



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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January 13, 2009

Water Districts 37 & 37-M  
107 West 1<sup>st</sup> St  
Shoshone, ID 83352

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

RE: Water District Paperwork

Dear Kevin & Cindy;

I have received the minutes of this year's water meeting showing that you have again been elected as watermaster and treasurer. Oaths of office are enclosed for your signatures; once I receive your notarized oaths, your certificates of appointment will be issued. Adopted-Budget forms are also enclosed for your use.

Regards,

James E. Stanton  
Sr. Water Resource Agent

# AGENDA FOR ANNUAL MEETING

## Water District 37 & 37M

Monday, January 12, 2009

1:30 p.m.

Old Hailey Courthouse, Hailey Idaho

1. Call to Order ✓
2. Selection of Chairman ✓ Fred Brossy
3. Selection of Secretary ✓ Cindy McCann
4. Approval of Minutes from 2008 Annual Meeting ✓
5. Discussion of Resolution #16  
- Request for Ground water control in District 37 ✓ *passed*
6. Selection of Credentials Committee ~~X~~
7. Report of Credentials Committee ~~X~~
8. Discussion of Assessment Adjustment due to Resolution #14 ✓
9. Adoption of 2009 District 37 Budget ✓
10. Adoption of 2009 District 37M Budget ✓
11. Adoption of Resolutions for Districts 37 & 37M *everything except 14 & 15*
12. Selection of Advisory Board Members ✓ *Same*

### Currently serving board members:

- Bill Arkoosh (Little Wood Hydropower)
- Fred Brossy (Lower Silver Creek/Little Wood)
- Bob Esterbrook (American Falls Reservoir District)
- Jerry Nance (Big Wood Canal Company)
- Gerald Bashaw (Upper Silver Creek)
- Pete Van Der Muelen (Big Wood Above Magic Reservoir)
- Howard Morris (Big Wood Below Magic Reservoir)
- Allen Koyle (Big Wood Hydropower)

13. District News and Updates
  - 2009 Goals
  - Legacy Project Report
  - Adjudication Update, Doug Jones, IDWR
14. Adjourn

# MINUTES OF THE ANNUAL WATER USERS MEETING

January 12, 2009

## WATER DISTRICT 37, BIG WOOD RIVER WATER DISTRICT 37M, LITTLE WOOD RIVER AND SILVER CREEK

### ITEM #1 CALL TO ORDER

Watermaster Kevin Lakey called the Annual Water Users meeting, held at the Old Hailey Courthouse in Hailey Idaho, for Water District 37, Big Wood River and Water District 37M, Little Wood River and Silver Creek, to order at 1:30 pm on January 12, 2009. After thanking everyone for attending, he asked for nominations for chairman.

### ITEM #2 SELECTION OF CHAIRMAN

Bob Esterbrook made the motion that Fred Brossy preside as chairman for the January 12, 2009 annual meeting. Greg Lierman seconded the motion. Greg Lierman made a motion to close the nominations for Chairman. Bob Esterbrook seconded the motion. There was no discussion. The motion for Fred Brossy to preside as Chairman passed unopposed.

### ITEM #3 SELECTION OF SECRETARY

Chairman Brossy asked for nominations for secretary. Pepin Corso-Harris nominated Cyndi McCowan as secretary of the January 12, 2009 annual meeting. Bob Esterbrook seconded the motion. Greg Lierman made a motion to close the nominations for Secretary. Bob Esterbrook seconded the motion. The motion passed unanimously.

### ITEM #4 APPROVAL OF THE MINUTES FROM THE 2008 ANNUAL MEETING

After those in attendance had a chance to read the minutes from the 2008 annual meeting, Chairman Brossy asked if there were additions or corrections? Greg Lierman made the motion to accept the minutes from the 2008 Annual Meeting as presented with a correction to the spelling of the name Nevins. Bud Purdy seconded the motion. There was no discussion. The motion passed unanimously.

After discussion, Chairman Brossy moved Item #5 to Item #11 ADOPTION OF RESOLUTIONS.

### ITEM #6 SELECTION OF CREDENTIALS COMMITTEE

### ITEM #7 REPORT OF CREDENTIALS COMMITTEE

Chairman Brossy asked for comments on Items #6 and #7. Chairman Brossy suggested forgoing the credentials committee until that time there may be need for one. There was no credentials committee report.

### ITEM #8 DISCUSSION OF ASSESSMENT ADJUSTMENT DUE TO RESOLUTION #14

Watermaster Kevin Lakey gave a brief overview of the annual meeting from 2008 and why Resolution #14 had been passed and why Resolution #14 had affected the budgets of both districts. Bob Esterbrook explained an office fire had destroyed early records of the Districts and it was thought recreation of those records could help in determining the historical account of water rights. Kevin said he had 14 points he had requested information about and the Idaho Department of Water Resources had taken over those points and responded by providing information and direction for them. The funds were not spent because the IDWR had alleviated the hiring of an outside researcher by providing the research, free of charge to the Water Districts thus saving the Districts thousands of dollars. Those funds had been set-aside in separate savings accounts and would be credited to the accounts of the water users for the 2009 assessments.

Kevin explained, after calculating the water deliveries for 2008, the five-year average was determined to establish the assessments for 2009. The amount to be credited (plus interest) was calculated using the amounts the 2008 budgets would have been without the \$90,000 increase and what it actually had been. The credit would be subtracted from the 2009 assessment to leave the balance due for the 2009 assessments. The credit would be shown on the 2009 assessment notice.

Kevin went on to explain a customer with the minimum charge of \$40.00 was likely to still be charged \$40.00. There was a chance there could be a charge slightly less than \$40.00 based on the five-year average.

ITEM #9 ADOPTION OF 2009 DISTRICT 37 BUDGET

ITEM #10 ADOPTION OF 2009 DISTRICT 37M BUDGET

Kevin gave an accounting of the changes that had been made to the budgets for 2009. He stated the raise shown for the watermaster salary was an effort to bring his wages up so his wife could discontinue her employment to be a stay at home parent with their young daughter. Among some of the budgeted items discussed were deputy watermaster wages and time of employment, repairs that needed to be done for more efficient water measurement, automated measuring data that was provided by the USGS and other daily operational costs for the Water Districts. Kevin went on to explain if the water users were not satisfied with the budget, the advisory board was a recommending body and the budget could be changed as they saw fit.

Larry Schoen asked why several of the canal companies received payment from the Water Districts? Kevin explained those fees had been in existence for years and had remained the same since he had been with the districts. It was assumed the costs were for water data collected for the districts.

Discussion continued to the \$40.00 minimum with a thought of raising the charge. Allen Merritt, IDWR, read from Idaho Code 42-612, pt 4, which stated the minimum charge could not be more than \$50.00.

John Miley made the motion to adopt the 2009 Water District 37 budget as proposed. Jo Payko seconded the motion. There was no discussion. The motion passed unopposed.

Bob Esterbrook made the motion to adopt the 2009 Water District 37M budget as proposed. Robin Lezamiz seconded the motion. There was no discussion. The motion passed unopposed.

ITEM #11 ADOPTION OF RESOLUTIONS FOR DISTRICTS 37 & 37M

Chairman Brossy read proposed Resolution #16 and the possibility of adding it to the Districts Resolutions. Alan Merritt, IDWR, read the letters exchanged between BWCC Chairman Jerry Nance and Director Dave Tuthill (Oct. 29, 2008) and from Director Tuthill to BWCC Chairman Jerry Nance (1-11-2009). There were also correspondences by Representative Wendy Jaquet (12-4-08) and Tim Luke, IDWR, (1-12-2009).

Chairman Brossy said the resolution initially had been suggested by Director Tuthill as the first step in bringing ground water control into District 37 with the surface water. He said the intent was to be in line so when the Department decided to administer ground water there was not another district formed over District 37.

Brian Brockette questioned the authority of the director to propose the resolution. Alan Merritt stated there were currently many wells that the Watermaster of District 37 had authority to regulate because of the historical conditions placed on them. However, there was a large subset of wells that did not have distinct watermaster control at that time. Because there was not

conjunctive administration, the watermaster could not shut off a well because he thought it was interfering with a surface water source.

Doug Jones, IDWR, stated the director would need to issue a directive to establish a ground water district. There would be a public hearing process. Districts could make the proposal to be the managers of the ground water districts. He thought an important thing to start taking up was the measuring and reporting of ground water uses. An infrastructure would have to be in place for that whether it was the Department or the District.

Discussion continued concerning water model development.

Nick Purdy made the motion to table Resolution #16. Lloyd Moore seconded the motion. Chairman Brossy re-read Resolution #16. Larry Schoen asked if the resolution in its current form had been suggested by the IDWR representatives to the Water Districts? Chairman Brossy said the concept was but not the wording. He said from his interpretation from the response from the Director, the District may be premature, he felt there were mixed signals from the Department. There was a voice vote, 11 for tabling and 11 against tabling. After some discussion, Kevin explained who could vote.

Bob Esterbrook asked for a credentials committee.

After discussion, Lloyd Moore withdrew the second to table Resolution #16. Mr. Purdy withdrew the motion to table Resolution #16. Bob Esterbrook withdrew the request for a credentials committee.

Larry Schoen made a motion to approve Resolution #16 (resolution was read). Bob Esterbrook seconded the motion. Mr. Esterbrook stated he felt it was important to establish the resolution and have forward progress for the Districts. A show of hands was established for the voting. 17 hands were shown in favor of Resolution #16 with 7 hands voting against. The Resolution passed.

George Kirk moved to adopt Resolutions #1 through #13 and to strike Resolutions #14 and #15. Greg Lierman seconded the motion. There was no discussion. The motion passed unopposed.

#### ITEM #12 SELECTION OF ADVISORY BOARD MEMBERS

Greg Lierman made the motion to approve the 2009 advisory board members as follows:

<u>Bill Arkoosh</u>	<u>Little Wood Hydropower</u>
<u>Fred Brossy</u>	<u>Lower Silver Creek/Little Wood River</u>
<u>Bob Esterbrook</u>	<u>American Falls Reservoir District #2</u>
<u>Jerry Nance</u>	<u>Big Wood Canal Company</u>
<u>Gerald Bashaw</u>	<u>Upper Silver Creek</u>
<u>Pete Van Der Meulen</u>	<u>Big Wood Above Magic Reservoir</u>
<u>Howard Morris</u>	<u>Big Wood Below Magic Reservoir</u>
<u>Allen Koyle</u>	<u>Big Wood Hydropower</u>

Larry Schoen seconded the motion. The motion passed unopposed.

#### ITEM #13 DISTRICT NEWS AND UPDATES

Kevin gave an overview of projects that were being worked on by District employees. He said employees of the District would be taking GIS training and building maps within the districts.

Kevin explained there was some concern about "off-season" deliveries, deliveries after October 31. The Water Districts did not monitor or regulate those deliveries. He said Sun Valley Co. had given water delivery records for snowmaking. There were also stock water deliveries to Dietrich that could be recorded, if ice was not a problem. There were also Hydropower users. The districts did not charge for any out of season deliveries. If they chose to, the users could change how those assessments were charged.

Kevin explained the non-consumptive water rights and gaining control of them. Kevin discussed ground water wells tied with surface rights.

Kevin talked about the new ride that was to be developed. He said he didn't want to hire another rider until he knew where the places were. He wanted to develop the ride himself.

Kevin discussed the water delivered for the Legacy Project at the delivery point at a diversion within the District 45. He said approximately 50 Acre Feet had been delivered. He felt the goal had been met and bested by approximately 5 Acre Feet. The water was delivered from May 15 until July 28. Kevin explained there were 3 owners involved with 7 water rights.

There was some discussion of an Ordinance being developed within Blaine County involving maintenance on ditches and canals where a permit may have to be obtained for the work.

Doug Jones, IDWR, gave an update on the SRBA Adjudication. He said initial hearings had been completed in September 08. There were still objections they were working to resolve. He said the Department was trying to focus their effort on completion by the end of 2009.

#### ITEM #14 ADJOURMENT

Pete Van Der Meulen made the motion to adjourn the meeting. Pepin Corso-Harris seconded the motion. The motion passed unopposed. The meeting was adjourned at 3:34 pm.

Respectfully,

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Cyndi McCowan  
Sec./Treas.  
Water District 37 & 37M

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Fred Brossy  
Chairman