments with reference to the proposed Federal reclamation rules and regulations for acreage limitation exemplifies the diverse alignments on the issues.

Secretary of the Interior Cecil Andrus reportedly announced that one million acres of Federally irrigated farm land in eighteen Western states would be redistributed in a national lottery on the homestead principal of 160 acres for a farmer and each member of his family. The Andrus proposal,
it was reported, caused outrage throughout the West. Particularly with the owners of enormous "factories of the fields" in areas like California's Imperial Valley, one of the largest food baskets in the United States. Secretary Andrus proposed to accomplish this re-distribution by forcing the large land-owners to sell off all acreage exceeding the 160-acre limit to small farmers. In October of 1977 it was reported he had announced a series of public hearings on the new regulations would be held in seven Western states and in Washington, DC, and that "we expect plenty of testimony, plenty, about how the West was won." In October of 1977 reaction was swift and sure. Hundreds of California farmers reportedly ringed the San Diego Convention Center where the State Republican Party was holding its annual meeting, waving placards reading "Fairness for Farmers" and "Save the Imperial Valley". The main complaint of those farmers and many other Western farmers seems to be that the 1902 Act is archaic because modern and mechanized farming techniques have made it impossible for anyone to earn a living on a 160-acre tract.

President Carter has been quoted by the media as saying: "Seventy-five years ago, three hundred twenty acres for husband and wife for irrigated land was all they could handle. Now, with massive development and large machinery, a larger acreage is necessary for an economically viable farm operation. So the law needs to be changed. But (Carter added, for the present) we don't have any alternative but to enforce the law." That leaves the Secretary of the Interior as enforcer of the law, caught between the letter of the law and the anger of Western farmers.

There are, however, some cheers from groups of small farmers who basically support the new rules and regulations. It seems to many of them
to bring to life the words Democrats adopted at New York in 1976. According to one editorial, the party's platform that year pledged the Democratic Party to strengthen the institution of the family farm and curb the influence of non-farm conglomerates which, through the elimination of competition in the market-place, are an alleged threat to farmers. That platform is good rhetoric for it continues the traditions which have survived since the original land grants through plantations, tenant holdings, railroad donations, bounty lands, homestead acts, and subsidized credit plans for the GIs.

The opinions and consequent alignment are diverse and appear irreconcilable. However, the courts have ruled and the Interior Department has moved into action.

The United States Supreme Court, in *Ivanhoe Irrigation District v. McCracken*, 357 U.S. 275, 78 S.Ct. 1174, 2 L.Ed. 2nd at 1313, in 1958 specifically recognized the vital role acreage limitation provisions play in accomplishing the historic purposes of reclamation laws: The Supreme Court stated at 357 U.S. 292:

"From the beginning of the Federal reclamation program in 1902, the policy as declared by the Congress has been one requiring that the benefits therefrom be made available to the largest number of people, consistent, of course, with the public good. This policy has been accomplished by limiting the quantity of land in a single ownership to which project water might be supplied. It has been applied to public land, opened up for entry under the reclamation law, as well as privately owned lands, which might receive project water."

and at page 297, the Court stated:

"(The 160-acre limitation) is a reasonable classification to limit the amount of project water available to each individual in order that benefits may be distributed in accordance with the greatest good to the greatest number of individuals. The limitation insures that this enormous expenditure will not go in disproportionate shares to a few individuals with large land holdings. Moreover,
it prevents the use of Federal reclamation service for speculative purpose. In short, the excess acreage provision acts as a ceiling, imposed equally upon all participants, on the federal subsidy that is being bestowed."

In 1971, the United States District Court, Southern District of California, rendered a decision on a suit filed to compel the Secretary of the Interior to enforce the residency requirements of Section 5 of the 1902 reclamation act; Yellen v. Hickel, 335 Fed. Supp. 200. The District Court upheld the provision of that act which states that no right to the use of water for land in private ownership shall be sold to any landowner unless he is an actual bona fide resident of said land, or an occupant thereof, residing in the neighborhood of said land. The Court stated at 335 Fed. Supp., page 208:

"National policy, as expressed in the reclamation laws, is to provide homes for people. Homes are possible only where speculation and monopolization are not possible. The 160-acre limitation and the national policy which it reflects have been upheld by the Supreme Court in Ivanhoe Irrigation District v. McCracken, 357 U.S. 275, 78 S.Ct. 1174, 2 L.Ed. 2nd 1313. The residency requirement in Section 5 is a second expression of that national policy. . . failure to enforce residency subverts the excess land limitation, which Ivanhoe, supra, specifically upheld. Through the use of corporations, trusts and co-tenancies flagrant violations of the purpose of this limitation are possible. Each of these farms may be used to bypass the acreage limitation. The policy behind reclamation law to aid and encourage owner-operated farms requires enforcement of the residency requirement to prevent these violations." (emphasis added)

The Court reasoned in its decision that Section 46 of the Omnibus Adjustment Act of 1926 did not by implication repeal the residency requirement of the 1902 Act, and the fact residency for obtaining water under reclamation law had not been required by the Department of the Interior for over 55 years did not mean the statutory residency requirement was no longer valid.

This decision, although it related to lands receiving water under reclamation water laws from the Boulder Canyon Act, caused widespread concern
at the time because of the fact that, if it was upheld, it would apply to reclamation projects throughout the West.

The decision was widely discussed then, including at the next annual meeting of this Association. However, since it was indicated the decision would be, and was subsequently appealed, and, since the decision was not going to be placed into effect pending the outcome of the appeal, those concerned, for the most part, decided to await the outcome thereof with the thought that if the decision was upheld they could, when necessary, seek Congressional relief.

An indication of how the 9th Circuit Court of Appeals might rule in the Yellen case insofar as the applicability of the excess land laws to reclamation projects generally were concerned was given about five years later in its decision in the case of United States v. Tulare Lake Canal Company, 535 F.2d 1093, on June 7, 1976. That was a case which the United States brought to enjoin the delivery of water from the Pine Flat Dam (King's River) Project to lands under ownerships which had not complied with Section 46 of the Omnibus Adjustment Act of 1926.

In that case, the Court held that the Pine Flat Dam was not exempt from the acreage limitation imposed in the reclamation laws and the owners of excess lands were not relieved of their obligation to sell holdings in excess of 160 acres at ex-project prices by the repayment of the share of construction charges allocated to irrigation; and the fact that the Department of the Interior had taken an inconsistent position with respect to the latter in the 1950s; and the fact various government officials had represented that privately owned water rights would not be affected by the reclamation project, did not change the situation.

In another action brought in the United States District Court for
the District of Columbia to force the Bureau of Reclamation to issue rules respecting the criteria and procedures to be used by it in approving excess land sales under the Federal reclamation laws, the Court in National Land for People, Inc. v. The Bureau of Reclamation, et al, Civil Action No. 76-928, on August 13, 1976, issued an order directing the Department of the Interior to forthwith initiate public rule making proceedings with respect thereto. The decision was an unpublished one and is not available for review locally. In other words, we do not know everything the Court directed the Department to do in that regard, but it would appear from the proposed Reclamation Rules and Regulations for Acreage Limitations published over a year later that the Department undoubtedly went far beyond what it was directed to do by the Court.

On August 18, 1977, five days before the Department published its proposed regulations, the 9th Circuit Court of Appeals in the consolidated cases of Yellen et al v. Andrus and Others, 559 F.2d 509, about six years after the appeal in the original case of Yellen v. Hickel, 335 Fed. Supp. 200, held in that portion of the consolidated case the plaintiffs in that District Court case did not have standing therein to bring said action, vacated the judgment and remanded the case to the District Court to dismiss it. In doing so, the 9th Circuit Court of Appeals did not discuss the question of whether a landowner had to reside on or in the neighborhood of his land in order to receive water for it from a Federal reclamation project. However, the Department of the Interior, after more than fifty years of not imposing that requirement has, since the reasoning of the District Court case on the residency requirement appears sound, apparently concluded it should in its proposed regulations, make residency a requirement in connection
with excess land and it has also indicated it will do so with respect to non-excess lands as soon as practicable.

On the same date in that consolidated case under the portion bearing the name of United States v. Imperial Irrigation District, 559 F.2d 509, the Court held the acreage limitations of Section 46 of the Omnibus Adjustment Act of 1926 applied to private lands in the Imperial Irrigation District that receive irrigation water from the All-American canal regardless of a letter from the Secretary of the Interior in 1933 to the contrary and in action by the administrative agency since that time.

In other words, the Department's announced intention of imposing the residency requirement through regulations after more than fifty years of not doing so; and the 9th Circuit Court of Appeals' recent decisions doing so after the many years of the Department not imposing the Federal reclamation laws in connection with the Pine Flat Dam (King's River) and the Imperial Valley Projects in California involving hundreds of thousands of acres of irrigated land; and the Department of the Interior's proposed rules and regulations for acreage limitation resulting somewhat therefrom have helped materially to bring on the present controversy and clamor for action by Congress to change the acreage limitations and residency requirements of the Federal reclamation laws.

November 17, 1977
State Association of Washington Irrigation Districts
Richard A. Lemargie
Attorney's Panel Discussion
STATE ASSOCIATION OF
WASHINGTON IRRIGATION DISTRICTS

SOUND IRRIGATION PROGRAMS PROMOTE PROSPERITY

1252 N. Perry Loop Kennewick, Washington 99336

OBJECTIVES:
1...TO PROMOTE THE INTERESTS OF IRRIGATED FARMING
2...TO IMPROVE THE OPERATION OF IRRIGATED DISTRICTS OF THE STATE
3...TO ACT AS A CLEARING HOUSE FOR INFORMATION ON IRRIGATION DISTRICTS

To all Irrigation Districts of the State of Washington:

The Annual Meeting of the State Association of Washington Irrigation Districts was held in Richland, Washington, at Hanford House, on Thursday, November 17, 1977.

The following report on Legislative action by the 45th session of the Washington State Legislature which may effect your district was presented by Van E. Nutley, Legislative and Liaison Officer, of the State Association of Washington Irrigation Districts:

House Bill 55 which became Chapter 22, Laws of 1977 (Regular Session). An act relating to appointment, supervision and salary of stream patrolmen.


House Bill 255 which became Chapter 367, Laws of 1977 (1st Extraordinary Session). RCW 87.03.440 An act enabling irrigation districts to appoint someone other than the County Treasurer as district treasurer under certain circumstances. Editor's note: This law will probably be amended in a couple of years and I recommend caution in implementing it until questions are cleared up.

House Bill 472 which became Chapter 169, Laws of 1977 (1st Extraordinary Session). An act changing names of certain colleges to universities. RCW 87.25.050

House Bill 512 which became Chapter 269, Laws of 1977 (1st Extraordinary Session). An act relating to deposit of employees' compensation directly to a financial institution.

House Bill 627 which became Chapter 208, Laws of 1977 (1st Extraordinary Session). RCW 87.03.720 and RCW 87.03.725. An act relating to merger of irrigation districts with drainage districts and sewer districts.


Senate Bill 2133 which became Chapter 75, Laws of 1977 (Regular Session). RCW 89.16.050 An act relating to the Department of Ecology and its development of agricultural resources and reclamation in the State of Washington.

Senate Bill 2268 which became Chapter 312, Laws of 1977 (1st Extraordinary Session). An act relating to allowances and expense for State employees. Editor's Note: Should not effect irrigation districts but State Auditor's may misinterpret.

Senate Bill 2480 which became Chapter 292, Laws of 1977 (1st Extraordinary Session). An act relating to unemployment compensation. Editor's Note: There was disagreement among districts at the Annual Meeting as to whether this law applies to irrigation districts.
Senate Bill 2561 which became Chapter 3, Laws of 1977 (Regular Session). An act relating to weather modification.

Senate Bill 2619 which became Chapter 119, Laws of 1977 (1st Extraordinary Session). RCW 87.03.200 and RCW 87.03.490. An act relating to denominations of bonds and to the method of signing bonds.

Senate Bill 2620 which became Chapter 1, Laws of 1977 (1st Extraordinary Session). An act giving emergency powers to the Department of Ecology because of the drought of 1977.

Senate Bill 2851 which became Chapter 136, Laws of 1977 (1st Extraordinary Session). An act relating to State employees insurance and health care. May include irrigation district employees.

Senate Bill 3028 which became Chapter 229, Laws of 1977 (1st Extraordinary Session). An act relating to issue of revenue bonds.

House Bill 947 to increase maximum directors pay to $50 per day reached the floor of the House five times but has been returned to the House Agriculture Committee.
<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lester C. Persson</td>
<td>21 S.B.R.</td>
</tr>
<tr>
<td>Alfred Persson</td>
<td>30 S.B.R.</td>
</tr>
<tr>
<td>Van C. Mulley</td>
<td></td>
</tr>
<tr>
<td>Russ Smith</td>
<td></td>
</tr>
<tr>
<td>Ed Armbruster</td>
<td>So Col Ben Irving Dist.</td>
</tr>
<tr>
<td>Lowell Felt</td>
<td>L.C.R.D.</td>
</tr>
<tr>
<td>Reid Law</td>
<td>O.T.I.D.</td>
</tr>
<tr>
<td>Stanley W. Nelson</td>
<td>O.T.I.D.</td>
</tr>
<tr>
<td>Jack Hallows</td>
<td>Benton Irrigation</td>
</tr>
<tr>
<td>R. H. Lyon</td>
<td>O.C.B.I.D.</td>
</tr>
<tr>
<td></td>
<td>OLD</td>
</tr>
<tr>
<td>Henry A. Navech</td>
<td>R.O. 2A</td>
</tr>
<tr>
<td>Ernie &amp; Eustace</td>
<td>SC.I.D.</td>
</tr>
<tr>
<td>Bill LeFler</td>
<td>Q.C.B.I.D.</td>
</tr>
<tr>
<td>Ed Spalding</td>
<td>Q.C.B.I.D.</td>
</tr>
<tr>
<td>Russ Wentworth</td>
<td>Q.C.B.I.D.</td>
</tr>
<tr>
<td>Buck Ward</td>
<td>O.T.I. Dist.</td>
</tr>
<tr>
<td>James M. Hoke</td>
<td>ECBI.D.</td>
</tr>
<tr>
<td>Chan Bailey</td>
<td>ECBI.D.</td>
</tr>
<tr>
<td>Dick Hyren</td>
<td>REV. Hyren &amp; Asso</td>
</tr>
<tr>
<td>Ron Van Buren</td>
<td>REV. Hyren &amp; Asso</td>
</tr>
<tr>
<td>Randy Jackson</td>
<td>D.I.D.</td>
</tr>
<tr>
<td>Styer Hackett</td>
<td>Q.C.B.2D</td>
</tr>
<tr>
<td>John Walker</td>
<td>USBR</td>
</tr>
<tr>
<td>Linda Kowalski</td>
<td>K.I.D.</td>
</tr>
<tr>
<td>Betty Wacker</td>
<td></td>
</tr>
<tr>
<td>Elgin Ackerman</td>
<td>T.I.D.</td>
</tr>
<tr>
<td>Gene House</td>
<td></td>
</tr>
<tr>
<td>Hazel Herrett</td>
<td>S.Cline Ditch</td>
</tr>
<tr>
<td>Harold E. Herrett</td>
<td>Cline Ditch</td>
</tr>
<tr>
<td>Virginia Sumner</td>
<td>ECBI.D.</td>
</tr>
<tr>
<td>Howard Morgan</td>
<td>B.I.D.</td>
</tr>
<tr>
<td>Steve Bowers</td>
<td>A.P.D.</td>
</tr>
</tbody>
</table>
Annual Meeting

Name
1. Warren Dickman
2. Carl Petersen
3. Robert Jeff
4. Don Baze
5. Robert R. Hemen
6. Tom Austin
7. Doug Bickel
8. Harold Seifeldein
9. Henry Fugler
10. Fred Kranz
11. John A. Fugler
12. James W. Frueh
13. Kurnat M. Rudolf
14. L. T. James
15. Melvin James
16. Fred E. Osborne
17. Dick Lindstrom
18. Maye Tyler
19. Walter Abbas
20. Clair Holstine
21. Ray Loner
22. R. D. Seifeldein
23. J. S. Fugler
24. F. L. Fugler
25. Cyril Lentz
26. Glenn Baze
27. John S. Mayo
28. E. F. Decoster
29. Earl Pettersen
30. Curtis B. Smith
31. Frank Raymond
32. Dave Drganich
33. Jack Johnson

Representing
1. Yakima-Tieton Irrig Dist
2. Kennewick ID
3. SCBID
4. Benton ID
5. BMID
6. QCBID
7. OCBID
8. ECOBID
9. FCBID
10. Pacific Almanzor Irrig Dist
11. WSRP - USBR - retired
12. Benton Irrigation Dist
13. CH2M-Hill
14. NWRA
15. Veregin Irrig Dist #15
16.izing Irrig Dist. 

Quoting:
1. "Great Almanzor Song sheets!"
2. "FCAID"
3. "Kanawon"
4. "SCBID"
5. "SCBID"
6. "SCBID"
7. "SCBID"
8. "SCBID"
9. "SCBID"
10. "SCBID"
11. "SCBID"
12. "SCBID"
13. "SCBID"
14. "SCBID"
15. "SCBID"
16. "SCBID"

Note: The page is marked with an 'X' and a handwritten symbol.
Annual Meeting
Nov. 17, 1977

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
</tr>
</thead>
<tbody>
<tr>
<td>GARY KITTERMAN</td>
<td>BUREAU OF RECLAMATION</td>
</tr>
<tr>
<td>HAROLD BEEMAN</td>
<td>DEPT NATURAL Resources</td>
</tr>
<tr>
<td>Floyd Otten</td>
<td>EBSIO</td>
</tr>
<tr>
<td>Barbara Osborne</td>
<td>11-ME,</td>
</tr>
<tr>
<td>J M Bailey</td>
<td>Sumpville Valley 4th Dist.</td>
</tr>
<tr>
<td>Gay Bailey</td>
<td></td>
</tr>
<tr>
<td>Russell Huston</td>
<td></td>
</tr>
<tr>
<td>Wally Wayman</td>
<td></td>
</tr>
<tr>
<td>Richard Lemonjean</td>
<td></td>
</tr>
<tr>
<td>Attorney</td>
<td></td>
</tr>
</tbody>
</table>
STATE ASSOCIATION OF WASHINGTON IRRIGATION DISTRICTS
TREASURER'S ANNUAL REPORT

CASH BALANCE - September 30, 1976

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Membership Dues</td>
<td>$3,265.00</td>
</tr>
<tr>
<td>Luncheon Collection</td>
<td>462.00</td>
</tr>
<tr>
<td>Books (Title 87/89 RCW)</td>
<td>60.00</td>
</tr>
<tr>
<td>Washington State Reclamation Association</td>
<td>1,454.72</td>
</tr>
<tr>
<td>Transfers from Savings</td>
<td>1,300.00</td>
</tr>
<tr>
<td><strong>Total Receipts</strong></td>
<td><strong>6,541.72</strong></td>
</tr>
<tr>
<td><strong>Total Including Balance</strong></td>
<td><strong>$7,304.12</strong></td>
</tr>
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</table>

DISBURSEMENTS:

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<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luncheon charge, etc.-Annual Meeting</td>
<td>$429.66</td>
</tr>
<tr>
<td>Dept of Ecology Expense:</td>
<td></td>
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<tr>
<td>Salaries</td>
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<td>Assoc share FICA</td>
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<tr>
<td><strong>Total Legislative Expense</strong></td>
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<tr>
<td>Legislative Expense:</td>
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<tr>
<td>Digest &amp; Sheets</td>
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<tr>
<td>Travel</td>
<td>125.10</td>
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<tr>
<td>Room</td>
<td>19.71</td>
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<tr>
<td>Meals</td>
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<td><strong>Total Secretary's Expense</strong></td>
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<td>Secretary's Expense:</td>
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<td>NWRA &amp; Annual Meeting</td>
<td>304.78</td>
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<td>Meals, Director Meetings</td>
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<td>Envelopes, paper, supplies</td>
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<td>Postage</td>
<td>61.80</td>
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<td>Copies</td>
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<tr>
<td><strong>Total Expended</strong></td>
<td><strong>$3,998.81</strong></td>
</tr>
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</table>

Legal Services                                           | $3,998.81  |

**Total Expenditures**                                    | **2,922.46**|

CASH BALANCE - October 27, 1977                           |            |

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Cash Balance, September 30, 1976</td>
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</tr>
<tr>
<td>Interest to September 30, 1977</td>
<td>493.50</td>
</tr>
<tr>
<td><strong>Total Savings, October 27, 1977</strong></td>
<td><strong>$7,636.28</strong></td>
</tr>
</tbody>
</table>

SAVINGS ACCOUNT

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers to Checking</td>
<td>1,300.00</td>
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</tbody>
</table>

**Total Savings**                                        | **$7,636.28**|
Thursday, November 17, 1977
Richland, Washington

IRRIGATION DISTRICTS
WASHINGTON
STATE ASSOCIATION

32nd ANNUAL MEETING

Program
STATE ASSOCIATION OF WASHINGTON IRRIGATION DISTRICTS

Program

Wednesday and Thursday, November 16 and 17, 1977

Wednesday Evening - November 16th

8:00 - Board Meeting - Vernita Room

Thursday Morning - Hanford Room

Russell Smith, President, Presiding

8:45 - Registration and coffee

9:30 - President's Report
Russell Smith, President

10:00 - Secretary's Report
Rosadell S. Nutley, Secretary

10:10 - Appointment of Auditing and Nomination Committee

10:15 - Legislative Committee Report
Van E. Nutley

10:35 - Yakima Valley - Year 1977
Stan Powers, President
Yakima River Basin Association

10:50 - Update on Water Pollution Regulations, Glen Fiedler, Department of Ecology

11:20 - Problems Concerning Irrigation District Audits - Van E. Nutley

11:40 - Recess

12:00 - Luncheon - Columbia Room

Thursday Afternoon - Hanford Room

Ervin Easterday, 1st V-President, Presiding

1:15 - Attorney's Panel, Paul Lemargie
Moderator
Andrew C. Bohrnsen, Pasco State Association
Richard A. Lemargie, Ephrata Excess Land
James E. Egan, Kennewick District Elections
Daniel R. Peterson, Sunnyside District L.I.D.'s

3:15 - Recess (coffee)

3:30 - Report of Auditing Committee
Report of Nominating Committee
and Election of Officers

Other Business to come before the Association

4:30 - Adjournment

Joint Dinner with Washington State Reclamation Association

6:30 - Attitude Adjustment Hour
(No Host)

7:30 - Dinner Speaker, Keith Higginson Commissioner, U.S.B.R.
November 30, 1977

To Directors, Secretaries and Managers of all Irrigation Districts:

Many irrigation districts were not represented at the Annual Meeting of the State Association of Washington Irrigation Districts and this communication is an attempt to identify, for all districts, areas of action by districts which have been questioned by the State Auditor during the last several months. Mr. Darrell Russell, Chief Examiner, Division of Municipal Corporations, has made available information from which this report was prepared.

1. Expenses for a director's wife cannot be paid by the district.

2. No member of directors or secretaries family may work for the district.

3. No director or secretary may sell, rent or buy from the district.

4. In accordance with RCW 82.12, a district must pay a use tax on equipment obtained from the U.S. Bureau of Reclamation.

5. In accordance with RCW 87.03.260 a district must establish a special fund to repay construction costs or construction bonds.

6. The district financial statement must show long term indebtedness.

7. All claim vouchers and especially travel vouchers must have sufficient information to identify each item.

8. Only three items may be discussed in a closed meeting: 1. National Defense. 2. District personnel. 3. Purchase of land.

Mr. Russell reports a definite improvement in compliance with State Law by irrigation districts.

Van E. Nutley,
Legislative and Liaison Officer

cc: Darrell Russell
STATE ASSOCIATION OF
WASHINGTON IRRIGATION DISTRICTS

SOUND IRRIGATION PROGRAMS PROMOTE PROSPERITY

1252 N. Perry Loop Kennewick, Washington 99336

OBJECTIVES:
1--TO PROMOTE THE INTERESTS OF IRRIGATED FARMING
2--TO IMPROVE THE OPERATION OF IRRIGATED DISTRICTS OF THE STATE
3--TO ACT AS A CLEARING HOUSE ON INFORMATION FOR IRRIGATION DISTRICTS

AGENDA

Ephrata U.S.B.R.Building December 20, 1977
Room 218

10:00 a.m.


2. Report of progress of the organizational study committee.

3. Irrigation District insurance programs and funding.


6. Bonneville Power Administrations role in E.I.S.


8. Visitors

9. Any other business - Old or New.

R.S.N., Secretary

To all Directors and Committee Members:

Hope you can make it to the Meeting. We need your input on these matters.
The following persons attended the meeting:

**Ervin G. Easterday**  President  Rosadell S. Nutley, Secretary
**Chan Bailey**  V-President
**James W. Trull**  V-President

**Board Members:**

**Rogers Neff**
**Joe Morrison**
**Dick Hendrick**
**Jim Webb**
**Henry F. Vancik**
**Melvin Stepon**
**Stan R. Powers**
**Ed Armbruster**
**Warren Dickman**

**Committee Members:**

**Lowell Felt**
**Doug Finkelnburg**
**Howard Frye**
**Paul Lemargie**
**Van E. Nutley**
**Russ Smith**

**Visitors:** Maria Klug and Lloyd Ottem.

President Easterday welcomed those present.

Hank Vancik introduced Joe Morrison, our new director for Division No. 3 and a member of the Board of Directors of the Roza Irrigation District.

It was moved by Armbruster, seconded by Vancik and carried that the minutes of the Director's meeting of November 16 and the Annual Meeting and Director's meeting of November 17, 1977 be approved.

Doug Finkelnburg reported that a meeting had been held in Spokane on the previous Friday to consider the problems involved in hiring an Executive Secretary and reorganizing the several associations which now are involved in work similar to that of S.A.W.I.D. He suggested that we should ask for an opinion from the Attorney General regarding authority to perform the needed tasks which would be required of such an organization, should all decide to consolidate. It was suggested that Walt Peterson should help with the writing of a letter to the A.G.

Jim Trull brought up the problems of irrigation district insurance including errors and omissions insurance for District Directors. There followed considerable discussion of this matter.

It was moved by Stepon, seconded by Armbruster and carried that no action be taken at this time on the provisions of Engrossed Senate Bill 2480 and that we would call a meeting if any District has a definite problem.

Easterday announced that there would be another Hearing on January 12 concerning funding similar to Referendum 27. This Hearing would be held by Ag Committee of the Legislature - Repr. Kilbory's Committee.
Russ Smith reported on SAWID vs DOE case. Paul Lemargie said that the case was dormant but would not be removed from court automatically. He would like to have the Regulations wiped out and then ask that the case be declared moot. It was suggested that the matter be tabled until later and that Easterday should call Kermit Rudolf and discuss that matter with him.

It was moved by Hendrick, seconded by Smith and carried that President Easterday appoint a committee to make study on self insurance by Districts.

The Committee appointed by Easterday is as follows:

Van Nutley, Chairman, Henry Vancik and Jim Webb.

Russ Smith brought up the Task Force Report on Water Resources Policies Study dated November 11, 1977 which was received on November 18, 1977. It was moved by Smith, seconded by Dickman and carried that the Association should take a negative position on this Study, that the Association felt that Water Rights should be left with the State and that President Easterday should send a letter to the Congressional Delegation of Washington State.

It was moved by Smith, seconded by Webb and carried that the Association should take action similar to Washington State Reclamation Association in regard to the Bonneville Power Administration role in E.I.S., thereby helping the Public Utility Districts.

It was decided that President Easterday should send a written statement supporting the DOE report concerning WAC 173-531 Water Resources Management Program for John Day and McNary Pools.

It was moved by Hendrick, seconded by Powers and carried that SAWID Dues for 1978 should remain the same as they have for the last several years.

It was moved by Vancik, seconded by Smith and carried that the SAWID support the Conservancy District concept and take part in drafting proposed legislation.

Jim Trull, Program Chairman for the Annual Meeting discussed with those present when we should have the Annual Meeting. It was moved by Bailey, seconded by Hendrick and carried that we should hold the Annual Meeting in November with WSRA.

There being no further business, the meeting adjourned at 12:05 p.m.

Rosadell S. Nutley, Secretary
President Easterday opened the meeting and called on Paul Lemargie to discuss the recent ruling concerning payment by the irrigation districts of unemployment security coverage. Smith, Powers, Armbruster, Bailey and Webb support the position of Ed Armbruster regarding the matter. Paul Lemargie expressed the opinion that there is considerable doubt as to whether or not the districts should have to pay this coverage. Jim Trull stated that the districts are to pay 3.3% while cities pay only 1.2%. President Easterday appointed a committee of Jim Trull and Ed Armbruster to continue investigation of this matter. SCBID will make available its letter to the Employment Security Department and copies will be sent to all irrigation districts.

Jim Trull and Joe Morrison reported on the progress of reorganization. They informed those present that the attorneys are at work and a joint meeting with the Washington State Reclamation Association is planned.

Jim Webb reported on the Risk Management-Self Insurance Meeting held in Moses Lake which was sponsored by the Association of Washington Cities.

State Legislation was discussed. This discussion included Conservancy Districts and Irrigation Bond funding.

The National Water Resources Association Legislation was discussed and it was moved by Smith, seconded by Bailey and carried unanimously that our Association oppose this bill.

It was moved by Trull, seconded by Vancik and carried unanimously that SAWID indicate opposition to the stand taken by Webb Hallauer.

It was moved by Smith, seconded by Vancik and carried that Paul Lemargie should help Smith prepare a response to the Federal Water Resources Policies Study.

There was a brief report on SAWID vs DOE and on the several drownings which have occurred in irrigation canals.

Meeting adjourned.
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STATE ASSOCIATION OF WASHINGTON IRRIGATION DISTRICTS
AGENDA
March 21, 1978

1. Consideration of legislation proposed to change the acreage limitations of the 1902 Act.

2. Report of: (a) legislative activities
   (b) Insurance Committee progress
   (c) Conservancy Districts
   by Nutley, V. E.

3. Report of: (a) Unemployment Insurance
   (b) Public Disclosure Commission
   by Trull, Jim.


5. Any other old or new business.

1. Approve minutes of meetings of
STATE ASSOCIATION OF
WASHINGTON IRRIGATION DISTRICTS

Ephrata, WA               Director’s Meeting               12:00 p.m.

March 21, 1978

The following persons attended the meeting:

Ervin G. Easterday          President          Rosadell S. Nutley, Secretary
Chan Bailey                  V-President
James W. Trull               V-President

Board Members:             Committee Members:

Rogers Neff                 Doug Finkelnburg
James W. Webb               Paul Lemarge
Henry F. Vancik             Van E. Nutley
Melvin Stepon               Russ Smith
Stan R. Powers              Visitors: Ted G. Osborne, Henry Schafer and Earl
Warren Dickman               Terwilleger, all from E.C.B.I.D

The meeting was called to order at 1:20 p.m. by President Easterday. It was
moved by Stepon, seconded by Neff and carried that the minutes of the meetings
of December 20, 1977 and February 3, 1978 be approved as written.

Pres. Easterday stated that it is necessary to get the W.S.R.A. bill acceptable
to the State of Washington so that Jackson will support it. This legislation
which has been proposed relates to the change in the acreage limitations of
the 1902 Act.

Jim Trull announced that the Annual Meeting would be held at the Town Plaza
in Yakima on November 16-17 with WSRA.

Russ Smith discussed legislative drafting done by the Farm Water Alliance with
regard to the 1902 Act. It was determined that Washington State needs a represen-
tative on this Committee so that it will be possible to get Senator Jackson’s
support.

Jim Trull reported on the Unemployment Insurance program, stating that the
Districts would have to pay the 3.3% and it was suggested that the Districts
should go to the Legislature requesting that the City rate of 1.25% should
also apply to irrigation districts. It was requested that we ask someone from
State Employment Security Department to come to our Annual Meeting to discuss
this situation.

It was moved by Smith, seconded by Bailey and carried that the Association pay
expense incurred for those who attended the insurance meeting at Moses Lake, Washington.

After considerable discussion of the matter, it was decided to request an opinion of the Attorney General regarding the legal aspects of reorganization of the State Association of Washington Irrigation Districts including a possible merger with the Washington State Reclamation Association.

It was moved by Finkelnburg, seconded by Neff and carried that the Association support the Water Resources Management System Planning Program presented by the Department of Ecology for the Columbia and Snake Rivers and that a letter be sent expressing this support.

Meeting adjourned at 5 p.m.

Rosadell S. Nutley, Secretary
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AGENDA
STATE ASSOCIATION OF WASHINGTON IRRIGATION DISTRICTS
June 23, 1978
Room 218
10:00 a.m.
Ephrata, Washington
U.S.B.R. Building


3. Progress toward reorganization or betterment of the association.


9. State legislation, hearings and meetings:
   a. Allowing officers of small irrigation districts to execute certain kinds of contracts in which such officer is beneficially interested.
   b. Enabling formation of Conservancy Districts.
   c. Guarantee of loans to new farmers.
   d. Need for clarification of bonding statutes for both L.I.D. and Revenue Bond Issues.

(by Van Nutley and others).

10. Any other old or new business including claims or court actions.
STATE ASSOCIATION OF
WASHINGTON IRRIGATION DISTRICTS

Ephrata, WA  Director's Meeting  10:00 a.m.
June 23, 1978

The following persons attended the meeting:

Ervin G. Easterday  President  Rosadell S. Nutley, Secretary
Chan Bailey  V-President
James W. Trull  V-President

Board Members:

Rogers Neff
James W. Webb
Henry F. Vancik
Stan R. Powers

Visitors: Nancy Ostby
          Jeanne Peck

Committee Members:

Lowell Felt
Doug Finkelnburg
Howard Frye
Paul Lemargie
Russ Smith
Van E. Nutley

The meeting was called to order by President Easterday at 10:00 a.m.

It was moved and seconded that the minutes of March 21, 1978 be approved as written.

There followed a discussion of the federal legislation which is pending on acreage limitations and the 1902 Reclamation Act. President Easterday reported that there was not much going on. Some of the proposed legislation would give districts the right to buy out after construction charges are paid. Paul Lemargie expressed the opinion that the bills as presented are bad legislation and that they have too many jokers to pass. There have been several bills introduced by many legislators, and also the Dept of Interior is sponsoring legislation. There is still no clear way to go on the proposals to increase the acreage limitation.

The committee which is working on the reorganization or betterment of the association was instructed to continue its work.

It was reported that the State Policy Advisory Committee on 208 Planning may be dissolved, that the Director appears to be shelving the whole committee and that there appears to be no funding. Dick Hendrick has requested that someone else be appointed to the 208 Planning Committee.

Henry Vancik spoke on the work being done by the State Technical Advisory Committee on Irrigated Agricultural Return Flows. It has not been determined how the program will be administered. There is a question as to whether or not it will be voluntary or regulatory. Federal money is required and some rules were outlined in the Federal Register of May 15, 1978. Vancik reported that there would be hearings in Spokane on July 10 at the Holiday Inn-West from 9 a.m. to 5 p.m.
Russ Smith said that the State has been looking only at Yakima and Columbia Basins and that it will now broaden the base. It was Henry Vancik's opinion that there would probably be no enforcement for 2 or 3 years. Doug Finkelnburg informed those present that 208 work is being done in Quincy and that farmers may receive 60% of costs to comply.

Van Nutley reported that a Senate Committee was getting together all information regarding insurance for cities, counties, irrigation districts and others and that it was hoped the information would be made into a report which might be available to Districts in the very near future.

It was reported that the General Accounting Office is making a survey on water use by irrigation districts, that the State Department of Ecology is supposed to have a member on the committee doing this work, that the report did not include any farm water and that it is due out in September. (Final report)

Russ Smith reported that there are three volumes on Water Policy Study and that Congress should take on responsibility of the water. It is the opinion of many in the water business that the State should form its own water policy. At the present time California has no ground water code.

Regarding state legislation, hearings and meetings:

a. The State Auditor wishes to add irrigation districts to all other State and City bodies which now have the privilege of allowing officers to execute certain kinds of contracts in which such officer is beneficially interested.

b. Legislation enabling formation of Conservancy Districts is probably a dead issue at this time but Vancik is trying to find a way to do this through the Public Utility Law. Senate Ag Committee will hold hearings.

c. Smith reported that there is a bill before the State House which would guarantee loans to new farmers.

d. Jim Trull reported that Consolidated was selling $400,000 in revenue bonds and that the brokers were not happy with bonding because of irrigation district contracts with the Government. Smith said that L.I.D. laws were vague in language and this also could be a problem in funding. It was decided to continue to work on the bond problem.

It was moved by Smith, seconded by Powers and carried that the Annual Meeting Committee make the decision on when to hold the Annual Meeting. (Either to be November 16 or November 17 at Yakima.

Meeting adjourned at 12:10 p.m.

Rosadell S. Nutley, Secretary
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STATE ASSOCIATION OF
WASHINGTON IRRIGATION DISTRICTS

SOUND IRRIGATION PROGRAMS PROMOTE PROSPERITY

1252 N. Perry Loop
Kennewick, Washington 99336

OBJECTIVES:

1. To promote the interests of irrigated farming
2. To improve the operation of irrigated districts of the state
3. To act as a clearinghouse on information for irrigation districts

October 12, 1978

To: Board of Directors
   Legislative Committee

A meeting has been called by President Erv for October 25, 1978 at the USBR Conference Room at 10:00 a.m.

The purpose of the meeting is to discuss co-ordination of SAWID and WSRA and any other matters that may come before those attending.

We feel that this meeting is very important. Please come if possible.

Rosadell S. Nutley, Secretary
AGENDA
STATE ASSOCIATION OF WASHINGTON IRRIGATION DISTRICT
Ephrata, Washington 10:00 AM 10/25/78


5. Consideration of formation of committee to meet with bonding attorneys on bonding problems.


7. Pending - proposed or needed legislation.

The following persons attended the meeting:

Ervin G. Easterday  President  Rosadell S. Nutley, Secretary
Chan Bailey        V-President
Jim Trull          V-President

Board Members:
Walt Peterson
Rogers Neff
Henry F. Vancik
Mel Stepon
Ed Armbruster
Stan R. Powers
Warren Dickman

Visitors:

Committee Members:
Doug Finkelnburg
Howard Frye
Paul Lemargie
Russ Smith
Van E. Nutley
Roy Orr
Randy Jackson
Nancy Ostby
Jeanne Peck

The meeting was called to order at 10:00 a.m. by President Easterday.

It was moved by Vancik, seconded by Powers and carried that the minutes of the meeting of June 23, 1978 be approved as written.

Jim Trull reported that there was nothing new on the annual meeting.

Russ Smith reported on meetings which were being held in regard to 208 Planning and that it should be finalized in November of this year.

Vancik reported that the State Policy Advisory Committee was formed to assist the State in 208 Planning and its work should be completed November 1, 1978.

Easterday reported that the final draft would probably be out after it has been put into the proper language. Vancik wondered if the Committee might continue after completion of report and suggested that the irrigation districts need someone on the committee. Easterday stated that we should continue to keep being informed on the matter.

Jim Trull discussed the problems which he encountered at the time that Consolidated Irrigation District No. 19 tried to get funds through bonding to enable work to be done in the District. Bonding attorneys have two hangups regarding the issue of bond money to irrigation districts:

1. Title to work not transferred to districts.
2. First lien on revenue is for paying construction.

A letter was written to Senator Jackson but no answer had been received at this time by the District.
Director's Meeting

October 25, 1978

After further discussion of the matter, President Easterday appointed Russ Smith and Jim Trull to work on bond committee and asked that anyone able to help them send available information.

Doug Finkelnburg reported on the reorganization work being done. Following are things which need to be considered:

1. Need to negotiate with WSRA.
2. Need to change By-Laws if this is done.
3. Must be careful not to lose control by irrigation districts.
4. If we get executive secretary we must change method of collecting.

Walt Peterson stated that he had many concerns regarding the suggested change.

It was decided that the matter should be discussed further before the Association takes any action to merge with WSRA. It was moved by Smith, seconded by Bailey and carried that the committee continue to act, and that a letter be sent to the irrigation districts requesting the feelings of all districts on the matter of the merger.

Nutley reported on request of Sunnyside Valley regarding changes in laws governing Boards of Control. Said request has been made by SVID to Rep. Irv Newhouse. Legislation will be discussed at Board Meeting of November 15.

Meeting adjourned at 12:05 p.m.

Rosadell S. Nutley, Secretary
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November 8, 1978

To: Board Members
   Committee Members

Ex-President Russ Smith, in the absence of President Easterday, has requested your attendance at a meeting in regard to possible reorganization of the Association. This meeting will be held at Yakima on November 15 at the Towne Plaza. Time of the meeting will be 3 p.m. We will have the room posted when you arrive at the Motel.

This meeting has been called at the request of the Washington State Reclamation Association.

Rosadell S. Nutley, Secretary
This meeting was a joint meeting with the Washington State Reclamation Association to discuss the possible reorganization of the two associations, WSRA and SAWID.

Loren Markham, past president of the National Water Resources Association, presented a paper which he had prepared citing the many services provided by the National and the State Reclamation Association. His paper is attached.

As this was strictly an informational meeting no decisions were made. Russ Smith, Bob Bowsher, Don Doncaster, Sarge Hubbarb and Warren Dickman all spoke regarding the problems facing both organizations.

There being no further business the meeting adjourned.

Rosadell S. Nutley, Secretary
Nov 15, 1978

Yakima  SAWID - WSRA

3 p.m.

Representing
WSRA - ROZA
WSRA
WSRA
SCBID
WSRA

Columbia Basin Development League

ECBID
ECBID
ECBID
Ephrata
O.T.D.
L.C.R.O

Doug Finkelnburg
Bill Lefler

Okanogan

E.F. Dencaster
Bob Kramer
Henry F. Vandie
Howard Frye
Nancy Oatley

Sunny Side
Yakima

Harrington - WSRA
Sunny Side, Wash. R. D.
Sunny Side, Wash. 511D

Yakima - Tieton Irrig. Dist.

Kittitas Rec. Dist.
Don Bowden
Kenneth Evers
Melvin Tyson
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Converse American Inc
S.C.B.I.D.
WASHINGTON STATE RECLAMATION ASSOCIATION

Services provided by the Association:


2. Maintains contact with NWRA and thru the national association unites with the 17 other state organizations for the continuance of reclamation programs in the Western states, and support for projects in our State.

3. Secures for our State the continuing information and the detail services provided by the national association.

4. Utilizes the national association to ease access to Bureau of Reclamation and other Department of Interior officials both in Washington, and at annual national association meetings.

5. Provides liaison within our state with business groups and associations to inform them of the benefits of reclamation, and to secure their support for projects and programs.

6. Conducts educational programs with teachers and business groups to inform them of the benefits of reclamation.

7. Supports State legislative action at Olympia important to irrigation district operation and profitable irrigation farming.
WASHINGTON STATE RECLAMATION ASSOCIATION.

Problems facing the Association:

Declining interest on the part of strong people to assume leadership responsibilities.

Reduction in participation and financial support by railroad, utility, financial, and Chamber of Commerce representatives.

The lack of competent leaders with back-up expense accounts that permit them to carry Association responsibilities without financial support from the Association.

The cost of the annual quota to NWRA, $6000 a year.

The loss of continuity in office support which handicaps the Association in providing detail and informational services.

Confusion in the minds of business, Chamber of Commerce, and irrigation leaders on the responsibilities and services provided by the State Reclamation Association, the State Association of the Irrigation Districts, and the Columbia Basin Development League.

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In considering the future of the WSRA consideration must be given to the goals and programs of the Washington State Association of Irrigation Districts and the Columbia Basin Development League.

The Irrigation District Association is primarily concerned with the problems, rules, and legislation affecting the operation of irrigation districts anywhere in the State, and the Development League with the completion of the Columbia Basin Project and the operation of the three welfare Columbia Basin Districts.

The WSRA has long worked for appropriations and for completion of the Columbia Basin Project as well as for other reclamation projects in our State. It also, has worked with and supported the Irrigation District Association for state and national legislation favorable to irrigation district operation.

All three organizations have relied heavily on the National Water Resources Association and its Washington office for guidance and assistance in gaining their objectives.
Alternatives facing the Washington State Reclamation Association

1. Continue to struggle along as we are relying on the goodwill of one of the Irrigation District offices to provide secretarial help and office backup. This probably will require some nominal payment, anywhere from $40 to $100 a month, with an agreement on the services to be provided, including the mailing of newsletters... may rely on a part time manager.

   Maybe C of C or other

   This will require the election of officers and directors willing to accept responsibility and do some work.

2. Continue as an independent association with a more ambitious program, committed to a $30,000 to $50,000 budget to maintain a year round office with a paid manager.

   This will require the recruiting and election of dedicated officers and directors willing to spend a great deal of time on membership and programs. There is little evidence potential leaders with that sort of dedication are available.

3. Terminate the Association in the Spring of 1979, continuing the present officers and National Director until after the Spring meeting of the NWRA directors. Pay to the National the remaining Association funds as a part payment of 1979 quota. Advise the National at the Spring meeting there will be no further financial support from our State, unless another organization assumes the responsibility.

   Without financial participation from our State none of our State groups will be able to secure the assistance of the NWRA office.

4. Consolidate the programs and responsibilities of the Association of Irrigation Districts and WSRA by merging one into the other, relying on the goodwill of one of the Irrigation District offices to provide the resultant association secretary and to carry on the routine detail responsibilities. This no doubt will require a minimum office payment of $100 a month, and the adoption of a new name.

   To succeed all present members of both associations plus others must pay their continuing dues. Since a number of irrigation districts are paying to both associations, all of their payments must continue.

   Because payments would be made to the NWRA and the Association of Irrigation Districts is the creature of the State of Washington, the legality of the merged operation must be checked.

5. Consolidate the programs and responsibilities of WSRA with the Columbia Basin Development League in the League office, with the resultant organization assuming all financial obligations. No doubt would require the adoption of a new name. It would require the irrigation districts to continue to pay to the new organization, at least as much money as they are now paying to them separately.

   To succeed, such a consolidation would probably require that an irrigation district officer or director be the state director to NWRA or its resolution committee member each year.
6. Merge the programs and responsibilities of WSRA, the Association of Irrigation Districts, and the Columbia Basin Development League into one organization with a sufficient budget to pay the NWRA quota and all program costs. No doubt a new name will be necessary, possibly something like the Washington State Irrigation, Reclamation, and Columbia Basin League. Maintain an office, and an association manager.

During the first years of the new merged organization it should identify three divisions, each identified with the objectives and responsibilities of one of the previous organizations. Possibly in later years the necessity for the three divisions may end. However, during the early years at least, all payments by businesses, associations, and irrigation districts must be continued as if the organizations had not merged. Since the present programs, rather than overhead cost the money paid to the associations, there is little opportunity to reduce present costs.

This consolidation will require the adoption of by-laws giving both irrigation districts and business contributors representation on the board of directors. It will also require that one member from each of the original groups be president, or a vice-president. This consolidation will probably require that an irrigation district officer or director be the state director to NWRA or its resolution committee member each year.

7. Enter into an agreement with the Columbia Basin Development League to rent space and office services from the League for WSRA (and possibly for the Association of Irrigation Districts) on an annual basis.

WSRA would have to find additional income to defray these costs, with little indication of their availability. Also, joint tenancy without consolidation would create more confusion by members on the actual programs of each association.

8. **Contact with PR Firm to provide office back-up to raise funds.**

**Transition Procedures:**

Continue each organization until study of course of action is completed and any resultant consolidation or merger accomplished.

Appoint 1 representative from each of the three organizations to a study committee to evaluate the advantages of consolidation or merging, and to develop guide lines if the study determines consolidation to be beneficial.