



# IDAHO WATER RESOURCE BOARD

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**Jerry R. Rigby**  
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Boise  
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**Bob Graham**  
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Burley  
District 3

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

**Gary M.  
Chamberlain**  
Challis  
At Large

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

## **MINUTES OF TELECONFERENCE MEETING NO. 09-08**

**Idaho Department of Water Resources**  
Idaho Water Center, Boise Idaho  
May 23, 2008, 8:30 a.m.

Chairman Rigby called meeting 09-08 to order at 8:30 a.m. and requested roll call.

### **Agenda Item No. 1, Roll Call**

#### *Board Members*

Jerry Rigby, Chairman  
Gary Chamberlain  
Chuck Cuddy  
Terry Uhling

Vic Armacost  
Claude Storer  
Bob Graham  
Leonard Beck

#### *Staff Members and Guests Attending*

Patsy McGourty, Admin. Asst.  
Hal Anderson, Administrator  
Bob McLaughlin, PIO

John Homan, Dep. Attorney General  
Phil Rassier, Dep. Attorney General

#### *Guests by Phone*

Tino Tafoya, Bureau of Reclamation  
Norm Semanko, IWUA  
Lyle Swank, Water District 1  
Jim Wrigley, Wells Fargo

Clive Strong, Dep. Attorney General  
Harriet Hensley, Dep. Attorney General  
John Chatburn, Office of the Governor

### **Agenda Item No. 2, Public Comment**

There was no public comment.

### **Agenda Item No. 3, Bureau of Reclamation MOU for Minidoka Dam Enlargement**

Mr. Anderson stated that during the Legislative session House Joint Memorial No. 8 was passed recognizing the need for additional storage in Idaho. Senate Bill 1511 followed authorizing \$1.8 million to study raising Minidoka Dam and a study to rebuild the Teton Dam. These funds will be available July 1. Staff have been working with Bureau of Reclamation personnel to create a Memorandum of Understanding to do the Minidoka feasibility study at a cost of \$1.4 million. A draft of this MOU and a resolution have been prepared and distributed to Board members for their consideration. Mr. Anderson stated that Mr. Tafoya, the Area Manager for the Bureau of Reclamation, is on the telephone today.

Chairman Rigby stated that the main issue today is that the amount of \$1.4 million might be exceeded. He asked if someone wanted to address this issue.

Mr. Tafoya asked to address the Board. He noted that standard language was missing from this MOA that is usually in other agreements. This language denotes that this amount of money would only be a cost estimate. The actual study may cost more or less. He noted that BOR representatives would be in constant contact with the Board about costs during the term of this study. If the Board is comfortable with this language, it could be included. This language is under paragraph 3B, "The Board acknowledges that this is a cost estimate only."

Chairman Rigby referred all members to this section of the MOA for reference. Mr. Armacost stated that this issue is covered in another paragraph. Mr. Tafoya said that the wording in 3B goes a little further and says that both parties would sit down and put in writing if the scope or costs do change.

Mr. Semanko asked Mr. Tafoya if he realized this money was specially appropriated by the Legislature and he wanted to know if the work was going to be bid out or done by BOR. Mr. Tafoya responded that he knew about the appropriation and at this time the BOR does not know what the cost will be. He added that BOR personnel will be doing the work largely from the Denver office. It is up to the Board if they would like to go through the bidding process with engineering firms.

Chairman Rigby expressed the same concern as Mr. Semanko. This amount of money is the maximum the state wants to pay. The Board cannot authorize an open check for this process. Mr. Strong added that the Board does not have the authority to obligate funds that are not appropriated.

Mr. Cuddy asked if bids were issued, what would the BOR submit as a bid. Mr. Tafoya did not know the answer to that question. Mr. Beck asked Mr. Tafoya if the BOR could make an estimate based on preliminary studies that have been done. Mr. Tafoya responded that this information is available and would be useful for this project. But, because he was on the road, he did not have that information with him. He stated that the BOR should be able to complete this study for \$1.4 million, but there are always unknown factors that come into play down the road. Sometimes the cost and scope has to be changed. Mr. Tafoya said he did not think the language was obligating the Board to pay more.

Chairman Rigby responded that the language “the Board acknowledges this is a cost estimate” creates a significant difference. Mr. Chatburn asked for a clarification about page 11, Scope of Study, Task No. 2, Attachment A.

Mr. Uhling stated that based on what Mr. Strong said did the staff attorneys think this agreement was ready for signing consistent with the resolution presented. Chairman Rigby said this is the main issue to be addressed today.

Mr. Tafoya responded to Mr. Chatburn’s question stating that some testing and analysis has already been done on Minidoka Dam and that this data would be revisited to consider a dam raising concept. He did not think additional data would need to be collected.

Mr. Cuddy suggested moving Task 3 up to Task 2 to facilitate evaluation of the dam raising. Mr. Anderson responded that department staff have done some hydrological analysis already and will be involved with the analysis.

Chairman Rigby asked if the Board was in a position to approve this. Mr. Anderson said that Mr. Rassier had been reviewing the MOA. Mr. Rassier noted that the resolution accepts the covenants and agreements with the MOA; however, the agreement is not approvable in its present form.

Mr. Graham added that he thought the resolution needed additional language for a “completed plan” from the Bureau of Reclamation at that price. He also asked why Idaho citizens are paying to raise a Federal dam. He asked why this isn’t a Federal responsibility.

Mr. Tafoya responded that an act of Congress would be required for the BOR to do a feasibility study. There was discussion about how long it takes to get approval from Congress. Chairman Rigby noted that the Legislature debated this very issue and that is why this route was taken because the state needs to move quickly in this situation. Mr. Semanko commented that his group has been working for this kind of authority on the Boise River. He also noted that the Minidoka Dam raising was a recommendation from the CAMP process. Basically, he stated that the state wants to get going on this right now instead of waiting for any Federal authorization.

Chairman Rigby asked counsel if the Board could authorize the MOA without the new language. Mr. Armacost said he saw other problems with the MOA that needed addressed. Mr. Graham added that the MOA is the problem, not the resolution. Mr. Uhling suggested that the Board might be premature in making a decision. Staff and counsel need to get back into negotiation with the Bureau of Reclamation to create an agreement consistent with a resolution for the Board to consider at a later date. Chairman Rigby agreed. He asked what the deadline was to create the MOA.

Mr. Anderson asked Mr. Tafoya what the time frame was to complete the agreement and if another couple of weeks would facilitate the problem solving. The funds are not actually available until July 1. Mr. Tafoya agreed and stated that the bureau doesn’t have feasibility authority or funds available. He thought additional time was needed to work out these issues.

Mr. Anderson suggested that Board members send comments to him that they would like addressed by May 28th. He will meet with staff and counsel and bureau representatives. Mr. Uhling suggested another Board teleconference date to look at this MOA again. Mr. Anderson suggested the second week in June to accomplish further negotiations. The group discussed the meeting date. A date was set for June 10<sup>th</sup> at 8:30 a.m.

Mr. Rassier noted that from a conceptual standpoint the dollar amount could be adjusted or the tasks could be adjusted. That might be a good approach to address the problems. There was some discussion about issues that might come up.

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

Mr. Uhling moved to adjourn. Mr. Cuddy seconded. All were in favor. The meeting was adjourned.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Patsy McGourty, Administrative Assistant II

Board Actions:

There were no Board actions.