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Department of Water Resources

Water District 130
Jerome High School Auditorium
February 11, 2003

Tim Luke, Idaho Department of Water Resources, called the meeting to order at 2:10 p.m. Tim substituted for Chairman Mike Faulkner because Mr. Faulkner was out of town on business. The first order of business was to elect a Chairman for the Water District. Dan Temple was nominated as Chairman for Water District 130. Orlo Maughan seconded the nomination. No other nominations were received. It was moved that Dan Temple be elected as WD 130 chairman. Passed on a voice vote.

Dan Temple nominated Lynn Tominaga as Secretary for WD 130. No other nominations were received. It was moved that Lynn Tominaga be the secretary for WD 130. Passed on a voice vote.

Lynn Tominaga read the minutes from the April 19, 2002 WD 130 meeting held at Jerome High School auditorium. (See attached minutes) It was moved and seconded to accept the WD 130 minutes as read. Passed on a voice vote.

Dan Temple talked about the steering committee and the work they have done this past year. He asked them to introduce themselves and thanked them for their hard work and recommendations brought forth to the WD 130 meeting. Dan introduced Cindy Yenter, current WD 130 Watermaster.

Cindy Yenter, WD 130 Watermaster, gave a report of her activities during her first year. She outlined inspections for compliance with water rights and noted that 5 notices of violation were sent out this year. All had been resolved except two. She talked about the inspections of ground water users to verify 8% reductions as stipulated in the negotiated agreements. Overall, reductions took place in both ground water districts, but the records and information are still being evaluated.

Jeff Martin, hydrographer for the North Snake Ground Water District (NSGWD), talked about the mitigation plans and the work and effort expended from his office. He enlightened the group regarding projects underway to improve surface water delivery infrastructure within the district. NSGWD board has undertaken efforts to help convert ground water irrigation to surface water irrigation with the help of the North Side Canal Company (NSCC). NSGWD board has elected to improve delivery infrastructure instead of relying on user reductions or mitigation water purchases this coming year to satisfy the stipulated agreement. NSGWD was in the process of having the signatories sign an agreement amendment for the coming year.

Dean Stevenson, Magic Valley Ground Water District (MVGWD), discussed their efforts in obtaining mitigation water and the 8% reduction plans for MVGWD. The power data from Idaho Power showed a 14.2% decrease in electrical usage in the district which more than met the 8% reduction plan for the district. He went on to discuss the agreement with Mitigation Inc.

which guarantees the purchase of up to 20,000 ac/ft. of mitigation water for the coming year to be used by NSCC or NSGWD.

Dan Temple, A & B Irrigation District (A&BID), talked about the efficiency improvements being made in the delivery systems of the irrigation district. This past year A&B ID used 3 ac/ft. per acre as a district and had an operation loss of 4% for the system. This information represents an all time low for the district. However, the operating expenses for the district continued to increase.

Tim Luke and Cindy Yenter started a discussion of the resolutions and recommendations from the WD 130 steering committee. Cindy explained the majority of the resolutions were similar from the previous year with some changes made. The major changes to the resolutions were the recommendations from the steering committee regarding the make up of the advisory committee, and an added section which outlined the statutory requirements of water district assessments.

The advisory committee suggested make up was as follows:

One member from A & B Irrigation District

One member from NSGWD

One member from MVGWD

One member from basin 37 or 45 not from a GWD

Two members from commercial, municipal or industrial users (C/M/I)

Four members from surface or spring users

Many questions were asked about the make-up of the advisory committee and the recommendations from the steering committee. There was a suggestion about sending out the resolutions prior to the annual meeting but Cindy commented on the expense of sending out over 1000 notices and the resolutions. Cindy suggested that she could mail the resolutions to those who requested a copy. She thought maybe the resolutions could be posted on a website for people to review and be made available. She then discussed the changes made by the steering committee that morning before the annual meeting. There was concern expressed by members that the changes made by the advisory committee could not be reviewed before the annual meeting and the copies from the website could be dramatically different from those before the members.

James Annet moved and it was seconded that a copy of the WD 130 resolutions be posted on the IDWR website 30 days before the annual meeting to allow members the opportunity to review the resolutions and make suggested changes to said resolution at the annual meeting. Passed on voice vote. Adrian Boer moved and it was seconded that any proposed changes to the resolutions made prior to the annual meeting will be highlighted but this shall not preclude any member from proposing any new resolution or changes to the resolutions at the annual meeting. Passed on a voice vote. The above changes were added as a single resolution.

Jeff Martin NSGWD wanted to add a resolution to support efforts in the state legislature to redefine the "Local Public Interest". He had drafted a letter and petition to encourage efforts to

limit IDWR's authority on local public interest determinations to water based issues when issuing a license or permit. Adrian Boer moved and it was seconded that a letter be sent on behalf of the WD 130 to the state legislature in support of redefining the "local public interest". Passed on a voice vote. A resolution was added and a copy of the letter attached.

Dan called for a 20 minute recess to allow the different caucuses to select their members for the advisory committee. Dan reconvened the annual meeting 30 minutes later. The members selected to serve on the advisory committee are as follows:

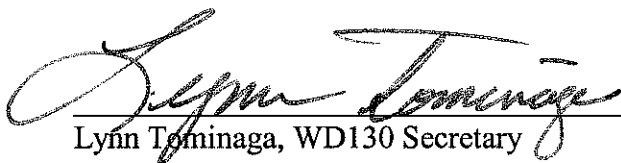
A&BID	Dan Temple (Harold Mohlman, alternate)
NSGWD	Lynn Carlquist (Adrian Boer, alternate)
MVGWD	Dean Stevenson (Orlo Maughan, alternate)
Basin 37	Gary Bowman (temporary)
C/M/I	Rex Minchey and Phyllis Beard (Arie Roeloff, alternate)
SW	Jon Bowling, Larry Cope, Dwayne Knigge and Gary Lemmon (Mike Greene and PJ Green, alternates)

It was moved and seconded that the resolutions be accepted as modified during the meeting. The motion passed on a voice vote. The adopted resolutions confirmed that Cindy Yenter, representing IDWR, shall serve as Watermaster for the ensuing year.

The Water District will again not make an assessment for watermaster services for 2003, as that expense is being carried by IDWR. Measurement and reporting charges for 2003 will continue to be collected by the ground water districts or the West Water Measurement District, for those users not in a ground water district. In 2004, the Water District will be responsible for the payment of the watermaster charge. The steering committee had considered a nominal assessment for 2003 to build funds toward 2004, but did not make the required 30-day deadline for submittal of a budget proposal. Because ground water districts will require 2004 budget information as early as June 1, 2003, the advisory committee will begin working with the Watermaster in the next month to begin working on the 2004 budget proposal.

There was no further business or discussion offered from the floor. The meeting was adjourned at approximately 4 pm.

A copy of the 2003 Adopted Resolutions, including the draft letter from NSGWD to the legislature, are attached to these minutes.


Lynn Tominaga, WD130 Secretary


Date

**WATER DISTRICT 130 ANNUAL MEETING
ADOPTED RESOLUTIONS**

THE WATER USERS OF WATER DISTRICT 130 MEETING AT THE ANNUAL DISTRICT MEETING ON FEBRUARY 11, 2003 AT THE JEROME HIGH SCHOOL AUDITORIUM IN JEROME, 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 130, 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.
 - 3) The annual water district resolutions as adopted herein.
2. The Idaho Department of Water Resources be elected to provide the watermaster services for Water District 130 and that the Director of IDWR appoint Cynthia Yenter, an employee of IDWR, or other employees of IDWR as may be necessary, to serve as the watermaster for the ensuing year.
3. As provided in Idaho Code § 42-608(4), the watermaster shall begin service on this date and continue until the next annual meeting when a successor is elected or appointed.
4. The water users of Water District 130 hereby empower elected or appointed officials of sub-districts created herein 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 2003 shall be provided by IDWR if the district elects IDWR to provide the watermaster services and allow the Director of IDWR to appoint an employee of IDWR as watermaster.
 - b) If IDWR is re-elected to provide watermaster services for 2003, the watermaster shall maintain an office for the ensuing year within the IDWR Southern Regional Office, located in Twin Falls, Idaho. IDWR will provide office space, vehicles and the use of all necessary office and field equipment, and other necessary watermaster expenses. This arrangement shall not give Water District 130 any ownership interest in any IDWR office space and equipment.

- c) IDWR's commitment is limited to providing one (1) full-time employee (FTE) for watermaster duties over the ensuing year, but the sub-districts created herein are expected to fund, at their own expense during 2003, personnel and equipment necessary for measurement and reporting of diversions within the sub-districts, using methods acceptable to the Director of IDWR and consistent with the requirements of Idaho Code § 42-701 and 42-708.
 - d) Water District 130 must assume full responsibility for all expenses of the district incurred following the 2004 water district annual meeting.
5. Diversions in Water District 130 that are not already measured by one of the sub-districts created herein shall be measured directly by the water district in the ensuing year but may be assessed for measuring and reporting through the Eastern Snake Plain Aquifer (ESPA) West Water Measurement District since the latter district still exists for purposes of measuring and reporting diversions within other areas of the ESPA that are not yet included in Water District 130. Alternatively, users with diversions in Water District 130 not already measured by one of the sub-districts may form their own sub-district for purposes of measuring and reporting diversions to the water district watermaster so long as the sub-district submits a plan showing that diversions can sufficiently be measured and recorded using methods acceptable to the Director of IDWR and consistent with the requirements of Idaho Code § 42-701 and 42-708.
6. An advisory committee shall be elected to provide input to the watermaster and the Director of IDWR. The number and composition of the advisory committee for the ensuing year shall total 10 seats as follows:
- 1 member of the North Snake Ground Water District;
 - 1 member of the Magic Valley Ground Water District;
 - 1 member of A&B Irrigation District;
 - 1 Basin 37 ground water irrigator not a member of a ground water district;
 - 2 ground water users holding commercial, industrial or municipal water rights;
 - 4 spring water users.

Additional seats may be added to the committee in subsequent years depending on further revisions or expansions of the water district boundaries, to be determined annually. Each group represented will also select an alternate for each seat. Candidates will be voted on at caucus during the annual meeting.

The advisory committee will meet as often as needed to address the structure, governance and operation of the district. Decisions or recommendations of the advisory committee must be made with at least 70% of advisory members present in favor.

7. Water District 130 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. Since ground water districts and irrigation districts may already be measuring and reporting diversions on their own, and in order to promote efficiency in the administration of water rights and water management, the Director of IDWR, working with the members of the water district through an advisory or steering committee, may provide for sub-districts as he finds appropriate. The director therefore recognizes and provides the following sub-districts:

- North Snake Ground Water District
- Magic Valley Ground Water District
- A&B Irrigation District
- Thousand Springs Area
- Basin 37 Area or ESPA West Measurement District (see resolution no. 5 above)

8. The sub-districts designated above may have employees or agents who measure and report diversions to IDWR, and who may provide other services to the sub-district. The Director of IDWR therefore may appoint employees or agents of the sub-districts as assistant watermasters for purposes of measuring and reporting water use to the watermaster of Water District 130. The water district watermaster and the Director of IDWR will provide direction and guidance to assistant watermasters for measuring and reporting of diversions in sub-districts, including but not limited to the following:

- a) Each sub-district shall prepare 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 from sub-districts shall cooperate and coordinate with the water district watermaster and IDWR in sharing water use information and in the investigation of water uses within sub-districts, including but not limited to investigation of water use to confirm reductions of water use when required, and confirm and report compliance of water use with valid water rights.
- 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 or IDWR.
- d) Sub-districts and sub-district assistant watermasters may cooperate and participate with the water district and IDWR in resolution of unauthorized diversions or other enforcement matters.
- e) To the extent that sub-district assistant watermasters may otherwise be involved in the regulation or enforcement of diversions, such involvement will be under the instruction of the watermaster or the Director of IDWR.

9. The watermaster, working with the water district advisory committee, shall apply the following guidelines for preparation of the proposed 2004 budget that shall be filed with IDWR prior to the 2004 annual meeting of the water users of Water District No. 130 in accordance with Idaho Code § 42-615.
 - a) Said proposed budget shall show the proposed expenses for the 2004 water district operation year. The proposed budget shall provide for continuation of the expenses incurred by IDWR for providing watermaster services to Water District 130 during 2003, with appropriate increases for inflation.
 - b) Said proposed budget shall include a distribution of the amount of said budget to the consumptive water users using the actual deliveries of water or water use for the past irrigation seasons, or past calendar years if the consumptive use is for non-irrigation purposes, that are available to the watermaster pursuant to IDWR water measurement and reporting requirements.
 - c) In preparing said budget, the watermaster shall show those diversions and water rights within the district that are non-consumptive as defined in Idaho Code § 42-605A(1).
 - d) In preparing the budget, the watermaster shall determine an assessment for the ensuing year for individual water rights that are used for non-consumptive purposes. The assessment shall be sufficient to pay the additional costs and expenses for watermaster services for data collection, water measurement and reporting, delivery of water and record keeping directly attributable to delivery of the water right. Costs and expenses related to data collection and water measurement and reporting need not be included in the assessments of non-consumptive water rights if a sub-district provides such services.
 - e) It is of benefit to certain sub-districts and hence numerous water users in the district to have the 2004 proposed budget filed with IDWR at a date sufficiently in advance of the 2004 annual water district meeting so that the sub-districts can adequately plan for budgeting and collection of the 2004 water district expenses. The watermaster therefore shall file the 2004 proposed budget with the Department by June 1, 2003.
 - f) The watermaster shall prepare assessments for the 2004 budget after the water users present at the 2004 annual meeting have formally adopted the budget. The steering committee recommends that the 2004 assessments be due to Water District 130 on or before April 1, 2004 so that there will be sufficient funds early enough in the year to accommodate the expenses of the water district.
10. The annual Water District 130 meeting shall hereafter be held on the second Tuesday of February, of each year unless the Director of IDWR should find it necessary to change the meeting date or unless changed by resolution of the district at any annual meeting.

11. Copies of the minutes of the annual meeting, the budget, if any, as approved, all resolutions approved, and any 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.
12. The watermaster of Water District 130 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.
13. The watermaster and assistant watermasters are authorized as employees of IDWR under Idaho Code § 42-1701(5) to make reasonable entry on lands within the district, in accordance with IDWR policy, 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.
14. The advisory committee shall make available a copy of any resolutions proposed to it or by it, at least 30 days prior to the annual meeting by posting the copy on IDWR's website. Any proposed changes to the resolutions made prior to the annual meeting will be highlighted. This shall not preclude any member from proposing any new resolution or proposing changes to resolutions at the annual meeting.
15. The members of Water District 130 are in support of legislation as petitioned by the North Snake Ground Water District regarding the limitation in scope of the local public interest. A copy of a letter to Senator Laird Noh and Representative John Stevenson is attached.

February 10, 2003

Hon. Laird Noh
Idaho Senate
State Capitol Building
P.O. Box 83720
Boise, ID 83720-0081

Hon. John A. (Bert) Stevenson
Idaho House of Representatives
State Capitol Building
P.O. Box 83720
Boise, ID 83720-0038

Dear Senator Noh and Representative Stevenson:

The undersigned representatives of the North Snake Ground Water District and other community interests write to express our alarm over the misuse of the "local public interest" review in water rights matters. We urge you to support legislation that will limit its scope to the protection and optimum utilization of the public's water resources.

Unfortunately, the local public interest review is now being used to force applicants for water rights to engage in costly and time-consuming battles over issues having nothing to do with the management of our rivers and aquifers. The Department of Water Resources was never intended to be a debating forum on social policy, environmental, and zoning issues more appropriately addressed by other state and local entities. The Department's resources are already strained to the breaking point just doing its real job.

The resulting delays are crippling efforts to revive our struggling local economy. Moreover, the costs of these hearings are driving many of our good, local business people to the brink of collapse. We call upon you to act now to eliminate this abuse of the local public interest review. Thank you.

Sincerely,

cc: Karl Dreher
Clive Strong
Jim Yost