

RESOLUTIONS PERTAINING TO THE TIME AND MANNER OF COLLECTING  
THE BUDGET AS ADOPTED AT THE ANNUAL MEETING OF THE WATER  
USERS OF WATER DISTRICT NO. 57-R.

A Resolution adopted for the collection of the adopted  
budget:

RESOLVED: That no ditch, canal company, or other  
wateruser shall have the right to demand and receive any  
water, and the watermaster shall not deliver to such person  
until the amount due and payable from such user, as fixed by  
the budget, has been paid.

MINUTES OF ANNUAL WATERUSERS MEETING OF WATER DIST. 57-R

March 4, 1996 2:00 P.M.

The annual meeting of 57-R Water District was called to  
order at 2:00 PM on March 4, 1996 by chairman Richard  
Brandau.

Those in attendance were Cindy Hodges and Burke Scholar  
from the Idaho Department of Water Resources; Don Eason,  
representing Junayo Ranch; Roy Hoagland, representing Seven  
High Ranch; Dick Bass; Gladys and Jason Muller; LaVar  
Young; Henry Brandau; Tom Hook; Tom Benson, representing  
Benson Farms; Paul Jesenko; Sam Pitman; E. G. Foote;  
Connie Brandau, representing Brandau Farm; and Richard  
Brandau.

Richard called for nominations for elected positions for  
1996. Dick Bass nominated Richard Brandau for chairman.  
Roy Hoagland seconded the nomination. Dick Bass made a  
motion that the nominations cease. LaVar Young seconded the  
motion. Motion carried unanimously. Nomination were called  
for the position of secretary. Tom Hook made the motion to  
retain Jerry Hoagland as secretary. Dick Bass seconded the  
motion. Motion carried unanimously.

Minutes of the 1995 annual meeting were read. Richard  
called for objections or corrections to the minutes. The  
minutes stand approved as read.

There are two methods of voting (refer IC 42-605(4))  
Number One: 1 vote per person (default method-defined by  
Cindy Hodges IDWR). Number Two: Pro rate basis. Dick Bass  
made a motion to use method one, one vote per person. Tom  
Hook seconded the motion. Motion carried.

Richard called for discussion on fixing the compensation  
for the position of Water Master. LaVar Young made a motion  
to fix compensation at \$50.00 per day and \$.25 per mile, the  
same as last year. Don Eason seconded the motion. Motion  
carried.

Sam Pitman made a motion to elect Connie Brandau water  
master for the upcoming year. Tom Benson seconded the  
motion. Motion carried.

There was a discussion about the budget for this year. Cindy Hodges explained that budgets are adopted in the form of a resolution (Idaho Code 42-612). Compensation for the water masters salary, water delivery and related operating expenses need to be addressed in one resolution, while special assessments or expenses need to be addressed in a separate resolution. Connie Brandau read a note from Jerry Hoagland on the status of John Schroders attorney fees (\$8808 to date) and suggesting a special budget and assessment of \$10,000.00. Sam Pitman asked Cindy Hodges about tax deeds pertaining to water districts. Cindy said that water district (el: 57R) cannot take tax deed to property and explained different sections of Idaho Coded under which water district versus irrigation districts, et al, are organized. Water districts may withhold delivery of water to unpaid users and charge 8% interest on water bills not paid by the date specified in the resolution pertaining to the collection of the budget. Sam Pitman then explained to the Reynolds Irrigation District and Reynolds Creek Lateral Users Association members present the pooling system their respective organizations have established for payment of their respective water bills.

LaVar Young made a motion to set the 1996 water masters budget at \$5,000.00 (the same as last year). Sam Pitman seconded the motion. Motion passed.

Resolution B pertaining to the collection of the budget was read: Be it RESOLVED: That no ditch, canal company, or other wateruser shall have the right to demand and receive any water, and the watermaster shall not deliver to such person until the amount due and payable from such user, as fixed by the budget, has been paid. Tom Benson made a motion to adopt Resolution B as read. Roy Hoagland seconded the motion. Richard called for a vote. The motion carried.

Tom Benson and Jerry Hoagland were the elected members of the 1995 advisory committee. Henry Brandau made a motion for the 1996 advisory committee to remain a two man committee composed of Tom Benson and Jerry Hoagland. Roy Hoagland seconded the motion. Motion carried.

There followed a discussion of other items of business. E. G. Foote asked how an attorney, and yet more fees, came to be involved in an already adjudicated matter. Jerry Hoagland commented on the SRBA, the intervention allowed by Judge Hurlebutt of the Idaho Conservation League, and further explained the process that ensued. He also displayed and talked about the suggested changes in wording of the "GENERAL PROVISION 2 - ADMINISTRATION OF RIGHTS TO WATER FROM THE REYNOLDS CREEK WATER SYSTEM".

A resolution to establish a special budget for 1996 was presented in three parts:

- 1) To pay attorney fees incurred in an amount not to exceed \$10,000.00.
- 2) The method of assessment is to be a \$50.00 minimum assessment per water user, with the balance assessed based on a seven (7) year average of CFS water deliveries.

3) The special assessment may be split or spread over up to three (3) years, subject to payment conditions negotiated.

The Chairman stated that the floor was open for discussion. Jerry Hoagland said that Schroder had agreed to divide the payment over three year with no interest charged. There followed examples and discussion of several different methods of computing the proposed charges. Dick Bass asked that pro rata method of voting be instigated in this situtation. Richard Brandau called for a show of hands vote for those in general agreement of the resolution. The show of hands showed only one dissenting vote, Dick Bass, therefore pro rata calculations would not change the outcome of this decision. Dick withdrew his request for pro rata voting method.

Chairman called for a recognized vote on the proposed resolution to pay attorney fees. Those voting yes were: LaVar Young; E. G. Foote; Tom Benson; Sam Pitman; Gladys Muller; Connie Brandau; Richard Brandau; Henry Brandau. Those opposing the resolution were: Dick Bass. Those who abstained from voting were: Tom Hook; Junayo Ranch; Seven High Ranch. Resolution passed.

Cindy Hodges asked for the floor to address the issue of workmans compensation. The minimun policy premium is \$398.00 for up to \$5,000.00 of payroll. Pertaining to dual coverage: each entity needs its own policy. This policy covers the elected officials, ei. water master, assistant water master, chairman, secretary, treasurer, advisory council, and volunteer labor. Cindy presented printed subject matter to the secretary for his file.

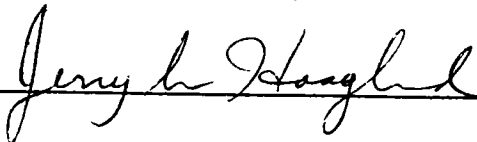
Tom Hook made a motion to pay workmans compensation insurance (minimum to apply) out of the water masters expense budget. Tom Benson seconded the motion. Motion carried.

Jerry Hoagland reported on the meeting he went to in Twin Falls today pertaining to the motions filed.

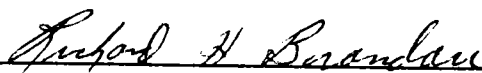
Sam Pitman made a motion to set the next 57-R annual meeting for the first Monday in March, 1997. Jerry Hoagland seconded the motion. Motion carried.

The chairman entertained a motion to adjorn at 4:37 PM.

Jerry L. Hoagland, Secretary

  
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Richard H. Brandau, Chairman

  
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