

WATER DISTRICT INFORMATION SHEET

2018
Year

29-D Lower Portneuf & Tributaries
Water District # / Stream Name

Harold (Hal) Armstrong
Watermaster Name

2711 Barnwell Highway, Portello ID 83204
Address

(208) 233-4346 (208) 580-3011 halerm@gmail.com
Phone Number, Home / Cell E-Mail Address

Assistant Watermaster Name

Address

Phone Number, Home / Cell

E-Mail Address

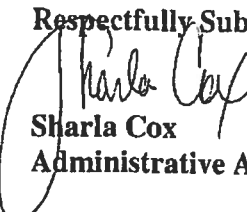
Eric Martin
Meeting Secretary Name

PO Box 306 Fort Hall, ID 83203
Address

(208) 229-4583 emartin@scribes.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 29D
Lower Portneuf River & Tributaries
ANNUAL MEETING CONTINUATION*

Monday April 9, 2018 – 6:30PM
Pocatello City Hall

**This meeting is a continuation of the annual meeting that was held on Monday March 12, 2018*

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| 1. Call to Order | Norman Hill (<i>Meeting Chairman
from 3/12/2018</i>) |
| 2. Watermaster Election | Meeting Chairman |
| 3. Present Proposed Resolutions for Adoption | Meeting Chairman |
| 4. Other Items of Business | |
| 5. Acknowledge 2019 Meeting Date
Monday March 11, 2019
Pocatello City Hall @ 6:30 PM | Meeting Chairman |
| 6. Adjournment of Meeting | Meeting Chairman |

Water District 29-D

Meeting Minutes

March 12 & April 9, 2018

Meeting Time: 6:30 P.M., Pocatello City Hall, March 12, 2018

Continuation of Meeting: 6:30 P.M., Pocatello City Hall, April 9, 2018

1. Call To Order

Norman Hill called Water District 29-D to order at 6:30 P.M.

2. Introduction of Idaho Department of Water Resources Representative

Norman Hill introduced the Idaho Department of Water Resources Representatives: Steve Visosky and Tim Luke.

3. Election of Meeting Chair

Norman Hill called for nominations for a meeting Chair. Mary Spinner made a motion to elect Norman Hill as the meeting Chair, the motion was seconded by Garry Purkey. No further nominations were made. Norman Hill was nominated as the meeting Chair by a majority vote of the District members.

4. Election of Meeting Secretary

Norman Hill called for nominations for a meeting Secretary. Garry Purkey made a motion to elect Gail Martin as the meeting Secretary, Mary Spinner seconded the motion. No further nominations were made. Gail Martin was nominated as the meeting Secretary by a majority vote of District members.

5. Appointment of Water District Advisory Board

Norman Hill called for nominations to the WD29-D Advisory Board. The following individuals received nominations to the Board: Denny Dobbins, Jeremy Stanger, Jim Guthrie, Dennis Hill, Rich Diehl, and Gail Martin. A motion was made to accept all nominees to serve on the Water District Advisory Board, with a second from the floor. A vote was taken with 14 in favor and 15 opposed, the motion failed.

Discussion ensued regarding the make-up of the Committee and that the Committee should remain at an uneven number of five members. Further discussion also included that the board should represent: large users, minimum users, and a non-irrigation user. A motion was made to keep the board to five members, representative of: large users, minimum users, and a non-irrigation user, the motion was seconded from the floor. The motion was passed by a majority vote of District members.

An informal selection of advisory committee members were made as follows: Denny Dobbins, minimum user; Dennis Hill, minimum user; Jeremy Stanger, large user; Jim Guthrie, large user; and Rich Diehl, non-irrigation user (municipal). A motion was made to accept the five member board of: Denny Dobbins, minimum user; Dennis Hill, minimum user; Jeremy Stanger, large user; Jim Guthrie, large user; and Rich Diehl, non-irrigation user (municipal), with a second from the floor. The motion was passed by a majority vote of District members.

6. Review and Acceptance of 2017 Meeting Minutes

After receiving copies of the 2017 Meeting Minutes, Joyce Rendace made a motion to approve the meeting minutes as written. The motion received a second from the floor. The meeting minutes were approved by a majority vote of the District members.

7. Election of District Treasurer

Norman Hill called for nomination for a District Treasurer. Mary Spinner made a motion to elect Joyce Rendace as the District's Treasurer. Clarification was made that the Bookkeeping contract will now be done by the District Treasurer. The motion was seconded by a member from the floor, and Joyce Rendace was approved as Water District 29-D Treasurer by a majority vote of District members.

8. 2018 Financial Report and Proposed Budget

Joyce Rendace went over the District's expenses for 2017, and the proposed budget for 2018. She indicated that the only change to the budget was to include a handheld device and data plan into the Watermaster's field supplies. This was an increase of \$1,000.00. Discussion ensued regarding the time spent by the Watermaster using the device. At this time, the meeting Chair asked that the Idaho Department of Water Resources to do their presentation to address the need for the additional field supplies.

Garry Purkey questioned why tax preparations were included in the treasurer's report. He believed that the bookkeeper should be doing the tax preparations. Joyce Rendace explained that it cost less for this service to be contracted out then for her to do it. If she were to do it the forms alone would cost more than the service. Mary Spinner made a motion to approve the 2019 budget, with a second from the floor. A vote was taken with 1 opposed, and a majority in favor. The motion passed.

9. Idaho Department of Water Resources (IDWR) Representatives Presentation

Steve Visosky, representative from IDWR, responded to questions regarding use of a handheld device (tablet) to collect monitoring data for IDWR. He stated that the Director of IDWR wanted to relay the message that WD29-D was going to be treated fairly as to other water districts in basin 29. He stated that the lower Portneuf water district (WD29-D) has not been singled out.

He further stated that they agree that notice provided by IDWR on curtailments may not have been sufficient. He stated that the district will get a reprieve on managing the district in conjunction with the call on the Snake River water rights for this year. He stated it would be only fair to bring in WD29-D and WD29-H into administrative compliance at the same time. He stated that the "2014 Snake River Basin Adjudication Decree" does not exclude any basins from administration, or any of the tributaries that are connected to Snake River.

A question was asked about the date of the Decree, Steve replied that the Final Unified Decree was dated August 24, 2014.

Some members stated that they were not aware of the adjudication. They also stated that during drought years nobody was cut off. It was stated that they were upset that they did not have a voice at the table during the mitigation discussions. It was said that pumps in Marsh Valley with date of 1967 and 1968 were not been curtailed.

Steve Visosky continued with his slide show presentation. He briefly described the prior appropriation doctrine. A question was raised as to reservoir water. Mr. Visosky stated that storage rights held in reservoirs belong to people who have storage rights to store water. Other water right holders can apply to receive water from the water bank. A WD29-D water right holder stated he did apply to the bank and his check and application were sent back unprocessed. Steve stated this was the first time the Water District 01 Water Supply Bank had seen an application from a WD29-D and were unsure with what to do with it. Mr. Visosky did apologize to the applicant and said that applications should be handled differently in the future. He further stated that the IDWR Director met with the Water District 01 Advisory Committee and informed them that there would be delegates from WD29-D making applications to the Water District 01 Water Supply Bank. He stated that every water right up to Milner, and Snake River tributaries are all playing by the same rules. There are only two water districts, WD29-D and WD29-H, who are not being administer or water rights being enforced.

Tim Luke, representative from IDWR, stated that WD29-D was created in 2010 and there have been talks about curtailing since that time. He admitted that they could have been more diligent in discussing the issue. WD29-D was originally created because of disagreements between water users. Prior to the 2014 Unified Decree WD29-D water rights were not adjudicated and could not be regulated. He recalled that curtailment was a discussion at the last annual meeting and many people will not believe it until they receive a curtailment letter. He further stated that the Director has given WD29-D a reprieve for at least year, maybe two.

Members asked for an explanation of Indian water rights pumping from the Portneuf at the Siphon onto Indian land. Gail Martin explained the Tribes utilize its reservoir storage right to satisfy the Michaud Project pumping station.

A member from WD29-D asked if an affidavit could be requested from the Twin Falls as to what water was put to beneficial use 1901. Tim Luke stated that water rights were adjudicated from 1986 to 2004, it established the priority system that determines what happens during a shortage. Further discussion ensued regarding establishment of water rights in the Snake River Basin Adjudication.

Steve Visosky stated that at this time he has two years of data collected up to 2018, and what he has is marginal at best. He stated that record keeping is critical. Currently, there is no record on current water use in the basin.

The question of where to buy water was raised. Steve stated that application should be made the Water District 01 Water Supply Bank. There was a question as to what do you do when someone keeps diverting your water. Steve's response was to report it to the watermaster. Someone stated that some users use their water in May, who helps with the erosion to the banks? An individual asked if a water right gets forfeited if it is put in the bank. Tim stated, "No."

Mr. Visosky stated that first the district needs to establish a record of what the water needs are in the basin, and then look for alternative water sources.

Someone asked how did a water lease work, and how does it get rented to another? And also who administers it. Tim Luke answered that it all happens with a lease application with the Water District 01 Water Supply Bank. He explained water users in this district can put their water in the bank as well, and someone from this basin could lease it.

There was a question on who finances the reservoir storage rights. Tim Luke stated that it is a Bureau of Reclamation Project which is re-paid by irrigation districts who have contract storage rights.

Tim Luke state that all other water districts have measuring devices. The order for measuring devices excludes five acres and less. There are guidelines for the measuring devices, and prices vary with each device. He further stated that Water District 39-B, Camas Prairie, has a measurement device on every diversion that serves over three acres. He further stated that they are working toward getting all the ground water rights into a district, but they are unsure on how that will all work itself out. They plan on beginning that process in the fall. They will either be in their own district or be placed in an established district. He asked that district members be prepared to have water rights administered in conjunction with the Snake River, to expect a measurement order, and administration of their water right.

10. Watermaster Report

Randy Smith, WD29-D Watermaster stated that as of this date there is 143% of water supply in

the Portneuf basin. He stated at the start of the year, it is more about flood control than water supply in the basin. He said that when he asked people about when they generally started to irrigate they told him late June through July. IDWR has told him that curtailments would begin in July. He was told to watch the projected priority dates but was unsure about the water call. He did not understand the call because of the conjunctive management between surface and groundwater users. He said he did tell people to shut off their water, but other statements made were not appropriate according to IDWR. He saw WD29-D having to curtail water uses, but WD29-H water users were not being curtailed. He talked to the surface water coalition and they did not know that they were shutting off WD29-D, and he wondered if WD29-D was included in any mitigation plan. He thought maybe WD29-D monies could be used to hire an attorney, but was informed by IDWR that water district funds could not be used for attorneys.

Tim Luke stated that if the district allocates it in their budget, and everyone is in agreement, they can use funds to hire legal counsel.

Mr. Smith announced that he would be stepping down as the Water District 29-D Watermaster. And that he would like to form a group that would hire an attorney to work with the surface water coalition on a mitigation plan. He thanked the people in the district for their cooperation.

11. Election of Water District 29-D Water Master

A motion was made by Mary Spinner to advertise the position of Water District 29-D Watermaster, and that a selection of an individual would be held at a later date. The motion was seconded from the floor, and a vote was taken. A vote was held with 14 in favor and 16 opposed, the motion was defeated.

Discussion ensued as to duties of the Watermaster. Joyce Rendace stated that the Advisory Committee was recommending advertisement of the position because the last Watermaster had stated that he was unaware of specific duties that the Watermaster position was charged with, particularly in the area of enforcement. She stated that the committee believed that if the position was advertised that the candidates would be able to review a job description and be made aware of all the duties including enforcement and monitoring. Other discussion included the pros and cons of the watermaster being a member in the district, or not.

Perry Knowles stated that he had heard the water district was seeking a watermaster and offered his services.

A motion was made to appoint Hal Armstrong as WD29-D's Watermaster. The motion died due to the lack of a second.

A motion was made to reconsider the original motion. Mary Spinner restated the original motion that the position of Water District 29-D Watermaster be advertised, and a selection of

an individual to be held at a later date. A second was received from the floor. A vote was held with 18 in favor and 10 opposed, the motion passed.

12. Continuance of Water District 29-D Annual Meeting

A motion was made to continue Water District 29-D's Annual Meeting to April 9, 2018, at 6:30 p.m., at the City of Pocatello City Hall, City Council Chambers. At that time the district will vote on the selection of a Watermaster for Water District 29-D. A second was received from the floor. A vote was held with 20 approved and 1 opposed. The motion passed.

Continuation of Annual Meeting Minutes, April 9, 2018 @ 6:30 P.M.

1. Call to Order

Norman Hill called the continuation of WD29-D's Annual Meeting at 6:46 p.m. Mr. Hill announced that the purpose of the meeting was to elect a Watermaster. It was announced that each applicant would be allowed to give a three to five minute presentation of why they want to be WD29-D's Watermaster.

Candidate Perry Knowles stated that he downloaded the Watermaster handbook and believes that his skill set would be beneficial to WD29-D. Mr. Knowles has managed, worked in logistics and statistics; and has had experience in forecasting needs for supplies. He managed Shakey's Pizza for a number of years; and has experience in collecting data on an iPad. Has been able to work in tense situations and has been able to de-escalate tense situations. He is mechanically inclined and believes he can learn how to work with weirs. He is efficiency driven and constantly strives to improve. He is independent, self-motivated, has worked with his current company for the past five years, and is now working at Wal-Mart in management. He has reliable transportation and rarely uses sick leave. He has been a resident of Pocatello since 1978, but has not been a member of the district. Mr. Knowles stated that he is detailed oriented and is fair, he listens to both sides of a story before he makes a decision. His job history shows longevity at each position. He anticipates that he would be in this position even after retirement.

Candidate Harold Armstrong, (Hal), stated that he has lived on and off in Pocatello for all his life, his ancestors settled in Marsh Valley. Has been involved in irrigation since he was a child, and is familiar with irrigation. He is adept at computer usage, management, and his resume is extensive. He currently works for the federal government. He spent fourteen years as an assistant Watermaster, and as Watermaster, for the Clearfield Pipeline at Hill Air Force base. Mr. Armstrong spoke to the irrigation of the Clearfield system, with each users having a diversion pipe that required maintenance. In the Watermaster position he worked with Weber

Irrigation, the City of Clearfield, and its water department. He has coordinated the clean-up of a reservoir system in Clearfield. He wants to be considered for Watermaster because he has a vested interest in WD29-D's water rights. By having this special interest, in water, you can better represent the users. He stated he will represent the users, short of breaking the law. He envisions being a Watermaster for than just a couple of years.

Candidate Edmund Drew stated that he does not have vested water right. However, he is a hardworking guy. He has used a home computer and sees himself in the Watermaster position for more than a few years.

2. Watermaster Election

The Watermaster election was done by secret ballot. Steve Visosky, representing the IDWR, tallied the results. The results were as follows:

Candidate Name	Vote(s)
Perry Knowles	2 votes
Harold Armstrong	A majority of the remaining ballots were in favor of Mr. Armstrong
Edmund Drew	2 votes

Harold (Hal) Armstong was elected as WD29-D's Watermaster by secret ballot, as tallied above.

3. Present Proposed Resolutions for Adoption

Norman Hill announced that revisions made to update the resolutions were indicated in red. The revisions were accepted as presented, by a unanimous vote, from the WD29-D members.

4. Other Items of Business

No new business.

5. Acknowledge 2019 Meeting Date, March 11, 2019, Pocatello City Hall @ 6:30 P.M.

It was announced that notices will be sent out the spring stating the time, date, and location of the WD29-D's Annual Meeting.

Denny Dobbins asked to make an announcement. He stated he is upset with the water right process of how it all happened, and he believes that the government came in and took over the water rights. Mr. Dobbins introduced Jim Guthrie and Dennis Hill. He stated that Dennis Hill looked at state law statutes and he looked at the SRBA case. After their review they concluded that WD29-D water users are going to be governed. He stated the adjudication started in 1987 for the fair and efficient administration of water supplies for surface, ground and storage water. He stated he doesn't know how it works on storage. He further stated that IDWR has been

helpful to him, he has gone in and completed name changes, etc. IDWR is just trying to get through all the rules that they have to administer. Last Wednesday, he listened to a talk from Justice Jim Jones regarding the SRBA. Mr. Jones said the adjudication was about putting money in lawyer's pockets, up to 97 million; and that people bigger than the WD29-D water users were moving the adjudication along. He stated that the state had to get control of what water was being used and what was going on. He sees that one day everyone, even WD29-D users, can push a button and see everyone who has water rights. You will be able to see if they are using it or not using it. All this information will all be available through monitoring. He stated that Justice Jones says the adjudication was about big money and the two phrases that came from it were: "first in time, first in right," and the term "beneficial use." If you aren't using your water right, you will lose it. He doesn't know what will happen to a water right when it is lost. He stated that, "our day in court is over." He stated that the State did not have to personally serve anyone, they just sent a letter, posted notice in the post office, at the courts, in the newspapers, and the adjudication was on its way. He said one little bone the users get, is to choose their own Watermaster, and to pay them amount they want. If the elected Watermaster doesn't comply with the monitoring scheme and checking meters; IDWR will hire someone, and it will cost three to four times more. He encouraged everyone to work with Hal, the new Watermaster, when he comes out. Next they will monitoring groundwater. He found out water rights are a very specialized part of the law. He stated he does not like government and wants to be left alone, but that is not going to happen. He again, encouraged the users to work with the new Watermaster.

Dennis Hill said, not this year, but for next year, he encouraged users to spend some time and look at the water rental site and consider renting water from the Water District 01 water pool, in case curtailment happens. You can purchase water out of Palisades for the remaining season if you are curtailed. Make yourself familiar with how to apply. It is an option that Water District 01 will be providing to WD29-D.

There was a question of what is happening to early season water that could be used now?

Tim Luke stated that he might consider coming back to look at options and meet with advisory committee look at water supply bank. He stated to explore options for getting a block of water, for the district, to satisfy everyone's needs. He does not think it will be a lot. He is willing to meet a couple times year to look at options for the future. He further stated that a lot of groundwater users are scrambling to find water. He stated that the information that the Watermaster collects this year, and next year, to quantify the district's water needs will be helpful.

Jim Guthrie asked if WD29-D users will have a warning. Tim Luke stated that you need to plan in advance and look at private leases and that it might be easier to pool resources. Mr. Guthrie asked, if you rent it in May and don't use it do you still pay for it? Tim Luke stated, "I think you

pay for it up front.” Dennis Hill stated that you pay for the year. Mr. Luke stated that the water rights would have to be 1880 water rights and sooner, and if someone locally, who has right, could rent out the right, but those rights may be limited. He further stated that you would have to rent from within the tributary for private leases, and it will be competitive in dry years.

Jeremy Stanger asked if anyone can rent from the water pool, even people without water rights. Tim Luke stated it is a willing selling, and willing buyer. Mr. Stanger asked how many of these water rights are out there that are on the Snake River that are post 1900. Tim Luke stated that the Twin Falls have a 300 cfs water right and they don't get their full water right. He said there are a lot of water rights from the 1870's to the 1900's. He stated that on the lower end of the river there is only 3000 cfs of flow available. Mr. Stanger stated he believes that IDWR is trying to sell the water users a pink elephant. Tim Luke stated that the court proceedings sorted out all the priority dates; and in some cases there was a prior decree. Mr. Luke stated that the adjudicators used what information was available at the time. He stated that the department made recommendations, and anyone could raise objections and receive a hearing. Tim Luke invited people to come to his office in Boise, to look at the history of their water right. He stated to call a head so he could pull the necessary paperwork.

A question was asked about risks of not using all of their water right. Could they lose their water right if they did not use all of it? Tim Luke continued to discuss how water rights were established in the SRBA. He stated true forfeiture can only be done by an action of a court; and that IDWR does not have statutory authority to forfeit water.

A question was asked, if we don't use our water, can we use the water we didn't use during the end of the season? Tim Luke stated, if you have evidence of how much was not used, and what it went into groundwater. It was asked if it went to ground water why it could not be used out of Palisades. Mr. Luke stated that you would have to have the ability to store water to be able to do that; other than that no, you would not be able to use it later in the season.

Mr. Stanger stated that nobody turns their water on until after July. He lost \$85,000 worth of crop lost last year. He has never been shut off, until now. He further stated that last year was one of the wettest winters on record and he got shut off.

Denny Dobbins stated that WD29-D would have to first get an attorney to represent them, and then go into the SRBA to address their issues. People would need to find an attorney to fight for their rights.

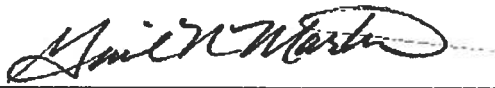
A question was asked about the money paid into the District. Could that money be used to hire an attorney? Mr. Dobbins stated that the money that district members put up, is just for the Watermaster. If district members want to hire an attorney, users have to put up a minimum of \$5,000 each.

Garry Purkey stated that he believes that this meeting has turned into a disaster. He stated that IDWR had black balled the Water District's last Watermaster. And this year they are offering computer programs to help with monitoring. He further stated that IDWR has volunteered to meet with the WD29-D Advisory Committee this year, and that they never offered additional meetings with past boards.

6. Adjournment of Meeting

Meeting adjourned 7:45p.

Signed: _____



Dated: April 10, 2018

WATER DISTRICT 29D
Lower Portneuf River & Tributaries

ANNUAL MEETING

Date: Monday, March 12, 2018

Time: 6:30 P.M.

Location: Pocatello City Hall

AGENDA

- | | |
|--|---------------------------------------|
| 1. Call to Order | Norman Hill, Advisory Committee Chair |
| 2. Introduction of IDWR Representatives & Advisory Committee | Norman Hill |
| 3. Nomination & Election of Water District 29-D Chairman | Water Users |
| 4. Nomination & Election of District Secretary | Water Users |
| 5. Review of 2017 Meeting Minutes & Acceptance | Water Users |
| 6. Nomination of Election of District Treasurer | Water Users |
| 7. Nomination of Election of Advisory Committee Members | Water Users |
| 8. 2018 Financial Report & Budget Adoption | Joyce Rendace |
| 9. Water Master Report | Randy Smith |
| 10. IDWR Updates | IDWR Reps: Tim Luke & Steve Visosky |
| a. Administration within WD29D | |
| 11. Present Proposed Resolutions for Adoption | Chairman |
| 12. Election of Water Master | Water Users |
| 13. Access to Control Structures and Measuring Devices | Water Master |
| 14. Entry on Lands by Water Master | Water Master |
| 15. Other Items of Business | |
| 16. Acknowledge 2019 Meeting Date | Meeting Chairman |
| a. March 11, 2019 | |
| Pocatello City Hall @ 6:30 P.M. | |
| 17. Adjournment of Meeting | Meeting Chairman |

**WATER DISTRICT NO. 29-D
LOWER PORTNEUF & TRIBUTARIES
2018 PROPOSED RESOLUTIONS**

The water users of Water District No. 29-D, as part of the annual district meeting held on March 12, 2018, at the City of Pocatello Council Chambers in Pocatello, Idaho, HEREBY ADOPT THE FOLLOWING RESOLUTIONS:

1) MEETING CHAIR

2) ELECTION OF A DISTRICT ADVISORY COMMITTEE CHAIR

It is herewith resolved that _____ be elected as the Chairman of the Advisory Committee for Water District No. 29-D, until a successor is elected and appointed. The duties of the Chairman will be to preside over Water District No. 29-D District meetings and Advisory Committee meetings. In addition to other duties that naturally fall into the office of Chair, be signatory to all expenditures over \$500.00 from Water District No. 29-D's budget.

3) ELECTION OF DISTRICT SECRETARY

It is herewith resolved that _____ be elected as Secretary for Water District No. 29-D until a successor is elected. The duties of the Secretary are to record the Minutes of the Annual Water District No. 29-D meeting, and minutes of the Advisory Committee meetings, and to send certified copy of the required documents to the Department of Water Resources, within five (5) days, to document resolutions and policies adopted by the district. To prepare and file a certified copy of the Adopted Budget and Resolutions pertaining to its collection with the Department of Water Resources and with the County Auditor of the county within which the district is located.

4) APPROVAL OF 2017 WATER DISTRICT NO. 29-D MINUTES

It is herewith resolved that the Water District No. 29-D minutes from the 2017 Annual Meeting are approved.

5) ELECTION OF A DISTRICT TREASURER

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. The District Treasurer will be paid a set fee as outlined in Water District 29-D's budget.

6) SELECTION OF 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	<u>Rich Diehl</u>	Member #2	<u>Garry Purkey</u>
✓Member #3	<u>Gail Martin</u>	✓Member #4	<u>Norman Hill</u>
Member #5	<u>Mary Spinner</u>		

7) 2018 FINANCIAL REPORT & BUDGET ADOPTION

a) 2018 BUDGET

It is herewith resolved that the 2018 operating budget for Water District No. 29-D shall be \$____, _____.00 as shown in the attached itemized budget sheet.

b) ASSESSMENTS

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 iii 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.

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 accurate 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:

- i) Estimated seasonal use (total 24 hr-cfs) = Total authorized water right diversion rate (cfs) multiplied by 85 days per season
- ii) 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.
- iii) 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. Except that any use of water for irrigation regardless of size shall be subject to the minimum assessment.

c) MINIMUM USER ASSESSMENTS

- i) It is herewith resolved that a minimum charge of up to **\$35.00** per water right owner shall be assessed and shall be assessed a . _____ user assessment in excess of 0.25 cubic feet per second (cfs). Whenever the prorated charge to a user is less than **\$35.00**, that user will be assessed the minimum charge.
- ii) 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 **\$35.00**.

d) FINAL ASSESSMENT DETERMINATION

- i) It is herewith resolved that, in accordance with Idaho Code § 42-612 (5), the assessment amount for each user as shown in the 2018 adopted budget shall constitute a final determination of the amount due for 2018.

e) **DISTRICT PAYMENT TERMS**

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

- i) 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.
- ii) 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.
- iii) 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.

8) ELECTION OF WATERMASTER AND TERM OF SERVICE

It is herewith resolved that Randy Smith be elected as Watermaster for Water District No.29-D for the ensuing year. 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.

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) Annual Meeting Minutes and Reports of the Water Master and Water District. 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. 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.

9) WATERMASTER ACCESS TO CONTROL STRUCTURES AND MEASURING DEVICES

Whereas, the Watermaster's 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.

10) 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.

11) 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 11, 2019.

12) ADJOURNMENT

**Water District 29D
Lower Portneuf River & Tributaries
2017 Annual Meeting Minutes
Monday, March 13, 2017, 7:00 PM
City of Pocatello Council Chambers**

CALL MEETING TO ORDER & WELCOME

Norman Hill, WD29D Advisory Committee member opened the meeting and introduced Idaho Department of Water Resources representatives, Tim Luke and Steve Visosky.

REVIEW OF 2016 ANNUAL MEETING MINUTES & ACCEPTANCE

The meeting minutes of the 2016 Annual Meeting minutes was provided to participants. Mary Spinner motioned to approve the minutes with the correction of assessment from .96 to .93 per cfs for large users. Mathew Rendace seconded the motion. The minutes were approved by a majority in favor. See Attachment A.

IDWR UPDATES

Tim Luke, IDWR representative gave an update on the potential for regulation of the water rights, by priority in Water District 29D, with respect to the Snake River. Many water rights in the Portneuf and Marsh Creek are junior to Snake River senior rights. IDWR will be reviewing water rights in tributaries to Snake River. The first time the Portneuf River has ever been adjudicated is within the Snake River Basin Adjudication. A final unified decree was issued in August of 2014, which allows for the regulation of the tributary drainages. The Twin Falls Canal Company has a 1900 priority right on the Snake River which is senior to many of the Portneuf river diversions. The Idaho Department of Water Resources will need to ensure that the 1900 Snake River priority right is satisfied. There are concerns that tributary rights are diverting out of priority. There are 200 water rights on Marsh creek that are in need of regulation. Both Marsh Creek and Water District 29D are areas of concern. This will change the Watermaster's duties in the future, as there will be a potential of curtailing junior water rights. This will be the first year they will be looking at potential curtailments. Water users can contact Steve Visosky at IDWR's Boise office for more information.

Randy Smith asked what happens if the tributaries do not go all the way to the river. Tim stated that if the tributary does not go all the way to the river then it would be determined to be futile call. The Watermaster needs to keep a log of used and unused rights. The IDWR will be looking to meet with the Advisory Committee before requiring measurement devices are required in Water District 29D. Discussions would include implementation of measurement devices, additional assessments for measuring actual use of larger diversions, and the threshold of number of acres that would require a measuring device.

MEETING CHAIRMAN SELECTION

Nominations were opened for Meeting Chairman. Randy Smith nominated Norman Hill, with a second by Matt Rendace. A no other nominations were received. Norman Hill was voted as Chairman by a majority vote.

WATERMASTER REPORT

Randy Smith presented his Watermaster report. Watermaster Smith indicated that there were not many problems last year, and the problems he did run into were resolved. Some minor incidents of vandalism occurred this past year. The Watermaster indicated that the Lower Rock Creek flows in April, and stops in June, and that most of the flow does not make it to the river. Water supplies upstream were not bad, but downstream water supplies are bad.

Tim Luke, IDWR, requested that the Watermaster provide a record of use to determine who is exercising their water right. Along with the record of use, a description of diversion, pump size, and irrigation system, in lieu of measurement devices. He stated that the Watermaster can indicate whether there is water available to fill the right, or not, in the comment section of the record.

The Watermaster indicated that Upper Black Rock Creek runs once every fifteen years, and he had issues with a new owner, but their communication issue has been resolved. He also determined that there was no water theft on Indian Creek, but a blockage in the culvert.

Tim Luke, IDWR, stated that the Watermaster is expected to visit all water users to document the exercise of their water right. The Watermaster needs to coordinate his visits to all water users for the inventory.

Steve Visosky, IDWR, indicated that the Watermaster needs to indicate, on the sheets provide, if it appears that water is being diverted.

Tim Luke indicated that for their purposes forfeiture can only be decided by a Court. The only way IDWR can effectuate any forfeiture is through water right transfers. If someone assigns their unused water right to the water supply bank, it may not be accepted if it wasn't used. Currently, the Watermaster only documents the point of division.

Water users expressed their concern of increased costs for the Watermaster for additional documentation.

2016 FINANCIAL REPORT

The 2016 financial report was presented by bookkeeper, Joyce Rendace. Joyce presented the balance sheet itemizing the bank account balance, accounts receivable, office supplies and checks not cleared for a total assets and liabilities of \$14,432.01, and current assets at 14,609.34, see Attachment B.

Joyce presented the water district's income statement, Attachment C. Water Assessments were received in the amount of \$11,597.23. Operating expenses were itemized for the Watermaster for a total of \$7,768.10 for 2016. The operating expenses for the employer payroll taxes included Idaho Unemployment tax, FICA, and Medicare for a total of \$408.80 in 2016. Joyce went on to explain the Analysis & Tax Prep fee of \$50.00 indicating that it is cheaper to have Engelson Accountants take care of this task rather than the district.

Joyce Rendace stated that there is one family with two assessments that have not pay into the district. They also do not receive water. A water users asked if lien could be put on the property. Tim Luke stated that the water district does not have the authority to put a liens on property.

It was also reported that certified letters were sent to fourteen individuals for non-payment. Certified fees are approximately \$8 each, but have been effective. Four of the fourteen still have not paid. Tim Luke, IDWR, stated that if people do not pay then the Watermaster can shut them off, and the district can take them to court for non-payment. He also stated that their office can draft letters on behalf of the district.

Harold Armstrong made a motion to accept the 2016 Financial Report, the motion was seconded, and was passed by a majority vote.

ELECTION OF WATERMASTER

The advisory board recommended that Randy Smith be retained as the 2016 Watermaster. No nominations for new candidates were made. A motion was made by Gary Purkey to retain Randy Smith as Watermaster, the motion was seconded by Harold Armstrong. Randy Smith was elected as Watermaster by a majority vote.

ADVISORY COMMITTEE SELECTION

Norman Hill introduced the 2016 advisory board members: Matt Rendace, Mary Spinner, Rich Diehl, representing Dean Tranmer, Norman Hill, Gail Martin, and bookkeeper Joyce Rendace.

Randy Smith nominated Norman Hill as Advisory Committee Chairman, the motion was seconded by Matthew Rendace. Norman Hill was elected as Advisory Committee Chairman by a majority vote.

Nominations were opened for Secretary/Treasurer. A motion to nominate Gail Martin was made by Mary Spinner, with a second by Matt Rendace. A motion was made to nominate Garry Purkey as Secretary Treasurer by Harold Armstrong, and was seconded. A vote was taken with Gail Martin receiving 9 votes, and Garry Purkey receiving 5 votes. Gail Martin remains Secretary/Treasurer for the water district.

Matt Rendace nominated Gary Purkey to the Advisory Committee, to replace his position on the Advisory board, the motion was seconded. Garry Purkey was elected to the Advisory Committee by a majority vote.

Discussion ensued regarding Dean Tranmer's upcoming retirement in June. Rich Diehl agreed to replace Dean Tranmer on the Advisory Board.

The Advisory Board members are as follows: Garry Purkey and Norman Hill representing the minimum users; Mary Spinner, Rich Diehl, and Gail Martin representing the large users. The Advisory Board members were affirmed by a majority vote.

BOOKKEEPER CONTRACT

Discussion ensued regarding the bookkeeping contract with Willows West. Mary Spinner motioned that the Advisory Board Chairman enter into a contact with Willows West, for a bookkeeper contract, with Matt Rendace seconded the motion. Willows West was retained by a majority vote.

2017 PROPOSED BUDGET

Joyce Rendace presented the proposed 2017 budget and how it compared from previous budgets, see Attachment D. Joyce also presented proposals for the water district assessment fees to meet the 2017 budget. Three scenarios were presented for discussion: a \$35 minimum fee with a \$1.34 per cfs charge for large users; a \$35 minimum fee with a \$1.01 cfs charge for larger users; or a \$35 minimum fee with a \$.90 cfs charge for large users.

Joyce indicated that last year the district made a decision that it did not want to hold a large reserve in the bank. Therefore, in order to reduce the bank reserve but retain enough funds for operations, the Committee is recommending the option of using \$2,000 of carry-over funds for a \$35 minimum fee with a .90 cfs charge for large users. A motion was made to accept a \$35 per minimum user with a .90 cfs charge for larger users. The motion was seconded. The motion passed.

OTHER ITEMS OF BUSINESS

The chairman asked for any other items of business or comments? None new business was raised.

ADJOURNMENT OF MEETING

Harold Armstrong motioned for adjournment of meeting at 8:23 pm, with Matt Rendace seconding the motion. The motion passed by a majority vote favor.

Signed _____

Date _____

ROSTER OF ATTENDANCE

2018 WATER DISTRICT 29D ANNUAL MEETING CONTINUATION 4/9/2018

RECEIVED
APR 18 2018

DEPARTMENT OF

[illegible]

ROSTER OF ATTENDANCE 2018 WATER DISTRICT 29D ANNUAL MEETING CONTINUATION 4/9/2018

APR 18 2018

DEPARTMENT OF

REPRESENTING
(If you are not listed as the water right owner)

NAME	ADDRESS	PHONE (Best contact for watermaster, i.e. cell phone)	EMAIL	REPRESENTING
George H Chandler	3380 N. Rapid Creek Rd.	208 241 8777	gchandler_1@msn.com	SELF 24-4219
CARRY L. FURKEY	2334 N FT HALL MINE RD	208-233-8008	garrypfurkey@aol.com	SELF
GAIL Martin	PO Box 306 Tw-Ft-Hall ID 83208	208 233 4583	gmartin@sbdrillers.com	Shoshone-Bernville Tribes
SADIE MADSEN	2803 W Old Hwy. 91	208.775.3709		SELF
William E. Madsen	FNKOM IDAH0 83245	208-225-3209		SELF
S. Lyle Nelson Al	2322 N APRIL CANY	208 705 3508.	Lynelnsen@msn.com	SELF
Barry L. Swai	2326 S OMAN			
Sally A. Smith	2396 S. Grant Ave 83204	208 233-5569.	sallysmith3396@gmail.com	SELF
Florece Thyerberg	952 JONES DR	208-237-4343	stathyerberg@gmail	
Jim Spinner	PO Box 6009, Pocatello, ID 83201	208-221-4472	spinjim@cableone.net	Wage nor Ranch LLC
Harold (Holl) Lundberg	2771 Banquet Dr, Pocatello, ID 83204	208-233-4346	halgrm@gmail.com	Self
Nice Heitman	1052 N Hayes	208 232 7058	mt111054@gmail.com	
Paul Knorr	532 N HAYES	208-221-1241	Paulknorr@gmail.com	Self
Kristyn Caldwell	2958 W. Parthen Rd INKOM	208-244-4934		
Jerome Stanger	1747 N Indian Creek RD Forkum	208-339-4522	MRTISA@MSN.COM	
Tearsa Burke	7288 W Portneuf Rd, Pocatello 83204	503 883 3098	areusburke@yahoo.com	SELF
Cheryl L Smith	782 Birch St no water	208 840 0756		SELF

Annual Water District Meeting Checklist

Per Idaho Code Title 42 Chapter 6 (Distribution of Water Among Appropriators), annual water district meetings must include (at a minimum) the actions listed below.

IDWR wants to ensure each water district is meeting these minimum standards. **Please return this completed checklist to the appropriate IDWR regional office with the annual meeting minutes (this list does not replace meeting minutes) and ensure that all of these actions are clearly addressed in the meeting minutes.**

Water District Number and Name:

29D - Lower Portneuf River & Tributaries

Meeting Date:

March 12 & April 9, 2016

- ☒ Election of meeting chairman and secretary
- ☒ Election of water district watermaster
- ☐ Election of water district assistant watermaster(s) (optional)
- ☒ Election of water district secretary/treasurer (optional)
- ☒ Approval of adopted budget
- ☒ Next year's meeting date, location, and time

By signing below I verify that all required actions have been addressed at the water district annual meeting

Completed by:

 Meeting Secretary

Water District Representative



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

April 13, 2018

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Gail Martin
PO Box 306
Fort Hall ID 83203

RE: WATER DISTRICT #29D

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,

Sharla Cox
Administrative Assistant