

Water District 27
Advisory Board Meeting
January 3, 2012 – 1:00 p.m.
IDWR – Idaho Falls Conference Room

Chairman Bob Reid called the meeting to order @ 1:05 pm. Those Board members in attendance were: Marvin Yancey, Trish Arvey, and David Bollinger (BIA). Others in attendance were: Sloan Dixey, Jami Farris, Patrick Tanney, Lyle Swank, Wendy Murphy, Robert Keller, and Ron Carlson.

The minutes from the January 5, 2011 Advisory Board were read by Wendy Murphy. Corrections were made in the first paragraph for the spelling of Jami Farris, and Kristie Charles. In the third paragraph “coving” was corrected to read “covering”. David Bollinger corrected the title to “Fort Hall Irrigation Project Manager” on the second page, second line. On the third page, third paragraph, second to last sentence was corrected to read “There may be a need for a system to deal with overages.” Marvin Yancey moved to approve the minutes as amended; the motion was seconded and the minutes were approved as corrected.

Lyle reviewed the resolutions from the previous year noting date changes. The proposed budget for 2012 was also presented. Budget was increased at a minimal rate to include extra work needed administering to the water management plan, and rising fuel costs. The measurement and reporting equipment was reduced as most of the equipment has been installed. Overall the budget was increased by \$1,700. Lyle did indicate the state mileage rate has not been raised to match the Federal reimbursable rate yet. Resolution 7 needed the title corrected to read “Fort Hall Irrigation Project Manager”. David Bollinger moved to recommend for approval the amended resolutions to the district at their annual meeting. Marvin Yancey seconded the motion and the motion carried.

Budget Review: The \$325 for a website was not spent in 2011 because it was not established. The management plan was not yet signed and it was not determined to be needed until it is signed. Water District 1 contract is the main budget item of the district with \$36,000 budgeted for 2011. This contract provides for the services performed by the following personnel: Jeff Baldwin, Rob Keller, the summer intern Layton Walton, Wendy Murphy, Alan Kelsch, and Lyle Swank. Overall the expenses remained under budget. The Balance Sheet, a draft of the final 2011 assessment, and the draft 2012 proposed assessments were also presented. Wendy noted that corrections were needed for the 2012 proposed assessments. The 24-hour cfs in the 2010 and 2011 columns needed corrections. Marvin Yancey moved to approve the Budget review as corrected. Patrick Tanney seconded and the review was approved.

Old Business: David Bollinger indicated that last year it was agreed to wait until the Management Plan gets settled to review the compensation issue Fort Hall has paid for historical expenses. Mr. Bollinger would like this to still remain in the records for future review. Ron Carlson was available to discuss the change to the credit BIA was given

prior to his becoming watermaster of Water District 27. The water district is an administrative process established in Idaho Code, Chapter 6, and Title 42. The billing process is also set through Idaho Code which establishes a process to share proportionally based on usage. With looking at the current usage from the draft watermaster reports, Ron felt the split would be closer to 75-80% Fort Hall and 25-20% for the Blackfoot Users. He felt the 60/40 split accommodated the work performed by BIA personnel without any additional credit. Ron recommended that if a "credit" is preferred the billing should be calculated on use and the BIA personnel cost added to the budget. He felt the 1990 Fort Hall Agreement has affected the previously agreed upon split as the water rights have now been changed. It was determined to wait to decide the reimbursement for BIA personnel until after the Adjudication is finalized and the Management Plan is accepted.

Questions were asked about the progress of the Management Plan. Lyle indicated the adjudication court judge did indicate that if there is an equitable adjustment the tribe should be compensated. It has not yet been determined who the responsible party is and what happens if an equitable adjustment is needed. Alan Kelsch continues to work on many solutions to an equitable adjustment including labor and headgate automation, averaging concept, annexing ground into Idaho Irrigation District. If the equitable adjustment is exceeded it needs to be arbitrated. The Water Management Plan does address items such as surplus water in water years like 2011. In principle all sides agree with the Water Management Plan, while still needing resolution for the equitable adjustment issue. At this time stock water was still being discussed as a consumptive use. Measuring this use is cost consumptive with little water counted and satellite images can't distinguish between sub-water verses irrigated ground. The judge still left things open for the parties to negotiate before he makes a final determination. The status-quo is still using the draft management plan until the Equitable Adjustment is agreed upon or determined by the court. The tribe did withdraw their objections so the adjudication process could move forward and to look at adjusting the billing on actual usage.

Rob Keller asked what the advisory board would like him to do when water users are exceeding their water rights. When in the field measuring he does adjust the headgates to comply with the correct rights but prior to the headgate adjustment there was water use and when the 45,000 acre-feet is close what are options to address excess use. There was discussion regarding whether it was needed unless the 45,000 acre-feet was a concern, if something similar to Water District 1's excess use policy could be used, and if the tribe would even consider a rental from the Blackfoot Reservoir for this purpose. Main reason for the concern was to have water users assist with complying with the 45,000 acre-foot limit. In 2011 only 12,000 acre-feet was counted toward the 45,000 acre-foot because of the excess water in the system, really not a concern. In 2010 the primary volume was 35,000 acre-feet. A policy could be developed to not worry about excess use when the Blackfoot Reservoir was spilling and there is excess water in the system, but to have something in place if the excess use is causing injury to another water user.

New business: Rob Keller indicated the Environmental Protection Agency (EPA) is requiring those that use pesticides and herbicides in public water ways need to file a general NPDES permit this year. Not really costly but time consuming, failure to file could be costly. It was recommended that Rob inform the water users at the annual meeting of this new requirement. Lyle Swank also indicated the Idaho Water Users Association (IWUA) has ditch rider workshops that inform water users of issues similar to this. They are typically scheduled in January/February.

In 2008 headgate compliance orders were mailed out, reminders were also sent. As of today we still have three canals that have not complied with the order. The canals are of a size that it is difficult to block from receiving water. All three have communicated with the office but they still have not complied. Options he felt were applicable include sending another reminder, filling in the ditch, or NOV's can be sent by IDWR's AG office. It was noted the watermaster could fill in the ditch but can't take the liability of creating a measurement section. After much discussion it was recommended to consult with the AG's office with the next step regarding a follow up letter from WD27 or to have the AG move forward with a notice. Extra funds would be needed to have the watermaster block the diversion. It was recommended to get some estimates for the initial cost of blocking the diversion, and then a lien could be filed against the property. Advisory board would work toward establish a funding source to cover the cost if additional funds were needed for enforcement.

David Bollinger introduced Sloan Dixey as the new Civil Engineer Tech Position and will be working with Water District 27.

It was recommended to present the following items at the annual meeting: Status of the Adjudication Process, 45,000 acre-feet Issue, 2011 water use information, the lack of headgates for the three diversions and water supply. Marvin Yancey should be added to the annual meeting agenda to discuss the Judge's Order.

Pat Tanney moved to adjourn, David Bollinger seconded the motion. The meeting adjourned at 3:34 p.m.

Wendy Murphy, Secretary