

**WATER DISTRICT NO. 29-0
BANNOCK CREEK DRAINAGE
2023 RESOLUTIONS**

The water users of Water District No. 29-O, as part of the annual district meeting held on March 1, 2023, at 6:00 P.M. at the Arbon Elementary School in Arbon, Idaho, **HEREBY ADOPT THE FOLLOWING RESOLUTIONS:**

1. DISTRICT CREATION AND BOUNDARIES

Water District 29-O, Bannock Creek Drainage, consists of the area and water rights as defined by the *Preliminary Order Creating Water District 29-O*, issued by the Idaho Department of Water Resources (IDWR) on November 25, 2013.

2. WATERMASTER DUTIES

The Watermaster shall perform his or her duties as stated in the *Preliminary Order Creating Water District 29-O* and as required by Chapter 6, Title 42, Idaho Code and in accordance with:

- a. Direction and guidance provided by the Director of IDWR;
- b. The annual water district resolutions adopted herein.

3. ELECTION OF WATERMASTER

It is herewith resolved that Richard Curry be elected as watermaster for Water District No.29-O for the ensuing year. It was decided that to keep budget costs down working systems will not require to be checked once per week.

4. RESOLUTION REGARDING WATERMASTER TERM OF SERVICE

As provided in Idaho Code § 42-608(4), the Water District 29-O watermaster's term of service shall begin upon appointment by the Director of IDWR immediately following the annual meeting election and continue until the next annual meeting, or until a successor is appointed and qualified under the provision of Section 42-604, Idaho Code.

5. BUDGET MATTERS

5a. 2023 BUDGET

It is herewith resolved that the 2023 operating budget for Water District No. 29-O be \$4,500, to include water master salary and related taxes (FICA, Workers Comp, Medicare), watermaster vehicle mileage, any book keeping and financial related services, and other miscellaneous watermaster and district operating expenses.

5b. ASSESSMENTS

- 1. It is herewith resolved that the adopted budget for Water District No. 29-O be collected from the water users by the Water District No. 29-O Watermaster as provided by Idaho Code § 42-618. The Watermaster will make an assessment to

each water right holder, except those holders of water rights meeting the criteria in item 3 below, in pro-rata amounts. All funds shall be deposited in a bank account maintained by the Water District. The Watermaster shall prepare annual assessments after the water users present at the annual meeting have formally adopted the budget.

2. Whereas Idaho Code Sections 42-612 and 42-615 require that proposed water district budgets and annual assessments to individual right holders be prorated based upon the amount of water delivered or used by individual right holders during the past season or seasons (not to exceed five seasons) and, whereas no records of water delivery were made in 2013 Water District 29-O; it is therefore resolved that Water District 29-O will estimate annual water use for all irrigation rights using the following formula:

Estimated seasonal use (total 24 hr-cfs) = Total authorized water right diversion rate (cfs) multiplied by 85 days per season. Except that for those diversions where the watermaster confirmed in 2023 that there was no water available those users shall be assessed the minimum fee.

3. Ground water rights that are used solely for domestic and stock water purposes or other small uses that are consistent with the use limits defined by Idaho Code Section 42-111 are excluded from WD29-O pursuant to IDWR's Preliminary Order Creating Water District 29-O and shall be exempt from any water district assessments. Additionally, ground water rights overlying the ESPA and water rights administered by the United States and/or Shoshone-Bannock Tribes pursuant to the *1990 Fort Hall Agreement* and the *Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin* dated August 2, 1995, are excluded from Water District 29-O.
4. Surface water rights that are used solely for domestic and stock water purposes or other small uses that are consistent with the use limits defined by Idaho Code Section 42-111 shall be exempt from any water district assessments.

5c. MINIMUM USER ASSESSMENTS'

It is herewith resolved that a minimum charge of \$50.00 per non-use water right owner shall be assessed. Non-use water right holder/s still requires one to two site visits per season. Non-use shall be defined as those water right holders who have not irrigated for three (5) connective years.

Water right holders that at present are not required to have a measuring device installed and/or those water right holders who have a measuring device but use a minimal amount of water but still require numerus visits a minimum fee of \$100.00 will be assessed.

Water right holders who have measuring devices in place and the volume of water used exceeds the \$100.00 minimum assessment; their fee will be assessed on a three year average of water use.

5d. FINAL ASSESSMENT DETERMINATION

It is herewith resolved that, in accordance with Idaho Code § 42-612 (5), the assessment amount for each user as shown in the 2023 adopted budget shall constitute a final determination of the amount due for 2023.

5e. DISTRICT PAYMENT TERMS

It is herewith resolved that the following payment terms be put into effect:

1. Assessments shall be payable within thirty (30) days of the billing date. The postmark date will be considered the date of payment. Accounts not paid within thirty (30) days shall be charged in accordance with Idaho Code § 42-613 which provides for a late fee of 10% of the amount due and interest of 1% per month.
2. The Watermaster is authorized pursuant to Idaho Code Section 42-618, to withhold or suspend deliveries of water to any water user who has not paid their assessment charges within 60 days of the billing date.

6. ELECTION OF A DISTRICT TREASURER

It is herewith resolved that Richard Curry be appointed as treasurer for Water District No. 29-O until a successor is elected and appointed. The duties of the treasurer will be to approve expenses and disburse water district funds, and to prepare or authorize a review of financial affairs of the district at the end of each fiscal year, in accordance with Idaho Code § 42-619. It is herewith resolved that a Water District 29O bank account and business savings account shall be maintained. The issuance of checks for any and all payments will be signed by appointed treasurer and co-signed by one (1) nominated and approved advisory committee member. The nomination and approval of an advisory committee member shall take place at the annual meeting.

6.(b). Advisory committee member nominated and approved at 2022 annual meeting.

Jason Williams

7. ADVISORY COMMITTEE

It is herewith resolved that an advisory committee shall be selected to provide input to the watermaster and the Director of IDWR. The advisory committee will meet as often as needed to address the structure, governance and operation of the district. Five water users shall comprise the advisory committee, which shall include two surface water right holders, two ground water right holders; and one user holding both surface and ground water rights. The advisory committee members for the ensuing year shall be the following (to be selected at the meeting):

Member #1: Vance Ward

Member #2: Jason Williams

Member #3: Ken Campbell

Member #4: David Lusk

Member #5: Hans Hayden

8. ANNUAL MEETING DATE

It is herewith resolved that the Annual Meeting for Water District 29-O shall be held on the First (1st) Wednesday of March of each year at a time and place to be determined each successive year unless the Director of IDWR should find it necessary to change the meeting date or unless changed by resolution of the district at any annual meeting. The next Annual Meeting will be held on a date in March of each year at a date to be announced at the Arbon school .

9. ANNUAL MEETING MINUTES AND REPORTS OF THE WATERMASTER AND WATER DISTRICT

- a. Copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and any report prepared in accordance with Idaho Code § 42-615, shall be filed with the director of the Department of Water Resources immediately after the annual meeting in accordance with Idaho Code § 42-617.
- b. The watermaster of Water District 29-O shall be responsible for submitting to IDWR annual reports and such other information that may be deemed necessary by the Director of IDWR in accordance with Idaho Code § 42-606, § 42-708, and § 42-709.

10. WATERMASTER ACCESS TO CONTROL STRUCTURES AND MEASURING DEVICES

Whereas watermaster access to control structures and measuring devices is essential for providing watermaster services and limiting expense, it is herewith resolved that all users shall provide for watermaster access where access to control structures and measuring devices is through a locked gate and other reasonable means of access are not available. The user shall, upon request by the watermaster, provide to the watermaster a key or combination to any such locks.

11. ENTRY ON LANDS BY WATERMASTER

It is herewith resolved that the watermaster and any watermaster assistants are authorized as employees of IDWR under Idaho Code § 42-1701(5) to make reasonable entry on lands within the district, in accordance with IDWR policy, to carry out the duties of the watermaster as instructed by IDWR. These duties include but are not limited to:

- a. Inventory of diversions in the district, including inspection of conveyance infrastructure and place of use of water.
- b. Measuring and recording rates of diversions, and regulating diversions as necessary from the surface water sources within the district.
- c. Monitoring the place, period, and nature of use of water to identify unauthorized diversion and use and/or to determine compliance required by any agreement or order of IDWR.