

TIM LUKE

**WATER DISTRICT 120
ANNUAL MEETING**

FEBRUARY 14, 2005

WATER DISTRICT 120
ANNUAL MEETING – AMERICAN FALLS, IDAHO
FEBRUARY 14, 2005

I. INTRODUCTION:

Tim Deeg

II. ELECTION FOR TEMPORAY MEETING CHAIRMAN & SECRETARY

II A. ANNUAL MEETING NOTICE:

II B. VOTING:

II C. WATER DISTRICT DEFINITION:

III. READING OF THE ANNUAL MINUTES OF THE 2004 MEETING

IV. WATERMASTER REPORT FOR 2004

Lewis Rounds

V. CHAIRMAN OF WATERDISTRICT REPORT 2004

Tim Deeg

VI. CONJUNTIVE MANAGEMENT AND WATER SUPPLY

Ron Carlson

VII. TREASURERS REPORT

Wendy Murphy

VIII. REVIEW THE PROPOSED RESOLUTIONS FOR 2005

Lewis Rounds

IX. ELECTION OF ADVISORY BOARD (11 MEMBERS COULD BE ELECTED) *

* NOT ALL ELEVEN POSITIONS NEED TO BE FILLED, AS TO ALLOW FOR EXPANSION
WHEN OTHER BASINS ARE ADDED TO THE WATER DISTRICT 120

X. OTHER BUSINESS

XI. ADJOURNMENT

II A. ANNUAL MEETING NOTICE:

NOTICE OF WATER DISTRICT 120 ANNUAL MEETING WAS GIVEN
PRUSANT TO IDAHO CODE, TO ALL WATER RIGHT HOLDERS
WITHIN SAID DISTRICT;

DATE: MONDAY, FEBRUARY 14, 2005

TIME: 2:00 PM

LOCATION: AMERICAN FALLS HIGH SCHOOL
AMERICAN FALLS, IDAHO

PURPOSE OF THE ANNUAL MEETING IS TO ELECT A
WATERMASTER, ADVISORY BOARD, ADOPT A FISICAL BUDGET,
DISTRICT RESOLUTIONS AND OTHER SUCH BUSINESS THAT
SHOULD COME BEFORE THE ANNUAL MEETING, FOR THE
OPERATIONS OF SAID DISTRICT.

THIS NOTICE HAS COMPLIED WITH AMERICANS WITH DISABILITIES
ACT, IN PROVIDING SPECIAL ACCOMMODATIONS FOR THOSE WHO
HAVE REQUESTED.

ATTACHMENT OF MEETING NOTICE:

II B. VOTING:

VOTING SHALL BE CONDUCTED BY ONE MAN-ONE VOTE UNLESS
AN OBJECTION IS FILED. IDAHO CODE ALLOWS FOR ONE MAN-ONE
VOTE, OR YOU MAY VOTE BY WATER SHARES. (1, ACTUAL
BENIFICIAL WATER USE OR BY THE WATER RIGHTS DECREEED) (2, IF
THE WATER USERS ELECT TO VOTE BY SHARES; YOU MUST BE
PRESENT TO VOTE ONLY YOUR SHARES, OR HAVE IN YOUR
POSSESSION AN AUTHORIZATION TO VOTE ON BE-HALF OF WATER
USERS YOU REPRESENT. THIS AUTHORIZATION SHOULD BE FILED
WITH THE SECRETARY BEFORE THIS MEETING OR NOW FOR
VOTING PRIVILEGES AT THIS ANNUAL MEETING.)

WATER USERS PLEASE SIGN THE ATTENDANCE ROLL SHEET:
NAME SIGNATURE NAME PRINT ADDRESS

ATTACHMENT OF ROLL ATTENDANCE AND AUTHORIZATION
PROXYS:

II C. WATER DISTRICT DEFINITION:

THIS WATER DISTRICT, CREATED BY IDWR, UNDER IDAHO CODE, IS THE
REGULATORY ENFORCEMENT AGENCY THAT GOVERENS THE USES OF THE STATE
OF IDAHO WATERS AS IT RELATES TO THE INDIVIDUAL RIGHTS DECREEED IN THE
SNAKE RIVER BASIN ADJUDICATION.

State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E. Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Website: www.idwr.idaho.gov

January 18, 2005

Dear Water User:

CORRECTED NOTICE- PLEASE DISREGARD PREVIOUS MAILING

If you have any questions, please contact:

Lewis Rounds
Watermaster District 120
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402
(208) 525-7161

Notice is hereby given, that pursuant to law, the special annual meeting for adoption of a budget and election of a watermaster for Water District Number 120, American Falls Area, is scheduled for the time and location listed below.

The meeting will be held on: Monday, February 14, 2005 at 2:00 P.M.

Meeting place: American Falls High School Auditorium
2966 South Frontage Road
American Falls, ID

Karl J. Dreher, Director
Idaho Department of Water Resources

Water District 120 Annual Meeting Minutes

February 9, 2004

Tim Deeg called the Water District 120 Annual Meeting to order at 1:10 p.m. Tim said the first order of business was to elect a meeting chairman and secretary. Neal Powell made a motion to elect Tim Deeg chairman and Terry Klipfel secretary. The motion was seconded by Scott Clawson and passed unanimously.

Tim Deeg welcomed members, and talked briefly about meeting notices, explaining that they had been mailed according to Idaho Code. He talked about the purpose of the meeting and described the voting process, stating that unless there were objections, a one man, one vote system would be used. Tim also explained the definition of a Water District. He said as the adjudication process was completed, more basins would be included in Water District 120.

Tim asked Terry Klipfel to read the minutes from last year's annual meeting. After the minutes were read, Lance Gardner made a motion to accept them as read. Richard Line seconded the motion and members voted to accept the minutes as presented.

Tim Deeg asked Lewis Rounds to discuss the 2004 proposed resolutions. Lewis explained that the resolutions are pretty much the same as last year with the date changes. Lewis read and explained each resolution. There was some discussion on the dates that set the fiscal year. Lewis explained why dates had been set as they were, and said there was a resolution which gave the advisory committee the authority to adopt an interim budget between the end of the fiscal year and the next annual meeting. Lewis then explained the budget break down and the IDWR contract. There were some questions and discussion about what services are provided by the proposed budget. Lewis said he would explain further when he gave the report on accomplishments for 2003. One member expressed concern and asked that discussion of the resolutions and budget cease until Lewis could give the report. Tim Deeg asked if there was a motion to continue discussion of the resolutions and budget as planned. Neal Powell made a motion to continue discussion on the resolutions and the budget. Walter Gay seconded the motion. Members voted to continue discussion of the resolutions. After discussion of all resolutions the meeting was turned over to Tim Deeg. Tim talked briefly about the IDWR contract and that advisors for Water District 120 had determined it to be fair and just. Had it not been, Tim said, advisors would have looked elsewhere and always have the option to do so. Tim encouraged members to communicate with their advisors for explanations and input. At this time Tim asked if there was a motion to accept the resolutions and budget as presented. Bill Taylor made the motion, and Stephanie Micklesen seconded it. Members voted to accept the 2004 resolutions and budget as proposed.

Next Tim Deeg suggested a recess for a period of fifteen minutes to determine the composition of the advisory committee. Craig Evans made the motion accordingly, and Lance Gardner seconded the motion. Members recessed for the requested time. Members were grouped according to ground water district.

After re-convening, the Bonneville Jefferson Ground Water District suggested the following members remain as advisors: Bill Taylor, Dane Watkins, and Stephanie Micklesen

Bingham Ground Water District proposed that Walter Gay, Craig Evans, Scott Clawson, and Gaylen Van Orden act as advisors, and proposed Neal Powell as an alternate.

Aberdeen American Falls Ground Water District suggested the following members: Kevin Michaelson, Tim Deeg, Terrell Sorensen, and Richard Mayer (City of Aberdeen). Suggested alternates were Richard Line, and Kirk Atkins (Industrial).

Lance Gardner made a motion to accept the advisors as proposed and Bill Taylor seconded the motion. A unanimous ballot was cast.

Tim Deeg asked Lewis Rounds to give the water master report. Lewis gave an overview of accomplishments for the year, and talked briefly about diversion audits. Lewis reminded members that measurements were done on a three year rotating basis by law and said inventory of diversions is necessary for accurate reporting. Lewis said the goal of audits is to measure 5% to 10% of those diversions measured by the ground water districts.

Lewis discussed the identification of illegal diversions within the district by use of satellite imagery, stating that the satellite generally used did not work in 2003, but that IDWR and the district used imagery provided by an older satellite. Lewis showed an example of an image used in 2003, stating that the resolution wasn't nearly as good as the images used in 2002 and taken by the newer satellite. Within Water District 120, Lewis said there were approximately 640 total acres with potentially unauthorized water use. Generally persons were contacted and informed about questionable acres. A couple of the discrepancies had to be remedied through the transfer process. Lewis also talked briefly about the WMIS database.

Lewis talked about budget considerations, explaining that the budget passed was for \$67,465. Lewis said that the cost per acre-foot to the Water District 120 is about \$0.10. Lewis said there would be a minimum of \$25.00 assessed to non-measured diversions. For diversions being measured, there would be a minimum charge of \$50.00 plus an additional charge of \$0.10 per acre-foot. Lewis said this makes the bills close to the same as when folks were in the East Water Measurement District. Budget expenses for personnel were based on "our best estimate" to share one full-time person with the measurement district, to pay a Water Master for 1/3 of his time, and a secretary for 1/3 of her time. Lewis said the district should have a better idea of personnel needs or costs after a year of operation because personnel will be charging their time directly to a fee account. Lewis explained a break down of the budget and showed the pro-rata assessments by ground water districts and/or other entities.

Next Lewis talked briefly about evapo-transpiration (ET) rates and trends during 2003. He talked about ground water levels and showed slides comparing how levels had changed during the recent drought period. Someone asked Lewis about doing depth measurements. Lewis said the reason they do not often do them is because they are risky. He said they would rather leave these measurements to the USGS, but said that the district does check some. Reservoir levels were discussed. Lewis said that at the time of the meeting, reservoir levels were at 36% compared to the 43% they were at this time last year. Lewis said that snow levels currently are just below 100% of normal for the Snake River basin above Palisades. After further discussion on snow levels, Tim Deeg asked for a motion to accept the water master's report. Neal Powell made a motion to accept the report as presented and Walter Gay seconded the motion. Members voted to accept the report.

Tim gave his report on the stipulated agreement, saying the 2year agreement had expired, but is being extended through 2004. The reduction program has been removed with a credit/debit system used instead. Tim said there is a credit carry forward of approximately 6,142 acre-feet for 2002, and approximately 5,462 for 2003. Compliance to the stipulated agreement in 2003

resulted in the purchase of water through the global rental pool and other leased water rights. Tim said they are beginning to draft a long-term agreement for 5-10 years that would be modified from time to time based on the best science available at the time of the new agreement. Tim said they had been able to develop a good relationship with surface water users through this process, and stated the longterm plan to supply replacement water is the best mitigation plan. Tim explained some of the problems that ground water users in Water District 130 are having with the aquaculture spring water users , and said it is possible that Water District 120 could be drawn into litigation. He said this is a good reason to have a long-term agreement in place. Tim asked Ron to give for his report.

Ron Carlson wanted to give members an "all encompassing" report of where we are in his discussion about the ingredients of ground water management soup. He described some of the main ingredients of the soup and how they affect the "recipe". He briefly discussed the history of water management, and the main ingredient of the soup; water. He explained how capitalism, democracy, legal chaos, and government affect the mix. Ron said that Water District 120 brings some order to the chaos and that as part of the district users are in a better position to influence the rules and define goals, i.e. you are in a position to flavor the soup.

Ron turned the meeting to Tim Deeg. Tim introduced Tim Luke and Lynn Tominaga, asking if either had anything to share. They did not. There was no old or new business. Neal Powell made a motion to adjourn the meeting. Stephanie Micklesen seconded the motion and the meeting was adjourned at 4:20 p.m.

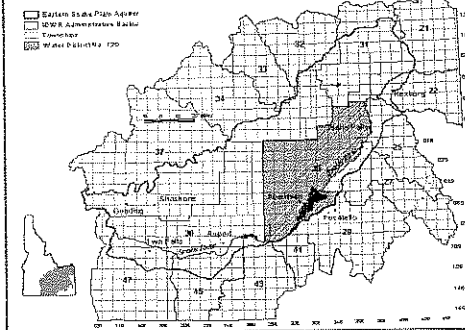
Respectfully Submitted,

Terry Klipfel

Welcome to the Water District 120 Annual Meeting

American Falls High School
February 14, 2005
2:00 PM

WATER DISTRICT NO. 120



Water District 120 Personnel

- Lewis Rounds - Watermaster
- John Phillips - Assistant watermaster
- Terry Klipfel - Secretary
- Uncompensated personnel
- Ron Carlson and Wendy Murphy - WD 01
- Secretarial staff - Partially from overhead
- IDWR support - Tim Luke's group

Personnel shared with EWMD

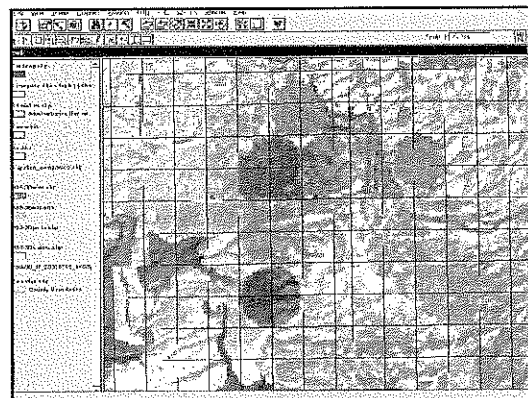
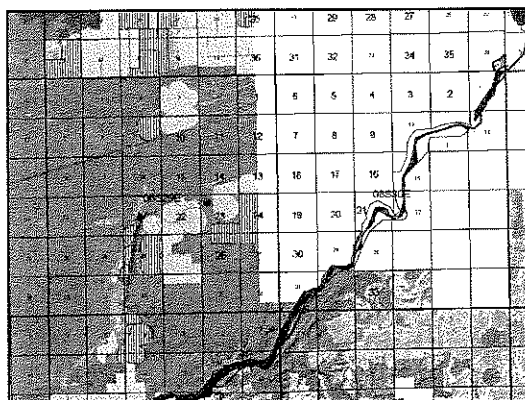
- John Phillips
- Terry Klipfel

What did the water district do last year?

- Worked with IDWR to identify diversions that belong in the district.
- Used satellite photos to locate potentially illegal diversions.
- Audited some diversions for proper measurement methods.
- Held quarterly advisory committee meetings.

Unauthorized Diversions

- Several season of use violations both early and late. All resolved immediately upon contact with owner or operator.
- Seven irrigators contacted and informed or questioned about the questionable acres.
- Some irrigators had to perform transfers of water rights to correct discrepancies.
- Most are differences between WR acres and actual acres NOT irrigation of more acres than allowed.



Auditing Measurement Program?

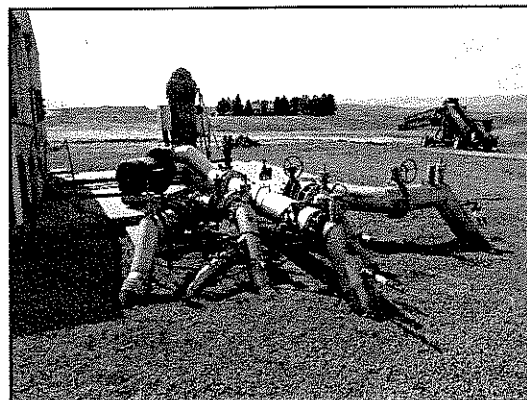
- All wells must be measured once every third year and reported every year.
- Inventory of diversion is necessary for accurate reporting.
- Measurement can be billed separately from WD or GWD.
- Goal of Auditing program is to measure between 5 and 10% of those diversions measured by GWD.
- There were 80 diversions visited for the purposes of the audit program in 2004.

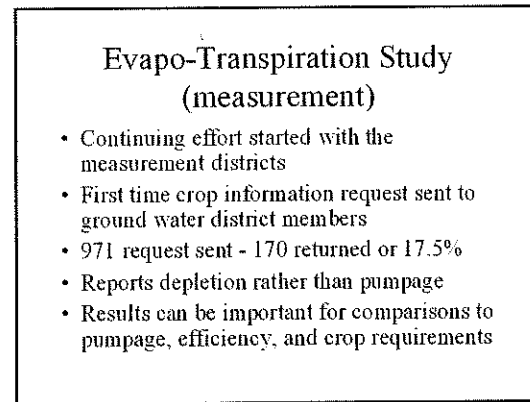
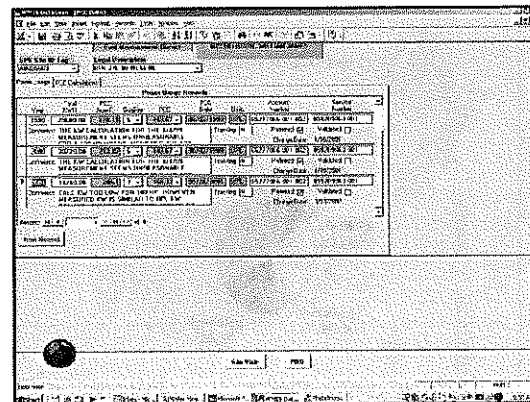
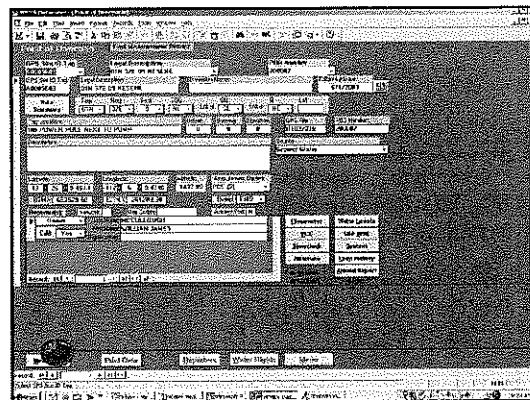
Measurement for WD 120

- Handled through GWD or WMD.
- Many in basin 29 who used to be measured by EWMD are now measured by WD 120.
- All diversions must be measured at least once every three years. (Important for agreements).
- Stand alone copies of WMIS (water measurement information system) available to GWD.
- There were 65 diversions measured for the purposes of reporting annual use during 2004

How are measurements made?

- Most are made with a non invasive sonic flow meter and compared to pump power usage.
- Some diversions require flow meters and user reporting.
- Accurate measurement almost always requires cooperation from the irrigator for reporting conditions.





Data Sources for ET Study

- Power Consumption Coefficient (PCC) Exams
- Power Company Records
- Aberdeen, Ashton, Fort Hall, Kettle Butte, Malta, and Rexburg Agrimet Weather Stations
- ET Forms from Water Users

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Portion of ET/Crop Information Form

Discard Information

FOI# _____ POP: _____
Discard Name _____ Site Tag _____
Tag Location _____

Crop Information

Field Date _____
Crop 1 _____ Area 1 _____
Crop 2 _____ Area 2 _____
Comments _____
Signature _____

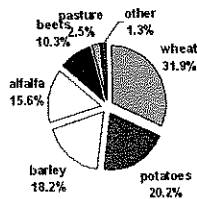
POD # _____ POD _____
 Observer Name _____ Site Tot. _____
 Tag Location _____

Crop Information

Field Data _____
 Crop 1 _____ Acres 1 _____
 Crop 2 _____ Acres 2 _____
 Comments: _____
 Signature _____

Crop Diversity - Year 2004

Crop	Percentage
wheat	31.9%
potatoes	20.2%
barley	18.2%
alfalfa	15.6%
beets	10.3%
pasture	2.5%
other	1.3%



TIME/PORT HALL 10400 WEATHER STATION ON AIR TEMP,
 (DEG F), DRY OBSERVATION PC PRECIP, CUMULATIVE
 (INCHES OF WATER) (HOW MUCH Raining) SOLAR
 RADIATION (ATMOSP. LANGLETS) BY DOW POINT (DEG F) TO
 RELATIVE HUMIDITY (PERCENT) WIND TRAVEL,
 CUMULATIVE WIND NUMBER IN KNOTS WIND DIRECTION
 (DEGREES) WIND BEAR WIND GUST LAST 15 MINUTES (MPH)
 WE AVERAGE WIND SPEED, LAST HOUR (MPH)

<http://www.usbr.gov/pn/agri.net/>

	1	2	3	4	5	6	7	8
		2004 AgriMet ET CCE Measured	2004 AgriMet ET CCE (gross)	2004 AgriMet ET CCE (net)	2004 AgriMet ET CCE (gross)	2004 AgriMet ET CCE (net)	2004 AgriMet ET CCE (gross)	2004 AgriMet ET CCE (net)
Total ET	14,180	14,000	10,747	11,021	15,761	43,397	17,742	7,256
Inches	23.43	23.25	17.40	18.55	26.07	72.61	29.15	

Explanation of Columns:

1. Total acre-feet extracted using the PCC method on 50 wells in year 2004.
2. Total gross AgriMet estimated ET using 2004 data for individual farm crops and irrigated acres.
3. Column 2 adjusted for an application efficiency of 75% for estimate of Project Irrigation Requirement.
4. Net A-grained estimated ET using 2004 data and subtracting total daily precipitation to the extent the ET can go to 0 and never negative.
5. Column 4 adjusted for an application efficiency of 75% for estimate of Project Irrigation Requirement.
6. Total or gross estimated AgriMet ET minus effective precipitation for 2004 data to the extent the ET can go to 0 and never negative. Assume effective precipitation = precipitation over 0.20 inches.
7. Column 6 adjusted for an application efficiency of 75% for estimate of Project Irrigation Requirement.
8. Total 2004 irrigated crop acres as reported by water users for 30 wells.

ET = Project Irrigation requirement. Defined as the amount of water required to be delivered to the irrigation system to meet the cumulative irrigation requirement.

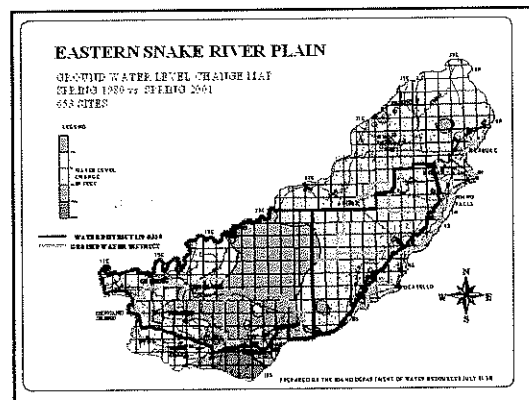
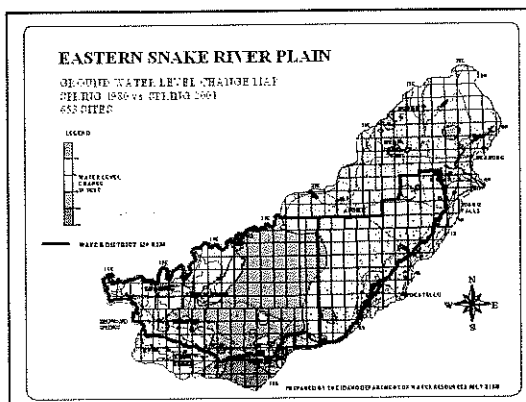
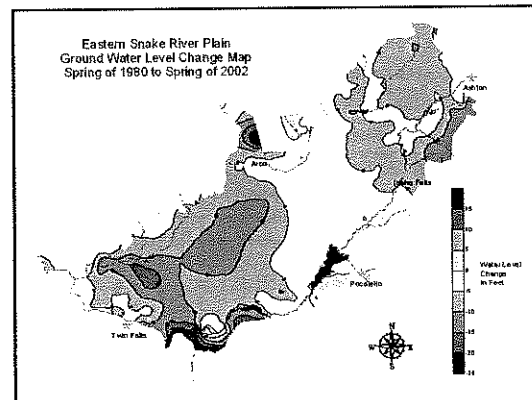
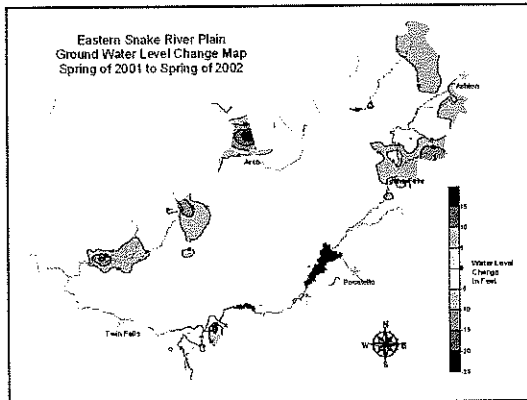
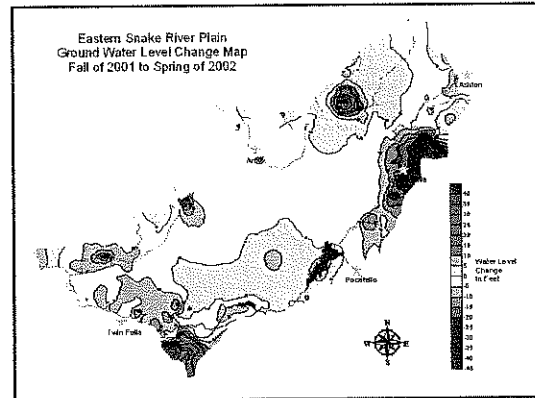
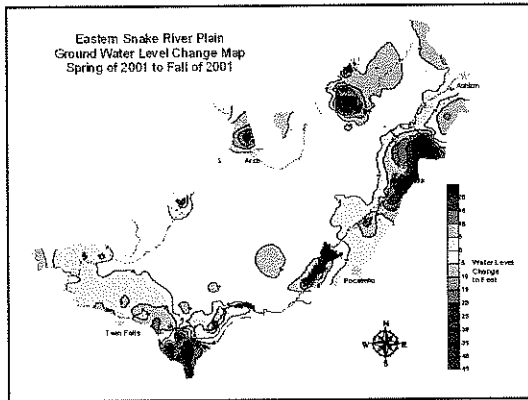
75% irrigation efficiency is an assumed value based on irrigation methods used for LWMD.

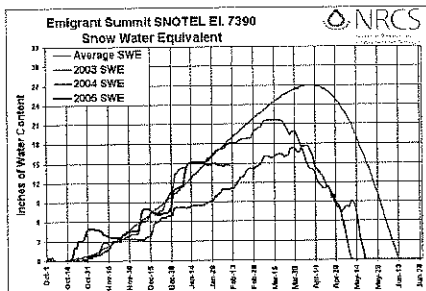
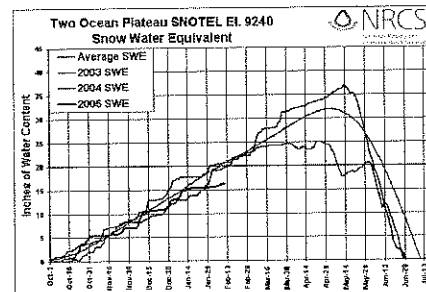
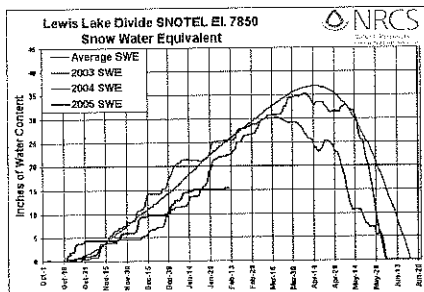
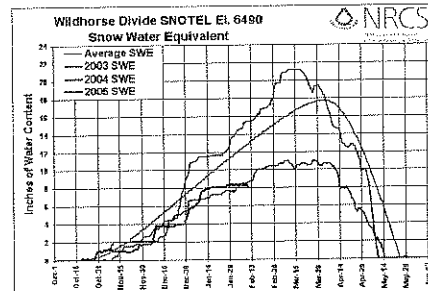
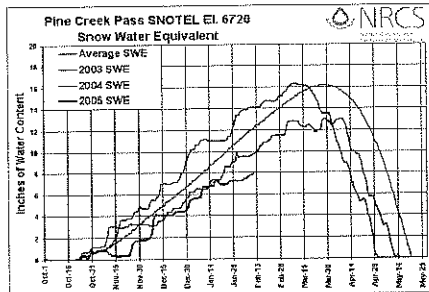
	1	2	3	4	5	6	7	8
		2004 AgriMed ET	2004 AgriMed Estimated ET @ 75% irrigation efficiency	2004 AgriMed ET gross prescription ET @ 75% irrigation efficiency	2004 AgriMed ET gross prescription ET @ 75% irrigation efficiency	2004 AgriMed ET gross prescription ET @ 75% irrigation efficiency	2004 AgriMed ET gross prescription ET @ 75% irrigation efficiency	2004 Reputed Crop Area 7,265
2004 PCC Measured	14,180	14,000	10,747	15,271	15,271	15,271	15,271	
Total AF			19.55	26.07	22.21	22.21	22.21	

Explanation of Columns


- Explanation of Columns:**
- Total acreage estimated using the FCS method on 30 wetlands in year 2004.
 - Total or gross AqM estimated using FCS method on 2004 data for individual farm crops and irrigated acres.
 - Total AqM adjusted for an application efficiency of 75% for estimates of Project Irrigation Requirement.
 - Net AqM estimated using FCS method and subtracting total daily precipitation to the output.
 - Column 4 adjusted for an application efficiency of 75% for estimates of Project Irrigation Requirement.
 - Total or gross estimated AqM/Ft minus effective precipitation (inches) = precipitation evaporation - D20 (inches).
 - Total AqM/Ft adjusted for an application efficiency of 75% for estimates of Project Irrigation Requirement.
 - Total 2004 irrigated crop acres as reported by water users for 30 wells.
 - Net Project Irrigation Requirement. Defined as the difference between the required water to be delivered to the system minus the net cumulative evaporation requirement.
 - Irrigation efficiency is an assumed value based on irrigation methods used for CWMO.

Ground Water Levels





Questions?




Water Right Calls & Mitigation



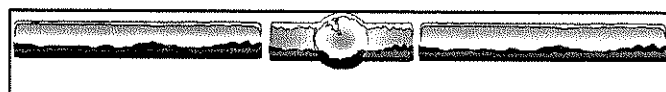
Idaho Water Right Primer

- ❖ Idaho water law is based on the Prior Appropriation Doctrine, i.e., "first in time, first in right".
- ❖ A water right consists of a priority (the date the water right was established), an amount, a place-of-use, a point-of-diversion, and a beneficial use.



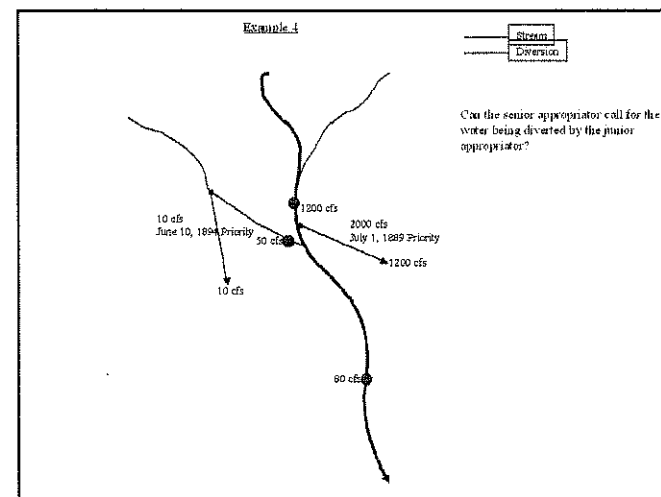
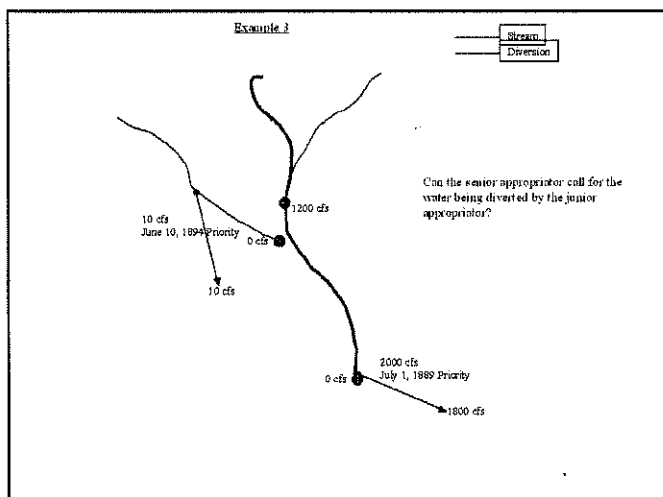
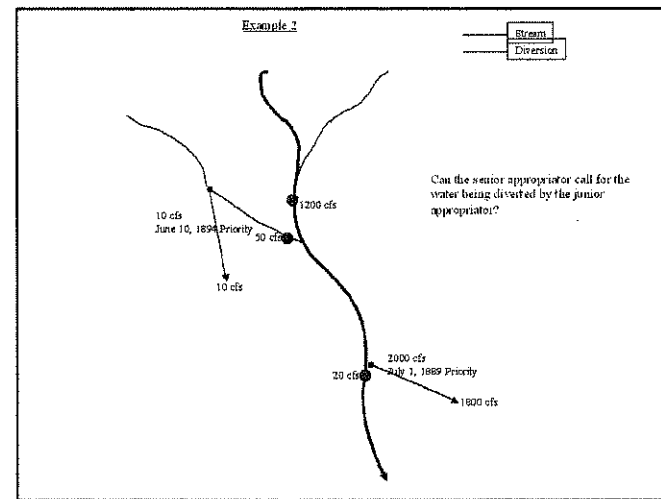
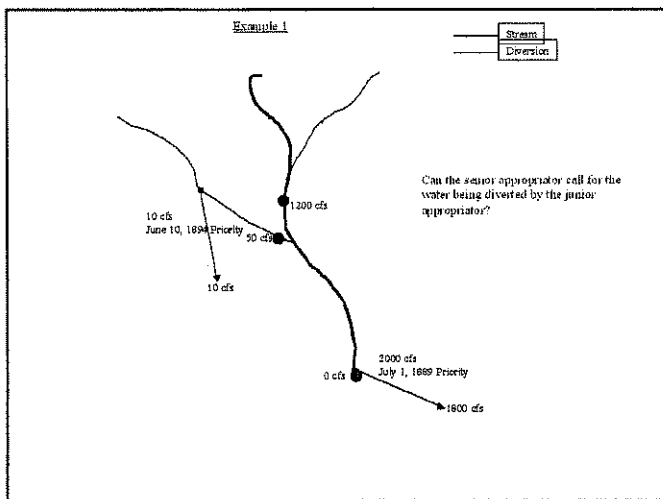
What is a water delivery call?

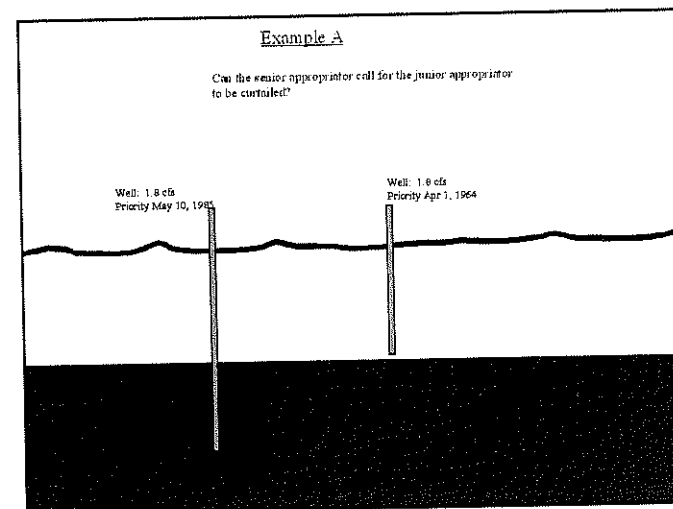
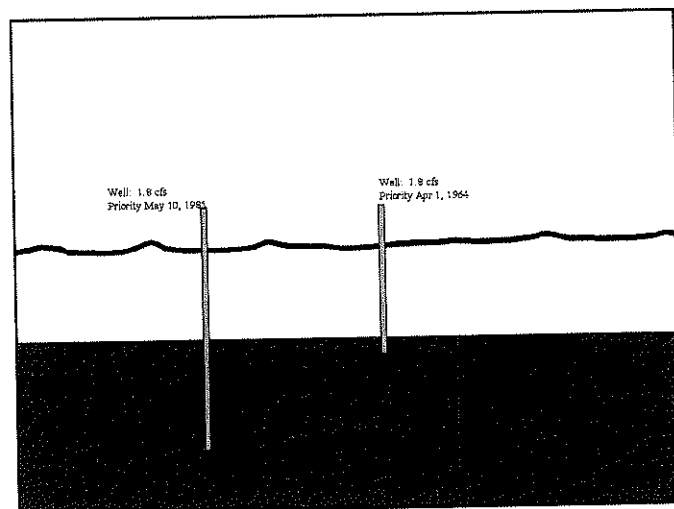
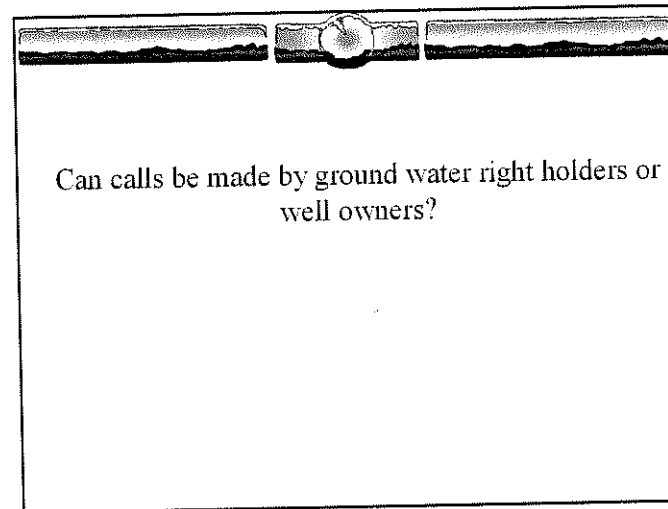
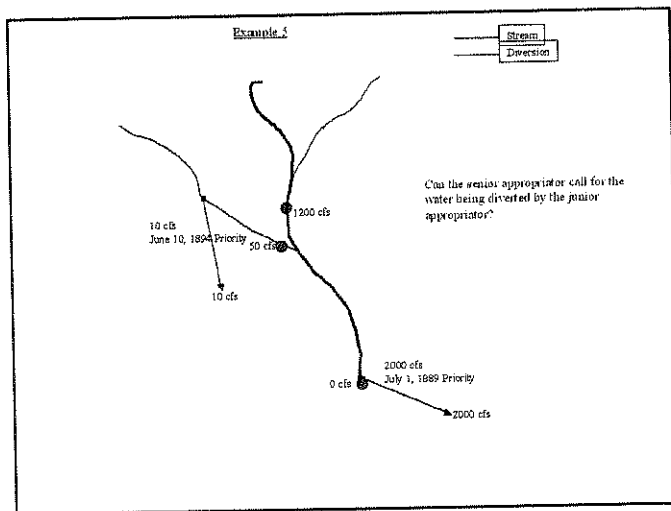
- ❖ A senior priority water right holder (i.e., earlier in time) may call for the water currently being used by a junior priority water right diversion (i.e., later in time) up to the amount needed to fill, or partially fill, the senior appropriator's water right.




Principle of Futile Call

- ❖ The call by a senior appropriator is not recognized when curtailment or reduction of a junior appropriator's diversion does not result in any increase of water to the senior appropriator's diversion.




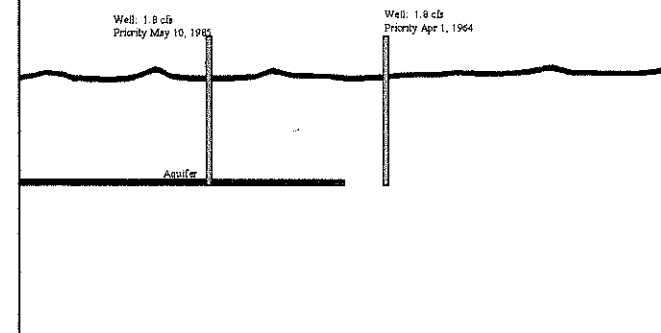




Reasonable Ground Water Pumping Level. A level established by the Director pursuant to Sections 42-226, and 42-237a.g., Idaho Code, either generally for an area or aquifer or for individual water rights on a case-by-case basis.

Example B

Can the senior appropriator call for the junior appropriator to be curtailed?



Can a senior priority surface water right holder make a delivery call for water from a junior-priority ground water right diversion?

Conjunctive Management

- ❖ When ground water and surface water supplies are hydrologically connected, and there is a potential for junior-priority ground water diversions to cause material injury to other senior-priority surface water diversions, they must be managed conjunctively.

Conjunctive Management History

- ❖ Prior to the 1990's, in most cases, ground and surface water were considered separate water supplies and were not conjunctively managed. Only when specific ground water diversions could be identified impacting a senior surface water right, were those ground water diversions regulated according to surface water priorities.
- ❖ It was reasoned that the collective impact from all groundwater development to surface water rights could not be precisely determined and incrementally assigned to specific wells, and any call to curtail junior ground water diversions by senior surface water holders was futile.
- ❖ As a result of *Musser vs. Higginson*, February 28, 1994, the IDWR began formulating rules for conjunctive management. Conjunctive management rules were adopted October 7, 1994.

Conjunctive Management History

- ❖ August 3, 2001: The IDWR Director issued an order announcing his intent to order holders of certain groundwater rights in the Eastern Snake Plain Aquifer (ESPA) impacting spring discharges in the Thousand Springs and American Falls areas to cease groundwater withdrawals beginning March 15, 2002 based on existing information and technology largely gained by the IDWR ground-water model.
- ❖ August 31, 2001: The Director is advised by senior surface priority water right and junior ground water priority water-right holders they had reached an agreement whereby the ground water users would either reduce their consumption or provide replacement water to the surface water users. The "stipulated agreement" was approved by the Director on January 18, 2002 eliminating the need for curtailment.

The "Stipulated Agreement"

- ❖ Ground water users would provide 40,000 acre-feet of replacement water each year for 2002 and 2003 to enhance spring flows in the Thousand Springs reach, and also provide 28,500 acre-feet of replacement water to the American Falls reach.
- ❖ In the event the full amount of replacement water could not be provided, diversion of groundwater would be reduced up to a maximum of 10%.
- ❖ Senior priority surface water rights agreed not to exercise their priorities against junior priority ground water users.
- ❖ The "stipulated agreement" covered the 2002 and 2003 irrigation seasons.

Conjunctive Management History

On January 8, 2003, the watermasters for Water Districts 120 and 130 were given the following duties:

- Curtail illegal diversions
- Measure and report diversions.
- Enforce provisions of the "stipulated agreement"
- Curtail junior priority water rights not covered by the stipulated agreement or a mitigation plan approved by the Director.

On March 24, 2004, the ESPA Mitigation, Recovery, and Restoration Agreement for 2004 (stipulated agreement) was approved by the Director according to its terms as interim mitigation for the period March 15, 2004 through March 15, 2005.

Water Right Call by Fish Farms in Hagerman Area

- ❖ Clear Lakes, Fisheries Development, and Rim View Trout Companies requested the department "to administer water rights in the water district(s)...as required by Idaho Code 42-607" in order to supply the prior water rights of Clear Lakes, Fisheries Development, Rim View, and the Hardy Estate, dated May 14-15, 2003.
- ❖ These trout companies held various rights to springs in the Thousand Springs area for use for fish propagation.
- ❖ The call was considered by the Director and his Order was issued October 10, 2003 (see www.idwr.state.id.us).

Director's Order for Hagerman Fish Farmers' Call

- ❖ Clear Lakes is not entitled to make delivery call for distribution of water against the holders of junior priority ground water rights providing the required mitigation until after the "stipulated agreement" expires.
- ❖ The delivery call by Rim View is not recognized because, based upon facility discharge measurements, there has been sufficient amounts of water for their water rights, and although at times there has not been sufficient water to satisfy one of their water rights, this is due to seasonal variations in spring discharge that have not been attributed to ground water diversions and use under junior priority rights.
- ❖ The delivery call by the Hardy Estate is recognized. However, the replacement water provided in the "stipulated agreement" is determined to be adequate mitigation for the effects of ground water diversions.

Water Right Call by Rangen, Inc.

- ❖ Rangen, Inc. requests the Director to administer "all water right diversions junior to [Rangen's] that are interfering with and impacting [Rangen's] water rights", dated September 23, 2003.
- ❖ The delivery call by Rangen was recognized because there was no approved mitigation plan to mitigate for the reductions in discharges from springs supplying Rangen's water right.
- ❖ The Director ordered, March 10, 2004 (see www.idwr.state.id.us), that all holders of groundwater rights in District 130 junior in priority to July 13, 1962 are instructed they are not to divert their groundwater rights beginning April 1, 2004 unless sufficient water is provided as set forth herein:

Water Right Call by Rangen, Inc., continued

- ❖ Members of the North Snake and Magic Valley Groundwater Districts shall provide Rangen with 16,000 acre-feet of replacement water directly, or provide 26,500 acre-feet to increase spring discharges in the Thousand Springs area.
- ❖ Any water-right holder junior in priority to July 13, 1962 who is not a member of either the North Snake or Magic Valley Groundwater District may petition prior to March 15, 2004 setting forth why such right holder should not be subject to this order, or may propose a mitigation plan to offset the depletions to the ESPA caused by the holder's diversion.

Review of Conjunctive Management Rules

- ❖ **Conjunctive Management** is the legal and hydrologic integration of administration of the diversion and use of water under water rights from both surface and ground water sources. IDAPA 37.03.11.010.04
- ❖ These rules provide the basis and procedure for responding to **delivery calls** made by the holder of a senior priority surface or ground water right against the holder of a junior-priority ground water right. IDAPA 37.03.11.010.04

Delivery Calls

- ❖ The principle of the futile call applies to distribution of water under the conjunctive management rules.
- ❖ Although a call may be denied under the futile call doctrine, these rules may require mitigation or staged or phased curtailment of a junior priority diversion if it causes material injury (even though not immediately measurable) to the holder of a senior priority surface or ground water right in instances where the hydrologic connection may be remote, the resource is large, and no direct immediate relief would be achieved if the junior priority water-use was discontinued. IDAPA 37.03.11.020.04.

Reasonable Exercise of Rights

- ❖ The Director shall consider whether the petitioner making the delivery call is suffering material injury from a junior-priority water right and is diverting and using water efficiently and without waste, and in a manner consistent with the goal of reasonable use of surface and ground waters as described in the conjunctive management rules. ADAPA 37.03.11.040.03


Responding to a Delivery Call

- ❖ When the Director has found that the petitioner of a delivery call is suffering material injury, the Director shall:
- ❖ Regulate the diversion in accordance with the priorities of rights and where material injury is delayed or long range, by order of the Director, may be phased in over not more than a five-year period to lessen the economic impact of immediate and complete curtailment, or
- ❖ Allow out-of-priority diversion of water by junior-priority ground water users pursuant to a mitigation plan that has been approved by the Director. ADAPA 37.03.11.040.01



MITIGATION

What is it?



MITIGATE: to become less harsh or hostile: to make less severe or painful (*Webster's Dictionary*)



CONJUNCTIVE MANAGEMENT RULES

Mitigation Plan. A document submitted by the holder(s) of a junior-priority ground water right and approved by the Director as provided in Rule 043 that identifies actions and measures to prevent, or compensate holders of senior-priority water rights for, material injury caused by the diversion and use of water by the holders of junior-priority ground water rights within an area having a common ground water supply.



CONJUNCTIVE MANAGEMENT RULES

Material Injury. Hindrance to or impact upon the exercise of a water right caused by the use of water by another person as determined in accordance with Idaho Law, as set forth in Rule 42.



CONJUNCTIVE MANAGEMENT RULES


One of the factors that may be considered by the Director when determining whether there is material injury to a senior appropriator :

..... the holder of a surface water storage right shall be entitled to maintain a reasonable amount of carry-over storage to assure water supplies for future dry years. In determining a reasonable amount of carry-over storage water, the Director shall consider the average annual rate of fill of storage reservoirs and the average annual carry-over for prior comparable water conditions and the projected water supply for the system (Rule 42g).



CONJUNCTIVE MANAGEMENT RULES

Futile Call. A delivery call made by the holder of a senior-priority surface or ground water right that, for physical and hydrologic reasons, cannot be satisfied within a reasonable time of the call by immediately curtailing diversions under junior-priority ground water rights or that would result in waste of the water resource.




Mitigation plans may be submitted to, and if approved by, the IDWR Director may be used to allow for the out-of-priority delivery of water to a junior surface or ground water appropriator.




Examples of mitigation plans include:

- ❖ Replacing natural flow with storage water.
- ❖ Diverting water only during specified periods or times.
- ❖ Taking land out of production (irrigation) to reduce consumption, and moving the water to a new place of use.
- ❖ Recharging the aquifer using surface water to replace the water withdrawn by wells.
- ❖ Negotiated agreements between senior priority and junior priority water right holders.




Mitigation plans don't necessarily provide for the direct replacement of the entire amount of water diverted at the time it is diverted. Sometimes mitigation plans may only provide an amount agreed upon by the junior and senior water right holders to mitigate any measured, perceived, or potential material injury to the senior water right holder.



Conjunctive Management Dilemma

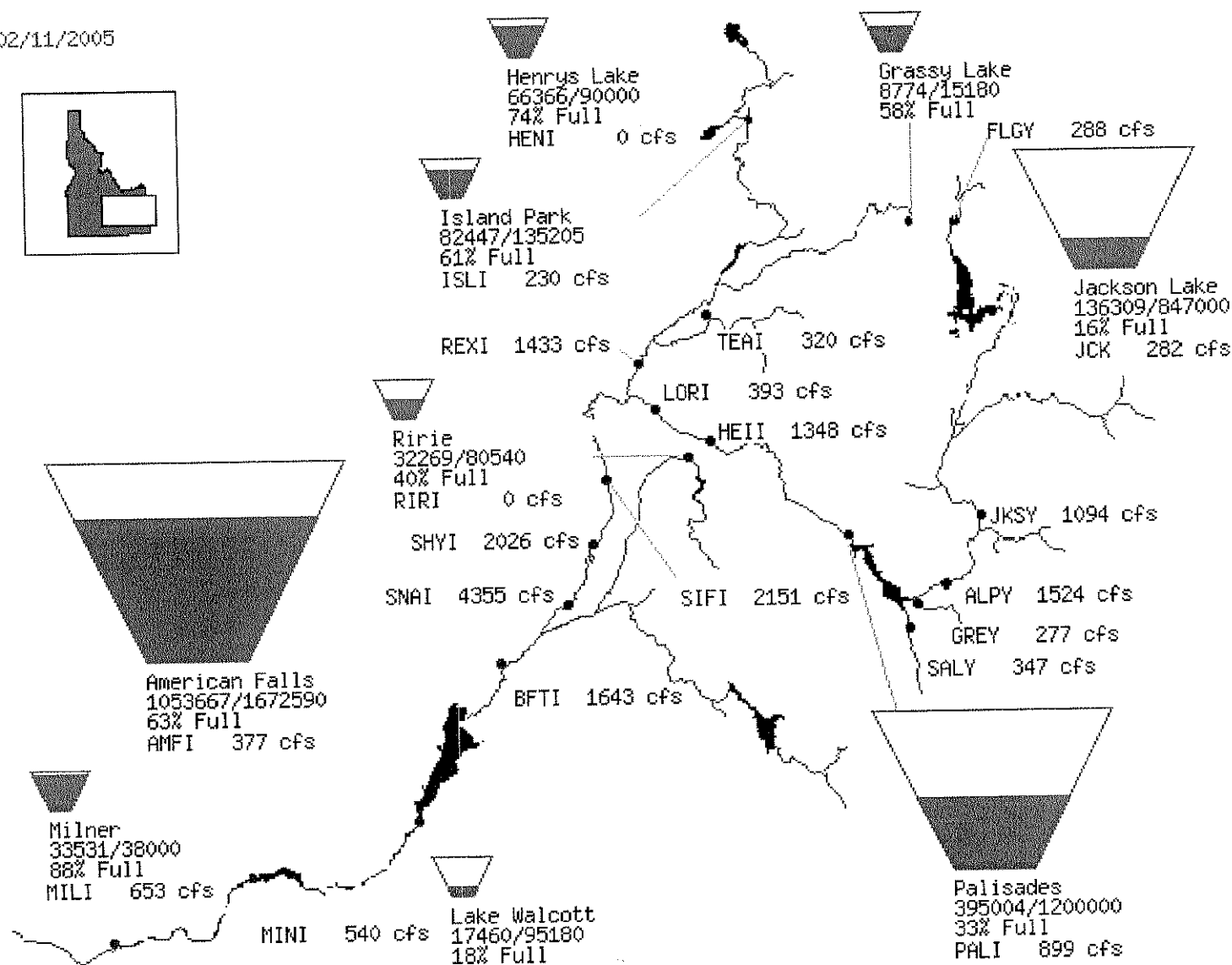
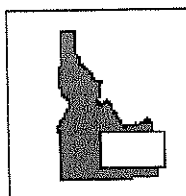
- ❖ Assessment by Director concerning the determination of material injury depends on the accuracy and preciseness of the technical information currently available to him.
- ❖ Should wells be curtailed in the current year when their impacts on surface water may not appear until several years thereafter.....perhaps when the surface users won't need the additional water when those subsequent years turn out to be good water years?
- ❖ Similarly, wells may need to be curtailed in really good water years because their effects won't be felt perhaps until subsequent water-short years when the surface users need the water.



www.idwr.state.id.us

Michael Keckler, IDWR Public Information Officer, 208-287-4800

02/11/2005



Based on Mountain Data from NRCS SNOTEL Sites
As of SATURDAY: FEBRUARY 12, 2005

BASIN	PRECIPITATION	
	SNOW WATER	October 1 to
	EQUIVALENT	Current Date
	Percent of Average	Percent of Average
IDAHO PANHANDLE REGION	49	73
CLEARWATER BASIN	50	67
SALMON BASIN	59	59
WEISER BASIN	61	63
PAYETTE BASIN	53	54
BOISE BASIN	57	59
BIG WOOD BASIN	68	67
LITTLE WOOD BASIN	82	87
BIG LOST BASIN	76	74
LITTLE LOST, BIRCH BASINS	75	76
MEDICINE LODGE, BEAVER, CAMAS BASINS	91	92
HENRYS FORK, TETON BASINS	76	72
SNAKE BASIN ABOVE PALISADES	70	71
WILLOW, BLACKFOOT, PORTNEUF BASINS	76	84
OAKLEY BASIN	76	85
SALMON FALLS BASIN	80	87
BRUNEAU BASIN	80	84
OWYHEE BASIN	63	78
BEAR RIVER BASIN	97	106

Idaho State Basin Outlook Report for February, 2005

IDAHO Water Supply Outlook Report as of February 1, 2005

As a result of continued below average precipitation through January, the water supply outlook in Idaho is deteriorating. It does not appear that this will be the year that Idaho begins to pull out of the drought. Streamflow forecasts are in the 60-80% of average range and will hopefully allow water users to squeeze through another season. With more than half the winter behind us, most snowpacks across the state are significantly lower than this time last year. Snowpacks range from 50% of average in northern Idaho to 113% in the Camas-Beaver Creek basins (Mud Lake area) and are just above average in the Bear River. January brought record high air temperatures across the Pacific Northwest and drier than average conditions. The Weiser, Payette and Boise River basins received the least amount of January precipitation at 42% of average, whereas the Bear River basin received the highest at 112% of average. Consequently, the Bear River basin continues to host the highest water year to date precipitation at 114% of average while the Weiser, Payette and Boise River basins are the lowest at 63%. No change to report concerning reservoir storage as reservoirs across central and southern Idaho remain near minimum levels and northern Idaho reservoir levels are above average. Streamflow forecasts for most Idaho drainages have been reduced about 10% from last month to the 60-80% of average range with the exception of the headwaters of the Bear River basin, which are forecast at over 100% of average. However, because of the cumulative drought effects and hydrologic system not being primed, the Bear River near Bear Lake is only forecast at 58% of average. The long-term, 90-day weather forecasts are not favorable for Idaho and with less than half of winter remaining, chances of recovering from cumulative drought effects over the last five years are growing smaller. However, the groundhog did see his shadow in Idaho indicating that six weeks of winter are still to come. This is good news because there is a large water deficit for the current year and also since the drought began. Stay tuned to find out if the groundhog can prove the weather forecast models wrong and if a strong second half of winter can alleviate some of the pressures built by the drought that started in July 1999. Let's hope the groundhog is right!

SNOWPACK

Another month of below average snowfall has left Idaho snowpacks well below average across the state as of February 1. The only exceptions are in southern Idaho where Bear River and Camas-Beaver Creek basins are at or above average. The Wood and Lost, Upper Snake and Southside Snake river basins fall in the 75-85% of average range. Whereas, the Salmon, Owyhee, Weiser, Boise, and Payette River basins all fall in the 60-70% of average range and have just over half the amount of snow water from a year ago. The largest deficit lies in northern Idaho where the Panhandle region and Clearwater basins are only at 50% of average, fourth lowest since 1961. The unusually warm temperatures experienced across the state in January caused some mid- and high-elevation snowpacks in northern Idaho to start melting prematurely, almost a full three months early. Hopefully, this trend will be reversed.

PRECIPITATION

Below average precipitation was recorded everywhere in the state for the month of January except for in the Bear River basin which received 112% of average, 50% more than last January. Water year to date precipitation percentages are slightly better than snowpack percentages due to the wet October. Most percentages across the state are still below average, however, antecedent soil moisture conditions are the best since the drought started. Water year to date precipitation amounts range from a low of 63% of average in the Weiser, Payette and Boise basins to 114% in the Bear River basin. The Weiser, Payette and Boise river basins received the least amount of precipitation in January at only 42% of average, less than half of last January. Most of the state received amounts in the 60-70% of average range. The southern and eastern part of the state benefited the most from the southwest tracking storms with moisture coming into southern Idaho.

RESERVOIRS

Reservoir storage does not change much this time of season and is below average across most of the state except for northern Idaho. Reservoir storage ranges from 13% of average in Bear Lake to 127% of average in Dworshak Reservoir. On a positive note, most reservoirs are storing slightly more water than last year at this time, but remain near minimal storage levels, similar to the past few years due to below normal streamflows since the summer of 2000. Storage in the Payette reservoir system is average while the Boise system is storing slightly less than last year at 71% of average. The cumulative drought effects are most evident in the southern part of the state. Magic Reservoir is the same as a year ago, nearly empty at 12% of capacity with only 23,000 acre-feet. Jackson and Palisades reservoirs have a combined storage of 31% of capacity, 46% of average. South of the Snake River, Salmon Falls only holds 17,600 acre-feet which is 32% of average; Brownlee Reservoir is 93% full and 112% of average. On the low end, Bear Lake storage increased from 95,700 acre-feet on December 31 to 122,100 acre-feet. It is still only 9% full and 13% of average but at an elevation of 5,904.00 feet which will allow for irrigation releases; allocations will be well below a full amount.

Note: NRCS reports reservoir information in terms of usable volumes, which includes both active, inactive and in some cases, dead storage. Other operators may report reservoir contents in different terms. For additional information, see the reservoir definitions in this report.

STREAMFLOW

Streamflow forecasts decreased from last month and now range from 55-75% of average for the April-September period for most of the state. Upper Snake River basin is in the 65-75% of average range, except for Willow, Blackfoot and Portneuf streams which are in the 35-65% of average range. The high desert streams south of the Snake River are forecast at 50-65% of average, with the lowest being Owyhee Reservoir inflow. The Clearwater, Salmon, Big Lost, Little Lost, Payette, Boise River basins are forecast in the 60-70% of average range. The Big Wood River at Hailey is forecast at 63% of average and decreases to 50% for Camas Creek and Magic Reservoir inflow. A similar trend exists in the Bear River basin where headwater streams are forecasted at 116% of average and decrease to 58% for the Bear River at Stewart Dam.

These forecast numbers are the volume under the 50% Chance of Exceeding, which means there is a 50% chance the volume will be greater or less than the given value. Due to the last five years of

drought conditions, water users should consider using a lesser exceedance forecast to reduce the risk of coming up short on water. The streamflow forecasts are not looking promising with less than half of winter still to come. The chances of recovering to near average snow levels by April continue to decrease with each week of sunny blue skies. However, future winter/spring precipitation and timing of snow melt will play a significant role in determining summer water supplies and severity of drought conditions. On a positive note, antecedent soil moisture conditions are still better than last year and may provide improved spring runoff conditions to help streamflows.

RECREATION

We have surpassed the halfway point of winter and January denied us of the much needed relief in terms of winter precipitation. Typically, January weather conditions provide a source of significant snowfall for Idaho. However, unusually warm and dry conditions prevailed this month and instead, provided a greater source for concern regarding snowpack levels and future streamflows to winter and summer outdoor enthusiasts. On a positive note, warm temperatures and lack of new snow has set up a relatively stable snowpack for backcountry users to enjoy. However, if the current weather trends continue, river runners can expect a shorter high water season which may allow putting on the rivers earlier than usual. Unfortunately, unregulated rivers and headwater streams will return to below normal levels earlier than normal. So get those boats, bikes, fishing poles and hiking boots ready, but keep the skis and snowmobiles by the front door.

SURFACE WATER SUPPLY INDEX

IDAHO SURFACE WATER SUPPLY INDEX (SWSI)
As of February 1, 2005

The Surface Water Supply Index (SWSI) is a predictive indicator of surface water availability within a watershed for the spring and summer water use season. The index is calculated by combining pre-runoff reservoir storage (carryover) with forecasts of spring and summer streamflow. SWSI values are scaled from +4.0 (abundant supply) to -4.0 (extremely dry), with a value of zero indicating a median water supply as compared to historical occurrences. The SWSI analysis period is from 1971 to present.

SWSI values provide a more comprehensive outlook of water availability by combining streamflow forecasts and reservoir storage where appropriate. The SWSI index allows comparison of water availability between basins for drought or flood severity analysis. Threshold SWSI values have been determined for some basins to indicate the potential for agricultural irrigation water shortages.

BASIN or REGION	SWSI Value	Most Recent Year With Similar SWSI Value	Agricultural Water Supply Shortage May Occur When SWSI is Less Than
PANHANDLE	-2.7	----	NA
CLEARWATER	-2.5	1995	NA
SALMON	-2.1	1990	NA
WEISER	-2.4	1991	NA
PAYETTE	-1.9	2002	NA
BOISE	-2.1	2004	-2.1

BIG WOOD	-1.4	2003	-1.0
LITTLE WOOD	-1.2	2000/03	-2.0
BIG LOST	-1.0	2003	-0.5
LITTLE LOST	-1.9	2000	0.0
HENRYS FORK	-2.1	2003/04	-3.3
SNAKE (HEISE)	-2.6	2003	-2.0
OAKLEY	-2.1	2001	-1.0
SALMON FALLS	-2.1	2004	-1.0
BRUNEAU	-1.0	2004	NA
BEAR RIVER	-3.8	2003/04	-3.8

SWSI SCALE, PERCENT CHANCE OF EXCEEDANCE, AND INTERPRETATION

-4	-3	-2	-1	0	1	2	3	4
-----	-----	-----	-----	-----	-----	-----	-----	-----
99%	87%	75%	63%	50%	37%	25%	13%	1%

Much	Below		Near Normal				Above	Much
Below	Normal		Water Supply				Normal	Above

NA = Not Applicable

Note: The Percent Chance of Exceedance is an indicator of how often a range of SWSI values might be expected to occur. Each SWSI unit represents about 12% of the historical occurrences. As an example of interpreting the above scale, the SWSI can be expected to be greater than -3.0, 87% of the time and less than -3.0, 13% of the time. Half the time, the SWSI will be below and half the time above a value of zero. The interval between -1.5 and +1.5 described as "Near Normal Water Supply," represents three SWSI units and would be expected to occur about one-third (36%) of the time.

2004 WATER DISTRICT 120 COMPARISON

	2004 Budgeted	2004 Actual 2/9/2003- 10/31/2004	2005 Actual 11/01/04- 2/11/04	Combo for approx. 1 year of expenses	2005 Proposed Budget
Income					
Assessments	\$67,465	\$60,937	\$14,001	\$74,938	\$74,938
Interest	\$0				\$0
Miscellaneous Income	\$0	\$20	\$20	\$41	\$0
Totals	\$67,465	\$60,957	\$14,022	\$74,979	\$74,938
Expenses					
IDWR-WD 01 Contract	\$61,465	\$19,911	\$16,132	\$36,043	\$66,300
Report/Office Supplies/Mailings	\$0	\$98	\$444	\$542	\$1,500
Auto/Travel Expenses	\$2,000			\$0	\$2,000
Misc. Equipment	\$2,000	\$37	\$2,310	\$2,347	\$3,000
Meeting Expense	\$2,000	\$19		\$19	\$2,000
Bad Debt					
Totals	\$67,465	\$20,065	\$18,886	\$38,951	\$74,800

10:57 AM
02/11/05
Accrual Basis

Water District 120
Balance Sheet
As of October 31, 2004

Oct 31, 04

ASSETS

Current Assets

Checking/Savings

104 - Bank of Commerce

54,093.86

Total Checking/Savings

54,093.86

Accounts Receivable

120 - Accounts Receivable

6,737.12

Total Accounts Receivable

6,737.12

Other Current Assets

149 - Undeposited Funds

50.00

Total Other Current Assets

50.00

Total Current Assets

60,880.98

TOTAL ASSETS

60,880.98

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Other Current Liabilities

200 - Due to WD1

19,988.71

Total Other Current Liabilities

19,988.71

Total Current Liabilities

19,988.71

Total Liabilities

19,988.71

Equity

Net Income

40,892.27

Total Equity

40,892.27

TOTAL LIABILITIES & EQUITY

60,880.98

10:56 AM
02/11/05
Accrual Basis

Water District 120
Balance Sheet
As of February 11, 2005

	<u>Feb 11, 05</u>
ASSETS	
Current Assets	
Checking/Savings	
104 - Bank of Commerce	<u>29,938.82</u>
Total Checking/Savings	29,938.82
Accounts Receivable	
120 - Accounts Receivable	<u>6,089.34</u>
Total Accounts Receivable	<u>6,089.34</u>
Total Current Assets	<u>36,028.16</u>
TOTAL ASSETS	<u>36,028.16</u>
LIABILITIES & EQUITY	
Equity	
390 - Retained Earnings	40,892.27
Net Income	<u>-4,864.11</u>
Total Equity	<u>36,028.16</u>
TOTAL LIABILITIES & EQUITY	<u>36,028.16</u>

10:59 AM
02/11/05
Accrual Basis

Water District 120
Profit & Loss
November 2003 through October 2004

Nov '03 - Oct 04

Income

400 - Assessments	
401 Administrative Fee	46,404.92
402 Measurement Fee	10,606.83
403 Minimum Assessment	3,925.00
Total 400 - Assessments	<u>60,936.75</u>

490 - Miscellaneous Income	20.35
----------------------------	-------

Total Income 60,957.10

Expense

496 - WD1 Contract	
500 - Gross Wages	
505 - Payroll Taxes	
506 - Fica	118.10
507 - Mcare	27.64
508 - SUIID	11.42
Total 505 - Payroll Taxes	<u>157.16</u>

500 - Gross Wages - Other	18,767.23
Total 500 - Gross Wages	<u>18,924.39</u>

515 - Other Payroll Expenses	
516 - Persi	190.61
Total 515 - Other Payroll Expenses	<u>190.61</u>

520 - Overhead	796.17
Total 496 - WD1 Contract	<u>19,911.17</u>

525 - Office Supplies	98.22
575 - Equipment Expense	36.50
585 - Meeting Expense	18.94

Total Expense 20,064.83

Net Income 40,892.27

2 4.2%

10:58 AM
02/11/05
Accrual Basis

Water District 120
Profit & Loss
November 1, 2004 through February 11, 2005

Nov 1, '04 - Feb 11, 05

Income

400 - Assessments

401 Administrative Fee	13,976.10
402 Measurement Fee	100.03
403 Minimum Assessment	-75.00

Total 400 - Assessments	14,001.13
-------------------------	-----------

490 - Miscellaneous Income	20.49
----------------------------	-------

Total Income	14,021.62
--------------	-----------

Expense

496 - WD1 Contract

500 - Gross Wages

505 - Payroll Taxes

506 - Fica	57.31
507 - Mcare	13.40
508 - SUHD	5.53

Total 505 - Payroll Taxes	76.24
---------------------------	-------

500 - Gross Wages - Other	15,582.39
---------------------------	-----------

Total 500 - Gross Wages	15,658.63
-------------------------	-----------

515 - Other Payroll Expenses

516 - Persi	86.38
-------------	-------

Total 515 - Other Payroll Expenses	86.38
------------------------------------	-------

520 - Overhead

387.17

Total 496 - WD1 Contract	16,132.18
--------------------------	-----------

525 - Office Supplies	443.55
-----------------------	--------

575 - Equipment Expense	2,310.00
-------------------------	----------

Total Expense	18,885.73
---------------	-----------

Net Income	-4,864.11
------------	-----------

$387.17 / 15,658.63 = 0.0247$
2.47%

**Water District 120 Annual Meeting
2005 Resolutions**

The water users of water district 120 meeting at the annual district meeting on February 14, 2005, at the American Falls High School in American Falls, 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. Lewis Rounds be elected the watermaster 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 2005 fiscal year shall be provided by the water district.
 - b) The budget for Water District 120 for the ensuing year will be set at this annual meeting in resolution 10. Appointment of a district treasurer for fiscal year 2005 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 in exchange for compensation as set in the 2005 budget. This arrangement shall not give Water District 120 any ownership interest in any IDWR office space and equipment.
 - e) Districts identified herein are expected to fund, at their own expense during 2005 fiscal year, personnel and equipment necessary for measurement and reporting of diversions within these districts.
 - f) Water District 120 will assume full responsibility for all expenses of Water District 120 following this annual meeting on the second Monday of February 2005.
5. Diversions in Water District 120 that are not already measured by one of the districts identified herein and also have a diversion rate allowed by their water right in excess of 0.24 cfs shall be measured directly by the water district in the ensuing year and assessed for measuring and reporting at the following rate;
- a) \$50 per diversion
 - b) \$0.10 per AF for measurement
 - c) \$0.10 per AF for Administrative purposes
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. The following ground water districts and irrigation districts may already be measuring and reporting diversions on their own to promote efficiency in the administration of water rights and water management.
- 1) Aberdeen-American Falls Ground Water District
 - 2) Bingham Ground Water District
 - 3) Bonneville-Jefferson Ground Water District
 - 4) Falls Irrigation
7. These districts designated above may have employees who measure and report diversions to the water master of Water District 120 and IDWR. The water master of Water District 120 may therefore appoint employees or agents of these 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 these districts, including but not limited to the following:
- a) Each 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 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) The designated districts will first be given the opportunity to resolve unauthorized diversions or other enforcement matters before action is taken by the water master or IDWR.
- e) To the extent that 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:

- a) 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.
- b) Must be a water user of the district as evidenced by a valid water right or an assessment for water delivery the previous year.
- c) 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 that begins November 1 and ends October 31.

BE IT FURTHER RESOLVED that the Water District 120 advisory committee shall hereby be authorized to adapt an interim water district budget for the period between November 1 and the next annual meeting.

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.

Indirect charge covers following

(Lebie with fax
to Eastern)

Recap

Interview

Data base

Theright

Photo copies

Rest

Comm

Gas & oil

Supplies not directly rel. to prog

Co paper pencils

Assessments mailing - cover postage

BE IT RESOLVED that the budget for fiscal year 2005 be set at this annual meeting as follows:

Expenses	WD 120
IDWR Contract	66,300
Report/Office Supplies/Mailings	1,500
Auto/Travel Expenses	2,000
Misc. Equipment	3,000
Meeting Expense	2,000
Totals	\$74,800

BE IT FURTHER RESOVLED that the stated budget represents an assessment of \$0.10 per acre-foot for the average yearly water use for the period between 1999 and 2004. Also included is the measurement assessment as stated in resolution 5 and a \$25.00 per diversion minimum assessment for those diversions that are in the water district, not measured by the water district or any other entity, and have an allowed diversion rate below 0.24 cfs but not including domestic water rights as described in Idaho Code §42-111.

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 or the Water District 120 advisory committee 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 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,

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 120 will have a minimum charge of \$25.00.

The following list represents the current WD 120 advisory committee and alternates along with proposed alternates for 2005. Please note that not all of the advisors are members of the ground water districts. They are listed according to geographic area.

Aberdeen American Falls

Tim Deeg- AAFGWD

Kevin Michaelson -AAFGWD

Terrell Sorensen - Falls Irrigation

Richard Meyer - City of Aberdeen

Bingham

Craig Evans -BGWD

Scott Clawson -BGWD

Gaylon Van Orden - BGWD

Walter Gay -Nonparl (industrial)

Bonneville Jefferson

Bill Taylor - BJGWD

Dane Watkins - BJGWD

Stephanie Mickelson - BJGWD

ALTERNATES

Neil Powell
BGWD

Richard Line
AAFGWD

Kirk Atkins
AAFGWD

Proposed alternate Marla Tribble - BJGWD small diversion member

Letter to Director

WHEREAS it is expected that the East Water Measurement District will be converted to water district status sometime during the next two years, and:

WHEREAS the current boundaries of the East Water Measurement District encompass diversions that are geographically and hydrologically similar to those already found in WD 120, and;

WHEREAS the diversions currently in the East Water Measurement District and the diversions that are measured in WD 120 are already measured by the same personnel using shared equipment, and;

WHEREAS removing those diversions that are in the East Water Measurement District from the common program that measures both districts would cause an economic hardship to those remaining;

THEREFORE BE IT RESOLVED that the members of Water District 120 request that as the remaining administrative basins in the East Water Measurement District have their water rights partially decreed that those areas be incorporated into WD 120.

