

Watermaster's Report

From 01 February, 2009 To 31 January, 2010

Water District No. 110

Name of Watermaster: Ernie Carlsen

900 N. Skyline Dr. Ste. A, Idaho Falls, ID 83402

Affidavit of Watermaster

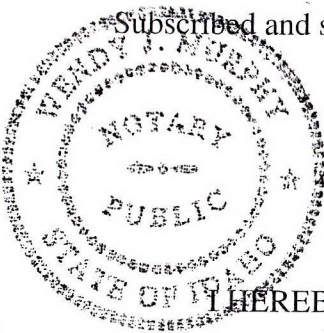
STATE OF IDAHO, COUNTY OF BONNEVILLE } ss.

Ernie Carlsen, being first duly sworn, deposes and says that he is Watermaster in the Mud Lake Area in District 110, having been lawfully appointed by the Interim Director, Department of Water Resources Gary Spackman and that the volumes of water, stated in this report, prorated by him to the several users, are correct.

Ernie Carlsen

Watermaster District No. 110

Subscribed and sworn before me, this 22nd day of January, ~~2009~~ 2010



Wendy J. Murphy
My Commission expires 11/6/2013

I HEREBY CERTIFY, That _____ was lawfully appointed by me Watermaster of District No. _____, and that his bill for services rendered prorated to the several users, as herein sworn to, is to the best of my knowledge and belief, correct.

Director, Department of Water Resources

By _____

SCANNED

FEB 07 2019

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Summary

Summary of Activities for Water District 110

Over all, the operation of Water District 110 went very well in 2009.

Except for the Treasure, staff attended the Watermaster Training workshop in April and a Hydrographers workshop in May.

During January, February, and March, some of Heather's time was devoted to performing WMIS activities which included updating water user report information, inputting power utility data, city reporting and prepared a 2009 visit list. She also assisted with the preparation and sending of letters to the following water users advising them they were irrigating acres not covered by a water right: Benjamin Roundy, Carl Ball, Place Farms, Ray Sauer, Grant Ashcraft and Wilcox & Sons. The letter further advised them to cease irrigation of these acres or obtain a valid water right to continue irrigation. A map illustrating the acres receiving unauthorized irrigation was included with each letter. Chad Larsen, Frank Sullivan and Diane Valcarce received a similar notice but sent from the state office for the Department of Water Resources. At this time, all of the above water users have resolved their particular issue.

On March 25, 2009, the Fuji Sonic Flowmeter used for conducting measurements in WD110 was taken to Kimberly for calibration. Tests using 6 inch aluminum pipe, 8 inch steel pipe and 12 inch pvc pipe found the flowmeter to be accurate to within 3% of the actual flow rate, well within the accepted standard of 5%.

At the conclusion of the measuring season, Heather had visited 239 wells. Of these, measurements were completed on 235. The four wells where measurements were not completed will be added to the 2010 visit list. In addition, Heather measured four new wells and added them the inventory for WD110.

In October and November, Heather worked on a project to clean up the data base for domestic/stockwater rights in WD110 and also sent unauthorized irrigation letters to the following water users: Richard Larsen, Lynn & Janet Wood, Walker Land & Cattle Co. and Michael Ferguson. Currently Richard Larsen and the Woods are working toward resolving their violations.

Billings were mailed monthly to water users with outstanding assessment balances. The records show only a couple of water users have delinquent assessments from previous years. The advisory board reviewed the delinquent accounts at its meeting held November 5, 2009. It was decided the watermaster should send notice to the water users who had not paid their previous years assessment by January 1, 2009, notifying them that pursuant to Idaho Code § 42-618 their diversions will be locked until their assessments are paid. On November 31, 2009, delinquent notices were sent to Larry O. Lee and Dan and Steve Murdock.

On November 30, 2009, the Department of Water Resources sent a Preliminary Oder to Burton Allen, Kendal F. Egbert, trustee for Montevue Trust and Lanny Burtenshaw ordering the installation of measuring devices on their respective irrigation systems. A measuring device is being required because physical characteristics of the irrigation system cause the use of the Power Consumption Coefficient ("PCC") method to be invalid. The order states the measuring device shall be installed prior to diverting water during the 2010 irrigation season.

Personnel Listing

WD-110

2009 Personnel

Ernie Carlsen

Watermaster

Kenda Jones

Secretary/Financial Technician

Alan Kelsch

Treasurer

Wendy Murphy

Financial Specialist

Advisory Committee

Kirk Jacobson

Scott Clawson

Don Parker

Mike Crapo

Darren Bitter

Lynn Wood

Minutes of Annual Meeting

Water District 110 Annual Meeting
West Jefferson High School
02/11/2009
Terreton, ID

Meeting called to order at 1:00 p.m by Kirk Jacobs. Those in attendance were Ernie Carlson, Wendy Murphy, Kenda Jones, Heather Bohac, Blake Jordan, Kirk Jacobs, Don Parker, Scott Clawson, Mike Cope, Darren Bitter, and Lynn Wood. There were 17 other attendees. Kirk started meeting with a discussion regarding the 2009 Memorandum of Understanding and the need for this document to be in place. It allows for things such as a vehicle to deal with water issues. He talked bout WD110 and the fact it is measurement only district and the benefits of working in conjunction with the department. He introduced new attendees.

Don Carlsen motioned that Kirk Jacobs remain Committee Chairman. Kenda Jones will act as secretary, Alan Kelsch treasurer. Doug Frandsen seconded the motion and motion passed without opposition.

Don Parker read 2008 meeting minutes. Lynn Wood motioned to accept the minutes as read, Carl Downs seconded the motion and the minutes passed without changes.

Wendy Murphy presented the financial report. WD110's income from 02/2008 thru 01/2009 was \$47,376. Assessments income was \$46,965, \$538 under the budget of \$47,503. Total expenses for the year were \$65,290. This is under the budget of \$66,787 by \$1476. Net income is \$-17,915. Balance sheet shows a checking account balance of \$10,498. Current liabilities include \$2015, held on deposit with IDWR. Accounts receivable were \$252. Total liabilities and equities are \$10,750. A/R summary shows four people with outstanding balances. Scott Clawson moved to accept the financial report, Carl Ball seconded the motion and financial report was accepted without changes.

Ernie Carlson discussed Pristine Falls which was paid for by water users in Twin Falls. Their assessments will be higher because of this purchase. By purchasing Pristine Falls, they can be assured adequate water supply. He also discussed the Egin Lake recharge project. It is a pilot project and is proving to be a viable site for future recharge. Ernie discussed PCC's as a method of measurement and the inaccurate measurements that can result if there are multiple pivots or wells. The department is looking at identifying systems to measure total flow for greater accuracy. No major changes are anticipated this year. WD 110 is not impacted as much as other districts and data is fairly accurate for WD110. NOV's were discussed and f/u for unauthorized water usage was discussed. Only 6 have gone out so far this year and responses are pending. Small NOV's are being looked at now and will be addressed if necessary. Ernie stated the snow pack is looking good so far for 2009.

Heather Bohac presented the watermaster's report. Of the 746 wells IDWR is responsible for, at least 249 must be measured each year to meet protocol. In 2008, 253 sites were visited, slightly more than 1/3 of the 746 wells in WD110. Pump card returns were reviewed. The majority of users are returning pump cards, however, there are still some that are not reporting at all. Heather then reviewed water levels. In 2008, we were at 43% capacity as compared to 65% so far in 2009. Objectives for 2009 are to re-visit diversions from 2006, re-visit diversions with questionable data, measure diversions missed in 2008, measure 9 new wells that were added in 2008, and investigate/re-measure systems from 2008 review. Scott Clawson inquired to whether information re: pump cards and NOV's can be put on line so water users can be aware if they are over using. Ernie suggested Tim Luke may be able to get access for certain people. Questions about water use can be answered using WMIS (Water Management Information System). Call the department if questions. Don Parker motioned to accept the Watermaster report. Scott Clawson seconded the motion and the motion was passed.

Kirk Jacobs discussed IDWR and users working hand in hand together. He discussed the need for pump card information to be returned. Alternatives to measuring can be more expensive. Data shows WD 110 is at or below licensed water right. The more accurate the information, the better.

Resolutions for 2009 were discussed. They were accepted as written. Jerry Dawling moved to accept the resolutions, along with the "Memorandum of Understanding". MOU was signed by Kirk Jacobs, Committee Chairman. Doug Frandsen seconded the motion and the motion passed without opposition.

Nominations for Advisory Committee Members were next on the agenda. Robert McCullough moved to have members currently serving remain in place.. Ferrell Downs seconded the motion and the the members are as follows:

Kirk Jacobs	Hamer
Scott Clawson	Rexburg
Don Parker	Rexburg
Mike Cope	Montevideo
Daren Bitter	Terreton
Lynn Wood	Terreton

Ernie was asked a question of how long the Watermaster has to make a decision regarding curtailment. An order will be issued by April 1st if curtailment is necessary. Curtailment depends on several factors including annual levels, snowpack, weather and mitigation. Water levels are looking good this year. Curtailments are rare and IGWA buys water to subsidize if a curtailment is necessary.

Carl Ball motioned to adjourn the meeting, Ferrell Downs seconded the motion and the meeting adjourned at 2:45 p.m.

Approved Resolutions

**Water District 110
2009 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. Ernie Carlsen be elected the watermaster for Water District 110. That the Director of IDWR appoints Ernie Carlsen 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 2009 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.
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 2009 beginning February 1, 2009, and ending on January 31, 2010, 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. Alan Kelsch 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.
- 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 two water users from Hamer, two water users from Montevue, and two 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. HEREBY BE IT RESOLVED, that Water District 110 advisory committee shall be charged with the responsibility for the appointment of member(s) to serve as advisor(s) to the Eastern Snake Plain Aquifer Monitoring Committee as defined by Idaho Code § 42-620.
17. All payments for assessments not received by May 1, 2009 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.
18. 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.

Assessments

3:38 PM

04/07/09

Accrual Basis

Water District 110

Sales by Customer Detail

February 2009 through January 2010

Type	Date	Num	Item	Qty	Sales Price	Amount
CITY OF DUBOIS						
Invoice	3/27/2009	2009-143	Adm:2009 CFS Adm Fee	2.13	4.87	10.37
Invoice	3/27/2009	2009-143	Measureing & Reporting:2009 Well	2	25.00	50.00
Invoice	3/27/2009	2009-143	Measureing & Reporting:2009 CFS Measurement	2.13	16.40	34.93
Total CITY OF DUBOIS						95.30
HALL DAIRY						
Invoice	3/27/2009	2009-192	Measureing & Reporting:2009 Well	2	25.00	50.00
Invoice	3/27/2009	2009-192	Adm:2009 CFS Adm Fee	0.28	4.87	1.36
Invoice	3/27/2009	2009-192	Measureing & Reporting:2009 CFS Measurement	0.28	16.40	4.59
Total HALL DAIRY						55.95
IDAHOAN FOODS LLC						
Invoice	3/27/2009	2009-577	Adm:2009 CFS Adm Fee	1.2	4.87	5.84
Invoice	3/27/2009	2009-577	Measureing & Reporting:2009 Well	1	25.00	25.00
Invoice	3/27/2009	2009-577	Measureing & Reporting:2009 CFS Measurement	1.2	16.40	19.68
Total IDAHOAN FOODS LLC						50.52
Jefferson Clark GW District						
Invoice	3/27/2009	2009-1	Adm:2009 WM Fee	474.58	4.87	2,311.20
Invoice	3/27/2009	2009-1	Measureing & Reporting:2009 Well	731	25.00	18,275.00
Invoice	3/27/2009	2009-1	Adm:2009 CFS Adm Fee	2,254.845	4.87	10,981.10
Invoice	3/27/2009	2009-1	Measureing & Reporting:2009 CFS Measurement	2,254.845	16.40	36,979.46
Total Jefferson Clark GW District						68,546.76
M & T WATER AND SEWER						
Invoice	3/27/2009	2009-308	Adm:2009 CFS Adm Fee	3.23	4.87	15.73
Invoice	3/27/2009	2009-308	Measureing & Reporting:2009 Well	2	25.00	50.00
Invoice	3/27/2009	2009-308	Measureing & Reporting:2009 CFS Measurement	3.23	16.40	52.97
Total M & T WATER AND SEWER						118.70
UNION PACIFIC - OREGON SHORT LINE/DUBOIS						
Invoice	3/27/2009	2009-144	Adm:2009 CFS Adm Fee	0.33	4.87	1.61
Invoice	3/27/2009	2009-144	Measureing & Reporting:2009 Well	1	25.00	25.00
Invoice	3/27/2009	2009-144	Measureing & Reporting:2009 CFS Measurement	0.33	16.40	5.41
Total UNION PACIFIC - OREGON SHORT LINE/DUBOIS						32.02
UNITED STATES OF AMERICA						
Invoice	3/27/2009	2009-509	Adm:2009 CFS Adm Fee	0.334	4.87	1.63
Invoice	3/27/2009	2009-509	Measureing & Reporting:2009 Well	1	25.00	25.00
Invoice	3/27/2009	2009-509	Measureing & Reporting:2009 CFS Measurement	0.334	16.40	5.48
Total UNITED STATES OF AMERICA						32.11
USDI FISH & WILDLIFE SERVICE						
Invoice	3/27/2009	2009-511	Adm:2009 WM Fee	156.2	4.87	760.69
Total USDI FISH & WILDLIFE SERVICE						760.69
TOTAL						69,692.05

Other Minutes

Water District 110
Advisory meeting
January 21, 2009

Meeting was called to order at 9:10 a.m. by Kirk Jacobs. Those in attendance were Blake Jordan (IDWR), Heather Bohac (IDWR), Ernest Carlsen (IDWR), Daren Bitter, Mike Cope, Don Parker, Doug Fransen, Scott Clawson, Kirk Jacobs, Wendy Murphy (IDWR), and Tim Luke (IDWR).

Minutes were read by Don Parker. A correction was made to the last paragraph. It will read; "Don Parker wanted a list of water users and to be notified in the future before fines are issued." Gene stated we do not get power records until the end of year so information is limited until we receive those records. It was suggested that water usage information be sent to users, along with their assessment, to help them stay in compliance. Doug Fransen motioned the minutes be accepted as read with the correction. Darren Bitter seconded the motion and the minutes were passed.

Wendy Murphy then went over the financial report. It is in draft form as they are being audited. Water district 110's income from 02/2008 thru 01/2009 was \$47,376. Assessments income was \$46,965, \$538 under the budget of \$47,503. Total expenses for the year were \$65,290. This is under the budget of \$66,787 by \$1497. Net income is a loss of \$17,915. The balance sheet shows a checking account balance of \$10,498. Current liabilities include \$2,015, due to IDWR. Accounts receivable were \$252. Total liabilities and equities are \$10,750. A/R summary shows four people with outstanding balances. Kirk Jacobs discussed the need to find out why people are not paying, as it is not fair to water users that are paying. It was suggested that Dean Sanders legal description is incorrect and Kirk Jacobs ask that the correct legal description be mailed to him. Don Parker motioned to accept financial report, Mike Cope seconded the motion, and motion was carried without opposition.

Heather Bohac presented the Watermaster report. Of the 746 wells IDWR is responsible for, at least 249 must be measured each year to meet protocol. In 2008, 253 sites were visited, slightly more than 1/3 of the 746 wells in WD110. Pump card returns were reviewed. The majority of users are returning pump cards, however, there are still some that are not reporting at all. Tim Luke discussed NOV's and gave a brief summary of the status of violators. He discussed the fact that PCC's are outdated and an inefficient way of reporting water usage. He feels mandates are needed to help get people to upgrade to more efficient ways of reporting. Metric was discussed as a possible method of reporting. Flowmeters have too many moving parts and break easily. No resolutions were reached regarding this matter as further research is needed before any action can be taken. Kirk Jacobs expressed the need for a reminder to be sent regarding pump card returns. People are more likely to send them back if they know we are keeping close track. Kirk wants to be kept informed of pump card information and Blake agreed to

send him the information. Tim Luke addressed "Resolution #18", which covers the procedure for shutting off water for non-payment. Tim Luke suggested sending a language specific letter to users that are delinquent. This could go out with the monthly statement. Heather then reviewed water levels. In 2008, we were at 43% capacity as compared to 65% so far in 2009. Objectives for 2009 are to re-visit diversions from 2006, re-visit diversions with questionable data, measure diversions missed in 2008, measure 9 new wells that were added in 2008, and investigate/re-measure systems from 2008 review. Questions about water use can be answered using WMIS (Water Management Information System). Don Parker motioned to accept the Watermaster report. Scott Clawson seconded the motion and the motion was passed.

Discussion then moved to Resolution review. Tim Luke presented the "Memorandum of Understanding" to the board and discussed the need for this document to be in place. It is a contract between IDWR and Water District 110 and outlines responsibilities of both parties. This can be signed at the WD 110 annual meeting. Don Parker moved to amend Resolution #4 to read: "The water users of Water District 110 hereby empower the elected advisory committee to enter into a Memorandum of Understanding between Water District 110 and the Director of IDWR that will provide for the following". A-E is then listed in the resolution. Don Parker moved to mail the MOU to the Advisory Board to review and also to present the proposed resolutions at the WD 110 annual meeting. Doug Frandsen seconded and the motion passed.

Proposed budget for 2009 was reviewed. Doug Frandsen motioned to increase budget to include Audit review for 2009. Darren Bitter motioned to accept the 2009 budget, with changes, Scott Clawson seconded and the motion carried.

Kirk Jacobs motioned to adjourn meeting and Don Parker seconded the motion. Meeting adjourned at 11:50.

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into by and between the Director of the Department of Water Resources, (hereinafter called the Director) and the water users of Water District No. 110, Hamer, Dubois, Mud Lake, Montevue, and Terreton areas, (hereinafter called Water District No. 110) acting through the Water District Advisory Committee.

WHEREAS, the statutes of the State of Idaho provide for the Director to have direction and control of the distribution of the waters of the state to those holding valid rights to the use thereto; and

WHEREAS, the Water District No. 110 authorized the Advisory Committee, as advisors to, and elected representatives of the water district, by resolution duly adopted at the February 11, 2009, annual meeting of the water users of the district to enter this memorandum of understanding continuing a cooperative program with the Director to provide watermaster services for Water District No. 110; and

WHEREAS, the Advisory Committee will, among other things, serve as advisors to the Director and the watermaster in matters relating to the administration and regulation of water rights, and measurement and reporting of water use within the district:

NOW, THEREFORE, the Director agrees to provide the following services to Water District No. 110, effective upon the execution of this memorandum of understanding and to continue to provide the services from year-to-year as herein provided upon election of an employee of the Department as watermaster and the adoption of a budget by the water users at the annual water district meeting authorizing expenditures in accordance with the purposes of this memorandum of understanding:

1) To provide watermaster services to Water District No. 110, as described in the adopted resolutions for Water District No. 110 for the period from the effective date of this memorandum until the end of any subsequent water district year as agreed to by the water users of Water District No. 110 at their annual meeting and the director of the Department. The adopted resolutions for Water District No. 110 is attached hereto and incorporated herein by this reference. Such watermaster services will be provided under the direction of the Director, in coordination with the regional manager of the Department's Eastern Region consistent with the provisions of Title 42, Idaho Code.

2) To provide any full time or part time employees as necessary for the water distribution operations of Water District No. 110 in accordance with its adopted budget.

3) To provide office space as necessary for operation of Water District No. 110 and to provide Department vehicles for use by full-time employees of the Department, to conduct Water District business, and to share the use of other Department equipment and facilities as are necessary to equitably administer, monitor, regulate and distribute the waters to the users within Water District No. 110.

WATER DISTRICT NO. 110 agrees as follows:

1) To pay the Department, in accordance with resolutions adopted at the annual water district meeting, sufficient funds to cover the costs of operations incurred in providing watermaster services to Water District No. 110 provided, however, that reimbursement for the watermaster shall not exceed the personnel costs and other costs incurred in conducting Water District No. 110 business and watermaster services. Indirect costs will be paid at the rate approved by the Department of the Interior Inspector General and current at the time of the water district annual meeting.

THE PARTIES mutually agree that:

1) Any person directly employed by the Department as a classified state employee, performing duties on behalf of Water District No. 110 under this memorandum, will only perform those duties as described in the adopted resolutions of Water District No. 110.

2) The director of the Department, or an employee(s) designated by the Director, and the chairman of the Advisory Committee shall consult annually prior to the end of the water district's fiscal year concerning the continuation of this memorandum and any need for modification of it.

3) This memorandum of understanding will continue from year to year and can be amended or terminated at any time by agreement of the director of the Department and Water District No. 110, on the recommendation of the Advisory Committee.

4) Nothing in this agreement will act to change, modify or release either party of any obligation or responsibility otherwise provided by contract or by law.


Water District No. 110

2/11/09

Date _____

Idaho Department of Water Resources

Date _____


Kirk Jacobs, Advisory Committee Chair
Water District No. 110

David R Tuthill Jr., Director
Idaho Department of Water Resources