

ANNUAL MEETING MINUTES  
WATER DISTRICT 72D, EAST FORK AREA  
MONDAY MARCH 21, 2016, 7:00 PM  
CLAYTON COMMUNITY CENTER

**RECEIVED**  
**APR 22 2016**  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

The meeting was called to order at approximately 7:10 pm by Wayne Baker. In attendance were water users Jr and Lura Baker, Doug and Cheryl Baker, Ron Vernin, Colleen Coyne, Aaron Saathoff, Tom McGowan, Gary Ingram, Howard Cutler, Patty Maloney, Wayne and Melodie Baker, Watermaster Brent Cutler and Water District 170 Watermaster Cindy Yenter.

Wayne Baker was unanimously selected as meeting chairman. Cindy Yenter offered to act as meeting secretary.

Melodie Baker read the 2015 minutes. A question was asked if Thompson Creek mine had named a representative to their advisory committee seat; they have not. There being no other questions regarding the minutes, Howard Cutler made a motion that the minutes be approved. Lura Baker seconded and motion passed on a voice vote.

Wayne asked Cindy if there had been any changes in Water District 170. Other than Cindy taking over as Watermaster, there were no changes in 2015.

The Advisory Committee will remain the same for 2016. Thompson Creek Mine will need to be contacted so they may identify their representative for that seat.

The district minimum charge (presently \$50) was discussed. Cindy noted that total diversions are being divided among individual water users and each user is receiving a separate assessment, as opposed one assessment charged against an entire ditch. Consequently many water users are paying the minimum charge. This has the effect of subsidizing the larger users. The minimum could be reduced to create a more realistic distribution of charges.

Questions were asked about the extra visits Brent made last year to check fish screens, and if IDFG was charged for those trips. Brent provided details of the incidents. Cindy was advised by Tim Luke and legal staff that the charges had to be rescinded last year, but if a resolution was passed which authorized the district to levy charges for extra watermaster trips, that would provide a basis for future charges.

Cindy drafted resolution language addressing unnecessary watermaster calls, and this was discussed. Some were concerned about the possibility of legal action against the district. After additional discussion, the resolution was finalized. Doug motioned, Tom seconded to add the resolution. Motion carried on a voice vote.

Mel reported that all the funds were paid out and there is no carryover this year. Cindy and Mel presented the budget. Cindy had added a contingency amount and Mel suggested that it be increased. Contingency was increased to \$1500 for a total budget of \$11,898, all of which

must be collected. Howard made the motion to adopt the modified budget of \$11,898. Gary seconded, motion carried on voice vote.

There was additional discussion on minimum charges and vote by shares. Cindy and Mel are not ready with 5-yr assessment averages this year to conduct vote by shares, but the district will be ready next year. Mel feels that minimum charges of \$50 are dangerous due to small users or non-users having too much voting weight. Cindy explained how minimum charges are applied and the assessments calculated. Members decided to keep the minimum charge the same for now but revisit the issue next year.

Discussion moved to resolutions. Cindy proposed adding resolutions relating to Fiscal Year, Watermaster and Treasurer Compensation. Watermaster will now be considered a contract employee, paid by the hour but responsible for his own withholdings. District is still responsible for workers comp. This will save the District costs of some payroll hours. Watermaster is agreeable to these terms. Lura motioned to accept the three new resolutions, Jr seconded, and motioned carried on a voice vote.

Mel requested that language be added to District Payment Terms resolutions requiring that all assessments must be paid in US Funds. Doug motioned, Ron seconded, and motion carried on a voice vote.

Brent gave a brief watermaster report. There are still measurement compliance issues that need to be addressed in the coming year for both surface and ground water diversions. Brent has estimated flows for un-measured diversions and he estimates high, or at the water right maximum. Cindy will send out the compliance letters.

Aaron motioned that Brent and Melodie be retained as Watermaster and Secretary/Treasurer. Ron seconded, and the motion carried unanimously.

Mel reminded everyone to get water right addresses changed as HC addresses are changed over to grid addresses. There is no charge for address changes but they require an owner signature. Mel can scan and email any change requests directly to Cindy.

A question was asked if the recently decreed late claims have been added to Brent's delivery lists. Cindy will have to check.

There being no other business, Howard made a motion to adjourn. Doug seconded. Meeting was adjourned at approximately 8:20 pm.

Respectfully submitted,

Cindy Yenter

# TREASURER'S REPORT

## 2015 Financial Report

### Sub-District 72D

Fiscal Year Start Date: 3/1/2015  
 Fiscal Year End Date: 2/29/2016

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Starting Balance	\$971.34
Ending Balance	\$1,800.13
Unpaid Expenses	\$182.76
Carryover	\$1,617.37

### Income

Total Budget Adopted	\$9,200.00
Amount to be Collected	\$8,648.40
Total Budget Collected	\$8,597.50
Other income (late fees, interest, etc.)	\$93.50
Total Income	\$8,691.00

### Expenses

(Including all expenses incurred during this period, even if they have not yet been paid)

Watermaster Salary	\$3,638.58	
Watermaster Mileage	\$1,892.70	3349.9 Miles@ \$0.575 /mile
Treasurer Salary	\$1,362.00	
Salary Expenses (FICA, Medicare, SS, WC)	\$926.48	
Other Expenses (PO Box, Supplies)	\$225.21	
Total Expenses	\$8,044.97	

Starting Balance	\$971.34
+ Income	\$8,691.00
- Expenses	\$8,044.97
- Ending Balance	\$1,617.37
Balance (will equal 0 if all values are correct)	\$0.00

10:36 AM  
03/08/16  
Cash Basis

**SUB-DISTRICT NO. 72D**  
**Profit & Loss**  
March 2015 through February 2016

	<u>Mar '15 - Feb 16</u>
<b>Ordinary Income/Expense</b>	
Income	
FOREIGN CHECK DEPOSIT FEE	10.00
INTEREST INCOME	
SAVINGS 6788	1.30
<b>Total INTEREST INCOME</b>	<u>1.30</u>
Late Fee	65.30
WATER USER'S FINANCE CHARGE	16.90
Water User Yearly Assessment	8,597.50
<b>Total Income</b>	<u>8,691.00</u>
<b>Gross Profit</b>	8,691.00
Expense	
Bank Service Charges	
MONTHLY SERVICE FEE	-6.00
Bank Service Charges - Other	29.50
<b>Total Bank Service Charges</b>	<u>23.50</u>
CONTRACT LABOR-TREASURER	1,362.00
Office Supplies	201.71
Payroll Expenses	6,157.76
WORKMAN'S COMP	300.00
<b>Total Expense</b>	<u>8,044.97</u>
<b>Net Ordinary Income</b>	<u>646.03</u>
<b>Net Income</b>	<u><u>646.03</u></u>

**WATER DISTRICT 72D  
ADOPTED BUDGET 2016**

Date: March 21, 2016

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***Proposed Expenses***

Watermaster Wages	\$5,000.00
(250 hours @ \$20/hr)	
Secretary/Treasurer Wages	\$2,000.00
(\$20/hr not to exceed 100 hours)	
FICA/Medicare/Workers Comp	\$1,000.00
(est 7.65% of wages + \$350 WC)	
Vehicle Mileage	\$1,998.00
(3700 miles @ 0.54 / mile)	
Supplies / misc	\$400.00
Contingency	\$1,500.00

**TOTAL PROPOSED BUDGET** **\$11,898.00**

Carryover **\$0.00**

***TOTAL AMOUNT TO COLLECT*** **\$11,898.00**

***Budget Apportionment***

Total 2015 Delivery (24-hr cfs)	22,272.7
Assessment Cost Factor (per 24-hr cfs)	0.53
Minimum Charge	\$50.00

**DISTRICT 72D  
CLAYTON AREA SUB-DISTRICT**

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**PREVIOUSLY ADOPTED RESOLUTIONS WILL REMAIN IN EFFECT UNTIL  
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MAJORITY VOTE OF THE WATER RIGHT OWNERS IN THEIR ANNUAL  
MEETING OR SPECIAL MEETING CALLED FOR SUCH PURPOSE**

**ANNUAL MEETING DATE**

**Adopted 2014**

It is resolved that the Annual Meeting for Sub-Water district 72-D shall be the third (3rd) Monday in March at a time and place to be determined each successive year.

**WATERMASTER TERM OF SERVICE**

**Adopted 2010**

It is resolved that the Sub-district 72D watermaster's term of service shall begin upon annual meeting election and continue until the next annual meeting.

**WATERMASTER ACCESS TO CONTROL STRUCTURES AND  
MEASURING DEVICES**

**Adopted 2010**

Recognizing that watermaster access to control structures and measuring devices is essential for providing watermaster services and limiting expense, 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 or deputy watermaster a key or combination to any such locks.

**RESOLUTION TO COLLECT BUDGET**

**Adopted 2010**

It is resolved that the adopted budget for Sub-district No. 72D be collected from the water users by the Sub-district No. 72D Watermaster as provided by Idaho Code § 42-618. The Watermaster will make an assessment to each water user in pro-rata amounts as determined by the budget which is formally adopted at the annual meeting. All funds shall be deposited in a separate bank account maintained by the sub-district.

**DISTRICT PAYMENT TERMS**

**Adopted 2016**

It is 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 § 42-617 which provides for a late fee of 10% of the amount due and interest of 1% per month for each month.
2. All assessments shall be paid in United States funds.
3. The Watermaster will terminate water delivery to any water user whose assessments are not paid in full within sixty (60) days of the billing date and will not resume delivery until that user's amount due is paid in full.

**FINAL ASSESSMENT DETERMINATION**

**Adopted 2013**

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

## **DISTRICT 72D CLAYTON AREA SUB-DISTRICT**

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### **MINIMUM USER FEE**

**Adopted 2015**

It is resolved that a minimum charge of \$50.00 per water right owner shall be assessed. Whenever the prorated charge to a user is less than \$50.00, that user will be assessed \$50.00.

### **DISTRICT FISCAL YEAR**

**Adopted 2016**

It is resolved that the fiscal year for Sub-district No. 72 be defined as starting on the first of the month following the annual meeting, and ending on the last day of the month of the annual meeting. The fiscal years shall be referred to using the year of the meeting during which the budget for that fiscal year was adopted.

### **WATERMASTER EMPLOYMENT AND COMPENSATION**

**Adopted 2016**

The Watermaster will be paid as independent contractor at \$20/hr, plus mileage reimbursement for travel at the federal reimbursement rate in effect on the date the mileage was incurred. Watermaster shall be paid monthly based on actual hours worked and mileage incurred during the previous 30-day pay cycle.

### **TREASURER COMPENSATION**

**Adopted 2016**

The Treasurer will be paid as independent contractor at \$20/hr, plus mileage reimbursement for travel at the federal reimbursement rate in effect on the date the mileage was incurred. Treasurer shall be paid monthly based on actual hours worked and mileage incurred during the previous 30-day pay cycle.

### **VOTING BY ALTERNATIVE METHOD**

**Adopted 2010**

It is resolved that, in the event that a vote by the alternative method (as described in Idaho Code § 42-605(4)) is requested during any annual meeting, a credentials committee will be assembled to determine the number of votes cast by individual water users. The credentials committee shall be composed of the following parties:

- the current Water District No. 170 Watermaster
- the current Sub-district No. 72D Watermaster
- at least one other Sub-district No. 72D water user

### **SUB-DISTRICT 72D ADVISORY COMMITTEE**

**Adopted 2010**

It is 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 sub-district. Four water users shall comprise the advisory committee. Each of the advisory committee members will represent one of four areas within the sub-district, as shown below. The advisory committee members for the ensuing year shall be the following:

- Area 1: Thompson Creek Mine
- Area 2: Squaw Creek area
- Area 3: East Fork and tributaries
- Area 4: Main Salmon River and tributaries downstream of East Fork

## **DISTRICT 72D CLAYTON AREA SUB-DISTRICT**

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### **SUB-DISTRICT 72D ADVISORY COMMITTEE MEMBERS**

**Adopted 2010**

The advisory committee members for the ensuing year shall be the following:

Area 1 Thompson Creek Mine – to be identified

Area 2 Squaw Creek area – Tom McGowan

Area 3 East Fork and tributaries – Wayne Baker

Area 4 Main Salmon River and tributaries downstream of East Fork – Howard Cutler

### **WD170 ADVISORY COMMITTEE REPRESENTATIVE**

**Adopted 2012**

It is resolved that the Sub-district No. 72D representative on the Water District No. 170 Advisory Committee shall be Tom McGowan

### **CHARGES FOR NON-ESSENTIAL WATERMASTER VISITS**

**Adopted 2016**

Any water user who makes a call on the Watermaster outside of regularly scheduled visits may be subject to charges for additional watermaster hours and mileage, if the visit is not necessary for purposes of regulation and administration of water rights. The Watermaster and the Advisory Committee representative for the area shall determine if the visit was necessary.

### **RESOLUTION SETTING THE 2016 BUDGET**

**Adopted 2016**

It is resolved that the 2016 operating budget for Sub-district No. 72D is as follows:

Watermaster Wages \$20/hr estimated 250 hours (\$5,000 total)

Secretary/Treasurer Wages \$20/hr estimated 100 hours (\$2,000 total)

FICA/Medicare (est. 7.65%) \$650

Workers Comp. \$350

Vehicle Mileage for Watermaster and Treasurer \$1,998

Office Supplies/misc \$400

Contingency \$1,500

Total \$11,898

\* Budget line item totals shown are estimates; actual line item costs may vary, but the total cost incurred for the sub-district cannot exceed \$11,898 during this fiscal year.

### **WATERMASTER**

**Adopted 2016**

It is resolved that Brent Cutler be appointed as watermaster for Sub-district No. 72D until a successor is elected or appointed.

### **DISTRICT TREASURER**

**Adopted 2016**

It is resolved that Melodie Baker be appointed as secretary/treasurer for Sub-district No. 72D until a successor is elected or appointed. The duties of the treasurer will be to approve expenses and disburse sub-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.