

The Annual Meeting of Dist. 65-D was held on March 6, 2017 at 10 a.m. at the Donnelly Bible Church.

Users present – Isaac Babcock, David Carey, Vicky Eld, Rick Fereday, Tim and Mary Hart, Jimmy James, Paul and Gretel Kleint, Rochelle and Robert Oxarango, Kathy Points, Tom and Sketer Shaw, Gary Swain, John, George, and Linda Duncan. Others -- Rachael Sommer (Dept. of Water Resources) Glenn Ward.

1. The minutes of 2016 were read and approved.
2. Treasurer's report was \$250.44 in the checking account. Outstanding bills: Michelle Anchustegui-\$110; Ardys Curtis-\$10; Patrick Harren-\$10; John Hoffman-\$20; Island Capital-\$10; Andrew Lausen \$30; Myron and Susan McCumber-\$80; Robert Oxarango-\$10. Vicky moved and Kathy seconded to accept this report. Passed.
3. Mary moved and Robert seconded to have next year's meeting on the first Monday of March at 10 a.m. at the Donnelly Bible Church. Passed.
4. Paul moved and David seconded to continue 65D's membership in the Idaho Water Users Association at \$50. Passed.
5. Mary moved and Isaac seconded to keep the advisory board of- George Duncan, David Carey, and Stephanie Johnson. Passed.
6. Robert moved and Vicky seconded to elect **David Carey – Chairman**, \$100. Passed.
7. David moved and Paul seconded Linda Duncan—Sec.-Treas., \$300 plus \$150 for office supplies. Passed.
8. David moved and Kathy 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.
9. Mary moved and Isaac seconded to adopt the budget of \$6,342.98 and hire on a trial basis: Glen Ward as Water Master -- \$52.50 per day, provide a phone with a nine hour response time to messages, and \$300 for motorcycle. Glen accepted. Passed.
10. Gary moved and David 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.
11. Robert moved and David 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.
12. David moved and Tim seconded to continue the following letter (Idaho Codes 42-1201; 42-1202; 42-1204; 42-1209; 43-304; 43-327) written by Dana Hostetter (water lawyer) as resolutions. Passed.

March 6, 2016 2017

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 serve 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 in Water District 65-D facilities and its delivery of water. If you have any further questions, please do not hesitate to contact us. Thank you.

Sincerely,

David Carey
Chairman Water District 65-D

13. David moved and Mary seconded that the meeting be adjourned. Passed.

Linda B. Duncan
Secretary