

OTHER

Water District 110 Advisory Meeting
February 2, 2011
IDWR, Idaho Falls

Meeting was called to order at 1:10 P.M. Those in attendance were Lyle Swank, James Cefalo, Tim Luke, Wendy Murphy, Cody Allen, Kenda Jones Kirk Jacobs, Don Parker, Doug Fransen, and Daren Bitter.

Minutes were reviewed from the 02/03/2010 advisory meeting. Kirk Jacobs motioned to accept the minutes as presented, Don Parker seconded the motion and the minutes were passed.

Election of Advisory committee was discussed and resolution #10, second sentence, will be amended to read: "The advisory committee will consist of *at least one* water user from Hamer, *one* water user from Montevue, and *one* water user from Mud Lake Terreton area." Board members will remain in place until the annual meeting. Don Parker motioned to accept the Advisory Committee change to resolution #10, Kirk Jacobs seconded the motioned and the motion passed without opposition.

Wendy Murphy presented the financial report. As of January 31, 2010, the balance sheet shows \$47,898 in checking and savings. There is a small credit on the accounts receivable. Total current assets are \$47,502. Open equity balance is \$15,583, retained earnings are \$5438. Net income for the year is \$43,011, total liabilities and equity for the year is \$47,502. Total income for the year, including assessments, finance charges and interest is \$75,108. Expenses for the year include IDWR contract, operating and equipment expenses for a total of \$53,118. Net income for the year is \$21,989. Measurement equipment was discussed, and as of right now, it will not be purchased through the IDWR contract. The IDWR budget does not allow for flexibility at this time. The cost will be approximately \$8000-\$10,000. WD1 has agreed to purchase the equipment and directly bill WD110 for the purchase and will be billed under equipment expense. Resolution #4(e), last sentence, was discussed and it will be amended and last sentence will read: "***However, any equipment purchased by Water District 110, will remain owned by Water District 110***". Wendy discussed the current treasurer situation. He, Alan Kelsch, has asked to be compensated for his service as treasurer. It was decided that Kirk Jacobs will be nominated as treasurer, Don Parker will also be designated an authorized signature for banking purposes. Final election will be held at the annual meeting. An audit for 2011 was discussed and will be scheduled for this year. Audit expense will be added to the budget. Equipment expense will also be added to the expense budget. Don Parker motioned to accept the proposed budget, with changes, Daren Bitter seconded and the motion passed.

Lyle Swank gave a brief update on the water supply. Precipitation shows November and December were below normal for 2010. February and March were also below average comparatively. April and May were average precipitation, June was slightly above normal. May was the coolest on record for southeast Idaho, September and October

temperatures were above normal. There is good carryover in reservoirs this year and, based on our current snow pack, they are expected to fill. A cool and wet spring helped with the water supply this year.

Meeting adjourned at 2:25.

MINUTES OF ANNUAL MEETING

Water District 110 Annual Meeting
02/09/2011, 1:00 p.m.
West Jefferson High School
Terreton, ID

Meeting was called to order at 1:00 p.m. Those in attendance were James Cefalo, Cody Allen, Wendy Murphy, Kirk Jacobs, Don Parker, Mike Cope, and Daren Bitter. There were 10 other attendees.

Minutes were reviewed from the 02/08/2010 annual meeting. Daren Bitter motioned to accept minutes as read, the motion was seconded and minutes were passed without change.

Wendy Murphy presented the financial report. Profit loss statement shows a total income, including assessments, finance charges and interest, of \$75,112. Expenses were \$61,383, which includes the IDWR contract and an equipment charge for new measurement equipment. Total net income was \$13,729. Balance sheet shows a total of \$47,903 in checking and savings. There is a credit in accounts receivable of \$396, for total current assets of \$47,507. A correction will be made to the balance sheet to correct the final report. Don Parker motioned to accept financial report, with correction, Daren Bitter seconded and the motion passed.

Watermaster report was presented by Cody Allen and James Cefalo. The goal for 2010 was to measure 1/3 of the wells in water district 110. Of the 750 wells, 257 were PCC exams, 4 were flowmeter calibrations, 5 were not running and 14 wells were not used. Protocol was met for the year. The goal for 2011 is to re-visit and re-measure wells with questionable data and re-visit wells from 2008. Water outlook is good so far this year. Reservoirs are also looking good. We have had some dry weather so the outlook could change. Snotel sites show below normal snow pack in some areas and right on track in other areas. James discussed the October 31st cutoff date for irrigation rights. November was unusually warm and some people continued to water beyond the cutoff date. In the spring and fall of every year well depth measurements are taken on USGS wells. There has been a slow decline over time in each of the wells measured. USGS sites will be identified so duplicate measurements are not being taken by IDWR and USGS, which could affect the contract WD110 has with USGS. IDWR has cancelled their contract with USGS and are now monitoring the wells that were under contract. Daren Bitter motioned to accept the watermaster report, Doug Fransen seconded and the motion was passed.

Wendy Murphy went over the Resolutions for 2011. Dates were changed to reflect the current year. A change was made to resolution 4(e). A line will be added and it will read: ***“However, any equipment purchased by Water District 110, will remain owned by Water District 110.”*** Resolution #9, ***“Kirk Jacobs*** is elected treasurer for Water District 110 and will replace the current treasurer Alan Kelsch. ***Don Parker*** will also be designated an authorized signature for banking purposes”. Resolution #10, second

sentence will be changed to read: "the advisory committee will consist of *at least one* water user from Hamer, *one* water user from Montevideo, and *one* from the Mud Lake/Terreton area".

Wendy discussed resolution #7 which is the proposed budget. The budget is slightly less this year due to changes in employee status and charges associated with that change. There will be an audit charge added to the expense budget. Total proposed income/expense budget is \$76,716. Daren Bitter motioned to accept the resolutions/ proposed budget, with changes, Don Parker seconded the motion and the 2011 resolutions passed without opposition.

Election of committee members was discussed. Doug Fransen was nominated to serve on the committee. All other board members will remain the same. Daren Bitter motioned to accept nominations, John Shuldborg seconded and committee members are in place for 2011.

Kirk Jacobs motioned to adjourn, Don Parker seconded and the meeting adjourned at 1:45 p.m.

APPROVED RESOLUTIONS

**Water District 110
2011 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 110, signed by the Director of the Idaho Department of Water Resources (IDWR), April 17, 2006, including:
 - a) Measure, record and report diversions of ground water right included in Water District NO. 110;
 - b) Administer and enforce water rights in Water District No. 110 in priority;
 - c) Curtail unauthorized or excessive diversions in Water District No. 110 (i.e., any diversion without a water right or in excess of the elements or conditions of a water right);
 - d) Curtail out-of-priority diversions under ground water rights in Water District No. 110 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;
 - e) Enforce the provisions of any stipulated agreements or mitigation plans approved by the Director and applicable in Water District No. 110.
 - 2) Direction and guidance provided by the Director of IDWR pursuant to Idaho Water Law.
 - 3) The annual water district resolutions as adopted herein.
2. James Cefalo is elected the watermaster for Water District 110. That the Director of IDWR appoints James Cefalo an employee of IDWR, to provide watermaster services for the ensuing year.
3. As provided in Idaho Code § 42-608(4), the watermaster shall serve until the next annual meeting of the water district after election at this meeting and upon appointment by the Director.
4. The water users of Water District 110 hereby empower the elected advisory committee to enter into a Memorandum of Understanding between the Water District and the Director of IDWR that will provide for the following:
 - a) Water District 110 will provide compensation of the watermaster for all administrative watermaster duties (all duties other than measurement and reporting) for the term of service as specified in item 3 of these resolutions.

- b) The 2011 budget for Water District No. 110 includes expenses related to measurement and reporting, and will be set at this annual meeting in accordance with item 7 of these resolutions.
 - c) Water District No. 110 will provide compensation to IDWR for clerical and financial account support services.
 - d) The watermaster shall maintain an office for the ensuing year within the IDWR Eastern Regional Office, located in Idaho Falls, Idaho.
 - e) IDWR will provide office space, vehicles and the use of all necessary office and field equipment in exchange for compensation as set in the budget for the ensuing year. This arrangement shall not give Water District No. 110 any ownership interest in any IDWR office space and equipment. However, any equipment purchased by Water District 110 will remain owned by water district 110.
- 5. Water District No. 110 includes one or more canal companies, government entities, or other water delivery entities. The following canal companies and government entities had cooperative agreements or other arrangements with the North Water Measurement District to annually measure and report diversions on their own and to the measurement district in order to promote efficiency in the administration of water rights and water management. But will pay a pro rata portion of the Watermaster salary.
 - 1) Montevue Canal Company
 - 2) Producers Canal Company
 - 3) Jefferson Irrigation Company
 - 4) United States Fish & Wildlife Service Camas National Wildlife Refuge
- 6. The entities designated above may have employees who measure and report diversions to the watermaster of Water District No. 110. The watermaster of Water District No. 110 may therefore appoint employees or agents of these entities as assistant watermasters for purposes of measuring and reporting water use to the watermaster of Water District No. 110. The water district watermaster and the Director of IDWR will provide direction and guidance to assistant watermasters for measuring and reporting of diversions in these entities, including but not limited to the following:
 - a) Each entity responsible for data collection shall provide 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 shall cooperate and coordinate with the water district watermaster and IDWR in sharing water use information.
 - 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 and IDWR.

- d) The designated districts will first be given the opportunity to resolve unauthorized diversions, or other enforcement matters before action is taken by the watermaster or IDWR.
 - e) To the extent that assistant watermasters may otherwise be involved in the regulation or enforcement of diversions, such involvement will be under the instruction of the watermaster and the Director of IDWR.
- 7. The budget of Water District No. 110 for the fiscal year 2011 beginning February 1, 2011, and ending on January 31, 2012, be as follows:

See attached Budget

- 8. Assessment basis for measurement & reporting expenses: Diversions in Water District 110 that are not already measured by one of the canal companies or government entities identified in item 5 of these resolutions, and also have a diversion rate allowed by their water right in excess of 0.24 cfs and/or irrigation of more than five acres shall be measured directly by the water district in the ensuing year and assessed for measuring and reporting at the following rate;
 - a) \$25 per diversion, and;
 - b) A pro-rata share of the total expense for measuring and reporting, minus the total amount charged for all the diversions in the district required to measure, determined by the fraction of the recorded diversion rate for each water right is to the total recorded diversion rate of all water rights being measured in the district.
- 9. Kirk Jacobs be elected Water District No. 110 Treasurer. The duties of the treasurer will be to approve the expenses and disburse water district funds, and to prepare or oversee preparation of a written statement of the financial affairs of the district at the end of each fiscal year, in accordance with Idaho Code, Section 42-619. Don Parker will also be a designated authorized signature for banking purposes.
- 10. An advisory committee shall 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. The advisory committee will consist of one water user from Hamer, one water user from Montevue, and one from Mud Lake/Terreton Area.
- 11. WHEREAS Idaho Code 42-605 provides for voting by water users and election of an advisory committee, the water users of Water District No. 110 hereby resolve that the credentials for voting in any district meeting and for serving on the district advisory committee will be as follows:
 - a) Must be a water user of the district as evidenced by a valid water right or
 - b) Must have paid all assessments owed to the water district.

12. The annual Water District No. 110 meeting shall hereafter be held on the second Wednesday of February, of each year unless the Director of IDWR or the Water District No. 110 advisory committee should find it necessary to change the meeting date or unless changed by resolution of the district at any annual meeting.
13. 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.
14. The watermaster of Water District No. 110 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.
15. The watermaster and assistant watermasters are authorized under Idaho Code § 42-1701(5) to make reasonable entry on lands within the district 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.
16. All payments for assessments not received by May 1, 2011 shall accrue penalties in the amount of 10% of the charge and interest in the amount of 1% per month, as provided pursuant to Idaho Code § 42-617.
17. Be it also resolved, that the Watermaster is authorized pursuant to Idaho Code § 42-618, to withhold or suspend deliveries of water to any water users who have not paid their assessment charge by January 1 of the year following the billing date.