

**Water District 130  
Annual Meeting Minutes**

Jerome High School

Jerome, Idaho

April 23, 2002

The meeting convened at 2:15 p.m. Karl Dreher, director of Idaho Department of Water Resources, provided background about the formation of the water districts and stipulated agreements which were signed last November. He explained that, under Idaho law as director of IDWR, he is authorized to divide the state into water districts to distribute water among appropriators whose water rights have been adjudicated. He further explained his authority to administer those water rights not adjudicated is granted by the Snake River Basin Adjudication Court on an interim basis when it is deemed necessary to protect senior water rights.

On August 3, 2001 in the midst of a two year drought (now in its 3rd year), the director established the American Falls Ground Water Management Area and the Thousand Springs Ground Water Management Area. In establishing the ground water management areas, the director stated his intent to curtail diversions under certain junior ground water rights that cause significant depletion to hydraulically connected surface water sources. Over 90,000 irrigated acres within 3 to 6 miles of the Snake River from Bliss to Twin Falls and from Rupert to Blackfoot, Idaho faced possible curtailment.

On August 31, 2001 representatives from both junior priority groundwater users and senior priority surface water users advised the director that agreements in principal had been reached between the two groups. The agreements are intended to prevent curtailment of junior water rights and require ground water users to provide replacement water to senior surface water users for the next two irrigation seasons equaling the proposed amount of curtailment water.

After August 31st, the designated representatives from both ground and surface water users entered into three detailed stipulated agreements which the director approved. Under the agreements, senior surface water users agreed not exercise their priority rights against junior ground water users in exchange for commitments by the groundwater districts to provide specific quantities of replacement water during the two-year period covered by the stipulated agreements. If unable to provide replacement water, junior groundwater users agreed to reduce diversions in an equal amount.

Those reductions are based on a percentage for each ground water management area. In the five counties north of Twin Falls, a 10% reduction in acreage or electrical usage based on water diverted will be implemented if replacement water

is not provided, resulting in approximately 20,000 acres not being irrigated. In the three groundwater districts north of American Falls Reservoir, a 15% reduction in acreage or electrical usage will be implemented if replacement water is not provided, affecting approximately 52,000 acres.

Larry Cope Clear Springs Foods President made a presentation on behalf of the spring owners on the formation of the Water District 130, saying he was encouraged by the surface and ground water users cooperation and willingness to work in this manner after so many years of distrust and not managing the aquifer for the benefit of all water users.

Jeff Martin North Snake Ground Water District made a presentation on behalf of the ground water users on specific items that the ground water districts were doing to comply with the stipulated agreements. Jeff and the spring owners will continue working over the coming months to relieve pressure on the springs area.

Lynn Tominaga, executive director of the Idaho Ground Water Appropriators, Inc, explained the formation of the steering committee which helped develop recommendations to the department regarding the formation of the water districts and their administration. The steering committee for Water District 130 could not agree on the formation of the advisory committee and will continue working over the next year to develop a recommendation for next year's annual meeting. He outlined three items of business to be accomplished in this annual meeting.

1) Election or appointment of a temporary chairman and secretary. 2) Election of a water master. 3) Approval of resolutions to operate the WD 130 between now and the next annual meeting.

Nominations were opened for a temporary chairman and secretary. Rep. John Stevenson moved that Mike Faulkner be elected temporary chairman. The motion was seconded and passed on a voice vote. Mike took control as temporary chairman of Water District 130 meeting.

Doug Grant nominated Lynn Tominaga as temporary secretary for the meeting. The motion was seconded and approved on a voice vote. Lynn began recording the minutes.

Dean Stevenson moved that the voting at this year's annual meeting be based on one man one vote, not on water diverted. The motion passed on a voice vote.

In the next order of business, the membership reviewed and approved the resolutions submitted by the department relating to the formation and administration of the water district. The membership elected to review all the resolutions at the same time. (See attached resolutions.)

Rep. Bert Stevenson moved that the membership adopt the resolutions recommended by the steering committee. The motion passed on a voice vote.

Roger Ling asked several questions of IDWR and gave some comments regarding voting procedures. He questioned the ability of non-consumptive uses to be assessed the same as consumptive uses in the new Water District. Norm Young gave an explanation in response to Roger's questions and comments but said the steering committee would address those issues during the coming year.

Howard Niebling University of Idaho gave a presentation upon adjournment summarizing potential methods for achieving water reductions and water conservation.

The next annual meeting of the WD 130 will be set for the second Tuesday in February of 2003.

The meeting was adjourned at 5:25 p.m.

Respectfully submitted,

Lynn Tominaga

Temporary secretary

**WATER DISTRICT 130 ANNUAL MEETING  
ADOPTED RESOLUTIONS**

THE WATER USERS OF WATER DISTRICT 130 MEETING AT THE ANNUAL DISTRICT MEETING ON APRIL 23, 2002, AT THE JEROME HIGH SCHOOL AUDITORIUM IN JEROME, IDAHO, HEREBY ADOPT THE FOLLOWING RESOLUTIONS:

1. That the watermaster perform the duties as required by Chapter 6, Title 42, Idaho Code and in accordance with:
  - 1) The duties described in the Final Order Creating Water District 130, signed by the Director of the Idaho Department of Water Resources (IDWR), February 19, 2002, including:
    - a) Curtail illegal diversions;
    - b) Measure and report the diversions under water rights;
    - c) Enforce the provisions of the stipulated agreements approved by the Director, and;
    - d) Curtail out-of-priority diversions determined by the director to be causing injury to senior priority water rights if not covered by a stipulated agreement or a mitigation plan approved by the Director.
  - 2) Direction and guidance provided by the Director of IDWR.
  - 3) The annual water district resolutions as adopted herein.
2. The Idaho Department of Water Resources be elected to provide the watermaster services for Water District 130 and that the Director of IDWR appoint Cynthia Yenter, an employee of IDWR, or other employees of IDWR as may be necessary, to serve as the watermaster for the ensuing year.
3. As provided in Idaho Code § 42-608(4), the watermaster shall serve throughout the entire year after election at this meeting and upon appointment by the Director.
4. The water users of Water District 130 hereby empower elected or appointed officials of sub-districts created herein to enter into a Memorandum of Understanding between the Water District and the Director of IDWR that will provide for the following:
  - a) Compensation of the watermaster and all related water district expenses for 2002 and 2003 shall be provided by IDWR if the district elects IDWR to provide the watermaster services and allow the Director of IDWR to appoint an employee of IDWR as watermaster.
  - b) There shall be no set budget or collection of budget for Water District 130 for the ensuing year, nor shall there be any necessity for the election and appointment of a district treasurer for the ensuing year.
  - c) If IDWR is elected to provide watermaster services for 2002 and 2003, the

watermaster shall maintain an office for the ensuing year within the IDWR Southern Regional Office, located in Twin Falls, Idaho. IDWR will provide office space, vehicles and the use of all necessary office and field equipment, and other necessary watermaster expenses. This arrangement shall not give Water District 130 any ownership interest in any IDWR office space and equipment.

- d) IDWR's commitment is limited to providing one (1) full-time employee (FTE) for watermaster duties over the ensuing year, but the sub-districts created herein are expected to fund, at their own expense during 2002 and 2003, personnel and equipment necessary for measurement and reporting of diversions within the sub-districts.
  - e) Water District 130 must assume full responsibility for all expenses of the district starting in year 2004, including all costs associated with measurement and reporting of diversions.
5. Diversions in Water District 130 that are not already measured by one of the sub-districts created herein shall be measured directly by the water district in the ensuing year but assessed for measuring and reporting through the ESPA West Water Measurement District.
6. An advisory committee may be elected at each regular annual session to represent the interests of the water users and to provide input to the watermaster and the Director of IDWR. Members of the district representing the sub-districts created herein along with representatives of municipal and commercial water right holders in the district have met in capacity as a water district steering committee with the Director of IDWR prior to this annual meeting and discussed concerns regarding the authority and composition of the advisory committee. Pursuant to these meetings and discussions, the steering committee has recommended that an advisory committee not be selected during the first year of operation. Therefore, it is resolved that no advisory committee shall be elected for the ensuing year.

However, the watermaster and IDWR shall continue to meet with the water district steering committee as needed to refine the governance, structure and future operation of the district, including the need to provide recommendations for the composition of an advisory committee for presentation at the 2003 annual water district meeting. The steering committee meetings shall be open to attendance and participation by all water district members and other interested parties.

7. Water District 130 includes one or more ground water districts, irrigation districts or other geographical areas where the source of water or nature of water use is common among water right owners and users. Since ground water districts and irrigation districts may already be measuring and reporting diversions on their own, and in order to promote efficiency in the administration of water rights and water management, the Director of IDWR, working with the members of the water district through an advisory or steering committee, may provide for sub-

districts as he finds appropriate. The director therefore recognizes and provides the following sub-districts:

- 1) North Snake Ground Water District
- 2) Magic Valley Ground Water District
- 3) A&B Irrigation District
- 4) Thousand Springs Area
- 5) ESPA West Measurement District (see resolution no. 5 above)

8. The sub-districts designated above may have employees or agents who measure and report diversions to IDWR, and who may provide other services to the sub-district. The Director of IDWR therefore may appoint employees or agents of the sub-districts as assistant watermasters for purposes of measuring and reporting water use to the watermaster of Water District 130. The water district watermaster and the Director of IDWR will provide direction and guidance to assistant watermasters for measuring and reporting of diversions in sub-districts, including but not limited to the following:

- a) Each sub-district shall prepare an annual report of diversion data to the water district watermaster in accordance with Idaho Code § 42-606, § 42-708, § 42-709, and the direction provided by the Director of IDWR.
- b) Assistant watermasters from sub-districts shall cooperate and coordinate with the water district watermaster and IDWR in sharing water use information and in the investigation of water uses within sub-districts, including but not limited to investigation of water use to confirm reductions of water use when required, and confirm and report compliance of water use with valid water rights.
- c) The regulation of diversions, including curtailment of diversions and other water right enforcement actions, shall be the primary responsibility of the water district watermaster or IDWR.
- d) Sub-districts and sub-district assistant watermasters may cooperate and participate with the water district and IDWR in resolution of unauthorized diversions or other enforcement matters.
- e) To the extent that sub-district assistant watermasters may otherwise be involved in the regulation or enforcement of diversions, such involvement will be under the instruction of the watermaster or the Director of IDWR.

9. It is of benefit to all the users in the district to enter the 2004 water district meeting and season with adequate funds to assure the complete operation of the district in 2004. Therefore, the water district intends to adopt a budget at both the 2003 and 2004 annual meetings sufficient to cover the full estimated expenses of the water district in 2004. The water district steering committee, working with the watermaster, shall develop recommendations for presentation at the 2003 annual meeting regarding methods for assessment and collection of a budget for the 2004 fiscal year. Such recommendations should consider methods that avoid duplication of assessments to water users from the water district and the various sub-districts, and consider further one assessment from the water district to each

of the sub-districts based on the pro-rata share of water use from individual water rights within each sub-district to the total water use in the district.

The sub-districts created herein are encouraged to include estimated water district expenses in their upcoming budgets to cover expenses of the water district in 2004, and that remittance of assessments to the water district for the 2004 district budget be made on or before dates established by the district at the 2003 and 2004 annual water district meetings.

10. The annual Water District 130 meeting shall hereafter be held on the second Tuesday of February, of each year unless the Director of IDWR should find it necessary to change the meeting date or unless changed by resolution of the district at any annual meeting.
11. Copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and the report prepared in accordance with Idaho Code § 42-615, shall be filed with the director of the Department of Water Resources in accordance with Idaho Code § 42-617.
12. The watermaster of Water District 130 shall be responsible for submitting to IDWR annual reports showing water use and such other information that may be deemed necessary by the Director of IDWR in accordance with Idaho Code § 42-606, § 42-708, and § 42-709.
13. The watermaster and assistant watermasters 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, to carry out the duties of the watermaster as instructed by IDWR. These duties include but are not limited to:
  - a) Monitoring diversion and measuring rate and volume of water diverted from ground water and other public water sources.
  - b) Measuring the depth to water in wells.
  - c) Monitoring the place, period, and nature of use of water to identify unauthorized diversion and use and to determine compliance with mitigation provisions required by agreement or order of IDWR.