

MINUTES OF WATER DISTRICT 130
ADVISORY COMMITTEE MEETING

December 8, 2003

Jerome, ID

Attending: Cindy Yenter, Tim Luke, David Blew, Rex Minchey, Dan Temple, Lynn Carlquist Dean Stevenson, Jon Bowling, Larry Cope, Dewayne Knigge, Dick Elliott, Lynn Tominaga, Gary Lemmon, Jeff Martin

Meeting called to order at 10:03 am. by Chairman Rex Minchey.

Rex read the minutes from the October 1 meeting. There was no discussion, and minutes were approved by voice vote.

Cindy reviewed the legal questions from the last minutes. The statutory requirement for water district budget submittal is 30 days prior to the meeting date, but the statute is not specific as to the year or years used for average diversion calculation. Therefore, the WD130 2004 assessment will be prepared using diversion data for the years 1998-2002, since 2003 data will not be complete by the end of the year. Cindy had a discussion with Phil Rassier, DWR's Deputy Attorney General, regarding proxy vote notification within ground water districts. Because of the wording of Idaho Code § 42-5224, ground water districts are not required to notify members in advance of the proxy vote provision. Ground water districts may present the water district with a list of members who will vote their own shares, but any member may appear at an annual meeting and declare an intent to vote his or her shares during that meeting. Cindy concluded that the credentials committee would have to be prepared for this possibility. Discussion followed. Dan asked about the ability of personal representatives to vote shares on behalf of a water right owner. Tim related an existing Attorney General's opinion that proxy voting may be allowed so long as the representative has a financial interest in the property. The questions was raised about the verification of this interest during the meeting. Tim indicated that this was not usually an issue in smaller districts, because users are well acquainted. Lynn Carlquist didn't feel it would be an issue in the ground water districts either, as the hydrographers know the operators of all the farms.

Larry asked about assessment list and who was included. Cindy passed out copies of the individual assessment list from last year. The composition of the list was discussed, and Tim noted that there are an unknown number of small water right holders with diversion rates between 0.10 and 0.24 cfs, who were included in the Order forming the District but who are not actively measured. Tim discussed the opportunity to add minimum charges to our resolutions and include these small users in the assessment. Dan believes everyone should be assessed. Lynn C. noted that some of the non-reporting users have petitioned to the NSG and are paying a mitigation assessment. Cindy acknowledged that she had that list, and that it would have to somehow be rectified with the assessment list.

The group moved to a discussion of the proposed resolutions for 2004. There are a number of changes proposed by Cindy and Tim, mostly addressing the changes in District operation during 2004. New or modified resolutions were required to authorize:

- a Memorandum of Understanding with DWR
- the formal adoption of a budget
- the collection of assessments by the Watermaster
- the election of a District treasurer
- the establishment of a minimum assessment charge
- the collection of measurement and reporting charges for users not reporting to a subdistrict, and
- the appointment of a credentials committee and establishment of procedures for proxy voting during the annual meeting.

The group discussed in depth the options for the treasurer position, and the management of funds collected by the Watermaster. It was collectively agreed that internal state accounting and auditing of funds by IDWR was acceptable, but that WD130 should elect a Treasurer to periodically review balance sheets, oversee fund disbursement, and be available to sign drafts and vouchers. Treasurer compensation was also discussed. Although there is a statutory provision for treasurer compensation, Lynn C. made a recommendation that the treasurer position be non-compensated for 2004, since duties will be minimal.

Cindy presented a Proposed Budget of \$89,000. The budget includes Watermaster charges, Measuring and Reporting charges (for non sub-district reporters) and initially included \$1000 for treasurer compensation. The treasurer compensation was stricken, leaving an adjusted total of \$88,000. A copy of the proposed budget is attached.

Lynn Tominaga asked if additional funds should be allocated for advisory committee expenses. Dan and the ground water district representatives indicate they are already compensated for their participation. Larry and Jon both discouraged payment to advisory committee members. There were no other comments, and no motion was advanced.

Dan moved to recommend the resolutions as proposed and edited. Lynn C. seconded. Motion passed on voice vote. A copy of the recommended proposed resolutions is attached.

Rex made a draft presentation of the comparison of the proposed DWR budget and an estimated independent budget. Rex has prepared this for presentation to water users at the annual meeting. The group had a few suggestions for the presentation, which Rex will incorporate.

Cindy gave a brief Watermaster Report, including updates on enforcement, conjunctive management and pending legal actions. A copy is attached.

Lynn T. provided a status review of the preliminary mitigation plan. Sixty protests have been received and DWR scheduled a prehearing conference for December 9. The

conference provides applicants and protestants the opportunity to resolve issues, or to schedule hearing dates. The conference is informal, with no official testimony.

Larry reports no news from surface water users.

Tim reported that the Upper Snake water supply is presently at 90% of normal. Northern tributary basins are at 70% of normal. Ground water hydrographs still show declining water levels and record lows. Tim briefly discussed the development of the Mike Basin model for the Hagerman Basin.

David Blew, Aquifer Recharge Coordinator for IDWR, was a guest at today's meeting. Dave gave a presentation entitled "Managed Aquifer Recharge" which explores options for recharge in the ESPA. Following are major points from the presentation:

- A feasibility study in 1999 explored Egin Lakes, Hells Half Acre, Lake Walcott, and Thousand Springs recharge scenarios. The Thousand Springs area emerged as the most important candidate for large scale recharge. Numerous potential recharge sites were identified along the Milner-Gooding canal system. Typically, these are higher up in the plain, but not too far north. West of Shoshone, recharge appears to head into the Malad system. Any recharge scenario would require canals to be open 45 days longer than normal.
- Overall water availability for recharge is dependant, among other things, on the needs of fish (mostly for sturgeon) and hydropower, and of course, the weather in any given year. IWRB holds a 1200 cfs diversion right at Milner Dam, which may be used when there is enough natural flow.
- A modeled diversion for recharge at Milner, based on historical river management, showed that up to 4 million acre-feet could have been diverted for recharge during 1982-2001, at zero bypass at Milner. Taking out the marginal years, 3 million AF is a more realistic figure. Continuous recharge for ten years could increase aquifer water levels by up to 30 feet, with the aquifer reaching equilibrium after 58 years.
- Recharge potentials in the Lake Walcott area are considerably less than in the Thousand Springs reach.
- Requirements for a recharge project include: 1. comprehensive monitoring of both surface and ground water quality, 2. a responsible entity to carry out recharge activities, and 3. annual funding: up to \$1.5 million for water purchases, wheeling charges for water delivery, \$65-75,000 for annual monitoring and insurance.

During the discussion which ensued, Dean asked about the status of the Milepost 31 project. Dave explained that this particular site needs an operating agreement prior to attaining all the necessary easements. The state has worked through most issues with F&G and IPCO. A responsible entity must be found who can obtain a right-of-way agreement with BOR and who must assume all liabilities and responsibilities. The City of Twin Falls has expressed interest in this position. Additional tests are also needed to affirm a viable site (soil studies etc). An alternative to this project is at K canal, at mile 14 on the Milner-Gooding canal.

Rex asked about recharge in the immediate future. Recharge occurred at the Sugarloaf site, on IDL properties east of Wendell, on the Janss property and at other lower NSCC holdings during 2003, and will continue if possible in 2004. The persistent problem is availability of water.

Lynn C. asked about BOR releases. Dave suggested that the BOR will always be able to outbid us for stored flows. A better option in good water years is the use of the IWRB natural flow right, which could be leased for recharge purposes.

As a meeting postscript, Tim provided an update on the combined limits project, which seeks to define the number of acres under combined water rights which would be curtailed in the event of ground water regulation during 2004. Tim estimates that some 38,000 acres in MVGWD could be affected with a 1966 priority curtailment. Jeff thinks there are slightly more affected acres in NSGWD.

A motion to adjourn was made by Lynn C. at 12:37. Larry seconded, and the meeting was adjourned. No additional meetings are planned before the annual meeting in February. The minutes and all corrections to proposed resolutions and budget will be shared and approved via e-mail or other remote means.

Cindy Yenter, Watermaster