



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RECEIVED

JUL 16 2010

**DEPARTMENT OF
WATER RESOURCES**

July 14, 2010

IDWR-State Office
Attn: Tim Luke
P.O. Box 83720
Boise, ID 83720-0098

Re: Memorandum of Understanding

Tim,

I have enclosed the original "Memorandum of Understanding" for Water Disticts 100, 110, and 120. They need to be signed by Gary Spackman and returned to me for the files. The originals we sent in 2009 were not returned to us with a signature. With these signed, the files will be complete.

Thank you,

Kenda Jones
Kenda Jones
Eastern Region

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into by and between the Director of the Department of Water Resources, (hereinafter called the Director) and the water users of Water District No. 120, American Falls Area, (hereinafter called Water District No. 120) acting through the Water District Advisory Committee.

WHEREAS, the statutes of the State of Idaho provide for the Director to have direction and control of the distribution of the waters of the state to those holding valid rights to the use thereto; and

WHEREAS, the Water District No. 120 authorized the Advisory Committee, as advisors to, and elected representatives of the water district, by resolution duly adopted at the February 19, 2002, annual meeting of the water users of the district to enter this memorandum of understanding continuing a cooperative program with the Director to provide watermaster services for Water District No.120; and

WHEREAS, the Advisory Committee will, among other things, serve as advisors to the Director and the watermaster in matters relating to the administration and regulation of water rights, and measurement and reporting of water use within the district:

NOW, THEREFORE, the Director agrees to provide the following services to Water District No. 120, effective upon the execution of this memorandum of understanding and to continue to provide the services from year-to-year as herein provided upon election of an employee of the Department as watermaster and the adoption of a budget by the water users at the annual water district meeting authorizing expenditures in accordance with the purposes of this memorandum of understanding:

1) To provide watermaster services to Water District No.120, as described in the adopted resolutions for Water District No. 120 for the period from the effective date of this memorandum until the end of any subsequent water district year as agreed to by the water users of Water District No. 120 at their annual meeting and the director of the Department. The adopted resolutions for Water District No. 120 is attached hereto and incorporated herein by this reference. Such watermaster services will be provided under the direction of the Director, in coordination with the regional manager of the Department's Eastern Region consistent with the provisions of Title 42, Idaho Code.

2) To provide any full time or part time employees as necessary for the water distribution operations of Water District No. 120 in accordance with its adopted budget.

3) To provide office space as necessary for operation of Water District No. 120 and to provide Department vehicles for use by full-time employees of the Department, to conduct Water District business, and to share the use of other Department equipment and facilities as are necessary to equitably administer, monitor, regulate and distribute the waters to the users within Water District No. 120.

WATER DISTRICT NO. 120 agrees as follows:

1) To pay the Department, in accordance with resolutions adopted at the annual water district meeting, sufficient funds to cover the costs of operations incurred in providing watermaster services to Water District No. 120 provided, however, that reimbursement for the watermaster shall not exceed the personnel costs and other costs incurred in conducting Water District No. 120 business and watermaster services. Indirect costs will be paid at the rate approved by the Department of the Interior Inspector General and current at the time of the water district annual meeting.

THE PARTIES mutually agree that:

1) Any persons directly employed by the Department as classified state employees, performing duties on behalf of Water District No. 120 under this memorandum will only perform those duties as described in the adopted resolutions of Water District No. 120:

2) The director of the Department, or an employee(s) designated by the Director, and the chairman of the Advisory Committee shall consult annually prior to the end of the water district's fiscal year concerning the continuation of this memorandum and any need for modification of it.

3) This memorandum of understanding will continue from year to year and can be amended or terminated at any time by agreement of the director of the Department and Water District No. 120, on the recommendation of the Advisory Committee.

4) Nothing in this agreement will act to change, modify or release either party of any obligation or responsibility otherwise provided by contract or by law.

Water District No. 120

2/8/2010
Date



Tim Deeg, Advisory Committee Chair
Water District No. 120

Idaho Department of Water Resources

8/5/2010
Date



Gary Spackman, Interim Director
Idaho Department of Water Resources