



# IDAHO WATER RESOURCE BOARD

## MINUTES OF TELEPHONIC MEETING

MEETING NO. 05-06

June 8, 2006, 8:40 a.m.

Idaho Department of Water Resources at the Idaho Water Center – 6<sup>th</sup> Floor  
Conference Room B, 322 East Front Street, Boise, Idaho

**James E. Risch**  
Governor

**Jerry R. Rigby**  
Chairman  
Rexburg  
At Large

**Terry T. Uhling**  
Vice Chairman  
Boise  
District 2

**Dick Wyatt**  
Secretary  
Lewiston  
District 1

**Leonard Beck**  
Burley  
District 3

**Bob Graham**  
Bonners Ferry  
At Large

**L. Claude Storer**  
Idaho Falls  
District 4

**Gary M. Chamberlain**  
Challis  
At Large

**Lawrence 'Vic' Armacost**  
New Meadows  
At Large

Meeting No. 05-06 of the Idaho Water Resource Board was called to order via teleconference by Chairman Rigby at the Idaho Water Center in Boise Idaho.

### Agenda Item No. 1, Roll Call

#### *Board Members Attending by Telephone*

Jerry Rigby, Chairman	Leonard Beck
Dick Wyatt – Secretary	Gary Chamberlain
Vic Armacost	Bob Graham

#### *Board Members Absent*

Claude Storer	Terry Uhling
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#### *Department of Water Resources Staff Present*

Hal Anderson, Administrator	Bill Graham, Bureau Chief
Patsy McGourty, Admin. Asst. II	Brian Patton
Mike Keckler	Dave Tuthill, Administrator
Rick Raymondi, Bureau Chief	Sean Vincent
David Blew	Phil Rassier, Attorney

#### *Guests Present and by Telephone*

Rick Skinner	Jim Wrigley
Clive Strong	John Simpson
Lynn Tominaga	Rich Rigby
Gail McGarry	Tom Arkoosh
Jon Boling	

### Agenda Item No. 2, Public Comment

There was no public comment

### Agenda Item No. 3, Well Drilling Rules

Dave Tuthill updated the Board on the process of creating new well drilling rules. The Department contracted with Rocky Mountain Environmental for phase one to see if the rules did need to be updated. The report said that an update was needed and meetings are set June 28 and 29<sup>th</sup> to solicit input from the public in Coeur d'Alene, Idaho Falls and Boise. It will take 3-4 months to prepare draft rules with approval from the Legislature expected in 2008. Mr. Tuthill answered questions from Board members on specific changes. A decision was made to have a department staff member make a presentation to the Board at the July meeting in Twin Falls.

### Agenda Item No. 4, Bell Rapids Long-Term Financing Parameters Resolution

Hal Anderson introduced Jim Wrigley to present the details of the financing package to pay off the obligation to the State Treasurer for the Bell Rapids Water Right. A request for proposals was sent to several banks. U.S. Bank's proposal is recommended to the Board as the best suited. The loan will be the exact amount of funds necessary given the Bureau will be making another \$4,000,000 payment with June 28 as the closing date. Also needed is an Amendment to the Water Rights Lease Agreement with the Bureau of Reclamation that includes an increase in interest rate and documents the trustee fees. The Resolution before the Board authorizes a trust indenture that will be the form of the loan.

Rich Rigby, Bureau of Reclamation, expressed appreciation to the Board and approval for the agreement.

Rick Skinner was asked for input and stated that Mr. Wrigley had done a good job explaining the transaction.

Chairman Rigby called for a motion on the resolution. Mr. Chamberlain moved that the resolution authorizing the issuance and sale of the water resource development revenue notes in an amount not to exceed \$8,000,000 be approved. Mr. Wyatt seconded.

#### **Roll Call Vote:**

**Wyatt, Aye; Armacost, Aye; Storer, Absent; Beck, Aye; Chamberlain, Aye; Graham, Aye; Uhling, Absent; Chairman Rigby, Aye. 6 Ayes, 2 Absent. Motion passed.**

Chairman Rigby requested a motion to sign the Amended Water Right Lease Agreement. Mr. Chamberlain moved that the Amended Water Right Lease Agreement with the Bureau of Reclamation be approved and Mr. Wyatt seconded.

**Voice Vote: All in Favor. Motion Passed.**

### Agenda Item No. 5, Land Acquisition W Canal Purchase Resolution

Hal Anderson asked David Blew to present the land acquisition resolution to the Board. Mr. Blew explained that two properties needed to be crossed for the recharge project on the W Canal. One easement is being obtained. On the other parcel the owner requested a pipeline to have the easement, which is costly. Staff asked the owner if the property could be purchased. The owner's asking price is \$25,000. Staff compared the costs of easement with buried pipeline versus purchase and using an open canal. The purchase the property alternative savings is \$30,000. Staff

recommends that the Board authorize the purchase of the property. Mr. Blew answered questions from Board members on terms of the sale.

Chairman Rigby asked for a motion on the resolution. Mr. Wyatt moved that the resolution authorizing the purchase of property for the W Canal Recharge Project be approved. Mr. Chamberlain seconded.

**Roll Call Vote:**

**Wyatt, Aye; Armacost, Aye; Storer, Absent; Beck, Aye; Chamberlain, Aye; Graham, Aye; Uhling, Absent; Chairman Rigby, Aye. 6 Ayes, 2 Absent. Motion passed.**

**Agenda Item No. 6, ESPA Comprehensive Management Plan**

Hal Anderson asked Phil Rassier to address the Board regarding Judge Wood's recent order voiding the conjunctive management rules. A break was called to get Mr. Rassier.

After the break, Phil Rassier briefed the Board on the important points in Judge Wood's decision. Phil pointed out that the only issue he thought would have any affect on the Board's planning efforts would be the domestic water right issue. He told the Board the decision would be appealed to the Supreme Court and the Judge would probably issue a stay giving some guidelines to the Department for the interim. The process could take from 4-12 months. Mr. Rassier stated that he did not see a conflict with the Board's planning process and the ongoing litigation. Chairman Rigby asked guests for their input.

Mr. Anderson then introduced Mary McGown who presented the summary of the Board's discussion from the May meeting.

**a. Summary**

Mary pointed out the conclusions of the discussion on the scope of the comprehensive management plan. Board members expressed further ideas on the summary including goals. Mary asked Board members for their input.

Mr. Armacost asked if Board members should be part of this process. Mr. Anderson pointed out that the Attorney General's staff was checking into how much the Board should be involved in this process. Mr. Rassier said that the Attorney General opinion would be expedited as to conflicts for Board members involvement.

**b. Alternatives**

Mr. Anderson asked Brian Patton to present the draft management goal alternatives for the plan. One of the goals was to consider alternatives to potentially enhance the ESPA and to associate an estimated cost. The baseline is the status quo along with five enhancement levels with changes to the water budget for the aquifer. Mr. Anderson introduced Mr. Patton who explained each enhancement from the status quo and the changes that would be incurred. These would alter supply and demand and are only a rough draft at this state. He noted that the aquifer is close to dynamic equilibrium. Mr. Anderson added that model runs and scenario developments would be part of these proposed alternatives and that in July at the Board meeting in Twin Falls staff would be explaining several of these to the Board.

Mr. Patton answered questions for the Board members. There was further discussion on the planning process and the proposed alternatives.

**c. Schedule**

Mr. Anderson asked Mr. Graham to discuss the planning schedule chart that was in the Board folder. Mr. Graham explained that the chart outlines the planning process steps that include identifying the planning team members and selecting a facilitator. The Board and Department staff including GIS, hydrology, legal and others will be part of the team. Mr. Graham noted that hiring the facilitator is the next step for discussion at this meeting. Mr. Graham and Mr. Anderson answered Board questions.

**d. Facilitator**

Mr. Anderson presented names of potential candidates for the facilitator position. The list was narrowed initially to eight names including John Petrovsky, Bennett Rayley, Michael Pierce, Joseph McMahan, Jeff Fassett, John Keyes, Roger Patterson, and Chris Moore. Two people that are interested are Bennett Rayley and Joseph McMahan. Chris Moore is potentially very interested. Mr. Simpson asked that Merlin Clark's name be included. There was further discussion about local candidates.

Mr. Anderson suggested that an interview committee be formed including staff and Board members to interview the candidates. Board members discussed timeliness and the interview process including costs. The Board decided that Mr. Anderson schedule face-to-face interviews as soon as possible. There was discussion about the cost of having out-of-state facilitators. Mr. Chamberlain, Mr. Wyatt and Mr. Armacost volunteered to be on the committee. Mr. Anderson stated that he would contact local candidates and ask them to send resumes. He asked Board members if there were other staff besides, Director Dreher and Mr. Strong that they wanted on the interview committee. There were none. Chairman Rigby asked that all Board members be supplied with resumes. There was discussion about public participation in the process. The Board decided the interviews themselves would not be a public process. The resumes for the final candidates would be made available to the public.

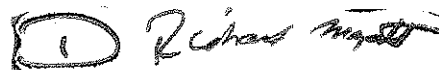
**Agenda Item No. #7, Other Items Board Members May Wish to Present**

Mr. Tominaga thanked the Board for allowing public participation.

**Agenda Item No. 8, Adjournment.**

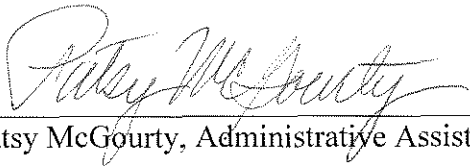
Mr. Wyatt moved to adjourn the meeting. Mr. Chamberlain seconded. All were in favor. Meeting adjourned about 11:45 a.m.

Dated this 14<sup>th</sup> day of July 2006.



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D. Richard Wyatt, Secretary

  
Patsy McGourty, Administrative Assistant II

**Board Actions**

1. Mr. Chamberlain moved that the resolution authorizing the issuance and sale of water resource development revenue notes in the amount of \$8,000,000 for Bell Rapids long-term financing be approved. Mr. Wyatt seconded.

**Roll Call Vote:**

**Wyatt, Aye; Armacost, Aye; Storer, Absent; Beck, Aye; Chamberlain, Aye; Graham, Aye; Uhling, Absent; Chairman Rigby, Aye. 6 Ayes, 2 Absent. Motion passed.**

2. Mr. Chamberlain moved that the Amendment to the Water Right Lease Agreement for the Bureau of Reclamation be approved and Mr. Wyatt seconded.

**Voice Vote: All in Favor. Motion Passed.**

3. Mr. Wyatt moved that the resolution authorizing the purchase of property at the price of \$25,000 for the W Canal Recharge Project be approved. Mr. Chamberlain seconded.

**Roll Call Vote:**

**Wyatt, Aye; Armacost, Aye; Storer, Absent; Beck, Aye; Chamberlain, Aye; Graham, Aye; Uhling, Absent; Chairman Rigby, Aye. 6 Ayes, 2 Absent. Motion passed.**