

**WATER DISTRICT 74J**  
**Annual Meeting March 10, 2016**

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**APR 04 2016**  
Department of Water Resources  
Eastern Region

The meeting was called to order at 2:00 P.M. in the County Agent's Meeting Room at the Brooklyn Annex by Chairman Jack Jakovac.

**Members Present**

Attending the meeting were: Jack Jakovac, Bob Loucks, Gary Thomas, Mike & Carolyn Thomas, Robert Jensen & Andrea Daine, Barbara Peets, Alfonso Martinez, Tom Stephenson, Vicki Colston, Lynn Thomas, Steve Herbst, and Cindy Yenter from IDWR. All water rights except Gordon Binning, Bill Sager, Alice Kolman, and Kathy Jordan were represented.

**Election of Officers**

**Chairman** – Jack Jakovac was nominated and unanimously elected.

**Secretary** – Bob Loucks was nominated by Tom Stephenson and unanimously elected.

**Minutes**

Minutes of the 3/10/2015 Annual Meeting were distributed to the members present. Motion: (Loucks-Stephenson) That the minutes be accepted as presented. Motion carried.

**Budget**

After some discussion of past budgets (2014 Income \$2325, Expense \$2675; 2015 Income \$2153, Expense \$2246), Motion: (Stephenson-Herbst) That the minimum assessment be \$25. Motion carried.

Motion: (M.Peets-Stephenson) That the budget for 2016 be \$2250. Motion carried.

**Watermaster**

Motion: (Loucks-Stephenson) That the election be by weighted vote proportional to shares of water (1 vote/miners inch water right). Motion carried.

Nominated for Watermaster were Gary Thomas and Robbie Jensen. Gary Thomas was elected by supermajority (67.8%) 311 votes to Robbie Jensen 147.5 votes.

**Advisory Committee**

After some discussion of the size of the committee, Jack Jakovac, Tom Stephenson, and Barbara Peets were nominated. Motion: (Loucks-M.Thomas) That those nominated be elected. Motion carried.

**IDWR**

Cindy Yenter, Watermaster WD 170, discussed headgates and measuring devices. She indicated that most of the headgates she observed on two visits to WD 74J were acceptable; however, in the event of disputes on the creek some may need to be retro-fitted so that they could be locked with either a padlock or chain and padlock. Some headgates had adjustable levers; she said it would take some further investigation before it could be determined how to lock them. She also stated that all the measuring devices were acceptable.

Steve Herbst said they had some of the lever headgates. They have found that if a notch was filed every inch on the lever, the Watermaster could count the notches to determine if a headgate had been tampered with.

Cindy stated that most of the disputes among irrigators appeared to come from shared ditches. The irrigators agreed that was the case. Cindy then discussed different ways of resolving these disputes. Most common method was splitting the time of use of the ditch by the amount of acreage each owner had under the ditch. She also discussed organizing ditch companies with bylaws and recorded with the County, but thought that offered little solution. Her final point was that ultimately it devolved on the

people in the shared ditch to work out an accommodation. In the event of disputes, she offered her expertise in assisting the users to come to an acceptable solution.

#### **High Water**

Bob Loucks discussed high water. He stated that it appears there is a misunderstanding about what constitutes high water. High water starts when all the decreed water rights are supplied. High water ends when the creek flow can no longer supply all the decreed water rights. Jack Jakovac owns most of the first right (0.94 cfs, 47 miners inches) and the most junior right (1.87 cfs, 93.5 miners inches). So, his total water right is 140.5 miners inches. Jack is fortunate in that he has overlapping water rights - his Place of Use for Withington Creek water is also covered by Lemhi River water via the L-22 canal. Until 2015, Jack has never called for his junior water right. To improve the operation of WD 74J and prevent problems, he proposes to employ the Watermaster when 2 cfs (100 miners inches) of water is no longer delivered to his upper diversion (Wi – 3). At that point, the District will not be in regulation; however, the Watermaster will visit the PODs randomly at a weekly interval and record the rate of diversion. The District will go to regulation as the water supply approaches 1 cfs (50 miners inches). He proposed that in the interim between when the Watermaster is called out and when the District is on regulation, the irrigators should voluntarily confine themselves to diverting 1.5 X their water right. That will accomplish two things: 1) Gary will learn the creek and know where the water diversions are located; and 2) it will allow the users to “ramp down” their water use so that they are not suddenly shut off when the creek goes to regulation.

Cindy Yenter stated that she was not familiar with the Lemhi Decree or how the SRBA handled the conditions of the decree. Bob told her that the Lemhi Irrigation District had spent over \$200 thousand in the SRBA Court ensuring that the provisions of the Lemhi Decree were included in the SRBA decree. The primary provision is #6 *“The normal irrigation season is from March 15 to November 15 of each year. The practice of diverting water during the pre-irrigation and post irrigation season as well as diverting the so call ‘high waters or flood waters’ in addition to the quantified rights ....should be allowed provided: a)the waters so diverted are applied to a beneficial use; b)the existing quantified rights are first satisfied.”*

#### **Access and trespass**

Cindy stated that the only one who had access to the PODs was the Watermaster and IDWR employees. Bob suggested that the irrigators should improve access to the PODs that require crossing a fence to access them. He suggested that the irrigator should construct a stile at those crossings. WD-74J has workman’s comp insurance, but we would prefer not to use it. Mike stated that Rocky Smith has denied access to PODs Wi 14 and Wi 15 through his property. They will have to be accessed from Gordon Binning’s driveway.

#### **Transfer 79876**

Bob Loucks and Steve Herbst discussed BNH LLC proposed transfer. WD 74J protested the transfer on the basis that the water right had been abandoned since 1998. A hearing was held March 8. The hearing examiner is expected to rule by mid-April.

#### **2017 Annual Meeting**

The date of the next meeting was set at the second Thursday in March (3/9/2017) at 2:00 P.M.

There being no further business, the meeting adjourned at 3:10 P.M.

Submitted by Bob Loucks, Secretary - Treasurer