

Water District 120
Annual Meeting Minutes
Riverside Inn-Blackfoot
Feb. 10, 2003

The annual meeting of Water District 120 commenced at 2:15 p.m. Lewis Rounds opened the meeting asking for nominations for a temporary chairman and secretary. Neal Powell moved that the district elect Tim Deeg as temporary chairman and Terry Klipfel as secretary. Kevin Michaelson moved that nominations cease. Dane Watkins seconded the motion and a unanimous ballot was cast.

Tim Deeg told members that meeting notice was given to all water right holders as required by Idaho Code. He further explained the purpose of the meeting and gave a brief overview of the voting process, stating the district generally votes one man, one vote unless objections are filed. Tim also gave a brief definition of a Water District.

Tim Deeg asked Terry Klipfel to read the minutes from the last annual meeting. Dane Watkins made a motion to accept the minutes as read. Neal Powell seconded the motion. The motion passed without dissent.

Tim Deeg opened a discussion on proposed resolutions. Lewis said resolutions were basically the same as last year with changes noted by italics or underlines. After reading the resolutions, Lewis explained changes. Resolution #4, b allows for the appointment of a treasurer. Stephanie Mickelson moved to change the word "bills" in resolution 4b to read "assessments". Kevin Michaelson seconded the motion and a unanimous ballot was cast.

Ron Carlson expressed some concern over the order of the resolutions saying it pre-supposes some items. After discussion, members decided to proceed leaving the order the same. Advisors will address the issue at a later date should they deem it necessary.

Lewis talked about resolution 8, explaining the need for additional advisors with the inclusion of basins 25, 27, and 29 in the near future. He said the resolution also provides criteria for the make-up of the committee. Neal Powell said the assembly should note that advisors discussed the need for a representative from municipal or industrial use. Stephanie Mickelson moved to have the word "may" in resolution 8 changed to "shall". Neal Powell seconded the motion and it passed without dissent.

Discussion returned to resolution #4, f. Todd Lowder made a motion to change the word "after" to "on". Neal Powell seconded the motion and it passed unanimously. Ray Duffin moved to add the specific date (second Monday of February, 2004) to #4, f. Stephanie Mickelson seconded the motion and it passed unanimously.

Lewis told members that resolution #10 is new. He suggested the need for an additional paragraph stating "Also be it resolved that fiscal year 2004 assessments for WD120 will be payable and due by January 31, 2004 (per Tim Luke's earlier request). Dane Watkins

made a motion to specify the actual fiscal year beginning and end in paragraph 5 of resolution #10. Gaylen Van Orden seconded the motion and it passed without dissent. Resolutions 11-14 are the same as last year.

Before ending discussion on resolutions, Lewis explained that a new resolution would be necessary. This resolution 15 would read "Whereas some small diversions would have regular assessments less than amounts required by WD120 to maintain their accounts, be it resolved that WD 120 will have a minimum charge of \$30.00 on years assessments are sent. Craig Evans made a motion to add the word "when" after "on years". Scott Clawson seconded the motion and it passed unanimously.

After discussion of all resolutions, Tim Deeg asked for a motion to accept the resolutions with the noted changes. Neal Powell made a motion to accept the resolutions. It was seconded by Kevin Michaelson and passed without dissent.

Tim Deeg explained the advisory committee now allowed for eleven members. He further explained that not all would have to be added now. Tim suggested recessing for a period of 15 minutes to meet in sub groups to determine advisory committee recommendations. Dane Watkins made a motion for members to meet in subgroups. Gaylen Van Orden seconded the motion and it passed unanimously. The meeting reconvened 15 minutes later to consider recommendations. The following were recommended for the advisory committee for Aberdeen American Falls GWD: Tim Deeg, Kevin Michaelson, Ray Duffin, and Richard Meyer (municipal user). Bonneville Jefferson GWD: Bill Taylor, Stephanie Mickelson, and Dane Watkins. Bingham GWD: Walter Gay (industrial use), Craig Evans, Scott Clawson, Gaylen Van Orden, and Neal Powell as alternate. Dane Watkins made a motion to accept the advisory committee as recommended. Scott Clawson seconded the motion and it passed unanimously.

Lewis gave the Water District 120 activities report. He spoke briefly of curtailment letters and responses, expected dates of director's reports, and talked about unauthorized diversions. He discussed the measurement program. He said the department was working to provide "stand alone" copies of WMIS to ground water districts and explained results of measurements. In general, power records show a slight reduction of power and water use in the south, and a slight increase in the north. There was some discussion of ground water opt outs. Lewis said that persons having opted out of a ground water district can be reinstated, but directors can decide not to let them return.

Lewis presented slides of the Snake Plain Aquifer that demonstrate how aquifer levels have changed over the years. Lewis said that half of the depletion of the aquifer for the last 20 years took place last year during the drought. Slides were also presented showing reservoir levels, snow pack levels, and how those levels compare to average. When asked how things look compared to last year Ron Carlson said the situation is approximately the same.

Tim Deeg gave an update on replacement water. He explained they were required to provide 28,500 acre-feet of water under the stipulated agreement. This year he said they

were able to obtain water from FMC and Falls Irrigation to meet the obligation. Tim said they would need approximately 18,000 acre-feet to meet the obligation this year. Last year Mitigation Inc. said they could make up the balance of the obligation up to 20,000 acre-feet, but have been unwilling to commit this year. Tim said he has been charged to find water to meet the agreement no matter what the cost, emphasizing that expensive water hurts budgets. Tim said Ron Carlson is working on a plan that should provide water to ground water users on a consistent basis.

There was more discussion on the stipulated agreement and troubling features with the reduction plan. Ron Carlson emphasized the importance of negotiating new agreements based on new technology and new information provided by the water model. Neal Powell asked what the schedule for re-negotiation is and Tim said the plan is to have a new agreement in place before the old agreement lapses. Tim said we shouldn't be obligated for drought situations that affect their water. One member expressed concern over curtailment should it occur, asking which areas would be impacted. Tim Deeg said that coming up with 18,000 acre feet short is a worse case scenario, but the district needs to discuss and plan a strategy should it occur. Despite changes in the aquifer showed by Lewis on the slides, Steve Howser said it is important to remember that change is not entirely due to ground water users. It is important to account for input and all change not related to wells.

Tim Deeg asked Ron Carlson to give an overview of his plan. Ron gave a great deal of historical background. Under this plan, storage water would be made available to ground water users. The plan would make any carry over of storage water available for re-distribution. Distribution of the storage water and prices of that water would be determined by a formula. Ron said this plan would take care of the problem of hunting for water. He said most likely, canal managers (primarily those from Firth to Twin Falls) would serve on the Rental Pool Committee. They would look at the process, its downsides, monitor it through the summer, modify procedures to provide a Global Rental Pool, and seek approval for the plan. Ron talked about benefits of the plan to ground water users and said there was good interest in the proposal.

In closing, Ron talked about re-charge, referring to the slides of the aquifer, stating that the aquifer is really much more responsive than we have assumed in the past. If we look at the entire picture and have some good water years, you will find the aquifer is quite stable.

Tim Deeg thanked Ron for presenting his proposal. There was no old or new business. Neal Powell made a motion to adjourn and Kevin Michaelson seconded the motion. The meeting adjourned at 4:45 p.m.

Respectfully submitted,

Terry Klipfel
Temporary Secretary

**Water District 120 Annual Meeting
2003 Resolutions**

The water users of water district 120 meeting at the annual district meeting on February 10, 2003, 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, appointment a district treasurer for fiscal year 2004 will occur during a regular or special meeting of the advisory committee of Water District 120 before assessments from the water district are sent.

- 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 on the second Monday of February, 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 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, 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 11 members, of which no more than 3 of these shall represent non-irrigation water users. And be it further resolved that when available there shall be at least three committee members from both the Aberdeen-American Falls Ground Water District and the Bingham Ground Water District and at least two committee members from the Bonneville-Jefferson Ground Water District.

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. BE IT RESOLVED that the Water District 120 budget will be approved for a fiscal year starting December 1 and ending November 30.

10. WHEREAS, it will be necessary for Water District 120 to be self-sufficient and responsible for all cost incurred beginning the day after the annual meeting of Water District 120 held on the second Monday of February 2004, and,

WHEREAS, The fiscal year of Water district 120 and the annual meeting date for the water district are not on the same day, and,

WHEREAS, multiple bills from both water districts, ground water districts, and water measurement districts can be confusing to some water users.

BE IT RESOLVED that the fiscal year 2003 budget for Water District 120 will be for zero (0) dollars as outlined in resolution 4, and

BE IT FURTHER RESOLVED that the budget for fiscal year 2004 (beginning December 1, 2003 and ending November 30, 2004) be set at this annual meeting as follows:

Expenses	WD 120 Admin.	WD 120 meas.	TOTAL
IDWR Contract	70,000	30,000	100,000
Report/Office Supplies/Mailings	2,000	4,000	6,000
Auto/Travel Expenses	1,000	1,000	2,000
Misc. Equipment	4,000	2,000	6,000
Meeting Expense	1,000	3,000	4,000
Totals	\$78,000	\$40,000	\$118,000

ALSO BE IT RESOLVED that fiscal year 2004 assessments for Water District 120 will be payable and due by January 31, 2004.

BE IT FURTHER RESOLVED that the advisory committee of Water District 120 has the power to reduce but not increase the amount collected and paid to the water district in the event that unforeseen circumstances dictate such an action.

11. 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.
12. 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.

13. 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.
14. 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.
15. WHEREAS some small diversions would have regular assessments less than the amount required by the Water District to maintain their account,

BE IT RESOLVED that Water District 120 will have a minimum charge of \$30.00 on years when assessments are sent.