



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARCH 12, 2003

BILL GATUNG
88 LOIS LANE
SALMON ID 83467

RE: Water District No. #75-B

Dear Mr. Gatung:

We acknowledge receipt of the Minutes of the Annual Watermaster's Election Meeting held in your district. We will now complete the certification of watermaster for this water district.

Thank you.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:dn

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
900 N Skyline Dr.
Idaho Falls, ID 83402

RECEIVED
FEB 16 2003
Idaho Department of Water Resources

RECOMMENDATIONS FOR CONDUCT OF THE ANNUAL WATERUSER'S MEETING

TO THE WATER USERS:

Section 42-605, IDAHO CODE, provides that a meeting of all persons owning or having the use of a decreed right or a right represented by valid permit or license in the waters of the stream or water supply comprising the various water districts shall be held, on the first Monday of March each year or on another weekday between the second Monday of January and the third Monday in March if so adopted at a previous annual meeting, for the purpose of electing a watermaster, fixing his compensation, and providing the funds with which to pay him.

There is no definite order of business prescribed for these annual meetings, but the objective being the same in all districts, it is recommended that the following ORDER OF PROCEDURE be followed to avoid confusion, and obtain the desired results:

- 1) Selection of a chairman and secretary
- 2) Appointment of credentials committee
- 3) Report of credentials committee
- 4) Fix compensations to be paid watermaster and assistants
- 5) Adoption of budget for ensuing year
- 6) Adoption of resolutions pertaining to collection of budget and other matters.
- 7) Election of watermaster
- 8) Selection of advisory committee for ensuing year
- *9) Election of Treasurer (if budget exceeds \$3,000.00)

1. It is the duty of the chairman to preside over the meeting, to appoint the credentials committee and to perform whatever other duties naturally fall to that office.

The duties of the secretary are as follows:

To record the Minutes of the meeting and to send a certified copy to the Department of Water Resources within five (5) days to document the resolutions and policies adopted by the district.

To prepare and file a certified copy of the Adopted Budget and Resolutions pertaining to its collection with the Department of Water Resources and with the County Auditor of the county or counties within which the district is located.

To present the proposed budget filed by the watermaster at the end of the preceding season.

2. & 3. It is the duty of the credentials committee to ascertain the number of votes each user is entitled to cast.

Each person present, owning or having the use of a qualifying water right (decree, license, or permit) is entitled to a vote. In addition 42-605 paragraph 4, Idaho Code states in part ... "If requested, each person present, owning or having the use for the ensuing season of any water right in the stream or water supply comprising such water district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources, shall be entitled to a number of votes equal to the average annual dollar amount and any fraction thereof assessed for that person's qualifying water right for the previous five (5) years, or such lesser number of years as the right has been assessed. If a right has not previously been assessed, a person present, owning or having the use of the right for the ensuing season shall be entitled to a number of votes equal to the dollar amount and any fraction thereof which the right would have been assessed had it existed and been reasonably used when water was available under the priority of the right during the previous season."

The Attorney General has held that "proxy votes" are not permissible, but that in the absence of the owner of such right, the party present that has the use of this right for the ensuing irrigation season, such as a renter, lessor, or tenant, may cast this vote.

4. The Statutes provide that the compensation to be paid to the watermaster and his assistants shall be fixed by the meeting PRIOR to the election of the watermaster and assistants. It also provides that the watermaster shall not continue to perform his service "after the first of November of each year, unless otherwise provided by the rules and regulations of the respective districts, adopted at the annual water users' meeting." Should you desire to have your watermaster continue his services later than November 1st, it will be necessary to so provide by special resolution.

In adopting a budget, you should first decide what the total cost for administering the stream or source of supply should be for the coming season. The following two items make up the total cost:

- 1) The cost of salaries and fringe benefits for the watermaster and his assistants.
- 2) Other expenses of the district. This may be any list of items adopted by the meeting.

The total cost is then pro-rated to the various users in the same proportions determined in the proposed budget.

A minimum charge not exceeding \$20.00 per water user may be adopted to be payable if the user's pro-rated charge is less than the minimum

charge. Some districts have found this useful in funding the cost of delivering water to small users. The budget should be large enough to take care of an emergency. If the season is longer than you anticipate, additional expenses may be incurred. The watermaster can be paid only from the funds of the district. Should the budget prove to be greater than the actual cost, each water user will be given credit for the overcharge in the watermaster's report and in the next year's budget.

5. The statutes give water districts certain specific authorities, which, to be used, must be adopted during an annual meeting. Listed below are descriptions of these items with references and samples of language you may wish to use in adopting resolutions as you deem appropriate.

- A. To change the date of subsequent annual meetings. (Must be a weekday between the second Monday in January and the third Monday in March.) (IDAHO CODE, 42-605)

BE IT RESOLVED that, hereafter, the annual meeting of this district shall be held on 1 March.

- B. To adopt a minimum charge of \$20.00 or less to apply to any water user whose pro-rata share of the adopted budget is less than the above specified amount.

BE IT RESOLVED that for the year 2003, a charge of \$ 75.00 shall be assessed each user named in the adopted budget of this district whose share of the total budget is less than the above specified amount.

- C. To change the date on which payment of charges assessed in the budget are due to a date other than June 1. (IDAHO CODE, 42-617)

BE IT RESOLVED, that the amounts payable by each ditch, canal company, or other water user, as shown by the approved budget, shall become due and payable on 1 June, and said amounts, if not so paid shall bear interest from that date until paid at a rate of eight percent per annum.

- D. To withhold delivery of water to users until the amounts due them are paid. (IDAHO CODE, 42-617)

BE IT RESOLVED: That no ditch, canal company, or other water user, shall have the right to demand and receive water, and the watermaster shall not deliver to such person until the amount due and payable from such user, as fixed by the budget, has been paid.

- E. To provide for the watermaster to serve throughout the year rather than end his term of service on November 1. (IDAHO CODE, 42-608)

BE IT RESOLVED: That for the year 2003, the watermaster, after beginning his term of service shall continue in service until 1 Nov.

6. Many districts find it useful to appoint an advisory board to oversee the operation of the district throughout the season. Boards have been found to be of great value in resolving problems at the local level without resorting to the Department.

IDAHO CODE, Section 42-605, Subsection (6):

At such meeting the water users may choose an advisory committee to be composed of members selected as may be determined at the meeting, which committee shall serve as advisors to the director and the watermaster in matters pertaining to the distribution of water within the district. The advisory committee may be authorized to carry out policies as set forth in resolutions duly adopted by the water users at the annual meeting or at a special meeting. The advisory committee may also serve as the local committee to facilitate the rental of stored water if appointed by the water resource board for such purpose under the provisions of Section 42-1765, IDAHO CODE.

We hope that these recommendations will be helpful in securing the highest and best use of water throughout the coming season. If any questions arise, please do not hesitate to contact this office.

Annual Meeting of
Williams Creek Water District 75-B
March 3, 2003
88 Lois Lane Salmon ID

RECEIVED

MAR 06 2003

Journal of Water Resources
Division Office

Meeting was called to order at 7:00 p.m. by President Kevin Rice.

Attending

Dave Logan
Jason Beyeler
Mike Broce
Henry Anderson
Randy Capps
Kevin Rice
Bill Gattung

2002 - President and water master Kevin Rice
2002 - Secretary and water manager Bill Gattung

The first order of business was report by 2002 water master, Kevin Rice stating that the only problem that had come up last year was that John Benzon who has a water right on Williams Creek and tried to remove water from the highline ditch which is a private ditch for the user's down stream and Benzon has no diversion point of the high line ditch. Therefore, he was denied taking any water from the highline ditch. (See Benzon folder).

Election of Officers

Kevin Rice was re-elected as president and water master.
Bill Gattung was re-elected as secretary.
Mike Broce as elected as chairman.

Advisory Committee

David Logan Jason Beyeler
George Rice Randy Capps
Henry Anderson

It was then proposed by Bill Gattung to make the highline ditch a water user's association. There were several suggestions about how that could be beneficial to the whole of William's Creek.

It was then determined to keep the highline ditch as part of William's Creek as it is now and have all of the highline user's pay for the extra cost.

Water Measuring Devices

Water measuring was talked about in some detail and Chairman Mike Broce will be in charge taking care of that this year.

Finances

It is proposed that the water master salary will be \$400.00 this year to start with. Mike Broce will take care of all fringe benefits (Workmen's Comp., SS. and Misc.)

Maintenance

Each water user will see that the ditch and creek are maintained and kept in good condition.

Meeting was called to adjournment by Mike Broce

Seconded by Kevin Rice



Kevin Rice, President



Bill Gattung, Secretary