

**Water District 110
2007 Proposed 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 110, signed by the Director of the Idaho Department of Water Resources (IDWR), April 17, 2006, including:
 - a) Measure, record and report diversions of ground water right included in Water District NO. 110;
 - b) Administer and enforce water rights in Water District No. 110 in priority;
 - c) Curtail unauthorized or excessive diversions in Water District No. 110 (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. 110 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. 110.
 - 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. Lyle Swank be elected the watermaster for Water District 110. That the Director of IDWR appoints Lyle Swank, 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. 110 hereby empower the elected advisory committee to enter into a Memorandum of Understanding between Water District No. 110, 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. 110 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. 110 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. 110 any ownership interest in any IDWR office space and equipment.
- 5. Water District No. 110 includes one or more canal companies, government entities, or other water delivery entities. The following canal companies and government entities had cooperative agreements or other arrangements with the North Water Measurement District to annually measure and report diversions on their own and to the measurement district in order to promote efficiency in the administration of water rights and water management.
 - 1) Montevieu Canal Company
 - 2) Producers Canal Company
 - 3) Jefferson Irrigation Company
 - 4) United States Fish & Wildlife Service Camas National Wildlife Refuge
- 6. The entities designated above may have employees who measure and report diversions to the water master of Water District No. 110. The water master of Water District No. 110 may therefore appoint employees or agents of these entities as assistant watermasters for purposes of measuring and reporting water use to the watermaster of Water District No. 110. 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 entities, including but not limited to the following:
 - a) Each entity 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 watermaster 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.
7. The budget of Water District No. 110 for the fiscal year 2007 beginning February 1, 2007, and ending on January 31, 2008, be as follows:

Income	
Assessment Income	\$57,311
Total Income	<u>\$57,311</u>
Expense	
IDWR Contract	\$35,269
Water District 1 Contract	\$12,400
Watermaster Services	
ESPA Program Monitoring	<u>\$19,284</u>
Total Expense	<u>\$66,953</u>

8. Assessment basis for measurement & reporting expenses: Diversions in Water District 110 that are not already measured by one of the canal companies or government entities identified in item 5 of these resolutions, and also have a diversion rate allowed by their water right 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 for measuring and reporting at the following rate;
- a) \$25 per diversion, and;
 - b) A pro-rata share of the total expense for measuring and reporting, minus the total amount charged for all the diversions in the district required to measure, determined by the fraction of the recorded diversion rate for each water right is to the total recorded diversion rate of all water rights being measured in the district.
9. All water users in Water District 110 will be billed their prorated share of the ESPA program and monitoring costs based on their water right as stated in Idaho Code § 42-612.
10. Dale Rockwood be elected Water District No. 110 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.
11. 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 advisory committee will consist of two water users from Hamer, two water users from Montevue, and two from Mud Lake/Terreton Area.

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. 110 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
 - b) Must have paid all assessments owed to the water district.
13. The annual Water District No. 110 meeting shall hereafter be held on the second Wednesday of February, of each year unless the Director of IDWR or the Water District No. 110 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. 110 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.
17. HEREBY BE IT RESOLVED, that Water District 110 advisory committee shall be charged with the responsibility for the appointment of member(s) to serve as advisor(s) to the Eastern Snake Plain Aquifer Monitoring Committee as defined by Idaho Code § 42-620.

18. 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 § 42-617.
19. Be it also resolved, that the Watermaster is authorized pursuant to Idaho Code § 42-618, to withhold or suspend deliveries of water to any water users who have not paid their assessment charge by January 1 of the year following the billing date.
20. Be it resolved that \$7,500 be transferred to the Jefferson/Clark Ground Water District from Water District 110 with exclusion of non-irrigation water use through an assessment credit in 2007.