

**Water District 170
Annual Meeting Minutes
January 26, 2010
Challis, Idaho**

The meeting was called to order at 7:05 p.m. by Chairman Gary Chamberlain.

Jim Hawkins moved that Mr. Chamberlain be selected as the meeting Chairman. Cliff Hansen seconded the motion and the motion carried with none opposed. Nick Miller acted as the meeting secretary.

The minutes for the 2009 annual meeting were read by Mr. Chamberlain. Cliff Hansen moved to approve the minutes from the 2009 annual meeting as written. The motion was seconded by Rod Evans. The motion carried with none opposed.

Nick Miller reviewed the water district activities of 2009. This information is included in the attached report prepared by Mr. Miller.

Mr. Chamberlain then read the proposed resolutions and asked for questions or motions to accept or modify. Steve Bauchman asked why Sub-district No. 71 has three representatives when the other districts have only one. Mr. Chamberlain asked Cliff Hansen to answer that question. Mr. Hansen indicated that the sub-district having three seats is due to the structure of the original WSD170 steering committee. Mr. Chamberlain indicated that this question also came up in the WD170 Advisory Committee meeting held that afternoon and they suggested that the Sub-district explore reducing the number of seats.

Mr. Bauchman then asked why the USFS and BLM have seats on the WD170 Advisory Committee. Mr. Chamberlain responded that they have seats because those entities hold water rights throughout the district, so they are represented on the committee.

Mr. Bauchman then asked about expansion of WD170 into basins 73-75 and why the WD170 Advisory Committee provides for representatives from those basins. Mr. Chamberlain explained that WD170 will someday expand into those basins, so users in those basins should have representation in the committee.

Jim Hawkins then asked to modify the text of the proposed resolution regarding the WD170 Advisory Committee structure. He suggested the term "advisory committee" be replaced throughout the resolution with the more specific term "Water District No. 170 Advisory Committee". Mr. Hawkins then moved to adopt the resolutions as modified. Charlie Bogue provided a second and the motion carried.

Nick Miller requested that we elect the Basin 72 non sub-district area irrigation representatives and noted that the other representatives were either appointed by the agencies or elected at sub-district meetings. Jim Hawkins moved that Charlie Bogue and Gary Chamberlain be elected as the Basin 72 non sub-district area irrigation representatives. Rod Evans provided a second and the motion carried.

Chris Natoli stated that he has replaced Bert Doughty as the Thompson Creek representative and Corey Rice noted that he is the representative for the City of Challis.

The meeting adjourned at approximately 8:00 pm.

Upper Salmon Water District No. 170

Adopted Resolutions (Page 1 of 3)

RESOLUTION REGARDING DISTRICT BYLAWS (Adopted 2007)

The Idaho Department of Water Resources (IDWR) Watermaster Handbook and related Idaho Statutes (both as may be duly amended from time to time) and Resolutions as duly approved by the water right owners of the District shall serve as the Upper Salmon Water District No. 170 Bylaws.

WATERMASTER TERM OF SERVICE (Adopted 2008)

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that The USWD Watermaster's term of service shall begin upon annual meeting election and continue until the next annual meeting.

RESOLUTION REGARDING MINIMUM USER FEE (Adopted 2007)

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that the Minimum User Fee shall be \$50.00 per water right owner in accordance with the maximum amount allowed by Idaho Statute.

RESOLUTION OF OFFICER'S ELECTION (Adopted 2007)

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that District Officers shall be elected at the end of each Annual Meeting allowing incumbents to conduct the entire meeting and Agenda business prior to any potential change(s).

RESOLUTION OF OFFICER AUTHORITY (Adopted 2007)

Upon being duly elected by water right owner majority vote at their Annual Meeting the Secretary/Treasurer shall, until replaced by subsequent majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, have full authority to sign on behalf of the District including, but not limited to, the District bank account(s). The Chairman and Watermaster shall also have alternate signature authority for the District bank account(s).

RESOLUTION OF DISTRICT PAYMENT TERMS (Adopted 2007)

1. Annual Adopted Budget payment shall be payable on or before March 1; any other billing within thirty (30) days following such billing; the postmark date will be considered the date of payment.
2. If not paid by April 1st the water user shall be charged in accordance with Statute 42-613 which provides for a late fee of 10% of the amount due and interest of 1% per month.
3. If not paid in full (partial payments shall not be acceptable) including Late Fee by April 1st, Treasurer shall so inform the Watermaster who shall immediately terminate water delivery to the water right owner who is in payment default.
4. Treasurer must thereafter receive the original invoice amount, Late Fee(s) plus a \$25.00 Watermaster Service Fee before Treasurer shall advise the Watermaster who shall then again deliver the applicable right(s).
5. A returned or insufficient fund check shall require the Treasurer to so advise the Watermaster who shall immediately terminate the appropriate water delivery. All monies originally due plus applicable bank charges and any charges then resulting from unmet District payment terms must be paid in cash, cashier's check or money order before Treasurer shall so advise the Watermaster who shall then deliver the appropriate water right(s).
6. In the event payment in full is not received by the end of the then current irrigation season (or sooner if the Treasurer determines sale of the property and associated water right[s] is imminent), the Treasurer may, on behalf of the District, initiate legal action in Small Claims Court against the water right owner(s). Eventual recovery is to include costs incurred by such action as well as all other monies due.

Note: When a water delivery termination is imminent and there are others utilizing the same diversion that could be affected, those others affected shall, whenever possible, be advised of said delivery termination as soon as possible after the problem arises so they shall have the opportunity, if they so desire, to deal with the matter as they may deem appropriate before water delivery is reduced by the amount covered by the applicable right(s) being terminated

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RESOLUTION REGARDING WATER RIGHT OWNERSHIP BY MULTIPLE PARTIES (Adopted 2007)

Any water right(s) owned by more than one individual (or married couple) shall declare a single individual (or married couple) who shall represent all other owner's interests and be the primary contact with the District on relevant District issues.

RESOLUTION REGARDING PROXY VOTING & SUBORDINATED WATER RIGHT(S) (Adopted 2007)

1. In accordance with District Bylaws proxy votes shall not be allowed "except that in the absence of the owner a right may be voted by another person present who has the use of the right for the ensuing season, such as a tenant, lesser or contract purchaser".
2. In such case(s) or whenever a right is subordinated and/or "worked" by anyone other than the owner a form adopted and provided by the District shall be completed and returned to the Secretary/Treasurer to remain on file throughout the term stating with whom such agreement exists, whether such voting right is granted, and/or granting authority to represent the water right owner on any other water issues that may arise during the irrigation season or balance of the agreement term to be recorded by water right owner with the County Recorder of jurisdiction.

RESOLUTION OF ANNUAL MEETING DATE (Adopted 2007)

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that the Water district 170 Annual Meeting shall be the fourth (4th) Tuesday in January on a date, time and place to be determined at the Annual Meeting each successive year.

WATERMASTER ACCESS (Adopted 2009)

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that all users shall provide for watermaster access to control structures and measuring devices. If the access is through a locked gate, the user shall, upon request by the watermaster, provide to the watermaster or deputy watermaster a key or combination to such locks.

ADVISORY COMMITTEE STRUCTURE (Adopted 2010)

A Water District No. 170 Advisory Committee shall be elected to provide input to the watermaster and the Director of IDWR. The Water District No. 170 Advisory Committee for the ensuing year shall be comprised as follows:

Sub-district representatives (7 total)

Stanley Basin (3 seats) – Cliff Hansen, Mark Henslee, Sherill Baird
Clayton Area (1 seat) – To be determined
Garden Creek (1 seat) – Alan Henderson
Challis Creek (1 seat) – Steve Bauchman
Morgan Creek (1 seat) – Jim Hawkins

Basin 72 non sub-district area irrigation (2 seats)

Gary Chamberlain
Charlie Bogue

Basin 71 & 72 Com./Indust./Muni./Other uses (2 seats)

City of Clayton – Cory Rice
Thompson Creek Mine – Chris Natoli

US Forest Service (1 seat)

Betsy Rieffenberger

US Bureau of Land Management (1 seat)

Tim Vanek

Non-Voting members from Basins 73-75

Advisory committee will ask for representatives from those basins.

Seats may be added to or subtracted from the Water District No. 170 Advisory Committee in subsequent years depending on further revisions or expansions of the district boundaries to be determined as necessary. Each group represented may also select an alternate for each seat. Representatives for sub-district areas will be selected during that sub-district's annual meeting. The sub-district will notify the WD170 watermaster of the representative(s) selected following the sub-district annual meeting. Representatives for the non-sub-district groups will be selected at the WD170 annual meeting.

The Water District No. 170 Advisory Committee will meet as often as needed to address the structure, governance and operation of the district. Decisions or recommendations of the Water District No. 170 Advisory Committee must be made with a minimum of two-thirds of the members in attendance and a majority of those Water District No. 170 Advisory Committee members present in favor.

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2010 WATERMASTER SERVICES (Adopted 2010)

Watermaster services for the USWD shall continue to be provided by IDWR in 2010 and that the Director name or appoint a Department employee to serve as the USWD Watermaster for 2010 at no expense to the USWD.

RESOLUTION SETTING THE 2010 BUDGET (Adopted 2010)

Recognizing that the Idaho Department of Water Resources (IDWR) has offered to provide watermaster services for water district No. 170 for the 2010-2011 season, and that IDWR has offered to provide these services to at no cost to the users of Water District No. 170 with the understanding that water users in areas organized as sub-districts within Water District No. 170 will elect and fund a sub-district watermaster to perform the day to day duties within their subdistrict, it is herewith resolved that,

- 1) The existing sub-districts will each adopt a budget to be collected from the users within the respective sub-districts only, and that users not within that sub-district will not be responsible for any portion of that sub-district budget.
- 2) The proposed 2010-2011 Water District No. 170 budget for watermaster services other than sub-district operations, is \$0.00.

AGENDA
WATER DISTRICT 170
2010 ANNUAL MEETING
Tuesday, January 26, 7:00 pm
Challis Court House
Challis, ID

Call Meeting to Order	Gary Chamberlain
Selection of Meeting Chairman and Secretary	
Read and Approve Minutes from 2009 Annual Meeting	
Watermaster's Report	Nick Miller
– 2009 activities, goals and activities for 2010	
– Legal Challenges update	
– Expansion of WD170	
Present Proposed Resolutions and Budget	Chairman
– Read 2010 proposed resolutions	
– Revision/Adoption of Resolutions and Budget and Election of Watermaster	
Caucus Selection of Advisory Committee Members	Chairman
Other Items of Business	Chairman
Adjournment of Meeting	Chairman