

**AGENDA
WATER DISTRICT 170
2021 ANNUAL MEETING**

**Tuesday, January 26, 2:00 pm
IDWR Salmon Field Office**

****MEETING VIA TELECONFERENCE ****

**CALL-IN INFORMATION:
DIAL (TOLL FREE) 1-877-820-7829
WHEN PROMPTED, ENTER PASSCODE 565020
PRESS POUND KEY # TO CONNECT**

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In-person attendance at the IDWR office is limited to FIVE persons who may have difficulty hearing the teleconference. To request a seat please call 208-742-0655. Face coverings are required at the meeting location.

Call Meeting to Order

Selection of Meeting Secretary

Review and Approve 2020 Minutes*

Watermaster Report of Activities

-2020 Activities

-2021 Goals and Objectives

Presentation of 2021 Proposed Resolutions and Budget

Discussion and Adoption of Budget and Resolutions*

-Election of Watermaster

-Selection of Advisory Committee

Election of 2022 District Chairman*

Other Items of Business

Set Time and Place of Next Annual Meeting

Adjournment of Meeting

**These items require vote. Eligible voters must be present at the meeting (or participating on the call) and own or have use of a water right within WD170.*

MINUTES OF THE ANNUAL MEETING OF WATER DISTRICT 170, UPPER SALMON RIVER BASIN

TUESDAY January 26, 2021

Via Teleconference

In their December 2020 meeting, the Advisory Committee elected to hold the annual meeting by teleconference due to Covid uncertainties. In the elected Chairman's absence, the annual meeting was called to order by Cindy Yenter at 2:08 pm. Also in attendance were seven members of the advisory committee, and one water user from the Stanley area.

Karma Bragg – Gini Canal
Richard Giampedraglia – Thompson Creek Mine
Linda Price – BLM
Tom Stewart – Lower Stanley water user
Carl Ellsworth – Basin 74
Cliff Hansen – WD71
Chuck Mark – USFS
George Miller – WD73



George Miller was nominated as meeting chair; Cindy was nominated as meeting secretary. Both motions passed unanimously.

2020 meeting minutes were reviewed and accepted with no comments or corrections. Cindy gave a summary of the watermaster report (attached) and thanked Linda Price and Chuck Mark for participating on the Advisory Committee and attending the annual meeting. The federal agency seats were vacant for several years. Even though these are non-voting seats, Cindy feels it is critical to have the agency presence in the water district as there are many irrigation diversions located on public land. Cliff Hansen made comments regarding the legal actions between the Idaho Conservation League and the USFS in the Sawtooth National Recreation Area.

Modification of the WD170 Resolutions was proposed to add a definition of a voting quorum for Advisory Committee Meetings. This question came up at the Advisory meeting in December. Also proposed was a modification to the Advisory Committee structure which would reduce total seats from 14 to 13 by eliminating one of the two seats assigned to WD72A, Challis and Garden Creeks. Because no water users were in attendance from sub-district 72A, members did not want to take action on Advisory Committee modification. That proposal was stricken, and the Resolutions were adopted by unanimous vote to include a new section, "Advisory Committee Meetings – Quorum". The Adoption of the Resolutions also confirms that watermaster services are provided by IDWR and the WD170 current year budget remains at zero (\$0).

Pursuant to existing resolutions, Jim Hawkins was elected as Chairman for the 2022 meeting. The 2022 meeting will be held in Challis on the fourth Tuesday of January, time and venue to be determined.

The meeting was adjourned at 2:31 pm.

Respectfully submitted,

Cindy Yenter

**WATER DISTRICT 170
UPPER SALMON RIVER**

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DISTRICT BYLAWS

Adopted 2007

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 Upper Salmon Water District No. 170 (WD170) Bylaws.

WATERMASTER TERM OF SERVICE

Adopted 2008

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 WD170 Watermaster's term of service shall begin upon annual meeting election and continue until the next annual meeting.

ELECTION OF OFFICERS

Adopted 2007

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).

OFFICER AUTHORITY

Adopted 2007

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).

WATER RIGHT OWNERSHIP BY MULTIPLE PARTIES

Adopted 2007

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 primary contact with the District on relevant District issues.

WATERMASTER ACCESS

Adopted 2009

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 all users shall provide for watermaster access to control structures and measuring devices. If the access is through a locked gate, the user shall, upon request by the watermaster, provide to the watermaster or deputy watermaster a key or combination to such locks.

ANNUAL MEETING DATE

Adopted 2020

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 resolved that the WD170 Annual Meeting shall be the fourth (4th) Tuesday in January, on a date and time to be determined at the Annual

WATER DISTRICT 170 UPPER SALMON RIVER

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Meeting each successive year. The meeting location shall alternate between Challis, ID on even-numbered years and Salmon, ID on odd-numbered years.

ANNUAL MEETING NOTICES

Adopted 2020

Pursuant to I.C. 42-605(2), the requirement to mail annual district meeting notices is hereby WAIVED, and notice for future WD170 meetings will be provided by publication of the meeting information in the Salmon Recorder Herald and the Challis Messenger. Upon request, elected WD170 officials, Advisory Committee members and Chairs of any WD170 subdistrict may continue to receive a mailed meeting notice.

DISTRICT PAYMENT TERMS

Adopted 2007

1. Annual Adopted Budget payment shall be payable on or before March 1; any other billing within thirty (30) days following such billing; the postmark date will be considered the date of payment.
2. If not paid by April 1st the water user shall be charged in accordance with Statute 42-613 which provides for a late fee of 10% of the amount and interest of 1% per month.
3. If not paid in full (partial payments shall not be acceptable) including Late Fee by April 1st, Treasurer shall so inform the Watermaster who shall immediately terminate water delivery to the water right owner who is in payment default.
4. Treasurer 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

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PROXY VOTING & WATER RIGHTS USED BY OTHERS

Adopted 2020

In accordance with I.C. 42-605(4), "Absentee voting and voting by proxy are prohibited." A right may be voted by "a person present, owning or having the use of the right for the ensuing season". This resolution applies to use of appurtenant rights by a person such as a farm manager, tenant, lessee or contract purchaser.

In such case(s) or whenever a right may be used 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 of use, stating with whom such agreement exists, whether such voting right is granted, and/or granting authority to make water calls or represent the water right owner on water delivery issues that may arise during the irrigation season or balance of the agreement.

ADVISORY COMMITTEE STRUCTURE

Adopted 2020

A WD170 Advisory Committee shall be elected to provide input to the watermaster and the Director of IDWR. The WD170 Advisory Committee shall be comprised of 14 total seats, as follows:

Sub-district representatives (8 total): Stanley Basin (1 seat), Clayton Area (1 seat), Garden Creek (1 seat), Challis Creek (1 seat), Morgan Creek (1 seat), Pahsimeroi Basin (1 seat), Lemhi Basin (2 seats)
Basin 72 non sub-district area irrigation (2 seats)
Commercial/industrial/ municipal/other uses (2 seats)
US Forest Service (1 seat) At large, non-voting seat
US Bureau of Land Management (1 seat) At large, nonvoting seat

Seats may be added to or subtracted from the WD170 Advisory Committee in subsequent years depending on further revisions or expansions of the district boundaries to be determined as necessary. Each group represented may also select an alternate for each seat.

Representatives for sub-district areas will be selected during that sub-district's annual meeting. Each sub-district will notify the WD170 watermaster of the representatives selected following the sub-district annual meeting. If the sub-district representative is not identified, the elected Chair of the sub-district will be the Advisory Committee Representative for the upcoming year. Representatives for the non-sub-district groups will be selected at the WD170 annual meeting. Federal Agency representatives will be appointed by the agency. The WD170 Advisory Committee will meet as often as needed to address the structure, governance and operation of the district.

ADVISORY COMMITTEE MEETINGS - QUORUM

Adopted 2021

The voting quorum for Advisory Committee meetings shall be at least one-half of the non-vacant voting seats. Motions voted during Advisory Committee meetings shall pass on a simple majority unless a prior motion is passed requiring two-thirds majority for a specific vote.

**WATER DISTRICT 170
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CURRENT YEAR ADVISORY COMMITTEE MEMBERS

Adopted 2021

Basin 72 non sub-district area irrigation (2 seats) –

Gary Chamberlain, Challis Irrigation

Mitch Wilson, Gini Canal. *Alternate* Karma Bragg

Basin 71 & 72 commercial/industrial/ municipal/other uses (2 seats) –

VACANT

Thompson Creek Mine: Richard Giampedraglia. *Alternate* Bradley Kucera

US Forest Service – Chuck Mark

US Bureau of Land Management – Linda Price

Sub-district representatives –

WD71 – Cliff Hansen

WD72A – Cory Rice

WD72D – Tom McGowan

WD72F- Jim Hawkins

WD73 – George Miller

Basin 74 – Carl Ellsworth, Lowell Cerise

WATERMASTER SERVICES

Adopted 2018

Watermaster services for WD170 shall be provided by IDWR and the Director shall name or appoint a Department employee to serve as the WD170 Watermaster for the ensuing year.

BUDGET RESOLUTION

Adopted 2018

Recognizing that IDWR will appoint a watermaster for WD170 with the understanding that water users in areas organized as sub-districts within WD170 will each elect and fund a sub-district watermaster to perform the day to day duties within their sub-district, it is resolved that,

- 1) The existing sub-districts will each adopt a budget to be collected from the users within the respective sub-districts only, and that users not within that sub-district will not be responsible for any portion of that sub-district budget.
- 2) A sub-district that adequately measures, records, reports and controls diversions will not be subject to assessments from WD170.

For the current year, the Budget for WD170 shall be \$0.00.

**WATER DISTRICT 170
ADOPTED BUDGET 2021 (FY 2022)
Fiscal Year February 1 - January 31**

Date: January 26, 2021

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Administrative Charge

Watermaster Services \$0

Financial Review \$0

Administrative Subtotal \$0

Estimated Carryover \$0

Recommended Administrative Assessment \$0

Measuring and Reporting Charges-for non-subdistrict diversions

Watermaster Assistants \$0

Clerical Staff \$0

Measuring and Reporting Subtotal \$0

Estimated Carryover \$0

Recommended M & R Assessment \$0

Total 2021 Budget \$0

Total 2021 Assessment \$0

Water District 170
Watermaster Report of Activities
Annual Meeting January 26, 2021

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2020 activities:

- 724 hours charged to WD170. Approximate value to District \$54,073
- Covid-19 restrictions completely derailed plans for public meetings to introduce information regarding expansion of WD170 to include Administrative Basin 75. Basin 75 includes the Salmon River and tributaries downstream of Ellis, Idaho, to the Middle Fork Salmon River confluence, with the exception of the Lemhi Basin which is already a part of WD170.
- Covid restrictions affected non-essential field work in WD170. Watermasters and water delivery are considered essential by the IDWR Director, so all WD170 subdistrict watermasters were appointed and called to duty as usual. Watermasters were advised to take precautions to protect their health and that of their water users. Only one subdistrict, WD74J, did not have a returning watermaster. This did help to keep in-person training to a minimum. Watermaster workshops were not held in 2020. WD170 provided assistance in recruiting and training a watermaster for WD74J.
- Continued work toward compliance with the 2018 Lemhi Measurement Order. Conducted onsite followup of individual extensions of time which had been issued advancing the deadline to install measuring devices on certain diversions in B74. Not all water users requested an extension of time. Some B74 diversions remain out of compliance and may be subject to future regulatory action.
- WD73 and WD74 both interested in Survey 1,2,3 automated watermaster reporting application using smart phone or tablet. Have worked for several months assembling diversion information in WD74 and thanks to input from Rick Sager, hope to submit data within the next 30 days for preparation of the WD74 survey. WD73 survey is in development, needs measuring device information which will require coordination with the local watermaster.

2021 goals:

- Schedule public information meeting(s) for Basin 75 expansion. If traditional meetings cannot be held, consider alternate ways of sharing information such as virtual meeting (Zoom), radio broadcasts or outdoor venues.
- Fully implement Survey 1,2,3 in WD73 and WD74.
- Work to create and implement compliance plans for diversions in Basin 74 that are not yet in compliance with measurement order.
- Issue Watermaster instructions for administration of water transaction projects in subdistricts 71, 72D, 74C, and 74W.