

3 Feb 2022

140 Water District Annual Meeting

Elections

Motion for election of meeting chair: Mike Cranney

- Randy Brown 1st
- Gary Fowler 2nd

Motion to accept Ryan Shurtliff as secretary

- Randy Brown 1st
- Brent Stoker 2nd

Adam read 2021 minutes from 2021 annual meeting.

Motion to approve minutes

- David Picket 1st
- Craig Searle 2nd

Advisory committee met and reviewed the bylaws

Adam presented water master report for 2021.

2021 Budget:

Assessment summary total budget \$82,290

Only one delinquent assessment - \$25

Jaxon presented account summary for 2021

- Mar-Feb Fiscal year
- \$5539.9 remaining for water master duties.
- Legal & Accounting. -\$3216.25 -over by \$716.25
- Randy Brown now president of water users association.
- Balance \$25451.83 approx. \$20,000 carry over.
- Don Picket - \$23426 should be the balance not \$25451.83
- Slightly less than \$20,000 carry over.

Jaxon presented water Report.

-Will add water level for albion basin for next year

-Water levels:

- Newcomb cellar - down 3ft jan to jan
- Searle Abandoned – down 7ft jan to jan
- Drakos – down 7.5ft jan to jan
- 1600S Critchfield – down 8ft jan to jan
- New deep Critchfield – down 10ft jan to jan
- Department well – down 4ft nov to nov
- Cotton wood – down 9ft
- CCD2 was coming up – down 18ft
- All of ESPA dropped from 19-20ft but our valley stayed up.
- Picket desert well up 6ft jan to jan.
- Funk well heavily influenced by lake down 9ft jan to jan
- Skunk well – down 2.5ft jan to jan

RECEIVED
MAY 19 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

Snow pack median change.

- 1991-2020

- Snow pack is good in upper snake

Reservoir levels:

- This year we are 42% full in reservoirs

- We could use a couple more storms to fill reservoirs

- We do have more soil moisture

- We could use some in-season precipitation.

- Randy – If everything melted off we would be approx.. 1 million AF short.

 - We did some cloud seeding in the upper snake

 - But south hills are not high enough.

Resolutions:

- Because of the change to subdistricts, we had to re-arrange where members of the advisory members are from.

- Adam will remain as water master.

- Ty Beck will be the new treasurer

 - Craig will remain second treasurer for signing checks

- Water master will now collect the money/deposit checks

- Advisory committee member changes

 - subdistrict members were removed.

 - Review of new committee members

 - Aaron Hepworth – new magic valley members

 - Brian Bartlett – New McCain

- Budget will remain the same

- Motion to approve the resolutions

 - David Pickett 1st

 - Brent Stoker 2nd

“Blackfoot bunch” are they going to be shut off their wells? Pump surface water and cut us out of the ability to get surface water?

Domestic wells should be adjudicated – perhaps a \$50-100 assessment for domestic wells. 13000 gal a day is ridiculous.

IDWR – Nathan Erickson and Corey King nothing new to report.

Don Pickett- our district doesn't need an annual financial review but I would suggest we continue to do so for our own protection.

Motion to continue with the annual financial review

- David Pickett 1st

- Russell Patterson 2nd

Motion to adjourn

- Mike Cranney 1st

- Randy Brown 2nd

140 Advisory Committee Meeting

Jaxon presented Resolutions.

- Don Picket has resigned as treasurer.
- Poulsen Vanleuven were going to collect the funds.
- Ty Beck will be the treasurer, write checks, and keep track of payments.
- Resolution 8. Change "Expenses" to "Assessments".

Names have been put on everyone in the resolutions. That way you only have to adopt the "resolutions", you don't have to vote on everyone individually.

Proposed budget will be the same.

Collection of funds will be done by water master.

Updates to members of advisory committee.

- One open space for MVGWD
- One person from McCain.

Motion to accept the advisory committee changes

- Randy Brown 1st
- Brent Stoker 2nd

Subwater districts were changed so 140 doesn't have responsibility for them. Subdistricts are now water districts that report directly to IDWR.

Review of annual meeting presentation.

- in-season precipitation determines how much water we have to use.
- Water levels have had a steep decline.
- Snow pack drops 1-2% a day as we don't get moisture.
- 4-5yr ground water increase to 7yrs of down.
- There are wells we haven't pumped since 2009.

motion to adjourn

- brent stoker 1st
- Gary Fowler 2nd

Water District 140

2022 Assessment Breakdown

2022 ASSESSMENT

Sub Name	AVG DIV	Cost Pre-Minimum	% of Total	Cost Pre-Minimum	Final Cost	Minimum
MAGIC VALLEY GROUND WATER DISTRICT	18,569.42	\$9,791.15	11.4%	\$ 9,791.15	\$9,736.34	\$0.00
SOUTHWEST IRRIGATION DISTRICT	108,176.21	\$57,038.39	66.3%	\$ 57,038.39	\$56,719.07	\$0.00
CITY OF BURLEY	5,232.42	\$2,758.91	3.2%	\$ 2,758.91	\$2,743.47	\$0.00
GOOSE CREEK IRRIGATION DISTRICT	14,606.23	\$7,701.47	9.0%	\$ 7,701.47	\$7,658.35	\$0.00
Non-Sub	16,538.06	\$8,720.07	10.1%	\$ 8,720.07	\$8,577.77	\$575.00
	163,122	\$86,010.00	100%	\$86,010.00	\$85,435.00	\$575.00

Total Budget: \$86,010
 Cost/AF: \$0.527
 Minimum Charges: \$575
 Diversion minus Minimum Charge: \$85,435
 AF from Min Charge: 178
 New AF: 162,944
 Final AF Cost: **\$0.5243**

Total Assessed 2022': **\$86,010.00**

**Water District No. 140
Oakley Valley Area
2022 Resolutions**

The water users of Water District No. 140, meeting at a special district meeting on February 3, 2022 at the Burley City Hall, Burley, Idaho, HEREBY ADOPT THE FOLLOWING RESOLUTIONS:

1. The watermaster shall perform the duties as required by Chapter 6, Title 42, Idaho Code and in accordance with the following:
 - a. The duties described in the Final Order Creating Water District No. 140 signed by the Director of IDWR, December 28, 2006, including:
 - 1) Assure that water uses are in compliance with Idaho water law;
 - 2) Administer and enforce water rights in order of priority, and curtail out-of-priority diversions under ground water rights in Water District No. 140 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;
 - 3) Measure, record and report flows under the water rights and diversions in the district, in accordance with requirements established by IDWR.
 - 4) Curtail unauthorized or excessive diversions (i.e., any diversion without a water right or in excess of the elements or conditions of a water right);
 - 5) Enforce the provisions of any stipulated agreements or mitigation plans approved by the Director and applicable in Water District No. 140.
 - b. Work with sub-district watermasters and advisory committees to assure that the duties described above in item 1a. are carried out in local sub-districts.
 - c. Direction and guidance provided by the Director of IDWR, including but not limited to, general guidelines as provided in the IDWR Watermaster Handbook.
 - d. The annual water district resolutions as adopted herein.
2. That Water Well Consultants, Inc. (WWC) elected to provide the watermaster services for Water District No. 140 and that the Director appoint Adam McCoy or other employees of WWC as may be necessary, to serve as the watermaster for the ensuing year.
3. As provided in Idaho Code 42-608(4), the watermaster's term of service shall begin upon annual meeting election and continue until the next annual meeting or until a successor may be appointed.
4. The water users of Water District No. 140 hereby empower the duly elected Chairperson of the Water District No. 140 Advisory Committee created herein to enter into a Memorandum of Understanding between Water District No. 140 and WWC (Adam McCoy) that will provide the following:
 - a. Water District 140 will assume full responsibility for all expenses of the district incurred following the 2022 water district annual meeting. WWC will provide full-time or part-time employees as necessary for watermaster duties during the dates of service as identified in Resolution #3, and pursuant to the adopted budget.

- b. WWC (Adam McCoy) may appoint other employees as necessary to perform measurement and reporting of diversions within the water district that are not within a sub-district and/or heretofore have not measured or reported flows. Such employees will work directly under the supervision of the watermaster.
 - c. The water master shall maintain an office for the ensuing year at 355 West 500 South, Burley, ID.
5. Water users in Water District 140 who are not reporting annual diversions to one of the sub-districts created herein shall report diversions directly to the watermaster of Water District 140. *Measuring and reporting charges paid either to a subdistrict or directly to Water District 140 will not be used to determine voting shares.*
6. The itemized budget for Water District 140 for the fiscal year 2022 beginning March 1, 2022 and ending on February 28, 2022, be as follows: Five Thousand Dollars (\$2,500) for legal and accounting fees, Two Hundred Twenty Dollars (\$220) for Idaho Water User's membership dues, One Thousand dollars (\$1,000) for travel expenses and conference registration fees associated with Idaho Water User's meetings, Twenty-Nine Thousand Two Hundred Fifty Dollars (\$29,250) for Watermaster Duties, and Fifty-Three Thousand Forty Dollars (\$53,040) for measuring and reporting of diversions that are required to be measured and reported pursuant to an order of the Director of IDWR and that are not reporting to a sub-district.
7. Ty Beck be elected Water District 140 treasurer. The duties of the treasurer will be to approve expenses and disburse Water District funds, and to prepare or review a written statement of financial affairs of the district at the end of each fiscal year, in accordance with Idaho Code Section 42-619, and to authorize a periodic formal review of the financial affairs of the district as is determined necessary.
8. In accordance with Idaho Code § 42-618, the Watermaster of Water District 140 is hereby authorized to collect the **assessments** of the Water District directly from the water users or from the subdistricts. The Watermaster will make an assessment to each individual water user, or, in aggregate to each subdistrict, in pro-rata amounts as determined by the budget which is formally adopted at the annual meeting. All funds shall be deposited in a separate bank account maintained by the Water District.
9. 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 the watermaster of Water District 140 is authorized to assess a \$25 minimum charge for watermaster services for water users within his or her jurisdiction.
10. The watermaster shall prepare assessments for the 2022 budget after the water users present at the 2022 annual meeting have formally adopted the budget. The advisory committee recommends that the 2022 assessments be due to Water District 140 on or before April 15, 2022 so that there will be sufficient funds early enough in the year to accommodate the expenses of the water district.
11. All payments for assessments not received by May 1, 2022 shall accrue penalties in the amount of 10% of the charge plus interest in the amount of 1% per month, with a minimum of \$20, as provided pursuant to Idaho Code Section 42-617.
12. It is resolved that the Watermaster is authorized pursuant to Idaho Code Section 42-618, 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.

13. 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:

- 3 members of the Southwest Irrigation District;
- 2 members of the Goose Creek Irrigation District;
- 2 members of the Magic Valley Ground Water District ;
- 3 non-irrigation ground water users (1 from municipal, 1 from industrial, 1 from dairies);
- 2Basin 45 ground water irrigators not in Southwest or Goose Creek Irrigation Districts or Magic Valley Ground Water District.

Each group represented may 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 50% of advisory members present in favor

14. The Water District No. 140 annual meeting shall hereafter be held on the first Thursday of February of each year unless the Director of IDWR should find it necessary to change the meeting date or unless changed by future resolution of the District at any annual meeting. An agenda for the annual meeting shall be prepared 14 days prior to the annual meeting by the advisory committee and posted to the IDWR water district web site. Copies shall be mailed to all advisory committee members.
15. Copies of the Minutes of the annual meeting, all approved resolutions, and any report prepared in accordance with Idaho Code 42-615, shall be filed with the Director of the IDWR in accordance with Idaho Code 42-617.
16. The watermaster 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.
17. The Water District No. 140 watermaster and any watermaster assistants are authorized as appointed agents 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 their duties as instructed by IDWR. These duties include but are not limited to:
- a. Monitoring diversion and measuring rate and volume of water diverted from surface and 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 of water and report to IDWR.
18. The Advisory Committee shall make available any proposed resolutions or budget at least fourteen (14) days prior to the annual meeting. This shall not preclude any water right owner from proposing any new resolution or proposing changes to resolutions at any annual meeting.
19. Water District 140 includes one or more water districts, 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. Since 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:

- Magic Valley Ground Water District (B45 portion)
 - Southwest Irrigation District
 - Goose Creek Irrigation District
 - City of Burley
21. In order to provide greater representation for ground water users in the district, Water District 140 will participate in Idaho Water Users Association and provide budgeted funds for annual membership dues and travel funds for one (1) representative to attend the Idaho Water User's annual convention and other associated meetings.