WATER DISTRICT 130
2006 ADOPTED RESOLUTIONS

WATER DISTRICT 130 ANNUAL DISTRICT MEETING ON FEBRUARY 7, 2006 AT THE IDAHO DEPARTMENT OF FISH AND GAME REGIONAL OFFICE IN JEROME, IDAHO

1. That the watermaster perform the duties as required by Chapter 6, Title 42, Idaho Code and in accordance with:

    a. 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:
        1) Curtail illegal diversions;
        2) Measure and report the diversions under water rights;
        3) Enforce the provisions of the stipulated agreements approved by the Director, and;
        4) 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.
    b. Direction and guidance provided by the Director of IDWR.
    c. 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 Cindy 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 the elected chairman of the advisory committee created herein to enter into a Memorandum of Understanding between Water District 130 and the Director of IDWR that will provide for the following:

    a. Water District 130 will assume full responsibility for all expenses of the district incurred following the 2006 water district annual meeting.
    b. IDWR will provide one (1) full-time employee equivalent (FTE), for watermaster duties during the dates of service as identified in Resolution #3. The watermaster shall maintain an office for the ensuing year within the IDWR Southern Regional Office, located in Twin Falls, Idaho.
    c. The Director of IDWR may appoint other staff as necessary to perform measurement and reporting of diversions within Water District 130 that are not within a sub-district. Such staff may be appointed as deputy watermasters in Water District 130. Water District 130 will set assessments to compensate for the expense of measuring and reporting diversions. Assessments for measuring and reporting of diversions will be charged to only those users who own diversions that are not measured by an existing sub-district. *(see resolution #10).*
    d. IDWR will provide office space, vehicles and the use of all necessary office and field equipment, and other necessary watermaster expenses in exchange for compensation as set in the 2006 budget. This arrangement shall not give Water District 130 any ownership interest in any IDWR office space and equipment.

5. The water users of Water District 130 hereby empower the elected chairman of the advisory committee created herein to enter into a service contract between Water District 130 and any qualified party, in exchange for monetary compensation, as necessary and as authorized by the adopted annual budget. Contract tasks are limited to those non-regulatory duties which do not require appointment as a watermaster or deputy watermaster, including but not necessarily limited to:

   a. Measurement of wells and testing of installed measuring devices
   b. Collection of annual or semi-annual data or meter readings
   c. External financial reviews

6. Lynn Carlquist be elected Water District 130 treasurer. The duties of the treasurer will be to approve expenses and disburse Water District funds, and to prepare a written statement of financial affairs of the district at the end of each fiscal year, in accordance with Idaho Code Section 42-619.

7. The budget for Water District 130 for the fiscal year 2006 beginning March 1, 2006 and ending on February 28, 2007, be as follows: Seventy-Five Thousand Eight Hundred Thirty Two Dollars ($75,832) for Watermaster duties, and Eleven Thousand Nineteen Dollars ($11,019) for measuring and reporting of diversions not reporting to a subdistrict. An itemized budget sheet is attached.

8. In accordance with Idaho Code § 42-618, the Watermaster of Water District 130 is hereby authorized to collect the expenses of the Water District directly from the water users or from the subdistricts. The Watermaster will make an assessment to each individual water user, or, in aggregate to each subdistrict, in pro-rata amounts as determined by the budget which is formally adopted at the annual meeting. All funds shall be deposited in a separate bank account maintained by the Water District.

9. Given that the water district cost for administering water for many water users is greater than their normal assessments would be based upon their total annual use of water, it is resolved that the watermaster of Water District 130 is authorized to assess a $25 minimum charge for watermaster services for water users within his or her jurisdiction.

10. In accordance with Idaho Code § 42-612 (5), the assessment amount for each individual user as shown in the 2005 adopted budget shall constitute a final determination of the amount due for 2006. Water user credits and debits will not be carried forward to 2007.

11. Water users in Water District 130 who are not reporting annual diversions to one of the sub-districts created herein shall report diversions directly to the watermaster of Water District 130. The fee for measurement and reporting for all diversions reporting directly to Water District 130, will be approximately $50 per diversion per year. Measurement and reporting fees will appear as a separate line-item charge on the Water District assessment statement. *Measuring and reporting charges paid either to a subdistrict or directly to Water District 130 will not be used to determine voting shares.*

12. 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
- 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.

13. The water users of Water District 130 hereby empower the advisory committee elected herein to nominate and select one or more representatives to the ESPA aquifer advisory committee created pursuant to I.C. 42-620.

14. Water District 130 includes one or more ground water districts, irrigation districts, municipalities, 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
- City of Rupert
- Thousand Springs Area
- Basin 37 Area

15. 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.

16. The watermaster, working with the water district advisory committee, shall apply the following guidelines for preparation of the proposed 2006 budget that shall be filed with IDWR prior to the 2006 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 2006 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 2006 with appropriate increases for inflation.
b. Said proposed budget shall include a proposed 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 2007 proposed budget filed with IDWR at a date sufficiently in advance of the 2007 annual water district meeting so that the sub-districts can adequately plan for budgeting and collection of the 2007 water district expenses. The watermaster therefore shall file a preliminary 2007 budget with the Department by June 1, 2006.

17. The watermaster shall prepare assessments for the 2006 budget after the water users present at the 2006 annual meeting have formally adopted the budget. The advisory committee recommends that the 2006 assessments be due to Water District 130 on or before April 1, 2006 so that there will be sufficient funds early enough in the year to accommodate the expenses of the water district.

18. All payments for assessments not received by May 1, 2006 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 Section 42-617.

19. Be it also resolved, that the Watermaster is authorized pursuant to Idaho Code Section 42-618, to withhold or suspend deliveries of water to any water user who has not paid their assessment charges by January 1 of the year following the billing date.

20. The annual Water District 130 meeting shall hereafter be held on the first 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.

21. 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.

22. 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.

23. The watermaster, deputy watermasters and watermaster assistants 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.

24. The advisory committee shall make available a copy of any resolutions proposed to it or by it, at least 5 (five) 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.

25. In the event that a vote by shares is requested during any annual meeting, a credentials committee will be assembled to determine the number of votes cast by individual water users or by subdistricts. The credentials committee shall be comprised of the following parties:

a. the current Watermaster
b. the assistant Watermaster or a representative from each subdistrict present at the meeting, which is authorized to measure and report diversions
c. an IDWR representative

Any water user who is a member of either the North Snake Ground Water District or the Magic Valley Ground Water District, and who, in the event of a vote by shares at the annual meeting, wishes to vote his or her own shares, must notify the credentials committee prior to the commencement of voting. After all individuals have cast votes, any unvoted subdistrict shares may be cast by proxy by the Ground Water District Chairman.