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Department of Water Resources  
Eastern Region

**WATER DISTRICT 29H – MARSH CREEK**

**APPROVED RESOLUTIONS THAT WILL REMAIN IN EFFECT 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**

**2022 RESOLUTIONS**

**1. DISTRICT BOUNDARIES**

Water District 29H is composed of the entire Marsh Creek drainage basin to its junction with the Portneuf River excluding Water District 29B (Garden Creek and tributaries) and Water District 29G (Birch Creek and tributaries including Cherry Creek) and is located in Bannock County. WD29H includes all surface water rights in the district.

**2. WATERMASTER DUTIES**

The watermaster shall perform his or her duties as required by Chapter 6, Title 42, Idaho Code, and in accordance with:

- a. Direction and guidance provided by the Director of IDWR;
- b. The annual water district resolutions adopted herein;
- c. Guidance and input from the Water District 29H Advisory Committee.
- d. Guidance from the IDWR "Watermaster Handbook"

**3. WATERMASTER TERM OF SERVICE**

As provided in Idaho Code § 42-608(4), the watermaster's term of service shall begin upon appointment by the Director of IDWR immediately following the annual meeting election and continue until the next annual meeting or until a successor is appointed.

**4. RESOLUTION SETTING THE 2022 BUDGET**

It is herewith resolved that the 2022 operating budget for Water District 29H is as follows:

Watermaster Wages	\$20/hr. (\$16,000 total)
Treasurer Wages	\$3200
FICA/Medicare/Workers Comp.	\$2,000
Vehicle Mileage for Watermaster	\$4,000
Office Supplies.	\$400
Field Supplies.	\$1,600
Contingency	<u>\$800</u>
Total	\$28,000*

\* Budget line item totals shown are estimates; actual line item costs may vary, but the total cost incurred for the district cannot exceed \$ 28,000 during this fiscal year. Assessments will be based on \$25,000 and the additional \$3,000 will come from the cash reserve if needed.

**5. ELECTION OF WATERMASTER**

It is herewith resolved that **Kristin Evans** be elected as Watermaster for Water District 29H for the ensuing year.

**6. TREASURER COMPENSATION**

The treasurer will be paid as an independent contractor on a flat fee of \$3,200 annually.

**7. DISTRICT TREASURER**

It is herewith resolved that Dianna Burden be elected as Treasurer for Water District 29H until a successor is elected or appointed. The duties of the treasurer will be to maintain financial records, disburse water district funds, and to prepare or authorize a review of the district's financial records.

## **8. COLLECTION OF THE BUDGET AND DISBURSEMENT OF FUNDS**

It is herewith resolved that the adopted budget for Water District 29H be collected from the water users by the Water District 29H Treasurer as provided by Idaho Code § 42-613(3). The treasurer 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 into a bank account maintained by the water district at Ireland Bank in Downey, ID. The treasurer shall disperse funds from the water district bank account using two-party signature checks signed by the treasurer and one member of the advisory committee.

## **9. ASSESSMENTS**

Assessments shall be consistent with Idaho Code §42-610 and §42-612, requiring proposed water district budgets and annual assessments to individual water right holders be prorated based upon the average amount of water delivered or used by the water right holders during the past season or seasons (not to exceed five seasons). For those water users that do not have a measuring device installed for the entire season, the watermaster shall estimate the annual water use using the following equations:

Irrigation use: Estimated season use (Total AF) = Total authorized acres of irrigation x 3.5 AF / acre

Non-Irrigation use: Estimated season use (Total AF) = authorized diversion rate (CFS) x 1.9835 (AF per day/CFS) x 180 days (approximately six months of continuous use at full authorized diversion rate) or the number of days authorized by the water right if the season of use is less than 180 days. If the estimated total water use (Total AF) for such use is greater than the authorized volume limit of the water right, the total water use (Total AF) will be the volume limit authorized on the water right.

## **10. MINIMUM USER FEE**

It is herewith resolved that a minimum charge of \$75 per water right owner shall be assessed. Whenever the prorated charge to a user is less than \$75, that user will be assessed \$75.

Surface water rights that are used solely for domestic and stock water purposes, including incidental irrigation up to one-half acre, or other small uses that are consistent with the use limits defined by Idaho Code § 42-111, and instream stockwater rights as defined by Idaho Code § 42-113, shall be exempt from any water district assessments.

Starting in the 2021 irrigation season for the year assessment, if a water right user is unable to use water because no water is available; the minimum assessment will apply as long as the watermaster has documented that no water was available.

Irrigation rights limited to one-half acre or less shall also be exempt from water district assessments.

## **11. FINAL ASSESSMENT DETERMINATION**

It is herewith 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.

## **12. DISTRICT PAYMENT TERMS**

It is herewith resolved that the following payment terms be put into effect:

1. Annual assessments shall be payable on or before June 1. Any other billing is due within thirty (30) days of the billing date. The postmark date will be considered the date of payment. Accounts not paid by the due date shall be charged in accordance with Idaho Code § 42-613 which provides for a late fee of 10% of the amount due and interest of 1% per month. 2. 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.

### **13. DISTRICT FISCAL YEAR AND WATER YEAR**

It is herewith resolved that the fiscal year for Water District 29H be defined as the calendar year. The total annual volume of water recorded for water users authorized to divert year-round or outside of the irrigation season (i.e. municipal users) shall be from November 1<sup>st</sup> of the previous year to October 31<sup>st</sup>.

### **14. ADVISORY COMMITTEE STRUCTURE**

It is herewith 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 district. Five water users, water right owners, or representatives of entities owning water rights within the district shall comprise the advisory committee. The advisory committee members for the ensuing year shall represent all water users within the district and should represent the following types of water uses or geographical areas:

Advisory committee structure:

- (1 member) Small irrigation user paying a minimum assessment (< 25 acres in 2017)
- (3 members) Large irrigation user paying a regular assessment ((more than minimum) ≥ 25 acres in 2017)
- (1 member) Municipal or non-irrigation

### **15. ADVISORY COMMITTEE MEMBERS**

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

Member #1: Kathleen (Kathy) Spiegel (small irrigation user)

Member #2: Lynn Bastian (large irrigation user)

Member #3: Dale Lish (large irrigation user)

Member #4: Randy Wheatley (large irrigation user)

Member #5: Tony Hancock (municipal / non-irrigation user)

### **16. ANNUAL MEETING DATE**

It is herewith resolved that the annual meeting for Water District 29H shall be held on the second Thursday in January of each year at a time and place to be determined each successive year unless the Director of IDWR should find it necessary to change the meeting date or unless changed by resolution of the district at an annual meeting. The next annual meeting will be held on January 12, 2023.

### **17. ANNUAL MEETING MINUTES**

Copies of the minutes of the annual meeting and all approved resolutions shall be filed with the Director of IDWR immediately after the annual meeting in accordance with Idaho Code §§ 42-605(5) and 42-613.

### **18. ENTRY OF LANDS BY WATERMASTER**

It is herewith resolved that the watermaster and any watermaster assistants are authorized as employees of IDWR under Idaho Code § 42-1701(5) to make reasonable entry on lands within the district, in accordance with IDWR policy (further described in Administrator's Memorandum "Entry Upon Private Property for Routine (Non-Enforcement) Investigations and Data Collection" dated September 16, 2003), to carry out the duties of the watermaster as instructed by IDWR. These duties include but are not limited to:

1. Inventory of diversions in the district, including inspection of conveyance infrastructure and place of use of water.
2. Measuring and recording rates of diversions, and regulating diversions as necessary.
3. Monitoring the place, period, and nature of use of water to identify unauthorized diversion and use and/or to determine compliance required by any agreement or order of IDWR.