

**Water District 120
2007 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. Ernest Carlsen be elected the watermaster for Water District 120. That the Director of IDWR appoint Ernest 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 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 the 2007 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 2007 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 2007 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 the 2007 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 2007.
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) \$75 per diversion
 - b) Per AF charge for measurement based on portion of measurement cost
 - 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 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.

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,

BE IT RESOLVED 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.

BE IT FURTHER RESOLVED, that Water District 120 advisory committee shall be charged with the responsibility for the appointment of member(s) to serve as its representative the Eastern Snake Plain Aquifer Monitoring Committee as defined by Idaho Code 42-620.

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, Water District 120 is self-sufficient and responsible for all costs incurred,

BE IT RESOLVED that the budget for fiscal year 2007 be set at this annual meeting as follows:

Income	
Assessment Income	<u>\$110,000</u>
Total Income	<u>\$110,000</u>
Expenses	
IDWR Contract	70,953
WD1 Support Services	11,088
Meeting Expense	<u>500</u>
Sub Total	<u>\$82,541</u>
ESPA Monitoring	<u>32,740</u>
Total Expense	<u>\$115,281</u>

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 2001 and 2005. 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.

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.

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.

16. 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 user who has not paid their assessment charge by January 1 of the year following the billing date.

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

Aberdeen Am. Falls GWD

Tim Deeg - AAFGWD
Nick Behren
Terrell Sorenson - Falls Irrigation
Richard Mayer – City of Aberdeen

Alternates

Richard Line – AAFGWD
Steve Howser
Todd Lowder
Dan Hammond

Bingham GWD

Craig Evans - BGWD
Scott Clawson - BGWD
Gaylen VanOrden - BGWD
Walter Gay-Nonparel (industrial)

Alternate

Neil Powell – BGWD

Bonneville Jefferson GWD

Ralph Isom - BJGWD
Dane Watkins - BJGWD
Stephanie Mickelson – BJGWD

Alternate

Marla Tribble – BJGWD (small diversion member)