

March 27, 2002

Re: Advisory Committee Suggested for Water District No. 130

Dear Participant in the Basin 36 Mediation Discussions:

An item of discussion at the Basin 36 mediation discussions held in Buhl on February 28, 2002, was the makeup of the advisory committee for Water District No. 130, which is in the final stages of being established. The purpose of this letter is to provide you my suggestions on this and related issues prior to the next mediation meeting scheduled on April 2, 2002, in Hagerman. The following discussion of the factors affecting options for structuring the water district advisory committee is intended to provide a starting point for developing equitable and workable governance for the water district.

**Makeup of the Advisory Committee**

The challenge in establishing an appropriate advisory committee is assuring that all water users have effective representation on the committee, without having an excessively large number of committee members. Water users in Water District No. 130 can be categorized several ways such as by source of water, by location within the district, by the purpose of use for water rights administered through the district, by membership or non-membership in a ground water district or irrigation district, or by the relative priority of rights. The importance of each of these distinctions to any water user may vary depending upon the particular issue being considered. Obviously, fashioning an advisory committee that satisfies all water users at all times will be difficult. Accordingly, at the outset it is important to understand and reach agreement that the makeup of the advisory committee may have to be adjusted from time-to-time as appropriate improvements are identified.

Initially, I suggest that the advisory committee for Water District No. 130 be selected as follows:

- Two members from the North Snake Ground Water District;
- Two members from the Magic Valley Ground Water District;
- Two members from the A & B Irrigation District;
- Two members from cities holding ground water rights within Water District No. 130;
- Two members representing holders of water rights to divert from springs;
- One member from holders of industrial/commercial ground water rights within the district;
- One ex-officio (non-voting) representative from Water District No. 1;
- One ex-officio (non-voting) representative from Water District No. 36A; and
- One ex-officio (non-voting) representative from Water District No. 120.

The members should be selected prior to the annual meeting or at a caucus of the constituents of each group of water right holders held during the annual water district meeting. The selections should be confirmed by a resolution enacted at the annual meeting. Membership on the advisory committee should be determined annually. Designation of alternate members could encourage full representation at meetings and could be used to rotate representation among groups having differing interests within the above listed categories.

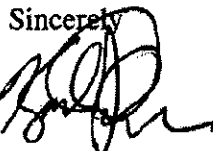
### **Voting**

Idaho Code §§ 42-605 and 42-605A set out the voting procedures to be used at annual meetings of water districts. Voting is by majority vote of those water right holders present at the meeting, unless one or more right holders request that the voting be weighted by assessments paid to the water district. Assessments are based on the volume of water delivered, but non-consumptive uses can be assessed based upon the costs directly attributable to providing watermaster services. In some existing water districts, non-consumptive rights, such as those for fish propagation, hydropower, and aesthetics, are charged at a lesser rate (or not charged at all) than assessments for consumptive uses, such as irrigation, industrial and municipal.

Diversions records compiled by IDWR from data obtained through the West Measurement District, ground water districts, and irrigation districts within Basin 36 indicate that ground water users divert approximately 650,000 acre-feet per year. This estimate includes diversions for irrigation uses and those for commercial, municipal, and industrial uses having diversion rates exceeding 0.24 cfs. Diversions from spring sources (excluding those in Water District 36A) total about 1,850,000 acre-feet. Thus there is approximately a 3 to 1 ratio between diversions from the springs, most of which are used for purposes commonly considered to be non-consumptive, and diversions from ground water, most of which are commonly considered to be consumptive. A more precise determination of the ratio is not warranted at this time because of the accuracy and completeness of the diversion data and differences in diversions from year-to-year.

Based upon the estimated ratio between diversions from springs and from ground water in the district, I suggest that diversions for non-consumptive uses have voting rights at annual meetings equal to one-third of the voting rights for consumptive ground water uses in the district. This suggestion is made with the understanding that the voting method can be reviewed and modified as additional information on diversion volumes is gathered.

During our meeting on April 2 in Hagerman, we expect ample opportunity to discuss these suggestions and modifications or other ideas you may have.

Sincerely  
  
Karl Dreher  
Director