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RECEIVED by email
FEB 10 2015
DM
WATER RESOURCES
WESTERN REGION

Attorneys for City of Weiser

**CORRECTED NOTICE OF APPEARANCE
ATTORNEY OF RECORD, AUTHORIZED REPRESENTATIVE**

TO: THE IDAHO DEPARTMENT OF WATER RESOURCES

You are hereby notified that Candice M. McHugh and Chris M. Bromley of the law firm
McHugh Bromley, PLLC enter an appearance on behalf of City of Weiser for matters and
actions relating to the City of Weiser's water rights. The water rights include:

3-10198	67-14129
3-10264	67-4412
3-7034	67-2320
3-10010	67-4291
3- 7009	67-10975
67-10971	67-7869
	67-14979

Attached hereto is a copy of the City Minutes where the City of Weiser engaged the
above listed attorneys and law firm.

Please direct any and all future correspondence relative to the water rights owned by the
City of Weiser to the above listed address.

DATED this 10th day of February, 2015.



Candice M. McHugh
Chris M. Bromley

NOTICE OF APPEARANCE

SUPPORT DATA
IN FILE # 3- 7009

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WATER RESOURCES
WESTERN REGION

Attorneys for City of Weiser

**NOTICE OF APPEARANCE
ATTORNEY OF RECORD, AUTHORIZED REPRESENTATIVE**

TO: THE IDAHO DEPARTMENT OF WATER RESOURCES

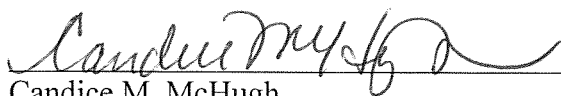
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Attached hereto is a copy of the City Minutes where the City of Weiser engaged the above listed attorneys and law firm.

Please direct any and all future correspondence relative to the water rights owned by the City of Weiser to the above listed address.

DATED this 29th day of January, 2015.


Candice M. McHugh
Chris M. Bromley

NOTICE OF APPEARANCE

City of Weiser
CITY COUNCIL MEETING
55 West Idaho Street
Weiser, ID 83672
Monday
JUNE 9, 2014
7:00 pm

REGULAR MEETING
MINUTES

Call to Order 7:00:04 PM

ROLL CALL

PRESENT: Perry Plischke, Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young.

ABSENT: None.

STAFF: Diana L Thomas, David Tate, Nate Marvin, Chuck Kroll, Greg Moon, Don Loos, Rod Millbrook, Pat Malay, James Edwards, Carl Smith, Lonnie Chambers and Sherri Breaux

Guests: Clark Syne, Wayne Burian, Charlene Burian, Dennis Stokes, John Evans, Dorothy Evans, Mary Sue Roach, Nicole Miller, Dennis Stokes, Harvey Brandt, Steve Penner, Robert D. Patrick.

Invocation was given by Reverend Steve Penner 7:00:29 PM

Pledge of Allegiance, was led by Members of the Senior Citizens Center. 7:01:30 PM

Additional Items to the agenda – 7:01:54 PM

Request to add Senior Center Request To Use Vendome Fiddle Week to tonight's agenda.

Request to add McHugh & Bromley Water Rights Agreement to tonight's agenda.

7:02:23 PM

Motioned by Layna Hafer and seconded by Cliff Barberis to add Senior Center Request to use Vendome Fiddle Week to tonight's agenda

7:02:40 PM

AYES: Perry Plischke, Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young

NAYES: None

ABSTAINED: None

MOTION CARRIED.

7:03:02 PM

Motioned by Sherry Young and seconded by Layna Hafer to add McHugh & Bromley Water Rights Agreement to tonight's agenda.

7:03:09 PM

AYES: Perry Plischke, Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young

NAYES: None

ABSTAINED: None

MOTION CARRIED.

Commission Reports - 7:03:24 PM

Layna Hafer reported on the lawsuit filed by ICOG which affects our Senior population. The lawsuit states that the Idaho Commission on Aging's distribution of federal money discriminates

against white people. ICOG has sued Idaho, its Commission on Aging and its 7 member board. They claim that the formula used to determine allocation of federal money for Idaho Seniors unfairly excludes white people and does not comply with the Federal Administration on Aging's guidelines and also deprives non-Hispanics equal access to programs.

Committee Reports - None. 7:05:46 PM

Department Reports were presented by Clerk Tate. **7:05:53 PM**

7:08:49 PM Dan Randleman asked if the drop in BOD loading at the WWTP is because we are getting less industrial users? City Superintendent Nate Marvin explained that this was a portion of it and Fry Foods have been very consistent in staying below their limits.

7:09:21 PM Mayor Thomas informed the Council that Tom Anderson's last day of work was May 30th, 2014, she publicly thanked Tom for all his work at the Vendome over the past 6 years. Mayor Thomas then informed the Council that Timm Reynolds, who works part-time as the Fire Station Manager will replace Tom and work part-time at the Vendome also. Mayor Thomas also informed the Council that there have been a lot of personnel changes so encouraged Council Members to take the time to introduce themselves to them when they see them.

MINUTES 7:11:11 PM

Motioned by Cliff Barberis and seconded by Sherry Young to approve the minutes of one (1) Regular City Council Meeting on May 12, 2014 as presented and place it on file.

7:11:34 PM

AYES: Perry Plischke, Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young
 NAYES: None
 ABSTAINED: None
 MOTION CARRIED.

BILLS 7:11:40 PM

Motioned by Perry Plischke and seconded by Layna Hafer to approve the bills as reviewed by the Finance Committee and present them to the Treasurer to have warrants drawn for payment.

7:12:33 PM

ROLL CALL VOTE:

AYES: Dan Randleman, Cliff Barberis, Sherry Young, Virgil Leedy, Layna Hafer and Perry Plischke
 NAYES: None
 ABSTAINED: None
 MOTION CARRIED.

MINUTES OF PLANNING AND ZONING 7:12:47 PM

Motioned by Virgil Leedy and seconded by Perry Plischke to approve the minutes of one (1) Regular P & Z Meeting on April 21, 2014 as presented and place it on file.

7:13:16 PM

AYES: Perry Plischke, Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young
 NAYES: None
 ABSTAINED: None
 MOTION CARRIED.

UNFINISHED BUSINESS:

NEW BUSINESS:

WEISER RECYCLING CENTER WEISER RIVER RESOURCE COUNCIL 7:13:26 PM

Mary Sue Roach, Chair of the Weiser River Resource Council addressed the Council. Ms Roach gave a brief history and mission statement for her organization. One of the projects W.R.R.C. has been working on is recycling. In recent weeks W.R.R.C. has been approached by Dennis Stokes

about taking over the management of the Recycle Center when the Kiwanis Club is no longer doing it. Harvey Brandt, W.R.R.C. member has volunteered to be lead man to run the recycle center. W.R.R.C. would like to continue the relationship that the Kiwanis have with the City, County and other groups. Ms Roach had concerns about getting the recycle center back in shape from the fire. Ms Roach gave the Council information about the importance of maintaining the recycle center. Ms Roach would like to know if the City would continue to back the recycle center as it has in the past?

7:18:39 PM - Mayor Thomas responded to Ms Roach's questions concerning the current condition of the Recycle Center and where it is going. Mayor Thomas and Clerk Tate contacted the County last week to find out who had the insurance on the Recycle Center. The City owns the land, but the County put up the structure and had filed a claim with their insurance carrier to see about replacing the tarp. Clerk Tate added that a gentleman from ICRMP would be here tomorrow to inspect the damage. Mayor Thomas believes it is the goal of the County and City to have the Recycle Center continue to function and knowing there is someone who is willing to do it is very pleasing.

7:20:27 PM - Sherry Young asked to be updated about the Recycle Center as she is new to her position as a Council Member. Mayor Thomas asked City Superintendent Nate Marvin to fill Council Member Young in on the commitments the City has made for the Recycle Center.

7:20:56 PM Nate Marvin explained that the City has provided a fork lift to load the cardboard bales, we have helped with the repair of the motor on the cardboard baler, we have had the City mechanic repair the forklift and our Electric Department has put in security lighting. Mayor Thomas added that we do a lot of in-kind work. Council Member Randleman added that our Electric Department also put in 3-phase power for the baler. Discussion followed. Ms Roach informed the Council that in 2013, 171 tons of material were recycled and kept out of the land fill, and stated that this is why it is important to continue this work.

7:25:16 PM - Layna Hafer thanked the Kiwanis for their dedicated service at the Recycle Center.

RESOLUTION #630 ICUA NOMINATING NATE MARVIN DIRECTOR & DON LOOS AS ALTERNATE DIRECTOR 7:25:52 PM

City Superintendent Nate Marvin explained to the Council that every year in July the Idaho Consumer-Owned Utility Association holds their annual meeting and do their voting for the year. Nate informed the Council that at that annual meeting the City has to declare who our voting delegates are.

7:26:41 PM

Motioned by Perry Plischke and seconded by Cliff Barberis to adopt Resolution #630 ICUA Nominating Nate Marvin & Don Loos As Alternate Director.

7:26:49 PM

ROLL CALL VOTE:

AYES: Virgil Leedy, Perry Plischke, Dan Randleman, Layna Hafer, Cliff Barberis and Sherry Young

NAYES: None

ABSTAINED: None

MOTION CARRIED.

SENIOR CENTER, VENDOME REQUEST 7:27:18 PM

Clarke Syme, Senior Center Representative addressed the Council requesting to use the Vendome during Fiddle Week if their facility is not back up and running. Mayor Thomas explained that the reason for the request is that the Senior Center had a flood last Tuesday and are having to have the whole area cleaned up. The Mayor did not think there was anything scheduled at the Vendome for next week, Clerk Tate affirmed that there was not. Layna Hafer clarifying stated, so they are using the Vendome rent free and will be responsible for cleaning it up? Mayor Thomas speaking to Mr Syme informed him that they would be responsible for clean up and for ensuring tables and everything used is put away. Mr Syme agreed and thanked the City Council for all they have done for the Seniors, it is so appreciated.

7:30:59 PM

Motioned by Sherry Young and seconded by Layna Hafer to approve the use of the Vendome if needed for the Senior Center at no cost during Fiddle Week. The City will set up tables, and the Senior Center will be responsible for clean up and to put away tables.

7:31:40 PM

AYES: Perry Plischke, Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young

NAYES: None

ABSTAINED: None

MOTION CARRIED.

FY2015 BUDGET DISCUSSION 7:33:25 PM

Mayor Thomas opened up Council discussion on the FY2014-15 Budget.

7:34:30 PM - Dan Randleman clarifying asked if it was basically capital out-lay questions? Mayor Thomas affirmed. Dan then reviewed the capital expenditure requests: (1) The Jet-Vac for The WWTP, (2) Digger Truck for the Electric Department and (3) Mower for the Parks. Mayor Thomas added (4) The \$500.00 request from WICAP. Perry Plischke added (5) A Backstop at Memorial Park. Perry explained to Mayor Thomas and the Council that all the estimates he has come up with are in the \$7,000.00 to \$8,000.00 range, but that there will be some donations made for this project. Mayor Thomas asked where the donations were coming from? Perry did not have a specific answer. Mayor Thomas clarifying stated that the reason she is asking is that she knows that the School District can not donate because they are putting in a new score board and the Lions were going to donate, but they gave money to put in the new sprinkler system. Perry stated that some of it is coming from Plischke & Associates. Mayor Thomas just wants to know the amount of money we would need to put in the budget. Perry stated that the metal alone for the backstop is in the \$3,500.00 to \$4,000.00 range and they were going to donate \$500.00 off of that. The labor will be about \$2,500.00. Mayor Thomas suggested that something more solidified be brought to the Council so that we know exactly what you are asking for. Mayor Thomas explained that the reason she is asking, is that currently we have a balanced budget and anything above this, that is approved, will have to come out of carry-over or foregone. Mayor Thomas further explained that with enterprise funds we have a resource for their requests, but in general fund we do not, it either increases our deficit spending, uses carry-over or comes out of foregone. Discussion followed.

7:38:23 PM - Dan Randleman suggested budgeting \$7,000.00 with an anticipated income of \$3,500.00 and \$3,500.00 from the City. That way we can spend the income, because it is in the budget and if the revenue does not come in, then we certainly can not do the project. Discussion followed. Council Member Leedy asked if the \$7,000.00 will be enough? He added that there is no reason not to budget enough. City Superintendent Nate Marvin asked if they were anticipating using City forces for match on part of that? Perry Plischke stated they had not planned that far ahead yet. Mayor Thomas voiced her concern about whether it was engineered correctly, and possible liability issues for the City. If it needs to be professionally engineered, that could be an additional cost. Council Member Randleman stated that if we do not put a number on the board and work towards it we will never get this thing done, and it really needs done. Mayor Thomas asked why? Council Member Virgil Leedy answered, because it is falling apart. Mayor Thomas reiterating stated, so it is because it is structurally unsound? Virgil affirmed. Mayor Thomas asked what the Council's wishes were?

7:42:36 PM Layna Hafer, requested that some type of breakdown be brought to the Council so they have some idea of what the project looks like and they are adopting something they know has some thought and numbers put to it. Virgil Leedy agreed; he thinks we need a true number. Discussion continued. Perry Plischke asked when the next budget meeting was? Clerk Tate said that it would be some time after the 4th of July and possibly at the July 14th Regular City Council Meeting depending on the size of the agenda. The consensus of the Council was that Perry Plischke would gather more information and that he and Nate Marvin would put something together to bring back to the Council.

7:45:30 PM - Layna Hafer requested that the Council receive a list of all the requests outside the balanced budget with exact amounts. Mayor Thomas replied that there are only 4 requests, plus the backstop. (1) WWTP, Jet-Vac \$200,000.00, Enterprise Fund (2) Electric Department, Digger Truck \$195,000.00, Enterprise Fund (3) Parks, Mower \$18,000.00, General Fund and (4) WICAP, \$500.00, General Fund. Discussion followed.

7:48:55 PM Sherry Young had questions about the figures with the 3% Cola raise. She noted that in some places it raised more than 3% and in others, especially in the General Fund where there was a reduction in wages. Clerk Tate explained that the decreases were caused by employees retiring and being replaced by someone at a lower wage or employees transferring from one department to another. Sherry asked about the Animal Control wage which reflected a 9% increase. Clerk Tate explained that this number includes the 3% Cola increase plus, his step raise. Dan Randleman added that the budget has to include any possible step increases or projected raises for certification upgrades that could happen during the budget year.

7:50:58 PM

Motioned by Dan Randleman and seconded by Virgil Leedy to approve the purchase of a Digger Truck for the Electric Department in the FY2014-15 Budget in the amount of \$195,000.00.

7:51:36 PM

ROLL CALL VOTE:

AYES: Perry Plischke, Dan Randleman, Cliff Barberis, Sherry Young,
Virgil Leedy and Layna Hafer
NAYES: None
ABSTAINED: None
MOTION CARRIED.

7:52:01 PM

Motioned by Dan Randleman and seconded by Cliff Barberis to approve the purchase of a Jet-Vac Truck for the Wastewater Department in the FY2014-15 Budget in the amount not to exceed \$200,000.00.

7:52:37 PM

ROLL CALL VOTE:

AYES: Cliff Barberis, Layna Hafer, Virgil Leedy, Dan Randleman, Perry
Plischke and Sherry Young
NAYES: None
ABSTAINED: None
MOTION CARRIED.

7:52:49 PM

Motioned by Dan Randleman and seconded by Virgil Leedy to approve the purchase of a new Lawn Mower for the Parks Department out of the FY2014-15 General Fund Budget not to exceed \$18,000.00.

7:53:14 PM

ROLL CALL VOTE:

AYES: Perry Plischke, Layna Hafer, Dan Randleman, Cliff Barberis,
Sherry Young and Virgil Leedy
NAYES: None
ABSTAINED: None
MOTION CARRIED.

7:53:53 PM - Dan Randleman asked how WICAP is funded? Sherry Young explained that they are funded through the State, but receive a large donation from the County Commissioners each year. Mayor Thomas added that they are also funded through the Salvation Army Share Plan, but they need \$1,500.00 for the administration part of that. WICAP is picking up \$500.00, they are approaching the County for \$500.00 and approaching the City for \$500.00. If they do not pay the administration fee they will lose their funding. Dan Randleman added that it would be more advantageous for us to help out at this point, than to have to write-off more in the end.

7:55:45 PM

Motioned by Sherry Young and seconded by Dan Randleman to add the \$500.00 donation request from WICAP to the 2014-15 Budget.

7:55:58 PM

ROLL CALL VOTE:

AYES:

Layna Hafer, Virgil Leedy, Perry Plischke, Sherry Young, Dan Randleman and Cliff Barberis

NAYES:

None

ABSTAINED:

None

MOTION CARRIED.

7:56:11 PM - Mayor Thomas stated that at this point there is only one other item to address, that will be the item in regards to the backstop which we will take up at the next meeting.

MCHUGH & BROMLEY WATER RIGHTS AGREEMENT 7:56:30 PM

City Clerk David Tate addressed the Council informing them that Mrs Beeman, of Beeman & Associates, who have been our representative for water rights for decades, is retiring and turning over all of her practice to McHugh & Bromley. There are still three water rights that we are currently working on that we will not be able to complete before Mrs Beeman retires. We have met with McHugh & Bromley and also met with our City Attorney in regards to this and it does seem like the agreement is pretty fair. McHugh & Bromley will take over and finish these three agreements for a rate of \$200.00 per hour for about 20 hours. At the same time we did have discussions with them about retaining their services should anymore water rights issues arise.

7:58:25 PM Layna Hafer asked what type of things fall under the water rights? Clerk Tate explained that the City of Weiser has two water right issues at the Airport and one at Mortimer's Island for irrigation. At both locations we are not currently using the irrigation water, but in order to maintain a certain amount of water rights out of those, you have to use that water. We have no way to use the water at this time, so these are some of the things that they are giving us options on how to resolve.

7:59:28 PM - Dan Randleman added that basically the reason for getting all the water rights we can is for future need out of the river for our water system in the city. Clerk Tate stated that you could possibly at some point in time turn those irrigation rights into municipal rights and as everyone knows, water rights are precious and you do not want to lose any of them.

8:00:04 PM - Sherry Young asked if this was for water usage directly from the Snake River? Clerk Tate informed her that two of them are and one is from the Weiser River. Sherry clarifying reiterated, "so it is for a direct pull from the rivers themselves?" Clerk Tate affirmed.

8:00:18 PM Nate Marvin further explained that one of the things we are up against is that we have to show beneficial use by 2015. We are trying to figure out ways that we can get a farmer to use the water to show beneficial use. We are looking to see if we can divert the water out of the Weiser River into the Galloway Canal that we irrigate our park with. These are all things that they are going to help us work through so we do not lose our water rights.

8:01:09 PM

Motioned by Cliff Barberis and seconded by Virgil Leedy to approve entering into the water rights agreement with McHugh & Bromley and authorize the Mayor to sign the agreement.

8:01:21 PM

ROLL CALL VOTE:

AYES:

Sherry Young, Cliff Barberis, Layna Hafer, Perry Plischke, Dan Randleman and Virgil Leedy

NAYES:

None

ABSTAINED:

None

MOTION CARRIED.

8:01:35 PM - Mayor Thomas informed the Council that we received the contracts from the contractor on our WWTP today, she signed them and got them over to Chuck Kroll to review and once we get them to RD we are ready to go.

Motioned by Sherry Young and seconded by Virgil Leedy to adjourn. 8:02:08 PM

000276

8:02:12 PM

AYES:

Perry Plischke, Dan Randleman, Layna Hafer, Virgil Leedy, Cliff
Barberis and Sherry Young

NAYES:

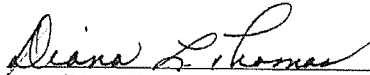
None

ABSTAINED:

None

MOTION CARRIED.

THIS REGULAR CITY COUNCIL MEETING WAS ADJOURNED AT 8:02:15 PM



Diana L. Thomas, Mayor

David Tate, Clerk/Coordinator