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WATER RESOURCES
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Water District 61E Cold Springs Creek
Annual Meeting Minutes
January 14, 2019 – 6:00PM – Glenns Ferry City Hall

6:05 Teresa called the meeting to order. Present: John and Teresa McCallum, Paula Riggs, Harley and Shelley Riggs, Taylor Riggs, Jack Riggs, Justin and Travis Christensen, Ann Wilson and Nick Miller from IDWR.

Nick stated we needed to elect a Chairman to run the meeting and that person needed to be someone other than the current President. This is since John wants to vote by the alternative method under Idaho State Statute Chapter 6 Title 42 Section 605 (attached). The way this works is the meeting is opened by who was President the last year and they select a Chairman to run the meeting this year. The appointed Chairman then selects a secretary to take minutes of the meeting. Due to the fact someone wants to vote by the alternative method instead of by majority vote, the chairman must select a credentials committee to review the percentage of use of everyone that is present at the meeting. Teresa nominated Ann Wilson for Chairman, Harley said this alternative voting should have been put on the agenda. Teresa said it is not an agenda item. Harley said we want all users to know this was going to happen and Teresa said it is not a matter of consideration it is a state law. Harley seconded Ann Wilson, Ann accepted.

Nick said Ann needed to select a Secretary. Ann asked Paula to do it, Teresa nominated either Travis or Justin from Desert View. Nick said it didn't need to be a vote the Chairman can just select. Ann asked to proceed with Paula.

Ann asked if anyone wanted the minutes read, Teresa motioned to approve the minutes as submitted by email. John seconded, motion passed.

Treasurer Report: Paula read the Treasurers report. Motion to approve by Teresa second by Harley, motion passed.

Water Master Report: Ann stated water master report was emailed to everyone and asked if there were any questions. Harley asked about the time after Rich left in August how the assessment was calculated. Paula said Rich gave her the numbers through August so September through December the only user that had water was Casa Del Norte (CDN) and she used last years numbers to go by because she didn't have this year. John stated he had this year's numbers, Paula said she requested them from Teresa twice and she was supposed to get them to her but didn't so she used last year's numbers.

Old Business: None

New business:

IDWR new permits: Nick said the only one is the CDN permit for the aquifer recharge application in the early season. It was advertised and then protested but the protest has been resolved and now it is in the evaluation for any injury. Once they get through that a decision will be made. He is hoping to get to

it soon, but there were questions about trust water. He thinks that has been cleared up and hopes to have a decision before the water season.

New locks on head gates: Harley said Rich had the keys to the old locks and thinks that once a new water master is elected new locks should be purchased. The only locks required now are CDN and Double Anchor, but everyone is required to have a lockable diversion. Paula asked if they were combination or keys? The reason Paula put it on for discussion was for the budget if we need to purchase new ones, however even if we do, they would not cost much. She asked for Nicks opinion and he felt it was a good idea to have all new locks. Teresa made a motion to purchase new locks needed, Harley second, motion passed. John said there would be 6.

Paula read the proposed Budget. She also had a spreadsheet of the breakdown for everyone on how the assessments are calculated. She explained that the water master reports the detailed numbers of each water users actual use by each month. That is how she calculates at the end of the year how much each user is charged. So however much water you use is what you get charged for. Anyone that would like to see the detailed report is welcome to see it. Motion to approve by Teresa, second by Travis, motion passed.

Election of Officers:

John requested we vote by the alternative method. Nick asked if he wanted that method for all officers or just water master. It was decided to use for only water master.

President: Harley nominated Ann Wilson, she declined. Travis nominated to keep the same with Teresa, Harley second, motion passed.

Secretary/Treasurer: Teresa nominated Paula Riggs for secretary, Harley second, motion passed.

Advisory Committee: Teresa motioned it stay as all water users on the creek, Harley second, motion passed.

Water Master: Nick said whenever a user requests vote by alternative method the chairman will select a credentials committee. Ann asked for him to explain this alternative method.

Nick: Whenever a user requests to vote by alternative method only the users present can be included. Each users vote is based off weight depending on how much they pay into the water district in assessments. The credentials committee needs to determine what each of the users that are present vote is worth. Ann wanted to clarify if the majority wanted to vote regular, but one person requests the alternative way that is the way we must vote? Nick said yes.

John said the Riggs wanted Jack Riggs as the water master and although he would do good, the family pressure would be too great, so they want to appoint JT McCallum. He would prefer to find a water master that is neutral and doesn't have anything to do with either McCallums or Riggs. If we could do this in the next couple of weeks, it wouldn't have any effect on the district. He asked if they select one and then find someone else can it be changed. Nick said yes by special meeting. We could also have a

water master and then an assistant that does the day to day work. For example, have Ann as water master and when the users decide on an acceptable on the ground person, they would do the work and report to Ann. Assistants can be changed throughout the year. If a water master is not elected tonight, then we will have to call a special meeting to vote. John wants to elect a water master tonight and then when another suitable person is found call a special meeting to vote again.

Paula agreed that the major water users on the creek are McCallums and the Riggs. However, she feels that there are 10 other users on this creek, and they should have a say whether they have water every year or not. It is not just about McCallums and Riggs. John said this alternative method is state law and it doesn't matter how many users there are the one that pays the most has the say. He has no interest of one of his people being the water master either. He wants to know if the Riggs and them could get together and look for another person that will be independent of both parties. Ann asked if that is what the majority of people want to do? Paula said she sent an email out to all water users giving them all the names that were nominated including Jack Riggs, JT McCallum and Tyra Loftus and told everyone if you cannot attend the meeting and would like to vote please send your proxy to me. I received 4 proxy's that all voted for Jack Riggs. Harley asked what was wrong with the way we have been doing our voting by majority. Nick said that is the standard way to vote but if someone requests the alternative you must do it, it is the state law. Paula said so it comes down to we must use McCallums alternative method and disregard what any of the other users want. Nick said it comes down to who has the highest weight in votes which is McCallums.

Ann read the statute again to clarify. Travis clarified it is based off the water used so if it is a bad water year and you don't get much water it is just to bad for that user. It should be based off how many water rights you own not based off how much water you get. Harley asked Nick how other districts it and he said they are all different. Paula said there was only a 3-year average not a 5. Nick said we could vote to use only 3, Teresa said it wouldn't make a difference CDN would still be in the driver's seat with the high vote because they pay the majority of the water bill every year. Harley said everyone should have a vote.

Ann asked for nominations for the credentials committee using 2016, 2017 & 2018. Teresa nominated Desert View and Ann.

Paula wanted to clarify that only the people present tonight could be considered in the percentages. That would be ARK, Blackwell (Kelly & Paula Riggs), CDN, Desert View, Double Anchor and Hammett Livestock. Harley asked what happens to the proxy votes that the others sent in. Paula said according to the statute they just get disregarded and their vote does not count, and they have no say. Wouldn't that have been nice for all users to know ahead of time prior to this meeting that their vote would not count if they were not in attendance. It is in our minutes from 2 years ago that any new business, discussion and/or issues had to be presented to all users at least 2 weeks prior to the annual meeting so everyone would be aware and that did not happen with this. Nick said if we all felt this meeting isn't appropriate, we could call a special meeting later. Paula made a motion to call a special meeting to let all users know what is happening. Harley second. There was more discussion about all the user's percentages, regardless McCallum will have the say. Justin said this is not right, whoever is first on the

creek will always get the most water so will always be the one making all the decisions. Travis asked how much work the water master job is, Paula said the water master report doesn't really give an idea of time but does list miles traveled. She said that Rich volunteered to help whoever the new water master is either by phone or if we want to pay him, he would come show them the creek. Ann said the solution to this problem is finding someone that is neutral. Harley said it isn't fair to say Jack is not going to be neutral. Jack asked to address the users. He believes he would do a very good job as water master and he knows the conflict and the McCallums think his integrity would be compromised due to his last name however, they don't understand that he would be regulated by the IDWR and so if he would do anything wrong for any party he would be going against the IDWR rules and policies which would put him at risk of losing the job. Why would he as an individual do a job intentionally wrong even though he is regulated by IDWR to compromise himself. It is insulting that just because of his last name he is being accused of not being fit for the job. It is not fair to shoot someone down that wants to do the job before ever giving them a chance. He would like to put on record that if elected to do this job the first time he ever did anything wrong he would step down as water master. Ann asked Nick how involved IDWR is involved, do they monitor what the water master does. Nick said it depends on the district. Ann asked knowing the disputes would they monitor this water master more closely. He said yes it would be worth working with the water master making sure they know exactly what to do. Some water masters think they have more power than they really have. Their Job is to know what the water rights are, to set the head gates to make sure the senior water rights are delivered first. So really there is no need to have measuring devises up above all the ditches. He just must record who is calling for water, keep good records of what he gives to people. The only oversight is to make sure he is not giving someone more water than they have a right to. Travis asked if every user has a measuring devise. Harley said they are supposed to.

Ann said that the people that are not here tonight are under the impression we are electing a water master the way we have done in the past years and that has changed tonight, and their proxy votes are not going to count. Can we put out a notice to the users to let them know we are doing this a different way now and call another meeting in case they have an interest in coming. That seems fair to me.

John said the proxies should not count anyway because Paula went around and rounded up all the other users to make sure Jack got in. Paula said that was not true, she sent an email to every user giving them the 3 names nominated; Jack Riggs, JT McCallum and Tyra Loftus. She provided a proxy vote in case the users were not going to be able to attend but would like to vote. That was of their own will, nowhere did it say they had to return it, nor did it say she was asking for them to vote for Jack. (Email attached).

Ann said tonight we are putting the committee together, figuring out the percentage votes, and vote. Or we could have another meeting to notify the users the voting process is different. John wanted to go ahead with the vote and then have another meeting when we get someone else to vote again. Ann said we need to verify the percentage numbers are correct. The 3 on the committee will be Travis, Justin and Teresa. Travis wanted to wait on voting until the other meeting. Ann asked what everyone wanted to do, John said no he is appointing a water master and then when someone comes up with another name for water master, we will have another meeting. Ann asked Nick how to resolve this. Nick said elect a water master tonight and then if the users want a special meeting, they need to request it with 30% of

the users writing the request to the Director of IDWR. Travis said just because you pay the most money is the most bizarre way to figure votes. Nick explained it is based off the budget the users elect to collect. Travis said if he is last on the creek and doesn't get much water how is that fair, he doesn't get a vote. If the first guy on the creek gets all the water, they are the only one that gets to vote doesn't seem fair. Nick explained how the percentages/shares/rights are different. Harley said what incentive does any of the users have to ever come to a meeting if their voice and vote will never count. Nick said if John requested the alternative method and the users tonight chose to ignore it, John can file a complaint with IDWR that the meeting was not carried out appropriately. Ann asked what the calculations came up for. Travis said the water percentage for McCallums is over 50%. Nick said have everyone write down their vote and figure out the percentage later. Harley suggested we don't do anything tonight and notify the other users for a new meeting. Paula asked Nick if we did that couldn't John request the same thing and we would be right back to were we are now? Nick said yes.

Ann said so tonight we are not voting; John and Teresa are just going to appoint a water master of their choice. Travis asked Teresa if they were going to try to find an alternative person that is not related to either them or the Riggs and Teresa said yes. Paula said that should have been done 3 months ago when it was requested from the users to find a water master.

Ann said it is all the water user's responsibility to find someone that is impartial because if we don't this argument is going to go on for eternity. If JT does it there will be problems too. And even if we find someone neutral the McCallums can still say they don't like them and leave JT so we are stuck here. Teresa said they are trying to be agreeable and find someone else. Travis asked if there were other districts that might have a water master we could also use. Harley asked if IDWR provide a water master, Nick said if we fail to find a water master the director can appoint one. John said we can talk all we want but he is electing a water master tonight. Ann asked who he wanted, and John said JT McCallum. Harley nominated Jack Riggs. A paper vote was conducted with the following votes:

JT McCallum 2 votes: ARK & CDN and since their percentage vote is over 50% JT is water master.

Ann stated again that we all need to find a neutral water master and then a special meeting can be called, and Teresa & John have agreed to look at this person as a water master. She asked John if he would honor that and he stated yes that he would.

Paula asked for the record that Ann read the votes for the other candidates:

Jack Riggs:

4 proxy votes that did not count: Joann Hunt, Lou Anderson, Robert Combs, Dave Bean,

4 votes by present water users: Double Anchor, Desert View, Blackwell (Kelly & Paula Riggs) and Hammett Livestock.

Ann asked to approve the by-laws. Teresa motioned, Travis second, motion passed.

Ann asked how much time it takes once we notify IDWR we want a special meeting. Nick said 14 days. Ann stated the next annual meeting will be the 2nd Monday in January which will be January 13, 2020 at 6:00 at city hall.

Harley asked if we need to put what we want on the special meeting agenda now. Nick said if we find someone we want and JT steps down the director could just appoint the new person without a special meeting. Paula said she had everyone's annual assessments for them to take tonight.

Teresa motioned to adjourn Travis second, motion passed.

Respectfully submitted,

Paula Riggs, Secretary



Paula Riggs <priggs0446@gmail.com>

New Water Master Nominees

6 messages

Paula Riggs <priggs0446@gmail.com>

Mon, Jan 7, 2019 at 10:19 PM

To: Teresa McCallum <irondragonmistress@yahoo.com>, Travis Christensen <trncfarms@gmail.com>, jcfarms84@gmail.com, DAVE <davetds1@msn.com>, Susan Neuer Denny <neuer3@comcast.net>, Harley Riggs <hhr2997@gmail.com>, Brenda Ellis <bellis@mountain-home.us>, joann_10@msn.com, Lou Andersen <loua@frontier.com>, ED NEUER <ejpn1@rtci.net>, blueeyes@rtci.net, robcombs@aol.com

Hello everyone,

I have received 2 more nominees for water master. The nominees now include Jack Riggs, JT McCallum and Tyra Loftus. If you cannot make the annual meeting next Monday the 14th and would like to submit your vote for water master please send the attached proxy back to me.

Thank you,

Paula Riggs
208-599-0446

 **Proxy.docx**
12K

From: **Norman M. Semanko** NSemanko@parsonsbehle.com
Subject: Re: Two things I need help with
Date: January 8, 2018 at 1:20 PM
To: John and Teresa McCallum Irondragonmistress@yahoo.com

We haven't set a date for our meeting with SPF yet. I'll check with Scott King and get back to you.

Here is the portion of the Water District annual meeting statute dealing with voting. Idaho Code always trumps bylaws, as long as someone requests weighted voting under the statute.

42-605. DISTRICT MEETINGS. . .

(4) Voting shall be by majority vote of the water users present at the meeting unless one (1) or more water users requests voting using the procedure which follows in this subsection. In such case the meeting chairman shall appoint a credentials committee to determine the number of votes each water user present is authorized to cast. If requested, each person present, owning or having the use for the ensuing season of any water right in the stream or water supply comprising such water district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources, shall be entitled to a number of votes equal to the average annual dollar amount and any fraction thereof assessed for that person's qualifying water right for the previous five (5) years, or such lesser number of years as the right has been assessed. If a right has not previously been assessed, a person present, owning or having the use of the right for the ensuing season shall be entitled to a number of votes equal to the dollar amount and any fraction thereof which the right would have been assessed had it existed and been reasonably used when water was available under the priority of the right during the previous season. . .

(7) A corporation or a water delivery organization, including, but not limited to a corporation, a water company, an irrigation district, an irrigation company or a canal company, shall be considered a person for the purpose of this section and shall cast its vote by someone to be designated by the corporation.

Norman Semanko

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