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DEPT OF WATER RESOURCES
SOUTHERN REGION

ANNUAL MEETING MINUTES

WATER DISTRICT No. 72-A Garden Creek & Challis Creek
MEETING DATE: Monday, January 24, 2022
MEETING LOCATION: Custer County Court House
Challis, Idaho 83226
MEETING SECRETARY NAME: Cindy Philps

The meeting was called to order at 7:00 p.m. by Chairman Corey Rice.

The floor was opened to nominations for the Chairman. Will Naillon moved to nominate Corey Rice as the Chairman. Motion was seconded by Steve Bauchman.

The 2021 Annual Meeting Minutes were approved as submitted. Steve Bauchman moved to accept the minutes. The motion was seconded by Ryan Hughes.

Watermaster David Philps gave a report of last years water year. This was the lowest water year that we have had on record. David thanked all water users for their co-operation and patients with the cutbacks that were required. All 1879 water rights were cut back to just 25% of their allotment.

There was discussion on how to conserve water during low water years. Discussion on how to better seal the highline canal and remove water consuming vegetation along the canal. Frank Robinson reported that bentonite could be hauled in for \$600 a load. David and Frank will look to see if that can be installed this water year.

New business was brought to the floor by Steve Bauchman. Steve presented three new resolutions.

Resolution one: **Head Gate & Measuring Device Resolution**

In accordance with 'Order Requiring Measuring Devices and Head gates in Water District 170' dated February 20, 2007, and the Amended Final Order Creating Water district 170, dated April 7, 2006, wherein it requires installation of head gates and measuring devices. Water 'Users' "...shall be given a reasonable time within which to complete construction of such head gates, controlling works or measuring devices..." Furthermore "...a rating flume or other measuring device at such point as is most practical ...for the purpose of assisting the water master or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of public water." Furthermore, upon receiving notice said User "...neglects or refuses to construct or maintain such head gates, controlling works, or measuring devices...the department of water resources may

order the duly qualified and acting Watermaster of the water district to shut off and refuse to deliver at the point of diversion..”

Being further resolved Water District 72 Users will have until July 14, 2022 to complete the installation of measuring devices and locking head gates for all water delivered into ditch or pipeline. Where water is delivered through a pump, User will provide a flow meter or capacity of the delivery appurtenances. Failure to complete by the aforementioned date will result in the refusal to deliver water.

Being further resolved that all diversions will have the designated identification that correlates to the water rights delivered therein., The District with the assistance of IDWR will provide an updated list of water users and priority dates at each diversion.

Further resolved resolution one passed with amendments as noted. Steve Bauchman moved to accept Resolution 1 as stated with the changes of highline users April 15, 2022 and everyone else July 15, 2022. Seconded David Philps

David Graybill from IDWR said that he can also write letters to help enforce the resolution.

Resolution two: Shared Lateral Administration.

In accordance with the adopted resolution 1-23-2017 wherein it states: “Be it resolved on all diversions with multiple users, pipelines and ditches, said water right holders, shall designate a representative. The representative shall be the point of contact between the Watermaster and water users on the shared diversion. The representative shall be responsible for ordering water and delivery of water beyond the diversion. The representative shall also notify users of water cuts.”

At the District 72A meeting 1-25-21 the subject of “how to handle disputes that arise: on shared lateral diversions, it was determined that “All shared lateral users need to have one representative that will contact the Watermaster. The Watermaster was instructed to set up a person of contact for each lateral and to make sure that they all have head gates and measuring devices installed.”

Furthermore in accordance with Idaho Code 42-907, Duties of Consumers – Appointment of Manager “...such parties shall, on or before April first of each year, select some person to have charge during the succeeding season of the distribution of water from such lateral, whose duty it shall be to ascertain and see that the amount of water to which each of the parties interested is entitled is properly apportioned and distributed.”

Furthermore in accordance in accordance with Idaho Code 42-909, Manger of distributing Lateral – appointment by District Water:

“If two (2) or more parties taking water...through the same lateral of disturbing ditch, do not select a manager for said lateral, as provided in section 42-907 or section 42-908, the Watermaster of the water district, shall on the written demand of any one or more of said parties, appoint a manager for said lateral, who shall have and exercise

all the powers and perform all the duties of a manager of the distributing lateral as provided in section 42-910.”

Be it resolved that Lateral Ditch Management shall be governed in accordance with the reaffirmed District 72A resolution, and Idaho Code 42-905 through 42-909.

This resolution was withdrawn after David Graybill from IDWR said the only way to resolve these issues is thru a civil lawsuit.

Resolution three: Irrigation Right of Way

In accordance with Idaho Code 42-1102 Owners of Land – right to Right-of-way: “The existence of a visible ditch, canal or conduit shall constitute notice to the owner, or any subsequent purchaser, of the underlying servient estate, that the owner of the ditch, canal or conduit has the right-of-way and incidental rights confirmed or granted by this section.”

“The right-of-way shall include, but is not limited to, the right-of-way extends for the purposes of cleaning, maintaining and repairing the ditch, canal or conduit and to occupy such width of the land along the banks of the ditch, canal, or conduit as is necessary to properly do the work of cleaning, maintaining and repairing the ditch, canal, or conduit with personnel and with such equipment as is commonly used or is reasonably adapted to that work.”

“The right-of-way also includes the right to remove from and to deposit on the banks of the ditch or canal the debris, vegetation, and other matter necessarily required to be taken from the ditch, canal, or right-of-way to properly access, clean, and maintain them, but no greater width of the land along the banks of the canal or ditch than is absolutely necessary for such deposits shall be occupied by the removed debris, vegetation, or other matter.”

“The right-of-way also includes the right to remove or control vegetation within the ditch or canal or along the banks of the ditch or canal to properly access, clean, and maintain them, but the owner or operator of the ditch, canal, conduit is not obligated to maintain or control the right-of-way or vegetation for the benefit of the owners or claimants of the land of others.”

Be it resolved that all landowners wherein will provide access along said right-of-way with a gated access point, or necessary access to ingress and egress along such right-of-way to properly access, clean and maintain ditches, canal, or conduit. Access to the right-of-way includes any historical or public access such as driveways, trails, or county roads. Generally, the work is performed on the downslope of the bank.

Further be resolved that Water District 72A canal, ditches or conduits will co-operate with landowners to facilitate the placement of said matter in a co-operative manner but is under no obligation if there is limited access due to encroachment of excessive vegetation.

Steve withdrew this resolution as it is already a state statute. But all water users will be notified of this statute along with their water bills.

The Chairman opened nominations for the advisory board. Craig Winstead moved to add Dustin Savage to replace Jeri D'Orazio. Seconded by David Philps.

Ron Bloxham nominated to keep Tim Kemery and Alan Henderson. Seconded by Myla Naillon.

Craig Winstead nominated to keep Anthony Gammache and Julia Moss. Seconded by Myla Naillon. A vote was presented between Steve Bauchman and Ron Bloxham. Ron Bloxham was voted in. The final advisory board is as follows:

Garden Creek Representatives: Tim Kemery, Dustin Savage and Alan Henderson

Challis Creek Representatives: Ron Bloxham, Anthony Gammache and Julia Moss

The 2021 treasures report with the accompanying income and expense breakdown were also provided. Craig Winstead moved to accept the treasurers report. The motion was seconded by Will Naillon.

The Chairman opened nominations for the Watermaster. Craig Winstead nominated to keep David Philps as the Watermaster. The motion was seconded by Ron Bloxham.

The Chairman opened nominations for the secretary/treasurer. Steve Bauchman nominated Cindy Philps for the secretary/treasurer. Motion was seconded by Will Naillon.

The next annual meeting will be held the 22nd of January 2023 at 7 p.m. at the Custer County Courthouse.

Due to no further business the meeting Chairman Cory Rice adjourned the meeting.

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**2022 Adopted Budget Expense Breakdown
Garden Creek & Challis Creek
Water District 72-A**

	Remuneration:
\$ 1,500.00	Secretary/Treasurer Compensation
4,500.00	Watermaster's Compensation
3,500.00	Ditch Rider's Compensation
	Expenses:
2,000.00	Mileage Expense
500.00	Workmans Comp (Idaho State Insurance Fund)
350.00	P. O. Box & Postage
200.00	Telephone, Office Supplies & Miscellaneous
250.00	Copy Charges/Mailing Supplies
200.00	Watermaster/Ditch Rider Supplies
\$ 13,000.00	Total Proposed Expenses
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\$ 3,500.00	Highline Proposed Expenses