

Water District 61-E Annual Meeting
Monday, January 13th, 2020
110 E 2nd Ave
Glenns Ferry Idaho, City Hall
6:00 pm

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WATER RESOURCES
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Action Items

1. Call meeting to order
 - Select 2020 meeting Chairman and Secretary
 - Approve minutes from previous January 14, 2019 meeting
2. Financial report 2019 (Treasurer)
3. Water Master Report
 - Request for Assistant and mileage reimbursement
 - Working Measurement Devices Required
4. Compliance with Idaho State Statute
 - Repeal the By-Laws of the Water District 61E Cold Springs Creek that were adopted on 01-18-2016 to be replaced with the adopted 2020 resolutions.
3. Present proposed budget and resolutions
 - Adopt 2020 resolutions
 - Adopt proposed 2020 budget
4. Elections
 - Elect Watermaster
 - Elect Treasurer
 - Elect Advisory Committee

Discussion Items

5. Watermaster updates for the 2020 irrigation season
6. Other discussion (non-action items only)
7. Adjourn

The site is handicap accessible
Agenda Posted 01-10-2019

Water District 61E Cold Springs Creek
Annual Meeting Minutes
January 13, 2020 – 6:00PM – Glens Ferry City Hall

6:05 Teresa called the meeting to order. Present: John and Teresa McCallum, Kelly and Paula Riggs, Harley and Shelley Riggs, Justin and Travis Christensen, Ann Wilson, Julio Sabala & Cathleen Elias (ann's guests), Joann Hunt, Neil Colwell, William Hunt and Rachel Parsons (Joann's guests), Ed Neuer, Gary and Brenda Ellis, Jack Riggs (part of the meeting) Rich Wootan, Rob Whitney and Nick Miller from IDWR.

John nominated Ann Wilson to be Chair for the meeting, Harley second, motion passed.

Harley asked Paula to explain why there is no longer a President. Paula explained that IDWR brought it to her attention we were not following procedure in the past and that there is no President elected just a water master, treasurer and advisory committee. The chairperson from the previous year meeting opens the meeting and then the group selects a chairperson to run the meeting for that night and a secretary to take the minutes which are required to be sent to IDWR within 5 days of the meeting. Harley asked if the secretary treasurer could be the same person, the answer was yes. Whoever is elected Treasurer tonight will be the one responsible to do all the duties, correspondence and sending out the emails like Paula had been doing in the past as secretary/treasurer. Joann asked who is charge of the district during the year, Nick Miller explained it is the water master. Teresa nominated Paula as secretary of the meeting, Justin second, motion passed.

Minutes: Ann asked if anyone needed the minutes from the January 14, 2019 meeting read since Paula did email them out to everyone. Everyone was fine with not reading out loud, Joann motioned to approve the minutes, Justin second, motion passed.

Financial Report: Paula gave the treasurer report. Joann motioned to approve Cathryn second, motion passed.

✓ Water Master Report: Rich Wootan requested that he be able to have an assistant that would all go through him. He also discussed the issue with a couple users not having working measuring devices which are required. One is Gary Ellis, he asked if they were going to be running it this year. Gary said no, Rich said if they do they have to have a measuring device on before they can turn on water. The second one is Cold Springs RV Park, they are taking water but fall into a unique situation where they are not using enough to warrant a device. Nick said IDWR has a limit that does not require a device (generally 5 acres or less but there are exceptions to every rule) but Rich wants to talk to Cold Springs RV about it. Gary asked even if the motor in his pump cannot draw his water rights because of its size he still has to have a measuring device? Rich said yes but as long as he is not running it he is ok. Nick said it is up to the watermaster to make the determination if water can be delivered appropriately to users. Brenda asked him what he planned on paying the assistant he wants, Rich explained it would be his son so it would just go through him and he would take care of everything. Joann wanted to clarify that if both went out on a call, are we paying both, Rich said no it would just be him that gets paid for the call. Rich just wanted approval from everyone that it is ok. He also requested mileage reimbursement of 80 cents. Brenda wanted to know about liability, Rich said it would be his responsibility not the districts. Joann asked about the 80 cents, that is more than the normal rate. Paula explained she did research with other districts as well as talking to IDWR, these miles are not highway miles and there is a lot of wear and tear on the vehicle. Camas county pays \$1/mile plus pay his insurance. She also explained that some districts even provide a vehicle. With that information she felt Rich asking for 80 cents was fair.

Compliance with Idaho State Statute: Paula explained that the current by-laws are against the law, there are things in them that are not allowed by law and there is a lot of things not in them that are required. Per IDWR, we

need to repeal the existing by-laws and replace the, with the adopted 2020 Resolutions. Ann started to go over each section of the proposed resolution that Paula had sent out to everyone that was prepared by her and IDWR (Steve and Kellie). Nick put up a new draft on the overhead that was prepared by John and Teresa. Harley wanted to know if the one that Paula sent out was prepared by IDWR for us. Paula said yes as a starting draft to discuss tonight and that nobody had a copy of what Teresa brought. Teresa said everyone got Paula's 14 days ago and there was not time for them to get with their attorney, IDWR and then out to everyone before tonight. Paula wanted to know why the changes, what was sent out to everyone was recommended by Steve at IDWR. Nick said we need to just go through it and discuss the changes as we go. John wanted to make a motion to vote on each section as we go. Everyone else wanted to go through it first. John said he will call for the alternate voting method which gives him the only vote. Kelly said that the alternate voting method only applies in the situation of voting for water master and treasurer not anything else. Nick said it is up to the chairman how we proceed. She can call for a vote after each one or at the end. Ann said as chairman she wants to go over the entire thing, discuss changes and then vote.

The main discussion was the first change of how the voting can happen in regard to any changes to the Resolution. Teresa and John wanted the word "majority vote" removed and replace with "according to Idaho Code 42-605(4)" (that states the alternate method). Teresa read the state code, Paula clarified that in a nutshell it says that one person can call for the alternate method and that would give John and Teresa the one and only vote because they pay the most. They would be able to change the resolutions no matter what any other user wants or says. Teresa said they do not choose to use that method and try not to, but they can if they want. Ann clarified that if they didn't like the way a vote was going to go, they could call the alternate method and then have the only vote? John said yes and he is calling for it now but wants to review each section. Neil asked if this is the case then why even have a water district, why even have this meeting? Nick said that is why you have an advisory committee to head these issues off. Teresa said it is not their intention to call this method all the time they would like to use majority vote. Kelly said he sat in on a conference call with IDWR and spoke to two water districts about this alternative voting method and it seems to be a common practice in the larger districts. State statute allows for this. He looked into any ways of changing that but it doesn't look possible. However, he was assured on the phone by Rob Whitney that this method of voting only applies to elections of water master and treasurer, nothing else and either Rob or Nick needed to have clarification on this. Nick said it is possible that it is a legal opinion that it can only be used for elections. Ann said we need clarification. Rob said if he gave Kelly that impression it was unintentional because he knows other districts that use it for other things. He thinks it is a matter of opinion. He said Steve and Kellie that work in his office agreed to help Paula to try to get a standardized set of resolutions that would provide some clarity. Teresa and John reached out to him and Steve and said they want to suggest some changes.

Neil said after reading code 42-605 it seems to him Kelly is correct. The alternative vote is only referring to the elections and it is clear to him that the sub paragraphs 3 & 4 are referring to that not anything else. Neil also let everyone know he worked with the legislature for 31 years. He suggested that things like this should be submitted to the users before the meeting. Paula stated that was voted on and is in the meeting minutes from 2016 which was suggested by Teresa that anything that was going to be presented on the agenda or at the meeting had to be sent in to the secretary at least two week prior of the meeting so everyone would know what was going on. Paula said you can't tell her they did not have time because they obviously had time to get it to Nick if they had time to do that they had time to get it to her to send out to everyone. Teresa said they only had 14 days and needed to meet with Rob and then had their attorney review so didn't get it back until this morning. Paula said she still could have emailed it out to everyone today. Ann asked Neal to clarify. Neal said reading the code it looks to him like 605-3 calls for the elections and subparagraph 4 follows saying the verbiage on the alternate voting method. So, his opinion is that 4 only applies to 3 which is elections. He hasn't read all of 605 but if it doesn't state that it

applies anywhere else then it only applies to elections. Everyone might read it differently and/or have different opinion. John said they have had 2 lawyers review it and that Nick has said it has been used at several other water meetings to adopt resolutions. John wants to use the alternate vote tonight and then after this meeting if it is found to be not legal the others can hire an attorney and fight it. Ann said her opinion (not as Chair) she doesn't care who pays the most money in the district, this district should not be run on a lawsuit between two users in the district.

Travis asked if we could remove the voting verbiage about Idaho Code 42-605(4) because if that is in there nothing else matters and what's the point of sitting here going through this if John and Teresa disagree and they will change it the way they want anyway. And the other thing is that John says his lawyer says it is that way but Neal reads it differently, so nobody here actually knows what it really is. Kelly said it is redundant to be in the resolution anyway because Idaho code supersedes anything in there. Nick said the meeting chair is the one that makes the decision how this meeting goes and if someone doesn't like it they can raise a complaint to IDWR. All agreed to remove the verbiage so we could move on.

After review and discussion of the rest of the document, changes were made to the agreeance of all users.

Proposed Budget: Paula presented the proposed 2020 budget. Mileage reimbursement was included at 80 cents estimated on the assumption that Rich would be out on all 71 calls (4,550 miles) however this year he only had 40 and his mileage was 2,470 so that number is probably high. Justin motioned to approve the proposed 2020 budget of \$7,983.20, Joann second, motion passed.

Elections:

Water Master: Harley motioned to re-elect Rich Wootan as Water Master, Joann second, Teresa added and approve him to use his son as his assistant, Harley amended the motion to include, it was second, Motion passed.

Treasurer: Teresa put her name forward to be treasurer. Harley made a motion to elect Paula, Joann second the motion for Paula. John called for the alternate voting method, it was agreed that everyone knew John paid the highest percent and there was no need for a credentials committee to determine that. Teresa provided proof of percentage for the record. John voted for Teresa and Teresa said she did not wish to be paid. 2020 Treasurer will be Teresa McCallum.

Advisory Committee: It was put in the 2020 Resolution that all water users would be the Advisory Committee.

Paula made a motion to repeal the by-laws of the WD 61E adopted on 1-18-16 to be replace them and adopt the 2020 resolutions that we all agreed on here tonight. Joann second, motion passed.

Kelly Riggs wanted to thank Paula for all her time spent working on this water district as past secretary/treasurer.

Harley wanted to add that all of this should have been on the agenda, we should not have to go through all of this at the last minute and we still don't know if it is edited correct because we don't have it and we voted on it. He wants to make sure it doesn't happen again; it happens every year. It should not have even been allowed tonight. Ann asked if there is a statute that says it shouldn't have been allowed. No matter what it is, we should get a head

of time. There may not be a law but just have common courtesy that if something comes up like this again personally she would like to have the information so she can sort through it.

Rob appreciated everyone's time, it takes a lot of time to get these started. A suggestion is, District 2 uses the advisory committee every year to go over any changes in resolutions and budgets and posts them 21 days prior to the annual meeting. IDWR can post on their website and facilitate for us. John said things need to be sent out to all users ahead of time and let them make comments.

Ann just wants any information prior to the meeting so she can make decisions, she is not speaking for everyone she is speaking for herself. Teresa said it needs to go out more than 14 days ahead to allow everyone ample time and there is no way for us to prevent changes at the meeting.

Discussion Items:

Water Master updates: We are now using an online recording method called Survey 123 through IDWR, anyone can go there to read the reports. Joann asked for the link. Paula didn't think everyone could see the information, but Rich thought they could and so did Rob. IDWR used our survey information this year as their template since we have so many measuring types and we are a creek vs wells. Brenda asked why they were not on the annual use numbers, Paula said they won't show if they had 0 water and they would just be charged the minimum.

Paula asked Nick if he would email the new resolutions out to all users and he said he would. We would just need to fill in the approved budget amount.

Neal thanked Ann for chairing the meeting. Ann thanked the users for putting in all the time tonight and Nick and Rob for being there. A motion was made by Joann to adjourn, second by Harley, motion passed.

Meeting adjourned at 9:00.

Respectfully submitted,


Paula Riggs, Secretary