

Water District 13N
Annual Meeting
March 7, 2022

The water district met at 11:00 am in Preston, Idaho. The meeting was called to order by Richard Free with the following present: President Richard Free from 13N, Secretary Sheralyn Bayles 13N, Watermaster Reed Swann 13N, Hank Povey, Justin Roberts, Andrew Beutler, Allan Swainston, and Tyson Schvaneveldt from Twin Lakes, Bret Rasmussen, Jared Egley, and Matt Egley from Glencoe Irrigation Co, Clare Christensen Strawberry Mink Creek, Ross Wilde and Glade Larsen from Mink Creek Town Ditch, Jay Wilde Birch Creek, Paul McKay and Robert P Smith from Riverdale Canal Co., Terry Westerberg, Lyle Porter, and Easton Fellows from Consolidated Irrigation Co., Bryan Jensen, and Michael Holliday from the IDWR Eastern region office.

The minutes of March 1, 2021 were read. Lyle Carter made a motion to approve the minutes and Hank Povey seconded it. The motion passed.

The budget was read, watermasters salary \$3,000.00, Workers Comp. insurance \$402.00, and Franklin County Collection Fee of \$103.00 a total of \$3,505.00. Hank Povey made a motion to accept the budget, Allan Swainston seconded it. The motion passed.

Michael Holliday from IDWR gave an adjudication update. On June 15, 2021 adjudication commenced. Judge Wilde appealed to the Supreme Court. They are concerned about domestic and stock water rights. In the Snake River Basin Adjudication, someone can file for a deferral. Domestic and stock water rights can be claimed at a different time. They have located an office in Preston and posted a job for a Principal Water Resource agent in Boise and staff for the office in Preston. The office will have to be opened and personal trained before claims can be taken for the Bear River Basin Adjudication. You should be hearing more about that in the near future.

A stockholder asked about the cattle rights. Does something need to be filed on that? Michael is not sure about that but it is possible all domestic and stock water rights will need to be claimed. There are water rights that have never been claimed. If the court determines those rights have to be filed, even for a well for your house, those are a cheap claim to file. Alan asked if it was appealed to the Federal Supreme Court and no it is the State Supreme Court. Michael said they are delaying their decision. Hank asked about priority dates for rights sitting out there. Michael said claimants will have to provide information to support their claim. Part of their process is to specify acres located, owner of right, priority date, and diversion rate. The Bear River Decrees are pretty good but they will make them more specific. Reed asked about how water rights in years past were flood irrigated rights below the ditch but now that they are for irrigation pipe and possibly above the ditch, will this be addressed? Michael said yes. Statues are being put in place to handle these issues. For example, you file a claim for a hundred acre right and an enlargement claim. The enlargement claim doesn't give you more water but it

gives you the right to water more land and the priority date would be for when the enlargement took place.

Surface water rights don't have a volume associated with them. 3.5 acre ft per acre is the standard volume measurement and that is to prevent water waste.

Michael said there are 2 different statutes. One is the Enlargement Statute and the other is the Accomplished Transfer Statute. When changes and updates were made without any issues or evidence of injury, they can recognize it as an Accomplished Transfer. The priority date will not be affected.

After 1963 for ground water and 1971 for surface water the only way to get a water right was to come in and file it. If you can demonstrate those water rights were established before then, you can make a claim and they will determine the priority right.

A stockholder asked, on the federal stock water, does the Dept of Ag and BLM make an application. Michael said in a previous water dispute between the BLM and a livestock owner, the decision was in favor of the livestock owner because they were actually using the water. For those who have federal grazing allotments, you may not have to file on those, for in-stream water you don't need a claim, just diverted stock water. Filing on federal land is more complicated because of what is needed.

A stockholder asked, during the process of adjudication, if there are any deadlines, how are we notified? Michael said anyone who owns property in the affected areas, will receive notice and it will be broadly broadcasted. Once you file your claim, they will have your contact information. They will be filing on one basin at a time. Mr. Free said he heard it could take 6-10 years before it will be done and was told to wait on filing until the adjudication to keep from wasting money.

Michael said if you have a water use from after 1971 that has not been filed on at all, you need to file a new water right but this could be a challenge. A stockholder asked what culinary water development will do to water rights. Michael said the growth is an issue and there is a bit of a loop hole for those developing subdivisions. This exemption allows them to drill a well and get up to a .5 acre of lawn and house use. This only applies to groundwater and springs. In northern Idaho, people are purchasing ground water rights that have been used for farming and transferring them to subdivisions.

A stockholder asked about stock ponds and if those need to be filed on. Michael asked about the source. Some are seeps and some are flows. Michael said it depends on when they were formed and if it flows out, but generally they do need to be filed on. It also depends on the use. Domestic use is defined as use on a home with up to .5 an acre using up to 13,000 gallons a day. Another definition is any use up to 2,500 gallons a day. If you fall under there, you could potentially defer. If you have a water use you want to make sure is documented, be sure to file.

President Free said Judy has retired. Sheralyn Bayles is acting as our Secretary so far. Nominations were open for officers for the coming year, Hank Povey made a motion to keep

Richard Free as President, Reed Swan as Watermaster, and add Sheralyn Bayles as Secretary. Allan Swainston seconded it. The motion passed.

The State would like water districts to have a treasury person and a bank account. That would cost 13N more money. 13N had to get a report from the County to cover the requirement. The report from the County will be a requirement from now on. All funds were collected for the last year. There are no delinquent accounts.

President Free asked for a motion for the assessment to be levied and collected by the Franklin County Treasurer prior to the irrigation season. Phil Smith made a motion and Clare Christensen seconded it. The motion passed.

Hank said TL is working to move their board meeting to a Friday. Does 13N want to correlate with them? Clare said the statute says the meeting will be held the first Monday.

Hank moved to keep next year's meeting on the 1st Monday, March 6th at 11:00 am. Clare Christensen seconded and it passed unanimously

Clare asked if the water got read right last year. President Free said he went around with Reed Swan to collaborate and it went well. Reed said he needs Mr. Holliday or someone from the state to come down. He doesn't believe his engineering document from Birch Creek is correct and Claus ditch needs to be reviewed. President Free said changes have been made on the board so we may see change.

Hank Povey made a motion to dismiss the meeting. Ross Wilde seconded it. The meeting adjourned.


Sheralyn Bayles, Secretary


Richard Free, President

ROSTER OF ATTENDANCE

20 22 ANNUAL MEETING

WATER DISTRICT NO. 13N)

WATER DISTRICT AREA _____)

ANNUAL MEETING

Date March 7th Time 11:00 am/pm

Location Preston City Hall

Address 70 W Oneida St
Preston ID

NAME	ADDRESS	REPRESENTING
Hank Poiry	245 1 st R Clifton	Twin Lakes
Justin Roberts	21875 3200 W WESTON	Twin Lakes
ANDREW BEUTLER	812 N. 4200 W WESTON	TWIN LAKES
Bret Rasmussen	6852 N 5600 E Preston	Glencoe Irrigation
Clare Christensen	7057 E Mink Creek Preston	STRAW BEAR MINK CREEK
Ross Wilde	6633 E Hwy 36, Preston	Mink Creek Town Ditch #1
Jay Wilde	7188 E Birch Creek Rd	Birch Creek
Alan Swannick	4035 N 1600 W Preston	TWIN LAKES
Paul McKay	4598 E. STATION Ck Rd	RIVERVIEW CREEK G.
Jared Egley	4747 E Hwy 36	Colenoe Consolidated Irr.
Matt Egley	3385 N 1600 E Preston ID	Consolidated Irr. Glencoe
Tyson Schwandelf	29 West Depot Weston ID	Twin Lakes
Terry Westerberg	5484 E STATION CREEK RD.	CONSOLIDATED IRR.
Reed Swannick	7455 N. CAPITAL HILL Preston	13N
Glade Larsen	6885 No Capitol Hill Rd Preston	mink Creek Town Ditch

NAME

ADDRESS

REPRESENTING

Jyle Ponker	1447 E 800 N	Consolidated RR Co
Easton Fellows	975 N 1400 W	Consolidated
Robert P Smith	2088 E Riverdale Rd	Riverdale Canal Co.
Brian Jensen	3563 S. 800 W	
Michael Holliday		IDWR Eastern Region