



IDAHO WATER RESOURCE BOARD

L. "Butch" Otter
Governor

MINUTES OF TELEPHONIC MEETING NO 04-07

Jerry R. Rigby
Chairman
Rexburg
At Large

Idaho Department of Water Resources
Idaho Water Center, Boise Idaho
March 23, 2007

Terry T. Uhling
Vice Chairman
Boise
District 2

Chairman Rigby called meeting 04-07 to order at 11:15 a.m. and requested roll call.

Agenda Item No. 1, Roll Call

Bob Graham
Secretary
Bonners Ferry
At Large

Board Members Attending

**Charles "Chuck"
Cuddy**
Orofino
District 1

Jerry Rigby, Chairman
Vic Armacost
Claude Storer
Bob Graham

Leonard Beck
Gary Chamberlain
Chuck Cuddy
Terry Uhling, absent

Leonard Beck
Burley
District 3

Staff Members and Guests Attending

L. Claude Storer
Idaho Falls
District 4

Hal Anderson, Administrator
Brian Patton, Bureau Chief
Patsy McGourty, Admin. Asst. II
Bob McLaughlin, PIO
Lynn Tominaga, IGWA
Dane Watkins, Bonneville-Jefferson GW District

Dave Tuthill, Interim Director
David Blew, Special Projects
Bill Block, JUB Engineers
Phil Rassier, Deputy Attorney General

**Gary M.
Chamberlain**
Challis
At Large

Guests by Telephone

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

Scott Clawson, WD 110
Roy Mink
John Simpson, SWC
Diane Tate, CDR Assoc.
Craig Evans
Nancy Lovett, NSGWD
Chuck Brockway
Clive Strong, Deputy Attorney General

Jonathan Bartsch, CDR Assoc.
Matt Howard, BLM
Harriet Hensley, Deputy Attorney General
Randy Budge, IGWA
Tim Deeg
Tom Arkoosh, SWC
Dan Temple, A and B Irrigation

Agenda Item No. 2, Public Comment

There was no public comment.

Agenda Item No. 3, W-Canal Recharge Project

Mr. Anderson stated that the Draft Environmental Assessment for the 2025 Grant through the U.S. Bureau of Reclamation has raised some issues for the W-Canal Project. Mr. Blew outlined two conditions that NOAA Fisheries wanted to impose on the Board in order to provide a letter of concurrence for the Bureau of Reclamation's Environmental Assessment for the project. The Environmental Assessment is a requirement of the grant. First, the Board would agree not to compete with the USBR for Rental Pool water used to meet flow augmentation requirements; and second, the Board would agree not to divert water to the W-Canal Project unless salmon target flows are being met at Lower Granite Dam. Mr. Blew stated it was unlikely that the first condition would have significant impact on the W-Canal Project.

The second condition would have major impacts on the W-Canal Project and could greatly impact the ability to utilize the recharge project. The Attorney General's office believes the required conditions are not reasonable and set an undesirable precedent. Staff recommends the Board terminate the contract with the USBR for the 2025 Challenge Cost-Share Grant if the proposed conditions cannot be modified. Staff had prepared a resolution to utilize Revolving Development Account ESPA Sub-Account funds to replace the Water 2025 grant funds. Discussion followed with Board members about this issue.

Mr. Clive Strong stated he had spoken to the Governor's Office about the condition proposed by NOAA Fisheries asking for their evaluation. Mr. Strong's advice to the Board was that they advise the Department of the Interior of the unreasonableness of this condition to elevate the issue to a higher level while still moving forward with the recharge project. Chairman Rigby agreed that an attempt should be made to do this. Mr. Anderson suggested that action on the resolution be delayed. Mr. Graham encouraged contact with NOAA and the Department of the Interior to meet and discuss the Environmental Assessment flexibility in order to maintain the program. Mr. Anderson stated that staff would work with the Director and Mr. Strong to move ahead with this discussion. The recharge project will move forward and the Board can take quick action for alternate funding if necessary.

Agenda Item No. 4, Selection of the Advisory Committee for the Eastern Snake Plan Aquifer Comprehensive Management Plan – CDR Associates

Mr. Anderson introduced CDR Associates, Jonathan Bartsch and Diane Tate, present by telephone. The meeting today is on a revised list from last Friday's meeting that includes input from the meeting with the Governor. Chairman Rigby stated that Mr. Bartsch and Ms. Tate would handle the discussions until there was a motion on the floor.

Mr. Bartsch stated that developing a management plan for the aquifer is the task before the Board. The goal today is to choose an Advisory Committee to make recommendations to the Board for the management plan. The Advisory Committee will work through issues. Mr. Bartsch stated that there are three categories that need decisions today - the Municipalities/Counties Category, Ground Water Category and the Land Developer Category.

Mr. Cuddy asked what the feedback was from the meeting with the Governor's staff. Mr. Bartsch stated he had not talked with the Governor's office. But he stated that there was a suggestion that there be a new category of County Assessor. Chairman Rigby suggested that discussions begin by starting with the first category. Mr. Graham asked how was the Chairperson going to get consensus without voting. Mr. Bartsch explained that the purpose is for the interests of parties to be represented and recommendations made to the Board for management of the aquifer. It is not a voting group.

In the Ground Water Category it was suggested that Lynn Carlquist be the alternate to Dean Stevenson instead of Grant Wyatt. **Mr. Chamberlain moved that Lynn Carlquist be the alternate to Dean Stevenson. Mr. Graham seconded.** Chairman Rigby asked for discussion.

Mr. Beck offered concern about Southwest Irrigation with 93,000 acres not having a voice at the table. Chairman Rigby said the same issue occurs over the whole aquifer and the group needs to be narrowed. Mr. Budge commented that Southwest Irrigation District is very involved in IGWA; however, water district 130 and 140 are directly affected by the current water calls and that is the only reason for the change. Mr. Wyatt is on the Executive Committee for IGWA and will be involved. Mr. Beck asked if Mr. Wyatt had been notified. Mr. Budge said he had not spoken to him directly. Mr. Tominaga said that he had communicated with Bill Parsons and not heard any objections. He stated he would contact Mr. Wyatt directly after this meeting. Mr. Beck asked if Southwest Irrigation had been contacted and Mr. Tominaga stated not that he knew. Mr. Simpson agreed with the representation for water district 130 and 140. Mr. Bartsch stated that the ground water users were in favor of Mr. Carlquist representing 130.

Mr. Bartsch stated that the representatives and alternates on the Advisory Committee would also be involved with the public who will be present at the meetings. All are welcome.

Mr. Arkoosh asked the Chairman if the Governor had approved this list for his summit and why it was being changed. Chairman Rigby responded that he had spoken with the Governor's Office just this morning and they are aware of the suggested changes. Mr. Arkoosh asked if the Governor accepted the list as it is. Chairman Rigby stated that the Governor's Office supports the Board's list; however, they have had many calls from constituents. Mr. Arkoosh asked if the list were changed and submitted again, would it be changed again by the Governor's Office. Chairman Rigby stated that it was presented and suggestions have been made, but it is up to the Board.

Mr. Deeg stated that the change to Lynn Carlquist was submitted to the Governor's Office early on. Mr. Graham asked if the balance of the revised list represents any significant change in the balance of the committee. Mr. Tominaga stated that the first list submitted to the Board was balanced, but after the Board made changes to the CDR list, then the list was unbalanced. Now, changes are suggested to restore original balance.

Mr. Arkoosh stated that the original list submitted to the Board was not submitted from a public process, but was represented to be part of the process. If the Governor approves these suggested changes, then the Governor has approved it. The list last time was balanced geographically and now Mr. Arkoosh did not understand the purpose of the new process. Mr. Bartsch stated that the Board today is making a determination on the balance of the committee with suggestions from the Governor's Office. Chairman Rigby stated that many complaints were received from the IGWA group and many calls were received by the Chairman from other parties about the weight of the committee in the south. Some changes need to be made by non-irrigation entities at the table. It is a geographical issue.

Mr. Bartsch suggested that the Board move on with the motion on the table for Mr. Carlquist to replace Mr. Wyatt. **Chairman Rigby called for a roll call vote.**

Roll Call: Mr. Cuddy, No; Mr. Armacost, Deferred; Mr. Storer, Abstain; Mr. Beck, No; Mr. Chamberlain, Yes; Mr. Graham, Yes; Mr. Uhling, Absent; Chairman Rigby, Yes. 3 Ayes, 2 Nays and 1 deferred changed to abstained. 3 Ayes, 2 Nays, 2 Abstained, 1 Absent. Motion passed.

Mr. Bartsch moved on to the Land Developer Category. Cliff Jensen was not available. Ball Ventures was suggested as an alternate. Mr. Chamberlain asked who would be the actual person and Mr. Bartsch thought it would be Rebecca Casper. There was further discussion about this alternate. It has been suggested that Ball Ventures be the representative. **Mr. Chamberlain moved that the name Rebecca Casper should be there for representative from Ball Ventures with Bob Muffley as the alternate. Mr. Graham seconded.** Chairman Rigby called for discussion.

Mr. Beck asked what Ball Ventures was doing with water rights in their business dealings. Chairman Rigby said they are all over the board with many uses and they work well with irrigation companies. Their dealings are in every area of water right use. Chairman Rigby stated he had spoken with them and they are very willing to participate.

Mr. Beck asked about Mr. Muffley's background and Mr. Bartsch responded that Mr. Muffley is on the Mid-Snake Commission and a member of the Board of Realtors. Ms. Tate added that Mr. Muffley had participated in earlier ESPA meetings.

Chairman Rigby called for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, Yes; Mr. Chamberlain, Yes; Mr. Graham, Yes; Mr. Uhling, absent; Chairman Rigby, Yes. 7 Ayes, 1 Absent. Motion passed.

Mr. Bartsch asked the Board to consider the Municipalities/Counties Category and to switch Mayor Correll, Jerome, with Mayor Lance Clow, Twin Falls, and also, to switch Mayor Fuhrman, Idaho Falls, and Mayor Roger Chase, Pocatello. Many discussions have taken place. Mr. Beck asked who had proposed the change. Mr. Bartsch replied that there were many requests from stakeholders,

legislators and possibly the Governor's Office. Chairman Rigby added that the Governor's Office had suggested the change.

Mr. Simpson expressed confusion about the switch between the cities of Twin Falls and Jerome. Chairman Rigby said it was a geographical issue with Pocatello and Idaho Falls. The other suggestion came from several different groups above American Falls that wanted Twin Falls and Jerome switched.

Mr. Arkoosh asked if Bill Block was present and had made his views known to Chairman Rigby. Chairman Rigby said he had not heard from Mr. Block.

Mr. Block who was at the meeting in person stated that he thought it would be a mistake to switch Mayor Correll of Jerome with Mayor Lance Clow from Twin Falls. He discussed the Twin Falls water rights and the population they are serving as the major city in Magic Valley. Mr. Bartsch addressed the issue of disenfranchising by switching from primary representative to alternate because both will be at the table and working together.

Mr. Tominaga discussed water calls and the affect on the cities. The City of Twin Falls is not jeopardized by the calls, but the cities of Jerome, Wendell, Gooding and Shoshone are subject to the calls. Mr. Block disagreed because the Twin Falls water supply has been decreasing by 3% per year. They are not able to get their full water right and are looking at expensive alternatives to supply 55,000 people. Mr. Tominaga brought up diminished supplies that everyone wants to see come back; however, legal calls are more urgent since they will affect users legally. Mr. Bartsch stated that all these entities would be represented on the Advisory Committee to work together to find solutions to more than just legal issues, but to make real recommendations to deal with the aquifer plan.

Mr. Graham asked for clarification between the representative and the alternate. Mr. Bartsch stated that they would both work closely together on these issues. The Board engaged in discussion of the Twin Falls and Jerome issues with input from others. Mr. Armacost asked about the populations of Jerome and Twin Falls. Mr. Tominaga pointed out that Jerome, Gooding, Wendell and Shoshone are all working together as a unit. Mr. Bartsch said everyone cannot be on the Advisory Committee and it is good that they are working together. Mr. Armacost stated that all cities have water issues in this area. Mr. Block clarified that Twin Falls was a spring water user, but they have converted to ground water use with shallow wells above the springs. By doing that they did not have to treat the surface water. He thought that the alternate would not be at the table and at the meeting.

Ms. Tate said that alternates would be present at every meeting and would participate for absent representatives. They would work together. Mr. Block thought some representatives and alternates might have different interests and would not work together. Ms. Tate stated that would be addressed at future Advisory Committee meetings. Mr. Bartsch suggested that the Board move forward with their decision.

Chairman Rigby asked the Board how they felt about the Idaho Falls and Pocatello switch to Mayor Fuhriman of Idaho Falls to representative and Mayor Chase of Pocatello as alternate. Ms. Hensley stated that the Governor thought the switches in both slots would be a good representation of

uses and geography. Mr. Arkoosh asked if this was the Governor's recommendation. Chairman Rigby stated it was a suggestion to the Board not a position on nominees. Mr. Bartsch stated that what the Board decides the Governor would review again. Mr. Anderson said it is the Board's decision.

Mr. Armacost moved that the Board retain Mayor Clow of Twin Falls as representative and Mayor Correll of Jerome as alternate. Mr. Beck seconded. Chairman Rigby asked for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, Yes; Mr. Chamberlain, No; Mr. Graham, Yes; Mr. Uhling, Absent; Chairman Rigby, No. 5 Ayes, 2 Nays. Motion passed.

Mr. Chamberlain moved that the Board switch Mayor Fuhrman of Idaho Falls to representative and Mayor Roger Chase of Pocatello to alternate. Mr. Armacost seconded.

Roll Call: Mr. Cuddy, No; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, No; Mr. Chamberlain, Yes; Mr. Graham, Abstain; Mr. Uhling, Absent; Chairman Rigby, Yes. 4 Ayes, 2 Nays, 1 Abstain, 1 Absent. Motion passed.

Mr. Bartsch discussed the Chairperson Category and whether or not it was needed since he and Ms. Tate would be leading the meetings, planning the agendas and working with members. Chairman Rigby stated that Mr. Rigby had called and said that his employer had major objections with him serving as Chairman; therefore, he has declined. The second issue then becomes does the Advisory Committee need a Chairperson. Chairman Rigby noted that Mr. Mink had been discussed as an alternate. There was discussion about having a Chairman.

Mr. Bartsch asked Mr. Mink to introduce himself and discuss his qualifications and the role that he might serve. Mr. Mink described his qualifications and interest in serving in some capacity. Mr. Bartsch suggested that perhaps Mr. Mink could serve as an agency representative to provide technical expertise. Chairman Rigby asked Mr. Bartsch to readdress whether there was a need for a Chairman. Mr. Bartsch said that CDR did not think there was a need for a Chairperson since he and Ms. Tate would essentially be filling that role. Mr. Cuddy stated that Mr. Mink's expertise would be a benefit on the Advisory Committee as a technical expert. This is the role of the agency representative.

Mr. Cuddy moved that Mr. Mink be a technical expert representative for the committee. Mr. Chamberlain seconded. Ms. Tate said that it might be premature to make a formal motion since the Advisory Committee has not advanced to this stage. Chairman Rigby asked what position Mr. Mink would serve. Mr. Beck asked that the motion be withdrawn until we get to that point. Mr. Cuddy and Mr. Chamberlain withdrew their motion.

Mr. Armacost moved that the Chairperson category be eliminated. Mr. Graham seconded. Chairman Rigby called for further discussion. Chairman Rigby called for a voice vote. All were in favor. Chairman Rigby assured Mr. Mink that he would be involved in some way.

For the Business Category, Mr. Bartsch stated that the representative was to come from a major association and the alternate to be decided perhaps a dairy interest. Arie Rolloff was suggested as a nominee. Mr. Bartsch had contacted IACI several times, but had received no response. Chairman Rigby stated that Mr. Rolloff's name came from the Governor's office for the Board's consideration. Mr. Bartsch asked the Board to discuss Mr. Rolloff as the alternate for this category.

There was discussion about nominees for the Business Category. Mr. Graham and Mr. Beck suggested that major business representative be explored further. Mr. Brockway noted that Mr. Rolloff is a dairymen and a pumper. **Mr. Armacost moved that Mr. Rolloff be appointed as the alternate for the Business Category. Mr. Cuddy seconded. Chairman Rigby called for a roll call vote.**

Roll Call: Mr. Cuddy, Yes; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, No; Mr. Chamberlain, Yes; Mr. Graham, Yes; Mr. Uhling, Absent; Chairman Rigby, Yes. 6 Ayes, 1 Nays, 1 Absent. Motion passed.

In regard to the Domestic Well Owner Category, Mr. Bartsch said there are still discussions about nominees coming from the Governor's Office. Chairman Rigby said he had no names. Mr. Graham stated that DEQ and the Mid-Snake Commission could provide names; however, Mr. Bartsch had not been in contact with them yet. This category is yet to be decided.

The Environmental and Conservation Category alternate is Mr. Will Whelan, from the Nature Conservancy who is willing to serve according to Mr. Bartsch. Chairman Rigby asked the Board for discussion. **Mr. Armacost moved that Mr. Whelan be the alternate for the Environmental and Conservation Category. Mr. Chamberlain seconded. Chairman Rigby asked for further discussion and since there was none, he called for a roll call vote.**

Roll Call: Mr. Cuddy, Yes; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, Yes; Mr. Chamberlain, Yes; Mr. Graham, Absent; Mr. Uhling, Absent; Chairman Rigby, Yes. 6 Ayes, 2 Absent. Motion passed.

Mr. Bartsch discussed the proposed new category suggested by the Governor for a County Assessor Category adding two positions. There was discussion about limiting this category to assessors. Ms. Hensley stated that the Governor's staff suggested the assessors could be monitoring and providing input about taxes in the counties. The Board discussed the creation of a new category. Mr. Anderson pointed out that with the elimination of the Chairperson Category, the number of the Advisory Committee would be the same. Mr. Graham wanted to include county officials as experts rather than a category.

Mr. Graham moved that we not add another category but include county officials as technical experts and agency representatives. Mr. Beck seconded. Chairman Rigby asked for further discussion. Mr. Armacost asked why the Board was not taking the Governor's suggestion. Chairman Rigby said the counties would still be included as technical experts. Ms. Hensley also added that one of the suggested county nominees would also participate at the Water Seminar. Chairman Rigby noted that there are other names to be added and in the interim the Board could find

out if this category was necessary. Mr. Anderson stated that he had an appointment with Mr. Tuthill and the Governor's staff in about twenty minutes. He would get clarification.

Mr. Armacost moved that the motion be tabled. Mr. Storer seconded. Chairman Rigby called for a voice vote. Not all were in favor. The Chairman called for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, No; Mr. Chamberlain, No; Mr. Graham, No; Mr. Uhling, Absent; Chairman Rigby, Yes. 4 Ayes, 3 Nays, 1 Absent. Motion tabled.

Mr. Bartsch outlined follow-up that included contacting everyone that had been nominated and others who still need to be contacted. Mr. Temple from A and B Irrigation asked to address the Board. He noted that representatives and alternates from the Groundwater Users are all familiar with their issues. In the A and B Irrigation area 65% of their water is ground water and they are a senior pumper. He asked why he was not considered as a backup for Mr. Schaefer. Mr. Beck responded that a new seat was opened for the A and B irrigation Company in the Mixed Use Category. Mr. Standall is a spring user alternate for Mr. Temple whose name had been considered by the Board in the Ground Water Category. Mr. Beck pointed out that Mr. Temple is still able to work with Mr. Schaefer and confer with him on the issues although they are representing different categories.

Agenda Item No. 5, Other Items Board Members May Wish to Present

There were no other items presented.

Agenda Item No. 6, Adjourn

Mr. Chamberlain moved that the meeting be adjourned. Mr. Graham seconded. All were in favor.

Dated this _____ day of _____, 2007.

Secretary

Patsy McGourty, Administrative Assistant II

Board Actions:

1. Mr. Chamberlain moved that Lynn Carlquist be the alternate to Dean Stevenson in the Ground Water Category. Mr. Graham seconded. Chairman Rigby called for a roll call vote.

Roll Call: Mr. Cuddy, No; Mr. Armacost, Deferred; Mr. Storer, Abstain; Mr. Beck, No; Mr. Chamberlain, Yes; Mr. Graham, Yes; Mr. Uhling, Absent; Chairman Rigby, Yes. 3 Ayes, 2 Nays and 1 deferred changed to abstained. 3 Ayes, 2 Nays, 2 Abstained. Motion passed.

2. Mr. Chamberlain moved that the name Rebecca Casper should be primary representative from Ball Ventures with Bob Muffley as the alternate. Mr. Graham seconded. Chairman Rigby called for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, Yes; Mr. Chamberlain, Yes; Mr. Graham, Yes; Mr. Uhling, Absent; Chairman Rigby, Yes. 7 Ayes, 1 Absent. Motion passed.

3. Mr. Armacost moved that the Board retain Mayor Clow of Twin Falls as representative and Mayor Correll of Jerome as alternate. Mr. Beck seconded. Chairman Rigby asked for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, Yes; Mr. Chamberlain, No; Mr. Graham, Yes; Mr. Uhling, Absent; Chairman Rigby, No. 5 Ayes, 2 Nays, Absent. Motion passed.

4. Mr. Chamberlain moved that the Board switch Mayor Fuhrman of Idaho Falls to representative and Mayor Roger Chase of Pocatello to alternate. Mr. Armacost seconded.

Roll Call: Mr. Cuddy, No; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, No; Mr. Chamberlain, Yes; Mr. Graham, Abstain; Mr. Uhling, Absent; Chairman Rigby, Yes. 4 Ayes, 2 Nays, 1 Abstain, 1 Absent. Motion passed.

5. Mr. Armacost moved that the Chairperson category be eliminated. Mr. Graham seconded. Chairman Rigby called for a voice vote. All were in favor.

6. Mr. Armacost moved that Mr. Rolloff be appointed as the alternate for the Business Category. Mr. Cuddy seconded. Chairman Rigby called for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, No; Mr. Chamberlain, Yes; Mr. Graham, Yes; Mr. Uhling, Absent; Chairman Rigby, Yes. 6 Ayes, 1 Nays, 1 Absent. Motion passed.

7. Mr. Armacost moved that Mr. Whelan be the alternate for the Environmental and Conservation Category. Mr. Chamberlain seconded. Chairman Rigby asked for further discussion and since there was none, he called for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, Yes; Mr. Chamberlain, Yes; Mr. Graham, Absent; Mr. Uhling, Absent; Chairman Rigby, Yes. 6 Ayes, 2 Absent. Motion passed.

8. Mr. Armacost moved that the motion be tabled. Mr. Storer seconded. Chairman Rigby called for a voice vote. Not all were in favor. The Chairman called for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Armacost, Yes; Mr. Storer, Yes; Mr. Beck, No; Mr. Chamberlain, No; Mr. Graham, No; Mr. Uhling, Absent; Chairman Rigby, Yes. 4 Ayes, 3 Nays, 1 Absent. Motion tabled.