

OTHER MINUTES

Water District 120 Advisory Meeting
January 31, 2013
IDWR, 900 N Skyline Dr, Suite A
Idaho Falls, ID 83404

Meeting was called to order at 1:00 pm by Tim Deeg. Those in attendance were: Tim Deeg, James Cefalo, Wendy Murphy, Kenda Jones, Dane Watkins, Craig Evans, Neil Morgan, Marshall Jensen, Brian Lebrecht, LaVerelle Stecklein, Steve Howser, and Stephanie Mickelsen.

Minutes from the February 6, 2012 advisory meeting were reviewed. Corrections were made for the 2nd paragraph to correct the date to "February 2, 2011"; page 2, 2nd paragraph to correct the spelling of "charges"; and to correct "Lance" Funk's name. The minutes were approved as corrected.

Wendy Murphy presented the financial report. Balance sheet shows a balance of \$219,515 in checking and savings. Outstanding accounts receivables are \$2,057. Total current assets are \$221,572. Projected accounts payable for January are \$6,460, which is the bill from IDWR. Retained earnings are \$194,427. Total equity in the District is \$215,111. Total liabilities and equity is \$221,572. Profit loss indicates total income was \$87,463, which includes interest and finance charges. Total expenses were \$66,779. Net income was \$20,684. The expenses were considerably under budget with cost sharing for an IDWR employee position. Steve Howser expressed his interest in utilizing some of the retained earnings for purchasing pressure transducers to gather changes in water elevation in the area. No action was taken on this proposal.

James Cefalo indicated there was a violation this past year with Lance Funk irrigation over 2000 acres without a proper water right. He also indicated out of the violations mentioned in 2012, Foster Farms and Deloy Ward moved water to correct their violation. Monty Funk and Dyer Family Trust have also resolved their violations. Stephanie Mickelsen moved to accept the Watermaster report, LaVerelle Stecklein seconded the motion and the motion passed.

The proposed resolutions were reviewed for presentation at the annual meeting. Resolution 5 (b) was changed to reflect a \$0.30 charge for measurement, and #5 (c) changed to \$0.02 for administrative purposes. There was also an addition to Resolution 5 – (d) to add language for the minimum charge. Resolution 10 was also changed to reflect the 2013 fiscal year and to reference resolution 5 for charges. James Cefalo indicated he would like to review the resolutions in more detail and arrange resolutions to a more logical order. Steve Howser moved to approved the proposed changes and authorize James to correct language and the resolution order prior to the annual meeting. Dane Watkins seconded the motion and the motion passed.

The proposed budget was changed to reduce income from \$87,782 to \$54,354 and to remove the audit cost from the expenses reducing the expenses to \$77,704. It was also recommended to add the projected loss on the report. Stephanie Mickelsen moved to approve the budget as presented and

authorizing reserved to be used for the shortfall in assessments. Craig Evans seconded the motion and the motion passed.

No other business was brought before the committee and the meeting adjourned.

Wendy Murphy
For Kenda Jones

MINUTES OF ANNUAL MEETING

Water District 120 Annual Meeting
February 11, 2013, 1:00 p.m.
Bingham County Courthouse
Blackfoot, ID

Tim Deeg called the meeting to order at 1:10 p.m. A List of Attendees is attached.

Chairman and Secretary were nominated. Dane Watkins nominated Tim Deeg as Meeting Chairman and Kenda Jones as Meeting Secretary. Nominations ceased and all those in attendance approved the motion.

Minutes were reviewed from 2012 annual meeting. Dane Watkins moved to approve the minutes as written. Neil Morgan seconded the motion and the minutes were approved as written.

Wendy Murphy presented the Balance Sheet and Profit and Loss Budget Comparison as of October 31, 2012. Assessments are not be increased for this year. Dane Watkins motioned to accept the financials, Nic Behrend seconded and the financial report was accepted as reported.

Jim Bitzenburg presented the Watermaster report. There were 140 wells on the visit list for 2012. These wells were all visited. There was also an enforcement issue in 2012 which required several hours to resolve. The ground water levels in the area over the last five years tend to be static. Reservoirs are at 56% capacity at the first of February. Snow water equivalent charts show we are currently at normal levels. It was noted the averages for the NRCS have been adjusted to a new thirty year average.

James Cefalo provided additional information about enforcement activity. He indicated that some pivots were locked until a water source was acquired through the state water bank. He indicated it is best to address those issues early in the spring and if water users notice a violation early in the season to please notify him. Dane Watkins motioned to accept the watermaster report, LaVerelle Stecklein seconded and watermaster report was accepted.

Resolutions for 2013 were reviewed. The advisory board had asked James to make some changes to last year's resolutions. Primarily, the assessment resolutions were combined to clear up the language and keep one resolution for assessments rather than several as existed in previous years. Neil Morgan motioned to accept the Resolutions as changed, Dane Watkins seconded and Resolutions for 2013 were approved as corrected.

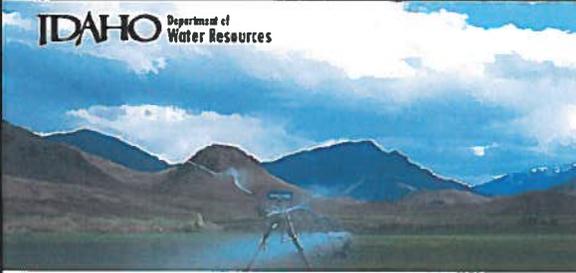
An election of Advisory Committee was held. Tim Deeg proposed leaving the advisory committee the same except for removing Dan Hammond as an alternate. Neil Morgan moved to retain the same committee with the exception of Dan Hammond, Dan Watkins seconded and the motion passed.

Tim Deeg gave a summary of the year. The ground water districts finished purchasing Clear Springs, Rim View, and Blue Lakes. There will be no delivery call from these fisheries with this purchase. The Department is now using a new model to review calls and transfers.

Lyle Swank indicated there is a proposed legislation to change 42-605 which deals with the election of the watermaster.

Dane Watkins motioned for the meeting to adjourn, Jeanie Hendricks seconded and the meeting was adjourned.

IDAHO Department of Water Resources



**Water District 120
Annual Meeting**
February 13, 2012



IDAHO Department of Water Resources

Field Work

- 119 diversions on visit list
- Visited all 119 diversions
- Flow measurements on 106 diversions
- 9 wells couldn't be measured because of broken or nonexistent flowmeters
- 4 wells were never running when visited
- Did water table measurements in WD-120

IDAHO Department of Water Resources

Office Work

- Did data entry of measurements into WMIS(Water Management Information System)
- Notified State office of wells needing flowmeters
- Did clean up of WMIS database and added new diversions to be assessed

IDAHO Department of Water Resources

Goals for 2012

- Finish data entry for 2011 work
- Inventory new wells and bring into WMIS
- Visit and make measurements on all wells on the 2012 visit list
- Make water table measurements in the spring and the fall

IDAHO Department of Water Resources

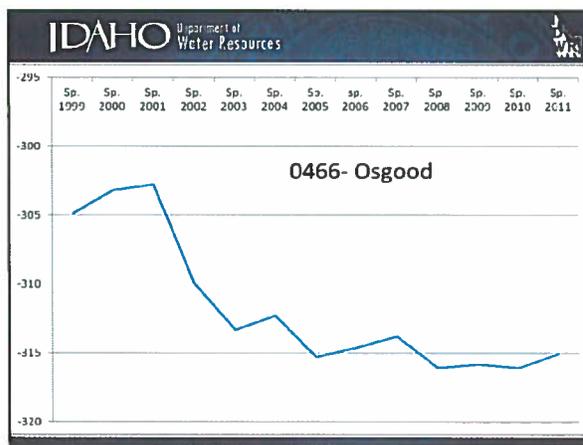
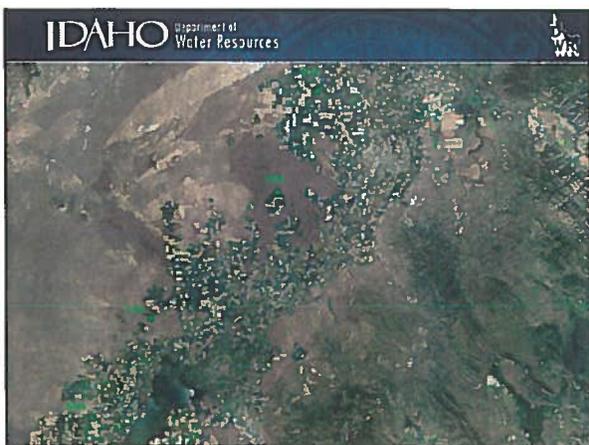
Water Supply and Outlook

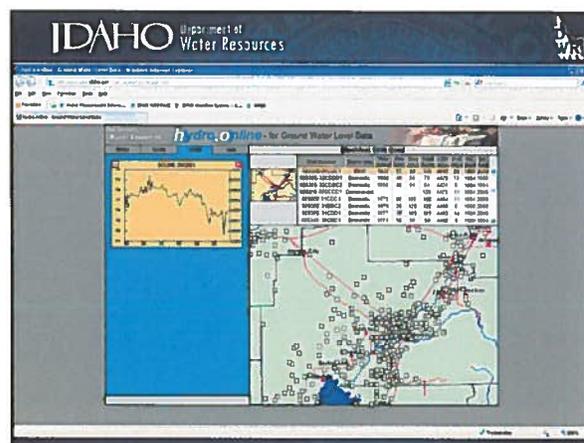
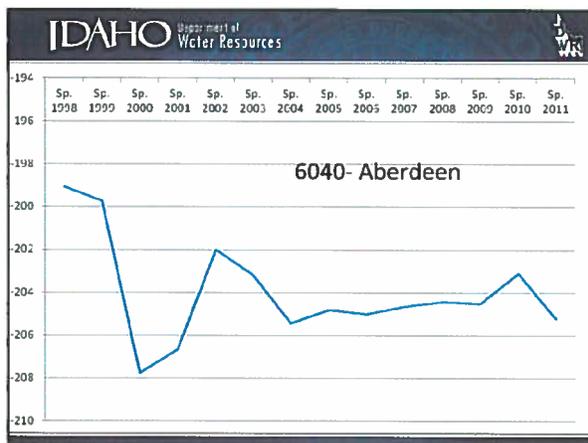
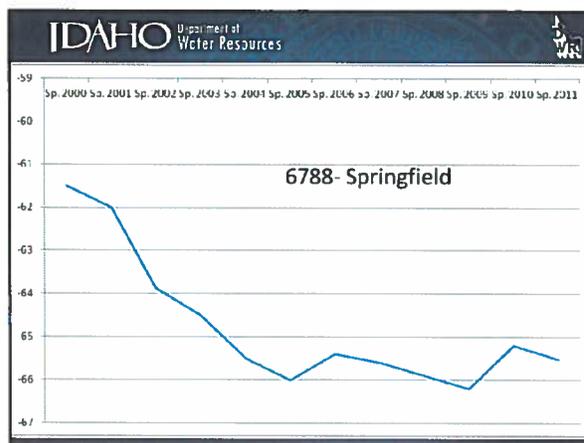
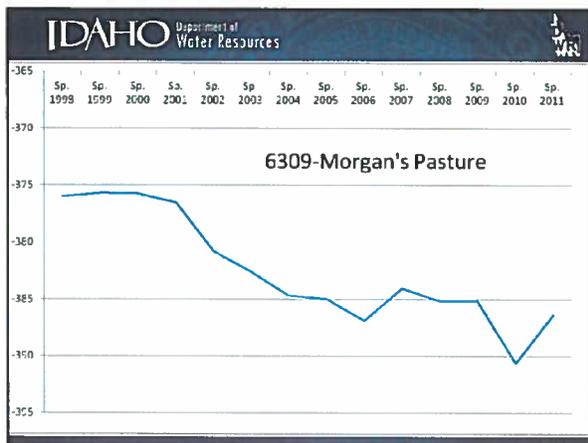


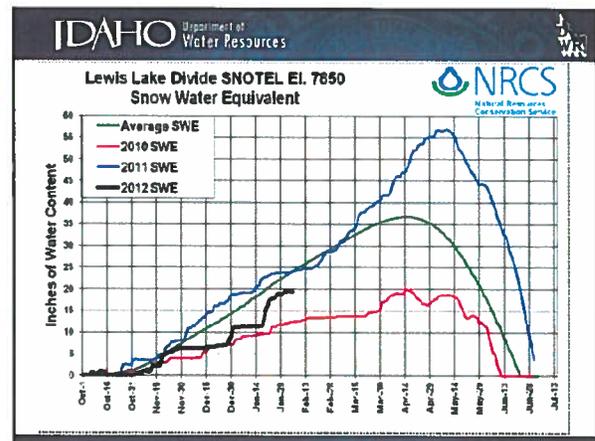
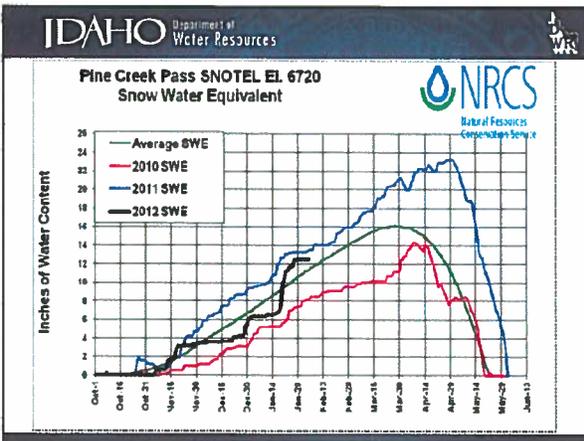
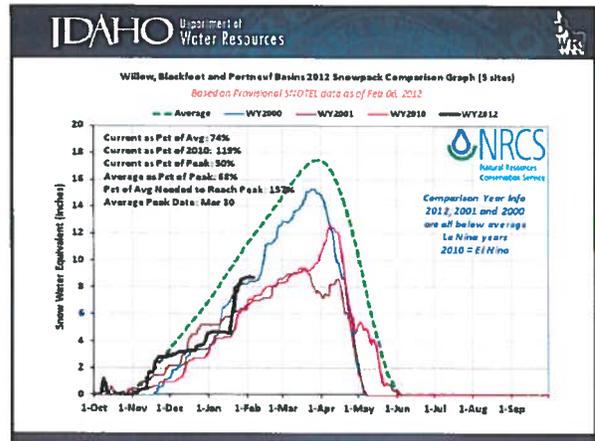
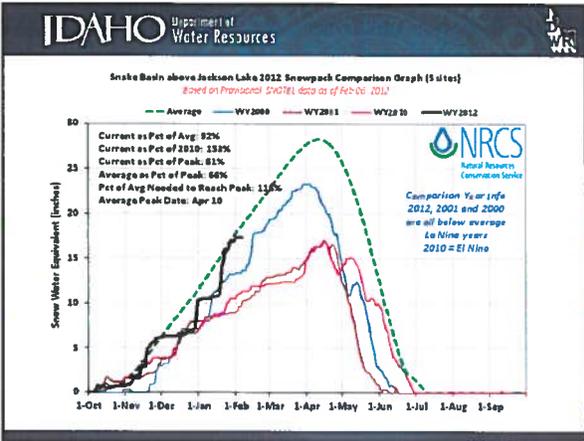
IDAHO Department of Water Resources

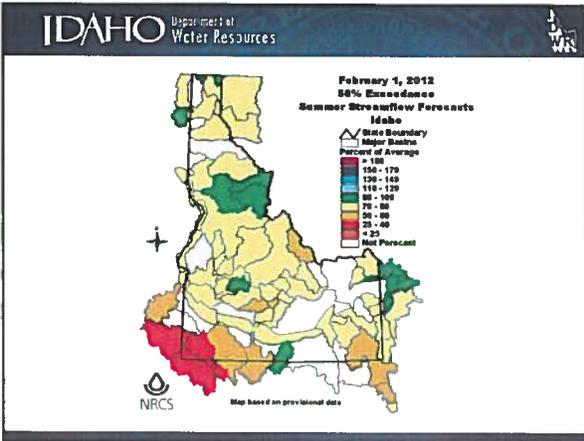
Groundwater Levels

- Depth-to-water measurements made in wells from Menan south to American Falls

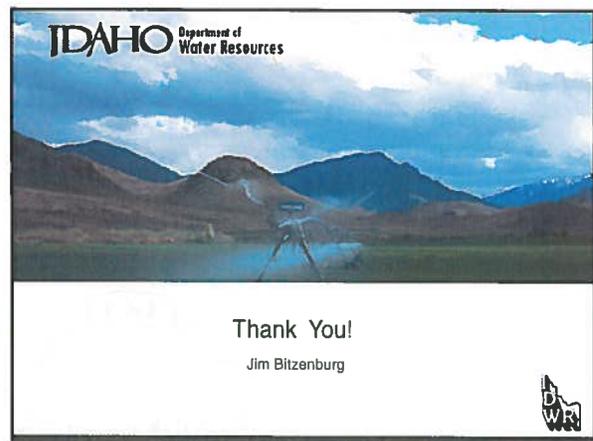
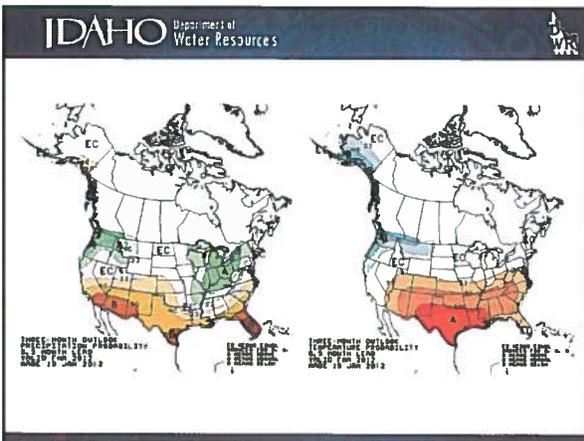








Reservoir	Current as Percent of Capacity	Average/Last Year
AMERICAN FALLS	56%	75% / 75%
BEAR LAKE	76%	77% / 119%
BLACKFOOT	78%	127% / 109%
HENRY'S LAKE	96%	126% / 101%
ISLAND PARK	87%	16% / 122%
MCKAY	74%	139% / 103%
FALSBADER	88%	19% / 10%



APPROVED RESOLUTIONS

**Water District 120
2013 Resolutions**

1. 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.
2. The watermaster shall 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 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.
3. James Cefalo be elected the watermaster for Water District 120. The Director of IDWR shall appoint James Cefalo, an employee of IDWR, to provide watermaster services for the ensuing year.
4. 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.
5. The attached budget represents the expenses to be incurred by Water District 120 in the current year (November 1 – October 31). The attached budget is hereby adopted as a component of these resolutions.
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. Water Users within Water District 120 shall be assessed as follows. For purposes of these resolutions, the diversion rate for a point of diversion shall be calculated based on the cumulative diversion rate authorized under all water rights pertaining to the point of diversion.
- a) Diversions meeting the definition of “domestic purposes” as set forth in Idaho Code §42-111 will not be assessed.
 - b) Diversions, with water rights authorizing equal to or less than 0.24 cfs or 5.0 acres of irrigation shall receive a minimum assessment of \$25. These minimum assessment diversions will not be measured by Water District 120 or the ground water districts or irrigation districts described above.
 - c) Diversions, with water rights exceeding 0.24 or 5.0 acres of irrigation, that are measured by one of the ground water districts or irrigation districts described above, will be assessed an administrative fee of \$0.02 per acre-foot diverted based on a 5-year rolling average.
 - d) Diversions, with water rights exceeding 0.24 cfs or 5.0 acres of irrigation, that are not measured by one of the ground water districts or irrigation districts described above, will be regularly measured and monitored by Water District 120 staff. The assessment for such diversions will include:
 - 1) \$60.00 per diversion;
 - 2) \$0.30 per acre-foot diverted based on a 5-year rolling average; and
 - 3) An administrative fee of \$0.02 per acre-foot diverted, based on a 5-year rolling average.
8. 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 adopt an interim water district budget for the period between November 1 and the next annual meeting.
9. 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.
10. 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 2013 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 2013 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 2013 budget. This arrangement shall not give Water District 120 any ownership interest in any IDWR office space and equipment. However, equipment purchased by Water District 120 will remain owned by Water District 120
 - e) Districts identified in item 6 are expected to fund, at their own expense during the 2013 fiscal year, personnel and equipment necessary for measurement and reporting of diversions within these districts.
11. 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.
12. 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.
13. 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.
 14. 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.
 15. 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.

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
Nic Behrend
Terrell Sorenson - Falls Irrigation
Richard Mayer – City of Aberdeen
Brian Lebrecht- City of Aberdeen

Alternates

Richard Line – AAFGWD
Steve Howser
Todd Lowder

Bingham GWD

Craig Evans - BGWD
Ron Harwell
Gaylen VanOrden - BGWD
LaVerelle Stecklein

Bonneville Jefferson GWD

Marla Tribble
Dane Watkins - BJGWD
Stephanie Mickelson – BJGWD

Alternate

Lynn Erickson
Kathryn McLain
Max Hahn
Randy Skidmore