



IDAHO WATER RESOURCE BOARD

MEETING MINUTES 1-15

C.L. "Butch" Otter
Governor

Idaho Water Center
Conference Rooms 602 B,C,D
322 East Front Street, Boise, Idaho 83702

Roger W. Chase
Chairman
Pocatello
District 4

January 22, 2015
Work Session

Jeff Raybould
Vice-Chairman
St. Anthony
At Large

Vince Alberdi
Secretary
Kimberly
At Large

Peter Van Der Meulen
Hailey
At Large

**Charles "Chuck"
Cuddy**
Orofino
At Large

Albert Barker
Boise
District 2

John "Bert" Stevenson
Rupert
District 3

Dale Van Stone
Hope
District 1

Chairman Roger Chase called the meeting to order at approximately 1:30 pm. All Board members were present.

During the Work Session the following items were discussed:

- Recharge Proposal by the Eastern Idaho Water Rights Coalition
- Financial Status Report by Brian Patton
- Project and Program Tracking and Reporting by Cynthia Bridge Clark
- North Idaho Future Demand by Neeley Miller and Mark Solomon
- Sustainability Policy by Neeley Miller
- Sustainability of the ESPA by Brian Patton
- ESPA Recharge by Cynthia Bridge Clark and Brian Patton
- Water Transactions by Morgan Case and Sarah Lien
- Water Supply Bank by Remington Buyer

No action was taken by the Board during the Work Session.

January 23, 2015
IWRB Meeting

At 8:00 am the Chairman called the meeting to order. Mr. Albert Barker was absent during roll call, but joined the meeting shortly after the meeting started. All other Board members were present.

Agenda Item No. 1, Roll Call

Board Members Present

Roger Chase, Chairman
Jeff Raybould
Vince Alberdi
Albert Barker

Peter Van Der Meulen, Vice-Chairman
Chuck Cuddy
Bert Stevenson
Dale Van Stone

Staff Members Present

Gary Spackman, IDWR Director
Cynthia Bridge Clark, Section Manager
Morgan Case, Biologist
Mandi Pearson, Admin. Assistant
Clive Strong, Deputy Attorney General
John Homan, Deputy Attorney General

Brian Patton, Bureau Chief
Neeley Miller, Senior Planner
Remington Buyer, Water Supply Bank Coordinator
Ann Vonde, Deputy Attorney General
Harriet Hensley, Deputy Attorney General
Garrick Baxter, Deputy Attorney General

Guests Present

Jeff Frank, Pinehurst Water District
Peter Anderson, Trout Unlimited
Brandt Bullock, IDWU Association
Dave Tuthill, Idaho Water Engineering
Liz Paul, Idaho Rivers United
Jerry Rigby, Rigby Andrus & Rigby
Hal Anderson, Idaho Water Engineering
Jon Bowling, Idaho Power
Bruce Sandoval, NRCS
Bruce Smith, Moore Smith Buxton & Turcke

Walt Poole, Idaho Fish and Game
Bill Block, JUB
Mayor Rebecca Casper, City of Idaho Falls
Stan Clark, Eastern ID Water Rights Coalition
Ron Carlson, Recharge Development Corp
John J. Williams, Bonneville Power Administration
Marie Kellner, Idaho Conservation League
Manuel Rauhut, HDR
Dan Murdock, NRCS

Agenda Item No. 2, Executive Session

Before resolving into executive session, Mr. Alberdi moved to amend the agenda for the executive session to include the Owyhee wild and scenic river litigation. The motion to amend was approved and then the Board by roll call vote moved to resolve into executive session for the purpose of communicating with legal counsel regarding the legal ramifications of and legal options for resolving pending litigation related to ESPA conjunctive management and Owyhee wild and scenic river litigation. After receiving a briefing from legal counsel on the two matters noticed for executive session, Mr. Barker requested that all staff and legal counsel be excused from the executive session. Ms. Hensley, legal counsel for the Board, asked about the nature of the proposed discussion and was advised that the subject matter related to the above described matters. After staff was excused, Mr. Barker briefed the Board on concerns he had heard regarding the relationship between the Director, the Idaho Department of Water Resources and the Bureau of Reclamation. The Board took no action on this matter nor did the information relate to any deliberation toward any decision before the Board. The chairman advised the Board that he and Mr. Barker would discuss the matter with the Director and Reclamation and the executive session was adjourned.

After the meeting the Chairman determined that the discussion regarding the relationship between the Department and the Bureau of Reclamation did not fall within the purposes for which the executive session had been convened. He self-reported the violation of the Open Meeting Law to the Attorney General and advised the Board members of his action.

The Chairman requested that the above summary of the executive session be included in the minutes of the Board meeting for purposes of curing the open meeting violation.

Agenda Item No. 3, Agenda and Approval of Minutes

Mr. Stevenson made a motion that the minutes for meetings 11-14, 12-14, and 13-14 be approved as printed. Mr. Alberdi seconded the motion. Voice Vote. All were in favor. Motion passed.

Agenda Item No. 4, Public Comment

Chairman Chase opened up the meeting for public comment. Ms. Liz Paul of Idaho Rivers United discussed reducing water demand in the State of Idaho. She suggested that the Board could define minimum standards for acceptable water use by sector. Mr. Barker asked Ms. Paul if she suggested any policies that other states have adopted regarding this issue. Ms. Paul discussed policies that south-eastern states and the state of California have adopted.

Mayor Rebecca Casper from the City of Idaho Falls spoke to the Board regarding the Upper Valley proposal discussed during the Work Session on behalf of many cities in the upper ESPA. Mayor Casper endorsed the proposal and discussed the vulnerability of cities in the upper ESPA. She stated that the proposal represents a start to resolving water issues in the aquifer. She reminded the Board that recharge should occur in both the Upper and Lower Valleys. Mayor Casper stated that she feels she has the responsibility to lead the cities in this discussion. She urged the Board to collaborate with the cities. Chairman Chase thanked the Mayor for her comments and commented that staff would take a look at the proposal and it would be discussed at the next Board meeting.

Agenda Item No. 5, Board Elections

Mr. Van Der Meulen thanked the Board for the opportunity to serve as the Vice-Chairman for the last two years. He stated that due to his health he would decline any position on the Board other than as a member. There was discussion among the parties regarding protocol of the elections.

Mr. Raybould nominated Roger Chase for Chairman. Mr. Barker seconded. Mr. Raybould moved for a unanimous ballot for Mr. Chase for the position of Chairman. Voice vote. All were in favor. Mr. Chase was elected Chairman.

Mr. Stevenson nominated Jeff Raybould for Vice-Chairman. Mr. Barker seconded. Chairman Chase moved for a unanimous ballot for Mr. Raybould. Voice Vote. All were in favor. Mr. Raybould was elected Vice-Chairman.

Mr. Barker nominated Vince Alberdi for Secretary. Mr. Cuddy seconded. Mr. Raybould moved for a unanimous ballot for Mr. Alberdi. Voice Vote. All were in favor. Mr. Alberdi was elected Secretary.

Agenda Item No. 6, Legislative Update

Mr. Garrick Baxter provided a brief legislative update. The Department is not proposing any legislation this year. The Department does have some pending rule changes that the Department and Board have participated in. The Department proposed a one word change in the Underground Injection Control rules. The rule is making its way through the legislature. The Director has also proposed to repeal Rule 50 regarding the area of common ground water. That has not been approved in legislature yet. There was discussion among the parties regarding the procedure with the rule change.

Mr. Baxter discussed recharge legislation regarding credits for aquifer recharge. The Idaho Water Users Association restarted a committee to examine this issue, but the Idaho Water Users Legislative Committee voted to wait on this issue.

Mr. Baxter also discussed the Bear River Adjudication and other adjudications around the state. He also discussed current activities surrounding the Rangen call and IGWA mitigation requirements.

Agenda Item No. 7, Water Transactions- Carmen Creek Reconnect

Ms. Morgan Case discussed a funding resolution for a water transaction on Carmen Creek. The transaction would restore up to 4 cfs in Carmen Creek during the irrigation season. Funds would come from the Columbia Basin Water Transactions Program. The cost would be \$392,200 to enter into twenty-year agreements.

Mr. Raybould moved to adopt the resolution in the matter of the Carmen Creek Water Transaction. Mr. Barker seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Aye; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Mr. Brian Patton stated that he received positive feedback from Representative Merrill Beyeler about the Water Transactions Program in the Lemhi River basin.

Agenda Item No. 8, Regional Conservation Partnership Program

Mr. Brian Patton provided an update on the Regional Conservation Partnership Program (RCPP). Board staff collaborated with other entities to develop a full RCPP proposal focused on ESPA stabilization. The proposal was funded by NRCS for \$1 million over two years, which is below the amount requested in the proposal. Staff is currently working with the NRCS to determine how to prioritize projects such as pivot enhancements and the end gun removal program. The Upper Salmon Basin Watershed Program also submitted a proposal for RCPP funds, but did not receive funding.

Mr. Patton pointed out that an NRCS representative was present at the meeting. There was discussion among the parties about projects enrolled in the Conservation Reserve Enhancement Program.

Agenda Item No. 9, Storage Studies Update

Ms. Cynthia Bridge Clark provided an update on the status of storage water studies. A number of activities are ongoing with the Weiser-Galloway Project, including the Operational Analysis and the reservoir size optimization study. IDWR staff is reviewing the Federal Energy Regulatory Commission (FERC) preliminary permit requirements and preparing a project schedule/timeline and a plan for stakeholder coordination. Staff hopes to initiate the Economics Analysis of flow augmentation and the Evaluation of Weiser River Trail impacts and relocation options.

Ms. Clark provided a status update on the Lower Boise River Feasibility Study. Reservoir modeling of the Arrowrock Dam raise is ongoing. Initial analyses of structural considerations and costs have been conducted and will be expanded through the feasibility study. The Environmental Impact Statement is ongoing and staff is coordinating with the US Army Corps of Engineers (Corps) to quantify water supply needs. Staff would like to continue coordination with Elmore County representatives to identify options for addressing water supply needs in the Elmore County and Mountain Home area. There was discussion among the parties regarding the new Commander with the Corps.

Ms. Clark stated that staff and the US Bureau of Reclamation continue to draft an agreement to coordinate on activities related to the Island Park Enlargement Project. A contract for evaluation of the Island Park Reservoir Enlargement Project Land and Real Estate Assessment is being drafted.

Agenda Item No. 10, ESPA Recharge

Ms. Clark discussed a resolution before the Board to approve funds for recharge infrastructure improvements. This would allow for analysis and construction of a wall to allow winter recharge flows to bypass the Milepost 28 hydropower plant turnout. There was discussion among the parties regarding the operation of the power plant under winter conditions, design of the bypass, cost of the project, the analysis and construction of the project, and the timeline for the project.

Mr. Barker moved to approve the resolution to provide funding for this project. Mr. Cuddy seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Aye; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Mr. Neal Farmer discussed current recharge activities. Recharge diversions started on October 27, 2014 with Twin Falls Canal Company and American Falls Reservoir District No. 2. Total recharge to date is about 32,000 acre-feet. He discussed upcoming recharge activities and infrastructure modifications. Recharge above American Falls is a potential this spring. Contracts are in place with a

number of irrigation districts/canal companies and will automatically renew on a yearly basis. There was discussion among the parties regarding the proposed cost of the engineering study to allow winter flows to Wilson Lake through Northside Canal Company. Mr. Farmer discussed direct pump-to-injection well activities and QA/QC flow rate measurement activities. Mr. Farmer reviewed photos showing recharge activities. There was discussion among the parties regarding expectations for spring recharge, alternate locations, North Idaho studies, and sustainability.

Agenda Item No. 11, Pinehurst Water District Loan Request

Ms. Clark discussed a loan request from Pinehurst Water District in the amount of \$100,000 to purchase a generator to supply power for the water system in times of power outage. The project also includes construction of a building to house the generator in close proximity to the storage tanks. Staff recommends approval of the loan at 3.5% interest for 10 years. There was discussion among the parties regarding user fees and power outages.

Mr. Stevenson moved to approve the resolution to provide funding for this project. Mr. Alberdi seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Absent; Mr. Van Der Meulen: Aye; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Agenda Item No. 12, Water Supply Bank

Mr. Buyer discussed the interim Ground Water Rental Policy for the Wood River Valley. He proposed a one-year interim policy that includes 6 zones, requires stream depletion analyses for rental transactions that cross transaction zones, and limits new rental agreements to one year durations. There was discussion among the parties regarding input from the Modeling Technical Advisory Committee (MTAC) and a sunset clause in the resolution.

Mr. Barker moved to approve the resolution regarding the Interim Ground Water Rental Policy for the Wood River Valley with the understanding that the Water Supply Bank (Bank) will implement six ground water transaction zones, conditional upon the following items: staff will consult with MTAC, report back to the Water Supply Bank Committee within 2 business days of the MTAC meeting, the Water Supply Bank Committee will report back to the Board regarding the issue, and the interim policy will sunset on January 23, 2016. Mr. Alberdi seconded the motion. Voice Vote. All were in favor. Motion passed.

Mr. Buyer next discussed the management of water rights leased to the Bank that are subject to curtailment. The Water Supply Bank Committee recommended a proposal that the Bank not rent any water rights leased to the Bank that are subject to curtailment based on their location within a curtailment order.

Mr. Alberdi moved to approve the resolution in the matter of water rights leased to the Bank that are subject to curtailment. Mr. Barker seconded the motion. Voice Vote. All were in favor. Motion passed.

Mr. Buyer discussed the management of water rights leased to the Bank for an indefinite length of time. Bank staff would like to convert indefinite lease contracts to fixed term contracts. Upon approval, staff will contact all owners of indefinitely leased water rights to provide an opportunity to remain in the Bank and have contracts updated to fixed duration terms. There was discussion among the parties regarding legal ramifications of this action, contracts with specific circumstances that merit indefinite leases,

Mr. Alberdi moved to approve the resolution in the matter of indefinite leases subject to the addition of a clause that allows the Bank to retain specific water rights indefinitely. Mr. Van Stone seconded the motion. Voice Vote. All were in favor. Motion passed.

Mr. Buyer discussed filing fees for applications proposing to lease water rights to the Bank. The Bank has updated the lease application form to clarify when a water right qualifies for the joint filing fee of \$500.

Mr. Alberdi moved to approve the resolution in the matter of the joint filing fee. Mr. Barker seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Absent; Mr. Van Der Meulen: Aye; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Agenda Item No. 13, Public Information Support

Ms. Clark discussed a proposed funding resolution for \$55,000 to execute a contract for public information and media relations services for Board programs and activities. These services may include items such as press releases, website content development, and development of educational materials, as well as community relations.

Mr. Van Stone moved to adopt the resolution in the matter of Public Information and Media Relation Services with a correction in the last paragraph to state "up to \$55,000". Mr. Cuddy seconded the motion. There was discussion regarding an individual identified to provide these services.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Absent; Mr. Van Der Meulen: Aye; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Agenda Item No. 14, Aqua Life Lease and Magic Springs Project Update

Mr. Patton provided an update on the Aqua Life Hatchery Lease and the Magic Springs Pipeline. A long term lease arrangement with Idaho Ground Water Appropriators has been executed. Mr. Patton provided a map and photos of the Magic Springs pipeline construction. There was discussion among the parties regarding the pipeline size and lease revenue.

Agenda Item No. 15, IDWR Director's Report

Director Spackman apologized for being absent during some of the meeting. He discussed the Rangen call and curtailment date, as well as the stay issued by Judge Wildman. Director Spackman also discussed the Board's activities and accomplishments during the last year, especially the payment structure for recharge activities. There was discussion among the parties regarding the presentation to Joint Finance and Appropriations Committee (JFAC) in early February.

Agenda Item No. 12, Other Non-Action Items for Discussion


There was discussion among the parties regarding the Upper Valley proposal by the cities and future needs in Eastern Idaho.

Agenda Item No. 13, Next Meetings and Adjourn


The next Board meeting is currently scheduled for March 19 - 20 2015 in Boise. A presentation to JFAC is scheduled for February 4th, as well as confirmation hearings for Board members beginning new terms. Annual reports to the House Resource Committee and Senate Resource Committee will be scheduled for the same week. A teleconference meeting will be scheduled sometime in the next couple of weeks to discuss the Upper Valley payment structure and the proposal from the cities. A Water Resource Planning Committee meeting will also be scheduled in the near future. Mr. Raybould made a motion to Adjourn, and Mr. Cuddy seconded the motion. Voice Vote. All were in favor. Motion Carried.

The IWRB Meeting 1-15 adjourned at approximately 12:00 pm.

Respectfully submitted this 20th day of March, 2015.



Vince Alberdi, Secretary



Mandi Pearson, Administrative Assistant II

Board Actions:

1. Mr. Alberdi moved to amend the agenda for the executive session to include the Owyhee wild and scenic river litigation. The motion to amend was approved and then the Board by roll call vote moved to resolve into executive session for the purpose of communicating with legal counsel regarding the legal ramifications of and legal options for resolving pending litigation related to ESPA conjunctive management and Owyhee wild and scenic river litigation.
2. Mr. Stevenson made a motion that the minutes for meetings 11-14, 12-14, and 13-14 be approved as printed. Mr. Alberdi seconded the motion. Voice Vote. All were in favor. Motion passed.
3. Mr. Raybould nominated Roger Chase for Chairman. Mr. Barker seconded. Mr. Raybould moved for a unanimous ballot for Mr. Chase for the position of Chairman. Voice vote. All were in favor. Mr. Chase was elected Chairman.
4. Mr. Stevenson nominated Jeff Raybould for Vice-Chairman. Mr. Barker seconded. Chairman Chase moved for a unanimous ballot for Mr. Raybould. Voice Vote. All were in favor. Mr. Raybould was elected Vice-Chairman.
5. Mr. Barker nominated Vince Alberdi for Secretary. Mr. Cuddy seconded. Mr. Raybould moved for a unanimous ballot for Mr. Alberdi. Voice Vote. All were in favor. Mr. Alberdi was elected Secretary.
6. Mr. Raybould moved to adopt the resolution in the matter of the Carmen Creek Water Transaction. Mr. Barker seconded the motion. Roll Call Vote. 8 Ayes. Motion passed.
7. Mr. Barker moved to approve the resolution to provide funding for the recharge infrastructure improvements. Mr. Cuddy seconded the motion. Roll Call Vote. 8 Ayes. Motion passed.
8. Mr. Stevenson moved to approve the resolution to provide funding for the Pinehurst Water District loan request. Mr. Alberdi seconded the motion. Roll Call Vote. 7 Ayes, 1 Absent. Motion passed.
9. Mr. Barker moved to approve the resolution regarding the Interim Ground Water Rental Policy for the Wood River Valley with the understanding that the Water Supply Bank (Bank) will implement six ground water transaction zones, conditional upon the following items: staff will consult with MTAC, report back to the Water Supply Bank Committee within 2 business days of the MTAC meeting, the Water Supply Bank Committee will report back to the Board regarding the issue, and the interim policy will sunset on January 23, 2016. Mr. Alberdi seconded the motion. Voice Vote. All were in favor. Motion passed.
10. Mr. Alberdi moved to approve the resolution in the matter of water rights leased to the Bank that are subject to curtailment. Mr. Barker seconded the motion. Voice Vote. All were in favor. Motion passed.
11. Mr. Alberdi moved to approve the resolution in the matter of indefinite leases subject to the addition of a clause that allows the Bank to retain specific water rights indefinitely. Mr. Van Stone seconded the motion. Voice Vote. All were in favor. Motion passed.

12. Mr. Alberdi moved to approve the resolution in the matter of the joint filing fee. Mr. Barker seconded the motion. Roll Call Vote. 7 Ayes, 1 Absent. Motion passed.
13. Mr. Van Stone moved to adopt the resolution in the matter of Public Information and Media Relation Services with a correction in the last paragraph to state “up to \$55,000”. Mr. Cuddy seconded the motion. Roll Call Vote. 7 Ayes, 1 Absent. Motion passed.