



**Eastern Snake Plain Aquifer (ESPA)
Comprehensive Aquifer Management Plan
Implementation Committee**

**Meeting Summary
Thursday, August 13 2009
10 am – 5 pm
Chubbuck City Council Chambers**

Agenda

1. Welcome, Introductions, Agenda Review and Note Finalization

2. Working Group Feedback

2. ESPA Plan Update and Discussion with Senator Crapo

4. Presentation and Discussion: Agricultural Water Enhancement Program (AWEP)

Goal: Committee understanding of Idaho AWEP proposal status and program

5. Presentation and Discussion: Working Group Updates

- *Funding*
- *Conversions*
- *Demand Reduction*
- *Weather Modification*
- *Recharge*

Goal: Provide Committee with substantive updates and ideas developed by Working Groups

6. Next Steps and Meeting Scheduling

7. Public Comment

*All presentations made during the meeting can be found on the project website:
www.esaplan.idaho.gov*

1. Welcome, Introductions, Agenda Review and Note Finalization

Jonathan Bartsch, CDR Associates, welcomed the group and facilitated introductions. Following group introductions, he framed the context of the meeting, highlighting that the dominant subject of this and future Implementation Committee meetings is receiving updates and recommendations from the five Working Groups. The Implementation Committee is tasked with assessing these recommendations and determining whether or not to recommend the actions/projects to the Idaho Water Resource Board (IWRB). Recommendations at the next Committee meeting will include more specific recommendations and technical information. Jonathan reviewed the agenda and the Committee finalized the Meeting Summary from June 10, 2009.

2. Working Group Feedback

The Committee provided feedback on the Working Group meetings, most of which were telephonic. The following highlights were shared:

- ***Continued Telephonic Meetings:*** Working Group members stated a preference for conference calls and believed them to be effective. However, if issues arise that lend themselves to face-to-face meetings, in-person meetings will be held. For the most part though, the discussions and decision making are going well via teleconference.
- ***No Substitute for Tours:*** An Implementation Committee member stated that some Working Group meetings should take place in person so that project site tours can take place. He argued that there is no substitute for taking a tour to understand a particular type of project.
- ***In-Person When Possible:*** As stated above, there are topics that lend themselves to in-person discussion. For example, a meeting in which Working Group members need to view maps or discuss a particularly sensitive topic may be best in person. Jonathan pointed out that in-person meetings will likely occur in conjunction with Implementation Committee meetings.
- ***Materials Distributed Prior to Calls:*** Anyone who has materials for a Working Group meeting should have them distributed prior to the call. It is best for the meeting materials to be available one week prior, to allow for ample review. With the understanding that delays happen and materials cannot always be emailed early, it is sufficient that the materials would be available just shortly before the commencement of the call. Ultimately, members need to be able to view the presentation/document along with the rest of the group.
- ***Encourage Members to Read Summaries:*** Implementation Committee members supported the idea that Jonathan, Jennifer and Joan send out a comprehensive email with all that has happened over a month and send it out with links to the documents on the IDWR website. They believed that promotion of the IDWR website is a great place for a one-stop-shop of information.
- ***In Need of Template/Checklist of Decision-Making Factors:*** The Implementation Committee requested that a template checklist be drafted for each of the Working Groups and the Implementation Committee to serve as a reminder of considerations when making final recommendations. Each Working Group and the Implementation Committee may refine the list to fit with its particular charge and parameters. Some “checkboxes” include: environmental considerations, water supply, cost, time to implement, benefit to the aquifer, long-term benefit to the aquifer, etc.

3. ESPA Plan Update and Discussion with Senator Crapo

Senator Crapo was welcomed to the meeting by Hal Anderson. Hal thanked the Senator for his efforts to support the ESPA Plan. Jonathan reviewed the background and key components of the ESPA Plan. He presented the events that led to the formation and early stages of the Implementation Committee. Jonathan described the role of the five Working Groups in providing recommendations to the Implementation Committee. After the Working Groups make recommendations to the full Committee, its members are tasked with recommending actions/projects to the Board.

Senator Crapo commended the Implementation Committee on its hard work and the fact that it is already moved to implementation of the ESPA Plan. The Senator is a supporter of collaboration and would like to see such dialogues continue because they enhance and speed up the decision making process. He indicated that he has been “aware and committed” to fundraising efforts for the ESPA PLAN (particularly in his efforts for Idaho receiving AWEP funds) and will continue to support it. He appreciated the update and assured the Committee that Don Dixon will continue to update him.

4. Presentation and Discussion: Agricultural Water Enhancement Program (AWEP)

Brian Patton, IDWR, reviewed the background, key components and five-year funding levels for the successful AWEP proposal. He emphasized the expedited nature of the 2009 federal fiscal year funding (\$3.22M) for AWEP projects, and that the 2009 funds are primarily focused on the Thousands Springs and to a lesser extent conversions projects. The AWEP contracts must be signed by September 4th and by the time this summary is distributed, the application deadline will have passed. Prior to September 4th, the applications will be reviewed and the projects evaluated. Once the contracts are signed, the designs will be refined and fine-tuned and the contracts can be modified based on the findings.

Rob Sampson, NRCS, also provided an update on the logistics of the AWEP application process. He clarified that AWEP funds go directly to the individual landowners. Multiple landowners are able to apply for larger projects (e.g. conversions) together, and these projects will be ranked higher because they can provide “more bang for the buck.” As of the August 13th meeting, 5 applications were received by the NRCS offices in Idaho for conversions projects in the ESPA. He indicated that AWEP funds will cover 75% of the proposed project, and that NRCS does not perform an audit on the individual farmer to determine if and how the other 25% was raised or spent.

Comments

- Implementation Committee members, particularly canal company managers, were concerned about the AWEP application process and requested that the applications and evaluation include a formal recognition by the canal companies or other delivery entities. For the conversions projects to be successful, surface water needs to be available, and this should be known before the application is accepted.

- Implementation Committee members requested that the information from the AWEP 2009 process feed into the Implementation Committee and Working Group (particularly Conversions) processes, and that the findings and recommendations of the Implementation Committee and Working Groups feed back into the future years of AWEP funding allocation.
- IDWR also pointed out that the Department will measure the benefits associated with AWEP projects, not NRCS.

5. Presentation and Discussion: Working Group Updates

Funding

Jonathan Bartsch updated the group on the recommendations and ideas of the Funding Working Group. He indicated that the group established a set of criteria for a funding mechanism including that it be: mandatory, administratively efficient and simple, does not require a new layer of governance, does not require a vote and is consistent with ESPA Plan targets (60% water users, 40% state of Idaho). After weighing several options, the group is recommending a mandatory fee approach because it best meets the established criteria, is administratively efficient, ensures benefit to the ESPA water users and can be collected through an existing entity.

Phillip Raiser, Idaho Deputy Attorney General, also updated the group on the AG Office's recommendations and concerns regarding the proposed mandatory fee approach. The opinion of the Office of the Attorney General is that the proposed mandatory fee approach is viable. The significant legal issue is the distinction between what is a tax and what is a fee. It is essential, for legislative approval, that the fee be reasonably related to the benefits received and that this be articulated clearly. Phillip also explained that the fee could be collected through the water districts on an annual basis. In some cases (dependent upon water user category), the Plan contribution targets will be collected through contract with individual participants (Idaho Power, for example). Phillip also raised the question of whether or not the legislation for the funding mechanism should be inclusive of the entire state of Idaho or just for the ESPA PLAN.

Comments/Highlights from the Presentation and Discussion

- ***Fee over Tax:*** One significant issue is the distinction in the law between what is a tax and what is a fee. This needs to be clearly articulated in the legislation, otherwise problems may arise.
- ***Mandatory over Voluntary:*** Some Implementation Committee members were concerned about communicating the mandatory nature of the ESPA Plan funding. Since canal companies do not own acreage, there is concern about how to go about collecting the mandatory fee and how the canal companies can "sell" this idea to their shareholders and other constituents, especially since it was framed as voluntary. These concerned parties agreed to move forward with a mandatory funding collection and would like to continue the discussion on how to best implement mandatory fee collection without pushback from their interest groups.
- ***Collecting the Fees Through Counties or Water Districts:*** The question was raised as to what existing entity should collect the fees. Some felt that the proposed entity of the water districts was a great idea, but a majority of Committee members would rather have the counties collect the fees. Members felt that the counties have a great deal of data around

acreage and that this data would be helpful in designing a fee structure and associated benefits.

- ***Discussions with the Interim Legislative Committee:*** A number of concerns were raised that Committee members would like to address with members of the Interim Legislative Committee. One issue is whether or not the collection mechanism legislation should apply to the ESPA only or cover the entire state. A number of Committee members expressed their concern about the mechanism applying to the whole state, while others would like the Legislature to provide input before making a decision. Another issue that warrants legislative input is the area included in the funding participation and whether it includes ESPA tributaries. Finally, members of the Implementation Committee want input on whether the Legislature will oversee logistical components of the funding mechanism (i.e. approving rate increases) in the future.
- ***Consequences of Nonpayment:*** What happens if someone does not pay their fee? This requires further discussion, as the traditional administrative consequence of turning off water does not work for this nonpayment. One suggestion was to have civil punishments (i.e. lien against property, fine for nonpayment plus the original fee). Consequences need to be clear, related and politically palatable.

Agreement

- The Implementation Committee will move forward with a mandatory fee based approach with a preference for collection through the counties but if not possible through the water districts.

Next Steps

- Present two funding scenarios to the Interim Legislative Committee
- Develop a timeline for IWRB and the Interim Legislative Committee on the proposed schedule of the funding mechanism.
- Determine whether a county collection is acceptable or as a back-up the water districts
- Discuss a number of identified issues (ESPA vs entire state, ESPA boundaries, logistics oversight) with the Interim Legislative Committee
- Draft language for the proposed mandatory fee mechanism

Conversions

Joan Kathol, CDR Associates, presented the preliminary recommendations of the Conversions Working Group. She reviewed the working definition of conversions with the group.

“Conversions are projects in which the infrastructure to divert and deliver surface water is constructed for an individual or farm level system. Canal delivery infrastructure is located nearby (e.g. less than one mile). Wells will be maintained for future use. Phase I projects should be considered soft conversions. In Phase I, conversions projects will be implemented as immediate action items that produce timely results and can be expanded upon in future Phases. Larger projects may be implemented to gain “more bang for the buck”.

Five Preliminarily Identified Project Sites for Conversions

The Working Group has preliminarily identified five project sites. Factors that played into these rising to the top of the list were willing and able participants, “more bang for the buck” and geographic diversity (among other factors). The five include: Hazleton Butte (Milner Gooding, North Side, or directly from Milner Pool), H & P Farms (Milner Gooding), West End A & B Project (Milner Gooding), Rockford Canal (Aberdeen Springfield Canal Co), and Moreland (Peoples or Aberdeen Springfield Canal Co).

Selection Criteria for Conversions Projects

In selecting projects, the Conversions Working Group developed preliminary criteria for eligibility. They include:

- Within ESPA boundaries
- Benefit to the aquifer
- No injury to existing water rights
- No supplemental wells

Other criteria for project selection include:

- Senior water rights will be honored over junior ones
- Long-term commitment; people will continue project
- Adequate/reliable canal capacity
- Multiple benefits or purpose (i.e. recharge and conversions)
- Long-term benefit to the aquifer
- Willing to participate financially
- Economically viable; can support themselves
- Emphasize reduction to groundwater pumping
- People are ready and willing
- A need for conversions
- Cost-benefit ratio
- Cost of implementation
- Environmental factors

Criteria for selecting the final package of recommendations to the Implementation Committee and the Board include:

- All of the criteria listed above
- Geographic diversity within ESPA
- Mixture of early action items and long-term projects

Agreement

- The Implementation Committee agreed that the Conversions Working Group should move forward with the proposed project sites and the recommended criteria for projects.

Next Steps

- Determine specific project areas/sites to strategically target and incentivize, once additional analysis is complete
- Develop incentives to bring people into ESPA conversions program
- Develop an administrative mechanism for managing projects from application stage to construction to water delivery
- Incorporate lessons of 2009 AWEP funding into the ESPA PLAN process, and develop guidance for 2010 AWEP conversions projects and their application process.
- Develop an education and outreach strategy for conversions projects in the ESPA

Demand Reduction

Neeley Miller, IDWR, updated the Implementation Committee on the recommendations and ideas of the Demand Reduction Working Group. The Demand Reduction Working Group will focus on developing a long-term plan for Demand Reduction during Phase I, including pilot projects and other research. The topics that will be addressed in 2009 are increasing CREP enrollment, surface water conservation, crop mix, and buy-downs & buy-outs.

Comments/Highlights from the Presentation and Discussion

- For CREP to be truly successful, water rights must be permanently retired.
- Sites must be examined on a case-by-case basis for water conservation. Once the examinations are complete, improvements and efficiencies can be determined and may result in a best management practices document.

The Demand Reduction Working Group has agreed to, with the support of the Implementation Committee:

- Address the issue of downstream transfers, included in the Plan as part of the ‘Additional Plan Components.’
- The Working Group charge, parameters and work plan, including the necessity to incrementally build a demand reduction program in Phase
- Continue discussions on surface water conservation in identified surface water conservation sites

Next Steps

- Discuss screening and ranking criteria for AWEP funds
- Propose ideas for outreach to farmers and identifying potential applicants.
- Discuss whether/how to prioritize projects (includes review of conversions maps)
- Gather information from demand reduction programs from other states
- Learn about lessons from the Lemhi River System
- Compare IDWR proposal and Lynn Tominaga Proposal and reach agreement on CREP incentives

Weather Modification

Jon Bowling, Idaho Power Company, provided a brief overview of the successes of cloud seeding in the Payette, and the recent successes in the Upper Snake. Ultimately, the weather modification program of Idaho Power Company is long-term and is supported by the successful program in the Payette. He illustrated the plans for the upcoming year to develop the weather modification program in the Upper Snake.

Comments/Highlights from the Presentation and Discussion

- Unless you do weather modification incorrectly, there is no downwind negative (or positive) impact.
- Dual airborne and ground based program is most effective because it allows for flexibility depending on the location of moisture and temperature during the storm.
- Remote generators are much more effective and efficient than manual ones.

Weather Modification Plans for 2009

- Redesign remote generators
- Add 7 generators to the Upper Snake for a total of 10 generators
- Locations need to be identified
- Continued meteorology support
- Continue fabricating additional generators for 2010-2011
- Develop target-control analysis for Eastern Idaho
- Assess benefits of additional radiometer
- Develop sampling plans

Agreement

- Group agreement on an Idaho Power-led weather modification program under the umbrella of the ESPA Plan.
- Group agreement on the integration of county programs and the Plan, under the direction of Idaho Power Company.

Next Steps

- IPC will continue moving forward with plans for an improved weather modification program in the Upper Snake.
- IPC will continue to work with and develop relationships with counties who have a weather modification program.
- IPC will develop a budget for the 5 year weather modification pilot program, including O&M and an additional expenses line for aerial support
- The Working Group will develop a draft monitoring plan for the program – that may use a 3rd party for technical support/oversight to lend credibility to the program – that includes the measurement of benefit, environmental effects, fish and wildlife issues, water quality, etc.
- The Working Group will continue coordination with Wyoming at the ‘grass-roots’ level
- IPC will determine how many storms were missed as a result of a smaller program in 2009 and calculate the amount of precipitation not maximized during a storm.
- The Working Group will evaluate the budget, and determine the best course of action for potential “credits” for IPC weather modification efforts under the ESPA Plan.
- A formal relationship regarding the implementation of a weather modification program will be developed between IWRB and IPC under the ESPA Plan
- CDR will develop a one-sheet and FAQ on weather modification for Working Group review, as part of the education effort.

Recharge

Jonathan Bartsch and Bill Quinn, IDWR, updated the Implementation Committee on discussions that have taken place at recent meeting.

Highlights from recent Recharge discussions include:

- Understanding of early season recharge 2009
 - Total of 103 kaf - cost of \$215,360
- Discussion of potential late season recharge 2009

- Leased water likely available – 50kaf – 100kaf
- Implement Plan distribution – Above/Below American Falls
- Consider retention time in aquifer
- Determine price and identify funding - Board, other?
- Board requested proposal for late season recharge
- Constructed Sites – criteria and focus areas
 - Egin Lakes (expand canal),
 - Mile Post 31 – size of site, topography, aquifer retention time
 - Wood River – identify site to utilize Board’s recharge permit
- Water quality monitoring
 - Working with DEQ to understand potential water quality issues at potential constructed recharge sites
- Liability
 - Issues include who assumes risks and liabilities relating to delivering recharge, current contracts assume canals
 - John Holman, Deputy AG, explored liability issues (flooding, contamination) and indicated that most are already insured under their current insurance. It is important for individuals to speak to their underwriters to determine if this is the case. In some cases (i.e. floodwater river release), a special endorsement may be necessary.
- Hydrologic effects and recharge resident time

Barry Burnell, IDEQ, presented information on water quality as it relates to recharge and an additional analysis of the potential constructed recharge sites.

Next Steps

- The Recharge Working Group will move forward with developing recommendations for late season recharge 2009, including recommendations to the Board in September.
- The Working Group will build on the residence analysis to help identify where and when recharge may be most effective.

6. Next Steps and Meeting Scheduling

Jonathan Bartsch requested that the five Working Groups have draft recommendations, with specific projects identified, for the October 2009 Implementation Committee meeting. At this point, there should be well thought out and well analyzed plans from each of the Working Groups.

Additionally, the group would like to have a monthly emails will be sent to all Implementation Committee members providing an overview of Working Group discussion topics from the previous meetings.

Implementation Committee members are encouraged to send their thoughts and ideas to the facilitators or IDWR staff in between meetings. As a reminder, they are as follows:

Conversions

Cynthia Bridge Clark
Joan Kathol

Funding

Hal Anderson/Brian Patton
Jonathan Bartsch

Demand Reduction

Neeley Miller
Jennifer Graham

Recharge

Bill Quinn
Jonathan Bartsch

Weather Modification

Brian Patton
Jennifer Graham

Implementation Committee Meeting Schedule

- October 13, 2009 (10:00am – 5:00pm) at Twin Falls
- December 10, 2009 (10:00am-5:00pm) at TBD

7. Public Comment

No public comment.

MEETING ATTENDEES

Implementation Committee Members

1.	Hal	Anderson	IDWR
2.	Peter	Anderson	Environmental and Conservation
3.	Randy	Bingham	Surface Water Users
4.	Barry	Burnell	IDEQ
5.	John	Chatburn	Governor's Office
6.	Scott	Clawson	Groundwater Users
7.	Steve	England	Municipalities/Counties
8.	Craig	Evans	Groundwater Users
9.	Bill	Hazen	Idaho Water Alliance
10.	Lloyd	Hicks	Surface Water Users
11.	Steve	Howser	Surface Water Users
12.	Alex	LaBeau	Business
13.	Linda	Lemmon	Spring Water Users
14.	Albert	Lockwood	Surface Water Users
15.	Brian	Olmstead	Surface Water Users
16.	Walt	Poole	Idaho F&G
17.	Jeff	Raybould	Surface Water Users
18.	Rich	Rigby	BOR
19.	Steven	Serr	Counties

- 20. Dan Temple Mixed-Use
- 21. Jim Tucker Hydropower

Other Attendees

- 22. Steve Bair Idaho State Senator
- 23. Jonathan Bartsch CDR Associates
- 24. Leonard Beck State Water Board
- 25. David Blew Idaho Power
- 26. Jon Bowling Idaho Power
- 27. Cynthia Bridge Clark IDWR
- 28. Roger Chase State Water Board
- 29. Mike Crapo U.S. Senator
- 30. Don Dixon U.S. Senator Mike Crapo's Office
- 31. Joan Kathol CDR Associates
- 32. Neeley Miller IDWR
- 33. Teresa Molitor Canals
- 34. Brian Patton IDWR
- 35. Bill Quinn IDWR
- 36. Rob Sampson NRCS
- 37. Dave Schmidt NRCS
- 38. Lyle Swank WD 1
- 39. Lynn Tominaga Idaho Ground Water Appropriators, Inc
- 40. Mike Webster Governor's Office