

WATER DISTRICT 29-D
FIRST MEETING OF WATER USERS
April 6, 2010

Tim Luke of the Idaho Department of Water Resources (IDWR) called meeting to order at 7:03 p.m. Mr. Luke announced that this was the first meeting of Water District 29-D.

Motion to nominate meeting chair as Jim Guthrie.

Mr. Luke gave a history of how Water District 29-D came to be, defined what a district is, how districts work, and how water district meetings are conducted. He advised the group that he is the Water Distribution Manager for IDWR, and his major responsibilities are water management and water distribution. Mr. Luke introduced Dennis Dunn, who is also with the IDWR, and who works with well drilling issues and water district reports.

Mr. Luke gave a power point presentation on the Snake River Basin Adjudication (SRBA), stating that water claims are filed in a process outlined by a water decree that was issued in the SRBA. Over one hundred water districts have been created in Idaho. Their purpose is to deliver water rights in accordance with the Appropriation Doctrine and State Law. Water right decrees have been in existence since the beginning of statehood. State water districts are used to control the distribution of water in accordance with the decrees. The closest and oldest water district is the Upper Basin district, which manages water from Chesterfield to McCammon. Mink Creek and Rapid Creek have districts but they are not very active. There was an attempt to pull the inactive districts into District 29-D. The IDWR received calls over the years regarding delivery disputes, which problems would arise again and again. There were claims of illegal diversions on tributaries, etc. The State encourages districts to have local control of the districts to provide some continuity.

Mr. McKee noted that there is not as much water coming down the canyon into Rapid Creek as there used to be. Another person noted that Rapid Creek has an active board which meets each year. Mr. Luke clarified that Rapid Creek did not typically have an elected water master that monitored use or that could be called to help with complaints. Additionally, water in some tributaries of Rapid Creek is hard to measure because there are no headgates.

There was a proposal to expand the Upper District, but there was opposition to that proposal, one reason being that the water master was too busy. One of IDWR's goals is to

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assist the Marsh Creek Water District in becoming more active. One way to accomplish this may be to combine three water districts into one.

Currently, there are 654 surface water rights in District 29-D and 300 domestic or stock water rights. A water right is not required to allow stock to drink out of streams in Idaho. Three hundred fifty-four of the water rights are mainly for irrigation, some municipal, risk propagation and hydropower. Two hundred of those 354 rights are mainly irrigation rights for .20 acres to 20 acres of area of use for the water right.

Mr. Luke outlined the duties of the water master (WM) for the district, which include regulation, water measurements, reporting diversions, enforcement, and curtailment of illegal diversions and uses. Water master duties shall also include: 1) reporting annual diversions, budget information and annual uses, assessments, etc.; 2) addressing ownership issues, water transfers and exchanges, and rights/diversions delivery list; 3) matching diversion rights on ground with water rights, documenting and inventorying rights and associated use to assure accuracy of IDWR records and to see if transfer applications are needed. According to Mr. Luke the WM provides benefits for the water district, such as 1) policing and protecting water rights; 2) keeping order and peace; 3) providing oversight and accountability of water rights; and 4) providing local expertise to water users.

By law, the IDWR is required to create water districts in Idaho. The tasks for district members at this meeting are to elect a water master, advisory committee and treasurer, to set a budget, and to set assessments. Pursuant to Idaho law, up to a minimum charge of \$50.00 may be assessed to users in a water district. Assessments are based on water delivered. If there no records of water delivered Idaho Code provide that an estimated usage may be used. Estimates may be based on water use, diversion rates and the number of irrigated acres.

A steering committee for Water District 29-D was formed by the IDWR, through Tim Luke, which met in December, 2009, and February and March of 2010. The steering committee met and interviewed three candidates for the district's water master position, and is ready to make a recommendation to the members. An audience member familiar with the Weber River water master advised the group that a water master needs to have a vested interest in the water district in order to perform effectively. It was added that both a water master and the district treasurer should have a vested interest. It was explained that the Weber Basin Water District is a private, non-profit company, as opposed to a state mandated water district. With regard to Idaho water rights, water districts are an extension of the IDWR, and as such, the water master takes direction from the IDWR, which assists the water master. Mr. Luke advised the group that the

water master receives training for the position, and assists the district in getting assessment notices out, setting up a bank account, obtaining a tax ID number, etc. Generally, a district will require a minimum of two or three signatures for approval to disburse any funds. Discussion following regarding how the water master is paid.

An impromptu question and answer session occurred, which included questions regarding the difference between a non-profit and a for-profit association, what address would be used for the district's tax ID number, clarification on the difference between groundwater wells and surface water, as well as ground wells for domestic use and stock use. Questions were asked about how assessments are computed, especially for multiple water rights at one diversion. Mr. Luke noted that there is a formula for assessment computation, and that larger right holders will pay more in assessments, but approximately eighty-five per cent of right holders in this water district will probably pay close to the minimum assessment amount. Luke was asked several questions regarding the advisory committee, and particularly if the advisory committee would have any control over the district's budget, to which Luke replied no, and if the district would have any potential liability. Luke explained that the district is an extension of the IDWR, and as such, the state surety board and office of risk management for the state cover the water master. The State Attorney General's office provides legal advice to the water district and the water master. Several other potential liability situations were discussed. An audience member then asked why Marsh Creek was not included in Water District 29-D. Mr. Luke advised that Marsh Creek is in its own district, and IDWR determined to include it at this time might complicate the formation of this district.

Mr. Luke returned the meeting topic to the appointment of an advisory committee which would serve as a sounding board for the district members, give advice to the water master, and advise the IDWR of issues specific to the district. The meeting was opened for nominations for a meeting chair to conduct the meeting. Nominations came from the floor for Jim Guthrie and Randy Smith. Jim Guthrie was elected meeting chair by unanimous vote. The floor was opened for nominations for a meeting secretary. Ethlene Rock was nominated and unanimously elected by water users present.

Mr. Luke then presented proposed Resolutions 1, 2, 3, and 4, noting that he would return to the topics of the budget and the water master after presenting all resolutions. Resolution 5 was presented and discussed at length, followed by Resolutions 6, 7, 8, 9, 10, 11 and 12. Upon a question from the audience, Mr. Luke clarified the voting qualifications as one water right equals one vote.

After reading the resolutions, Mr. Luke introduced the water master candidates, who each made a presentation to the audience, and answered questions thereafter. Chairman

Guthrie entertained a motion that voting be made by a count of hands as opposed to secret ballot. The motion carried. A vote was taken to elect a water master for District 29-D. The vote count was 30 votes for candidate Russ Wheatley, and 9 votes for candidate Randy Smith. Russ Wheatley was elected water master.

A motion was made to elect Ethlene Rock as treasurer of Water District 29-D. No other nominations for treasurer were made, and the motion on the floor carried. Ethlene Rock was elected treasurer of Water District 29-D.

Discussion turned to the topic of electing an advisory committee, which would consist of five people. A motion was made to elect the four members of the steering committee who were present at the meeting. The motion carried. Nominations for the fifth advisory committee seat were taken from the floor. Randy Smith was nominated, but Mr. Smith withdrew his name from consideration. Thereafter, Lyndon Smith was nominated and elected to serve as the fifth member of the advisory committee of Water District 29-D.

In ending the meeting, Tim Luke provided telephone numbers at which he could be contacted, as follows: 208 775 4919 (home), 208 242 7894 (cell), and 208 287-4959 (work). Thereafter, a short discussion was held regarding clarifying owner and assessment language for the district, and voting rights for a husband and wife who share a water right. This may be a matter to be addressed in by-laws. Thereafter, a motion was made, seconded and carried to adjourn the meeting.

Minutes composed by Dean Tranmer and Ethlene S. Rock

Respectful submitted by Ethlene S. Rock

Ethlene S. Rock 4/15/10