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DEPT OF WATER RESOURCES
SOUTHERN REGION

Agenda
ANNUAL MEETING of WATER DISTRICT 36A

Tuesday, January 20, 2015
1:00 PM, Legion Hall, Hagerman, Idaho

1. Call to Order
2. Welcome and Introductions
3. Election of Chairman and 2015 Advisory Board Members
4. Approval of Minutes of the 2014 WD 36A Annual Meeting
5. Approval of 2015 Budget
6. Adoption of 2015 Resolutions
7. Water Master's Report & Goals for 2015
8. District News and Updates
9. Adjourn

2014 Water Master, Secretary/Treasurer, Chairman and Advisory Board Members:

Frank Erwin
Linda Lemmon

Water Master
Secretary/Treasurer

Gary Lemmon (Big Springs Water Users Assoc.)
Bud Huntley (Big Bend Irrigation & Mining Co.)
Billy McCarthy (Hunt Ditch, Buckeye Farms Inc.)
John Mavencamp (Brailsford Ditch)
Howard Morris (Hoagland Tunnel Ditch)
Dennis Newman (IDFG)
Dan Yore (Buckeye Ditch)

Chairman
Board Member
Board Member
Board Member
Board Member
Board Member
Board Member

Water District 36A – Annual Meeting

January 20, 2015

American Legion Hall, Hagerman, ID

- (1 & 2) Gary Lemmon, 2014 Advisory Board Chairman, opened the meeting at 1:00 pm and introduced the current Advisory Board members in attendance, Water Master Frank Erwin, Secretary/Treasurer Linda Lemmon, and Water District 130 Water Master Cindy Yenter.

Handouts available at the sign in sheet included: Agenda for today's meeting, Minutes from the January 21, 2014 Annual Meeting, Minutes from the December 4, 2014 Advisory Board meeting, the 2014 Treasurer's Report and Proposed 2015 Water District Budget, and the proposed 2015 Resolutions. Twenty three people were in attendance representing 19 of the 65 diversions in the District.

(3) Election of Meeting Chairman

Frank Erwin led the election of the Meeting Chairman to run today's annual meeting. *A motion was made by Bill Jones and seconded by Bud Huntley that Gary Lemmon be elected as Chairman to run today's meeting.* No other nominations were made. *Motion carried by voice vote with none opposed.*

Election of Water District 36A Advisory Board for FY 2015

Gary Lemmon asked for nominations from the floor. *Bud Huntley moved that Gary Lemmon, Bud Huntley, Billy McCarthy, John Mavencamp, Howard Morris, Dennis Newman and Dan Yore be reelected to the Advisory Board for fiscal year 2015. David Cropper seconded the motion.* No other nominations were offered and the nominations were closed. *Motion passed by voice vote, with none opposed.*

2015 Advisory Board Members are: *Bud Huntley, Big Bend Irrigation & Mining Co.
Gary Lemmon, Big Springs Water Users Assoc.
John Mavencamp, Brailsford Ditch
Howard Morris, Hoagland Tunnel
Billy McCarthy, Buckeye Farms (Curren Ditch, Hunt Ditch)
Dennis Newman, Idaho Fish & Game
Dan Yore, Buckeye Ditch*

(4) Approval of FY 2014 Annual Meeting Minutes

A motion was made by Bud Huntley and seconded by John Mavencamp to approve the minutes from the January 12, 2014 Annual Meeting as written and presented. Motion carried by voice vote, with none opposed.

(5) Presentation of the 2014 Treasurer's Report and Adoption of Proposed 2015 Budget

Frank Erwin reviewed the handout titled *Water District 36A Budget Summary (as of 12/31/14)* which included both the 2014 Treasurer's Report (adopted and actual budgets) and the 2015 Proposed Budget. The column on the left (adopted) and center (actual) represent the 2014 Treasurer's Report. The beginning balance on January 1, 2014 was \$ 1,270.78. Assessments collected in 2014 totaled \$6,678.00 and expenses totaled \$ 7,702.66, leaving an ending balance on December 31, 2014 of \$246.12 which carried over to 2015. Frank Erwin was subpoenaed to attend and give testimony at 7 mitigation hearings and depositions during 2014. At their December meeting, the Advisory Board authorized Frank to submit a voucher for mileage reimbursement to attend those events. That amount (\$ 414.52) was listed as Mileage on the 2014 Treasurer's Report.

Using the same handout, Frank reviewed the proposed 2015 Budget for the District (column on right) which included an assessment rate of \$ 0.45/24-hr second ft that had been discussed at and recommended by the Advisory Board at their meeting on December 4, 2014. One of Frank's concerns with that he no longer believed that the budget he originally proposed in December, which left \$ 374.47 in the contingency category for unexpected expenses, would be sufficient to cover mileage to appear at mitigation and water right hearings in 2015. Frank did not propose an increase in his salary to cover the additional hours to prepare for and appear at hearings. Frank also expressed concerns that as springs continue to drop and less water is available to divert, the annual assessment rate per cfs diverted will have to be increased to cover basic expenses. Frank answered the question "Why aren't assessments calculated by the amount of water listed on the water right?" by reminding everyone that Idaho Code requires that assessments be based on the amount diverted. He also emphasized the need for correct flow monitoring and reporting so that water users are not under or over charged, and recommended that any remaining diversions still using PCCs install meters for accuracy.

A motion to raise the assessment rate in 2015 to \$ 0.50/cfs and accept the associated budget proposed with that assessment rate was made by Bud Huntley and seconded by Ray Easterday. Motion passed unanimously by voice vote.

(6) Adoption of 2015 Resolutions

Gary Lemmon reviewed the handout titled *Water District 36A - Proposed Resolutions for 2015* which described the rules under which the District operates annually. The ten proposed resolutions were essentially the same as last year – only the years were updated. The resolutions included one naming Frank Erwin as Water Master for 2015 and one naming Linda Lemmon as Secretary/Treasurer for 2015.

Gary explained that our current resolutions did not contemplate how to cover administrative costs associated with new diversions arising from mitigation water plans. Diversions are currently calculated on the amount of water diverted in the immediate past year and mitigation water delivered into the district wouldn't have a history on which to base the assessment. Using the Rangen mitigation plan as an example, water will be delivered to Rangen and will need to be certified by the Water Master that (a) the amount ordered is actually being delivered at the point of use (not simply from the point of diversion from the spring) and that it can be distinguished from the amount already in the spring and (b) that taps from the main pipe to other water users are being measured correctly. Thus, Frank prepared two additional resolutions addressing how to administer and assess diversions that originated outside the District but would deliver water within the District boundaries.

Proposed Resolution #11 read: *"BE IT RESOLVED, that for FY 2015, a mitigation water right will be assessed at a rate of \$50 at each point of delivery, and will be payable by the water right owner. Thereafter, assessments for mitigation water rights will be based on the actual costs for administration recommended by the Water Master and approved by the Water District 36A Advisory Committee."*

Discussion on #11: Cindy Yenter commented (a) that assessments are approved by the membership not the Advisory Board, (b) using the Rangen example, water will be diverted from the spring located in WD130 and, according to current state law, was subject to an assessment at the point of diversion from the spring in WD130, not in WD36A (c) Rangen would pay the assessment on the total water they received, and (d) there was no state authorization for any other assessment category. Gary disagreed, saying that once the water was diverted from the spring it was in a mitigation delivery system, not in a natural water course, and that Rangen would be receiving water given to it by the mitigation plan, not diverting it itself. Therefore, he argued that the point of delivery would have to be monitored within the District and that WD36A needed a way to recover those additional administrative costs. Cindy suggested consulting with the IDWR legal counsel, and that it may take a change to the current water district assessment statute to create an exception to the assessment rules

since the statute did not contemplate additional administration associated with mitigation or replacement water plans. It was suggested that it was probably too late in the 2015 legislative session to propose changes to the statute, but that the Advisory Board might be the group that should consult with IDWR looking forward to 2016. WD36A is relatively small compared to other water districts ; thus, the financial burden placed on water users within the District to cover administrative costs associated with new mitigation plans will escalate as the spring flows decrease and the number of replacement plans increase.

Proposed Resolution #12 read: "*BE IT RESOLVED, that for all mitigation and replacement water rights entering administered within the boundary of Water District 36A, or for any other reason deemed necessary, the Water District 36A Water Master shall require lockable and controllable structures at all points of delivery and measuring devices approved by both the Water District 36A Water Master and IDWR. Costs for structures and devices shall be paid by the owner of the water right being used for mitigation.*"

Discussion on #12: Wording changes were suggested as noted above.

David Cropper moved and Kathie McKenzie seconded that the 2015 proposed resolutions #1-10 be adopted as written. There was no further discussion. ***Motion passed by voice vote, with one opposing vote.***

Kathie McKenzie moved and John Mavencamp seconded that resolutions #1-10 be adopted as written and that proposed resolution #12 be adopted as rewritten and renumbered as resolution #11. There was no further discussion. ***Motion passed by voice vote, with none opposed.***

(7) Water Master's Report & Goals for 2015

Frank reminded everyone to make sure they were measuring flows accurately and reporting all requested information on the annual report forms, including specific information on pumps such as the serial numbers, etc. Totalizing meters are to be recorded at the beginning and end of the year, as well as monthly throughout the year. Anyone wanting blank forms to use for recording measurements should contact Frank or Linda. New meters have been installed on some systems that will be operational prior to this irrigation system. Frank also cautioned people who are contemplating delivery calls that negotiating a permanent subordination can negatively affect the value to the property in the future.

(8) Additional News & Updates

Idaho Water Users Association (IWUA) will be hosting Ditch Rider workshops and Irrigator Application Certification workshops in February. IDWR is again reminding people to file a change of address notice. Forms are available at:
https://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/CHANGE_IN_ADDRESS.pdf
and there is no cost to file. Linda also explained that Idaho will receive funding for the new RCPP program which replaced the AWEP program. RCPP will partially fund upgrades to spring user delivery systems to recover losses. Contact Steve Thompson for application forms.

Meeting adjourned at 2:10 pm.

Minutes recorded by



Linda Lemmon, Secretary

Minutes certified for submission to IDWR by



Gary Lemmon, Meeting Chairman

Attachments: 2015 Adopted Budget
2015 Adopted Resolutions