



IDAHO WATER RESOURCE BOARD

MEETING MINUTES 5-15

Keefer's Convention Center (Shilo Inn)
Twin Falls Room
780 Lindsay Blvd, Idaho Falls, Idaho 83402

C.L. "Butch" Otter
Governor

May 21, 2015
Work Session

Roger W. Chase
Chairman
Pocatello
District 4

Jeff Raybould
Vice-Chairman
St. Anthony
At Large

Vince Alberdi
Secretary
Kimberly
At Large

Peter Van Der Meulen
Hailey
At Large

*Charles "Chuck"
Cuddy*
Orofino
At Large

Albert Barker
Boise
District 2

John "Bert" Stevenson
Rupert
District 3

Dale Van Stone
Hope
District 1

Chairman Roger Chase called the meeting to order at approximately 7:30 am. All the Board members were present.

The Board resolved into Executive Session by unanimous consent pursuant to Idaho Code Section 67-2345 (1) subsections (f), for the purpose of communicating with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Topics discussed were the North Idaho Adjudication and Conjunctive Management Litigation. Director Spackman excused himself during the discussion of Conjunctive Management Litigation.

No action was taken by the Board during the Executive Session. The Board resolved out of Executive Session and into Regular Session at approximately 8:30 am.

During the Work Session the following items were discussed:

- Letter from Governor Otter regarding Sustainability by Brian Patton
- Open Meeting Law by Clive Strong
- Surface Water Coalition Settlement by Clive Strong
- Swan Falls Minimum Flows Update by Brian Patton
- Financial Status Update by Brian Patton
- Proposed FY16 Budget- Secondary Aquifer Planning, Management, and Implementation Fund by Brian Patton
- Recharge Update by Wesley Hipke
- Influence of Groundwater Management on Fish and Wildlife by Rob Van Kirk, Henrys Fork Foundation
- Consolidated Irrigation Company Loan Request by Cynthia Bridge Clark
- Mountain Home Air Force Base Pipeline Project by Cynthia Bridge Clark

Mr. Bert Stevenson moved to prepare a response letter signed by Mr. Raybould and Chairman Chase to the Governor regarding sustainability. Mr. Alberdi seconded the motion. Voice Vote. All were in favor.

May 22, 2015
IWRB Meeting

At 8:00 am the Chairman called the meeting to order. All Board members were present.

Agenda Item No. 1, Roll Call

Board Members Present

Roger Chase, Chairman	Jeff Raybould, Vice-Chairman
Vince Alberdi, Secretary	Pete Van Der Meulen
Chuck Cuddy	Bert Stevenson
Albert Barker	Dale Van Stone

Staff Members Present

Gary Spackman, IDWR Director	Brian Patton, Bureau Chief
Neeley Miller, Senior Planner	Cynthia Bridge Clark, Section Manager
Mandi Pearson, Admin. Assistant	Wesley Hipke, Recharge Project Manager
Clive Strong, Deputy Attorney General	

Guests Present

Jeff Seamons, Oneida Narrows Forever	Tom Lucia, Bear River
Glade Moser, Bear River	Rodney Pearce, Bear River
Jerry Rigby, Rigby Andrus & Rigby	Kathy Rinaldi, Greater Yellowstone Coalition
Teresa Molitor, Great Feeder	Roger Warner, Rocky Mountain Environmental
Lyle Swank, Water District 1	Stephen Goodson, Office of the Governor
Mike Webster, Office of the Governor	Lyla Dettmer, Franklin SWID
Brian Jensen, Consolidated Irrigation Co	Lyle Porter, Consolidated Irrigation Co
Walt Poole, Idaho Fish and Game	Amy Verbeten, Friends of the Teton River

Agenda Item No. 2, Agenda and Approval of Minutes

There were no changes to the agenda. Mr. Stevenson made a motion that the minutes for meetings 3-15 and 4-15 be approved as printed. Mr. Barker seconded the motion. Voice Vote. All were in favor. Motion passed.

Agenda Item No. 3, IWUA Memorial Resolution

Mr. Brian Patton discussed a Memorial Resolution adopted by the Idaho Water Users Association in honor of Frank Davis "Dave" Rydalch. Mr. Rydalch was a former Chairman of the Idaho Water Resource Board.

Agenda Item No. 4, Public Comment

Chairman Chase opened up the meeting for Public Comment. Mr. Jeff Seamons addressed the Board regarding Oneida Narrows. He discussed the unique and diverse values of the Oneida Narrows Canyon and requested that the Board consider the Bear River Narrows for a Protected River designation. There was discussion among the parties regarding a formal proposal and the requirements for protected river designation. Mr. Tom Lucia, Ms. Kathy Rinaldi, and Mr. Rodney Pearce also addressed the Board regarding this topic.

Mr. Jerry Rigby addressed the Board regarding the Water Supply Bank and a recent decision by the courts regarding “recovery” wells. He requested that the Board look at possibilities for the Water Supply Bank staff to expedite applications. There was discussion among the parties regarding the request and alternative solutions. Mr. Roger Warner also addressed the Board regarding this topic.

Mr. Lyle Swank addressed the Board regarding recharge-related issues. He described the success the Board has had this year and described recharge opportunities above American Falls. There was discussion among the parties regarding additional recharge in the Upper Valley.

Agenda Item No. 5, 2015 Legislative Final Update

Mr. Patton provided a final update to the Board regarding water legislation of interest. There was discussion among the parties regarding Senate Bill 1100 regarding cloud seeding.

Agenda Item No. 6, Water District 01 Rental Pool

Mr. Patton discussed the proposed procedures adopted by the Water District 1 in March 2015. These procedures were sent to the Board for consideration and approval. Due to ongoing discussions with the Shoshone Bannock Tribes and the United States which may involve certain provisions of the procedures, the Committee of Nine requested the Board delay any action on the procedures. There was discussion among the parties regarding reinstating 2014 procedures.

Agenda Item No. 7, Proposed FY16 Budget- Secondary Aquifer Planning, Management, and Implementation Fund

Mr. Patton discussed the proposed annual budget for the use of the available funds in the Secondary Aquifer Planning, Management, and Implementation Fund for ESPA recharge and other statewide aquifer stabilization efforts.

Mr. Alberdi moved to adopt the resolution approving the budget. Mr. Barker seconded the motion. There was further discussion among the parties regarding details of the budget and resolution.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Absent; Mr. Van Der Meulen: Aye; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Agenda Item No. 8, Consolidated Irrigation Company Loan Request

Ms. Clark discussed a \$500,000 loan increase request by Consolidated Irrigation Company (CIC). The loan is intended to supplement an existing loan approved by the Board in 2012. The CIC was formed through the consolidation of a number of irrigation and canal companies in the Preston, Idaho area. CIC delivers water to 456 share holders irrigating 17,000 acres. The project would convert 6 miles of winding canal to 3.65 miles of gravity pressurized HDPE pipeline with a new small hydro-facility at the end. A number of factors have impacted project cost and construction schedule including delays in receipt of equipment shipped internationally and FERC application processing delays. This project will reduce seepage from the unlined canal, and water savings from the project will be used to shore up irrigation deliveries under drought conditions or sold to other irrigation districts or municipalities in average water years.

Mr. Lyle Porter of Consolidated Irrigation Company expressed his thanks to the Board and discussed the reasons for the delay of project completion. There was discussion among the parties regarding the capacity of the hydro-facility, water savings, the power sales agreement, project costs, and the security interest. Mr. Barker proposed the resolution be amended to include the phrase “including the hydroelectric plant” to the security clause.

Mr. Van Stone moved to approve the resolution to increase the loan with the proposed amendment. Mr. Barker seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Aye; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Agenda Item No. 9, Mountain Home Air Force Base Pipeline Project

Ms. Clark provided a status report on the on the Mountain Home Air Force Base (MHAFB) Water Supply Project. The project involves efforts by the State of Idaho to assist the Military in providing an alternative and sustainable water supply to the MHAFB. She discussed the project background and status. There was discussion among the parties regarding preliminary cost estimates. Ms. Clark discussed the project concept, including financing, construction, major components, and operation. There was discussion among the parties regarding design requirements. Ms. Clark discussed a recent meeting with U.S. Military personnel regarding the project status and the Board's authority. Ms. Clark noted that near term actions include refining project costs and developing the utility service agreement. There was discussion among the parties regarding other potential users, and ownership of the water right.

Mr. Raybould made a motion to adopt the resolution to approve funds in the matter of the Mountain Home Air Force Base Water Supply Project. Mr. Cuddy seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Aye; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Ms. Clark discussed the recent meeting with the Elmore County Commissioners and other interested parties regarding water supply issues in the basin. There was discussion among the parties regarding water treatment options.

Agenda Item No. 10, Water District 02 WaterSMART Grant Update

Mr. Neeley Miller provided a status report on the WaterSMART grant. Phase-One received funding in May 2013. Installation and calibration of measurement devices is mostly complete. On-going telemetry installation will continue through spring 2016. Phase-Two received funding in July 2014. Installation and calibration of equipment will continue through September 2016. There was discussion among the parties regarding trust water rights and the term of the grant.

Agenda Item No. 11, Regional Conservation Partnership Program Update

Mr. Miller provided an update on the Regional Conservation Partnership Program (RCPP). The Board submitted an RCPP proposal in October 2014 with several collaborating partners. The proposal requested NRCS funds to target high priority actions identified by the State of Idaho to stabilize and recover ground water levels in the ESPA and stabilize and recover spring discharges to help maintain minimum stream flows in the Snake River. In January, NRCS announced the Board's proposal would receive funding for 2015 and 2016. A Memorandum of Understanding with NRCS was executed in May 2015. Board staff will work with partners and NRCS to develop a timeline for sign-up, ranking, and obligation of funds. NRCS has announced the availability of additional funds for 2017-2019. Pre-proposals are due July 2015, and staff plan to work with partners to develop and submit the pre-proposal unless directed otherwise. There was discussion among the parties regarding the CREP program and ongoing maintenance costs.

Agenda Item No. 12, Storage Studies Update

Ms. Clark discussed the current status of the Weiser-Galloway Project. The Operations Analysis is close to completion. The report will be made public in fall 2015. The Galloway reservoir size optimization study is moving ahead and scheduled for completion by spring 2016. An Evaluation of Weiser River Trail impacts and relocation options is currently scheduled for kick-off in May 2015. Staff

is developing a plan to compile a pre-application document during the Federal Energy Regulatory Commission (FERC) preliminary permit. Stakeholder engagement efforts are continuing with sister state agencies. There was discussion among the parties regarding the Weiser River Trail relocation options and impacts.

Ms. Clark discussed the current status of the Boise River Feasibility Study. The project is moving ahead and on schedule. A draft feasibility study report and EIS for public review will be available for public review in the fall 2015. There has been extensive coordination between federal and state agencies. Ms. Clark provided an update on the Island Park Reservoir Enlargement Project. Staff is preparing to issue a Request for Qualifications to complete an assessment of potential impacts to land and real estate resulting from a raise of the normal surface elevation. Staff is in the process of developing a project website and informational materials and will coordinate with stakeholders in the basin going forward. There was discussion among the parties regarding public outreach.

Ms. Clark discussed the potential for an Anderson Ranch Dam raise. The US Bureau of Reclamation is involved in this project and recently held a public information meeting regarding a Feasibility Study. There was discussion among the parties regarding Board involvement in the project.

Agenda Item No. 13, Friends of the Teton River Water Transaction Costs

Ms. Clark introduced Amy Verbeten from Friends of the Teton River (FTR). Ms. Clark discussed a request to pursue funding from the Columbia Basin Water Transactions Program (CBWTP) to cover programmatic costs associated with requirements or activities specific to Board procedure or direction. Estimated costs for FTR programmatic activities, including travel and monitoring costs, is \$15,614. Ms. Verbeten thanked the Board for the opportunity to present this request. There was discussion among the parties regarding the intent of the resolution, communication with BPA, and timing. Mr. Raybould suggested an amendment to add the words “subject to CBWTP funding” in the seventh paragraph of the resolution and “and no other Board Transactions programs are impacted by this funding request” to the end of the eighth paragraph. Mr. Barker also suggested the addition of the words “with CBWTP funding” in the last “Whereas” clause of the resolution.

Mr. Van Der Meulen made a motion to adopt the resolution to request additional funding in the matter of the Idaho Water Transaction Program Partnership with Friends of the Teton River, with the discussed changes. Mr. Barker seconded the motion.

Roll Call Vote: Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Cuddy: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Aye; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Agenda Item No. 14, IDWR Director’s Report

Director Spackman discussed the Mountain Home project. He has learned that the Air Force is excited about this project and promotes the partnership with local entities. Director Spackman spoke about the Surface Water Coalition delivery call. He discussed required adjustments to the computation of rights and obligations of water right holders, resulting in an approximate additional 50,000 acre-feet of obligation every year. He anticipates recurring and chronic obligations in the future unless changes are made.

Director Spackman spoke about the recent court decision regarding recovery wells. He discussed events that led up to the lawsuit and court decision. There was discussion among the parties regarding this matter.

Director Spackman presented a service award to Brian Patton for twenty years of service to the State of Idaho.

Agenda Item No. 15, Other Non-Action Items for Discussion

The Board had no non-action items to discuss.

Agenda Item No. 16, Next Meetings and Adjourn

Mr. Patton discussed the upcoming IWUA conference on June 22-23, 2015. The next Board meeting is currently scheduled for July 13-14, 2015 in Post Falls. There was discussion among the parties regarding compliance with the Open Meeting Law at the IWUA conference. Mr. Raybould made a motion to Adjourn, and Mr. Cuddy seconded the motion. Voice Vote. All were in favor. Motion Carried.

The IWRB Meeting 5-15 adjourned at approximately 12:10 pm.

Respectfully submitted this 14th day of July, 2015.



Vince Alberdi, Secretary



Mandi Pearson, Administrative Assistant II

Board Actions:

1. Mr. Bert Stevenson moved to prepare a response letter signed by Mr. Raybould and Chairman Chase to the Governor regarding sustainability. Mr. Alberdi seconded the motion. Voice Vote. All were in favor.
2. Mr. Stevenson made a motion that the minutes for meetings 3-15 and 4-15 be approved as printed. Mr. Barker seconded the motion. Voice Vote. All were in favor. Motion passed.
3. Mr. Alberdi moved to adopt the resolution approving the FY 16 budget for the Secondary Aquifer Planning, Management and Implementation Fund. Mr. Barker seconded the motion. There was further discussion among the parties regarding details of the budget and resolution. Roll Call Vote. 7 Ayes, 1 Absent. Motion passed.
4. Mr. Van Stone moved to approve the resolution to increase the Consolidated Irrigation Company loan with the proposed amendment. Mr. Barker seconded the motion. Roll Call Vote. 8 Ayes. Motion passed.
5. Mr. Raybould made a motion to adopt the resolution to approve funds in the matter of the Mountain Home Air Force Base Water Supply Project. Mr. Cuddy seconded the motion. Roll Call Vote. 8 Ayes. Motion passed.
6. Mr. Van Der Meulen made a motion to adopt the resolution to request additional funding in the matter of the Idaho Water Transaction Program Partnership with Friends of the Teton River, with the discussed changes. Mr. Barker seconded the motion. Roll Call Vote. 8 Ayes. Motion passed.