

Water District 61E  
Cold Springs Creek  
Annual Meeting Minutes  
January 18, 2016  
6:00PM Glenns Ferry City Hall

The meeting was called to order by Teresa McCallum at 6:00PM. She stated that Ed Neuer would be voting for Susan Denny by proxy. In attendance were Teresa McCallum (CDN & ARK), Paula Riggs (Secretary/Treasurer), Rich Neal (Water Master), Nick Van Dyke & Nick Miller (IDWR), Harley & Shelley Riggs (DA), Lee Blackwell, Ed Neuer, Joann Hunt, Ann Wilson, Julio, Lou Anderson & Chuck Shenk (Mule Shoe) and Dave & Glenn Bean.

Paula read the minutes from the January 26, 2015 meeting. Teresa opened the floor for changes, Lou made a motion to approve, Ann second, motion passed. Teresa asked if there were any changes or additions to the agenda, she stated she would have an item to be added to new business. Paula gave the treasurer's report. Harley made a motion to approve, Lou second, motion passed.

Water Master Report: Teresa wanted everyone to know that the red on the water master report are items that Paula has added. Rich stated that he did not provide Paula with the working report he created on excel that he keeps a running record of water on a daily basis. He stated that he made call outs 2/wk during the summer so he had 2 readings so he would take the current reading and the last reading to determine water usage. At the end in November everyone was shut off except Charter Mountain and their stock water. Teresa wanted clarification that if he took a reading on July 15 and they were at 1.5 cfs and then a reading on August 8 and they were at .5 cfs did he average for that time period for billing purposes. Rich said yes that is the fair way to do it. He stated he was reading about every 3 days through the summer. Harley asked how Rich determines stock water and if it is being used appropriately. Rich said he just looks to see if there are cattle present but as far as figuring how many cows and how much water he does not figure that, as long as there are cattle there he gives the allotted water. Teresa wanted it noted that in the water report it stated Harley was concerned they were using more water than they are supposed to but they are only using their right. The water needs to travel 2 miles down the ditches to get to the cattle. It is not Rich's place to determine this. Harley said but if there are no stock in the field they should not be taking water so it is a concern and it is up to Rich to determine it is being used properly. Rich agreed. He said there was one time when he couldn't see the cows but Teresa said the cows were in the bottom of the field. Teresa also wanted to note one of Rich's remarks in his report about her letter to IDWR being inaccurate about unallocated water. She stated she showed Rich after that there was no clarification back to IDWR in writing that it was in fact going as she said. She asked for a clarification to the water report that the water was flowing away from the creek and that her letter was correct. Paula asked for the specific date which she stated was March 9<sup>th</sup>.

Old Business: Paula stated that we needed to change the by-laws again because they were changed in 2015 to Lou Anderson's motion of how the assessments were to be billed for 2015. It was voted on in the last meeting to change the by-laws and that after a full water year of records we would charge accordingly for 2016. So, the by-laws need to be changed to reflect that. Lou made a motion to change the by-laws under the budget section to use 2015 records of actual use for 2016 assessment purposes and for 2017 we will use the average of 2015 & 2016 and in 2018 we will use an average of 2015, 2016 &

2017. And it will continue on a rolling 3 year average from that point forward for all future assessments. And the minimum charge for users that receive no water will remain at \$25 for that year. Ed second, Teresa asked for any discussion. Teresa stated that since they are at 82%, her and John don't like it but it is what it is. Lou said it is a fair way to do it, this way the users that use the most water and benefit from the most water pay for the water. If we get more water in the creek more people will be able to use the water and more people will share in the cost. He said if you figure this in acre feet it comes out to only .72 cents an acre foot most of our water rights are a maximum of 4 acre/ft which only comes out to \$3/acre and that is only if you used your maximum. We are running inexpensively and even though CDN's portion is high for the amount of water they get it is reasonable. Teresa agreed but hoped it did not come into a situation that it becomes harassment and they get to pay for it. Nick Miller from IDWR added that the way we are doing this is the way the Idaho Statute states so this is how it should be done. Harley stated that this is on a year with no water, so when we have a good water year and more people get water the budget allocation will adjust and we won't have to assess as much to just a few. Paula wanted to point out that the way it was decided to assess last year with CDN and DA taking 90% of the cost and then splitting it CDN was charged 55% = \$2,996 used 82% of the water which came to \$2,802 and DA was charged 45% = \$2,452 and only used 7% which came to \$239. So, that extra money that DA paid is what is in the account totaling \$3,107 which is what this years assessments are based off of. So in the end, that is a large portion of DA's money that is making this years assessments a lot lower than what they would have been or will be going forward. Lou said we probably budgeted more money for call outs than we need but it is better to have extra than to be short. Being no further discussion a vote was taken, motion passed to amend the by-laws as stated.

Paula wanted to point out that under the agenda item by-law change (attached) she was referring to the reports Rich provided with each user's total delivery amount, she wanted to show how she calculated the percentage of that number to arrive at the total assessments.

New Business: Teresa presented a letter that John wrote to the users (attached) making note that he and Teresa felt DA had an illegal diversion. She stated that from the west side of the Blackwell property there is a large bog that got water that came across the very bottom of their property and they had always thought that was DA's 2<sup>nd</sup> diversion we feel this is in our opinion illegal in the amount of somewhere between 2 to 4 cubic ft of water. That water was never measured and was watering some BLM ground from their observations and that is not part of DA's water usage. It was a spring within 20' of the confluence back into cold springs creek and had that water been put back into the creek it would have provided water to downstream users like DA & ARK. By the time it was found out it was too late. We discussed it with Rich, had IDWR out several times and a lot of the call outs done by CDN was for this. The water was put back into the creek. Harley stated he wanted to clarify this information because she was accusing DA of stealing water when in fact, the water comes off of Blackwells property but runs onto CDN for the entire 40 acres almost ½ mile. Teresa said that was a ditch they were not aware of and it got hung up on vegetation in the ditch then backed up ran across their field and then ran out onto DA's property. Harley clarified that when the water leaves blackwells it goes into CDN's ditch across their property which makes CDN have use of Blackwells water for over ½ mile and then it is cut back into the stream. Harley stated that it is not his job or the responsibility of DA to take CDN's waste water and put it back into the stream, it is their responsibility. Once the water hits their property it becomes their wastewater and it is their job to put it back into the stream for the lower creek users. Teresa stated that

they were never aware of this ditch for the past 15 years they have owned the property. Rich came out with the guidance of IDWR on the phone with him and made the determination where the easiest place to put the water back would be. She stated at no time did they divert or use the irrigation through their property. She said they do not have a diversion point for this so they could not legally use it. Lee was unaware of any of this, but if it is their water is it a spring? Teresa said there are springs coming up underground on the Blackwell property and they drain through natural things into an old channel. Lee wants to know since this is their spring can they apply for a water right? Nick from IDWR said yes but it would be a 2016 priority date. Lee said why don't they put a ditch from those springs right to the creek so it would fix all of this? Harley said yes he hopes they do, and then it doesn't run over CDN property for a ½ mile. Lou said this all sounds like it was handled like it should have been, Rich got called, the water got put back into the creek and the problem is solved. Rich agreed. Paula asked for a specific date in the water master report that the call being referenced to happened. Teresa noted Feb. 22 -27<sup>th</sup>. Harley said he would not stand for being accused of stealing water and wanted it made clear DA was not stealing water, it was CDN's ditch that Blackwell's water was running through and then backing up on their property running off onto DA. It is CDN's responsibility not DA. Teresa said she could not go on someone else's property to fix this, Harley said it is on your property, the ditch is on your property, you could have fixed this.

Other new business: Harley brought up the IDWR meetings that he, Paula & Glenn attended about IDWR combining all the water districts together. Nick explained district 61 is being considered to be combined for ground water only at this time.

Proposed Budget: Paula went over the budget and the budget addendum showing what the 2015 assessments were and what the actual water percentages/amounts were along with how many call outs each water user did. Lou motioned to approve, Harley second, motion passed. Rich asked Teresa if he could get to the head of the creek right now, she said yes by 4 wheeler. Lou wanted to know what the water situation looked like for this year. Teresa said much better, they have water running across the road at Ross Rd. Harley said he thinks it will be good this year.

Election of Officers: Lou made a motion to retain current officers, water master and advisory committee as all users the same. Joann second, motion passed. Teresa asked Paula if the minutes are mailed out, Paula said yes. Teresa asked that 2 weeks prior to the annual meeting all users be mailed the agenda and any topics of discussion or by-law changes. Paula said yes but she would prefer to email these items to save on cost and on tonight's sign in sheet she asked for everyone's email addresses. Lou also asked that going forward if there are any resolutions/issues that need to be addressed that they be submitted back to Paula one month prior to the annual meeting so everyone has time to think about these prior to the meeting. That way everyone has an opportunity to have a say. Paula said she would also email everyone the water master report as she receives it so everyone is aware of what is going on on the creek throughout the year instead of only at the annual meeting.

Lou moved we adjourn the meeting to January 9<sup>th</sup>, 2017 at 6:00pm at Glenns Ferry City Hall, Ed second, motion passed.

Respectfully Submitted,  
Paula N. Riggs  
Secretary