



IDAHO WATER RESOURCE BOARD

L. "Butch" Otter
Governor

MINUTES OF TELEPHONIC MEETING NO. 09-07

Jerry R. Rigby
Chairman
Rexburg
At Large

Idaho Department of Water Resources
Idaho Water Center, Boise Idaho
August 22, 2007

Terry T. Uhling
Vice Chairman
Boise
District 2

Chairman Rigby called meeting 09-07 to order at 8:30 a.m. and requested roll call.

Agenda Item No. 1, Roll Call

Bob Graham
Secretary
Bonners Ferry
At Large

Board Members Attending

Jerry Rigby, Chairman
Vic Armacost
Claude Storer
Bob Graham

Leonard Beck
Gary Chamberlain
Chuck Cuddy
Terry Uhling

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

Staff Members and Guests Attending

Leonard Beck
Burley
District 3

Hal Anderson, Administrator
Brian Patton, Bureau Chief
Patsy McGourty, Admin. Asst. II
Bob McLaughlin, PIO
Representative Dell Raybould

Dave Tuthill, Interim Director
Helen Harrington, Section Mgr.
Clive Strong, Deputy Attorney Gen
Senator Gary Schroeder
Bruce Smith

L. Claude Storer
Idaho Falls
District 4

**Gary M.
Chamberlain**
Challis
At Large

Guests by Telephone

Peter Anderson, Trout Unlimited
David Blew, Idaho Power

Jon Boling, Idaho Power

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

Agenda Item No. 2, Public Comment

There was no public comment.

Agenda Item No. 3, Planning

Mr. Anderson recalled for the Board that at the last meeting the Board requested staff to prepare proposals for comprehensive basin plans and proposed changes to the State Water Plan. Staff has identified issues, costs, and priorities for basin studies proposals. Mr. Anderson noted that Helen Harrington is the new Planning Section Manager who has been working on the proposals along with Brian Patton.

a. Comprehensive Basin Plans

Ms. Harrington stated that the proposals are preliminary estimates. The Budget Chart shows years 2008 through 2017 beginning with the ESPA and the Lower Boise/Treasure Valley Aquifer as the highest priorities.

ESPA funds have already been appropriated and that amount is \$557,000 from the general fund plus \$450,000 for the Board's technical studies and \$400,000 for plan development.

There was some discussion about the affect of the current forest fires on water quality and how that would affect basin studies. Board members were concerned that the large fires could affect the waters of the State and this could affect basin-planning priorities.

Mr. Storer asked why there was \$100,000 for each basin for weather modification. Mr. Anderson explained that basins have unique topography and will require different site-specific studies to determine the feasibility of weather modification.

Ms. Harrington continued with the Lower Boise-Treasure Valley-Lower Payette (Including North Ada) basin proposal. This is the highest priority because of the growth in the Treasure Valley. Some of the issues are unique to specific areas of the valley. North Ada County needs technical studies mainly because of proposed developments. The Treasure Valley Ground Water Model completed in 2003 needs updating to incorporate new data. In Eastern Ada County bordering Elmore County large developments are also planned and we need technical studies.

Ms. Harrington noted similar studies are anticipated for each basin. Stakeholder and Public Involvement may be contracted for each basin depending on department staff resources.

Mr. Armacost asked why the North Ada Ground Water Study was so specific at \$1,976,447 and other figures were more general. Ms. Harrington stated that estimates for technical studies have recently been scoped and therefore the figures are more accurate.

In the Spokane Valley-Rathdrum Prairie Aquifer a study has recently been completed; however, many issues remain to be studied. This basin is a priority since the aquifer is shared with Washington and involves interstate issues.

Ms. Harrington discussed the Big Wood Basin proposal that includes issues of increased growth, the Wood River Legacy Project, conjunctive administration and expanding the ground water flow model.

Mr. Graham asked why the Big Wood was a bigger priority than the Moscow-Pullman. Ms. Harrington pointed out that they have the same priority on the chart. She noted that there is a Coordination Committee in the Moscow-Pullman area and work is already going on. Additional technical work will need to take place. Mr. Graham stated that if there was a money crunch, he feared that the Big Wood would take priority and he asked if the Moscow-Pullman basin could be named first.

Director Tuthill stated that he saw no problem with that. Chairman Uhling stated that both basins have equal priority unless there are funding problems. If that were the case, the Board would have to decide on priorities.

Ms. Harrington stated that there are definite concerns in the Moscow-Pullman area and the department has an awareness of the issues. Mr. Cuddy thought the legal department should have input on the interstate issues and Mr. Uhling agreed.

Ms. Harrington discussed the Mountain Home basin that would begin in 2013. There are significant problems with available surface water in Elmore County. The Hydrology Section has done some work over the years in this area. Mr. Uhling asked if staff was aware of proposed subdivisions in this area. Ms. Harrington responded that meetings have been held with county commissioners and water transfers are being discussed. Mr. Uhling asked if land use planning is being looked at and Ms. Harrington responded that when the department gets an application for a transfer of a water right this highlights potential growth problems.

Director Tuthill mentioned that this area might have conjunctive management in the near future while the basin plan is more of a long-term effort.

Ms. Harrington discussed the Bear River Basin that includes a compact with surrounding states. Issues concern future planning with the State of Utah and there is a groundwater management area in place already making this basin a lower priority. Mr. Uhling noted that the Bear River Basin and the Mountain Home area have the same priorities.

Ms. Harrington outlined the Teton Basin plan proposal that was added since the last Board meeting. Significant changes from agricultural to residential use and large recreational development are taking place in this basin. Work tasks will need to be developed. Teton Basin is very unique since it has so many tributary sources of water. There is significant lack of storage facilities in the basin and there are interstate issues.

Mr. Armacost noted that there is a very large expenditure in this proposal that could be a management problem compared to other proposals. Director Tuthill noted that the \$5 million on-stream storage potential was for a feasibility study for replacing the Teton Dam. He stated it is a potential opportunity. This figure could be adjusted or changed in the future. There was further discussion about including this figure in the proposal. Mr. Anderson noted that a

feasibility study with the Bureau of Reclamation would roughly cost about \$10 million with the state's share being \$5 million.

Mr. Chamberlain stated that proposing this storage dam in 2015 when it is needed now is disappointing. Mr. Uhling noted that climate change studies might affect priorities in these basin plans. Director Tuthill added that the Teton Basin is included for long range planning. He discussed other state's projects and their scope. He suggested taking the Teton Dam out of this proposal. Representative Raybould agreed with that idea and he also thought the Teton Dam proposal would come sooner than 2015.

Mr. Armacost suggested that the Board revise the State Water Plan for the whole state. Mr. Graham proposed that expenditures be balanced out year-by-year for Legislative funding purposes. Mr. Anderson noted that he had met with the Director and the Bureau of Reclamation to discuss storage opportunities. He also thought that removing the Teton Dam from the basin study would be a good idea since plans are already in the works to get a federal appropriation for the Teton Dam study.

Mr. Uhling stated that having an even funding amount from the Legislature each year would be a good idea. Mr. Graham added that this would aid in staffing plans for the department. Director Tuthill discussed the order of magnitude of basin plans. He said he would be meeting soon with the Governor's office to discuss financial support for the Board's planning efforts. Representative Raybould discussed setting up a separate fund for basin studies and funding support for future planning. He thought the department needed a stable funding for each year to support aquifer studies from the Legislature including management and administration of the aquifers. The Director agreed and noted that stable funding had contributed to the success of the Snake River Adjudication Program. Mr. Anderson also agreed and stated that long-term monitoring would be required for aquifer management in these basins. Staff made underlying assumptions to create these proposals including minimum additional staff.

Mr. Graham thanked Representative Raybould for his viewpoint and pointed out that the southern issues are very different from the northern issues. He had attended an adjudication meeting recently and people were very concerned about losing their water rights. In the southern part of the State conjunctive management is an issue, but in the northern part water right ownership is the issue because of the new adjudication. He noted that in the department presentations there was no mention of the Board's planning efforts. Mr. Graham wanted the public to be informed of the Board's efforts in basin planning.

Director Tuthill stated that there is a disconnection between the northern and southern parts of the state in the way water problems are dealt with. He has suggested that staff meet with all county commissioners involved in the northern part of the state and he invited Mr. Graham to join him to answer concerns of the citizens. Mr. Graham said he would be more than willing to attend to support the adjudication effort. Mr. Cuddy added that he thought it was very important for Board members to meet with county commissioners statewide.

Ms. Harrington discussed the Big Lost Basin proposal that included a ground water model for technical studies. The Portneuf Basin proposal includes the City of Pocatello and future conjunctive management.

Mr. Armacost questioned if the Payette Basin needed planning studies. Mr. Anderson stated that it was not included because the Board already has a comprehensive basin plan for the Payette. However, he thought Mr. Armacost had a valid point and that the plan should be amended. Mr. Uhling asked for an executive summary of why it was not on the list and what the issues were. Mr. Anderson agreed that staff would do that.

Mr. Chamberlain noted that in the Big Lost Basin there is no place for off-site storage and he wondered why \$100,000 was in the proposal. Mr. Anderson noted that recharge could be a part of that plan. Mr. Uhling questioned if the city and county in the Portneuf Basin had been contacted. Mr. Patton stated that the Mayor of Pocatello is involved in the ESPA planning and that is the critical issue at this time. Results of that study may affect the Portneuf Basin plan. Director Tuthill added that he had recently spoken to Mayor Chase of Pocatello and he is very complimentary of the ESPA efforts for his city.

Mr. Anderson stated that three full time employees are requested in the proposals and a memo showing current staff availability to participate in new planning efforts was provided to Board members.

b. State Water Plan

Mr. Anderson stated that the last effort in 2003 ended in 2004 and created a sub-committee to work on the State Water Plan. At that time the Nez Perce Agreement became the top priority and the State Water Plan was put on hold. In the last year, ESPA planning efforts took priority. The last update was in 1996 and significant changes have taken place in issues and long-term planning efforts. A draft of the State Water Plan was provided to Board members. Mr. Anderson asked how the Board would like to proceed.

Mr. Uhling thought it would be beneficial for members to review the document and address it at the next meeting. Mr. Chamberlain stated he was on the sub-committee and this is a major task that needs to be addressed by the sub-committee and brought back to the Board in the late fall. Mr. Armacost wanted to see the whole plan updated and modified as soon as possible. Sub-committee members were identified as Mr. Chamberlain, Mr. Beck and Mr. Armacost. Mr. Cuddy asked if recent Supreme Court decisions could be referenced in this plan. Mr. Uhling provided assurance that Mr. Strong would have input on the changes.

Representative Raybould brought to the Board's attention HB 2428 in Congress to modify the Clean Water Act and remove the words "navigable waters." This would give the Federal government jurisdictions of all waters in the state. He suggested that the State Water Plan should be reviewed against this proposal and objections made to the Federal proposal. Mr. Uhling was aware of that legislation and reaffirmed that the State's primacy would be reaffirmed. Mr. Strong noted that there is a fracture between the various states on this issue.

Mr. Uhling asked Mr. Strong to provide input as to what role the Board should have in this process.

Director Tuthill noted that this issue was before the Western States Water Council on this issue. Norm Semanko led the effort to get unanimity from the western state; however, it seems unlikely this will happen. Some western states are in favor of the legislation. Mr. Uhling noted that climate change issues might influence different states in this controversy.

Mr. Anderson asked for more direction from Mr. Chamberlain on the State Water Plan before the Board meeting in Stanley. Mr. Uhling suggested that the sub-committee meet before the September Board meeting. Sub-committee members agreed to decide when to meet.

Agenda Item No. 4, Other Items Board Members May Wish to Present

Representative Raybould stated that he and Senator Schroeder were pleased to work with the Board and the Interim Committee will meet later this year to discuss goals in funding water management for the department in the coming years. Senator Schroeder stated that he was going to invite the Board to spend an afternoon with the Natural Resource Committee in the coming session of the Legislature.

Agenda Item No. 5, Adjourn

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

Dated this 1st day of Sept, 2007.


Secretary


Patsy McGourty, Administrative Assistant II