

Water District 120 Annual meeting minutes

Snake River Motel
Blackfoot Idaho
April 22, 2002

The meeting convened at 2:10 p.m.

Karl Dreher, director of Idaho Department of Water Resources, provided background about the formation of the water districts and stipulated agreements that signed last November. He explained that, under Idaho law, as director of IDWR, he is authorized to divide the state into water districts to distribute water among appropriators whose water rights have been adjudicated. He further explained his authority to administer those water rights not adjudicated is granted by the Snake River Basin Adjudication Court on an interim basis when it is deemed necessary to protect senior water rights.

On August 3, 2001 in the midst of a two-year drought (now in its 3rd year), the director established the American Falls Ground Water Management Area and the Thousand Springs Ground Water Management Area. In establishing the ground water management areas, the director stated his intent to curtail diversions under certain junior groundwater rights that cause significant depletion to hydraulically connected surface water sources. Over 90,000 irrigated acres within 3 to 6 miles of the Snake River from Bliss to Twin Falls and from Rupert to Blackfoot, Idaho faced possible curtailment.

On August 31, 2001 representatives from both junior priority groundwater users and senior priority surface water users advised the director that agreements in principal had been reached between the two groups. The agreements are intended to prevent curtailment of junior water rights and require ground water users to provide replacement water to senior surface water users for the next two irrigation seasons equaling the proposed amount of curtailment water.

After August 31st, the designated representatives from both ground and surface water users entered into three detailed stipulated agreements that the director approved. Under the agreements, senior surface water users agreed not to exercise their priority rights against junior ground water users in exchange for commitments by the groundwater districts to provide specific quantities of replacement water during the two-year period covered by the stipulated agreement. If unable to provide replacement water, junior ground water users agreed to reduce diversions in an equal amount.

Those reductions are based on a percentage for each ground water management area. In the two groundwater districts north of Twin Falls, a 10% reduction in acreage or electrical usage based on water diverted will be implemented if replacement water is not provided, resulting in approximately 20,000 acres not being irrigated. In the three groundwater districts north of American Falls Reservoir, a 15% reduction in acreage or electrical usage will be implemented if replacement water is not provided, affecting approximately 52,000 acres.

Lynn Tominaga, executive director of the Idaho Ground Water Appropriators, Inc, explained the formation of the steering committee that helped develop recommendations to the department regarding the formation of the water districts and their administration. He then outlined the four items of business to be undertaken at this meeting that included:

- 1) Election or appointment of a temporary chairman and secretary.
- 2) Election of a water master.
- 3) Approval of resolutions to operate the WD 120 between now and the next annual meeting.
- 4) Election of advisory committee and its members

Nominations were opened for a temporary chairman and secretary. Don Hale moved that Tim Luke be elected temporary chairman. The motion was seconded and passed on a voice vote. Tim took control as temporary chairman of the Water District 120 meeting.

Bill Taylor nominated Lynn Tominaga as temporary secretary for the meeting. The motion was seconded and approved on a voice vote. Lynn began recording the minutes.

In the next order of business, the membership reviewed and approved the resolutions submitted by the department relating to the formation and administration of the water district. The membership elected to review all the resolutions at the same time.

Steve Howser moved to accept the resolutions as amended. Dane Watkins seconded. The motion passed on a voice vote. (see attached copy of adopted resolutions)

The next order of business was the election of the Advisory Committee and its members. Tim explained that the steering committee's recommendation was for the advisory committee to have nine members. He further explained two ways to elect the advisory committee. The entire membership could vote on the advisory committee's make up OR the membership could take recommendations from each sub-district that would make up the advisory committee.

After lengthy discussion, Steve Howser moved and it was seconded by Don Hale that a 15 minute caucus be held so the sub-districts could decide on the members from each sub-district. Motion passed on a voice vote. The membership recessed at 4:15. Tim reconvened the annual meeting at 4:35 p.m.

Sub-district 1 nominated Tim Deeg, Kevin Michaelson, and Ray Duffin as members of the advisory committee and Richard Maier as the alternate.

Sub-district 2 nominated Scott Clawson, Gaylon Van Orden, and Craig Evans as members to the advisory committee with Neil Powell as the alternate.

Sub-district 3 nominated Bill Taylor, Dane Watkins, and Walter Gay as members of the 120 advisory committee with Stephanie Mickelson as alternate.

After some discussion, it was moved by Don Hale and seconded by Neil Powell, to accept the caucus recommendations as the members of the advisory committee for WD 120. Motion passed on a voice vote.

The meeting adjourned at 5:15 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lynn Tominaga", written in a cursive style.

Lynn Tominaga
Temporary Secretary

Water District 120 Annual Meeting Adopted Resolutions

The water users of water district 120 meeting at the annual district meeting on April 22, 2002, at the Riverside Inn in Blackfoot, Idaho, 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:
 - 1) The duties described in the Final Order Creating Water District 120, signed by the Director of the Idaho Department of Water Resources (IDWR), February 19, 2002, including:
 - a) Curtail illegal diversions;
 - b) Measure and report the diversions under water rights;
 - c) Enforce the provisions of the stipulated agreements approved by the Director, and;
 - d) Curtail out-of-priority diversions 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.
 - 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. The Idaho Department of Water Resources be elected to provide the watermaster services for Water District 120. That the Director of IDWR appoint Lewis Rounds, 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 throughout the entire year after election at this meeting and upon appointment by the Director.
4. The water users of Water District 120 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) Compensation of the watermaster and all related water district expenses for 2002 and 2003 shall be provided by IDWR if the district elects IDWR to provide the watermaster services and allow the Director of IDWR to appoint an employee of IDWR as watermaster.
 - b) There shall be no set budget or collection of budget for Water District 120 for the ensuing year, nor shall there be any necessity for the election and appointment of a district treasurer for the ensuing year.
 - c) The watermaster shall maintain an office for the ensuing year within the IDWR Eastern Regional Office, located in Idaho Falls, Idaho.

- d) IDWR will provide office space, vehicles and the use of all necessary office and field equipment, and other necessary watermaster expenses. This arrangement shall not give Water District 120 any ownership interest in any IDWR office space and equipment.
 - e) IDWR's commitment is limited to providing one (1) full-time employee (FTE) for watermaster duties over the ensuing year, but the sub-districts created herein are expected to fund, at their own expense during 2002 and 2003, personnel and equipment necessary for measurement and reporting of diversions within the sub-districts.
 - f) Water District 120 will assume full responsibility for all expenses of the district starting in year 2004.
- 5. Diversions in Water District 120 that are not already measured by one of the sub-districts created herein shall be measured directly by the water district in the ensuing year but assessed for measuring and reporting through the ESPA East Water Measurement District.
- 6. Water District 120 includes one or more ground water districts, irrigation districts or other geographical areas where the source of water or nature of water use is common among water right owners and users. Since ground 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 committee, may provide for sub-districts as he finds appropriate. The director therefore recognizes and provides the following sub-districts:
 - 1) Aberdeen-American Falls Ground Water District
 - 2) Bingham Ground Water District
 - 3) Bonneville-Jefferson Ground Water District
 - 4) ESPA East Measurement District (see resolution no. 5 above)
- 7. The sub-districts designated above may have employees or agents who measure and report diversions to IDWR, 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 120. 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 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 from sub-districts 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) Sub-districts 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 and the Director of IDWR.

8. WHEREAS, the water district meets in regular annual session, as provided by state law, and;

WHEREAS, an advisory committee may 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, and;

WHEREAS Idaho Code 42-605 provides for voting by water users and election of an advisory committee, the water users of Water District 120 hereby resolve that the credentials for voting in any district meeting and for serving on the district advisory committee will be as follows:

The advisory committee shall consist of 9 members, of which no more than 3 of these shall represent non-irrigation water users.

Must be a water user of the district as evidenced by a valid water right or an assessment for water delivery the previous year.

Must have paid all assessments owed to the water district.

9. It is of benefit to all the users in the district to enter the 2004 water district meeting and season with adequate funds to assure the complete operation of the district in 2004. Therefore, the water district intends to adopt a budget at both the 2003 and 2004 annual meetings sufficient to cover the full estimated expenses of the water district in 2004. The water district advisory committee, working with the watermaster, shall develop recommendations for presentation at the 2003 annual meeting regarding methods for assessment and collection of a budget for the 2004 fiscal year. Such recommendations should consider methods that avoid duplication of assessments to water users from the water district and the various sub-districts, and consider further one assessment from the water district to each of the sub-districts based on the pro-rata share of water use from individual water rights within each sub-district to the total water use in the district.

The sub-districts created herein are encouraged to include estimated water district expenses in their upcoming budgets to cover expenses of the water district in 2004, and that remittance of assessments to the water district for the 2004 district budget be made on or before dates established by the district at the 2003 and 2004 annual water district meetings.

10. The annual Water District 120 meeting shall hereafter be held on the second Monday 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.
11. 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.
12. The watermaster of Water District 120 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.
13. The watermaster and assistant watermasters are authorized 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. 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.