

# WATER DISTRICT 170 UPPER SALMON RIVER

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**PREVIOUSLY ADOPTED RESOLUTIONS 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**

## **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 (WD170) 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 WD170 Watermaster's term of service shall begin upon annual meeting election and continue until the next annual meeting.

## **ELECTION OF OFFICERS**

**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).

## **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).

## **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.

## **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.

## **ANNUAL MEETING DATE**

**Adopted 2020**

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 resolved that the WD170 Annual Meeting shall be the fourth (4th) Tuesday in January, on a date and time to be determined at the Annual

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Meeting each successive year. The meeting location shall alternate between Challis, ID on even-numbered years and Salmon, ID on odd-numbered years.

## **ANNUAL MEETING NOTICES**

**Adopted 2020**

Pursuant to I.C. 42-605(2), the requirement to mail annual district meeting notices is hereby WAIVED, and notice for future WD170 meetings will be provided by publication of the meeting information in the Salmon Recorder Herald and the Challis Messenger. Upon request, elected WD170 officials, Advisory Committee members and Chairs of any WD170 subdistrict may continue to receive a mailed meeting notice.

## **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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## **PROXY VOTING & WATER RIGHTS USED BY OTHERS**

**Adopted 2020**

In accordance with I.C. 42-605(4), "Absentee voting and voting by proxy are prohibited." A right may be voted by "a person present, owning or having the use of the right for the ensuing season". This resolution applies to use of appurtenant rights by a person such as a farm manager, tenant, lessee or contract purchaser.

In such case(s) or whenever a right may be used 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 of use, stating with whom such agreement exists, whether such voting right is granted, and/or granting authority to make water calls or represent the water right owner on water delivery issues that may arise during the irrigation season or balance of the agreement.

## **ADVISORY COMMITTEE STRUCTURE**

**Adopted 2020 Proposed 2021**

A WD170 Advisory Committee shall be elected to provide input to the watermaster and the Director of IDWR. The WD170 Advisory Committee shall be comprised of ~~14~~13 total seats, as follows:

Sub-district representatives (8 total): Stanley Basin (1 seat), Clayton Area (1 seat), Challis and Garden Creek (1 seat), ~~Challis Creek (1 seat)~~, Morgan Creek (1 seat), Pahsimeroi Basin (1 seat), Lemhi Basin (2 seats)  
Basin 72 non sub-district area irrigation (2 seats)  
Commercial/industrial/ municipal/other uses (2 seats)  
US Forest Service (1 seat) At large, non-voting seat  
US Bureau of Land Management (1 seat) At large, nonvoting seat

Seats may be added to or subtracted from the WD170 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. Each sub-district will notify the WD170 watermaster of the representatives selected following the sub-district annual meeting. If the sub-district representative is not identified, the elected Chair of the sub-district will be the Advisory Committee Representative for the upcoming year. Representatives for the non-sub-district groups will be selected at the WD170 annual meeting. Federal Agency representatives will be appointed by the agency. The WD170 Advisory Committee will meet as often as needed to address the structure, governance and operation of the district.

## **ADVISORY COMMITTEE MEETINGS - QUORUM**

**Proposed 2021**

The voting quorum for Advisory Committee meetings shall be at least one-half of the non-vacant voting seats. Motions voted during Advisory Committee meetings shall pass on a simple majority unless a prior motion is passed requiring two-thirds majority for a specific vote.

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## **CURRENT YEAR ADVISORY COMMITTEE MEMBERS**

~~Adopted 2020~~Proposed 2021

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

Gary Chamberlain, Challis Irrigation

Mitch Wilson, Gini Canal. *Alternate* Karma Bragg

Basin 71 & 72 commercial/industrial/ municipal/other uses (2 seats) –

VACANT

Thompson Creek Mine: Richard Giampedraglia. *Alternate* Bradley Kucera

US Forest Service – Chuck Mark

US Bureau of Land Management – Linda Price

Sub-district representatives –

WD71 – Cliff Hansen

WD72A – ~~Jeri D'Orazio~~Cory Rice

WD72D – Tom McGowan

WD72F- Jim Hawkins

WD73 – George Miller

Basin 74 – Carl Ellsworth, Lowell Cerise

## **WATERMASTER SERVICES**

**Adopted 2018**

Watermaster services for WD170 shall be provided by IDWR and the Director shall name or appoint a Department employee to serve as the WD170 Watermaster for the ensuing year.

## **BUDGET RESOLUTION**

**Adopted 2018**

Recognizing that IDWR will appoint a watermaster for WD170 with the understanding that water users in areas organized as sub-districts within WD170 will each elect and fund a sub-district watermaster to perform the day to day duties within their sub-district, it is 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) A sub-district that adequately measures, records, reports and controls diversions will not be subject to assessments from WD170.

For the current year, the Budget for WD170 shall be \$0.00.