

FEB 04 2022

WATER DISTRICT 29H – MARSH CREEK
ANNUAL MEETING
JANUARY 13, 2022 – DOWNEY COMMUNITY CENTER

Department of Water Resources
Eastern Region

Ralph Wheatley, prior year Chairman, called meeting to order at 7:00 pm

opened the floor to nominations for Chairman. Randy Morris nominated Ralph Wheatley as chairman and Randy Wheatley seconded. All were in favor.

He opened the floor to nominations for secretary. JoDeana Dunn nominated Dianna Burden as secretary and Randy Wheatley seconded. All were in favor.

Chairman Wheatley thank everyone for attending and introduced the Advisory Committee, Ralph Wheatley, Lynn Bastian, Kathy Spiegel, DeeMar Gilbert, not in attendance was Tony Hancock. He introduced Steve Visosky and thanked him for his continue support of the district.

Chairman Wheatley asked Dianna Burden to read the minutes from January 13, 2021. Kirk Jackson made a motion to accept the minutes as read, Steve East seconded. All in favor. Chairman Wheatley turned the meeting over to watermaster, Kristin Evans.

Watermaster Report: Kristin Evans, watermaster, thanked everyone and gave a special thanks to the committee that met with the SWC and Gary Spackman for providing district resources. Kristin said she recorded 326 diversions. The district has 243 authorized point of diversions and received 147 variances. 43 measuring devices were in place. She told everyone to be prepared for curtailment and explained that leased water can be curtailed too and it has the same date as their water right priority date. Cory Webster asked about leased water and dates. Ralph Wheatley gave a 1910 example of how leased water can be curtailed.

Ralph asked Steve to explain, please, the curtailment, rental and priority dates at the annual meeting.

Treasurer Report: Dianna Burden reported that as of today there was \$11,269 in the Ireland Bank checking account. The district invoiced \$24K and collected \$23,483. The district stayed within the total budget, but some line items such as the watermaster's payroll and mileage went over and were paid from the contingency funds. However, office/field supplies were under, so we remained within the 2021 total approved budget. The outstanding accounts receivable total \$1,666, which is comprised of 10 water users, some are more than one year past due. The report is available for review. Dianna thanked Kristin for her collection efforts while in the field.

Proposed Budget: Presented by, Chairman, Wheatley and Treasurer, Dianna Burden: Please see the 2022 Resolutions. Total budget of \$28,000 with \$3,000 coming from the cash reserve, so the actual assessments will be calculated on \$25,000. Which is \$1,000 more than 2021's assessed budget. Kristin left her rate at \$20 and increased the hours to 800, as she used an addition 60 above the allotted 700 in the prior year. Ralph asked for comments or questions or motion to approve as presented in the Resolutions. Randy Morris asked if the CFS was an average or annual. Dianna explained that it will be a 5 year average as the measurements are recorded. But this year it was either on paper, usage as recorded or minimum fee. Steve Visosky said that the district can update the resolutions to be different from the 5 years, if they want to. Kirk Jackson made the motion to approved as presented and Randy Wheatley seconded. No one opposed. So, the 2022 budget passed.

Resolution Updates: Chairman Wheatley asked if everyone had a copy. Discussed that the changes were in yellow and gave everyone a few minutes to review them. Ralph asked for comments or questions or motion to approve the Resolutions as written. Kirk Jackson made a motion to approve as written. Steve East seconded the motion and no one opposed. So, the Resolutions passed as written.

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Election of the Watermaster: Chairman Wheatley opened the floor for nominations. Kirk Jackson nominated Kristin Evans. Robert Barnes seconded the motion. Chairman Wheatley asked for additional nominations and none were made. Randy Wheatly made a motion to cease nominations. No one opposed the nomination. So, Kristin Evans will be the watermaster.

Election of the Treasurer: Chairman Wheatley opened the floor for nominations. Kirk Jackson nominated Dianna Burden. JoDeana Dunn seconded the motion. Chairman Wheatley asked for additional nominations and none were made. Randy Wheatly made a motion to cease nominations. No one opposed the nomination. So, Dianna Burden will be the Treasurer.

Election of the Advisory Committee: Chairman Wheatley covered the 5 advisory positions. They are:

1 Small irrigation users

3 Large irrigation users

1 Municipal or non-irrigation user

Steve Visosky said that the Resolutions can be changed if the district would like different representation. Chairman Wheatley opened the floor for nominations.

Small irrigation users – Kristi Baldwin nominated Kathy Spiegel. Kirk Jackson seconded. No one opposed. So, Kathy Spiegel will be the small advisory committee member.

Municipal or non-irrigation user – Kirk Jackson nominated Tony Handcock from the City of Downey. Randy Wheatley seconded the nomination. No one opposed. So, Tony Handcock will be the municipal or non-irrigation user.

Large irrigation users – Chairman Wheatly said he would not accept a nomination as he is retiring. Randy Wheatly nominated Dale Lish. Cade Willoughby seconded the motion. No one opposed.

Dale Lish nominated Randy Wheatley. Kirk Jackson seconded the nomination. Randy Morris nominated Lynn Bastian. Steve East seconded the motion. The vote was 11 Randy Wheatly and 10 Lynn Bastian.

Randy Morris nominated Lynn Bastian. Cory Webster seconded the motion. No one opposed.

So, the large water users will be: **Dale Lish, Randy Wheatly and Lynn Bastian**. A new chairman will be elected at the next meeting.

Annual Meeting date - will remain the second Thursday in January as approved in the resolutions. January 12, 2023.

IDWR update - Chairman Wheatly turned the meeting over to Steve Visosky with IDWR: Steve thanked Chairman Wheatly, watermaster, treasurer and all the users for the past year. He said they took the SWC curtailment letter to the AG's office and the answer was 1st in time, 1st in right. He did say that Snake River initiated the call, but did not actually call. Steve prepared gave users a FAQ to assist Basin 29 with questions about curtailment, the supply bank, renting water and mitigation specific to Basin 29. He covered renting water from the supply bank, putting your water in the supply bank. He said the supply bank was formed to put the water to beneficial use not as a tool to make money.

Steve said that water would be delivered based on priority date and the website, that the watermaster, Kristin, will use will be updated daily. Steve confirmed that no water will be delivered 2022 if the meters are not in place. But you will be charged the minimum fee. Questions as to how that would take place? Steve replied that if locks were removed users would be fined by the day. So, please comply with the regulations and get your measuring devices installed.

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District 29H does not use as much water as it shows on paper, so it will be good when everyone is measured and we know how much water is being used.

Dale Lish explained that when the special committee, Dale Lish, Randy Wheatley and Jim Guthrie, Jr. met with SWC, they were not able to negotiate with them because they wanted money. They realized that a 29H curtailment would only supply them with 8 hours of water. The SWC consist of 7 groups that were formed some time ago and have attorneys on staff. Randy Wheatley explained that 29H will need to form a separate group of water companies to obtain legal counsel as the district funds cannot be used for that purpose.

Steve will double check with the AG's office and about legal representation and get back with Chairman Wheatley.

Watermaster Report: Kristin Evans, measured 326 diversions, verified there were 83, that should have measuring devices and did not have them installed as of October 2021. She prepared a report and IDWR mailed each of the 83 user's letters. 147 points of diversions are on extensions or approved variances (do not receive water) and these users will pay the minimum user fee.

Kristin explained that a futile call does not mean a water user does NOT need a measuring device or control works. The devices and control works should have already been in place and are required. Once Kristin verifies water is not being used, she sends notice to IDWR and put the user on the futile call list. Kristin discussed that some small users used up the majority of the budget by calling daily and asking her to drive out and about specific issues, specifically Walker Creek. Ralph asked if IDWR was going to continue to assist Kristin and if the district would be charged for these additional resources. Steve explained that additional resources have been used to assist the district while it was getting started. But resources are paid by tax dollars and they need to be spread equally across the State. So, if districts require additional IDWR resources they will be charged for the resources above the normal course of duties across the State. Steve stated that going forward no one will divert water without the required measuring device and control works and they will still assist with the enforcement.

Ralph thanked Steve for his continued support of the district and understanding of the difficult situations.

Cade Willoughby made a motion to adjourn. Cory Webster seconded the motion. No one opposed.

Meeting adjourned 9:00 pm.

Minutes recorded by: Dianna Burden