

## **Notice of Meeting and Agenda Water District 130 Annual Meeting**

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**Tuesday February 1, 2022  
2:00 pm  
Jerome Public Library  
100 1<sup>st</sup> Ave E, Jerome Idaho**

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1. Call meeting to order (Chairman)
  - a. Welcome, introduction of Advisory Committee and Guests
  - b. Select meeting Chairman and meeting Secretary\*
  - c. Review minutes from the previous meeting\*
2. Break into Subdistricts
  - a. Report from Subdistricts as desired by members
  - b. Selection of Advisory Committee and Chair\*
3. Water District Report
  - a. Financial Report
  - b. Proposed Budget
  - c. Proposed Resolutions\*
  - d. Flow Meter Compliance
4. Other Business
5. Adjourn

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\*Items requiring a vote by members of the Water District

**WATER DISTRICT 130  
THOUSAND SPRINGS AREA  
2022 RESOLUTIONS**

The water users of the Thousand Springs Area Water District, designated as Water District 130, meeting at the annual district meeting on Tuesday, February 1, 2022 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 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.
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 Nathan Erickson, an employee of IDWR, or other employees of IDWR as may be necessary, to serve as the watermaster for the ensuing fiscal year or as otherwise provided in Idaho Code § 42-608(4) and the Memorandum of Understanding dated February 1, 2022.
3. Lynn Carlquist be elected Water District 130 treasurer. The duties of the treasurer will be to approve expenses, oversee disbursement of Water District funds, and to prepare or authorize a review of financial affairs of the district at the end of each fiscal year, in accordance with Idaho Code Section 42-619.
4. The budget for Water District 130 for the year beginning March 1, 2022 and ending on February 28, 2023, be as follows: Fifty-five Thousand Two Hundred Thirty One Dollars (\$55,231) for Watermaster duties, and Ten Thousand Ninety Two Dollars (\$10,092) for measuring and reporting of diversions not reporting to a subdistrict, for a total budget amount of Sixty-five Thousand Three Hundred Twenty-three Dollars (\$65,323). An itemized budget sheet is attached.
5. The Watermaster of Water District 130 is hereby authorized to collect the assessments of the Water District in accordance with Idaho Code § 42-616.
6. Given that the water district cost for administering water for many water users is greater than their normal assessments would be based upon their total annual use of water, it is resolved that pursuant to Idaho Code § 42-612 (5) the watermaster of Water District 130 is authorized to assess a \$25 minimum charge for watermaster services for water users within his or her jurisdiction.
7. In accordance with Idaho Code § 42-612 (6), the assessment amount for each individual user as shown in the annual adopted budget shall constitute a final determination of the amount due for that year. In the computation of assessments, the watermaster shall use a 5-year rolling average of diversions for each water user.
8. Water users in Water District 130 who are not reporting annual diversions to one of the sub-districts created herein shall report diversions directly to the watermaster of Water District 130. A separate annual fee will be charged by Water District 130 for direct measurement and reporting; this fee will cover costs of periodic evaluation and certification of the measurement device or other method (typically every third year), plus the cost of annual year-end data collection for the diversion.

Measurement and reporting fees will appear as a separate line-item charge on the Water District assessment statement. *Measuring and reporting charges paid either to a subdistrict or directly to Water District 130 will not be used to determine voting shares.*

9. An advisory committee shall be elected to provide input to the watermaster and the Director of IDWR. The number and composition of the advisory committee for the ensuing year shall total 12 seats as follows:
- 1 member of the North Snake Ground Water District;
  - 1 member of the Magic Valley Ground Water District;
  - 1 member of the Carey Valley Ground Water District;
  - 1 member of A&B Irrigation District;
  - 1 Basin 37 ground water irrigator
  - 2 ground water users holding commercial, industrial or municipal water rights;
  - 5 spring water users, with at least one representing Basin 37

Additional seats may be added to the committee in subsequent years depending on further revisions or expansions of the water district boundaries, to be determined annually. Each group represented will also select an alternate for each seat. Candidates will be voted on at caucus during the annual meeting. The advisory committee will meet as often as needed to address the structure, governance and operation of the district. Decisions or recommendations of the advisory committee must be made with at least 70% of advisory members present in favor.

10. The elected chair of the Advisory Committee for current Fiscal Year is Dean Stevenson. The water users of Water District 130 hereby empower the elected chairman of the advisory committee created herein to do the following as approved by the committee:

Enter into a Memorandum of Understanding between Water District 130 and the Department of Water Resources

Enter into a service contract between Water District 130 and any qualified party, in exchange for monetary compensation, as necessary and as authorized by the adopted annual budget.

Authorize and schedule external financial reviews as needed.

11. Water District 130 includes one or more ground water districts, irrigation districts, municipalities, or other geographical areas where the source of water or nature of water use is common among water right owners and users. Pursuant to the Order creating Water District 130, the following subdistricts are recognized within Water District 130:

- North Snake Ground Water District
- Magic Valley Ground Water District
- Carey Valley Ground Water District
- A&B Irrigation District
- City of Rupert
- City of Burley
- Thousand Springs Area
- Basin 37 Area

12. The sub-districts designated above may have employees or agents who measure and report diversions to Water District 130, 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.
13. The watermaster, working with the water district advisory committee, shall prepare a proposed budget prior to the annual meeting of the water users of Water District No. 130 in accordance with Idaho Code § 42-616, 42-612 and 42-605(A). It is resolved that the recognized costs of delivery of non-consumptive rights in Water District 130 shall be equal to one-half the approved administrative budget. Such costs shall be apportioned among non-consumptive diversions on a pro-rata basis.
14. Current year assessments shall be due to Water District 130 on or before April 1 of each year.
15. All payments for assessments not received by January 1 of the year following the billing date shall accrue penalties in the amount of 10% of the charge plus interest in the amount of 1% per month, as of the April 1 due date and as provided pursuant to Idaho Code Section 42-613 (4). It is resolved that the Watermaster is authorized pursuant to Idaho Code Section 42-613 (5), to withhold or suspend deliveries of water to any water user who has not paid their assessment charges by January 1 of the year following the billing date.
16. The annual Water District 130 meeting shall hereafter be held on the first 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.
17. The watermaster, deputy watermasters and watermaster assistants 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.

18. In the event that a vote by shares pursuant to Idaho Code § 42-605 (4), is requested during any annual meeting, a credentials committee will be assembled to determine the number of votes cast by individual water users or by subdistricts. The credentials committee shall be comprised of the following parties:

- a. the current Watermaster
- b. the assistant Watermaster or a representative from each subdistrict present at the meeting, which is authorized to measure and report diversions
- c. an IDWR representative

Any water user who is a member of either the North Snake Ground Water District or the Magic Valley Ground Water District, and who, in the event of a vote by shares at the annual meeting, wishes to vote his or her own shares, must notify the ground water district board and the water district in writing prior to the annual meeting. After all individuals have cast votes, any unvoted subdistrict shares may be cast by proxy by the Ground Water District Chairman as authorized under Idaho Code § 42-5224(7).

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into between the Department of Water Resources (the Department), and the water users of Water District No. 130, Thousand Springs Area (Water District), acting through the Water District Advisory Committee (Advisory Committee).

### Recitals

A. The statutes of the State of Idaho require the Director to have direction and control of the distribution of the waters of the state to those holding valid water rights within water districts created pursuant to Title 42, Chapter 6, Idaho Code.

B. On February 1, 2022, the Water District authorized the Advisory Committee, as advisors to, and elected representatives of the Water District, to enter into an agreement with the Department to provide the Water District with watermaster services.

### Agreement

The parties agree as follows:

1. The Department will provide the following services to the Water District:
  - a. Watermaster services as described in the Water District adopted resolutions and budget (Resolutions), attached, and incorporated by this reference. Such watermaster services will be provided consistent with the provisions of Title 42, Chapter 6, Idaho Code.
  - b. Any full-time or part-time employee(s) as necessary for the water distribution operations of the Water District in accordance with its adopted budget. Any persons directly employed by the Department as classified state employees, performing duties on behalf of the Water District under this MOU will only perform those duties as described in the Resolutions.
  - c. Office space as necessary for the operation of the Water District and 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 the Water District.
2. The Water District will pay the Department, in accordance with the Resolutions, sufficient funds to cover the costs of operations incurred in providing watermaster services. Reimbursement shall not exceed the personnel costs and other costs incurred in conducting Water District business and providing watermaster services. Indirect costs will be paid at the rate approved by the Cognizant Federal Agency and current at the time of the water district annual meeting.
3. This MOU shall take effect on the date when all parties have signed. This MOU shall automatically renew each year for five years, subject to the Water District adopting a resolution and budget each year providing funds for this MOU. The MOU can be terminated by written agreement of the Director of the Department and the Water District, on the recommendation of the Advisory Committee.

4. No waiver, modification, or amendment of this MOU or any of its terms is valid unless in writing executed by both parties.
5. Nothing in this MOU will act to change, modify, or release either party of any obligation or responsibility otherwise provided by contract or by law.
6. This MOU is executed in duplicate. Each of the two documents with an original signature of each party shall be an original.

The parties have executed this MOU on the date following their respective signatures.

State of Idaho

**IDAHO DEPARTMENT OF WATER  
RESOURCES**

322 East Front Street  
PO Box 83720  
Boise, ID 83720-0098

**WATER DISTRICT 130**

1092 S 2500 E  
Hazelton, ID 83335

\_\_\_\_\_  
**Gary Spackman**  
Director

\_\_\_\_\_  
 **Dean Stevenson**

Advisory Committee Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
2.1.2022  
Date

**WATER DISTRICT 130**  
**FINANCIAL REPORT AND BALANCE SHEET FY2021**  
**February 1, 2022**

Beginning Cash Balance March 1, 2021	\$20,181.14
Total Bank Deposits March 1, 2021 to December 31, 2021	<u>\$65,115.34</u>
	\$85,296.48
Total Payments to IDWR	- \$22,178.70
Misc payments, refunds, bank charges	- \$10.47
Total Due to IDWR Jun 2021 - Dec 2021	- \$39,789.90
Cash on hand February 1, 2022	<u>\$23,317.41</u>
Expected due to IDWR Jan 2022 - Feb 2022	- <u>\$10,000.00</u>
Estimated balance March 1, 2022	\$13,317.41
Measurement and Reporting Estimated carryover for 2021	\$1,200.00
Water District Administrative Estimated carryover for 2021	\$12,117.41



**WATER DISTRICT 130**  
**BUDGET 2022**  
February 1, 2022

***Administrative Charges for all diversions***

Watermaster Services		\$55,231
Watermaster	500 hours	
Assistant Watermaster	400 hours	
Estimated 2021 Carryover	\$12,117	
<b>Recommended Administrative Assessment</b>		<b>\$55,231</b>

***Measuring and Reporting Charges for non-subdistrict only***

Watermaster Services	150 hours	\$8,367
Clerical Staff	50 hours	\$1,725
<i>Measuring and Reporting Subtotal</i>		\$10,092
Estimated 2021 Carryover	\$1,200	
<b>231 POINTS @ \$40</b>		<b>\$9,240</b>
<b>Recommended M &amp; R Assessment</b>		<b>\$9,240</b>

**Total 2022 Budget** **\$65,323**

**Total 2022 Assessment** **\$64,471**

# **WATER DISTRICT 130 COST APPORTIONMENT FOR 2022**

## **PROPOSED ADMINISTRATIVE ASSESSMENT-**

**\$55,231**

## **Consumptive diversions =**

**\$27,616**

	<u>Total Avg AF</u>	<u>No. users</u>	<u>No. pods</u>	<u>Aggregate Share</u>	
WD130 Reporters	46,849	96	182	\$2,400	*
WD130 Small Users		111		\$2,775	*
A&B Irrigation District	167,172		190	\$5,890	
City of Rupert	4,693		26	\$165	
Magic Valley GWD	200,457		480	\$7,063	
North Snake GWD	173,060		855	\$6,097	
North Snake GWD Small Users		129		\$3,225	*
	592,231		1733	\$27,616	Cost/AF
					\$0.0352

\*Aggregate share for WD 130 non subdistrict reporters and small users was calculated by assessing each user the \$25 minimum.

## **Nonconsumptive diversions =**

**\$27,616**

	<u>Total Avg AF</u>	<u>No. users</u>	<u>No. pods</u>	<u>Aggregate Share</u>	
WD130 Non consumptive	2,977,092		49	\$27,616	Cost/AF
					\$0.0093

**Total Average Diversions: 3,569,323 acre-feet**

**Total PODs: 1782**

**Total number of diversions reporting to WD 130: 231**

**Anticipated measurement charge for non-subdistrict diversions: \$40.00**

**\$9,240.00**

Water District 130 Annual Meeting  
Tuesday February 1, 2022  
Sign In

Warren Linton

Ryan Telford

Perry Candy

Wendy Stouffer

Joey Wallace

Bryan Rytel

Benton Palmer

Lynn Carlquist

Jim Danaher

Ray Huggins

Tom Van Tassel

Meribeth Lomkin

Craig E. Clark

Jim RIZUMOND

Maryellen Zeise

Joe G. VAHADO

Helaman Brigham