

The Annual Meeting of Dist. 65-D was held on March 7, 2016 at 10 a.m. at the Donnelly Bible Church.

Users present – Harry Bettis, Isaac Babcock, David Carey and Steve McCarley, Vicky Eld, Jimmy James, Stephanie Johnson, Paul and Gretel Kleint, Brett Mendia, Lyle and Kathy Points, Tom Shaw, John, George, and Linda Duncan.

Others -- Jerry Greenland (Water Master), Nick Miller and Danie Merriman (Dept. of Water Resources).

1. The minutes of 2015 were read and approved.
2. Treasurer's report was \$244.67 in the checking account. Outstanding bills: Peter Allen-\$20; Michelle Anchustegui-\$100; Dennis Crispin-\$10; John Hoffman-\$10; Daniel Jones-\$10; Andrew Lausen \$20; Myron and Susan McCumber-\$70; John Russell-\$10; Steve Wurster-\$10. Lyle moved and Steve seconded to accept this report. Passed.
3. Lyle moved and Harry seconded to have next year's meeting on the first Monday of March at 10 a.m. at the Donnelly Bible Church. Passed.
4. Vicky moved and Harry seconded to continue 65D's membership in the Idaho Water Users Association at \$50. Passed.
5. Lyle moved and Vicky seconded to keep the advisory board of– George Duncan, David Carey, and Stephanie Johnson. Passed.
6. Lyle moved and Harry seconded to continue with George Duncan -- Chairman, \$100; Linda Duncan—Sec.-Treas., \$300 plus \$150 for office supplies. Passed.
7. Paul moved and David seconded that the following resolution be continued. "Resolved, that no ditch, canal Co. or other water user shall have the right to demand and receive water and the Water Master shall not deliver water to such user, until the amount due and payable from such user, as set by the budget, has been paid." Passed.
8. Lyle moved and Steve seconded to adopt the budget of \$6,173.43 and hire Jerry Greenland as Water Master -- \$52.50 per day and \$300 for motorcycle. Passed.
9. Paul moved and Lyle seconded to continue the resolution: "Resolved, that no water will be delivered to party or parties that the Water Master deems responsible for the maintenance of a weir or measuring device until the weir or measuring device is repaired/replaced to the Water Master's satisfaction." Passed.
10. John moved and Lyle seconded to continue the resolution: "Resolved, that new developments leave an easement for companies and districts to be able to clean and maintain the ditch and to have access for the ditch rider: accessible, unlocked gates a minimum of 12' and as in accordance with Idaho Code Ch. 11 – Rights of Way." Passed.
11. Stephanie moved and David seconded to accept letter (Idaho Codes 42-1201; 42-1202; 42-1204; 42-1209; 43-304; 43-327) written by Dana Hostetter (water lawyer) as resolutions and to send said letter to all water users and property owners along ditch banks. Passed.
12. John moved and Harry seconded to add rights of way paragraph in Idaho Code 42-1102 to the said letter. Passed.

March 7, 2016

Dear Water District 65-D Water Users and Landowners with irrigation ditches/canals rights of ways through properties,

A number of questions have arisen recently regarding the respective rights and responsibilities of Water District 65-D, water users and landowners. This letter intends to summarize Idaho Law, on the subject, in an effort to answer these questions.

In accordance with applicable water rights, Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner has the duty to deliver water to its users using its system of canals and ditches. *Idaho Code* § 42-1201. The district's /company's responsibilities end at the head gates from its canals and ditches where water is delivered to the water users laterals and ditches. *Idaho Code* § 42-1202. Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner has the right to clean, repair and maintain its canals and ditches and other delivery works in order to deliver water efficiently to its water users. *Idaho Code* § 42-1204. Water District 65-D's, Boulder Irrigation Company's, Roseberry Irrigation District's, or other ditch owner's, employees and agents, including the ditch rider and water master, have the authority to enter properties at any time without notice to maintain facilities and to regulate and distribute water. *Idaho Code* § 42-1204. Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner can remove any encroachment to water delivery at the expense of the encroaching party and without permission, that "unreasonably interferes with its use of the ditch or canal." *Idaho Code* § 42-1209; *Pioneer Irrigation District v. City of Caldwell*, 153,288 P.3d 810 (2012).

Under the policies and rules of Water District 65-D, Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner, water users are required to order the water they expect to need at least 48 hours in advance and cannot take any that they have not ordered. *Idaho Code* § 43-304. Water users also must clean and maintain the ditches below the delivery head gate, take out, or point of diversion that serves their own properties to ensure good water flow. It is important to keep in mind that just because a ditch runs through property, that property is not necessarily entitled to Water District 65-D water. If there are any questions about whether Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner delivers water to a certain property, please contact Water District 65-D Secretary, Linda Duncan. Of course, if assessments are not timely paid to the County, Water District 65-D, by law, may discontinue water deliveries. *Idaho Code* § 43-327.

No property owner or user shall place any obstruction on the ditch/canal banks, including private roads, utilities, fences, gates, pipelines, structures, or other construction or placement of objects, without the written permission of the owner (Boulder Irrigation Company, Roseberry Irrigation District, or other ditch owner). Obstructions of any kind placed on ditch/canal banks without written permission from ditch's/canal's owner, shall be removed at the expense of the person or entity causing or permitting such encroachment, upon the request of the ditch/canal owner. *Idaho Code* § 42-1102.

We hope this information is helpful and avoids any future misunderstandings about the respective legal rights and obligations applicable to Boulder Irrigation Company's, Roseberry Irrigation District's, or other ditch owner's facilities and its delivery of water. If you have any further questions, please do not hesitate to contact us. Thank you.

Sincerely,

George Duncan: 208-634-5387

13. Harry moved and Lyle seconded that the meeting be adjourned. Passed.

Linda B. Duncan  
Secretary