

Water District 27  
Advisory Board Meeting  
November 12<sup>th</sup>, 2008  
IDWR-Conference Room

Larry Hinderager, Chairman, called the meeting to order at 10:08 am. Those present were: James Cefalo, Larry Hinderager, Clifford Buckskin, Alan Oliver, Gary Pratt, Lyle Swank, Harvey Coffin, and Joe Kaufman.

Lyle Swank reviewed the 2008 irrigation season's water supply, noting that the near average snowpack and cold winter leading to a cool late spring resulted in natural flow lasting later into the year than normal. Alan Oliver reported that Blackfoot Reservoir contents were roughly 72,000 AF and that it was less of a "storage cushion" than he would have preferred.

James Cefalo reviewed the previous year's data collection, noting that he and Kristy, the Summer Intern, were able to collect more and better data in 2008. In particular the diversions in the Upper Region were better measured this past year. He spoke of the need for more and better measurement devices, such as weirs or rated sections, in the Upper diversions in future years.

Alan Oliver asked if other canals have seasonal volume limits on their natural flow rights. Lyle Swank responded with a short history behind the volume limits in the Fort Hall Agreement. Alan Oliver then expressed some frustration with the agreement and the eighteen years of unsuccessful attempts to implement it.

Lyle Swank presented the Financial Report, showing that on November 8<sup>th</sup> the Water District was on track and below budget, despite higher costs of travel and gas in 2008. A total balance of \$14,076.64 remained for the 2008 budget. Lyle anticipates that the Water District will be below the \$36,000 budget by the annual meeting. General discussion on the billing resulted in James Cefalo confirming that a 5 year average of total diversion is currently used in the Water District 27 billing. Lyle reported that Steve Lyons is more than 30 days in arrears for his 2007 assessment (\$133.26).

James Cefalo summarized the status of the "equitable adjustment" negotiations, reporting there had been a lot of talk and input on what an equitable adjustment might be, but there was no consensus yet. The 1990 Fort Hall Agreement states that an equitable adjustment will be made to tribal water rights if nontribal diversions are found to be more than 45 KAF annually. He reported that the Consultants employed by the various parties are actively pursuing this concept, previously without input from the Water District, even though the adjudication decree is not yet final. James Cefalo has been working to improve the diversion data collected in the Water District. Data and measurement reliability continue to improve from year to year. The 2008 measurements are very good.

James reported that the Blackfoot River Expert Team met in September. The Team came to a general agreement on the amount of diversions by non-tribal water users. Diversion

on the Blackfoot River are roughly 50 KAF, so about 5 KAF is likely to form the basis for the equitable adjustment. In addition, 2 KAF of potential diversion is protected in the Idaho Water Bank, 1 KAF of potential diversion is inactive.

Alan Oliver asked about Snake River water that has been transferred up to the Blackfoot River. James replied that there was very little, but it was a headache to account for. Alan then asked about the July 1<sup>st</sup> cut-off for upper diversions, and James assured him that once the basin is decreed, those rights will be regulated. Additionally once the basin is decreed, lower diversions that have been over diverting will be regulated, which will decrease the Total Nontribal Diversions and may effect whatever equitable adjustment is necessary.

Larry Hinderager asked if the any equitable adjustment would be only for irrigation uses, or if it could be leased or rented. James confirmed that it could not be leased or rented.

James Cefalo discussed his calculations that show nontribal diversions do not divert much storage water. However, he wanted to board to think about how they might best encourage users to stay within their decreed rights, and perhaps develop a way to market storage water. Limiting chronic over diverters to their rights with regulation would be the first priority.

James Cefalo reported that the Fort Hall Tribes are applying to set their own water quality standards under the Clean Water Act. In the Spring of 2009 the proposed standards will be presented for public comment. It remains to be seen if they will apply or effect the portions of the Blackfoot and Snake Rivers that border the Reservation.

James Cefalo reviewed the response to the order to install headgates and measurement devices. A picture of Randy Panter's headgate installation was passed around and discussed as a successful example. The board discussed how to approach those water users who have not responded to the order. There are currently about 20 users who have not gotten back in contact with the Water District. James plans to contact them over the winter. The lower diversions would also benefit from improved measurement structures such as weirs or rated sections.

Next year, the Water District plans to measure return flows from the Idaho Canal and the Corbett Slough to the Blackfoot River.

James Cefalo reported that the measurement intern hired with money from the Bureau of Indian Affairs and the Idaho Attorney General's office was quite successful. With the BIA and AG's office unlikely to fund the position in the future he asked the board to approve adding the position to the Water District 27 budget. It will cost an estimated \$5,000 per year.

Gary Pratt moved to add a measurement intern to the Water District 27 budget for one year for a total of \$5,000. Seconded by Harvey Coffman. Unanimously Passed.

Gary Pratt also related that the process of surveying the Reservation Boundary and arranging land swaps to bring it back to the channelized Blackfoot River is progressing, although there are challenges in swapping land between private owners.

Lyle Swank updated the board on the Snake Plain Aquifer Comprehensive Aquifer Management Plan (CAMP) progress. The draft CAMP plan is ready to be presented at public meetings in Pocatello and Idaho Falls. The funding of the plan may have an impact on Water District 27 assessments, possibly \$1 per acre of irrigated land. Lyle encouraged the board to attend one of the public meetings as they were able.

Larry Hinderager adjourned the meeting at 12:09 pm.