

MINUTES OF THE REGULAR MEETING
OF THE WATERUSERS OF THE BLACKFOOT RIVER WATER DISTRICT #27
HELD AT THE BINGHAM COUNTY COURTHOUSE
BLACKFOOT, IDAHO
JANUARY 14, 2013

Advisory committee chairman Rob Reid called the annual meeting of Water District 27 to order at 1:07 p.m. January 14, 2013.

Layne Hamilton nominated Bob Reid as meeting chairman, Pat Taney seconded the nomination. Mark Pratt moved to cease nominations and the motion carried.

Minutes of the meeting held January 9, 2012 were read by Wendy Murphy. Corrections were noted on page 2, 5th paragraph to remove "the" in front of Trish Arvey; and on the last paragraph on page 2, in item 3 to strike "other" and add "27-11375". Mark Pratt moved to accept the minutes as corrected; Pat Taney seconded, and the minutes were approved as corrected.

Robert Keller, Water District 27 Deputy Watermaster, provided a brief overview of the last season. The 2012 irrigation season was drier and warmer than average. The runoff from the Somsen Ranch Snowtel site was earlier than normal and Slug Creek had a very low snowpack. This was the third warmest year on record. Fort Hall diversions totaled 248,229 acre-feet and the North Side Users diverted 48,872 acre-feet. When using the Blackfoot River Management Plan to calculate the "Primary Volume", the Primary Volume, with adjustments, was equal to 38,264 acre-feet. All water users are in compliance with the headgate order either by having a headgate or by not diverting. The web page is now up and running (waterdistrict27.com).

Lyle Swank stated the NRCS is showing the Willow Creek, Blackfoot, and Portneuf area for snow water equivalent at 79% of normal. NOAA adjusted the averaged used for comparisons by dropping the wetter years of 1970-1979 and adding in the dryer years of 2001-2010. Other changes include comparing the median instead of an average. This lowered the January 1 average in the Willow, Blackfoot, and Portneuf by 15%. The Blackfoot Reservoir content as of January 10, 2013 was 232,914 acre-feet which is about 61.5% full.

Wendy presented the 2012 financial report for Water District 27. The checking account balance as of December 31, 2012 totaled \$13,379. The Accounts Receivable balance was \$9,751 which consisted of the last Fort Hall payment. Liabilities at the end of the year were \$9,080. The profit and loss budget comparison was also presented. The 2012 income from assessments was \$44,025. Additional income was received from interest of \$20 and a charge to three Sand Creek users who asked for regulation of \$500. Expenses included paying the ditch rider for Sand Creek \$500, the website for \$285, the Water District 1 contract expenditures were \$38,322, measurement equipment was \$1,312 for pressure transducers, and mileage costs totaled \$3,734. The total expenses of the district were \$44,153. The net income for the year was \$392. Mr. Stecklein motioned to approve the financial report as presented. The motion was seconded and the motion carried.

Bob Reid read the names of those advisory members who served this last year. It was moved by

Larry Hinderager to retain the current advisory board and chairman, Merlin Yancey seconded the motion. The motion passed by acclamation. The 2013 advisory board is Bob Reid, Chairman, Marvin Yancey, Mark Pratt, Trish Arvey, and David Bollinger with the BIA.

The 2013 Resolutions were presented by Lyle Swank. Resolution #5 had some discussion regarding authorities of the chairman. Marvin Yancey moved to add the following at the end of resolution 5, Larry Hinderager seconded the motion and the motion passed.

BE IT FURTHER RESOLVED, That the advisory committee of Water District 27 is authorized to act as signatory for the district on the Blackfoot River Water Management Plan and review and make recommendations regarding the Equitable Adjustment Agreement.

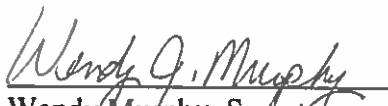
Lynn Keetch made a motion to approve the resolutions as corrected. Wes Hamilton seconded and the motion passed.

Dave Shaw provided an update on the Equitable Adjustment negotiation progress. The Debits and Credits were expanded over the years, WD1 has offered to provide up to 10,000 acre-feet over the next 10 years. Dave feels we have a solution that works, with looking at the last year the Basin 27 users Primary Volume was below the 45,000 acre-feet. Marvin Yancey indicated the Basin 27 users' biggest concern is who assumes the risk and he feels the Basin 27 users assume the entire risk. There were further discussions regarding the Equitable Adjustment.

Old Business: Larry Hinderager asked about the potential NOV's referenced in the minutes. Rob Keller indicated the water users came into compliance prior to an issuance of NOV's. Questions were asked about the path at closing out the water rights that have not been utilized for five years. Lyle Swank indicated the state is hesitant to take away a decreed right although the law does allow a forfeiture of a water right for lack of use in five years. Discussions continued about possibly establishing a process to verify the list of rights protected with the negotiated agreement from water rights not utilized for five years. The adjudication court was clear about a water user being able to revert back to flood irrigation after a sprinkler conversion and not taking rights away for the change in irrigation practice. Domestic and Stock water rights were deemed de minimis use and not subject to the Equitable Adjustment.

New Business: The settlement agreement is scheduled to go before the judge on February 22, 2013.

Larry Hinderager expressed appreciation for the time and expense of the advisory members in working toward solving this issue. Larry Hinderager moved to adjourn the Water District 27 Annual Meeting, the motion was seconded and the motion passed. The meeting adjourned at 2:47 pm.


Wendy Murphy, Secretary

1/13/2014
Dated

Water District 27 Year 2013 Resolutions

1. BE IT RESOLVED that the annual Water District 27 meeting shall hereafter, or until changed by further resolution of the district, be held on the second Monday of January of each year unless the director and advisory members should find it necessary to change the meeting date. The next annual meeting is to be held January 13, 2014.
2. BE IT RESOLVED, that it is the watermaster's responsibility to apply the best available methods and technology to assure accurate deliveries of natural flow and stored water, consistent with regulatory procedures and the availability of the water supply; that he maintain accurate records of water delivered to each water user.

That, the watermaster shall accurately allocate the expenses of delivering water of the district to each ditch, canal company, irrigation district, or other water user as provided by law; and that he shall prepare the annual watermaster's report required by Idaho Code 42-606 and a proposed budget for the succeeding year as required by Idaho Code 42-615.

BE IT FURTHER RESOLVED that:

The watermaster will investigate ways to expand and maintain automation where it can effectively improve water management, reduce personnel costs, travel costs, or result in cost or water savings for water users in Water District 27, or assure better and more current data.

The Watermaster will adjust the headgates of all natural flow rights. The Fort Hall Project Manager or his designee will adjust the central gates of the Blackfoot Reservoir, the equalizing reservoir, the Little Indian Canal, and the North and Main Canal headgates. The Watermaster will be duly advised of all changes made in the gates regulated by the Fort Hall Project Manager or his designee.

Lyle Swank be elected watermaster for the ensuing year, and be authorized to appoint deputies and hire such other assistants as provided by the adopted budget. The watermaster may hire additional assistants as authorized in Idaho Code 42-609 in an emergency.

Alan Kelsch be elected Water District 27 Treasurer.

The duties of the watermaster and treasurer shall continue until the next annual meeting.

The budget for Water District 27 for the 2013 year beginning January 01, 2013, and continuing until the annual meeting in 2014, shall be as follows:

Water District 27 2013 Budget

Expenses	Budget	Notes
Water District 1 Contract	\$38,000.00	
Travel	\$4,200.00	
Total WD1 Expenses	\$42,200.00	
Website	\$ 325.00	
Measurement & Reporting Equipment	\$1,500.00	
Total to Assess	44,025.00	

3. WHEREAS, it is the watermaster's responsibility to assure the proper delivery of water to all water users, and

WHEREAS, the normal water district cost of delivering water to many water users is greater than their normal assessments would be based upon their total annual use of water;

NOW, THEREFORE, BE IT RESOLVED that the watermaster of Water District 27 is hereby authorized to assess a \$42.00 minimum charge for every point of diversion within his jurisdiction.

4. WHEREAS, the water users of Water District 27 meeting in regular annual session find it necessary to confirm the continuation of the following "on-going" resolutions which direct the watermaster and the treasurer of the district in certain aspects of Water District 27 operations;

NOW, THEREFORE, BE IT RESOLVED that the budget of Water District 27 adopted at the annual meeting shall become the basis for the aggregate amount to be collected from all water users in the district for the current year based upon historical average delivery to each user. Debits and credits for the preceding year will be added to the current approved budget before assessments for the irrigation season are made.

It is hereby agreed that the natural flow users shall pay 40% of Water District 27 Budget, and that the Fort Hall Project shall pay 60% of said expense. The rate of assessment per 24 hour second feet shall be computed in accordance with the above proportions.

No water shall be delivered to any delinquent water user until all delinquencies have been paid, and no water shall be delivered after the first day of June, 2013, until the current year's assessment has been paid: Provided that assessments in excess of \$100.00 may be paid in installment of 1/3 of the total assessment, less any credit due previous years, on the first of May 2013, and 1/3 of the total assessment on the first of July 2013. The balance of the assessment shall become due and payable upon approval of the Watermaster's report by the Director of the Department of Water Resources for the state of Idaho, as provided in Section 42-614 of the Idaho Code.

That the treasurer shall establish and maintain a general account and shall cause all monies received to be deposited and shall make all disbursements as necessary to conduct the business of the water district;

BE IT FURTHER RESOLVED that no ditch, canal company, or other water users shall have the right to demand and receive water, and the watermaster shall not deliver to such person until receipt of the amount due and payable from such user, and

That copies of the minutes of the annual meeting, the approved budget, and related resolutions, shall be filed with the Director of the Department of Water Resources in accordance with Idaho Code 42-612 and 42-617.

5. WHEREAS, the water district meets in regular annual session, as provided by state law, and;

WHEREAS, there are, from time to time, decisions related to water district contracts, or policies that may not have been specifically addressed by resolution at the annual meeting;

NOW THEREFORE BE IT RESOLVED that the advisory committee of Water District 27 is authorized to take such actions as they, by consensus deem necessary and appropriate to fulfill the duties for which the district was created.

BE IT FURTHER RESOLVED, That the advisory committee of Water District 27 is authorized to act as signatory for the district on the Blackfoot River Water Management Plan and review and make recommendations regarding the Equitable Adjustment Agreement.

6. WHEREAS Idaho Code 42-605 provides for voting by water users and election of an advisory committee, the water users of Water District 27 hereby resolve that the credentials for voting in any district meeting and for serving on the district advisory committee will be as follows:

- 1) The advisory committee is to consist of 5 members, geographically distributed to represent the interests within the district.

- 2) Each advisor must be a landowner and water user within the boundaries of Water District 27; except for the Designated Representative from Fort Hall.
- 3) Must have paid all assessments owed Water District 27.

IT IS FURTHER RESOLVED that this resolution shall continue from year to year until repealed or changed by the water users.

7. ACCEPTANCE BY THE UNITED STATES INDIAN SERVICE

BE IT RESOLVED that adoption of all resolutions become effective with respect to the Fort Hall Project and all water distributed to the Fort Hall Project from any source, when the Fort Hall Irrigation Project Manager has affixed his signature.

Bob Reid, Chairman
Blackfoot River Water User's Association

David Bollinger, Irrigation Project Manager.
Fort Hall Agency

Approved and accepted this 14th day of January, 2013.