



IDAHO WATER RESOURCE BOARD

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Dale Van Stone
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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. 16-21

Idaho Water Center
Conference Room 602 C & D / Zoom Online
322 E. Front St
BOISE, ID

December 13, 2021

At 1:30 p.m. Chairman Raybould called the meeting to order. All members were present.

Agenda Item No. 1: Roll Call

Board Members Online

Jeff Raybould, Chairman
Roger Chase, Vice-Chairman
Jo Ann Cole-Hansen, Secretary
Albert Barker
Dale Van Stone
Dean Stevenson
Brian Olmstead
Pete Van Der Meulen

Staff Members Present

Brian Patton, Executive Officer
Jennifer Strange

Staff Members Present Online

Neeley Miller
Wesley Hipke
Cynthia Bridge Clark

Guests Present Online

Chris Bromley	Ashlynn Goody
John Simpson	Kresta Davis
Mike Lawrence	Ann Vonde

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. 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. Ann Vonde discussed Recharge Water Right Applications 37-2110 and 37-2111.

Ms. Cole-Hansen moved to resolve out of executive session at 2:07 PM. Mr. Chase seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

Agenda Item No. 3: Big and Little Wood Recharge Applications

Ms. Ann Vonde read conditions related to 37-23111 for settlement with City of Hailey, City of Bellevue, and Sun Valley Company. City of Hailey conditions were: "This right may not call for water that could be used by the City of Hailey under valid mitigation and/or recharge water rights held by said entity, not to exceed 3360 AFY, with priority dates no later than 12/31/20626." City of Bellevue conditions were: "This right may not call for water that could be used by the City of Bellevue under valid mitigation and/or recharge water rights held by said entity, not to exceed 1,150 AFY, with priority dates no later than 12/31/2026." The Sun Valley Company conditions were: "This right may not call for water that could be used by Sun Valley Company under valid water rights for commercial snowmaking purposes held by said entity, not to exceed 200 AFY, with priority dates no later than 12/31/2026. And this right may not call for water that could be used by Sun Valley Company under valid mitigation and/or recharge water rights held by said entity, not to exceed 450 AFY, with priority dates no later than 12/31/2026."

Mr. Olmstead moved to adopt the conditions. Mr. Van Der Meulen 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. Vonde read conditions to settle a protest with Idaho Power Company. The conditions read: "This right is for the use of trust water, and it is subject to review 5 years after its initial approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water. And when the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3, 900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.03."

Further, IPC is requesting additional language be adopted as follows: "The parties further agree that any water diverted and put to beneficial use under the Applications will count toward the IWRB's Managed Recharge Program's recharge goals set forth in the 2009 ESPA Comprehensive Aquifer Management Plan. The IWRB further agrees to work cooperatively with IPC in the coordination and consideration of the respective interests of the State of Idaho and IPC with regard to managed recharge so as to further their mutual interests and to honor the commitments made under the Swan Falls Agreement, the 2009 Swan Falls Reaffirmation Agreement, Senate Concurrent Resolution 136, and the 2009 ESPA CAMP. The parties recognize the IWRB's Water Supply Management Committee provides a forum for discussing the public policy interests between the IWRB's recharge, hydropower, and other water uses in the basin

including defining recharge targets, goals, and other commitments made under the Swan Falls Agreement, the 2009 Swan Falls Reaffirmation Agreement, Senate Concurrent Resolution 136, and the 2009 ESPA CAMP. Further the parties recognize their respective needs in defining these conditions moving forward.”

Mr. Olmstead moved to adopt the conditions with IPC. Mr. Stevenson seconded. Roll call vote: Mr. Barker, abstained—he wanted the record to reflect that he did not participate in the executive session discussion related to IPC; 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. 7 ayes. The motion passed.

Agenda Item No. 4: Non-Action Items for Discussion

There were none.

Agenda Item No. 5: Next Meeting and Adjourn

Mr. Patton stated that our January meeting would be abbreviated due to the IWUA Convention. Mr. Van Der Meulen moved to adjourn. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 2:30 p.m.

Respectfully submitted this 21st day of January 2022.

Jo Ann Cole-Hansen, *Secretary*

Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Adopted a motion to approve conditions for the City of Hailey, City of Bellevue, and Sun Valley Company.
2. Adopted a motion to approve conditions for IPC.