

WATER DISTRICT 29H – MARSH CREEK

PROPOSED ~~APPROVED~~ RESOLUTIONS THAT WILL REMAIN IN EFFECT 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

2020 **21** RESOLUTIONS

1. DISTRICT BOUNDARIES

Water District 29H is composed of the entire Marsh Creek drainage basin to its junction with the Portneuf River excluding Water District 29B (Garden Creek and tributaries) and Water District 29G (Birch Creek and tributaries including Cherry Creek) and is located in Bannock County. WD29H includes all surface water rights in the district.

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;
- c. Guidance and input from the Water District 29H Advisory Committee.
- d. Guidance from the IDWR “Watermaster Handbook”

3. WATERMASTER TERM OF SERVICE

As provided in Idaho Code § 42-608(4), the 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.~~

4. RESOLUTION SETTING THE 2020 **21** **BUDGET**

It is herewith resolved that the 2020 operating budget for Water District 29H is as follows:

Watermaster Wages	\$18/hr. (\$10,000 total)	\$14,000 (20.00/hr. x 700 hrs., if needed)
Treasurer Wages	\$2,750	\$ 3,000
FICA/Medicare/Workers Comp.	\$2,000	
Vehicle Mileage for Watermaster	\$3,000	\$ 3,500
Office Supplies/Field Supplies.	\$1,200	\$ 2,800
Contingency	\$1,050	\$ 700
Total	\$20,000	\$26,000*

* Budget line item totals shown are estimates; actual line item costs may vary, but the total cost incurred for the district cannot exceed **\$ 26,000** during this fiscal year. **Assessments will be based on \$24,000 and the additional \$2,000 will come from the cash reserve if needed.**

5. ELECTION OF WATERMASTER

It is herewith resolved that **Kristin Evans** be elected as Watermaster for Water District 29H for the ensuing year.

6. TREASURER COMPENSATION

The treasurer will be paid as an independent contractor on a flat fee of **\$3,000** annually.

7. DISTRICT TREASURER

It is herewith resolved that **Dianna Burden** be elected as Treasurer for Water District 29H until a successor is elected or appointed. The duties of the treasurer will be to maintain financial records, disburse water district funds, and to prepare or authorize a review of the district’s financial records.

8. COLLECTION OF THE BUDGET AND DISBURSEMENT OF FUNDS

It is herewith resolved that the adopted budget for Water District 29H be collected from the water users by the Water District 29H Treasurer as provided by Idaho Code § 42-618 **613(3)**. The treasurer will make an assessment to each water user in pro-rata amounts as determined by the budget which is formally adopted at the annual meeting. All funds shall be deposited into a bank account maintained by the water district at Ireland Bank in Downey, ID. The treasurer shall disperse funds from the water district bank account using two-party signature checks signed by the treasurer and one member of the advisory committee.

9. ASSESSMENTS

Whereas Idaho Code §§ 42-612 and 42-615 **610** require that proposed water district budgets and annual assessments to individual right holders be prorated based on the amount 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 29H; it is therefore resolved that Water District 29H will estimate annual water use for all irrigation rights using the following formulas:

Estimated seasonal use (Total AF) = Total authorized acres of irrigation x 3.5 AF / acre

Estimated annual water use for municipal, non-irrigation use water rights, or water users with recorded actual use with approved IDWR measurement methods, 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 use, water use (Total AF) shall be estimated by the total authorized diversion rate (CFS) x 1.9835 (AF per day/CFS) x 180 days (approximately six months of continuous use at full authorized diversion rate) or the number of days authorized by the water right if the season of use is less than 180 days. If the estimated total water use (Total AF) for such use is greater than the authorized volume limit of the water right, the total water use (Total AF) will be the volume limit authorized on the water right.

10. MINIMUM USER FEE

It is herewith resolved that a minimum charge of \$50 per water right owner shall be assessed. Whenever the prorated charge to a user is less than \$50, that user will be assessed \$50.

Surface water rights that are used solely for domestic and stock water purposes, including incidental irrigation up to one-half acre, or other small uses that are consistent with the use limits defined by Idaho Code § 42-111, and instream stockwater rights as defined by Idaho Code § 42-113, shall be exempt from any water district assessments.

Starting in the 2020 irrigation season for the 2021 year assessment, if a water right user is unable to use water because no water is available; the minimum assessment will apply as long as the watermaster has documented that no water was available.

Irrigation rights limited to one-half acre or less shall also be exempt from water district assessments.

11. 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 adopted budget shall constitute a final determination of the amount due for that year.

12. DISTRICT PAYMENT TERMS

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

1. Annual assessments shall be payable on or before June 1. Any other billing is due within thirty (30) days of the billing date. The postmark date will be considered the date of payment. Accounts not paid by the due date shall be charged in accordance with Idaho Code § 42-617 **613** which provides for a late fee of 10% of the amount due and interest of 1% per month. 2. The watermaster will terminate water delivery to any water user

whose assessments are not paid in full within sixty (60) days of the billing date and will not resume delivery until that user's amount due is paid in full.

13. DISTRICT FISCAL YEAR AND WATER YEAR

It is herewith resolved that the fiscal year for Water District 29H be defined as the calendar year. The total annual volume of water recorded for water users authorized to divert year-round or outside of the irrigation season (i.e. municipal users) shall be from November 1st of the previous year to October 31st.

14. ADVISORY COMMITTEE STRUCTURE

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, water right owners, or representatives of entities owning water rights within the district shall comprise the advisory committee. The advisory committee members for the ensuing year shall represent all water users within the district and should represent the following types of water uses or geographical areas:

Advisory committee structure:

- (1 member) Small irrigation user paying a minimum assessment (< 25 acres in 2017)
- (3 members) Large irrigation user paying a regular assessment ((more than minimum) ≥ 25 acres in 2017)
- (1 member) Municipal or non-irrigation

15. ADVISORY COMMITTEE MEMBERS

The advisory committee members for the ensuing year shall be the following:

Member #1: Kathleen (Kathy) Spiegel (small irrigation user)

Member #2: Lynn Bastian (large irrigation user)

Member #3: Demar (Dee) Gilbert (large irrigation user)

Member #4: Ralph Wheatley (large irrigation user)

Member #5: Tony Hancock (municipal / non-irrigation user)

16. ANNUAL MEETING DATE

It is herewith resolved that the annual meeting for Water District 29H shall be held on the second ~~Wednesday~~ **Thursday** in January 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 an annual meeting. **The next annual meeting will be held on** ~~January 13, 2021~~ **January 13, 2022.**

17. ANNUAL MEETING MINUTES

Copies of the minutes of the annual meeting and all approved resolutions shall be filed with the Director of IDWR immediately after the annual meeting in accordance with Idaho Code §§ 42-605(5) **and 42-613.**

18. ENTRY OF 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 (further described in Administrator's Memorandum "Entry Upon Private Property for Routine (Non-Enforcement) Investigations and Data Collection" dated September 16, 2003), to carry out the duties of the watermaster as instructed by IDWR. These duties include but are not limited to:

1. Inventory of diversions in the district, including inspection of conveyance infrastructure and place of use of water.
2. Measuring and recording rates of diversions, and regulating diversions as necessary.
3. 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.