WATER DISTRICT 29H – MARSH CREEK

APPROVED RESOLUTIONS THAT WILL REMAIN IN EFFECT UNTIL CHANGED BY SUBSEQUENT RESOLUTION OR OTHERWISE ALTERED BY A MAJORITY VOTE OF THE WATER RIGHT OWNERS IN THEIR ANNUAL MEETING OR SPECIAL MEETING CALLED FOR SUCH PURPOSE

2024 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. Water District 29H 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.

4. RESOLUTION SETTING THE 2024 BUDGET

It is herewith resolved that the 2024 operating budget for Water District 29H is as follows:

Watermaster & Assistant Watermaster Wages ($22/hr.)	$16,000 total
Treasurer Wages	$ 3,200
FICA/Medicare/Workers Comp.	$ 2,200
Vehicle Mileage for Watermaster	$ 4,000
Office Supplies.	$ 600
Field Supplies.	$ 1,500
Contingency	$ 500
Total	**$28,000***

* Budget line item totals shown are estimates; actual line item costs may vary, but the total water district expenditures shall not exceed **$28,000** during this fiscal year. Assessments will be based on **$25,000**; the additional **$3,000** 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 **$3,200** 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 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- 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. The treasurer shall disperse funds from the water district bank account using two-party signature checks when the amount is greater than $1,000 signed by the treasurer and one member of the advisory committee.

9. ASSESSMENTS

Assessments shall be consistent with Idaho Code §42-610 and §42-612, requiring proposed water district budgets and annual assessments to individual water right holders be prorated based upon the average amount of water delivered or used by the water right holders during the past season or seasons (not to exceed five seasons). If the past season delivery records are not available, the watermaster may estimate the volume of water delivered or reasonably used when water was available under the priority of the right during the past season or seasons.

10. MINIMUM USER FEE

It is herewith resolved that a minimum charge of **$75** per water right owner shall be assessed. Whenever the prorated charge to a user is less than **$75**, that user will be assessed **$75**.

Surface water rights that are used solely for domestic and stockwater 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. Irrigation rights limited to one-half acre or less shall also be exempt from water district assessments.

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.

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. PAYMENT OF ASSESSMENTS

It is herewith resolved that annual assessments shall be payable on or before **June 1st** of each year as noted on the billing invoice. 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 § 42-613 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
- (3 members) Large irrigation user paying a regular assessment (more than minimum)
- (1 member) Municipal or non-irrigation

15. ADVISORY COMMITTEE MEMBERS

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

Member #1: Tim Losee (small irrigation user)
Member #2: Shawn Davis (large irrigation user)
Member #3: Dale Lish (large irrigation user)
Member #4: Randy Wheatley (large irrigation user)
Member #5: Tony Hancock (municipal / non-irrigation user)

Advisory committee members must pay in full their water district assessment(s) on or before June 1st of each year. Advisory committee members must comply with Idaho water law. If an advisory committee member fails to meet these requirements, the committee member may be required to resign by a majority vote of the other advisory committee members.

In the event a member of the advisory committee resigns or is otherwise unable to continue to serve on the committee, the remaining members of the advisory committee are authorized to select a replacement to serve until a successor is selected by the users at the next annual meeting.

16. ANNUAL MEETING DATE

It is herewith resolved that the annual meeting for Water District 29H shall be held on the second 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 09, 2025.

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.

19. WATERMASTER ASSISTANTS

It is herewith resolved that the watermaster is authorized to hire watermaster assistants to aid in the discharge of the watermaster's duties. Watermaster assistants must obey the watermaster's instructions. Watermaster assistants have the same responsibilities and authority as the watermaster and must take the same oath as the watermaster. The compensation for watermaster assistants shall be fixed at the annual meeting and included in the adopted budget.

20. TRACKING AND REPORTING OF MITIGATION WATER

It is herewith resolved that water users that have rented or otherwise secured mitigation water to offset injury to downstream senior water users on the Snake River, must:

1. Have a water use tracking and reporting plan approved by the watermaster;
2. Have controlling works and an approved measuring device installed if required by IDWR. If a measuring device is not required by IDWR, an estimated diversion rate and volume use must be agreed upon by the watermaster and the water user; and
3. Pay in full all water district assessments and costs associated with the rental of mitigation water.