

**WATER DISTRICT 37**  
**APPROVED RESOLUTIONS 2023**

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 2023, a charge of \$100 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 by 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 or at the discretion of the treasurer, 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 instead be referred to a credit reporting agency after April 30 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.
4. BE IT RESOLVED that in accordance with Idaho Code §42-613(5) 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% of the total amount of water delivered through their system.
8. BE IT RESOLVED the 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 Sunny Healey shall be elected Watermaster of District 37 for the ensuing year beginning February 1, 2023, and ending January 31, 2024, and that she shall be authorized to hire a full-time staff.
10. BE IT RESOLVED that Brittany Gailey shall be elected Secretary-Treasurer, for District 37 for the ensuing year, beginning February 1, 2023, and ending January 31, 2024.
11. BE IT RESOLVED that the elected Treasurer of Water District 37 shall only disburse funds 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 2023 assessments shall be calculated over a five-year average, according to Idaho Code §42-612, paragraph 4 which reads as follows: The budget

shall show the aggregate amount to be collected from all the water users in the district, and the amount to be paid by each ditch, canal company, irrigation district or other water user. For the purpose of computing the respective amounts to be paid by each water user, the water delivered to the various ditches, canal companies, irrigation districts or other users during the past season or seasons, not exceeding five (5) seasons, shall be used as a basis.

12A. 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. BE IT RESOLVED that in order to ensure accurate data collection, but also control costs, groundwater diversions using meters will be recorded three times 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. BE IT RESOLVED that in accordance with Idaho Code §42-605(13), the water users of Water District 37 authorize the Watermaster to coordinate with Idaho Power Company and the Idaho Water Resource Board to develop and enter into a multi-year contract where the Water District provides an annual contribution to the operation and maintenance costs for cloud seeding. Provided, payment for cloud seeding under such contract is subject to annual approval by Water District 37. The contract may begin with the 2023-2024 cloud seeding season with payment due in 2024.

15. BE IT RESOLVED the North Side Canal Company (NSCC) owns water rights to sources in the Malad River Basin and the Snake River Basin; and Water District 37 has assessed NSCC for total water diverted at various rates in the past, including assessing at the same rate for all district water users for the total amount of water diverted through NSCC's points of diversion regardless of the original source of the water; and NSCC is assessed for all of its Snake River water diverted at Milner Dam by Water District 01; and in the past, only non-consumptive water users could request and received a reduced assessment rate as provide for in Idaho Code §42-605A; and in 2021, the Idaho Legislature amended I.C. §42-612 (4) to allow a water district to charge a fee instead of an assessment for water that is diverted by a right holder in one district, where that water is conveyed and rediverted from a waterway in a second water district. The water users of Water District 37 approve charging NSCC a fee instead of an assessment for water that is diverted from the Snake River and ultimately rediverted within Water District 37. As provided by the statute, the fee will be sufficient to pay for watermaster services including data collection, water measurement, conveyance of water and record keeping. The fee will be negotiated between NSCC and the Water District 37 advisory committee and ratified by the Water District members at the annual meeting. The Chair of the Water District 37 Advisory Committee is authorized to sign negotiated fee agreements. Water users that pay a fee and not an assessment will be eligible to vote at the annual water district meeting as set forth in section §42-605, Idaho Code, unless the water delivery organization or water user holds other water rights that are assessed by the water district and voting is based upon water diverted pursuant to those assessed water rights.