# Water District No. 140
# Oakley Valley Area Water District
# 2008 Adopted Resolutions

The water users of the Oakley Valley Area Water district, designated as Water District No. 140, meeting at the annual district meeting on February 13, 2008, at the Burley City Council Chambers in Burley, Idaho, HEREBY ADOPT THE FOLLOWING RESOLUTIONS:

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

   a) The duties described in the Final Order Creating Water District No. 140 signed by the Director of IDWR, December 28, 2006, including:
      1) Assure that water uses are in compliance with Idaho water law;
      2) Administer and enforce water rights in order of priority, and curtail out-of-priority diversions under ground water rights in Water District No. 140 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;
      3) Measure, record and report flows under the water rights and diversions in the district, in accordance with requirements established by IDWR.
      4) Curtail unauthorized or excessive diversions (i.e., any diversion without a water right or in excess of the elements or conditions of a water right);
      5) Enforce the provisions of any stipulated agreements or mitigation plans approved by the Director and applicable in Water District No. 140.

   b) Work with sub-district watermasters and advisory committees to assure that the duties described above in item 1a. are carried out in local sub-districts.
   c) Direction and guidance provided by the Director of IDWR, including but not limited to, general guidelines as provided in the IDWR Watermaster Handbook.
   d) The annual water district resolutions as adopted herein.

2. That IDWR be elected to provide the watermaster services for Water District No. 140 and that the Director 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 at no expense to the users of Water District No. 140.

3. As provided in Idaho Code 42-608(4), the watermaster's term of service shall begin upon annual meeting election and continue until the next annual meeting.

4. The water users of Water District No. 140 hereby empower the duly elected Chairperson of the Water District No. 140 Advisory Committee created herein to enter into a Memorandum of Understanding between Water District No. 140 and the Director of IDWR that will provide the following:

   a. IDWR will provide compensation of the watermaster for all administrative watermaster duties (all duties other than measurement and reporting of diversions that are already subject to measurement and reporting requirements) for the term of service as specified in resolution no. 3.

b. The 2008 budget for Water District No. 140 is limited to expenses related to measurement and reporting, and will be set at this annual meeting in accordance with item 6 of these resolutions.

c. The Director of IDWR and the watermaster may appoint other staff as necessary to perform measurement and reporting of diversions within the water district that are not within a sub-district and/or heretofore have not measured or reported flows. Such staff will be appointed as watermaster assistants.

d. The watermaster shall maintain an office for the ensuing year within the IDWR Southern Regional Office, located in Twin Falls, Idaho.

e. IDWR will provide office space, vehicle and the use of all necessary office and field equipment and other necessary watermaster expenses during the watermaster's term of service as described in Resolution No. 3. This arrangement shall not give Water District No. 140 any ownership interest in any IDWR office space and equipment.

5. Water users in Water District 140 who are not reporting annual diversions to one of the sub-districts created herein shall report diversions directly to the watermaster of Water District 140. The fee for measurement and reporting for all diversions reporting directly to Water District 140, will be approximately Fifty dollars ($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 140 will not be used to determine voting shares.*

6. The budget for Water District 140 for the fiscal year 2008 beginning May 1, 2008 and ending on April 30, 2009, be as follows: Twelve Thousand Nine Hundred Forty Five Dollars ($12,945) for measuring and reporting of diversions that are required to be measured and reported pursuant to an order of the Director of IDWR and that are not reporting to a sub-district.

7. Dave Pickett be elected Water District 140 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.

8. 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 12 seats as follows:

- 2 members of the Southwest Irrigation District;
- 2 members of the Goose Creek Irrigation District and Oakley Canal Co including Goose/ Trapper Creeks (45-C), Birch Creek (45-B), and Cottonwood Creek (45-K) water districts;
- 2 Basin 45 ground water irrigators not in Southwest or Goose Creek Irrigation Districts;
- 1 ground water irrigator from Golden Valley Water District (45-O);
- 3 non-irrigation ground water users (1 from municipal, 1 from industrial, 1 from dairies);
- 2 members of Marsh Creek (45-F) and/or Basin Ck (45-A) water districts.

Each group represented may 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 50% of advisory members present in favor.

9. The Water District No. 140 annual 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 future resolution of the District at any annual meeting. An agenda for the annual meeting shall be prepared 14 days prior to the annual meeting by the advisory committee and posted to the IDWR water district web site. Copies shall be mailed to all advisory committee members.

10. Copies of the Minutes of the annual meeting, all approved resolutions, and any report prepared in accordance with Idaho Code 42-615, shall be filed with the Director of the IDWR in accordance with Idaho Code 42-617.

11. The watermaster 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.

12. The Water District No. 140 watermaster, sub-district watermasters and any watermaster assistants are authorized as appointed agents 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 their duties as instructed by IDWR. These duties include but are not limited to:

    a. Monitoring diversion and measuring rate and volume of water diverted from surface and 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 of water and report to IDWR.

13. The Advisory Committee shall make available any proposed resolutions or budget at least fourteen (14) days prior to the annual meeting. This shall not preclude any water right owner from proposing any new resolution or proposing changes to resolutions at any annual meeting.

14. Water District 140 includes one or more water districts, 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 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:

    - Magic Valley Ground Water District (B45 portion)
    - Southwest Irrigation District
    - Goose Creek Irrigation District and Oakley Canal Company
    - City of Burley
    - Golden Valley Water District
    - Existing Surface Water Districts – Basin Creek (45-A), Birch Creek (45-B),Goose/Trapper Creek (45-C), Marsh Creek(45-F), and Cottonwood Creek (45-K).

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 140. The Water District 140 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 140 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 water users of Water District 140 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.