

MINUTES OF THE REGULAR MEETING
OF THE WATERUSERS OF THE BLACKFOOT RIVER WATER DISTRICT #27
OF THE STATE OF IDAHO
HELD AT THE BINGHAM COUNTY COURTHOUSE
BLACKFOOT, IDAHO
JANUARY 8, 2007

Advisory committee chairman Layne Hamilton called the annual meeting of Water District 27 to order at 1:00p.m. January 8, 2007.

Attending were: Advisory board members: Layne Hamilton, Vincent Reid and Alan Oliver. Water District 1: Lyle Swank, Ryan Madsen, and Lisa Snarr. Idaho Dept. of Water Resources: Cindy Bird. An attached roster shows all in attendance.

Merlin Yancey nominated Layne Hamilton as meeting chairman; Gary Wright seconded this motion. The motion unanimously passed. Marvin Yancey nominated Lisa Snarr as meeting secretary; Pat Taney seconded the motion. The motion unanimously passed.

Minutes of the meeting held January 9, 2006 were read. Marvin Yancey motioned to accept the minutes; Merlin Yancey seconded, and the minutes were unanimously approved.

Lisa Snarr then gave the 2006 financial report. The total income for 2006 was \$27,826 just under budget by \$119. There were two accounts that had been assessed in error and were removed from the billing. The two accounts were the US Bureau of Land Management and the US Forest Service. Total expenses for the 2006 year were \$27,312. The bank balance is \$10,559. With outstanding receivables and payables the equity of the district is \$1,705. Layne inquired about the two accounts written off and wanted to know why it was determined they should not have been billed. Ryan stated the two had been billed originally but it was determined they were strictly Instream flows and should not have been billed. Alan Oliver indicated the Fort Hall Assessment had not yet been paid because the invoices had been sent to an invalid address but the District should receive the payment by the end of the week. The address correction has been made. Marvin Yancey motioned to approve the financial report as presented. Gary Wright seconded the motion; which was unanimously approved.

The next item on the agenda was the Watermaster Report from Lyle Swank and Ryan Madsen. Lyle discussed the team approach that has been used by Water District 1 to assist Water District 27. This "team approach" has enabled Water District 27 to benefit from both economies of scale and efficiency by utilizing the resources available through Water District 1 such as increased expertise/experience, vehicles, equipment, computers, etc. Ryan had prepared a PowerPoint presentation for the meeting. Ryan stated the objective is to accurately deliver the natural flow and stored water of the Blackfoot River that is consistent with regulatory procedures and the availability of the water supply. Ryan discussed some of the concerns on the Blackfoot River which are: Snake River water rights that have historically been delivered may not be recognized, Some water rights may not have all points of diversions listed and The Watermaster needs documentation to deliver flow rates at points of diversion. Ryan said the water master needs PROPER documentation and provided an example of the Corbett Slough Ditch Co Water Right

number 1-47E V1 which specifically identifies the Point of diversion, the injection point and the redirection point. Marvin Yancey said he had contact Blackfoot Irrigation Company to discuss this very issue and was told they did not need to do anything further as they had already provided the information the IDWR agents. Marvin asked if Ryan could contact Blackfoot Irrigation to resolve the discrepancies and amend the claims on the waterusers behalf. Ryan agreed to contact Blackfoot Irrigation to discuss the need to amend the claims. Ryan then discussed the Adjudication and stated the Director's report for basin 27 has been sent to the court. The Director's report was mailed on November 10, 2006. This report is also known as "recommendations." Future water rights will be delivered according to the recommendations unless the court decrees it otherwise. Ryan handed out the recommendations for the diversions and asked that they all be reviewed and verified. The period for objections for basin 27 ended on March 17, 2006. Late objections will need to be filed with the court. An argument will need to be made as to why the court should accept the late objection. There is no guarantee the court will accept any late objection. However, the Watermaster still needs to know what flows to deliver at the other point of diversion such as a written documentation from the canal company stating a flow rate. Some of the goals for the 2007 Irrigation season are to locate points of diversion and update the billing as necessary. Ryan then discussed Idaho Code section 42-701(1), which requires the users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the Watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Idaho Code section 42-701(1) also states "a rating flume or other measuring device at such points as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the Watermaster or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of public water". Ryan opened the discussion for questions or comments at that time. One of the questions raised was whether water will be delivered based on the Steven Decree or the recommendations. Ryan said he would deliver based on the recommendations. Neal Powell said the only legal document that dictates the water delivery in place is the Stevens Decree and the water should be delivered based on that rather than the recommendations.

Alan Oliver then discussed a few questions/comments he had. He asked that IDWR provide measurement data to the BIA timelier. He asked to verify the inflows of the canals and make sure the water is going in. With the complexity of the system, it is hard to know if everyone is getting what he or she should be getting. He gave the Corbett Slough as an example. Alan stated they had found two or three people diverting Snake River Water, which ultimately shorts the Blackfoot River. Cindy Bird said she knew which users he was talking about and will follow through and answer Alan's questions about transferring water upstream.

Lyle discussed the snow water content with data provided by the SnoTel sites on the Blackfoot River. The Slug Creek Divide was at 6.6" compared to a long-term average of 7.9". The Somsen Ranch was at 6.1" water content compared to a long-term average of 6.2". In 2006, Slug Creek Divide was at 10.3" water content and the Somsen Ranch was at 7.2". On December 29, 2006 the Blackfoot Reservoir was at 161,945 AF compared to 80,000 AF in 2005, 28,000 AF in 2004 and 18,000 AF in 2003.

The next item on the agenda was the election of the advisory committee. Layne Hamilton, Gary Pratt, Alan Oliver, Keith Hunsaker, Larry Hinderager and Bob Reid were nominated for the Advisory board. Larry Hinderager and Layne Hamilton both tried to decline their nomination. Those in attendance stated it would be beneficial to retain Layne Hamilton for consistency purposes. Larry Hinderager withdrew his nomination. Larry then motioned to accept the advisory board nominations of Layne Hamilton, Gary Pratt, Alan Oliver, Keith Hunsaker and Bob Reid. Marvin Yancey seconded the motion; which was unanimously approved. A motion was made by Neal Powell to nominate Layne Hamilton as the chairman, Vincent Reid seconded and the motion; which was unanimously passed.

The 2007 Resolutions were discussed next. The only changes to the resolutions for 2007 were the budget amount and an increase in the minimum assessment charge. Layne Hamilton discussed the district had tried to increase the minimum charge to \$40.00 in previous years but had been limited to \$30.00 by Idaho Code 42-612(4). Idaho Code 42-612(4) has been updated and now states the minimum charge may be up to \$50.00. The budget for 2007 was then discussed. It has been increased to allow for up to an additional \$1.00/hr for Jeff Baldwin, an additional 60 hours for Jeff Baldwin to regulate diversions, an additional \$5,000 for investigation and verification of the Adjudication of water rights, and an increase to the federal mileage rate reimbursement to 48.5/mile. A 20% reserve was also recommended. Discussion of the budgeted amounts and it was determined that a 10% reserve would be sufficient for this year. Marvin Yancey motioned to accept the budget in its entirety with the exception the reserve amount be revised to just 10% of 2007 expenses. Neal Powell seconded the motion; which was unanimously approved. Larry Hindrager motioned to accept the resolutions. Marvin Yancey seconded the motion; which was approved unanimously.

Dave Shaw then discussed the Fort Hall Agreement and provided some background information. Dave stated the Fort Hall negotiations started in 1985 when Fort Hall asked the state to negotiate instead of handling the matter through the courts. Negotiations continued through 1990 when it was decided that 45,000 AF would be provided to the other users with the understanding that when the adjudication was completed an adjustment would be needed, which is where we are today. Dave said there is a need to get numbers that are reliable and that can be agreed upon. People need to understand what is happening with their water. Dave hopes by next year at this time, there will be an update/amendment to the agreement that will benefit everyone. Hopefully they will be able to come up with a model or an accounting system that will allow everyone to be whole. His hopes are that it will be regulated based on actual usage not on estimates.

Layne Hamilton discussed the Flowering Rush; which had been mentioned at the 2006 meeting. Layne asked if anyone had problems with the Flowering Rush this year as they had in 2005. Nobody had problems in 2006 and theorize the problem may have been solved with increased water flows.

New Business: Concerns that users were not being notified of the meeting was mentioned. Lisa stated the notices are mailed out from the Boise IDWR office to those users who are assessed for their usage. If the Canal Company is assessed for usage, the Canal Company receives the notice. It is the Canal Company's responsibility, at that time, to notify the individual users of the

meeting. If there are concerns with the mailing list or if other interested parties would like to be included in the mailing, they should contact Lisa at the Water District to be added.

The meeting adjourned at 3:30 p.m.

WATER DISTRICT 27
ANNUAL MEETING
JANUARY 8, 2007
ROSTER

ALAN OLIVER
ANITA BLACKHAWK
CLIFF BUCKSKIN
DAVID SHAW
LELAND MILLER
ROBERT SELLERS
LEON GARDNER
SPENCE L. WARD
TODD TENDOY
CLARICE VILLA
LESTER GALLOWAY
ROBERT REID
VINCENT REID
FLORIAN WERNETTE
BRUCE LAKE
GARY WRIGHT
MERLIN YANCEY
MARION WALKER
ELLEN L. BALL
GAIL MARTIN
LAVERNE JIM
ELBERTA ESCHIEF
PAUL KEETEK
PAT TANEY
WOODROW BUTLER
SHERMAN WHITTEN
GARY PRATT
MARVIN R YANCEY
LARRY HINDERAGER
NEAL POWELL
CINDY BIRD
WES HAMILTON
LISA SNARR
RYAN MADSEN
LAYNE HAMILTON
LYLE SWANK
RICHARD REID