



# IDAHO WATER RESOURCE BOARD

## MINUTES OF TELEPHONIC BOARD MEETING NO. 1-09

**L. "Butch" Otter**  
Governor

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

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

**Bob Graham**  
Secretary  
Bonners Ferry  
At Large

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

**Leonard Beck**  
Burley  
District 3

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

**Gary M.  
Chamberlain**  
Challis  
At Large

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

January 9, 2009  
Idaho Water Center  
Boise, Idaho

Chairman Rigby called meeting 1-09 to order at 9:00 a.m. and requested roll call.

### Agenda Item No. 1, Roll Call

#### *Board Members by Phone*

Jerry Rigby, Chairman	Claude Storer
Chuck Cuddy	Bob Graham
Gary Chamberlain	Leonard Beck
Vic Armocost	

#### *Board Members in Person*

Terry Uhling

#### *Guests by Phone*

John Chatburn, Governor's Office	Jennifer Graham, CDR
Jonathan Bartsch, CDR	Jim Tucker, Idaho Power
Jon Boling, Idaho Power	Harriet Hensley, Deputy Attorney General
Mike Webster, Governor's Office	Lynne Tominaga, IGWA
Peter Anderson, Trout Unlimited	Stephen Goodson, Governor's Office
Randy McMillan, Attorney	Alan Kelp, Committee of Nine
Linda Lemmon	Dave Blew, Idaho Power

#### *Guests in Person*

Shelley Davis, Barker Rosholt	Kent Lauer, Idaho Farm Bureau
Norm Semanko, IWUA	

*Staff Members Attending*

Hal Anderson, Administrator  
Bob McLaughlin, Public Info Officer  
Sandra Thiel, Planner

Brian Patton, Bureau Chief  
Patsy McGourty, Admin. Asst.

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

There was no public comment.

**Agenda Item No. 3, Summary Discussion of Comments Received for ESPA CAMP Draft Plan**

Mr. Anderson stated that January 5, 2009 was the deadline for comments on the ESPA CAMP Draft Plan. A summary of the comments has been provided to everyone. Today's meeting is to discuss this summary. He turned the meeting over to Jonathan Bartsch.

Mr. Bartsch noted that in addition to the comments posted on the website, he had distributed a summary composed by his colleague, Jennifer Graham. This summary was presented to the Advisory Committee on Jan. 8, 2009. He asked Ms. Graham to present the summary of the comments.

Ms. Graham stated she had analyzed the written comments and created a summary document. Ms. Graham presented a brief overview. She stated that comments received are not against the plan moving forward, but how. Questions concern funding, cost/fees, monitoring, technical questions about recharge and stakeholder involvement. Ms. Graham stated that this information had been shared with the Advisory Committee yesterday and they agreed that substantive changes to the draft plan should not be made at this time. Editing and grammatical changes could be made. The Advisory Committee wanted to move forward with the plan as written. There is an interest in the Board responding to the themes of the comments and including that as an addendum. The Advisory Committee would provide input if the Board desires.

Mr. Bartsch stated the majority of the comments relate to funding. He suggested a smaller group to provide suggestions for the collection mechanisms. Chairman Rigby stated that this would not be the Implementation Committee. Mr. Bartsch agreed this would be a sub-committee of the Advisory Committee. Chairman Rigby stated that the draft plan is now in the Board's hands and this task would be sent back to the Advisory Committee for their sub-committee.

Chairman Rigby stated that it seemed clear at the Advisory Committee meeting yesterday that only minor changes should be made to the draft plan at this time. He noted the suggested changes by Idaho Power were helpful. However, accepting those from that group would encourage other groups to want to wordsmith. Mr. Bartsch agreed that grammatical and clarifying changes do need to be made. Discussions on concepts are something the Advisory Committee does not want to do. Chairman Rigby added that there is a concern that this draft plan is going to trump the Prior Appropriation Document and the Department's role. He requested that a statement or paragraph should be added to clarify that.

Mr. Uhling stated it is upon the Board now to make reasonable changes while holding true to the Advisory Committee's concerns. There was discussion about the comments submitted. Mr. Uhling stated that the Board will consider the comments and make the changes they want. Mr. Bartsch suggested a series of meetings for the Board to make the changes they desire.

Mr. Anderson stated that staff will be preparing the final document with graphics, editing and formatting for a final publication. Chairman Rigby asked if his paragraph concerning the Prior Appropriation Document would be added and Mr. Anderson said yes. The Chairman asked Board members if they had any fundamental changes that they thought should be changed.

Mr. Cuddy stated that he did not want this draft plan going to the Legislature without a clear method of funding. Chairman Rigby stated that the Funding Sub-committee would address that issue before it goes to the Legislature. Mr. Cuddy stated that stakeholders should be involved on that committee. Chairman Rigby added that the state needs to be on board with funding also.

Mr. Armacost asked if the Governor's Office would be on the sub-committee. Mr. Bartsch stated that Mr. Chatburn would be participating.

Mr. Uhling noted that items 3 and 4 on the agenda were being discussed together. He expressed concern about timing. He placed comments into four categories: Prior Appropriation Doctrine; Accounting including measuring accountability and benefits; Implementation Committee; and Funding.

#### **Agenda Item No. 4, Update on ESPA CAMP Draft Plan Finalization Process**

Mr. Bartsch suggested that the Funding Sub-committee meet by teleconference calls as soon as possible to discuss these issues. Mr. Anderson stated that he had discussed moving ahead with the director, the Attorney General's Office, several legislators and the Legislative Services Office. Some legislation for funding the ESPA modeling effort recently passed could be used to draft proposed legislation for the ESPA CAMP draft plan funding mechanisms. Staff are ready to draft legislation.

Mr. Uhling asked for a schedule on these efforts. Mr. Bartsch asked for the go ahead on finalizing the document and the participants in the Funding Sub-Committee. Chairman Rigby asked Mr. Uhling to participate. Mr. Storer and Mr. Beck volunteered to be part of the committee. Mr. Bartsch noted that this committee needs to be small. Groups that are providing funding should be a part of this committee. There was discussion about the various committees.

Chairman Rigby discussed the procedure that needed to be followed by the various committees. Mr. Beck stated that the Funding Sub-committee needs to have representative members from the groups who will be providing funding. Mr. Bartsch stated that the collection mechanism would be the topic of discussion. Mr. Uhling said time is important here and we need to get going. He also agreed with Mr. Beck. Mr. Uhling asked for the timeline to get the product to the legislature.

Mr. Anderson stated that the legislature is expecting the plan February 1<sup>st</sup>. There needs to be conceptual agreement on the components. Legislative Services will listen in on the meetings

although they cannot provide advice. Mr. Rassier will be participating from the Attorney General's Office. Staff can draft legislation that can be submitted after Feb. 1st.

Mr. Bartsch stated that the final product would be presented to the Board on the 23<sup>rd</sup> at the next Board meeting. Mr. Bartsch stated that the tasks for the Board are to reconvene a version of the Advisory Committee to decide on work plans and tasks for the Implementation Committee as a next step, if the plan is adopted and approved by the Legislature.

Mr. Anderson stated that staff have direction and he would talk with Mr. Bartsch directly after the meeting. At the next Board meeting January 22 and 23<sup>rd</sup>, the ESPA CAMP draft is the main topic for the work session to conceptualize legislation and finalize the draft plan. Chairman Rigby noted he had a trial that might interfere with his attendance at the meeting.

Mr. Uhling stated that there is only one week for the Funding Sub-Committee to have conceptual results. Mr. Anderson stated that legal staff can draft some legislation, quickly, if needed.

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

Mr. Cuddy commented that he hoped the finished product would explain funding. The Chairman added that the Attorney General had appointed counsel for the Milner Hydro Project. Mr. Uhling expressed appreciation for the Advisory Committee's efforts and Chairman Rigby agreed.

Mr. Tucker, Idaho Power Company, expressed support of the process, the Board and the state's efforts. He discussed changes he had suggested to the draft plan. He noted that the monies paid by Idaho Power Company in the 401 process are likely to be leveraged by other parties. He stated that the Board should be sensitive that other parties are going to be cooperative in supporting the funding of the ESPA CAMP. He discussed other projects where different groups are working together to get tasks accomplished. The legislature needs to know that there are other things going on. Some environmental groups are recommending pooling assets to accomplish different tasks. Cooperative efforts can be jump started through this process.

Chairman Rigby agreed that these efforts need to be made known. Mr. Anderson stated that discussions have occurred with Federal Farm Service Agencies on this same topic.

Mr. Tominaga stated that some discussion occurred yesterday with the Advisory Committee about continuing the CDR contract through the implementation phase. Members were supportive of that idea.

Mr. Chamberlain moved for adjournment; Mr. Beck seconded. All were in favor.

Dated this 6<sup>th</sup> day of February, 2009.



Secretary

  
Patsy McGourty, Administrative Assistant II

Board Actions:

No Board actions were taken.