

WATER DISTRICT NO. 29-D LOWER PORTNEUF & TRIBUTARIES 2012 PROPOSED RESOLUTIONS

The water users of Water District No. 29-D, as part of the annual district meeting held on March 13, 2012, at the Pocatello City Council Chambers 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 Marshall Wheatley 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. 2012 BUDGET

It is herewith resolved that the 2012 operating budget for Water District No. 29-D be \$14,080, to include \$3,000 for all book keeping and financial services (contract with Joyce Rendace), and up to \$11,080 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 \$35.00 per water right owner shall be assessed. Whenever the prorated charge to a user is less than \$35.00, 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 \$35.00.

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 2012 adopted budget shall constitute a final determination of the amount due for 2012.

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.

6. ELECTION OF A DISTRICT TREASURER

It is herewith resolved that Ethlene Rock 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: Dean Tranmer

Member #2: George Chandler

Member #3: Elise Teton

Member #4: Matt Rendace

Member #5: Lyndon Smith

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 First (1st) Tuesday 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 5, 2013.

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.