

Annual Water District Meeting Checklist

Per Idaho Code Title 42 Chapter 6 (Distribution of Water among Appropriators), annual water district meetings must include (at a minimum) the actions listed below.

IDWR wants to ensure each water district is meeting these minimum standards. Please return this completed checklist to the appropriate IDWR regional office with the annual meeting minutes (this list does not replace meeting minutes) *or* ensure that all of these actions are clearly addressed in the meeting minutes.

Water District Number and Name:

650

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MAR 15 2019

WATER RESOURCES
WESTERN REGION

Meeting Date:

March 4, 2019

- ☒ Election of meeting chairman and secretary
- ☐ Election of water district watermaster - *working on it.*
- ☐ Election of water district assistant watermaster(s) (optional)
- ☒ Election of water district secretary/treasurer (optional)
- ☒ Approval of adopted budget
- ☒ Next year's meeting date, location, and time

By signing below I verify that all required actions have been addressed at the water district annual meeting

Completed by:

Linda B. Duman

Water District Representative

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The Annual Meeting of Dist. 65-D was held on March 4, 2019 at 10 a.m. at the Donnelly Bible Church.

User's present – Isaac Babcock; Harry Bettis; John, George, and Linda Duncan; Vicki Eld; Paul and Gretel Kleint; Stephanie Nelson; William Nikkel; Robert and Rochelle Oxarango; Tom and Sketer Shaw; Bill Willey.

1. The minutes of 2018 were read. Stephanie moved and Vicki seconded to approve the minutes as read. Passed
2. Treasurer's report was \$721.80 in the checking account. Outstanding bills: Peter Allen-\$20; Michelle Anchustegui-\$130; Ardys Curtis-\$30; Patrick Harren-\$10; John Hoffman-\$40; Andrew Lausen-\$50; John Russel-\$10; Yensen-\$20. Robert moved and Isaac seconded to accept this report. Passed
3. Vicki moved and George seconded to have next year's meeting on the first Monday of March at 10 a.m. at the Donnelly Bible Church. Passed
4. Paul moved and Stephanie seconded to continue 65-D's membership with the Idaho Water Users Association at \$50. Passed
5. Paul moved and Bill seconded to have the advisory board of – Isaac Babcock, David Carey, and George Duncan. Passed
6. Stephanie moved and Bill seconded to have **David Carey – Chairman**, \$100. Passed
7. Robert moved and Harry seconded to have **Linda Duncan – Sec.-Treas.**, \$300 plus \$150 for office supplies. Passed
8. Stephanie moved and Vicki seconded that the following resolutions be continued:
 - *"Resolved, that no Ditch, Canal Co. or other Water User shall have the right to demand and receive water and the Watermaster shall not deliver water to such user, until the amount due and payable from such user, as set by the budget, has been paid."*
 - *"Resolved, that no water will be delivered to party or parties that the Watermaster deems responsible for the maintenance of a weir or measuring device until the weir or measuring device is repaired/replaced to the Watermaster's satisfaction."*
 - *"Resolved, that new developments leave an easement for companies and districts to be able to clean and maintain the ditch/canal and to have access for the ditch rider: accessible, unlocked gates a minimum of 12' and as in accordance with Idaho Code Ch. 11 – Rights of Way."*
 - *The attached letter (Idaho Codes § 42-1201; § 42-1202; § 42-1204; § 42-1209; § 43-304; § 43-327) written by Dana Hostetter (water lawyer) as resolutions.*
9. Bill moved and Paul seconded to adopt the budget of \$6,736.02; Watermaster -- \$52.50 per day, and \$300 for motorcycle. Watermaster yet to be determined. Passed
10. Vicki moved and Harry seconded that the meeting be adjourned. Passed

Linda B. Duncan
Secretary

March 6, 2019

Dear Water District 65-D Water Users and Landowners with irrigation ditches/canals right of ways through properties,

A number of questions have arisen recently regarding the respective rights and responsibilities of Water District 65-D, water users and landowners. This letter intends to summarize Idaho Law, on the subject, in an effort to answer these questions.

In accordance with applicable water rights, Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner has the duty to deliver water to its users using its system of canals and ditches. *Idaho Code § 42-1201*. The district's/company's responsibilities end at the head gates from its canals and ditches where water is delivered to the water user's laterals and ditches. *Idaho Code § 42-1202*. Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner has the right to clean, repair and maintain its canals and ditches and other delivery works in order to deliver water efficiently to its water users. *Idaho Code § 42-1204*. Water District 65-D's, Boulder Irrigation Company's, Roseberry Irrigation District's, or other ditch owner's, employees and agents, including the ditch rider and Watermaster, have the authority to enter properties at any time without notice to maintain facilities and to regulate and distribute water. *Idaho Code § 42-1204*. Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner can remove any encroachment to water delivery at the expense of the encroaching party and without permission that "unreasonably interferes with its use of the ditch or canal." *Idaho Code § 42-1209; Pioneer Irrigation District v. City of Caldwell, 153,288 P.3d 810(2012)*.

Under the policies and rules of Water District 65-D, Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner, water users are required to order the water they expect to need at least **48 hours** in advance and cannot take any that they have not ordered. *Idaho Code § 43-304*. Water users also must clean and maintain the ditches below the delivery head gate, take out, or point of diversion that serve their own properties to ensure good water flow. It is important to keep in mind that just because a ditch runs through property, that property is not necessarily entitled to Water District 65-D water. If there are any questions about whether Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner delivers water to a certain property, please contact Water District 65-D Secretary, Linda Duncan. Of course, if assessments are not timely paid to the County, Water District 65-D, by law, may discontinue water deliveries. *Idaho Code § 43-327*.

No property owner or user shall place any obstruction on the ditch/canal banks, including private roads, utilities, fences, gates, pipelines, structures, or other construction or placement of objects, without written permission of the owner (Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner). Obstructions of any kind placed on ditch/canal banks without written permission from ditch's/canal's owner, shall be removed at the expense of the person or entity causing or permitting such encroachments, upon the request of the ditch/canal owner. *Idaho Code § 42-1102*.

We hope this information is helpful and avoids any future misunderstandings about the respective legal rights and obligations applicable to Boulder Irrigation Company's, Roseberry Irrigation District's, or other ditch owner's in Water District 65-D facilities and its delivery water. If you have any further questions, please do not hesitate to contact us. Thank You.

Sincerely,