

**AGENDA**  
**WATER DISTRICT NO. 29-D**  
**LOWER PORTNEUF RIVER & TRIBUTARIES**  
**2011 ANNUAL MEETING**  
**Tuesday, March 8**  
**Idaho State University Pond Student Union Bldg**  
**6:30 pm**

Call Meeting to Order	2010 Meeting Chair or IDWR
Selection of Meeting Chairman and Secretary	Water Users
Introduction of Advisory Committee and IDWR rep	Meeting Chairman
Financial Report	Ethlene Rock, Treasurer
Watermaster Report	Marshall Wheatley, watermaster
Present Proposed Resolutions and Budget	Meeting Chairman
Adoption of Resolutions and Budget; Election of Watermaster	Meeting Chair/Water Users
Selection of Advisory Committee Members	Meeting Chair/Water Users
Other Items of Business	Meeting Chair/Water Users
Adjournment of Meeting	

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RECEIVED  
MAR 18 2011  
DEPARTMENT OF  
WATER RESOURCES

Water District 29-D  
Water Users Meeting  
March 8, 2011

The second meeting of the District 29-D water users was held in the Little Wood River room at Idaho State University. The meeting started at 6:30 pm with the nomination of George Chandler as chairman, and Shelley Lish as secretary for this meeting.

Tim Luke of Idaho Water Resources said future meetings will be held on the first Tuesday in March rather than the second Tuesday to accommodate school district elections being held on the second Tuesday. Mr. Luke introduced the committee members, and read the minutes of last year's meeting. A mistake in the name of our water master in the minutes was corrected to Marshall Wheatley. The minutes were approved as corrected.

Ethlene Rock gave an overview of the financial report. Our income last year was \$16,856.00, and there are outstanding assessments of \$1341.53. The balance is \$4226.94. We are set up as a government subsidiary and have a federal ID number. A GPS was purchased for the water master, along with a few needed office supplies. A motion was made by Dean Tranmer and seconded by Monte Lish to approve the financial report.

Water master Marshall Wheatley gave a report of what he had done last year. He said he spent considerable time on Rapid Creek, and will be spending more time assessing the Portneuf River rights this year. Mr. Wheatley stated that there are no measuring devices in this district and many pumps are used. Last year there were no calls for water. There were, however a couple of temporary permits issued. One of them was to Bannock County for use on road work. Mr. Wheatley said that there is a possibility of purchasing flow meters and/or weirs for measuring water in the future. The numbers where he can be reached are 775-4919 and 242-7894. A motion was made and seconded to approve this report.

Tim Luke went over the resolutions and said they are mostly the same as last year with a few minor changes in the budget. He said there are no plans now to purchase measuring devices. Whether we do or not in the future depends on delivery calls and/or disputes. The \$40.00 minimum assessment is staying the

same for this year. The usage level for hydro plants has been raised. A raise in wages for the water master was recommended by the committee and approved by the members. It was decided that a bookkeeper would be hired and the wage would be raised from \$300 to \$1500 per year. Ethlene Rock stated that there were approximately 30 checks written last year.

When asked how he thought our district worked for its first year, Mr. Luke said it went pretty well. Some ownership issues were resolved, and one user gave up their water right. He said there are some issues with GPS readings not matching what the IDWR has recorded. These issues need to be resolved. There was a motion by Lyndon Smith to adopt the resolutions, and it was seconded by Ethlene Rock. Approved.

The chair asked for nominations for water master. Ethlene Rock nominated Marshall Wheatley. No other nominations were made. Mr. Wheatley was approved by unanimous vote.

Ethlene Rock made a motion to keep the five existing committee members, and was seconded by Harold Armstrong. It was voter approved.

Tim Luke said that Joyce Rindowski has already been hired as the bookkeeper. Ms Rindowski stated that she has a computer, and will purchase her own software.

The question was asked about where to send our assessment. Ethlene Rock said they will rent a PO Box in Inkom and put the address on the assessment letter.

Ethlene volunteered to continue as secretary/treasurer since there has been a bookkeeper hired to ease the work load. Harold Armstrong made a motion that she remain as secretary/treasurer, and Kent Larsen seconded. Approved.

Tim Luke stated that the fee for a water transfer is going to double this year, so if anybody is going to do a transfer, it should be done before the end of June.

Meeting adjourned at 7:45 pm.

# WATER DISTRICT 29-1) SIGN-UP

## NAME

Matthew Rendace & Joyce Rendace

George & Lorene Chandler

Eileen & Rick

A. Dean TRANMER (ith or Nat'l)

Randy Smith

Rosalie Thomas

Florence Thayer

Deanne Crawford

David R. Johnson

ALPH NISTINE

Ray Oustine

NORTH HILL

Cory Lamb

Rim Vistaf

QUIN GILBERT

Jim & Carol Dettmer

Dave Wagner

WAYNE L MILLER

HERMANN & Rose Sterner

Thomas & Tracy Thompson

Monte & Shelley Lick

Val Gunn

Laura Gunn

Evert Madsen

Roy Benson

Lois & Kenner

Flex Hahn

Ken Colling/Lila Colling

Kip & Smith

Erica Becker

KARL & ARDY'S HOLTE

WATER District 29-D

NAME

Harold Armstrong  
Kent Hansen

**WATER DISTRICT NO. 29-D  
LOWER PORTNEUF & TRIBUTARIES  
2011 ADOPTED RESOLUTIONS**

The water users of Water District No. 29-D, as part of the annual district meeting held on March 8, 2011, at the Idaho State University Pond Student Union Building in Pocatello, Idaho, HEREBY ADOPT THE FOLLOWING RESOLUTIONS:

**1. DISTRICT CREATION AND BOUNDARIES**

Water District 29-D, 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 annual water district resolutions adopted herein.

**3. ELECTION OF WATERMASTER**

It is herewith resolved that Marshall Wheatley be elected as watermaster for Water District No.29-D for the ensuing year.

**4. RESOLUTION REGARDING WATERMASTER TERM OF SERVICE**

As provided in Idaho Code § 42-608(4), the Water District 29-D 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 and qualified under the provision of Section 42-604, Idaho Code.

**5. BUDGET MATTERS**

**5a. 2011 BUDGET**

It is herewith resolved that the 2011 operating budget for Water District No. 29-D is as follows:

Watermaster Wages (\$16/hr; 572 hrs)	\$ 9,152
Bookkeeping/financial contract	\$ 1,500
FICA/Medicare/Workers Comp (est. 13.6%)	\$ 1,245
Vehicle Mileage (2,000 miles@ \$0.55/mi.)	\$ 1,100
Office Supplies/misc	\$ 1,000
Contingency/Reserve	\$ 2,000
<b>Total</b>	<b>\$ 15,997</b>

## **5b. ASSESSMENTS**

1. It is herewith resolved that the adopted budget for Water District No. 29-D be collected from the water users by the Water District No. 29-D Watermaster as provided by Idaho Code § 42-618. The Watermaster will make an assessment to each water right holder, except those holders of water rights meeting the criteria in item 3 below, in pro-rata amounts. All funds shall be deposited in a bank account maintained by the Water District. The Watermaster shall prepare annual assessments after the water users present at annual meeting have formally adopted the budget.
2. Whereas Idaho Code Sections 42-612 and 42-615 require that proposed water district budgets and annual assessments to individual right holders be prorated based upon the amount of water delivered or used by individual right holders during the past season or seasons (not to exceed five seasons) and, whereas no records of water delivery currently exist in the newly created Water District 29-D; it is therefore resolved that Water District 29-D will estimate annual water use for all irrigation rights using the following formula:

Estimated seasonal use (total 24 hr-cfs) = Total authorized water right diversion rate (cfs) multiplied by 85 days per season

Estimated annual water use for municipal and other non-irrigation consumptive use water rights shall be based on actual records of water use maintained by the right holders, subject to approval by the watermaster and IDWR. In the event that water measurement records do not exist for such uses, water use shall then be estimated using the same formula above except that the number of days per season shall be 180 days (approximately six months of continuous use at the full authorized diversion rate), or the number of days authorized by the water right season of use if the season of use is less than 180 days.

3. Surface water rights that are used solely for domestic and stock water purposes or other small uses that are consistent with the use limits defined by Idaho Code Section 42-111 shall be exempt from any water district assessments.

## **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 \$40.00.

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 2010 adopted budget shall constitute a final determination of the amount due for 2010.

## **5e. DISTRICT PAYMENT TERMS**

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

1. Assessments shall be payable within thirty (30) days of the billing date. The postmark date will be considered the date of payment. Accounts not paid within thirty (30) days 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 is authorized pursuant to Idaho Code Section 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 billing date.

## **6. ELECTION OF A DISTRICT TREASURER**

It is herewith resolved that Ethelene Rock be appointed as treasurer for Water District No. 29-D until a successor is elected and appointed. The duties of the treasurer will be to approve expenses and disburse 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. 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 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: Dean Tranmer

Member #2: George Chandler

Member #3: Else Teton

Member #4: Matt Rendace

Member #5: Lyndon Smith

## **8. 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 Water District No. 29-D Watermaster
- the current Water District No 29-D Secretary/Treasurer
- one member of the Water District No. 29-D Advisory Committee appointed by the meeting chairman

If either or both the watermaster or secretary/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

## **9. ANNUAL MEETING DATE**

It is herewith resolved that the Annual Meeting for Water District 29-D shall be held on the First (1<sup>st</sup>) Tuesday 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 6, 2012.

## **10. ANNUAL MEETING MINUTES AND REPORTS OF THE WATERMASTER AND WATER DISTRICT**

- a. Copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and any report prepared in accordance with Idaho Code § 42-615, shall be filed with the director of the Department of Water Resources immediately after the annual meeting in accordance with Idaho Code § 42-617.
- b. The watermaster of Water District 29-D 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.

## **11. 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.

## **12. 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:

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