



IDAHO WATER RESOURCE BOARD

Brad Little
Governor

Jeff Raybould
Chairman
St. Anthony
At Large

Roger W. Chase
Vice-Chairman
Pocatello
District 4

Jo Ann Cole-Hansen
Secretary
Lewiston
At Large

Dale Van Stone
Hope
District 1

Albert Barker
Boise
District 2

Dean Stevenson
Paul
District 3

Peter Van Der Meulen
Hailey
At Large

Brian Olmstead
Twin Falls
At Large

MINUTES MEETING NO. 15-21

The Water Center
Conference Rooms 602 B-D / Zoom Online
322 E. Front St
BOISE

November 18, 2021
Work Session

Agenda Item No. 1: Roll Call

Chairman Raybould called the work session meeting to order at 8:06 a.m. in Boise, Idaho. Board members present were Al Barker, Roger Chase, Jo Ann Cole-Hansen, Brian Olmstead, Dean Stevenson, Dale Van Stone, and Chairman Raybould; online was Pete Van Der Meulen. IDWR staff members present were: Brian Patton, Gary Spackman, Cynthia Bridge Clark, Neeley Miller, Mathew Weaver, Wesley Hipke, Meghan Carter, Nick Miller, Cooper Fritz, Kala Golden, Randy Broesch, Steve Stuebner, and Jennifer Strange; and online was Amy Cassel, Emily Skoro, Mike Morrison, Remington Buyer, John Loffredo, and Sean Vincent.

Guests present were: Ann Vonde, Clive Strong, Norm Semanko, Scott Pugrud, Kresta Davis, John Simpson, Terry Scanlan, Al Hofer, Shondi Lott, and Dylan Lawrence; and online were Sam Eaton, John Hafen, John Roldan, Brian Bellah, Shaun Parkinson, Ashlynn Goody, Bud Corbus, Chris Keith, Emily Her, Kira Finkler, Kurt Newbry, Kyle Radek, Lanie Paquin, Robert Turner, Robin Lee-Beusan, James Whittaker, and TJ Budge.

Agenda Item No. 2: Executive Session

Board met pursuant to Idaho Code § 74-206(1) subsection (f) to communicate with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The executive session was closed to the public.

Ms. Cole-Hansen moved to resolve into executive session at 8:07 AM. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed. Ms. Meghan Carter discussed Priest Lake; Mr. Michael Orr discussed

WR Application 74-16187; and Ms. Ann Vonde discussed Recharge Water Right Applications.

Ms. Cole-Hansen moved to resolve out of executive session at 9:34 AM. Mr. Barker seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

Agenda Item No. 3: Lemhi Basin Settlement Working Group Update

Mr. Clive Strong reported a couple of updates on the Lemhi Basin Settlement Working Group. He stated that there had been meetings in Leadore and Salmon. He also discussed a framework document and expected a final proposal to conclude at the next meeting.

Agenda Item No. 4: Anderson Ranch Dam Raise Update

Ms. Cynthia Bridge Clark provided a brief history on the steps that had been taken for a negotiated contract with the Bureau of Reclamation. Ms. Meghan Carter discussed contract specifics and highlighted the funding advancement process. She further discussed a resolution for the board to consider. Ms. Lanie Paquin of BOR stated they were on track to meet the December 16th deadline.

Agenda Item No. 5: Administrative Rules Update

Mr. Mathew Weaver provided background and information related to two resolutions for consideration. One resolution addressed IDAPA 37.01.01 Rules of Procedure, Docket No. 37-0101-2101 (New Chapter, Fee Rule) and IDAPA 37.03.07 Stream Channel Alteration Rules, Docket No. 37-0307-2101 (New Chapter, Fee Rule). The other resolution addressed Omnibus Pending Non-Fee Rules, Docket No. 37-0000-2100 and Omnibus Pending Fee Rules, Docket No. 37-0000-2100F. Next steps would be all the board's pending rules will be published in December 2021. The Idaho Legislature should consider the pending rules during its 2022 Legislative Session. IDWR staff and board members would present the pending rules to the legislature and fully engage in their review process. DFM will likely issue subsequent guidance regarding the legislative presentation process. There was a question about available comments from the public. Mr. Weaver stated all comments had been published to the website.

Agenda Item No. 6: Priest Lake Water Management Project Update

Mr. Neeley Miller provided an update on the project at Priest Lake. He stated the outlet dam work resumed in November 2021. Next steps included in spring 2022, a contract with MM to develop an Asset Management and O&M Plan for the outlet dam and in spring/summer 2022 develop an outlet dam operations plan.

Mr. Norm Semanko requested to address the board on issues at Priest Lake. He stated there would be a town hall meeting in Priest Lake relating to F&G's siphon proposal. He also stated that Fish and Game had placed a pause on the issue.

Agenda Item No. 7: Elmore County Water Supply Issues

Representatives from Elmore County provided an update regarding South Fork Boise River and Snake River Projects. Mr. Terry Scanlan discussed the South Fork Boise Project proposal of diverting water from Anderson Ranch Reservoir to Little Camas Reservoir; and then conveying by gravity through Mountain Home Irrigation District to Mountain Home. There was some discussion. Mr. Scanlan recapped the Snake River Project, which would be a parallel pipeline to the IWRB's MHAFB pipeline, though the Elmore County pipeline would continue to the City of Mountain Home. Mr. Dylan Lawrence discussed the permitting status and the right of way status for the projects. Mr. Bud Corbus discussed funding options for the projects. Mr. Al Hofer thanked the board for the opportunity to discuss the water issues in Elmore

County. Mr. Barker asked if there was a cost analysis for the projects. Mr. Scanlan provided some details on the estimated costs.

Agenda Item No. 8: Loan Program

- a. **Point Springs Grazing Association Loan Modification:** Ms. Kala Golden stated the Finance Committee previously discussed and recommended a loan modification increase of \$10,000 for Point Springs Grazing Association. She provided a briefing on the proposal.
- b. **Program Interest Rate Proposal:** In October the Finance Committee recommended the Board consider modifications to the Program's interest rate, incentives for projects that address aging infrastructure, and general loan contract conditions. Ms. Golden provided a general summary of the recommendations and provided a draft resolution for consideration. There was discussion about the difficulty for canal companies, irrigation districts, and such to get loans through more traditional routes.
- c. **King Hill Irrigation District Loan Application:** Ms. Golden summarized King Hill Irrigation District's loan request not to exceed \$1,500,000 at 2.6 % interest with a 15-year repayment term for a project to install new pipelines and replace aging canal system infrastructure.
- d. **Blaine County Canal Company Loan Application:** BCCC requested a \$250,000 loan for a project to replace its diversion structure and convert a section of its open canals to closed pipe. Ms. Golden stated that they are a qualified applicant, and the proposed project is consistent with the goals of the Board as identified within the Idaho State Water.
- e. **Lakeview Estates Subdivision HOA Loan Application:** Ms. Golden introduced a new loan request from Lakeview Estates Subdivision HOA in the amount of \$65,000 for a project to develop a new Water Master Plan for its water supply system. Ms. Cole-Hansen suggested that DEQ grants may help with the project. Ms. Golden stated the DEQ funding would not meet the timeline.

The board took a break for lunch from noon until 12:35 p.m.

Agenda Item No. 9: Cloud Seeding Program

Ms. Golden said the Board authorized a total of \$950,000 for one-third of the total operations and maintenance costs for the Collaborative Cloud Seeding Program in the FY22 Secondary Aquifer Planning, Management, and Implementation Fund budget. The Collaborative Program includes cloud seeding in the Boise, Wood River and Upper Snake River basins. The amount budgeted for the 2021-2022 cloud seeding season was based on estimated costs provided by Idaho Power Company (IPC) at the time budget was approved in May 2021. Costs have since been refined and include costs associated with administration of the High-Performance Computer (HPC) which were previously included under model development activities rather than O&M expenses. Staff recommends increasing the authorized O&M budget for the Collaborative Program \$70,000, for a total of \$1.02M to cover anticipated O&M costs for the 2021-2022 season.

In FY21, the Board authorized expenditure of \$417,000 as a one-time contribution towards program shortages for costs associated with the operations and maintenance of the Collaborative Program. The Board agreed to pay an additional 16% of O&M costs per basin to offset the shortage in the water user's contribution. This percentage was based on historic water user payments and applied as an offset according to the basin with the lowest percentage contribution. In its FY22 Secondary Fund Budget, the Board authorized expenditure of up to \$500,000 for the same purpose. Due to the increase in O&M costs, the percent contributed by the Board will increase to 18% if the water user contributions remain

the same, increasing the Board commitment to \$533,000. If the Board limits the shortage contribution to \$500,000, the water user payments from each basin may need to increase.

The Board budgeted \$35,000 in the FY22 Secondary Fund Budget to partially fund development of new weather instrumentation devices to collect snowpack and snow water equivalent data in areas not captured by existing SNOTEL sites. The devices, called SWEdars, are being developed by Boise State University's Dr. HP Marshall and will effectively serve as a scaled down SNOTEL site, having a comparatively small footprint and significantly lower cost. The SWEdars can also be upgraded to include soil moisture meters and are intended to provide a cost effective, low impact option for collecting data in a broad range of areas.

One resolution that encompassed all three budget items was provided for the Board's consideration.

Agenda Item No. 10: Regional Manager's Report

Mr. Nick Miller provided a report on the Western Regional office. Many processes at that office were on the increase including permits, transfers and well drilling construction.

Agenda Item No. 11: Non-Action Items for Discussion

Mr. Barker mentioned details of a case before the 9th Circuit Court.

Agenda Item No. 12: Adjourn

Mr. Van Stone moved to adjourn the work session. Mr. Barker seconded. Voice vote. All ayes. The meeting adjourned 1:45 PM.

November 19, 2021
Board Meeting No. 15-21

At 8:07 a.m. (MT) Chairman Raybould called the meeting to order. All members were present.

Agenda Item No. 1: Roll Call

Board Members Present

Jeff Raybould, Chairman
Roger Chase, Vice-Chairman
Jo Ann Cole-Hansen, Secretary
Albert Barker
Dale Van Stone

Dean Stevenson
Brian Olmstead

Board Members Present Online

Pete Van Der Meulen

Staff Members Present

Gary Spackman, Director
Cynthia Bridge Clark, Water Projects Manager
Steve Stuebner
Emily Skoro
Garrick Baxter

Brian Patton, Executive Officer
Neeley Miller
Cooper Fritz
Jennifer Strange
Meghan Carter

Wesley Hipke

Staff Members Present Online

John Loffredo
Kala Golden
Remington Buyer
Sascha Marston

Mary Condon
Megan Jenkins
Aaron Golart
Sean Vincent

Guests Present

Ann Vonde
Michael Fuss
Kresta Davis
Shaun Parkinson

Scott Pugrud
John Williams
Steven Williams
Jim Wrigley

Guests Present Online

Douglas Jones
Ashlynn Goody
Chris Keith
Emily Her
Mark Zirschky
John Hafen
Aaron Romrell
Paul Arrington
Hans Peter-Marshall
Marie Kellner

Amber O'Neal
Bob Turner
Dylan Lawrence
Lanie Paquin
John Simpson
Brian Bellah
Norm Semanko
John Stevenson
Janet Pancheri

Agenda Item No. 2: Agenda and Approval of Minutes 12-21, 13-21, and 14-21

Chairman Raybould asked if the minutes had been reviewed and if there were any edits needed. Mr. Stevenson moved to approve the minutes and agenda. Ms. Cole-Hansen seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 3: Public Comment

Chairman Raybould asked if there were any public comments.

Bob Turner, executive director for IGWA discussed the impact that water supply bank transactions have on groundwater districts.

John Williams provided an update on operations at Bonneville Power Administration. He discussed infrastructure development funding, treasury payments, coal generation concerns, and lawsuits.

Agenda Item No. 4: Financial Report

Mr. Miller provided the Board's financial report. The accounts as of October 31, 2021 were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$21,522,780 and uncommitted balance \$5,176,471; Revolving Development Account: committed/earmarked but not disbursed \$17,867,940, loan principal outstanding \$17,554,212, uncommitted balance \$16,004,082, and anticipated loanable funds available next one year \$19,504,082; and Water Management Account: committed/earmarked but not disbursed \$72,489,784, and uncommitted balance \$8,743. Total committed/earmarked but not

disbursed \$111,880,505; total loan principal outstanding \$17,554,212; and total uncommitted balance \$21,189,296.

Mr. Patton discussed ARPA funds for Idaho and the potential for water projects.

Agenda Item No. 5: Anderson Ranch Dam Raise

Ms. Bridge Clark discussed the actions for a resolution in the matter of Boise River Basin Feasibility Study and Anderson Ranch Dam Raise. The resolution would authorize its chairman to execute the Contract attached; authorize expenditure of up to \$8.4M to cover non-contract post-authorization costs; and require notification upon completion of the analysis of impact to existing spaceholder's storage accounts during construction.

Mr. Van Stone moved to adopt the resolution. Mr. Olmstead seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Agenda Item No. 6: Flood Management Grant Program Criteria

Mr. Miller stated the Finance Committee met in October to discuss the Flood Management Grant Criteria, and that the updated criteria reflected the recommendations from the committee. There was some discussion about points given to new applicants.

Mr. Barker moved to adopt the program criteria with the discussed amendment. Mr. Chase seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 7: Loan Program

- a. **Point Springs Grazing Association Loan Modification**: Ms. Kala Golden provided a brief overview on a resolution before the board. The resolution would authorize increasing the existing loan.

Ms. Cole-Hansen moved to adopt the resolution. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

- b. **Program Interest Rate Proposal**: Ms. Golden provided several details on a resolution to adjust the Board's loan program interest rates and conditions.

Mr. Van Stone moved to adopt the resolution. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

- c. **King Hill Irrigation District Loan Application**: Ms. Golden discussed a resolution to approve a loan not to exceed \$1,500,000 at 2.6% interest with a 15-year repayment term. Chairman Raybould called on Mr. Hafen of King Hill Irrigation for comments. Mr. Hafen discussed the steps of the projects.

Mr. Barker moved to adopt the resolution. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

- d. **Blaine County Canal Company Loan Application**: Ms. Golden discussed a loan request not to exceed \$250,000 at 2.6% for 15 years for the Blaine County Canal Company.

Mr. Barker moved to accept the resolution. Mr. Chase seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

- e. **Lakeview Estates Subdivision HOA Loan Application**: Ms. Golden briefly discussed the details of a resolution to provide a loan not to exceed \$65,000 at 3.25% interest with a 15-year repayment term. Mr. Bellah spoke on behalf of Lakeview Estates.

Mr. Van Stone moved to adopt the resolution. Mr. Olmstead seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Agenda Item No. 8: Cloud Seeding Program

Ms. Kala Golden discussed the details of a resolution to increase O&M; make a one-time contribution of funding to help offset program shortages; and costs for the final year development of SWEdar devices.

Mr. Barker moved to adopt the resolution. Mr. Chase seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Agenda Item No. 9: Appointment of Hearing Officer for Stream Channel Alteration Permit

Ms. Meghan Carter provided the details of a resolution to appoint a hearing officer for a stream channel alteration permit.

Mr. Van Stone moved to adopt a resolution to appoint a hearing officer. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 10: Big and Little Wood Recharge Applications

Ms. Ann Vonde discussed water right applications 37-23110 and 37-23111 protest settlements. Settlement with the Big Wood Canal company would be captured in a resolution to assist with the maximum storage of water in Magic Reservoir. The Board will work with Big Wood Canal Company to ensure that recharging water in the ESPA under the Board's managed recharge program does not interfere with physical fill of Magic Reservoir. Another condition would be that we may not call for water that can otherwise be stored in Magic Reservoir under valid storage water rights, held by the Big Wood Canal company.

Mr. Chase moved to adopt the resolution. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Mr. Van Stone moved to approve the conditions of the water right as discussed. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Ms. Vonde stated the City of Hailey, City of Bellevue, and Sun Valley Company requested that the Board appoint individuals to depose on related topics. Chairman Raybould stated that he and Mr. Patton would be the representatives for the board.

Mr. Barker moved to appoint representatives of the board. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Ms. Vonde discussed the details of a resolution that would reduce the quantity of water under the water right applications.

Mr. Olmstead moved to adopt a resolution to reduce 37-23110 to 500 cfs and reduce 37-23111 to 650 cfs. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 11: Administrative Rules

Mr. Garrick Baxter provided two resolutions for the board's consideration. One related to the board's zero-based regulation negotiated rulemaking of IDAPA 37.03.07 stream channel alteration rules and 37.01.01 rules of procedure. The other related to the board's omnibus rulemaking and would adopt and publish pending omnibus fee and non-fee rules.

Mr. Barker moved to approve both resolutions. Mr. Van Stone seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 12: Potential Legislation of Interest

Mr. Garrick Baxter discussed two pieces of potential legislation. One related to the loan program and the types of securities that could be taken for loans. It had support from IWUA. The other was related to I.C. § 42-1734(6) and an exception that the board would not be required to pay any fees required by the laws of the state for its appropriations. There was some discussion on this topic.

Agenda Item No. 13: Office Space Update

Ms. Meghan Carter discussed the details of a resolution to approve an amendment to the operating agreement payment schedule.

Mr. Jim Wrigley provided information on the history of the situation and on what would occur upon the final payments.

Mr. Chase moved to adopt the resolution. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Agenda Item No. 14: Director's Report

Director Gary Spackman discussed stockwater uses and several amendments that have been made related to grazing permits; federal government challenges on two adjudications and deferment; and budget discussion for the Department.

Agenda Item No. 15: 2022 Board Meeting Dates Adopted

Mr. Patton stated that the dates for the 2022 meetings were available to adopt. There were two options for the March dates. Chairman Raybould recommended that March 31-April 1 would be the March dates.

Mr. Barker moved to adopt the dates for 2022. Mr. Van Stone seconded. Voice vote. All ayes. The motion carried.

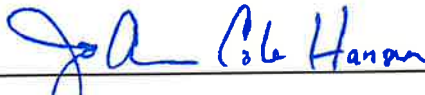
Agenda Item No. 16: Non-Action Items for Discussion

Ms. Cole-Hansen asked if the travel trips had been considered. Mr. Patton stated there had been some suggestions. Mr. Olmstead asked Emily Skoro, who was in the audience, if there were any updates on the Priest Lake outlet dam structure, as she had recently been there. Mr. Patton stated that the board would be moving ahead to tablet technology for board materials.

Agenda Item No. 17: Next Meeting and Adjourn

Mr. Patton stated the next scheduled meeting would be January 21, 2022 in Boise and via an online platform. Mr. Van Stone moved to adjourn. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 11:10 a.m.

Respectfully submitted this 21st day of January 2022.



Jo Ann Cole-Hansen, *Secretary*



Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Approved meeting minutes 12-21, 13-21, and 14-21.
2. Adopted a resolution to commit funds and provide signatory authority to contract with Bureau of Reclamation for the Anderson Ranch Dam Raise Project.
3. Adopted a resolution to accept Flood Management Grant criteria.
4. Adopted a resolution to accept a loan modification for Point Springs Grazing Association.
5. Adopted a resolution to authorize adjustment to loan interest rates and conditions.

6. Adopted a resolution to authorize loan funding for King Hill Irrigation District.
7. Adopted a resolution to authorize loan funding for Blaine County Canal Company.
8. Adopted a resolution to authorize loan funding for Lakeview Estates Subdivision HOA.
9. Adopted a resolution to approve funds for the Cloud Seeding Program.
10. Adopted a resolution to appoint a hearing officer.
11. Adopted a resolution regarding the capture of water in Magic Reservoir and board's ESPA Managed Recharge Program.
12. Approved conditions of a settlement.
13. Appointed representatives for a hearing.
14. Adopted a resolution regarding the amendment of water right applications 37-23110 and 37-23111.
15. Adopted two resolutions related to Administrative Rules.
16. Adopted a resolution in the matter of the Idaho Water Center Operating Agreement.
17. Adopted meeting dates for 2022.