

**DRAFT UNAPPROVED COPY**  
**WATER DISTRICT 37**  
**MINUTES OF THE ANNUAL WATER USERS MEETING**  
Monday, January 11, 2016 1:30 p.m.  
Lincoln Co. Community Center, Nance Hall, Shoshone, Idaho

**RECEIVED**  
**FEB 10 2016**  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

Watermaster Kevin Lakey welcomed everyone to the meeting.

**ITEM #2 SELECTION OF A CHAIRMAN**

Sharon Lee made a motion to nominate Rob Struthers as chairman of the annual meeting. Seconded by Gary Osborne. There was no discussion. Motion passed unopposed.

**ITEM #1 CALL TO ORDER AND INTRODUCTION**

Chairman Struthers called the meeting to order at 1:34 pm and read the agenda items aloud. (Copies of 2016 Annual Meeting Agenda, 2015 Annual Meeting Minutes, proposed Resolutions for 2016 Water District 37, and proposed 2016 Budget available on table near entrance to Nance Hall)

**ITEM #3 SELECTION OF SECRETARY**

Sharon Lee nominated Sunny Healey as secretary of the annual meeting. Seconded by Pat McMahon. Jerry Bashaw made a motion to close the nominations. Gary Osborne seconded. There were no discussions. The motions passed unopposed.

**ITEM #4 APPROVAL OF MINUTES FROM THE 2015 ANNUAL MEETING**

Chairman Struthers allowed time to review 2015 annual meeting minutes. Gary Osborne made a motion to approve minutes from the 2015 annual meeting. Seconded by Dave Copper. Motion passed unopposed.

**ITEM #5 ADOPTION OF 2016 DISTRICT 37 BUDGET**

Watermaster Lakey gave an overview of the 2016 budget. Detailed explanations: Items 5001-5005 3% increase in salary for all employees. Item 5005 Below Magic employee will stay on ½ month extra. Item 5006 due to near completion of groundwater inventory, Extra Labor dropped to \$5000. Item 5015 went up due to planning of hiring employees for groundwater activities. 5021 cost of medical insurance increased. 6007 small increase. 6009 remote monitoring stations to be installation on Silver Creek. 6011 Auto Expenses fuel prices decreased. Item 6501 for Extra Labor was removed, as it was included in 5006. Added Idaho Power Cloud Seeding. New legislation allows assessment for cloud seeding. District 37 is working with Carl Pendleton and the Wood River RC&D in this effort. Total proposed budget \$309,250.74

Chairman Struthers commended the secretary and watermaster for a reasonable budget. Carl Pendleton made a motion to adopt the proposed budget for 2016. Seconded by Dave Cropper. No discussion. Motion passed unopposed.

**ITEM #6 PROPOSED CHANGES TO RESOLUTIONS #2, #7, #8 and #11**

Watermaster Lakey read proposed resolutions for 2016 aloud and explained changes:

- 2. The minimum use fee changed from \$50 to \$60
- 7. Hydropower water assessment changed from 15% to a rate of 2%
- 8. Hydropower assessment will be based on the total amount of annual water delivery as fixed by the approved budget and assessed by the total amount of water delivered through their system.

Watermaster Lakey explained proposed changes for 2016. Reason for changes 2, 7, and 8: Hydropower use was formerly charged at 15%. The rate is based on watermaster time and expense. Hydropower requested a reduced rate commensurate to watermaster time and expense. \$22,000 was assessed last year for the six hydropower plants in District 37. \$18,637 decrease in Hydro Power assessment for 2016. Per Idaho Code, 832 assessments increased from \$50 to \$60 to help make up for hydropower portion of the budget.

- 11. Due to named persons' changes in availability to sign checks, District 37 is requesting flexibility on co-signature. District 37 is requesting the advisory board nominate 2-3 approved individuals in lieu of naming specific individuals in the resolution.

Chairman Struthers called for discussion on changes. There was no discussion.

**ITEM #7 ADOPTION OF RESOLUTIONS FOR 2016**

Pat McMahon made a motion to adopt Proposed Resolutions and changes to proposed resolutions for 2016. Motion seconded by Gary Osborne. Call for discussion. No discussion. Motion passed unopposed.

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### **ITEM #8 SELECTION OF ADVISORY BOARD MEMBERS**

Chairman Struthers announced the advisory board Water District 37 nominees:

#### **2016 Advisory Board for Water District 37 Nominees**

##### **(2) Big Wood River Representatives:**

1– Above Magic Sharon Lee

1– Below Magic Howard Morris

(1) Little Wood River/Silver Creek Nick Purdy

(1) Hydropower Bill Arkoosh

##### **(2) Canal Companies/Irrigation Districts**

1-2015 Rep – American Falls Res. Dist. #2 Rod Hubsmith

1-2015 Rep – North Side Canal Company Mike Elliot

(1) Groundwater Municipals Pat McMahon

(1) Groundwater Small Users (Less / 40 Acres) Dave Bell

(1) Groundwater Large Agricultural (Larger / 40 Acres) Rob Struthers

Chairman Struthers called for additional nominations.

Carl Pendleton made a motion to approve board nominees. Motion seconded by Katie Breckenridge.

Call for discussion. No Discussion. Motion passed unopposed.

### **ITEM #9 DISTRICT NEWS AND UPDATES**

Water Collaboration within WD 37 –Keri York. Cancelled.

#### **Watermaster Lakey- Status of the District**

There are 550 groundwater accounts. There are not necessarily 550 wells. There are wells in municipal areas that have been abandoned. There are measurement devices for 85% of the total volume of groundwater. Of the 15% remaining, there are 50-60 owners total and 25 well owners that that have been contacted on multiple occasions. Some owners are out of state. Of the 15% that are not yet measured, some will get notices and District 37 will continue to try to work with others. The remaining 15% of volume is estimated so the 85% measured volume may be more or less.

Note: The water calls are not on the agenda and will not be. Request for information will be forwarded to Sharon Lee from the South Valley Groundwater District (SVGWD) and Pat McMahon from the Galena Groundwater District (Galena GWD).

Question Chuck Newell: What is the water outlook on the snow?

Watermaster Lakey– It is early to forecast based on snow. The snowpack is reported at 118%. The weather reports forecast that there may be some more weather patterns coming in. Anecdotally the numbers are better up by Fairfield.

Question Patty Lucene: Have you been able to take advantage of the cloud seeding with the storms?

Answer John Bowling: There is good snowpack. We did do a lot of cloud seeding and our ground generators are working. If the storm for January 14<sup>th</sup> turns out as predicted we'll be able to use aircraft and ground generators in central and south central Snake River Valley.

### **ITEM #10 ADJOURN**

Gary Osborne made a motion to adjourn. Motion seconded by Dave Cropper. No Discussion. Motion passed unopposed.

Meeting adjourned 2:08 pm.

Respectfully,

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Rob Struthers  
Chairman

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Cyndi McCowan  
Sec/Treas

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Sunny Healey  
Minutes Secretary

ADOPTED BUDGET AND RESOLUTIONS  
PERTAINING TO THE COLLECTION THEREOF  
FOR 20 16

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SOUTHERN REGION

WATER DISTRICT NO. 37  
STREAM Big Wood River, Little Wood River, Silver Creek, Malad River  
COUNTY Blaine, Lincoln, Gooding  
NAME OF SECRETARY Cyndi McCowan  
ADDRESS OF SECRETARY 107 West 1<sup>st</sup> Street, Shoshone, Idaho 83352

COLLECTION AND HOLDING OF WATER DISTRICT FUNDS

Please check the appropriate box regarding the collection and holding of Water District funds.

☒ The Water District collects and holds its own funds.

☐ \_\_\_\_\_ County collects and holds funds for the Water District.  
(county name)

☐ \_\_\_\_\_ County collects the Water District's funds and deposits the funds in an account  
(county name) held by the Water District.

(This report must be certified and made in duplicate, one copy to be forwarded to the appropriate regional office of the Idaho Department of Water Resources, and one copy to the Secretary of the Annual Water User's Meeting of the Water District. If a designated county collects funds for the water, then a third copy must be sent to the auditor of the designated county.)

\_\_\_\_\_, Idaho, \_\_\_\_\_, 20\_\_\_\_

I HEREBY CERTIFY that the within is true and correct copy of the budget as adopted at the annual Water User's Meeting of Water District No. 37, held at Shoshone, Idaho  
on the 11<sup>th</sup> day of January, 2016 and all resolutions adopted at said meeting pertaining to the time and the manner of collecting the amounts provided for in the said budget.

Cyndi McCowan

Secretary, Water District No. 37

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**Water District 37****2016 Adopted Budget**

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Payroll 2016	\$	166,238.68
Social Security (ER Share)	\$	12,717.27
St. Ret--PERSI (ER Share)	\$	18,818.23
Workmans Comp	\$	7,526.66
Idaho Tax Comm (SUTA)	\$	2,514.43
Medical Insurance-Full Time	\$	12,849.19
Employee Reim. For Expenses	\$	1,200.00
Above Magic Auto Expense @ 7 Months	\$	9,372.66
Silver Cr & Upr L.W. Auto Exp.	\$	9,346.62
Below Magic & Lwr Little Wood Auto Expense	\$	7,119.00
Extra Labor / Auto Expense	\$	3,000.00
Office Rent	\$	6,000.00
Office Expense	\$	8,000.00
Office Utilities	\$	5,460.00
Field Expenses	\$	10,000.00
Auto Expense	\$	5,000.00
Liability Insurance (ICRMP)	\$	2,500.00
Contingency Fund	\$	500.00
USGS Co-Op Fund      Ketchum Gage	\$	4,429.00
IDWR Co-Op Fund      Willow Creek Gage	\$	2,400.00
Big Wood Canal Co.	\$	1,360.00
North Side Canal Co.	\$	549.00
District Canal Co.	\$	150.00
Base Line Canal Co.	\$	150.00
Id. Water Users (Member Dues)	\$	500.00
Equipment Reserve (to Savings)	\$	3,000.00
Annual Audit	\$	1,500.00
Water Measurement (By BWCC)	\$	2,050.00
Idaho Power / Cloud Seeding	\$	5,000.00
		<hr/>
		\$ 309,250.74
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Total 2015		\$ 309,250.74
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SCANNED  
FEB 09 2016

**ADOPTED RESOLUTIONS FOR 2016 WATER DISTRICT 37**

1. BE IT RESOLVED that hereafter the annual meeting of Water District 37 shall be held on the second Monday of January of each year.
2. BE IT RESOLVED that for the year 2016, a charge of \$60.00 shall be assessed to each individual who owns a water right, whose share of the total budget is less than the above specified amount.
3. BE IT RESOLVED that the amounts payable by each ditch, Canal Company, or other water user, as shown by the approved budget, shall become due and payable on April 1st and said amount, if not paid, shall bear a penalty of 10% and interest from that date until paid, at the rate of 1% per month.
4. BE IT RESOLVED that in accordance with Idaho Code 42-618 that no ditch, canal company, or other water user shall have the right to demand and receive water, and the Watermaster shall not deliver to such person or persons, until the amount due and payable from such users, as fixed by the budget, has been paid.
5. BE IT RESOLVED that the Watermaster of the district shall be in service for the full year, commencing on February 1st of each year and continue until the following January 31st, or until a successor has been duly qualified and elected.
6. BE IT RESOLVED that the Deputy Watermaster(s) of Water District 37, may remain in service for 12 months from the date of hire. The Watermaster may hire additional assistants as authorized in Idaho Code 42-609 in an emergency.
7. BE IT RESOLVED that in accordance with Idaho Code 42-605A, all non-consumptive Hydro Power water users shall be charged at a rate of 2.0% for the total amount of water delivered through their system.
8. BE IT RESOLVED that assessments, shall be based upon the total amount of annual water delivery, regardless of use or timing, as fixed by the approved budget. Hydro power will be assessed based on the total amount of water delivered through their system as referenced in resolution #7.
9. BE IT RESOLVED that Kevin Lakey shall be elected Watermaster of District 37 for the ensuing year beginning February 1, 2016 and ending January 31, 2017, and that he shall be authorized to hire a full-time staff.
10. BE IT RESOLVED that Cyndi McCowan shall be elected Secretary-Treasurer, for District 37 for the ensuing year, beginning February 1, 2016 and ending January 31, 2017.
11. BE IT RESOLVED that the elected Treasurer of Water District 37 should only disburse monies from water district accounts upon a voucher approved by the Watermaster. All district checks can be signed either by the Treasurer or Watermaster, but must be co-signed by individual(s) approved by the Advisory Board.
12. BE IT RESOLVED that the 2016 assessments shall be calculated over a five-year average, according to Idaho Code 42-612 paragraph 5 which reads as follows:

Other provision of Chapter 6, title 42, Idaho Code, notwithstanding, water users at the annual meeting may provide by resolution the respective amounts owed by each water

user as shown in the adopted budget shall constitute a final determination of the amount due for that year without the need to carry forward any water user debits or credits to the following year.

12A. WHERE AS groundwater diversions were added to Water District 37 in 2013. WHERE AS not all groundwater diversions were measured in 2013 and an equitable method of estimating ground water use must be determined in order to calculate groundwater assessments. BE IT RESOLVED if a groundwater irrigation diversion does not have flow data for its delivery, the assessment will be estimated using the full water right and charged for 100 days of use and that rate will be used to calculate the five year average. Additionally, all other groundwater diversions that do not have flow data will be charged based on type of water use using the full use portion over its full season of use (i.e. commercial-snowmaking for 168 days, domestic and municipal for 365 days, etc). These rates will be used to calculate the five year average.

13. BE IT RESOLVED the Watermaster shall require lockable and controllable measuring devices to monitor the flows of water both from and back to the main source from which water has been diverted. He shall have the authority to investigate, enforce and act accordingly with the Code of the State of Idaho.

13A. WHERE AS the collection of accurate data and assessment requires frequent monitoring of diversions. WHERE AS frequent monitoring will require extra labor and cost. WHERE AS excessive costs may create undo hardships on some water users. BE IT RESOLVED that in order to insure accurate data collection, but also control costs, groundwater diversions using meters will be recorded twice per year. Diversions that have been allowed power consumption coefficient and time clock variances will be measured and calibrated every three years and power usage will be calculated annually.

14. WHERE AS the Water District 37 assessments are due by April 1 of each year and whereas, some diversions either do not receive water or have lockable controlling works. BE IT RESOLVED that if a customer's account(s) has not been paid in full by April 1 of the year assessed, the delinquent account(s) will be referred to a credit reporting agency after May 31 of that year. At which time, the customer will not again be contacted by Water District 37 but instead will deal solely with the collection agency where a contingent rate and applicable fees will be applied to the unpaid assessment(s). This will warrant that all claims by the collector will be valid, legally enforceable and comply with all applicable laws.

Adopted January 11, 2016