

Payette River Basin, State of Idaho

Water District No. 65

Chairman: Marc Haws

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Vice Chairman: John Hartman

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Secretary: Kevin Border

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Treasurer: Ron Mio

Watermaster, Neil Shippy

Regular Meeting- October 10, 2023

Date: October 10, 2023

Time: 8:08p.m.

Location: Payette River Irrigation Office

Attending: Sign in sheet attached.

Guests: Kara Ferguson, Ethan Geisler

Welcome: Chairman Haws called the meeting to order and welcomed everyone to the meeting.

Minutes: Chairman Haws asked if everyone had reviewed the minutes of the regular meeting on September 12, 2023, which were provided via email prior to the meeting date as well as being provided in the packet handed out at the meeting. **Ron Mio moved, Kevin Border seconded, to approve the September 12, 2023, minutes as amended. Motion Carried.**

Financial

Statement: Chairman Haws asked Watermaster Neil Shippy to report on the financial condition of the district. Watermaster Shippy went over the balance sheet, the profit & loss statement, and the balance sheet previous year comparison report. **Doyle Fackler moved, Kevin Border seconded, to approve the January 1, 2023, to September 30, 2023, financial statement as presented. Motion Carried.**

BOR Report: Given by Watermaster Shippy- He stated that the last order out of Cascade was on Sunday. He said they are down to minimum flows of 200 CFS, and Deadwood is running a 5 CFS. Cascade is starting to level out. Horseshoe Bend Hydro dumped some water to perform some maintenance. Black Canyon diversion dam has been lowered for maintenance and they usually drop down 19 feet, and this year will go down much further. He projects that it will be around mid-December before they get as low as they need to.

IDWR Report: Water Right Accounting and Storage Update - Given by Kara Ferguson- she started by saying things are winding down. Last meeting, she presented a slide of Payette Basin Priority by Date and she had been asked about the average. She showed the same slide but this one shows the historical average after the day of allocation. This slide is for reach 5 and shows a variety by day shown. Priority dates appear most often. Ms. Ferguson stated it jumps around early in the season and then stays flat the end of the season. Junior right in priority and who is the most senior date in priority. This slide was compiled from many different years. Last slide shows where they are in the water accounting for the expansion. Right now, they are preparing for the testing. Chairman Haws said that he sees 3 steps, Watermaster Shippy getting the measurements, then IDWR putting it into the system and 3rd getting the testing done. His

question was whether the data Watermaster Shippy has completed this season is matching up to what they are seeing. Kara stated she will need to do some clean up and will have to figure out the measurements for the whole year. Kara stated that there is no data in the system this year. She said they are just collecting this year for the testing program. The goal is that by next season, the testing phase will be completed. Watermaster Shippy stated that he thinks everything is on schedule. Dyke Nagasaka asked how long it will take to get all diversions into accounting? Kara said that is a hard question to answer. Stated what she needs is data. Said could be looking at a few hundred rights and that would take a few weeks. She said the testing is where a bottleneck might happen. She said to understand how this all works it will take a few months. Ethan said needs the full data, not just the water rights. Which means daily measurements. John Hartman asked if they would have to test each reach as it is brought in. The answer was yes. Chairman Haws asked Watermaster Shippy how the help from the state that he has been getting is going. Watermaster Shippy replied that they have helped with some measurements and figuring out what kind of devices for measurement they will need. Chad Henggeler asked what kind of measurement data they need. Kara stated that they need weekly measurements which they will turn into daily measurements. Ken Roberts stated that he agrees that there is a lack of data. He was told this would take a couple of years. He also said that this was an extreme water year. He supplied that on the Gold Fork system, there are five places on their canal system that they remove water and dump right into Cascade Reservoir. He wants to know how accounting is going to take that. His concern also is with the natural flow- the other tributaries that flow into the Cascade Reservoir. Multiple tributaries that come through adjoining properties and dump into Cascade and want to know if they will be counted in the accounting as well. Watermaster Shippy said that the natural flows are counted for because the reservoir is filling or the slower decreasing as the storage is being released. Kara stated that yes that water is being accounted for. She said you would see that in reach gain. Watermaster Shippy stated that return flows from diversions are not given credit because of the harm to anyone who could have diverted the water if it would have been available. The best solution is to turn your head gate down, so you don't have to spill so much. Casey Odette asked how close they could get just using an average. Watermaster Shippy replied that they don't have to use averages now because they have real measurements.

Watermaster
Report:

Cost Share Incentive Program, 2023 Program-Watermaster Shippy began with saying that he paid out the Reed Ditch line 14 and they were a little bit under. The ones in red are a little bit over the requested amount. He said the difference is about \$1,800.00 more and wants to know if the board will increase the approved amount. Jim Standley asked if there was money to cover the overage. **Jim Standley moved, Kevin Border seconded, to approve the increase on the 3 projects. 1 for Reed Ditch and 2 for the Enterprise Ditch. Motion carried.**

District Expansion Update- Watermaster Shippy showed the priority calculator he has been using. Said it is the water rights based on the priority and what their out of priority usage was. He said this is a rough draft compared to what the accounting will have. He stated this is only stage 4 of the expansion. He said that this gives a rough idea of what is happening. Chairman Haws asked Watermaster Shippy if he was done with his work up there. Watermaster Shippy stated he was not yet. He said he will continue to go up until they quit diverting. He stated that the end of October is usually the end of the season. Watermaster Shippy said this is a snapshot of this season. He stated that Eastern Idaho and Ada County are doing daily accounting now and that is the hope later but wants to stick with weekly measurements for now. Chairman Haws asked the

board to give the budget committee some guidance on what they want to do for next year. Chad Henggeler asked what percentage of the expansion this slide represents. Watermaster Shippy said the smaller ones will not be measured weekly like the current ones. He stated that this phase is the largest one of all the phases. Chairman Haws asked if this is about 10% of the project. Chairman Haws then reiterated that the legal requirement is to bring everyone into accounting. Micheal Shippy wants to know if letters have been sent telling them they have 3 years to get a measuring device in. Watermaster Shippy has been looking into what is needed for a measurement order. He said there is a lot of work that needs to be caught up and hopefully each phase will get faster. He stated there is also work below the river that does not need to be ignored. Watermaster Shippy said that water rights users are responsible for putting in their concrete and steel.

District Normal Business Update-Watermaster Shippy said on pages 13-15 is a list of diversion points that he must enter data in. Said he enters data on 25% of these. He stated at this point he is going down the list and getting report cards out to them and getting these back so he can have the numbers in by 11/15/23 and said a lot of his time is spent looking up owners on the county map and then generating a letter to tell them about the water right. He said he is trying to get reports out to those he bills yearly but there are some that he would like to send numbers weekly. He stated that there is a lot of work to do here sorting out who the new owners are. Said this list is the river and Payette Lake only. He said there are a lot of people that are diverting but that they have no water right. Watermaster stated that there is an immense amount of clerical work that needs to be done. He stated that he is not tackling this right now as far as the little ones go. Said he is going up first thing in the morning to meet with a lady who is making a water call. Chairman Haws asked Watermaster Shippy what amount of time he is able to devote to his normal watermaster duties. Watermaster Shippy stated that is a really hard thing to do as each circumstance is different. Chairman Haws asked what kind of resources the board wants to divert to next year- Casey Odette asked Kara if the lack of data is slowing them down. Kara said not at this time though it may in the future. Chairman Haws asked Kara if their process will speed up once the testing phase is complete. Kevin Border stated that Watermaster Shippy said the more consistency he gets in the measurements is important. Kevin Border asked if a bunch of devices would be better and cheaper than paying for a bunch of labor. John Hartman said there is 15k in the budget for devices for just that purchase. Kevin Border said he would much rather pay for a bunch of devices vs paying for labor. Watermaster Shippy said for them to work, there must be a measuring device and what he is seeing is that the aquatics are giving them false readings. Watermaster Shippy said that there must be some sort of measuring area otherwise those little transducers won't be accurate. He stated there would have to be measuring devices in place first. Chairman Haws asked Watermaster Shippy if he had had the devices that Kevin Border is talking about if it would have helped him this year. Watermaster Shippy responded with a no, it would not have because there are few rating tables. He stated that a lot of these diversions are dirt canals that do not have a measuring device. He stated they will eventually be forced to put in measuring devices. Chairman Haws said we have 1 year of data, and he wants to know what the plan is for next year. Watermaster Shippy said it will be more labor intensive going forward. He said, then as the measuring is done there will be more customers and that means more billing questions/issues. Chairman Haws wanted to know if they can charge for water transfers. Watermaster Shippy said he does not think so because they are a district. Watermaster Shippy stated that there are only 3 sources of income 1, assessments 2, minimum assessments and 3 people that go over. Chairman Haws said he is raising these questions to try and help the budget committee. Ron Mio said as of right now there is no good direction for the budget committee. He wants to know where they want to put the money. John Hartman said there is money in the

budget to hire or put more money in the cost share and do they need a deputy or clerical help. John Hartman said he is in favor of getting feet on the ground to get the information they need. He said you can't put automation in without feet on the ground selling this. He stated they can't go on hoping one guy can do what Ron Shurtleff couldn't or wouldn't do. John Hartman then said the watermaster needs help from someone reliable, with integrity, who knows the rules to have enough professionalism to get this done. Kevin Border asked if the money is in the budget and wants to know if that gives the watermaster permission to go hire anyone he wants to. Ron Mio said that hiring would have to go through to board. Watermaster Shippy said the only thing that would happen is they would have to put in a resolution. As of right now all he is able to hire is emergency help. Kevin Border wants to know what this other person will do all year since they will be busy 3 to 4 months of the year. Watermaster Shippy stated that if this is a good person, they will go above and beyond and get more done. Phil Davis interjected that they might have a thing or two to say about the budget, but their update is after this discussion. Ken Roberts said there are 2 perfectly good watermasters up in Valley County that would probably help. Said if they are looking for someone who can go do some measuring that they could hire them part time to save some time. Stewart Russell said another point that has not been addressed very well is continuity and John Hartman having a point about professionalism. He said there is a learning curve and that there needs to be more than one hand in this pot especially if this is going to become a bigger operation. Which it is. He stated that if something happens to Watermaster Shippy that leaves the district in a lurch. John Hartman stated that the budget committee needs to go back and tweak the budget. Said one thing he does like about this idea is that they increase a little bit of funding to help fund this new person. Chairman Haws said that keep in mind that the next meeting is in November. Casey Odette wanted to know if the watermasters in Valley County would be a conflict of interest. Watermaster Shippy said what they deal with is different from what we deal with. They would have to understand that they must be in sync with this district. Dyke Nagasaka asked Kara if this can only happen if the accounting program is up and running. She said yes. He wants to know if this is the right time to do this then. It may turn out not to be worth it. Chairman Haws said that it is the legal obligation and has been for 31 years. Kara said the water right accounting system is doing a decent job of operating with the data we have. She said that the program gets more accurate with more data it is given. She stated it is accounting for water but must watch what bucket it goes into. Kara said she feels confident they can get the accounting to a place where it is accurate. She said next month she might have more information on what obstacles they will run into. Ronnie Weeks said one thing that resonated with him is that Watermaster Shippy has been up there and seen pumps on properties that do not have a water right and that is what they should be worried about. He said it will continue unless there is someone up there telling them they can't do this. He stated one man will never be able to get this done. He said that people are going to worry about themselves 99% of the time. That senior water right holders should be concerned with all the people pumping that do not have a water right. Kevin Border said he does not see this solved as there are too many different opinions on this. John said he has been thinking about this new person and would like to know what everyone thinks is the biggest hangup about this. Kevin Border said his main question is what the Watermaster wants. Does he want a deputy, or does he want clerical work? Watermaster Shippy stated that right now the clerical work is the heavy load but when clerical work is caught up it would be nice to be able to have someone to send out in the field. Kevin Border asked why he does not use the PRIO office more. Watermaster Shippy said he did not know he had that option. Kevin Border stated that they pay the office for clerical work. Kevin Border asked why they could not up the clerical pay to the office and have them help more. Chairman Haws asked Watermaster Shippy how many days a month he would need the extra help. Carl Hayes asked if there was a day a week that could be dedicated to the water district.

Stewart Russell stated that it would be a mess to do it this way. That it would be a joke and unprofessional to do it this way. He suggested taking the \$400 in the budget from the PRIO and hiring someone full time for the Watermaster. Watermaster Shippy stated it would be difficult to find someone to come in and do minutes at 10pm at night. John Hartman stated that the office is an issue and there is a problem, and it needs to get fixed. **John Hartman moved, Stewart Russell seconded, He said Water District 65 will agree to rent the PRIO space until 2025 under the current terms. Coinciding motion is Water District 65 will budget and direct the watermaster to hire a deputy watermaster for 2024.** - John Hartman then stated he does not remember ever agreeing to rent the PRIO, that it is a nice space and location is fine but does not remember that decision. He said he was told that the watermaster does not care where his office is. Dyke Nagasaka asked if there was another location in mind. John Hartman said there is no location in mind. Jim Standley asked why there is animosity in the office. Casey Odette stated that last meeting Chairman Haws had stated that Water District 65 is staying here. Chairman Haws tried to clarify what they are trying to do. That putting something on paper to clarify that the Water District is staying here would relieve some of the animosity. Ron Mio said there is no contract. Ken Roberts brought up that there is parliamentary error in that motion. As there are 2 issues in the motion. John Hartman stated he will only support them if they both pass. Stewart Russell brought up the animosity in the office stating there are 11 entities in PRIO and there is too much co-mingling. That the Water District has been required to pay half of the copier, half the postage machine and that is not fair to EID, BCID, etc. Stewart Russell stated that everyone in this room knows that they will have to eventually hire someone. Stewart Russell said he commends John Hartman for trying to get this ball rolling. John Hartman said he just wants some resolution to the elephant in the room. Doyle Fackler said it needs to be specified that the deputy will need to be clerical and out in the field. Dick Fisher stated that there is a problem with the wording and that the advisory board needs to be involved in the hiring process. He said that not everyone on the advisory board is involved in all the discussions. Watermaster Shippy said that when Peggy Murphy came and asked about the new postage machine, he looked at it and it did not make sense to continue paying for it. He said he spent his postage budget and got enough postage for the next 2 years. John Hartman stated he does not know how much they want to micromanage this person. Carl Hayes stated he works for a board, but he would have a hard time if the board made the hiring decision. It was brought up that Crystal Jackson, recording secretary, was hired, that the entire PRIO office board was there for the interview. Dick Fisher said this is how we got in this mess. Brady Hicks asked if it should not be in the bylaws. Chairman Haws called for a vote on this motion. 7 yes, 6 no on motion made by John Hartman. Kevin Border said this whole thing started by the motion made by John Hartman that he is holding their hand over the fire by John Hartman saying he is only in favor of this if both motions pass. He stated he has a problem with the way John Hartman went about it. He stated that EID did the same thing with the letter they sent out. Chairman Haws stated that his goal is to honor the desire of this board. He said he is trying to get lined up for whatever work that is needed next year. He stated that he is pushing to get a resolution this year. He said that he does not want anyone to feel their feet are held to the fire. That they can continue to go on the way it has been going but must go forward as that is the law. He said that if it is the pleasure of the board to table this tonight, then they will. Stewart Russell said he has sat in a lot of meetings over the last year and has been very hurt and disappointed. He continued by saying that when everyone found out that Emmett was being harmed, no one jumped up to say let's fix it. He stated that Emmett was part of the ones that paid to fix FCI, LPDC and NDC when they needed to be made whole. John Hartman said he was trying to solve problems and make a long-term solution. That he does not think it was a bad solution. Doyle Fackler said they will never come to a solution if no one says what the true problem is. He directed it at Kevin Border, asking what the real problem is. Kevin Border

repeated that it is the way this all came about. Doyle Fackler wants to know what is wrong with getting this done in a timely manner. Chairman Haws said at the last annual meeting it was approved that they would move forward and bring in all the rights. He said the question now is do we try to win more over or send it to the budget committee. Michael Shippy asked how far they are behind on the plan they approved. Watermaster Shippy said they are on track with the big diversions but there is still a lot of work to be done. Micheal Shippy then asked Watermaster Shippy that if he did not get an assistant for another year how far would he be behind or would he be able to get enough help by utilizing the PRIO. Carl Hayes said if we think about the motion made by John Hartman, why can't the language be changed in the motion so they will reassess. He stated they need to put the office thing to bed and move on. Casey Odette asked when the season starts up there. Watermaster Shippy responded with the end of May. Watermaster Shippy said it is not just the measuring, it is getting the devices and then the little ones to deal with. Plus, all the clerical and the billing. He stated that there is still the rest of this system. Kevin Border asked if he could go up there and talk to the 2 watermasters that Ken Roberts suggested and the utilize the PRIO for the secretarial work. Kevin Border said they know their area and they know the people and they are already there. Chairman Haws asked Kevin Border if the watermaster were to start out that way if he would be more in favor for the motion. Kevin Border stated he just wants to see the watermaster try these 2 part time people before they hire full time. John Hartman stated this does not resolve anything and wants to know how much time the office could make available to help the water district. Dick Fisher asked Watermaster Shippy how much time he is spending running back and forth to Valley County. He also commented on how much time the watermaster would save in travel by hiring these 2-part time watermasters from Valley County. Watermaster Shippy said that they would have to have the doppler boat to do the measuring. He stated that he has been trying to combine all his trips doing some measuring and meeting with people on the same days. He stated that people want to know how much time he is spending on the upper basin and how much on the lower basin. Watermaster Shippy stated that it takes time to get accurate numbers. Phil Davis stated that it seems like most of this discussion about the budget is concerned with up there and that perhaps they should give their update first. Chairman Haws asked what the board wants to do. Ron Mio said he would change the verbiage in the motion made by John Hartman to deputy/clerical. Chairman Haws stated that John Hartman would have to amend or modify the motion. **Original motion failed.** Dick Fisher said no talking in little groups. He said what they are trying to accomplish is some direction for the budget committee. Chad Henggeler brought up the wording that may be deemed necessary. Dick Fisher stated that this does not have to be set in stone. Carl Hayes said how about if the advisory board agrees to the same agreement in the PRIO for the next 24 months and \$60,000 for help as deemed necessary for administering the upper valley. Dick Fisher said it is still just a budget and thinks that some are worried that because the money is there that it must be spent. Carl Hayes stated it should say as deemed necessary by the advisory board. **Carl Hayes moved, Ron Mio seconded, that the advisory board commit to stay in the PRIO under the same terms and direct the budget committee to appropriate \$60,000 to be used towards the expansion and administration of the upper basin as deemed necessary by the advisory committee. Motion Carried.** Carl Hayes stated that the intent of the motion is that there is some uncertainty right now that Water District 65 will be moving and this motion clears this up stating that they will be staying in the PRIO. Chad Henggeler said he thinks we are going in the right direction. He said he is concerned about draining the bank account and that this is an acceptable pace. Micheal Shippy wanted to make sure that the motion did not mean they could not put more than \$400 into the office clerical help. Stewart Russell asked if the budget committee really needed to meet again.

Gem County subdivision ordinance- Brady Hicks-stated that Watermaster Shippy has been a great help to them on the ditches dealing with the highway and the county. Gem County has put on the ditch companies the challenge of dealing with development. He said properties are being subdivided and it has become a challenge to get water to everyone. Doyle Fackler said he received feedback from the Gem County commissioners the next day. He was told that the commissioners think it is a good plan. He said that Gem County wants the ditch companies to make a recommendation to the county about what the requirements should be on these properties. He said they are struggling to do what the statute says they must and deliver water to the end user. Also, must ensure that all the water users are not having to pay higher fees because someone develops their property. He said their recommendation is that all developers would have to pressurize anything less than 10 acres. He said some of the issues have been on the laterals that they have less control of, and they have had push back from developers. He said that is the problem and there are threats of litigation on the county and the ditch company. Doyle Fackler said commissioners liked the idea that the ditch companies came up with the ideas. County wants another meeting so they can come up with a plan. Stated that the development issue is not going away. He said that these developments are requiring a lot of time from the ditch company. He stated that they are looking for recommendations. He said he does not want to see the valley fighting and that this affects everyone in this room. Chad Henggeler stated they are on the right path. He said if the commissioners are on board, then make it an ordinance. He said that in Payette County they came up with a plan and presented it. The developers don't complain too much if they know what is coming. He stated it is important to have someone from the ditch and that he has never seen the commissioners vote against a bunch of farmers. Brady Hicks thanked Chad Henggeler for his input. He stated that they treat all developers the same. Stewart Russell said the commissioners in Gem County treat people different and people on planning and zoning treat people different. Chad Henggeler said that is a different issue. Watermaster Shippy said when Brady Hicks called him, he realized that the district has a stake in it also. Ken Roberts said that he does not see a protection of right of way for maintenance. Brady Hicks thanked everyone and stated that it will be an ongoing issue.

Advisory
Committee
Members:

Budget committee update, Ron Mio- Stewart Russell stated he wants to leave the \$200 increase.

Valley County
Update:

Valley County Irrigation District update-Phil Davis said they have created an association called Upper Payette Storage Water Association, Inc. and the directors are Phil Davis, Ken Roberts, Scott Nicholson, and Lee Nichols. He said if they get this water purchased, they will incur some legal fees. He then stated that this seems to be all about the money. He said it makes sense to them that the basin would help them purchase this water. The BOR said the biggest thing that would stop them is that they have turned other people down when they wanted to buy storage. He stated that they feel they have put together a plan that qualifies them to purchase from the BOR, and if that goes through that they will have their own watermaster. He said they have been asked why they are not just renting the water and he said go back a year when it went from \$3 to \$7 and then will go to \$14 which will price Valley County out of water. Plus, the fact that only sellers get a vote on the price. He said no one he has talked to is comfortable with the direction this is going. Plus, the increase of \$50 to \$200 for a water right has turned people off. He said Davis and Pancheri's are tired of hearing about the so-called free water they have received because they have been buying water since the 80s. He does not think they will get any more water or money from them. Phil Davis stated he does not think there is much more water up

there that they already have most of it measured. He then said that he thinks the district is assuming that they will spend a lot of time and money up in Valley County. Ken Roberts voiced a lot of concern for the longevity of the valley with the constant rising in costs to get water. He stated that this was an extremely generous water year. He said the expectation that a lot of water would be captured and rented is way less than what was thought in the beginning. He stated it does make sense to administer the rights but the way it is gone about is important. He said there have been comments that it would have been nice to have the same opportunities to purchase water as the Lower Payette was given. Chairman Haws said that some updates would be great regarding the purchase of water from the BOR. He stated that they need some guidance on what kind of help Valley County is needing. Stated that the district must move forward with the expansion. Ken Roberts stated they would like some financial help. Chairman Haws stated that they need to flush that out and come to the board with more detail. Ken Roberts stated they will put a proposal together.

Adjournment: **Doyle Fackler moved, Bradley Hicks seconded, to adjourn the meeting at 11:26 p.m. Motion Carried.**

Respectfully Submitted,

Chairman, Marc Haws

Recording Secretary, Crystal Jackson

Water District 65 Rental Pool Committee

Chairman: Marc Haws

Vice Chairman: John Hartman

Secretary: Kevin Border

Treasurer: Ron Mio

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Watermaster, Neil Shippy

Date: October 10, 2023

Time: 11:27 p.m.

Location: Payette River Irrigation Office

Attending: Sign in sheet attached.

Guests: Kara Ferguson

Welcome: Chairman Haws called the meeting to order and welcomed everyone to the meeting.

Approval of

Minutes: **John Hartman moved, Dick Fisher seconded, to approve the minutes from the regular meeting on September 12, 2023, as presented. Motion carried.**

Watermaster

Report: Discuss and approve minor procedure change- Watermaster Shippy stated that he has submitted the changes to the IDWR and that there was some issue with the language in one of the sections. He said that he added one sentence in section 2.7 which he has identified in red in the packet handed out at the meeting tonight. This sentence says, "who are also members of the Advisory Board of Water District No.65.", to get through this year. John Hartman moved, Kevin Border seconded, to add the language "who are also members of the Advisory Board of Water District No. 65" in section 2.7.

History of the Rental pool extra packets- Watermaster Shippy stated that he has extra packets from September's meeting if anyone is interested.

Any other

Business: None

Adjournment: **Micheal Shippy moved, Carl Hayes seconded, to adjourn the meeting at 11:28 p.m. Motion carried.**

Respectfully Submitted,

Chairman, Marc Haws

Recording Secretary, Crystal Jackson