

**Garden Creek & Challis Creek  
Water District No. 72-A  
Annual Meeting Agenda**

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MAY 30 2018

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Monday, January 22, 2018  
Custer County Court House

CHAIRMAN – Call meeting to order at 7 pm

CHAIRMAN – Election of Chairman

CHAIRMAN – 2017 Annual Meeting Minutes; questions or comments

CHAIRMAN – 2017 Treasurer’s Report with Income & Expense; questions or comments

WATERMASTER REPORT – Review of 2017 irrigation season

CINDY YENTER – IDWR Report

STEVE BAUCHMAN – Highline Information

CHAIRMAN – Review and discuss, as necessary, Watermaster’s Proposed Budget;  
Determine, finalize and approve 2018 Adopted Budget.

CHAIRMAN – New Business:

Head gates/locking and proper measuring equipment

Open to Floor – Water right owner input/questions or any other issues.

CHAIRMAN – Election of Watermaster

CHAIRMAN – Election of Secretary/Treasurer

CHAIRMAN – Election of Advisory Committee

CHAIRMAN – Set date (January 28<sup>th</sup>), time (7 pm) and place (Custer County Court Room)  
for next year’s 2019 Annual Meeting.

Adjourn

# ANNUAL MEETING MINUTES

**WATER DISTRICT No.** 72-A Garden Creek & Challis Creek

**MEETING DATE:** Monday, January 22, 2018

**MEETING LOCATION:** Custer County Court House  
Challis, Idaho 83226

**MEETING SECRETARY NAME:** Cindy Philps

**MEETING LOCATION:** 25035 Highway 93 North  
Challis, Idaho 83226

The meeting was called to order at 7:015 p.m. by Chairman Corey Rice.

The floor was opened to nominations for the Chairman. Jeri D'Orazio moved to nominate Corey Rice as the Chairman. Motion was seconded by David Philps.

The 2017 Annual Meeting Minutes were approved as submitted. Steve Bauchman moved to accept the minutes. The motion was seconded by Ryan Hughes.

The 2017 treasures report with the accompanying income and expense breakdown were also provided to all water right owners. Watermaster wages are set at \$22 per hour and the ditch riders wages are set at \$15 per hour. Ted Strickler moved accept the treasures report. Seconded by Jeri D'Orazio.

The 2018 proposed budget was handed out to water users. Steve Bauchman discussed the highline expenses. Due to the high waters and fire debris that continues to impact the highline, continuous maintenance has been required to keep the highline functional. It was proposed to continue the maintenance yearly in hope that it will help keep the cost lower. Secretary Cindy Philps will look into the easements along the highline canal for maintenance. Bauchman proposed to have a slush fund of \$4,500 to be set aside in the general fund. The water district will bill for the entire budget of \$13,000 plus the additional \$4,500 for the slush fund. Moved Steve Bauchman moved to accept the proposed budget with the additional \$4,500 for the slush fund. The motion was seconded by Christopher James.

No Watermaster report was given as Watermaster Craig Winstead was unable to attend.

The Chairman opened nominations for the Watermaster. Rodger Braun said that he would like to be the Watermaster. Ryan Hughes nominated David Philps. The water users voted by secret ballot. David Philps was elected as the new Watermaster. All in favor. Motion passed.

The Chairman opened nominations for the secretary/treasurer. Ryan Hughes nominated Cindy Philps for the secretary/treasurer. Motion was seconded by Kim Robbins.

Steve Bauchman brought up the concern of some diversion not having the proper measuring devices. Cindy Yenter from Idaho Water Department said that if the district would give her a list on non-compliance measuring devices that she would assist the district in sending letters to the those users.

The Chairman opened nominations for the advisory board. Jeri D'Orazio made the motion to keep all those currently serving in the same positions except to replace Anthony Gammache with Josh Graham:

Garden Creek Representatives: Tim Kemery, Jeri D'Orazio and Alan Henderson

Challis Creek Representatives: Steve Bauchman, Josh Graham and Julian Piva

All in favor. Motion passed.

The next annual meeting will be held the 28<sup>th</sup> of January 2019 at 7 p.m. at the Custer County Courthouse.

Due to no further business the meeting Chairman Cory Rice adjourned the meeting at 7:55 p.m.

\*\*\*See attached for Water District 72-A resolutions. No new resolution for 2018.

**GARDEN CREEK & CHALLIS CREEK  
WATER DISTRICT No. 72-A**

**RECEIVED**

**MAR 16 2007**

**DEPT. OF WATER RESOURCES  
SOUTHERN REGION**

**RESOLUTIONS ADOPTED BY UNANIMOUS VOTE OF THE WATER USERS AT THE  
MARCH 6, 2007, ANNUAL MEETING:**

**RESOLUTION REGARDING DISTRICT BYLAWS**

The Idaho Department of Water Resources (IDWR) Watermaster Handbook and related Idaho Statutes (both as may be duly amended from time to time) and Resolutions as duly approved by the water right owners of the District shall serve as the Garden Creek & Challis Creek Water District No. 72-A Bylaws.

**RESOLUTION FOR ANNUAL BUDGET DETERMINATION**

As provided under Idaho Statute, Title 42-612(5) water users shall provide that the respective amounts owed by each water user as shown in the Adopted Budget shall constitute a final determination of the amount due for the year without the need to carry forward any water user debits or credits to the following year. The amounts shown on the Adopted budget shall be the amount indicted as owing in the Watermaster's Report for the preceding year. Should additional funds be determined by the water users in their Annual Meeting (or special meeting called for such purpose) to be required for any special and/or abnormal expenditure such shall be prorated (based upon the previous year's CFS charges) among the appropriate water users and added to the Adopted Budget for that respective billing season only.

**RESOLUTION REGARDING JOB DESCRIPTIONS FOR WATERMASTER AND  
SECRETARY/TREASURER**

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved the following shall serve as the respective job descriptions:

**WATERMASTER'S DUTIES**

Manage the Water District in accordance with IDWR guidelines serving on an annual basis

Coordinate with the Secretary/Treasurer in:

- > Preparation and maintenance of District budgets
- > Preparation and collection of assessments
- > Provide documentation for Treasurer's payment of duly incurred expenses

Hire, train and supervise Ditch Rider(s) and other employees of the District

Operate, maintain and/or supervise the operation of all office and field equipment utilized by the District

Analyze water measurement data and apply the data to make water delivery determinations in accordance with IDWR guidelines

Maintain a means compatible with IDWR that will provide for updating ownership records utilized by both the District and IDWR

Coordinate with IDWR to analyze spatial data including use of GIS for monitoring irrigated place of use, calculating area incorporating GPS data

Conduct water rights administration enforcement actions including:

- Distribute water to rights in accordance with IDWR direction using information provided by IDWR based upon decrees, partial decrees, Director's Reports, permits, licenses and transfers
- Curtail out-of-priority diversions determined by IDWR to be causing injury to senior water rights that are not covered by a stipulated agreement or mitigation plan approved by IDWR
- Curtail unauthorized or excessive diversions
  - ✓ Utilize a database compatible to IDWR including functional spatial interface to assist on the location and tracking of illegal diversions
  - ✓ Be capable of regulating water rights by both point of diversion and place of use
  - ✓ Be capable of assisting IDWR to issue and follow-up on Notices of Violation as required and following other curtailment provisions in accordance with instructions by IDWR
- Curtail diversions for which assessments have not been paid

Conduct District reporting in a format and medium approved by IDWR or in accordance with instructions from IDWR including:

- Quarterly reporting of usage in District to USWD
- An annual report showing:
  - ✓ Water usage of each user by diversion
  - ✓ Mitigation plans for ground water rights diverting out of priority
  - ✓ Expenses and budget for the District plus apportionment of expenditures among water right owners
  - ✓ Unauthorized and excessive diversions
  - ✓ Other information as deemed necessary by the Director of IDWR
- A proposed and adopted annual budget for the following year including an annual work plan
- Posting District information to the internet in coordination with IDWR

As an annual position be committed to the hours necessary to do the job realizing longer hours during the irrigation season will be necessary

Strive to maintain good working relationships with water users, Advisory Board, IDWR and other agencies

Maintain, operate and be able to be proficient in computer software and hardware that is compatible with IDWR systems

Communicate in writing and orally and, when necessary, coordinate periodic meetings with IDWR, Advisory Board members, water users and representatives of the federal government regarding management goals and progress of the District and implementation of the Wild & Scenic Rivers Agreement stipulations

Record and submit monthly to the Secretary/Treasurer an ongoing written log of hours worked (including a corresponding record of vehicle mileage incurred) with a brief description of work completed which shall be submitted annually (or upon request) to the Advisory Board and/or water right owners (upon written request); upon receipt of such acceptable record remuneration shall be calculated and paid accordingly by the Secretary/Treasurer

The Watermaster shall function as Contract Labor thus responsible for any and all employment and income taxes

#### SECRETARY/TREASURER'S DUTIES

Record and maintain a permanent record of the Minutes of the Annual Meeting and, if adopted, any Resolutions approved during such Meetings (a Certified Copy of said Minutes and, when adopted, Resolutions shall be forwarded to IDWR); and any and all special water right owners meetings and Advisory Board Meetings

Coordinate with the Watermaster to:

- Prepare and submit Adopted Budget
- Conduct a fair and equitable annual assessment billing
- Pay Sub-District obligations duly incurred

Comply with State Insurance Fund Workman's Comp requirements

Prepare an annual financial report in accordance with IDWR guidelines and provide for independent financial audits in accordance with minimum requirements of Section 67-450B

Maintain an ongoing log of hours worked (including a corresponding record of vehicle mileage incurred) with a brief

- description of work completed which shall be maintained on file for review by the Advisory Board (submitted the end of each irrigation season or upon request) and/or to any water right owners (upon written request)
- Retain the monthly work records of the Watermaster submitted with each month's flow records for review by the Advisory Board (submitted the end of each irrigation season or upon request) and/or the water right owners (upon written request)
- Maintain an amicable working relationship with IDWR via telephone, email, and/or in writing on an ongoing basis as dictated by necessity
- Work with water right owners via telephone, in writing, and, whenever possible, via email on an ongoing basis as dictated by necessity
- Prior to each year's Annual Meeting provide all water right owners with an Agenda, copy of the prior year's Annual Meeting Minutes, Treasurer's Report with Income and Expense Breakdown and anything else deemed appropriate for review prior to an upcoming Annual Meeting
- The Secretary/Treasurer shall function as Contract Labor thus responsible for any and all employment and income taxes; a 1099-MISC IRS filing shall be made annually by the Secretary/Treasurer for such Contract Labor remuneration (including that of the Watermaster and, when applicable, Ditch Rider) with respective copies provided as dictated by IRS filing requirements

#### **RESOLUTION OF OFFICER AUTHORITY**

Upon being duly elected by water right owner majority vote at their Annual Meeting the Secretary/Treasurer shall, until replaced by subsequent majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, have full authority to sign on behalf of the District including, but not limited to, the District bank account(s). The Chairman and Watermaster shall also have alternate signature authority for the District bank account(s).

#### **RESOLUTION COVERING UTILIZATION OF DITCH RIDERS/ASSISTANTS AND REMUNERATION OF WATERMASTER, DITCH RIDER/ASSISTANT & SECRETARY/TREASURER**

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved the Watermaster is authorized to utilize Ditch Rider(s)/Assistant(s) as deemed necessary in accordance with Idaho Statute 42-605(3). It is further resolved remuneration to each shall be \$15.00 (fifteen dollars) per hour confirmed by documentation of hours worked as dictated by job descriptions and mileage incurred in the execution of related duties and also documented in accordance with such related work shall be reimbursed in accordance with the then prevailing standard IRS mileage rate.

#### **RESOLUTION OF DISTRICT PAYMENT TERMS**

1. Annual Adopted Budget payment shall be payable on or before March 1<sup>st</sup>; any other billing within thirty (30) days following such billing; the postmark date will be considered the date of payment.
2. Starting April 1<sup>st</sup> (or 30 days after the date of any other billing) a \$10.00 Late Fee per month shall be assessed.
3. If not paid in full (partial payments shall not be acceptable) including Late Fee by April 1<sup>st</sup>, Treasurer shall so inform the Watermaster who shall immediately terminate water delivery to the water right owner who is in payment default.
4. Treasure must thereafter receive the original invoice amount, Late Fee(s) plus a \$25.00 Watermaster Service Fee before Treasurer shall advise the Watermaster who shall then again deliver the applicable right(s).
5. A returned or insufficient fund check shall require the Treasurer to so advise the Watermaster who shall immediately terminate the appropriate water delivery. All monies originally due plus applicable bank charges and any charges then resulting from unmet District payment terms must be paid in cash, cashier's check or money order before Treasurer shall so advise the Watermaster who shall then deliver the appropriate water right(s).

6. In the event payment in full is not received by the end of the then current irrigation season (or sooner if the Treasurer determines sale of the property and associated water right[s] is imminent), the Treasurer may, on behalf of the District, initiate legal action in Small Claims Court against the water right owner(s). Eventual recovery is to include costs incurred by such action as well as all other monies due.

Note: When a water delivery termination is imminent and there are others utilizing the same diversion that could be affected, those others affected shall, whenever possible, be advised of said delivery termination as soon as possible after the problem arises so they shall have the opportunity, if they so desire, to deal with the matter as they may deem appropriate before water delivery is reduced by the amount covered by the applicable right(s) being terminated.

#### **RESOLUTION REGARDING MINIMUM USER FEE**

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that the Minimum User Fee shall be \$50.00 in accordance with the maximum amount allowed by Idaho Statute.

#### **RESOLUTION REGARDING WATER RIGHT OWNERSHIP BY MULTIPLE PARTIES**

Any water right(s) owned by more than one individual (or married couple) shall declare a single individual (or married couple) who shall represent all other owner's interests and be the sole contact with the District on relevant District issues.

#### **RESOLUTION REGARDING PROXY VOTING & SUBORDINATED WATER RIGHT(S)**

1. In accordance with District Bylaws proxy votes shall not be allowed "except that in the absence of the owner a right may be voted by another person present who has the use of the right for the ensuing season, such as a tenant, lesser or contract purchaser".
2. In such case(s) or whenever a right is subordinated and/or "worked" by anyone other than the owner a form adopted and provided by the District shall be completed and returned to the Secretary/Treasurer to remain on file throughout the term stating with whom such agreement exists, whether such voting right is granted, and/or granting authority to represent the water right owner on any other water issues that may arise during the irrigation season or balance of the agreement term.
3. If this completed form is not provided by the applicant after written request and a reasonable period of time as determined by the Secretary/Treasurer, the Secretary/Treasurer may request that the Watermaster terminate water delivery until such compliance. Should this become necessary the Watermaster Service Fee and/or any other related expenses to continue water delivery shall be borne by the water right owner and be payable before water delivery is continued.

#### **RESOLUTION OF ANNUAL MEETING DATE**

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that the 72-A Annual Meeting shall be the fourth (4<sup>th</sup>) Monday in January on a date, time and place to be determined at the Annual Meeting each successive year.

## **RESOLUTION OF OFFICER'S ELECTION**

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that District Officers shall be elected at the end of each Annual Meeting allowing incumbents to conduct the entire meeting and Agenda business prior to any potential change(s).

## **RESOLUTION REGARDING SPECIALIZED EXPENDITURES**

It is herewith resolved that any canal, lateral ditch and/or other means of water conveyance downstream from any IDWR approved District POD (Point of Diversion) will be the sole responsibility of those utilizing such canal, lateral ditch or such other means of conveyance. Should funds in the District treasury be approved by the water right owners of the District in any Annual Meeting to be utilized to pay for anything benefiting such select users, the Secretary/Treasurer shall invoice those select users proportionately and the District treasury reimbursed accordingly by those having benefited.

**Garden Creek & Challis Creek  
Water District 72-A  
Adopted Resolution**

**Shared Lateral Administration Resolution**

**Be it resolved on all diversions with multiple users, pipelines and ditches, said water right holders shall designate a representative that will represent all water right holders on the said diversion. The representative shall be the point of contact between the Watermaster and water users on the shared diversion. The representative shall be responsible for ordering water and delivery of water beyond the diversion. The representative shall also notifying users of water cuts.**

**2018 Adopted Budget Expense Breakdown  
Water District 72-A  
Garden Creek & Challis Creek**

**Remuneration:**

\$ 1,500.00	Secretary/Treasurer Compensation
4,500.00	Watermaster's Compensation
3,500.00	Ditch Rider's Compensation

**Pro Rata Expenses:**

2,000.00	Mileage Expense
600.00	State Insurance Fund (Workmans Comp)
350.00	Post Office Box & Postage
200.00	Telephone, Office Supplies & Misc.
250.00	Copy Charges
100.00	Watermaster/Ditch Rider Supplies

<u>\$ 13,000.00</u>	<u><b>Total Proposed Expenditures</b></u>
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<u>\$ 3,500.00</u>	<u><b>Highline Proposed Expenditures</b></u>
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<u>\$ 4,500.00</u>	<u><b>Slush Fund</b></u>
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