

Water District 29-D Meeting Minutes

March 9, 2020

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Department of Water Resources
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Water District 29-D met on March 9, 2020 at 6:30 p.m. at the Pocatello City Hall Council Chambers.

Selection of meeting chairman: Dennis Hill nominated Rich Diehl to chair the meeting. The nomination passed and Rich Diehl was selected as the "Chairman" of the annual meeting.

Call to Order: Chairman Diehl called the meeting to order at 6:30 p.m.

Selection of meeting secretary: Chairman Diehl nominated Mary Spinner to serve as secretary. The nomination passed and Mary Spinner was selected as "Meeting Secretary".

Introduction of IDWR staff: Chairman Diehl introduced Steve Visosky and Brian Normandeau with IDWR

Approval of minutes from the 2019 annual meetings: Ralph Onstine made a motion to approve the minutes as written. Mart Borg seconded the motion and the motion passed.

Watermaster report for 2019: Harold (Hal) Armstrong reported that all of the surveys have been completed and all diversions have been inventoried. Hal had two binders of the completed surveys available for review. Hal said the main goal of the 2020 season is to get the measuring devices installed. This is the last year of the moratorium and devices need to be installed by the start of the 2021 irrigation season, with April 15 being the goal date. Any irrigation of 5 acres or more requires a measuring device. Several questions were raised. Seth Mayer said he had just purchased 5 ½ acres of allocated irrigation water. Steve said he has several options. Another man said he has 7 ½ acres but much of it is cliff. Steve said if the water has been used for irrigation it can be put in the water bank, but if it has not been used for irrigation it can not be put in the bank. Mel Senna said he has 7 acres – he can irrigate 5 and put 2 in the bank. Steve said water can be deposited for 5 years in the water bank. Steve reiterated the Prior Appropriation Doctrine which means "First in time, First in line" when water calls are made. If there is a water shortage, the more senior water user has the first right to use the water. A question was raised if several users divert from one diversion point, where does the measuring device needs to be? Steve said the measuring device needs to be installed at the main diversion point – users need to share the expense of the shared measuring device. Steve said the survey information collected by Hal is only for informational purposes and the water right owner is the only person that can change the legal description of point of diversion through a transfer with IDWR.

Treasurer report for 2019: Dianna Burden presented the open invoices for WD 29-D. The advisory committee requested that Dianna look for a collection agency to assist with unpaid assessments. Dianna reported the Watermaster was paid \$3,492 this year. The reduced payroll related expenses resulted in a savings of \$4,550 for the district. Chairman Diehl reviewed the 2020 proposed budget. Assessments for 2020 for minimum users will be \$40, and for regular users it will be 1.14 per CFS. This is an increase in assessments for regular users who paid .95 per CFS in 2019. A question was raised as to why there is a \$2,000 contingency fund. Jim Guthrie explained contingency money is available for "insurance" and extra hours. Mary Spinner inquired why the term was changed from "large" to "regular" users, and why the assessment was raised for regular users. Chairman Diehl stated it was increased to cover expenses. George Chandler made a motion to accept the proposed budget as written. Mel Senna seconded the motion. The motion passed with one dissent.

Election of Watermaster: Ralph Onstine nominated Hal Armstrong. Matt Shaffer seconded the motion. The motion passed and Hal Armstrong was elected watermaster.

Election of Treasurer: Matt Shaffer nominated Dianna Burden for Treasurer. Mart Borg seconded the motion. The motion passed and Dianna Burden was elected treasurer.

Selection of Advisory Committee members: Ralph Onstine made a motion to keep the current advisory committee. Mart Borg seconded the motion. The motion passed. The advisory committee members selected for 2020 are: Jim Guthrie, Jeremy Stanger, Dennis Hill, Randy Smith and Rich Diehl.

Adoption of Resolutions, Changes and Updates: Randy Smith made a motion to approve the proposed resolutions as presented and Tom Thomas seconded the motion. The motion passed and the proposed resolutions were adopted.

Water Rental and Issues: Dennis Hill reported on Resolution 51. Dennis previously applied to rent "common pool" storage water from WD-01 but was denied. Dennis met with the "Committee of 9", the advisory committee of WD-01, to represent water users in WD-29D that may need to rent storage water. Dennis stated that users can apply for a private lease with the City of Pocatello. The private lease is \$30/acre/foot and has to be applied for annually. The current rate to rent water from IDWR's Water Supply Bank is

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\$20/acre/foot but only water rights with a pre-1900 priority date are of value to rent for mitigation. Kirk Bybee is the city attorney, who works on the City leases. Dennis encouraged users to contact Roger Chase who is on the state water board. Steve stressed that IDWR created water districts should not use their resources (funds) to support mitigations for junior users.

IDWR Update: Steve Visosky said there were 4 points to cover:

1. **Measuring Devices** – Devices need to be installed prior to the 2021 irrigation season. The time to request an extension has passed, but Steve can still be contacted.
2. **Curtailment** – Steve explained that the water call in 2017 was because the Portneuf is a tributary to the Snake River and the Twin Falls Canal Company has a water right prior to 1900.
3. **Mitigation** – Steve reported that water for WD-01 has proposed administrative rules that would deny water users in WD29-D from renting WD-01 common pool water for mitigation. The proposed resolutions are to be voted on by the Idaho Water Resource Board. Users that may be curtailed may consider mitigating with other reservoir storage water. Mitigation may occur through the ID Water Supply Bank water right lease and rental or from a private lease agreement with the City of Pocatello, Tribe, or other entity that owns storage water.
4. **Ground water** – Steve reported that snowpack is now at 98%. Steve said groundwater within Basin 29 will eventually be administered in a water district, either by expanding WD29-D to include ground water or creating a new water district just for ground water. Small domestic uses would probably be excluded. Some ground water users have already received notice about informational meetings and some haven't but all will receive notice in the coming months. A question came up about ground water recharge and Steve stated it affects both surface and ground water diversions and normally occurs in the winter.

Other Items of Business:

One user asked if more or bigger storage can be looked at. Chesterfield Reservoir can not be enlarged because it backs up on tribal lands. There would be oversight involvement with reservoirs and DEQ and EPA may have issues.

Steve suggested combining curtailment and mitigation conversations with Water District 29-H, Marsh Creek, as both districts face the same challenges.

A question was asked about the Michaud Diversion. Steve explained the diversion is a result of the Fort Hall Agreement, and tribal lands get an allotted amount of storage water to use in the Bannock Creek area. Instead of pumping water from the American Falls Reservoir, water is exchanged out of the Portneuf River because there are no diversions on the Portneuf River below the Michaud diversion.

Max Shaffer, mayor of Inkom raised the question if there are any restrictions on the number of subdivision developments due to culinary wells. Steve explained that domestic wells can not be denied. Steve thought that subdivisions may have to show the county they can obtain water rights for certain plans before approved. A concern was raised that subdivisions south of Pocatello in the Inkom area are unregulated.

A question was also asked about partial curtailment with meters. Steve mentioned there is probably more water on paper than what is actually being used in the district. Measurement devices may help demonstrate this.

2020 Meeting Date: March 8, 2021

Adjournment of Meeting: The meeting adjourned at 8:17 p.m.

Mary Spinner

Meeting Secretary

Prepared March 14, 2020/revised March 17, 2020

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ROSTER OF ATTENDANCE 2020 WATER DISTRICT 29D ANNUAL MEETING March 9, 2020

NAME	ADDRESS	PHONE (Best contact for watermaster, i.e. cell phone)	EMAIL
David VanOrden	7776 W Portneuf Rd Pocatello ID 83204	(208) 406-6640	duanorden22@gmail.com
Sean C Macy	33 Faulkners Loop Pocatello ID 83202	(208) 403-4145	chunandsean@hotmail.ca
Jeff Scott	1770 N Mink Creek Rd Pa 83204		
BRAD CHRISTENSEN	4330 Rannock Hwy Pocatello 83204	(208) 234-7569	
Curt/Andy Smith	Box 195 INKOM 83245		
Ed Deane	2110 N. MINK CREEK 83204		
KRIS CAROWELL	2958 W. PORTNEUF INKOM 83245		
Brian Normandeau		208-525-7161	Brian.Normandeau@idwr.idaho.gov
RALPH ONSTINE	3103 S. OLD HWY 91, McCammon 83245	208-520-0841	RALPHONSTINE@AOL.COM
Mary Spinner	2641 E Two Mile Rd McCammon	208 (241-7258)	
Jim Shaw	2072 N. Mink Creek Rd. Pocatello 83204	208-241-1758	
Mark Wadsworth	4567 Sawtooth St. Chubbuck	208 269 0587	smmark510@gmail.com
George H Chandler	3380 N. Rapid Creek Rd Inkom 83245	208 241 8777	ghchandler1@comcast.net
George W Chandler	3440 N. Rapid Creek Rd " "	208-241-1707	
Mr McCLELLAN	7953 W PORTNEUF R	801-783-1885	SQUOGGLE@GMAIL.COM
Rose Skinner	1936 S Old Hwy 91	937-869-2456	
Roy Hall	16903 W Portneuf	208-241-2756	
Roy Hall	9288 W Portneuf Rd.	208-709-7514	
MEL & KELLY SENNA	2428 N. PAMELA DR. INKOM	510-773-5312	CSENNA@SBCGlobal.NET
LISA PRATT		909-499-0292	
John Spinner	McCammon	208-221-8587	

Water District 29D - Annual Meeting

March 9, 2020

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Print

Wayne Miller

Jerome Stanger

Kathy Wynn

Ag Ruby

Sadie Madsen

Will Madsen

Rosa Stenman

Val Gerner

Laura Gerner

MAX Shaffer

Sign

Wayne Miller Photo Subdivision

Jerome Stanger Hat T Ranch.

T.R. Thompson

T.R. Thompson

~~601-873-5~~

Rosa Stenman

Val Gerner

Laura Gerner

max Shaffer

WATER DISTRICT NO. 29-D, LOWER PORTNEUF & TRIBUTARIES 2020 APPROVED RESOLUTIONS

The water users of Water District No. 29-D ("WD29D"), as part of the annual district meeting held on March 09, 2020, at the City of Pocatello Council Chambers in Pocatello, Idaho, HEREBY ADOPT THE FOLLOWING RESOLUTIONS:

1. DISTRICT CREATION AND BOUNDARIES

WD29D, Lower Portneuf River and Tributaries, consists of the area and water rights as defined by the *Preliminary Order Creating a Water District for the Lower Portneuf River and Tributaries, and Combining Water Districts 29-C, 29-F, and 29-U, in the New District*, signed by the Director of the Idaho Department of Water Resources (IDWR) on June 22, 2009.

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 WD29D Resolutions adopted herein.

3. ELECTION OF WATERMASTER

It is herewith resolved that **Harold (Hal) Armstrong** be elected as watermaster of WD29D for the ensuing year.

4. WATERMASTER TERM OF SERVICE

Under Idaho Code § 42-608(4), the WD29D watermaster's term of service shall begin upon appointment by the Director of IDWR and continue until the next annual meeting, or until a successor is appointed pursuant to Idaho Code § 42-604.

5. WD29D ANNUAL BUDGET AND ASSESSMENT

5a. 2020 BUDGET

It is herewith resolved that the FY2020 approved budget for WD29D shall be **\$15,580** as shown in the "Summary of Proposed Expenses and Budget FY2020".

5b. ASSESSMENTS AND WATER DELIVERY RECORDS

Whereas Idaho Code §§ 42-612 and 42-615 require that water district budgets and annual assessments to individual right holders be prorated based upon the amount of water delivered to the individual right holders during the past season or seasons (not to exceed five seasons) and, complete water delivery records do not exist for diversions in WD29D; it is hereby resolved that the Watermaster of WD29D shall determine the amount delivered to the individual water users consistent with the following methodology, until the required measuring devices have been installed:

- Deliveries of irrigation water rights (irrigation season of use) shall be calculated based on an 85 day delivery period multiplied by the sum total of the water right authorized rate for the diversion.
- Deliveries of non-irrigation rights (year-round season of use) shall be calculated based on a 180 day delivery period multiplied by the sum total of the water right authorized rate for the diversion.
- Deliveries from the diversions that have IDWR approved measuring devices shall be calculated based on the watermaster's measurement and delivery records.

Water rights meeting the definition of Idaho Code §42-111 shall be exempt from any water district assessments. **Except that any use of water for irrigation regardless of size shall be subject to the minimum assessment.**

5c. MINIMUM USER ASSESSMENTS

It is herewith resolved that a minimum charge of \$40.00 per water right owner shall be assessed. Whenever the prorated charge to a user is less than **\$40.00**, that user will be assessed the minimum charge.

It is further resolved that holders of non-consumptive water rights in excess of 0.25 cubic feet per second (cfs), including but not limited to water rights used for hydropower or fish propagation purposes, shall be subject to a minimum assessment of **\$40.00**.

5d. 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.

5e. DISTRICT PAYMENT TERMS AND FISCAL YEAR

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

1. Annual assessments shall be payable on or before June 1. The postmark date will be considered the date of payment. Accounts not paid within thirty (30) days of 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. Water users shall reimburse WD29D for any overdraft item fee assessed by the bank for a returned check.
2. The Watermaster is authorized pursuant to Idaho Code § 42-618, to withhold or suspend deliveries of water to any water user who has not paid their assessment charges within 60 days of the due date.
3. The holder of any water right(s) who acquired the right(s) at any time between the last annual meeting date and the end of the last irrigation season (or December 31 for non-irrigation use rights) shall be responsible for payment of the assessment and all late charges from the prior year, but shall not be responsible for payment of unpaid assessments from prior years under a different owner or owners.
4. The fiscal year for WD29D shall be defined as the calendar year.

6. ELECTION OF A DISTRICT TREASURER

It is herewith resolved that **Dianna Burden** be appointed as treasurer for WD29D until a successor is elected and appointed. The duties of the treasurer will be to prepare and collect annual assessments in coordination with and on behalf of the watermaster, maintain the WD29D checking account, approve expenses adopted in the budget, disperse water 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.

7. COLLECTION OF THE BUDGET AND DISBURSEMENT OF FUNDS

It is herewith resolved that the adopted budget for WD29D be collected from the water users by the WD29D treasurer as provided by Idaho Code § 42-618. The treasurer will make an assessment in coordination with and on behalf of the watermaster 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 bank account maintained by the water district. The WD29D checking account is maintained at: DL EVANS BANK, Pocatello, ID. The treasurer shall disperse funds from the water district bank account using two-party signature checks when the amount is greater than \$1,000, signed by the treasurer and one member of the advisory committee.

8. ADVISORY COMMITTEE

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 shall comprise the advisory committee, which shall include two irrigation right holders that pay a regular assessment (i.e., assessed more than the minimum charge); two irrigation right holders who pay a minimum assessment; and one non-irrigation right holder

who pays a regular assessment. The advisory committee members for the ensuing year shall be the following (to be selected at the meeting):

Member #1 (Irrigation regular assessment)	Jim Guthrie
Member #2 (Irrigation regular assessment)	Jeromey Stanger
Member #3 (Irrigation minimum assessment)	Dennis Hill
Member #4 (Irrigation minimum assessment)	Randy Smith
Member #5 (Non-irrigation regular assessment)	Rich Diehl

9. VOTING BY ALTERNATIVE METHOD

It is herewith 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 WD29D Watermaster
- the current WD29D Treasurer
- one member of the WD29D Advisory Committee appointed by the meeting chairman

If either or both the watermaster or treasurer are not present, the meeting chairman may appoint a replacement from either the advisory committee or from the water users present at the meeting.

10. ANNUAL MEETING DATE

It is herewith resolved that the annual meeting for WD29D shall be held on the second (2nd) Monday of March 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 any annual meeting. The next annual meeting will be held on **March 08, 2021**.

11. ANNUAL MEETING MINUTES AND REPORTS OF THE WATERMASTER AND WATER DISTRICT

- Copies of the minutes of the annual meeting, the budget as approved, and adopted resolutions shall be filed with the Director of IDWR immediately after the annual meeting in accordance with Idaho Code § 42-617.
- The watermaster of WD29D shall be responsible for submitting to IDWR annual reports and such other information that may be deemed necessary by the Director of IDWR in accordance with Idaho Code §§ 42-606, 42-708, and 42-709.
- The watermaster, working with the advisory committee, shall prepare a proposed budget, including the proportionate amount proposed to be assessed to the respective water users, 14 days prior to the annual meeting of WD29D in accordance with Idaho Code §§ 42-605(A), 42-612, and 42-615.

12. WATERMASTER ACCESS TO CONTROL STRUCTURES AND MEASURING DEVICES

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

13. ENTRY ON 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, to carry out the duties of the watermaster as instructed by IDWR. These duties include but are not limited to:

- Inventory of diversions in the district, including inspection of conveyance infrastructure and place of use of water.

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- b. Measuring and recording rates of diversions, and regulating diversions as necessary from the surface water sources within the district.
- c. 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.

Summary of Proposed Expenses and Budget FY 2020

Expenses:

Watermaster compensation	\$ 6,500 (\$18/hr.)
Treasurer compensation	\$ 2,500
Payroll expenses	\$ 1,100
Vehicle mileage for watermaster	\$ 2,000 (\$0.575/mile)
Office supplies	\$ 700
Field supplies (watermaster phone)	\$ 780
Contingency	<u>\$ 2,000</u>
Total Expenses	\$ 15,580*

Total expenses approved	\$ 15,580
<i>Previous year cash forward (district reserves)</i>	<i>\$ 13,283</i>
District reserves applied to expenses	\$ 1,000
Total to collect by assessment	\$ 14,580

*Budget line item totals shown are estimates; actual line item costs may vary but the total cost incurred for the district cannot exceed \$ 15,580 during the fiscal year.

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Annual Water District Meeting Checklist

Per Idaho Code Title 42 Chapter 6 (Distribution of Water Among Appropriators), annual water district meetings must include (at a minimum) the actions listed below.

IDWR wants to ensure each water district is meeting these minimum standards. Please return this completed checklist to the appropriate IDWR regional office with the annual meeting minutes (this list does not replace meeting minutes) *and* ensure that all of these actions are clearly addressed in the meeting minutes.

Water District Number and Name:

#290 Lower Portneuf River & Tributaries

Meeting Date:

March 9, 2020

- ☒ Election of meeting chairman and secretary
- ☒ Election of water district watermaster
- ☐ Election of water district assistant watermaster(s) (optional)
- ☒ Election of water district secretary/treasurer (optional)
- ☒ Approval of adopted budget
- ☒ Next year's meeting date, location, and time

By signing below I verify that all required actions have been addressed at the water district annual meeting

Completed by:

Diana Barden - Treasurer

Water District Representative