

Water District 29-D Meeting Minutes

March 9, 2020

Water District 29-D met on March 9, 2020 at 6:30 p.m. at the Pocatello City Hall Council Chambers.

Selection of meeting chairman: Dennis Hill nominated Rich Diehl to chair the meeting. The nomination passed and Rich Diehl was selected as the “Chairman” of the annual meeting.

Call to Order: Chairman Diehl called the meeting to order at 6:30 p.m.

Selection of meeting secretary: Chairman Diehl nominated Mary Spinner to serve as secretary. The nomination passed and Mary Spinner was selected as “Meeting Secretary”.

Introduction of IDWR staff: Chairman Diehl introduced Steve Visosky and Brian Normandeau with IDWR

Approval of minutes from the 2019 annual meetings: Ralph Onstine made a motion to approve the minutes as written. Mart Borg seconded the motion and the motion passed.

Watermaster report for 2019: Harold (Hal) Armstrong reported that all of the surveys have been completed and all diversions have been inventoried. Hal had two binders of the completed surveys available for review. Hal said the main goal of the 2020 season is to get the measuring devices installed. This is the last year of the moratorium and devices need to be installed by the start of the 2021 irrigation season, with April 15 being the goal date. Any irrigation of 5 acres or more requires a measuring device. Several questions were raised. Seth Mayer said he had just purchased 5 ½ acres of allocated irrigation water. Steve said he has several options. Another man said he has 7 ½ acres but much of it is cliff. Steve said if the water has been used for irrigation it can be put in the water bank, but if it has not been used for irrigation it can not be put in the bank. Mel Senna said he has 7 acres – he can irrigate 5 and put 2 in the bank. Steve said water can be deposited for 5 years in the water bank. Steve reiterated the Prior Appropriation Doctrine which means “First in time, First in line” when water calls are made. If there is a water shortage, the more senior water user has the first right to use the water. A question was raised if several users divert from one diversion point, where does the measuring device needs to be? Steve said the measuring device needs to be installed at the main diversion point – users need to share the expense of the shared measuring device. Steve said the survey information collected by Hal is only for informational purposes and the water right owner is the only person that can change the legal description of point of diversion through a transfer with IDWR.

Treasurer report for 2019: Dianna Burden presented the open invoices for WD 29-D. The advisory committee requested that Dianna look for a collection agency to assist with unpaid assessments. Dianna reported the Watermaster was paid \$3,492 this year. The reduced payroll related expenses resulted in a savings of \$4,550 for the district. Chairman Diehl reviewed the 2020 proposed budget. Assessments for 2020 for minimum users will be \$40, and for regular users it will be 1.14 per CFS. This is an increase in assessments for regular users who paid .95 per CFS in 2019. A question was raised as to why there is a \$2,000 contingency fund. Jim Guthrie explained contingency money is available for “insurance” and extra hours. Mary Spinner inquired why the term was changed from “large” to “regular” users, and why the assessment was raised for regular users. Chairman Diehl stated it was increased to cover expenses. George Chandler made a motion to accept the proposed budget as written. Mel Senna seconded the motion. The motion passed with one dissent.

Election of Watermaster: Ralph Onstine nominated Hal Armstrong. Matt Shaffer seconded the motion. The motion passed and Hal Armstrong was elected watermaster.

Election of Treasurer: Matt Shaffer nominated Dianna Burden for Treasurer. Mart Borg seconded the motion. The motion passed and Dianna Burden was elected treasurer.

Selection of Advisory Committee members: Ralph Onstine made a motion to keep the current advisory committee. Mart Borg seconded the motion. The motion passed. The advisory committee members selected for 2020 are: Jim Guthrie, Jeremy Stanger, Dennis Hill, Randy Smith and Rich Diehl.

Adoption of Resolutions, Changes and Updates: Randy Smith made a motion to approve the proposed resolutions as presented and Tom Thomas seconded the motion. The motion passed and the proposed resolutions were adopted.

Water Rental and Issues: Dennis Hill reported on Resolution 51. Dennis previously applied to rent “common pool” storage water from WD-01 but was denied. Dennis met with the “Committee of 9”, the advisory committee of WD-01, to represent water users in WD-29D that may need to rent storage water. Dennis stated that users can apply for a private lease with the City of Pocatello. The private lease is \$30/acre/foot and has to be applied for annually. The current rate to rent water from IDWR’s Water Supply Bank is

\$20/acre/foot but only water rights with a pre-1900 priority date are of value to rent for mitigation. Kirk Bybee is the city attorney who works on the City leases. Dennis encouraged users to contact Roger Chase who is on the state water board. Steve stressed that IDWR created water districts should not use their resources (funds) to support mitigations for junior users.

IDWR Update: Steve Visosky said there were 4 points to cover:

1. **Measuring Devices** – Devices need to be installed prior to the 2021 irrigation season. The time to request an extension has passed, but Steve can still be contacted.
2. **Curtailment** – Steve explained that the water call in 2017 was because the Portneuf is a tributary to the Snake River and the Twin Falls Canal Company has a water right prior to 1900.
3. **Mitigation** – Steve reported that water for WD-01 has proposed administrative rules that would deny water users in WD29-D from renting WD-01 common pool water for mitigation. The proposed resolutions are to be voted on by the Idaho Water Resource Board. Users that may be curtailed may consider mitigating with other reservoir storage water. Mitigation may occur through the ID Water Supply Bank water right lease and rental or from a private lease agreement with the City of Pocatello, Tribe, or other entity that owns storage water.
4. **Ground water** – Steve reported that snowpack is now at 98%. Steve said groundwater within Basin 29 will eventually be administered in a water district, either by expanding WD29-D to include ground water or creating a new water district just for ground water. Small domestic uses would probably be excluded. Some ground water users have already received notice about informational meetings and some haven't but all will receive notice in the coming months. A question came up about ground water recharge and Steve stated it affects both surface and ground water diversions and normally occurs in the winter.

Other Items of Business:

One user asked if more or bigger storage can be looked at. Chesterfield Reservoir can not be enlarged because it backs up on tribal lands. There would be oversight involvement with reservoirs and DEQ and EPA may have issues.

Steve suggested combining curtailment and mitigation conversations with Water District 29-H, Marsh Creek, as both districts face the same challenges.

A question was asked about the Michaud Diversion. Steve explained the diversion is a result of the Fort Hall Agreement, and tribal lands get an allotted amount of storage water to use in the Bannock Creek area. Instead of pumping water from the American Falls Reservoir, water is exchanged out of the Portneuf River because there are no diversions on the Portneuf River below the Michaud diversion.

Max Shaffer, mayor of Inkom raised the question if there are any restrictions on the number of subdivision developments due to culinary wells. Steve explained that domestic wells can not be denied. Steve thought that subdivisions may have to show the county they can obtain water rights for certain plans before approved. A concern was raised that subdivisions south of Pocatello in the Inkom area are unregulated.

A question was also asked about partial curtailment with meters. Steve mentioned there is probably more water on paper than what is actually being used in the district. Measurement devices may help demonstrate this.

2020 Meeting Date: March 8, 2021

Adjournment of Meeting: The meeting adjourned at 8:17 p.m.

Mary Spinner

Meeting Secretary

Prepared March 14, 2020/revised March 17, 2020