

**Water District 29-D
2013 Annual Meeting
March 4, 2013
7:00 p.m. Marshall Public Library**

The annual meeting of the Water District 29-D was held on Monday, March 4, 2013 at 7:00 p.m. at the Marshall Public Library in Pocatello, Idaho. The meeting was called to order by the 2012 Chairman, George Chandler at call the meet to order at 7:00 p.m.

Chairman Chandler introduced the 2012 advisory committee members, Ethlene Rock, Joyce, Dean Tranmer, Elese Teton, Lyndon Smith, and not present was Matt Rendace; in addition to the Bookkeeper Joyce Rendace, James Cefalo, IDWR representative, and Water Master, Randy Smith.

Selection of Meeting Chairman:

Discussion: none

Action: Ethlene Rock nominates George Chandler, second by Seren Chandler, all were in favor for George to be chairman.

Selection of Secretary:

Discussion: none

Action: Ethlene Rock nominates Elese Teton, seconded by Joyce Rendace, all were in favor.

Review of the 2012 Minutes: Review of minutes from 2012 annual meeting and acceptance.

Discussion: minutes were provided in handout and they can review throughout meeting and if there is any question stop and ask him. The minutes will be approved later in the meeting.

Action: motion was made to accept the minutes as written and they were approved.

Financial Report: financial report presented by Joyce Rendace

Discussion: The 2012 income statement and balance sheet was provided in the handout. Income statement is a summary of what we took in and what we spent. Water assessments brought in \$13,896.34 and expenses included Watermaster expenses of \$2,502.96 for salary, FICA, Mileage, and field supplies; \$819.46 for employer payroll taxes; \$356.67 in office expenses for Envelopes, paper, postage, Box rental, and accountant analysis; and \$3,000.00 for bookkeeping services by Joyce Rendace. Therefore, total operating budget was just under \$7,000 (\$6,679.09 exact) and we brought in nearly \$14,000 so we had left over \$7217.25. The balance sheet shows a snap shot of your budget at a particular time. The current assets \$17,241.05 and current liabilities of \$359.01 on March 4, 2013 the district has \$16,882.04. A question was asked how long we are going to allow some of the accounts to go delinquent or uncollected. Joyce Rendace explained that some are a farm and subdivided and water rights sold separately and the IDWR needs to figure out. Ownership changes forms have not been processed so that we can assess. Another question was asked whether these people were getting

water. Ethlene explained that Randy Smith came on late and is still becoming familiar with district diversions and Marshall was familiar with them and they were working on it but he resigned.

Proposed Budget for 2013:

Discussion: the advisory committee realizes that the carryover in the bank is a large amount and proposing a reasonable budget was important. The committee proposed to drop the assessments because we have some left over in the bank to carry us over. But we also don't want the "roller coaster effect" and have fluctuating assessments on a year by year basis. Ethlene reviewed the costs line by line and requested any questions. A question of whether there was a need for a meter? Ethlene explained that we have had lengthy discussion of the meter and IDWR will be loaning the water master a meter at no cost to the district. Joyce mentioned that we are looking to pull in \$9,000. A question was raised that we should probably collect the actual budget around \$11,000 due to the economy. He recommended that we raise our collections so that we don't leave ourselves vulnerable in hard times. We need to plan for unseen costs. James Cefalo recommended that we at least have 1 year's budget in the bank and other districts have done this and have zeroed in on an assessment that keeps them level. Jeff Butler would like to not see such an aggressive assessment drop. Joyce gave an example for City of Pocatello and it roughly dropped a third in fees. James Cefalo described the spreadsheet that determines the minimum amount and per cfs charges to come up with a budget. Joyce explained that Randy, the Watermaster, will be budgeted for more hours & mileage because he started late in the year in 2012 and will need the entire year for 2013.

Action: see proposed resolution actions below

Watermaster Report: report of activities of the Watermaster for season 2012.

Discussion: Randy Smith, see Watermaster report 2012 attached. He mentioned that he doesn't want to waste the users funds by visiting but if the users want him to do that he will, he also wants to keep the budget at level spot. He keeps a log and mileage on what he does. Give him a call if there is a problem and he may come visit you if you want him to. The water master is willing to be a mediator among individuals on the same lateral to reduce conflict. He is impressed with the district and wants to keep the job.

Proposed Resolutions:

Discussion: Elese presented any changes in past resolutions; updated to the current date and years; removed Ethlene as Treasure due to her resignation; we need to fill advisory committee seats; and late assessments regarding ownership changes new language discussed; continued discussion took place on budget on minimum assessment and per cfs charge, it was made clear that the committee has proposed a minimum fee of \$25.00. Jeff Butler would like to see only a \$5.00 decrease until we find that level assessment and that we need to account for any inflation. Another question was what if Watermaster truck breaks down, Ethlene explained that Randy gets mileage and he is responsible for operation and maintenance of the truck including a break down.

Action: motion made by Mike to accept the resolutions and a budget of \$25.00 min assessment and committee proposed budget and seconded by Mark, 19 in favor and 12 opposed, motion passes.

Selection of Advisory Committee Members:

Discussion: James Cefalo explained the duties and responsibilities of the committee. George reintroduced the committee of 2012. Chairman requested if there are anyone in the group that was interested in serving on the committee with no response.

Action: motion to leave current committee as is by Norm Rogers and Mike Thering made the second, all were in favor.

Selection of Watermaster:

Discussion: None

Action: nomination made by Harold Armstrong for Randy Smith, with Jay Anthony with second for Randy Smith as Watermaster, all in favor.

Selection of Secretary/Treasurer:

Discussion: Secretary and Treasurer will be the same person.

Action: nomination made by Mary Spinner for Elese Teton to serve as the Secretary/Treasurer and Seconded by Mike Vesitve, all were in favor.

Bookkeeping contract:

Discussion: decision needs to be made if Joyce Rendace be kept for these services.

Action: Ethlene made motion to keep Joyce Rendace on for bookkeeping services, seconded by Mike Bestol, all were in favor.

Other Items of Business:

- Ethlene announced that the annual meeting date has been moved to second Monday of March instead of Tuesdays to avoid election conflicts in the future.
- Randy Smith the water master gave out his contact information
- James Cefalo, IDWR representative gave a brief of projects within the department. There is a lot of turnover in property ownership, please come in and process a property change in water right ownership. The adjudication is coming to a close and over 200,000 water rights have ran through the SRBA and there is only a fraction left because they are complex. They believe in 2014 SRBA will be completed. Because of the SRBA the licensing has not took priority and the field investigations need to be complete and finalized now that the SRBA is coming to a close. Thanked everyone for coming and participating. Watermaster is there to fix conflicts; he welcomed anyone to talk to him.
- There was a question regarding silt, what can anyone do to get silt out of water?; James explained that some farms will settle out on their own land before they put it on their crop. George mentioned that silts are coming from floods and spring runoff.
- Question regarding Randy's Wages: it was explained that he has a \$16.00 hourly rate and get paid mileage.

Adjournment of Meeting:

Discussion: None

Action: motion to adjourn at 8:13 p.m. by Hal Armstrong and seconded by Mike Bestol, all in favor.

WATER DISTRICT NO. 29-D LOWER PORTNEUF & TRIBUTARIES 2013 PROPOSED RESOLUTIONS

The water users of Water District No. 29-D, as part of the annual district meeting held on March 4, 2013, at the Marshall Public Library 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 Randy Smith 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. 2013 BUDGET

It is herewith resolved that the 2013 operating budget for Water District No. 29-D be \$11,098.20, to include \$3,000 for all book keeping and financial services (contract with Joyce Rendace), and up to \$8,950.00 for watermaster salary and related taxes (FICA, Workers Comp, Medicare), watermaster vehicle mileage, and other miscellaneous watermaster and district operating expenses.

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 up to \$25.00 per water right owner shall be assessed. Whenever the prorated charge to a user is less than \$25.00, that user will be assessed the minimum charge.

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 \$25.00.

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 2013 adopted budget shall constitute a final determination of the amount due for 2013.

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.
3. The holder of any water right(s) who acquired the right(s) at any time between the last annual meeting date and the end of the last irrigation season (or December 31 for non-irrigation use rights) shall be responsible for payment of the assessment and all late charges from the prior year, but shall not be responsible for payment of unpaid assessments from prior years under a different owner or owners.

6. ELECTION OF A DISTRICT TREASURER

It is herewith resolved that Elese Teton 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

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: George Chandler

Member #2: Lyndon Smith

Member #3: Dean Tranmer

Member #4: Matt Rendace

Member #5: Elese Teton

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 Second (2nd) Monday 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 10, 2014**.

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.