

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 18, 2005

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Department of Water Resources
Eastern Region

The annual meeting of Water District 27 was called to order by advisory committee chairman Layne Hamilton at 1:04 p.m., January 18, 2005.

Attending were: Advisory board members: Layne Hamilton, Vincent Reid, Keith Hunsaker, Gary Pratt, and Allan Oliver. Water District 1: Ron Carlson, Dale Rockwood, Ryan Madsen, and Wendy Murphy. An attached roster shows all in attendance.

Layne Hamilton was elected as meeting chairman, and Wendy Murphy was elected as meeting secretary.

It was moved by LaVearl Stecklein that voting on the issues that come up should be decided by a majority vote of those present today. The motion unanimously passed.

Minutes of the meeting held January 12, 2004 were read. Layne Hamilton indicated there were issues that arose after the 2004 annual meeting that resulted in the resignation of the watermaster and secretary treasurer. As a result, a special water district meeting was called at which Ron Carlson was elected watermaster. Merlin Yancey motioned to accept the minutes; Vincent Reid seconded, and the minutes were unanimously approved.

The next item on the agenda was the budget that was being proposed for 2005. This budget was essentially the same as the 2004 budget.

LaVearl Stecklein moved to accept the budget as proposed. The motion was seconded by Gary Pratt and passed by acclamation.

Ron Carlson then gave the Watermaster report. He indicated that distribution in 2004 had gone well. In spite of the drought water supplies were generally adequate. The Fort Hall Project had experienced some difficulties as a result of a bent stem on the equalizer gates. Ron explained that Water District 27 received a number of benefits because Water District 1's staff and resources were made available to accomplish the deliveries and record keeping on the Blackfoot River. The involvement of Water District 1 was seen as being very timely because of the work that was going on in making recommendations in Adjudication process. Ron said he had met a number of times with the consultants for the Bureau of Indian Affairs who were anticipating doing some improvements to the system with some safety-of-dams moneys that were available. Ron indicated that Water District 1 had \$30,000 that would be used for automating the gates on the equalizer.

Ron said that most of the assessments collected by Water District 1 were collected directly from the users by the district and indicated that this was an option Water District 27 may want to consider rather than billing through the counties. While it may not be advisable to completely eliminate all county collections, Water District 1 currently has the necessary programs in place to

do it, and would be able to account for the funds of the district more accurately.

Ryan Madsen, a deputy watermaster in both Water District 1 and Water District 27 was given the primary responsibility for managing water distribution in Water District 27. Ryan indicated it was a good season with everyone cooperating well. He noted the work that is being done to improve data collection and record keeping. Layne Hamilton inquired about inflow measurements and a more frequent computation of reach gains above the reservoir. Ron said that more information and data certainly improves water distribution however Water District 27 does not have enough budgeted to accomplish that level of data collection. It was noted that inflows were measured at the beginning of each month as in the past. Distribution is based on those measurements. Ryan indicated the latest priority cut in 2004 was May 1, 1895. The goal, within the restraints of the current budget is to have actual delivery amounts for every point of diversion in Water District 27.

Ron indicated the snow survey date for 2005 improved south of the Blackfoot River drainage. Generally speaking the snow surveys indicate water supplies in 2005 will be about 15% below the 30 year average. At this point the 2005 water supply is not expected to be much different from the 2004 supply.

Layne Hamilton suggested that the minimum water district assessment may be too low. Water users perspectives of an inch of water are not accurate. LaVearl Stecklein , moved to increase the minimum to \$40. Ron indicated the statutes cap assessments at \$30.00. LaVearl amended his motion and moved that the minimum assessment be \$30.00. Larry Henderaker seconded the motion. The motion passed by acclamation. Ron commented that the \$30 charge is justifiable because the cost a administering any point of diversion for the year exceeds \$30. He also indicated that the water user's rights do receive a level of protection simply by virtue of the fact that the owner of a water right is being assessed by the Watermaster for water delivery – even if no water is actually diverted some years. Issues of forfeiture and possibly abandonment are easier to advance when a right or diversion is not included in the watermaster's report.

The mandatory requirement to have lockable head gates and measuring devices on every diversion was discussed. Ron indicated that this requirement would be enforced although there would be a grace period before the Director will actively enforce the requirement. It should be anticipated with the completion of the adjudication. There are many types of measuring devices that are approved by the department and the Watermaster will be available to evaluate the options with any water user. Measuring devices for pump diversions are more limited. Fortunately in some cases water users have been able to avoid the high cost of measuring devices by the Watermaster's use of power records to develop a relationship between power use and water pumped. A PCC's (power consumption coefficient) has been developed for each pump. Ron indicated that digital data loggers are being required on groundwater pumps and it is likely that this will be the standard for pumps in Water District 27. Currently most water users in Water District 27 do have meters. How well these flow meters work is another matter.

The next item on the agenda was the election of the advisory committee: A motion was made by Merlin Yancey to retain the present board; Stan Hill seconded the motion. All were in favor because the geographical representation of the board seemed to be appropriate. Those on the

Water District 27 advisory committee for 2005 are Layne Hamilton, Vincent Reid, Keith Hunsaker, Gary Pratt, and Allan Oliver.

Layne Hamilton recommended the water users take time to review the resolutions. Merlin Yancey asked for the opportunity to discuss any issues that might have arisen in 2004. Ron Carlson and Ryan Madsen were excused while the advisory committee discussed any issues that might have arisen during 2004.

After the discussion Ron and Ryan were asked to join the meeting again. Layne asked if there was anyone here today who wants to be considered for watermaster. John Davidson indicated he was willing to serve as watermaster if the water users wanted to go back to the processes they used before 2004.

Merlin Yancey made a motion to accept the resolutions, including the election of Ron Carlson as watermaster for 2005. The only changes were: the addition of the little Indian Canal in the fourth paragraph, and setting the minimum assessment at \$30 in resolution 3. Gary Pratt seconded the motion, and it passed unanimously.

New Business:

Allan Oliver asked when the adjudication process is to be completed. Ron said the current schedule calls for the IDWR part of the adjudication to be done by the end of 2005. Cindy Byrd who is with the IDWR adjudication staff located in Soda Springs is supposed to have Water District 27 recommendations in by May. The Court and water users will be receiving the directors report shortly after that. It is likely that the court would approve the director's report for interim administration in 2006, even though the final decree will probably not be out until 2007 or 2008. Ron indicated that approximately 136,000 water rights are final as of today, there are about 25,000 that still have to be done. While the largest number of claims have been reviewed and recommendations made, the remaining claims represent about 90% of the water. In most cases where there are decreed rights and no disputes the recommendations will not cause rights to change significantly. In some cases two or more people are claiming the same water right the changes could be significant. Rights that are based upon beneficial uses that started after the Stevens decree was entered will be new rights as far as the water district is concerned.

Merlin Yancey asked Ron to comment on the Twin Falls Call. Ron indicated that in 1977, the driest year of record, the Bureau of Reclamation rebuilt the American Falls dam. Through the efforts of the attorneys for Idaho Power Co. (IPCO) the falling water contracts that previously were the property of the storage spaceholders were transferred to IPCO. That same year the Swan Falls lawsuit was filed and Twin Falls Canal Company (TFCC) applied for hydropower water rights at Milner. The filing was precipitated by the IDWR finding that Milner Dam was unsafe to store water. (TFCC previously had hired an engineering firm to do an evaluation of the remainder of their system. The evaluation indicated that it would cost \$65 million to rehabilitate their system. The same attorneys represented IPCO and TFCC and IPCO agreed to pay for rebuilding Milner Dam and installing power generating facilities. The only problem was, the flow at Milner, by state law, is zero. Zero flow means no power will be generated and no generation means no dollars to pay for the dam and power plant. The agreement between TFCC

and IPCO was IPCO will build the dam, TFCC will find the water. Drought on the upper Snake started in 1987. The Swan Falls settlement resulted in the development of the ESPA aquifer model, which Ron has dubbed GAWD (the Government's Aquifer Water Deity). The model will always show the river is "impacted" by groundwater pumping – the math and logic in the model can do nothing else. If the impacts on the river can be leveraged into a water supply for hydropower the goal of IPCO and TFCC will have been reached. The surface water call involves seven lower valley canal companies, including the irrigation district that pumps more ground water than any other irrigation district in the state. As a rule of thumb, water calls are always about money and rarely about true water shortages.

The meeting adjourned at 2:54 p.m.

Water District 27
1/18/2005
Annual Meeting

Wendy Murphy

Ryan Cadden

Dale Rockwood

Ron Cook

Haynes Coffman

Jos E. Mortensen

Elese D. Tekon, Shu-Ban Water Resources

Sandra Eschiel, Shoshone-Bannock Tribal Water Resources Commission

Meredith & Gurney

Bruce Lake

Stanley M. Hill

Gary Pratt

John McQuinn

Layne Hamiller

Vincent Reid

Jimmy Hildner

DeVerne L. Jim

Ellen L. Ball, Shu-Ban Tribe Water Resources

Catalyn Opensaker

Keech Opensaker

LaVerne Steeklein

Alan Oliver - BIA

LELAND MILLER - B.I.A.

CLIFFORD BUCKSKIN - B.I.A.