

RECEIVED 3/2/2015
AT Annual Meeting

The Annual Meeting of Dist. 65-D was held on March 2, 2015 at 10 a.m. at the Donnelly Bible Church.

Users present – Harry Bettis and daughter Laura, David Carey and Steve McCarley, Vicky Eld, Stephanie Johnson, Daniel Jones, Paul and Gretel Kleint, Rick Morrison, Lyle and Kathy Points, Tom and Skeeter Shaw, Dave Splan, John, George, and Linda Duncan. Others -- Jerry Greenland (Water Master), Sonnie Hornbacker (Dept. of Water Resources).

1. The minutes of 2014 were read and approved.
2. Treasurer's report was \$456.71 in the checking account. Outstanding bills: Peter Allen-\$10; Michelle Anchustegui-\$90; Dwayne Curtis-\$20; Richard Cussler-\$10; Andrew Lausen \$10; Myron and Susan McCumber-\$60; Steve Wright-\$20. Lyle moved and Daniel seconded to accept this report. Passed.
3. Daniel moved and Lyle seconded to have next year's meeting on the first Monday of March at 10 a.m. at the Donnelly Bible Church. Passed.
4. Vicky moved and Harry seconded to continue 65D's membership in the Idaho Water Users Association at \$50. Passed.
5. Lyle moved and Harry seconded to change the advisory board to-- George Duncan, David Carey, and Stephanie Johnson. Passed.
6. Daniel moved and Harry seconded to continue with George Duncan -- Chairman, \$100; Linda Duncan--Sec.-Treas., \$300 plus \$150 for office supplies. Passed.
7. Harry moved and Lyle seconded that the following resolution be continued. "Resolved, that no ditch, canal Co. or other water user shall have the right to demand and receive water and the Water Master shall not deliver water to such user, until the amount due and payable from such user, as set by the budget, has been paid." Passed.
8. Lyle moved and Daniel seconded to adopt the budget of \$5994.93 and hire Jerry Greenland as Water Master -- \$52.50 per day and \$300 for motorcycle. Passed.
9. Daniel moved and Harry seconded to continue the resolution: "Resolved, that no water will be delivered to party or parties that the Water Master deems responsible for the maintenance of a weir or measuring device until the weir or measuring device is repaired/replaced to the Water Master's satisfaction." Passed.
10. Lyle moved and Harry seconded to continue the resolution: "Resolved, that new developments leave an easement for companies and districts to be able to clean and maintain the ditch 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." Passed.
11. Daniel moved and Harry seconded to accept letter (Idaho Codes 42-1201; 42-1202; 42-1204; 42-1209; 43-304; 43-327) written by Dana Hostetter (water lawyer) as new resolutions. Passed.

March 2, 2015

Dear Water District 65-D Water Users and Landowners with irrigation ditches/canals rights 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, Water District 65-D has the duty to deliver water to its users using its system of canals and ditches. *Idaho Code* §42-1201. The district's responsibilities end at the head gates from its canals and ditches where water is delivered to the water users laterals and ditches. *Idaho Code* §42-1202. Water District 65-D 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 employees and agents, including the ditch rider and water master, have the authority to enter properties at any time without notice to maintain facilities and to regulate and distribute water. *Idaho Code* §42-1204. Water District 65-D 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, 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 Water District 65-D 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.

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

Sincerely,

George Duncan: 208-634-5387

12. Stephanie moved and Lyle seconded that the meeting be adjourned. Passed.

Linda B. Duncan
Secretary