

OTHER MINUTES

Water District 120 Advisory Meeting
February 2, 2011
IDWR, 900 N Skyline Dr, Suite A
Idaho Falls, ID 83404

Meeting was called to order at 9:15 a.m. by Tim Deeg. Those in attendance were Lyle Swank, Tim Luke, Tim Deeg, James Cefalo, Wendy Murphy, Kenda Jones, Cody, Allen, Dane Watkins, Gayle VanOrden, Marla Tribble, LaVerelle Stecklein, Steve Howser, and Stephanie Mickelsen.

Minutes from the February 1, 2010 advisory meeting were reviewed. One correction was made to the minutes. Steve Howser is with the Aberdeen-Springfield Canal Company rather than the ground water district. Dane Watkins motioned to accept the minutes, with the correction. Stephanie Mickelson seconded and minutes were passed.

Wendy Murphy presented the financial report. Balance sheet shows a balance of \$152,063 in checking and savings. Outstanding accounts receivables are \$2874. Total current assets are \$154,849. Projected accounts payable for January are \$3780, which is the bill from IDWR. Retained earnings are \$168,288. Total equity in the District is \$151,069. Total liabilities and equity is \$154,069. Profit loss indicates total assessment income was \$104,452, which includes interest and finance charges. Total expenses were \$87,611. Net income was \$16,611. With Gene Hansen's retirement, department furloughs and redistribution of work, the district is under budget for the year. Stephanie Mickelsen moved to accept the financial report as presented, Dane Watkins seconded and the motion passed without opposition.

The budget was discussed. Personal expense was reduced as Gene Hansen retired. The new employee will split time between Water District 120 and IDWR so the personal expense will be less. Concerns were addressed. An audit is due this year and \$500 will be added to the budget for this service. Wendy discussed the need to purchase new measuring equipment for the district. The equipment we are using now is outdated and does not provide accurate measurements. Due to budget constraints, IDWR is not able to fund the purchase. It is proposed that WD1 purchase the equipment and water district 120 will reimburse them. The cost of the equipment is approximately \$10,000 and that amount has been added to the proposed budget. All concerns were addressed. Steve Howser motioned to authorize the purchase of new measuring equipment. Stephanie Mickelsen seconded and the equipment will be purchased. Steve Howser would like WD100 to consider a proposal concerning the purchase of well water level transducers. Aberdeen Springfield Canal recently entered in to a Memorandum of Agreement with IDWR to install these and they (the GWD) would collect and analyze the data. The benefit of purchasing these is to work toward a better ground water model. No decision was made at this time regarding this proposal. A formal proposal will be presented at the annual meeting next week. Wendy went over the budget numbers and suggested changes will be reflected for the annual meeting. Assessments will stay the same for this year with no increase. Delinquent accounts were reviewed and we will pursue collections for those that are more than one year in arrears. Stephanie Mickelsen motioned to accept the budget, with changes, Steve Howser seconded and the proposed budget is passed.

Resolutions were reviewed. Dates were changed to reflect the current year. Resolution 4(f) will be removed as it only applied to the first year of operation. The purchase of new equipment was discussed and Resolution 4(d), last sentence, will be changed to read "However, any equipment purchased by water district 120 will remain owned by water district 120". Income was discussed and Wendy went over the numbers in detail. Stephanie Mickelsen moved to present the Resolutions, with changes at the annual meeting. The motion was seconded and Resolutions will be presented at annual meeting.

Lyle Swank reviewed the water supply for 2010. The year started off dry, however April precipitation helped make it a good year overall. April, June, and October were wetter than average, with October setting a new record for precipitation. June was also a good month for precipitation which is the right time to fill the reservoirs. The irrigation season got off to a slow start as we had a cooler than average spring. The reservoirs did fill and the storage system remained good. The bureau is not trying to completely fill American Falls at this time. They are trying to avoid icing issues which can cause erosion to the banks. Measures are being taken to avoid as much erosion as possible. Overall the system is 66% full. Not as full as the same time last year but we do have more snow in the mountains. Snow water equivalent as of January 31st, 2011 shows we are above average so far for the year. Cody Allen went out during the fall, to do well depth measurements. They were all right in line with where they were last fall, most were unchanged.

James Cefalo talked about the need to gather water right information and make sure all wells are accounted for and in the right district. That will be an ongoing effort and should be completed by April. Gene Hansen was not able to get all measurements done this year, however most of the 1/3 protocol was met. James will go over the numbers in more detail at the annual meeting. NOV's were discussed and enforcement issues were addressed.

No other business was brought before the committee. Tim Deeg motioned to adjourn. Laverelle Stecklein seconded and the meeting adjourned at 11:20 a.m.

MINUTES OF ANNUAL MEETING

Water District 120 Annual Meeting
February 14, 2011, 1:00 p.m.
American Falls Public Library
American Falls, ID

Tim Deeg called the meeting to order at 1:10 p.m. Those in attendance were Tim Deeg, Brian Lebrecht, Lyle Swank, James Cefalo, Wendy Murphy, Kenda Jones, Cody Allen, Steve Howser, Dane Watkins, Stephanie Mickelsen and Marla Tribble and 11 other attendees.

Chairman and Secretary were nominated. Stephanie Mickelson nominated Tim Deeg as Meeting Chairman and Kenda Jones as Meeting Secretary. A vote was held and the nominations passed without opposition.

Minutes were reviewed from 2010 annual meeting. Stephanie Mickelsen moved to accept the minutes. Dane Watkins seconded and the minutes were passed as written.

Wendy Murphy presented the financial report. Checking and saving account balance is \$166,217. Accounts receivable is \$11,905. Total current assets are \$178,122. Current Accounts payable is \$9745 for IDWR contract. Retained earnings at the end of the year were \$151,436. Net income for the year was \$16,940 for a total of \$168,377. Total Liabilities and equity was \$178,122. Profit and loss shows total income, including assessments, finance and interest charges was \$104,452. Expenses included IDWR contract, office supplies and meeting expense and totaled \$87,512. Net income was \$16,940. We were under budget for the year due to department furloughs and the retirement of Gene Hansen. Wendy explained what is covered under watermaster services. Dane Watkins motioned to accept the financials, Stephanie Mickelsen seconded and the financial report was accepted as reported.

James Cefalo introduced Cody Allen as Gene Hansen's replacement for measurements. The protocol for 2010 measurements was 113, which included a few that were carried over from the previous year. 86 wells were measured, and 27 attempts were made. Spring and fall measurements were done on wells throughout the area. Overall there was a decline from the previous year in the wells that were measured. Information on measurements has been entered into WMIS and is available if anyone has any questions. Reservoirs are at good capacity right now, although it has been dry for a couple of months and we could use more moisture. Snow water equivalent charts show we are at/or above normal levels right now compared to the same time last year. Stephanie Mickelsen motioned to accept the watermaster report, Jeanne Hendricks seconded and watermaster report was accepted.

Resolutions for 2011 were reviewed. Dates were changed to reflect the current year. Resolution 4(d), last sentence, will be changed to read "However, any equipment purchased by water district 120 will remain owned by water district 120". Resolution 4(f) will be removed as it only applied to the first year of operation. Changes to resolutions 10, which is the budget were discussed. The bi-annual audit was discussed and it will be done this year. The cost for that has been added to the budget, it will be

approximately \$1400. The budget for the year has been reduced overall, including the IDWR contract. Personnel costs are down due to a retirement in the department. Dane Watkins motioned to accept the proposed budget, Jeanne Hendricks seconded, Jeanne Hendricks seconded and budget was passed. Marla Tribble motioned to accept the Resolutions, with changes, Dane Watkins seconded and Resolutions for 2011 were passed.

An election of Advisory Committee was held. Brian Lebrecht was nominated and agreed to serve on the committee. All other members will remain the same. A motion was made to accept the same members, with the addition of Brian Lebrecht; the motion was seconded and passed without opposition.

Tim Deeg gave a summary of the year. He discussed the need for everyone to be compliant with laws as they relate to water use. IGWA was discussed and they were able to secure enough water this last year to meet its mitigation obligation under the director's order. The order was for WD120 to supply 4 times the amount they have ever had to supply. The new methodology requires the WD120 to come up with the supply in a very short amount of time. The district was able to do what was necessary to avoid a possible curtailment. Also, under the new methodology, the district was obligated to supply water to a new canal, AFRD #2 that it did not have to supply before. Tim is hopeful that the issues that are facing the district can be worked through without contention. This has been a busy year in terms of legal issues before the court relating to mitigation and delivery obligations. The district has been working with the canal companies to try and secure water through option leases. Most have not responded in favor of that idea. Although it has been a difficult process, the district is still trying to work through it.

Steve Howser would like WD100 to consider a proposal concerning the purchase of well water level transducers. Aberdeen Springfield Canal recently entered in to a Memorandum of Agreement with IDWR to install these and they (the GWD) would collect and analyze the data. The benefit of purchasing these is to work toward a better ground water model. He is proposing that WD120, in cooperation with IDWR and Aberdeen Springfield, budget for the purchase of 5 transducers. They would like to start measuring ground water on a full time basis. The transducers would allow a years' worth of data to be downloaded once per year and will give real time measurements. The cost is approx. \$1000 per transducer. WD120 would enter in to a Memorandum of Agreement outlining the details of the agreement. Steve Howser explained the benefits of accurate measurements on the model as a whole. He explained thoroughly how the transducers work and how data is collected and used. There will be no vote at this meeting but will be considered for a vote in the future. The water district expressed concerns as to whether the benefits to water district 120 outweigh the cost of this proposal.

Tim Deeg called for meeting to adjourn. Stephanie motioned for the meeting to adjourn, Dane Watkins seconded and the meeting adjourned at 2:43 p.m.

APPROVED RESOLUTIONS

**Water District 120
2011 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. James Cefalo be elected the watermaster for Water District 120. That the Director of IDWR appoints James Cefalo, 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 2011 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 2011 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 2010 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 2011 fiscal year, personnel and equipment necessary for measurement and reporting of diversions within these districts.
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 of \$0.60
 - c) \$0.05 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.

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 2011 be set at this annual meeting as follows: See **Attached**

BE IT FURTHER RESOVLED that the stated budget represents an assessment of \$0.05 per acre-foot for the average yearly water use for the period between 2005 and 2009. 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, 2011 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,

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

Nic Behrend

Terrell Sorenson - Falls Irrigation

Richard Mayer – City of Aberdeen

Alternates

Richard Line – AAFGWD

Steve Howser

Todd Lowder

Dan Hammond

Bingham GWD

Craig Evans - BGWD

Ron Harwell

Gaylen VanOrden - BGWD

LaVerelle Stricklin

Alternate

Neal Powell – BGWD

Bonneville Jefferson GWD

Marla Tribble

Dane Watkins - BJGWD

Stephanie Mickelson – BJGWD

Alternate

Lynn Erickson

Kathryn McLain

Max Hahn

Randy Skidmore