

Water District 110 Annual Meeting

Place: West Jefferson High School

Time: 1:30 PM

Date: 2-14-2018

The meeting was called to order by Kirk Jacobs at 1:35 PM. Motion was made by Lynn Burtenshaw to make Kirk Jacobs Chairman and Bill Stoddart Secretary for the meeting. The motion was seconded by Will Ricks. The motion passed unanimously. A motion was made by Will Ricks to waive reading of the minutes and approve as written. Pat Hendren seconded the motion. The motion passed unanimously. James Cefalo presented the watermaster's report. James discussed which types of system would be candidates for applications for variances under the flowmeter requirements. Additionally water right forfeiture under the current SWC agreement was discussed. Idaho code 42-222 and 42-223 provided exceptions to the forfeiture statute and that those participating in mitigation plans approved by the directors would be exempt from such actions. Stephen Ball asked if such actions are construed as a constructive loss of water right even if such action is temporary. Further comments and discussion by Lane Newman that this reduction under the agreement is a restriction on the water rights granted by the state and is a loss of such rights. James Cefalo stated that as far as the state is concerned that such rights have not changed but with the entering into of this private agreement by the water districts that such water usage can be reduced. Forfeiture of water rights is not actively pursued in Idaho. That such actions are looked at only at the time of a change in the element of a water right. Inspections of flowmeter are ongoing.

Ryan Tracy from IDWR discussed the progress on flowmeter inspections, site visits, and variances approvals and denials. 139 site visits were made in 2017 with calculations of pcc's on 68 of them. 832 divisions need a flowmeter or variances. 467 were visited so far. Out of the 467 visited 176 had flowmeters installed and approved. 119 variances have been approved and 52 denied with 39 variances pending. Ryan discussed some of the wells they monitor and the trends they have seen in the well depth levels. Discussed issues with flowmeter installations that were not approved. Some of the reasons for not approving include upstream and downstream distances, grounding issues, sensor orientation, and chemigation ports upstream of flowmeter. Discussions into variances for straight pipe distance as well as the what will happen when April 1 comes around. Variances for straight pipe distances can be applied for with information from the manufacturer but no guarantee as to whether they will be approved. Pcc's reading will still be kept for instances if flowmeters fail or other reason pcc readings are needed.

James Cefalo addressed the issue of flowmeter installation. Flowmeters are required to be on by April 1. Variances from this requirement are unlikely to be forthcoming. Flowmeter inspections may take place after that time but installation must happen before irrigation starts. Every year IDWR continues to calculate a curtailment priority date. As long water users are participants in the JCGWD, they are protected from such calls.

Karen Durfee presented the financial statements including both the profit and loss and a budget comparison. The balance sheet showed a current bank balance of \$52,252.03 and outstanding accounts payable of \$6,744.29. There was a net gain on the year of \$3,791.07. Motion by Farrell Downs to approve the financial statements. Seconded by Kraig Bare. Motion carried unanimously.

James Cefalo presented the changes to the resolutions. Added section 18 states that Water District 110 users will have power sources turned on between March 15th and November 15th to allow access for the watermaster to perform the duties set forth in Resolution #15. Further resolved that flowmeters will need to be set to read in acre-feet. James also presented the budget for 2018.

Proposed leaving the assessment rates the same for cfs and well charge. An increase in workload due to flowmeter inspections is anticipated but the bank account is sufficient to absorb that increase if necessary. A Motion was made by Mike Cope to approve the Resolutions with changes and the 2018 Budget. Seconded by Lynn Burtenshaw. Motion carried unanimously.

Lynn Tominaga from IGWA, explained that money was available for end gun removal. NRCS has a flowmeter program for flowmeters but won't be available until May.

Motion to adjourn by Lynn Burtenshaw. Seconded by Pat Hendren. Motion carried unanimously. Meeting was adjourned at 2:53 PM.

Minutes Completed by: Bill Stoddart, Water District 110 Secretary

Cher Barnes

2018

Water District 110 Annual Meeting

Name	Representing	Contact (Phone or Email)
<i>John W. Paulsen</i>	<i>Me</i>	<i>716-1500</i>
<i>CR</i>	<i>Double Arrow</i>	<i>681-9363</i>
<i>Korey Simmons</i>	<i>T. Simmons Farms</i>	<i>208-766-3049</i>
<i>Todd Simmons</i>	<i>Mad Lake Farm Supply</i>	<i>208-339-4330</i>
<i>Brook Farm</i>	<i>Farm Land and Cattle</i>	<i>351-5460</i>
<i>Darren Wood</i>	<i>Self</i>	<i>208-589-3743</i>
<i>Dustin Ripkes</i>	<i>self</i>	<i>821-6598</i>
<i>Chris Holdaway</i>	<i>Self</i>	<i>390-4380</i>
<i>Ryan Ashby</i>	<i>NWWD F LLC</i>	<i>390-5523</i>
<i>Trever Behr</i>	<i>Hammer Farms</i>	<i>520-0207</i>
<i>PAUL GUNDERSON</i>	<i>Self</i>	<i>208 339-6670</i>
<i>FARREL DOWNS</i>	<i>USFW</i>	<i>208-313-1062</i>
<i>BRIAN WEHAUSEN</i>	<i>Camas NW</i>	<i>208 662-5423</i>
<i>Mike Cope</i>	<i>WD 110</i>	<i>208 601-4941</i>
<i>Kam Roundy</i>	<i>Self - KR Farms</i>	<i>208-339-4541</i>
<i>Mike Overton</i>	<i>Producers Inc</i>	<i>208-589-2529</i>
<i>Blake Jordan</i>	<i>IDWR</i>	
<i>Ryan Tracy</i>	<i>IDWR</i>	
<i>Bob Peck</i>	<i>IDWR</i>	
<i>James Cefero</i>	<i>IDWR</i>	
<i>Karen Dufee</i>	<i>IDWR</i>	
<i>Garret Nelson</i>	<i>Hammer Farms</i>	<i>208-716-1431</i>
<i>Kolton Hansen</i>	<i>Kolton Hansen Farms</i>	<i>208-339-7804</i>
<i>Kirt Hansen</i>	<i>Kirt Hansen Farms</i>	<i>208-339-2273</i>
<i>Jonathon Shaldberg</i>	<i>self</i>	<i>208-201-4026</i>

2018

Water District 110
20187 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. The Director of IDWR shall appoint 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 2018~~7~~ 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 20187 beginning February 1, 20187, and ending on January 31, 20198, 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. James Cefalo 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 at least 5 members, including at least one water user from Hamer, one water user from Montevieu, 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, 201~~8~~7 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.
18. Be it resolved, water users within Water District 110 will have power sources turned on between March 15th and November 15th to allow access for the watermaster to perform the duties set forth in Resolution No. 15.
Be it further resolved, flowmeters will need to be set to read in acre-feet.

**WATER DISTRICT 110
BUDGET 2018**

Income Budget

	2018 Budget	2017 Actual	2017 Budget
Administrative CFS @ \$8.70	\$24,212	\$ 24,212	\$ 22,785
Measurement & Reporting Well @ \$25	\$19,200	\$ 19,200	\$ 19,700
CFS @ \$23.85	<u>\$51,898</u>	<u>\$ 51,899</u>	<u>\$ 51,707</u>
Total Income	<u><u>\$95,310</u></u>	<u><u>\$ 95,312</u></u>	<u><u>\$ 94,192</u></u>

Expense Budget

Administrative Charges

Watermaster Services	\$20,535.88	\$ 15,239	\$ 16,600
Clerical Assistant	\$7,670	\$ 7,117	\$ 7,151
Audit	<u>\$0</u>	<u>\$ -</u>	<u>\$ -</u>
Total Administrative	<u>\$28,206</u>	<u>\$ 22,356</u>	<u>\$ 23,751</u>

Measurement and Reporting

Assistant Watermaster	\$56,119	\$ 47,826	\$ 53,685
Clerical Assistant	<u>\$23,010</u>	<u>\$ 21,351</u>	<u>\$ 21,454</u>
Total Measurement & Reporting	<u>\$79,130</u>	<u>\$ 69,177</u>	<u>\$ 75,139</u>

Total Budget

<u><u>\$107,336</u></u>	<u><u>\$ 91,533</u></u>	<u><u>\$ 98,890</u></u>
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Net Income/Net Loss

<u>- \$12,026</u>	<u>\$3,779</u>	<u>- \$4,698</u>
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