

Water District 100
Annual Meeting
2/27/2007

Tim Luke, IDWR, called the meeting to order at 2:11 pm. Others in attendance were Ernie Carlsen (IDWR), Wendy Murphy (WD1), Val Schwendiman, Dale Swenson (Fremont Madison), John Millar (City of Rexburg), Kirk Mackert, and Jeff Raybould.

Tim gave an introduction regarding the creation of the district indicating Karl Dreher former director of the Department of Water Resources created the district December 29, 2006. A steering meeting was held 1/31/2007 to work on resolutions and meeting notices were mailed to water right holders within the district. All areas on the ESPA are now in a water district. There is the potential Water District 100 will be expanded in the future to include the Rexburg Bench. The district currently consists of 70-75 measured diversions; about 200 water rights; with total diversions in the district of approximately 170 including the small diversions. (This excludes water rights with just domestic or stock). He then presented the duties and requirements of the Watermaster. IDWR is proposing offering the Watermaster services for free for the first two years of this district.

Dale Swenson nominated Jeff Raybould for meeting chairman, John Millar seconded the motion and the motion carried. Dale Swenson then nominated Wendy Murphy as meeting secretary, Val Schwendiman seconded and the motion carried.

Jeff asked Ernie Carlsen to go over the presented resolutions. Ernie gave a brief overview of each of the resolutions. He also indicated WD100 would have a web site through the IDWR web site where meeting minutes and resolutions could be found. John Millar moved to have a minimum charge of \$25; Dale Swenson seconded this motion and the motion carried.

Jeff entertained a motion for accepting the resolutions. John Millar asked the numbering be corrected, and Tim Luke said resolution #8 should be amended to read, "Be it resolved". John Millar moved to accept the resolutions as corrected, and Val Schwendiman seconded the motion. Dale Swenson expressed some concern regarding the limit of advisory members not being defined in resolution #10. The motion to accept the resolutions as corrected passed.

Dale Swenson moved to have an advisory committee of five members with three irrigators, and two from other water uses. After some discussion Dale amended the motion to seven members with five irrigators, and two from other water uses. John Millar seconded this motion and the motion passed. The advisory members are irrigators – Rich Crapo, Guy Erickson, Dale Swenson, Randy Huskinson, and Mark Ricks; Municipal – John Millar, and Manager of Nor Sun.

Dale Swenson moved to amend resolution #9 to have Ernie Carlsen, Watermaster of WD100 be the other authorized signature on the bank account. Val Schwendiman seconded this motion and the motion passed.

Ernie Carlsen mentioned there would be a credit coming to those water users who had been participants in the East Water Measurement District toward their WD100 assessment.

The meeting adjourned at 3:24 pm.

**Water District 100 Annual Meeting
2007 Proposed Resolutions**

The water users of Water District No. 100 meeting at the annual district meeting on February 27, 2007, at the Best Western Cottontree Inn, Rexburg 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 100, signed by the Director of the Idaho Department of Water Resources (IDWR), December 29, 2006, including:
 - a) Measure, record and report diversions of ground water right included in Water District NO. 100;
 - b) Administer and enforce water rights in Water District No. 100 in priority;
 - c) Curtail unauthorized or excessive diversions in Water District No. 100 (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. 100 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. 100.
 - 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 100. That the Director of IDWR appoint 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 No. 100 hereby empower the elected advisory committee to enter into a Memorandum of Understanding between Water District No. 100, Water District No. 01, and the Director of IDWR that will provide for the following:

- a) IDWR 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 2007 budget for Water District No. 100 is limited to 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. 100 will provide compensation to Water District No. 01 for clerical and financial account support services, where such services are related to activities and expenses for measurement and reporting of diversions only.
- 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. 100 any ownership interest in any IDWR office space and equipment.

5. The budget of Water District No. 100 for the fiscal year 2007 beginning March 1, 2007, and ending on January 31, 2007, be as follows:

Income	
Assessment Income	\$ 14,355
Total Income	<u>\$ 14,355</u>
 Expenses	
IDWR Contract	\$ 10,660
WD01 Support Services	\$ 1,193
Watermaster Service	\$
ESPA Monitoring	\$ 2,502
Total Expense	<u>\$ 14,355</u>

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

WHEREAS many of these small diversions are not currently measured by the Water District, ground water districts, or the irrigation district. and;

WHEREAS measurement of diversions smaller than 0.24 cfs that irrigate 5 or less acres is cost prohibitive and the water use for many of these diversions can be estimated.

BE IT RESOLVED that Water District 100 will have a minimum charge of \$25.

6. Diversions in Water District 100 that have a water right diversion rate 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 at the following rate;
 - a) \$50 per diversion, and;
 - b) A pro-rata share of the remaining budget based upon a 5-year average of water use.
7. All payments for assessments not received by May 1, 2007 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 Section 42-617.
8. Be it also resolved, that the Watermaster is authorized pursuant to Idaho Code Section 42-618, to withhold or suspend deliveries of water to any water users who have not paid their assessment charges by January 1 of the year following the billing date.
9. Dale Rockwood be elected Water District No. 100 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. Ernie Carlsen, Watermaster of WD110 will also be designated an authorized signature for banking purposes.
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 2007 Water District 100 advisory committee shall consist of an odd number of members with a minimum of three. At least two members shall be water users with irrigation rights and one shall be a water user from municipal, commercial or industrial use.
11. That the advisory committee be empowered at the annual water district meeting to appoint a representative to the EPA Water Districts Advisory Committee as required under Section 42-620, Idaho Code.
12. WHEREAS Idaho Code 42-605 provides for voting by water users and election of an advisory committee, the water users of Water District No. 100 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 an assessment for water measurement from the former East Water Measurement District the previous year.

- b) Must have paid all assessments owed to the water district or the former East Water Measurement District.
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- 13. The annual Water District No. 100 meeting shall hereafter be held on the last Monday of January of each year unless the Director of IDWR or the Water District No. 100 advisory committee should find it necessary to change the meeting date or unless changed by resolution of the district at any annual meeting.
 - 14. 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.
 - 15. The watermaster of Water District No. 100 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.
 - 16. 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.