

WATER DISTRICT INFORMATION SHEET

2018
Year

Water District 29H- Marsh Creek
Water District # / Stream Name

Brad Maddox
Watermaster Name

437 So. 12th W. Pocatello, Id 83201
Address

208-380-1341 Kildog@gmail.com
Phone Number, Home / Cell E-Mail Address

N/A
Assistant Watermaster Name

Address

Phone Number, Home / Cell E-Mail Address

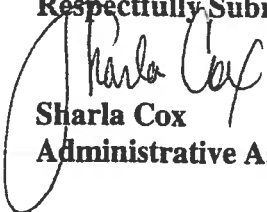
Dianna Burden
Secretary Name

PO Box 144 Downey Id. 83234
Address

208-251-3723 dianna@portneuf-mercantile.com
Phone Number, Home / Cell E-Mail Address

Please print in the blank information above and return it to the Idaho Department of Water Resources. Your cooperation on this matter would be greatly appreciated. If you have any questions, please feel free to contact me.

Respectfully Submitted,


Sharla Cox
Administrative Assistant

Water District No. 29H
Annual Meeting Minutes
February 15, 2018

The annual meeting of Water District No. 29H ("WD29H"), Marsh Creek and tributaries was held in Arimo, Idaho at the Marsh Valley Middle School common area on February 15, 2018, at 7:00 p.m. The roster of attendance is attached.

The meeting was called to order by Gradyn Staley, 2017 Meeting Chairman at approximately 7:05 p.m. The first order of business was to elect a meeting chairman. Gradyn Staley nominated Ralph Wheatley. The nomination was seconded by Kathlean Spiegel and passed unanimously by voice vote.

Chairman, Ralph Wheatley, took the floor and asked Dianna Burden to preside as Secretary and she accepted. Chairman Wheatley welcomed everyone and invited them to move closer to the front of the room, if they could not hear. He introduced, Steve Visosky, with IDWR and Gary Spakman, IDWR's Director and thanked them for attending the meeting. They would both be given time to speak after the regular business meeting.

Chairman Wheatley asked everyone to review the written minutes. A motion was made by Craig Criddle to accept the minutes as written. The motion was seconded by JoDeana Dunn and passed by a majority voice vote. Then he turned the meeting to Brad Maddox for Watermaster's 2017 report on activity.

Watermaster, Brad Maddox, said he started his job on June 6, 2017 after two (2) days of training with Steve Visosky. He said there are 257 water rights in the district and 420 points of diversion. Brad visited 221 sites and thanked everyone for their time and history. Brad logged the GPS coordinates and gave the information to Idaho Department of Water Resources. Brad stated that he has 63 points of diversion left to visit and so far there are 75 points of diversion that are in need of repair. Brad thanked everyone for their assistance and said he would like to continue on as Watermaster.

Chairman Wheatley thanked Brad and turned the time over to Dianna Burden for the Annual Treasurer's Report. Dianna Burden reported that the 2017 fiscal year \$20,000 budget was approved in May 2017. \$20,000 was invoiced and all but \$804.50 had been collected. Dianna said that WD29H stayed within budget in all expense categories. The expenses totaled \$15,625.41 and after paying the rent on the building tonight the checking account balance totaled \$3,488. Dianna thanked everyone for their assistance with address changes and transfers. She reminded them that address change forms need to be completed, signed by the water right holder

and mailed to IDWR so they will receive all mailings. She concluded by saying what a pleasure to work with Brad, the advisory committee and all of you here tonight.

Chairman Wheatley opened the floor to questions on the 2018 proposed budget as outlined in item 4 of the Proposed Resolutions. Dale Lish motioned the 2018 proposed budget be adopted as outlined in item 4 of the Proposed Resolutions. Tony Hancock seconded the motion and the motion passed by verbal vote. None opposed.

The next item of business was Proposed Resolution item 6, election of the Watermaster. Tom Henderson motioned Brad Maddox remain as Watermaster. The motion was seconded by Kathy Spiegel; the motion passed unanimously by voice vote.

The next item of business was Proposed Resolution item 7, election of the Treasurer. Doug Johnson motioned Dianna Burden remain as Treasurer. The motion was seconded by Sharon Bertagnole; the motion passed unanimously by voice vote.

Chairman Wheatley turned the time over to Steve Visosky with the Idaho Department of Water Resources. Steve thanked everyone and said "you have done a lot over the past year." Also he stated that Brad had gone above and beyond the Watermaster duties. Also, that Dianna had done a good job getting the 1st year put together. He said the water report will be on the IDWR's site tomorrow without the photos, as the program will not upload the photos. Going forward, WD29H will report to the Eastern Regional office in Idaho Falls. However, Steve will still be available by phone. Steve said that State Statutes require water users to have measuring devices. So, expect a measuring device order this Spring. Normally there is a 2-3 year time frame to become compliant once the measuring order is issued.

Next, Steve addressed questions from water right users that he received over the past year. The most common questions was: What if I don't use my water? A water right on paper is active when it is put to beneficial use. It is considered beneficial if it is used at least once every five (5) years. If it is not used it may be forfeited. You can apply for a one time extension to make the water beneficial. Or if your water is in a Water Supply Bank for 1-5 years, then the water right is rented and protected from forfeiture. If water is not put to beneficial use and an application is presented to transfer to different land, or land owner, IDWR might deny the application. However, if the water is unavailable, it is not held against you. IDWR was established to manage this resource and put the water to work.

Steve addressed questions about diversion points that are not located as documented. Steve said that House Bill 372 proposed a new fee structure of \$50 to help clean up diversion points on paper. Some questions were unique to individuals and will need to be addressed one-on-one.

Chairman Wheatley turned the meeting over to, IDWR Director, Gary Spakman. Director Spakman, said he enjoyed meeting people that make a living in agriculture and on the farm. He spent many of his young years here in Southeastern Idaho. He thanked Brad for being so dedicated to what is considered a thankless job. Director Spakman said what he does best is take the blame. He said that forfeiture requires clear and convincing evidence which is higher than the normal standard. IDWR does not have the right to initiate action applications, but they bring the decision. He said his job is governed by Statutes and he has a fiduciary responsibility. As the Director he SHALL divide water into water districts and regulate by priority.

Director Spakman fielded many questions from curtailment to what can be done in years when there is too much water flow. He said that curtailment will be by priority date and you should mitigate the flood waters. If stream channels are eroded you can go through the restoration process by submitting an application. Restoration usually requires approval of U.S. Army Corps of Engineers, IDWR and Department of Lands. IDWR will work with you on the process. He said he would be around after the meeting if people still had additional questions.

Measurement device questions continued. Steve Viskosky suggested the advisory committee and/or a steering committee work with water right users to obtain the best price on purchasing the measurement devices. He also suggested they contact other Districts that have completed the measurement project to see what they did.

Chairman Wheatley thanked Director Spakman and Steve Viskosky for taking questions. Then he called for the adoption of some Resolution changes. Item 13 changing the fiscal year (February 1 thru January 31) to a calendar year. Item 16 changing the annual meeting from the third Thursday in February to the second Wednesday in January. John Evans made a motion to change to a calendar year and change the annual meeting to the second Wednesday in January. The motion was seconded by Sharon Bertagnole; the motion passed unanimous by voice vote.

It was moved and seconded that the meeting be adjourned having no further business. The meeting adjourned at approximately 8:50 p.m.

Respectively Submitted,

A handwritten signature in cursive script, reading "Dianna Burden".

Dianna Burden, Meeting Secretary

RESOLUTIONS PERTAINING TO THE TIME AND MANNER OF COLLECTING THE BUDGET AS

ADOPTED AT THE ANNUAL MEETING OF THE USERS OF

WATER DISTRICT NO. 29H

BE IT RESOLVED that, hereafter, the annual meeting of this district shall be held on the second Wednesday of January.

BE IT RESOLVED that, hereafter, the fiscal year of this district shall be a calendar year.

WATER DISTRICT 29H – MARSH CREEK

2018 RESOLUTIONS

1. DISTRICT BOUNDARIES

Water District 29H is composed of the entire Marsh Creek drainage basin to its junction with the Portneuf River excluding Water District 29B (Garden Creek and tributaries) and Water District 29G (Birch Creek and tributaries including Cherry Creek), and is located in Bannock County. WD29H includes all surface water rights in the district.

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;
- c. Guidance and input from the WD29H Advisory Committee.
- d. Guidance from the IDWR "Watermaster Handbook"

3. WATERMASTER TERM OF SERVICE

As provided in Idaho Code § 42-608(4), 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.

4. RESOLUTION SETTING THE 2017 BUDGET

It is herewith resolved that the 2018 operating budget for Water District No. 29H is as follows:

Watermaster Wages	\$18/hr. (\$10,000 total)
Treasurer Wages	\$2,500
FICA/Medicare/Workers Comp.	\$2,000
Vehicle Mileage for Watermaster	\$1,944
Office Supplies/Misc.	\$600
Contingency	<u>\$2,956</u>
Total	\$20,000*

* Budget line item totals shown are estimates; actual line item costs may vary, but the total cost incurred for the district cannot exceed \$ 20,000 during this fiscal year.

5. ELECTION OF WATERMASTER

It is herewith resolved that Brad Maddox be elected as Watermaster for Water District No.29-H for the ensuing year.

6. TREASURER COMPENSATION

The Treasurer will be paid as independent contractor on a flat fee of \$2,500 annually.

7. DISTRICT TREASURER

It is herewith resolved that Dianna Burden be appointed as Treasurer for Water District No. 29H until a successor is elected or appointed. The duties of the Treasurer will be to maintain financial records, disburse water district funds, and to prepare or authorize a review of the district's financial records.

8. COLLECTION OF THE BUDGET AND DISBURSEMENT OF FUNDS

It is herewith resolved that the adopted budget for Water District No. 29H be collected from the water users by the Water District No. 29H Treasurer as provided by Idaho Code § 42-618. The Treasurer will make an assessment to each water user in pro-rata amounts as determined by the budget which is formally adopted at the annual meeting. All funds shall be deposited in a bank account maintained by the water district. The Treasurer shall disperse funds from the water district bank account using two-party signature checks signed by the Treasurer and one member of the Advisory Committee.

9. ASSESSMENTS

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 on the amount 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 29H; it is therefore resolved that Water District 29H will estimate annual water use for all irrigation rights using the following formulas:

Estimated seasonal use (Total AF) = Total authorized acres of irrigation x 3.5 AF / acre

Estimated annual water use for municipal, non-irrigation use water rights, or water users with recorded actual use with approved IDWR measurement methods, 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 use, water use (total AF) shall be estimated by the total authorized diversion rate (cfs) x 1.9835 (AF per day/cfs) x 180 days (approximately six months of continuous use at full authorized diversion rate) or the number of days authorized by the water right if the season of use is less than 180 days. If the estimated total water use (total AF) for such use is greater than the authorized volume limit of the water right, the total water use (total AF) will be the volume limit authorized on the water right.

10. MINIMUM USER FEE

It is herewith resolved that a minimum charge of \$50 per water right owner shall be assessed. Whenever the prorated charge to a user is less than \$50, that user will be assessed \$50.

Surface water rights that are used solely for domestic and stock water purposes, including incidental irrigation up to one-half acre, or other small uses that are consistent with the use limits defined by Idaho Code Section 42-111, and instream stockwater rights as defined by Idaho Code Section 42-113, shall be exempt from any water district assessments.

Irrigation rights limited to one-half acre or less shall also be exempt from water district assessments.

11. 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 adopted budget shall constitute a final determination of the amount due for that year.

12. DISTRICT PAYMENT TERMS

It is herewith resolved that the following payment terms be put into effect:

1. Annual Assessments shall be payable on or before July 1. Any other billing is due within thirty (30) days of the billing date. The postmark date will be considered the date of payment. Accounts not paid by the due date shall be charged in accordance with Idaho Code § 42-617 which provides for a late fee of 10% of the amount due and interest of 1% per month. 2. The Watermaster will terminate water delivery to any water user whose assessments are not paid in full within sixty (60) days of the billing date and will not resume delivery until that user's amount due is paid in full.

13. DISTRICT FISCAL YEAR

It is herewith resolved that the fiscal year for Water district No. 29H be defined as Calendar year January 1 thru December 31. The fiscal years shall be referred to using the year of the meeting during which the budget for that fiscal year was adopted.

14. ADVISORY COMMITTEE STRUCTURE

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 or water right owners, or representatives of entities owning water rights within the district shall comprise the advisory committee. The advisory committee members for the ensuing year shall represent all water users within the district and should represent the following types of water uses or geographical areas:

Advisory Committee Structure:

- (1 member) Small irrigation user paying minimum assessment (< 25 acres in 2017)
- (3 members) Large irrigation user paying regular assessment ((more than minimum) \geq 25 acres in 2017)
- (1 member) Municipal or non-irrigation

15. ADVISORY COMMITTEE MEMBERS

The advisory committee members for the ensuing year shall be the following:

Member #1: Kathleen (Kathy) Spiegel (small irrigation user)

Member #2: Lynn Bastian (large irrigation user)

Member #3: Demar (Dee) Gilbert (large irrigation user)

Member #4: Ralph Wheatley (large irrigation user)

Member #5: Tony Hancock (municipal / non-irrigation user)

16. ANNUAL MEETING DATE

It is herewith resolved that the Annual Meeting for Water District 29H shall be held on the second Wednesday in January 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 January 9, 2019.

17. ANNUAL MEETING MINUTES

Copies of the minutes of the annual meeting and all approved resolutions shall be filed with the Director of IDWR immediately after the annual meeting in accordance with Idaho Code § 42-605(5).

18. ENTRY OF 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 (further described in Administrator's Memorandum "Entry Upon Private Property for Routine (Non-Enforcement) Investigations and Data Collection" dated September 16, 2003), to carry out the duties of the watermaster as instructed by IDWR. These duties include but are not limited to:

1. Inventory of diversions in the district, including inspection of conveyance infrastructure and place of use of water.
2. Measuring and recording rates of diversions, and regulating diversions as necessary.
3. 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.

State of Idaho
Department of Water Resources

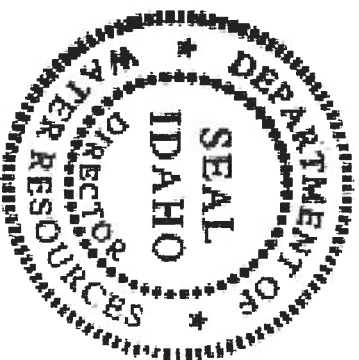
Certificate of Appointment

This is to certify that I have on this day appointed Dianna Burden as
Treasurer of Water District 29H from this day until the 2019 annual
meeting or until his/her successor is appointed and qualified under the provisions of Idaho Code Section
42-619, at such rate of compensation as established by applicable law.

This certificate has been issued and the seal of the
Director fixed at Boise, Idaho, this 22th —
day of February, 2018.



Director - IDWR





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

February 22, 2018

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Dianna Burden
PO Box 144
Downey ID 83234

RE: WATER DISTRICT #29H

Dear Secretary / Treasurer:

We acknowledge receipt of the Minutes of the Annual Watermaster's Election Meeting held in your district. The Watermaster Certificate will be sent under separate cover.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox". The signature is fluid and cursive, with the first name "Sharla" and the last name "Cox" clearly visible.

Sharla Cox
Administrative Assistant