

TO: WATER DISTRICT 61-D LITTLE CANYON CREEK FILE  
FROM: DANIEL A. NELSON  
DATE: 1/9/07  
SUBJECT: WATER DISTRICT MEETING

I attended the annual meeting for the Little Canyon Creek water district yesterday. The meeting began with reading of the minutes, which were approved.

The second order of business was former president Lee Blackwell informing the group that they were in the process of selling their water rights, so she could no longer be the president of the district. Several of the water users were then nominated to take over the presidential position, with almost all of the attendees declining to take over the position of president. Finally, Carlene Vinner was nominated, and she did accept the position. Teresa McCallum was re-elected as secretary/treasurer and Jim Allen was re-elected as watermaster and the same budget was proposed and approved for this year, with the same compensation.

Through out the meeting, there was a great deal of discussion about an earlier water district meeting, of which I supposedly attended. As the details were talked out about this meeting, it was discovered that this meeting wasn't a water district meeting. The meeting was actually the hearing for the Jones/Pearson water right transfer. There appears as though there was something that happened during this process that created a concern from many of the district members that the watermaster would be put on as a full time position. I informed them that this could happen, but that I believed that the district only averaged 6 or so call outs over the last few years.

One of the concerns was that the watermaster compensation was an open-ended contract, and if he were put on full time, they would have to pay for this service. The budget allows for 14 call outs per year, and allows an additional \$1,000 to cover any callouts above the 14 callouts budgeted. I informed them that compensating the watermaster on a by trip basis instead of an annual salary, does create an open-ended contract for as long as the watermaster is needed.

However, the district members and the department are the only entities that have the ability to call out the watermaster. The department will not call out the watermaster unless there is a dispute that needs to be resolved within the district, so the number of times the watermaster is called lays solely on the shoulders of the members of the district. There was a discussion concerning charging the person at fault for the call outs after 14 call outs had been reached, but I informed them that they did not the legal right to determine fault, and that only a civil court could make this determination. After a brief discussion, and reminder of past discussions about this issue, the topic of charging the person at fault was quickly dropped.

Teresa McCallum then commented that she receives the watermaster's record books every month, so she would be able to notify the other membership if the watermaster exceeds the budgeted amount. Originally, the membership would call a special meeting to re-assess the membership if the watermaster's wages exceeded the budgeted amount. If the district refused to pay the watermaster, then the department would take over as the watermaster and charge a fair compensation to cover the expenses of taking over these duties. Any member refusing to pay their assessment would have their headgate locked, and no water would be delivered to this individual.

The general consensus came down to a concern that if the watermaster could attain enough call outs in one month to exceed the budget. Therefore, they added a section to the district by-laws that the watermaster must contact the secretary on the tenth and budgeted amount of callouts. The secretary would then need to call a special meeting of the district to discuss the circumstances regarding the increase in call outs. This seemed to resolve the concerns of many of the membership.

There were also concerns expressed about the flooding and high water flows in the creek the previous year. Several of the district members wanted the district to create funds in the budget to clean debris and/or vegetation along the banks of the creek. This debris was mainly in the form of dead trees and brush that had fallen into the creek and were carried down stream with the high water. They also wanted to create funds to repair damaged diversion structures.

The first concern was the destruction of the Trail Dam creek diversion. Apparently, the high water and debris broke out the structure that backs up the water in the creek to divert it into Trail reservoir. The general thought was that this diversion didn't allow the water to go down the creek or that it allowed a surge of water down the creek when it broke, which caused damage to other diversions as the surge flowed down stream. According to Rocky Trail the diversion was broken last year. The debris in the creek broke his diversion preventing them from backing up the water. As a result, all the water flowed downstream instead of being diverted into their reservoir. Mr. Trail stated that the break in the diversion didn't cause a significant surge in the creek, and actually provided some of the water they would have diverted if the structure was operational to downstream users. Mr. Trail also stated that as soon as the creek dried up, the diversion was fixed, so there shouldn't be any problems this year.

Page 3  
61D meeting

The second concern was that the trees and brush along the creek washed out Vinner's diversion twice and caused the damage to the Trail diversion. They wanted to create funds to go up the creek and cut down all of the dead timber and brush in the creek to prevent this in the future. I informed them that they would need to get the proper permits from the department and the Army Corps of Engineers to work below the high water line of the creek. I told them that without the proper approvals they could face some very severe fines and penalties. I also told them it is generally the responsibility of the individual water user to build and maintain a diversion structure that can handle the high water in the creek. This seemed to satisfy this situation.

The meeting was adjourned at this point, but there were several discussions after the meeting. One gentleman came up to me and asked about the Batruel reservoir. He stated that Mr. Batruel was discharging water on open ground last year preventing him and others from going up there to fish. I informed him that if this practice continues this year, he would need to contact the watermaster to handle this situation. If the watermaster needed further help or guidance, he could contact the department. I spoke to the watermaster about this issue, and he told me that he thought that Mr. Batruel did this to prevent damage from the high water last year. I told the watermaster he may want to keep an eye on this situation and contact me if it persists.

There seemed to be some basic issues concerning growth and the buying and selling of land in the area. There were some major concerns about subdivisions being built in the area. It appears as though the area may be going through some growing pains, and the ramifications of this growth on the use of this creek. I believe there could be an increase of activity in this water district this year.

**Little Canyon Creek Water District #61-D**  
**Adgena**  
**January 8, 2007**

**Call to Order:**

**Reading of Minutes:**

**Election of Officers:**

**President:** *Carlene Uiver*  
**Secretary/**  
**Treasurer:** *Theresa, McCallum*  
**Watermaster:** *Jim Allen*

**Advisory Committee:** The advisory committee to remain the same as last year, which was stated to be all water users? *- same*

**Treasurer's Report:** Assessment for 2006 was \$795.67 w/ minimums amount billed was 880.00, collected was 910.00. All Water Users are current. Collected additional \$23.88 in interest on the bank account. Spent 300.00 on insurance, 12.84 on postage and Watermaster salary of \$450.00.

Balance in the account is \$1,776.73

**Old Business:**

**Previous year water report:**

**New Business:** Any changes or additions to Resolutions /Bylaws need a motion to approve

Bylaws as existing for the 2007 water season

*Bylaws Retained*

**Proposed Budget:**

|                            |   |                           |
|----------------------------|---|---------------------------|
| 14 callouts at \$75/ea     | = | \$ 1,050.00               |
| Office Supplies \$50       | = | 50.00                     |
| Workers Compensation       | = | <u>300.00</u>             |
| Proposed budget            |   | \$ 1,400.00               |
| Less overage above \$1,000 |   | <u>-776.73</u> over slush |

*Budget  
APPROVED*

New Proposed budget for  
2007 assessment purposes: \$ 623.27

**Adjournment:** Meeting adjourned to 2<sup>nd</sup> Monday of January 2008; (January 7) – 1:00 pm,  
Glenns Ferry City Hall.

***Little Canyon Creek Water District #61-D  
Minutes of Annual Meeting  
January 9, 2006  
City Hall, Glens Ferry, Idaho***

**Call to Order:** Meeting was called to order at 1:03 pm January 9, 2006, by Lee Blackwell, President

**Water users in attendance:** Dan Nelson-IDWR, Rocky Trail, Rusty Trail, Jim & Liz Allen, Dick Anderson, Nathan Jones, Teresa McCallum, Lee Blackwell

**Reading of Minutes:** Teresa McCallum read the minutes, no correction noted, minutes stand approved as read.

**Election of Officers:** Bob Hall moved that the officers remain the same as last year including Watermaster and Advisory Committee. Motion 2<sup>nd</sup> by Sam Blackwell, motion passed unanimously.

**President:** Lee Blackwell

**Secretary/** Teresa McCallum

**Treasurer:**

**Watermaster:** Jim Allen

**Advisory Committee:** The advisory committee to be all water users.

**Treasurer's Report:** Assessment for 2005 was \$698.47 w/ minimums amount billed was 780.11, collected was 752.81. Ms. Garcia, Ms. Coleman did not pay their assessment. Collected additional \$13.07 in interest on the bank account. Spent 300.00 on insurance, 3.00 in Bank Charge and Watermaster salary of \$360.00.

Balance in the account is \$1,604.33

**Old Business:** Water Resources requested the Water District adopt Bylaws. Teresa reminded the membership of Water Resources request. With the assistance of Mr. Gary Ellis from Cold Springs Creek, a set of bylaws were drafted and presented at the meeting. A discussion was held about how best to adopt the bylaws since there was very limited attendance. One amendment to the bylaws was proposed to allow the Watermaster 48 hours to respond to a call out. Jim indicated that it would generally not be necessary but would be greatly appreciated since the majority of call outs are during his busiest season for his business.

It was decided that the best thing to do would be to send all water users a copy of the bylaws as amended for review and adoption or rejection. So this is how it works: Please read the attached copy. Then you must respond by February 15<sup>th</sup>, 2006 with a Aye or Nay vote. If your vote is Nay you need to include another solution or your amendments. If you do not respond it will be considered a positive vote. If the bylaws are rejected we will continue to operate without bylaws as in the past. However all amendments and suggested alternatives will be presented and voted on at the next annual meeting. Please also note that the Bylaws will have to be approved every year, therefore amendments or changes may be proposed at any annual meeting.

**Previous year water report:** Jim Allen stated that there were 6 water calls last year and was unaware of any significant problems.

**New Business:** Rocky Trails expressed concern over the condition of some weirs.

Nathan Jones brought up the fact that he has submitted a point of diversion change, in order to correct the plowed under ditch problem from last year, and just want to notify other users or answer questions, however there were none.

A discussion was held that the Watermaster deserves raise, it has been several years since the last increase and with higher gas prices. Jim was not wanting to continue, but would if no one else was willing. Over the last several weeks attempts were made to find another Watermaster, however the attempts were unsuccessful. The agreed upon price per call out was suggested at \$75.00. So moved by Nathan Jones and 2<sup>nd</sup> by Rocky Trails passed unanimously.

**Proposed Budget:**

|                            |   |                           |
|----------------------------|---|---------------------------|
| 14 callouts at \$75/ea     | = | \$1050.00                 |
| Office Supplies \$50       | = | 50.00                     |
| Workers Compensation       | = | <u>300.00</u>             |
| Proposed budget            |   | \$1400.00                 |
| Less overage above \$1,000 |   | <u>-604.33</u> over slush |

New Proposed budget for  
2003 assessment purposes: \$ 795.67

Blackwell's wish to serve notice that again their second call out at the end of the year be considered part of the 14 budgeted call outs as usual.

Nathan Jones moved the budget to approved as submitted, Rocky Trail 2<sup>nd</sup>, motion passed unanimously.

**Adjournment:** Meeting adjourned to 2<sup>nd</sup> Monday of January 2007; (January 8) – 1:00 pm, Glens Ferry City Hall. Motion made by Nathan Jones, 2<sup>nd</sup> by Rocky Trail, passed unanimously.

Teresa McCallum, Secretary

If you feel that there is anything that I have left out or misstated please call or send me a note so that I can make the corrections.

After the meeting there was some concern about whether there was a quorum or not. All motions were passed unanimously so if there is a problem I suggest that you come next year and raise your objections.

Also please note address for the Secretary of Little Canyon Creek has changed to the following:  
11204 N. Bar 21 Dr., Glens Ferry, Idaho 83623

Little Canyon Creek Water Dist. 61-D  
**Profit & Loss**  
January through December 2006

|                                | <u>Jan - Dec 06</u>  |
|--------------------------------|----------------------|
| <b>Ordinary Income/Expense</b> |                      |
| <b>Income</b>                  |                      |
| Assessments recieved           | 910.00               |
| Int Inc                        | 23.88                |
| <b>Total Income</b>            | <u>933.88</u>        |
| <b>Expense</b>                 |                      |
| Insurance                      | 300.00               |
| Miscellaneous                  | 0.00                 |
| Postage and Delivery           | 12.84                |
| Watermaster Salary             | 450.00               |
| <b>Total Expense</b>           | <u>762.84</u>        |
| <b>Net Ordinary Income</b>     | <u>171.04</u>        |
| <b>Net Income</b>              | <u><u>171.04</u></u> |

BY LAWS OF THE  
WATER DISTRICTS

61 D LITTLE CANYON CREEK

ARTICLE I

Name, Location, Business

SECTION 1: **Name:** The name of this organization shall be Little Canyon Creek Water District. "it shall be referred to hereinafter as "the organization".

SECTION 2: **Location:** 11204 N. Bar 21 Dr. Glenns Ferry, Idaho 83623 or with the current organization secretary.

SECTION 3: **Business:** This organization shall engage in the business of controlling and running the operations of Little Canyon Creek Water Districts 61D as prescribed by these By Laws.

ARTICLE II

Purpose

SECTION 1: **Purpose:** The purpose for which this group is organized is civic in nature to control the operation of irrigation along Little Canyon Creek. The organization shall be and is empowered to cooperate and work in compliance with the State of Idaho governmental agencies to achieve its purpose. This organization shall act as the primary controlling agency for Little Canyon Water District and shall promote just and equitable rules and controls in business, through the collection and dissemination of information, and through services that may be rendered in connection with subjects of general importance, through research and if needed direct action.

SECTION 2: **Limitations:** The organization in its activities shall be limited to insuring irrigators along Little Canyon Creek are in compliance with their water rights and controls are in place to enforce compliance as directed by Water District and the State of Idaho.

ARTICLE III

Membership

SECTION 1: **Eligibility:** Any person, firm, partnership, corporation/association, estate, or trust may apply for membership if they have water rights for taking water from Little Canyon Creek and agrees to conform to and abide by the By Laws of Water District 61D Little Canyon Creek and any amendments there to.

SECTION 2: **Classification of Members:** All active members in good standing shall be entitled to vote, to hold office, to serve on standing and special committees, to attend all

regular and special membership meetings, to have the privileges of the floor at such meetings and to participate in all referenda conducted by the organization. A member in good standing is one that is in compliance with all requirements of this organization and is current in any and all assessments made by this organization.

**SECTION 3: Membership dues:** The minimum annual membership dues for active members of this organization shall be reviewed annually by the board of officers and any proposed assessment shall be voted on by organization membership.

**SECTION 4: Voting:** Each individual member in good standing shall be entitled to one vote. Votes shall be by individual persons only, one vote person, and not by proxy unless done so in writing. Every firm shall designate a voting representative for each vote authorized.

**SECTION: Termination of membership:** Upon termination of any membership by death, resignation, sale or transfer of water rights in Little Canyon Creek or expulsion, the interests of such member in and to the property of this organization and his/her rights and privileges shall be forfeited. In the event of termination of membership, assessments shall not be refundable.

## ARTICLE IV

### Membership Meetings

**SECTION 1: Annual Meetings:** The annual membership meeting of this organization shall be held the second Monday of January of each year at such time and place as may be designated by the President. At such annual meeting, the newly elected officers shall be installed.

**SECTION 2: Special Meetings:** The President may call such special meeting of the membership as he/she may deem necessary, and shall call a membership meeting upon the request of ten percent of the members in good standing.

**SECTION 3: Quorum:** Ten percent of the active members in good standing of the organization shall constitute a quorum for the transaction of any business at a membership meeting.

## ARTICLE V

### Officers

**SECTION 1: President's Office:** The President shall preside at all meetings of this organization and perform all duties incident to that office. He/She shall, as he/she may deem proper, commend to the membership such matters and make suggestions as may tend to promote the prosperity and increase the usefulness of the organization.

**SECTION 2: Secretary/Treasurer's Office:** It shall be the duties of the secretary to conduct the official correspondence, communication, and maintain an accurate record of the proceedings of this organization. The treasurer shall receive and disburse the funds of this organization. He/She shall keep all monies of this organization deposited in the name of this organization. All disbursements shall be made by check duly signed by the Treasurer and counter signed by the President if over \$500.00

SECTION 3: **Vacancies:** Vacancies occurring in the offices herein provided for shall be filled by interim appointment by a Resolution of the membership. The interim appointment shall be until the vacancies' term has expired.

SECTION 4: **Hold Harmless:** The Officers of this organization shall not be held personally liable for any of the actions of the membership of this organization unless criminal intent is shown.

SECTION 5: **Term of officers:** The term of elected officers shall be one calendar year.

## ARTICLE VI

### Representatives

SECTION 1: Any person or persons appointed to act as the official representative or representatives of this organization at conventions, hearings, or public meetings of any kind, shall so act only after receiving specific instructions from the President. Upon completion of such an assignment the representative(s) shall make a full report to the President.

SECTION 2: Watermaster as Representative of the Organization has the ability to set time limits for response to call outs not to exceed 48 hours.

## ARTICLE VII

### Budgeting

SECTION 1: **Fiscal Year:** The fiscal year of this organization shall be January 1 through December 31.

SECTION 2: **Budget:** The President shall constitute the Budget Committee and adopt a budget in December each year for the following year. At the annual meeting the President shall present the budget to the membership for approval and or adjustments. The President shall adjust and/or revise the annual budget to conform with any limitations or expenses created by changing conditions throughout the year. The Dues/Assessments shall be based on the estimated budget for the upcoming year. The Dues/Assessments shall be reduced by any remaining funds over \$1000.00 from previous years budget.

SECTION 3: **Dues/Assessments:** Each member shall be bill by the percentage of the water right held on Little Canyon Creek, with a minimum billing of 10.00 dollars. The amounts payable by each member as shown by the approved budget shall become due and payable on March 15<sup>th</sup> and that said amount, if not paid shall bear a penalty of 10% and shall bear interest from that date until paid, at a rate of 8 percent per annum. No member shall have the right to demand and receive water, and the Watermaster shall not deliver to such person until the amount due and payable for such member as fixed by the budget has been paid.

## ARTICLE VIII

### Amendments

These Bylaws may be altered, amended, or repealed by one of the following:

- A. By the affirmative vote of two-thirds of the members of this organization at any regular or special meeting, provided the proposed action be presented in writing at the meeting to the membership preceding such vote, or notice in writing be sent to each member of this organization at least fifteen (15) days prior to such vote;
- B. By a two-thirds affirmative vote of the members entitled to vote there at, at the Annual meeting of the members, or any other meeting of the members called for that purpose by the President.

## ARTICLE IX

### Dissolution

On dissolution of this organization any funds remaining shall be distributed to the current members by the percentage of water rights held on Little Canyon Creek.

**DATE ADOPTED:** \_\_\_\_\_

\_\_\_\_\_  
Lee Blackwell, President

\_\_\_\_\_  
Teresa McCallum, Secretary/Treasurer



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

WESTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

January 26, 2007

Teresa McCallum  
Water District Secretary/Treasurer  
11204 N. Bar 21 Dr.  
Glenns Ferry, ID 83623

RE: Water District #61D

Dear Secretary:

This letter is to acknowledge the receipt of your district 2007 meeting minutes and adopted budget.

Please contact me at the Western Regional Office if you have questions,  
phone #334-2190

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra", written over a large, stylized loop.

For

John Westra  
Regional Manager

Enclosure:

*Little Canyon Creek Water District #61-D*  
*Minutes of Annual Meeting*  
*January 8, 2007*  
*City Hall, Glens Ferry, Idaho*

RECEIVED

JAN 17 2007

WATER RESOURCES  
WESTERN REGION

**Call to Order:** Meeting was called to order at 1:05 pm January 8, 2007, by Lee Blackwell, President

**Water users in attendance:** Dan Nelson-IDWR, Rocky Trail, Rusty Trail, Dick Anderson, Nathan Jones, Teresa McCallum, Lee Blackwell, Jesus Hernandez D., Carlene Smith, Benny Morin, Earl P. Gardner, Betty Schell, Margaret Reynolds, Alice Trail, Robert Hall, Mary Hall.

**Reading of Minutes:** Teresa McCallum read the minutes, Nathan Jones moved the minutes be approved as read, 2<sup>nd</sup> by Betty Schell. Minute accepted as read.

**Election of Officers:** Nominations were opened for President, Carlene Smith nominated Bob Hall, Bob Hall declined. Someone else nominated Dick Anderson Dick Anderson Declined Rocky Trail was nominated but cited that he was unable to accept as water right was not in his name. Also Nathan Jones was nominated but cited the same as Rocky. Bob Hall nominated Teresa McCallum, I declined wishing to stay in the position of Secretary. Teresa McCallum nominated Betty Schell, who also declined wished a little more tenure on the District before taking a position. Nathan Jones nominated Carlene Smith who accepted the nomination.

Nominations were closed Carlene Smith was voted in as President, unanimously.

**President:** Carlene Smith

Nominations were opened for the position of Sec/Treas. Nathan Jones nominated Teresa McCallum, Betty Schell 2<sup>nd</sup>. Lee Blackwell moved to close nominations, Rocky Trails 2<sup>nd</sup>. The vote on the position of Sec/Treas. was 7 to 1. Teresa McCallum was retained as Sec/Treas.

**Secretary/** Teresa McCallum

**Treasurer:**

Nominations were opened for the position of Watermaster. Rocky Trails nominated Jim Allen, Lee Blackwell 2<sup>nd</sup>. Nominations were closed Jim Allen was voted in a Watermaster, unanimously.

**Watermaster:** Jim Allen

Lee Blackwell moved that the advisory committee remain the same as last year, this was approved unanimously.

**Advisory Committee:** The advisory committee to be all water users.

**Treasurer's Report:** Assessment for 2006 was \$795.67 w/ minimums amount billed was 880.00, collected was 910.00. All Water Users are current. Collected additional \$23.88 in interest on the bank account. Spent 300.00 on insurance, 12.84 on postage and Watermaster salary of \$450.00.

Balance in the account is \$1,776.73 as of 11/30/06, Treasures report was accepted as read.

**Old Business:** None

**Previous year water report:** Teresa McCallum stated that there were 6 callouts during 2006 first and last for stock-water as usual and one by water resources regarding flooding. A discussion was held about the need to clean trash out of the channel. Also, that the reservoirs were not designed nor intended for flood control. The other 3 call outs were merely to send nor water down stream.

**New Business:** Now with the use of By-laws by the District it is necessary to amend or approve the By-laws each year for the upcoming water season. Nathan Jones moved to approve. Earl Gardener 2<sup>nd</sup>. The By-laws were approved unanimously.

At this point we moved on to the proposed budget. However, a discussion ensued regarding the lack of a cap on the number of call outs for the year. And, the fact that budget could be exceeded to no end. A discussion was held regarding possible scenarios, and the results. Dan Nelson-IDWR stated that the most likely scenario would be that once all the funds were used we would have to hold a special assessment meeting to continue to pay the Watermaster. However, we could terminate the Watermaster, then, we would have to pay the Water Resources for the callouts which would be substantially more. When we could not pay them the head-gates on the entire district would be turned off, until the issues were settled.

It was also discussed and verbally agreed that should all budgeted callouts be reached in any year the secretary would notify the President and a special meeting would be call to address the problems and review need for special assessment.

At this point a motion was made by Bob Hall and 2<sup>nd</sup> by Betty Schell to amend the By-laws. Under Article 6 new section 3, Addition as follows:

The Water Master is to immediately notify the District Secretary when 10 call outs are performed. Then, again when the budgeted callouts are reached, in any one year. This was adopted by unanimous consent. Dan Nelson moved to include the By-laws with the changes highlighted, with the minutes in the annual assessment notices.

**Proposed Budget:**

|                            |   |                           |
|----------------------------|---|---------------------------|
| 14 callouts at \$75/ea     | = | \$1050.00                 |
| Office Supplies \$50       | = | 50.00                     |
| Workers Compensation       | = | <u>300.00</u>             |
| Proposed budget            |   | \$1400.00                 |
| Less overage above \$1,000 |   | <u>-776.73</u> over slush |

New Proposed budget for  
2007 assessment purposes: \$ 623.27

Lee Blackwell moved the budget to approved as submitted, Bob Hall 2<sup>nd</sup>, motion passed unanimously.

There was another discussion held about the fact the Water District is not notified by Water Resources when there are changes on the creek, ie. Change of ownership, Transfers, ect.. Dan Nelson said Transfers a published in the paper and that is the only notice. As far as changes in ownership we would have to get change thru the legislature to hold IDWR responsible to notify, Rocky Trail suggested that we contact the title companies and ask to be notified. The secretary has copies of the forms for Change of address, Change of Ownership, and Transfer. However, all forms may be gotten from Water Resources at 334-2190, and most form can be gotten the by internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**Adjournment:** Meeting adjourned to 2<sup>nd</sup> Monday of January 2008; (January 7) – 1:00 pm, Glenns Ferry City Hall. Motion made by Lee Blackwell, 2<sup>nd</sup> by Rocky Trail, passed unanimously.



Teresa McCallum, Secretary

If you feel that there is anything that I have left out or misstated please call or send me a note so that I can have the corrections at the 2008 meeting.

Your Water District Board maybe reached at the following:

President

Carlene Smith  
2604 N. Marrow Res. Rd.  
Glenns Ferry, Id 83623  
366-2711

Sec/Treas.

Teresa McCallum  
11204 N. Bar 21 Dr.  
Glenns Ferry, Id 83623  
366-7931

Water Master

Jim Allen  
3901 E Montgomery Rd.  
King Hill, Id 83633  
366-2777

BY LAWS OF THE  
WATER DISTRICTS

61 D LITTLE CANYON CREEK

ARTICLE I

Name, Location, Business

SECTION 1: **Name:** The name of this organization shall be Little Canyon Creek Water District. "it shall be referred to hereinafter as "the organization".

SECTION 2: **Location:** 11204 N. Bar 21 Dr. Glens Ferry, Idaho 83623 or with the current organization secretary.

SECTION 3: **Business:** This organization shall engage in the business of controlling and running the operations of Little Canyon Creek Water Districts 61D as prescribed by these By Laws.

ARTICLE II

Purpose

SECTION 1: **Purpose:** The purpose for which this group is organized is civic in nature to control the operation of irrigation along Little Canyon Creek. The organization shall be and is empowered to cooperate and work in compliance with the State of Idaho governmental agencies to achieve its purpose. This organization shall act as the primary controlling agency for Little Canyon Water District and shall promote just and equitable rules and controls in business, through the collection and dissemination of information, and through services that may be rendered in connection with subjects of general importance, through research and if needed direct action.

SECTION 2: **Limitations:** The organization in its activities shall be limited to insuring irrigators along Little Canyon Creek are in compliance with their water rights and controls are in place to enforce compliance as directed by Water District and the State of Idaho.

ARTICLE III

Membership

SECTION 1: **Eligibility:** Any person, firm, partnership, corporation/association, estate, or trust may apply for membership if they have water rights for taking water from Little Canyon Creek and agrees to conform to and abide by the By Laws of Water District 61D Little Canyon Creek and any amendments there to.

SECTION 2: **Classification of Members:** All active members in good standing shall be entitled to vote, to hold office, to serve on standing and special committees, to attend all

regular and special membership meetings, to have the privileges of the floor at such meetings and to participate in all referenda conducted by the organization. A member in good standing is one that is in compliance with all requirements of this organization and is current in any and all assessments made by this organization.

**SECTION 3: Membership dues:** The minimum annual membership dues for active members of this organization shall be reviewed annually by the board of officers and any proposed assessment shall be voted on by organization membership.

**SECTION 4: Voting:** Each individual member in good standing shall be entitled to one vote. Votes shall be by individual persons only, one vote person, and not by proxy unless done so in writing. Every firm shall designate a voting representative for each vote authorized.

**SECTION: Termination of membership:** Upon termination of any membership by death, resignation, sale or transfer of water rights in Little Canyon Creek or expulsion, the interests of such member in and to the property of this organization and his/her rights and privileges shall be forfeited. In the event of termination of membership, assessments shall not be refundable.

## ARTICLE IV

### Membership Meetings

**SECTION 1: Annual Meetings:** The annual membership meeting of this organization shall be held the second Monday of January of each year at such time and place as may be designated by the President. At such annual meeting, the newly elected officers shall be installed.

**SECTION 2: Special Meetings:** The President may call such special meeting of the membership as he/she may deem necessary, and shall call a membership meeting upon the request of ten percent of the members in good standing.

**SECTION 3: Quorum:** Ten percent of the active members in good standing of the organization shall constitute a quorum for the transaction of any business at a membership meeting.

## ARTICLE V

### Officers

**SECTION 1: President's Office:** The President shall preside at all meetings of this organization and perform all duties incident to that office. He/She shall, as he/she may deem proper, commend to the membership such matters and make suggestions as may tend to promote the prosperity and increase the usefulness of the organization.

**SECTION 2: Secretary/Treasurer's Office:** It shall be the duties of the secretary to conduct the official correspondence, communication, and maintain an accurate record of the proceedings of this organization. The treasurer shall receive and disburse the funds of this organization. He/She shall keep all monies of this organization deposited in the name of this organization. All disbursements shall be made by check duly signed by the Treasurer and counter signed by the President if over \$500.00

SECTION 3: **Vacancies:** Vacancies occurring in the offices herein provided for shall be filled by interim appointment by a Resolution of the membership. The interim appointment shall be until the vacancies' term has expired.

SECTION 4: **Hold Harmless:** The Officers of this organization shall not be held personally liable for any of the actions of the membership of this organization unless criminal intent is shown.

SECTION 5: **Term of officers:** The term of elected officers shall be one calendar year.

## ARTICLE VI

### Representatives

SECTION 1: Any person or persons appointed to act as the official representative or representatives of this organization at conventions, hearings, or public meetings of any kind, shall so act only after receiving specific instructions from the President. Upon completion of such an assignment the representative(s) shall make a full report to the President.

SECTION 2: Watermaster as Representative of the Organization has the ability to set time limits for response to call outs not to exceed 48 hours.

**SECTION 3: The Watermaster is to immediately notify the District Secretary when 10 call outs are performed. Then again when the budgeted callouts are reached, in any one year.**

## ARTICLE VII

### Budgeting

SECTION 1: **Fiscal Year:** The fiscal year of this organization shall be January 1 through December 31.

SECTION 2: **Budget:** The President shall constitute the Budget Committee and adopt a budget in December each year for the following year. At the annual meeting the President shall present the budget to the membership for approval and or adjustments. The President shall adjust and/or revise the annual budget to conform with any limitations or expenses created by changing conditions throughout the year. The Dues/Assessments shall be based on the estimated budget for the upcoming year. The Dues/Assessments shall be reduced by any remaining funds over \$1000.00 from previous years budget.

SECTION 3: **Dues/Assessments:** Each member shall be bill by the percentage of the water right held on Little Canyon Creek, with a minimum billing of 10.00 dollars. The amounts payable by each member as shown by the approved budget shall become due and payable on March 15<sup>th</sup> and that said amount, if not paid shall bear a penalty of 10% and shall bear interest from that date until paid, at a rate of 8 percent per annum. No member shall have the right to demand and receive water, and the Watermaster shall not deliver to such person until the amount due and payable for such member as fixed by the budget has been paid.

## ARTICLE VIII

## Amendments

These Bylaws may be altered, amended, or repealed by one of the following:

- A. By the affirmative vote of two-thirds of the members of this organization at any regular or special meeting, provided the proposed action be presented in writing at the meeting to the membership preceding such vote, or notice in writing be sent to each member of this organization at least fifteen (15) days prior to such vote;
- B. By a two-thirds affirmative vote of the members entitled to vote there at, at the Annual meeting of the members, or any other meeting of the members called for that purpose by the President.

## ARTICLE IX

### Dissolution

On dissolution of this organization any funds remaining shall be distributed to the current members by the percentage of water rights held on Little Canyon Creek.

DATE ADOPTED: 1/15/07

  
\_\_\_\_\_  
Carlene Smith, President

  
\_\_\_\_\_  
Teresa McCallum, Secretary/Treasurer

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO**

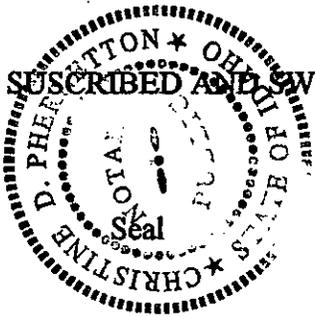
STATE OF IDAHO            )  
  ) ss  
County of Elmore        )

OFFICIAL OATH

I do solemnly swear (or Affirm) that I will support the Constitution of the United States, the Constitution and laws of the State of Idaho, specifically including the provision of Section 42-605 and 42-607, Idaho Code and that I will faithfully discharge all the duties of the office

of **Watermaster of** Little Canyon Creek Water Dist. #61-D according to the best of my ability. So help me God.

*Jm ce*  
Principal



SWORN to before me this 9th day of January, 2007  
Christine Phemetton  
Notary Public  
Residing at Glenns Ferry  
Commission Expires 2/24/08

I serve as Watermaster on a year-round basis

**PETITION FOR WATERMASTER'S SERVICES**

**TO: Idaho Department of Water Resources**

**Date:** 1/8/07

**Water District Name:** Little Canyon Creek Water

**District No;** 61-D

I the undersigned owner/manager of ditch(s) or person controlling ditches in Water District No. 61-D hereby request the services of a watermaster for the reason that there is necessity for the use and control of the waters of the District.

**Date Watermaster is to start:** 1-08-07

If know, the date services of Watermaster are to terminate: 12/31/07

*[Signature]*                      11204N. Ave 21 Dr                      366-7931                      61-371-B  
Signature                              Address                              Telephone                              Water Right No.

**WARNING: Watermaster cannot begin services until all conditions of the appointment have been fulfilled.**