



IDAHO WATER RESOURCE BOARD

Brad Little
Governor

MINUTES MEETING NO. 1-22

Jeff Raybould
Chairman
St. Anthony
At Large

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

Roger W. Chase
Vice-Chairman
Pocatello
District 4

January 21, 2022

At 8:00 a.m. (MT) Chairman Raybould called the meeting to order. All members were present.

Jo Ann Cole-Hansen
Secretary
Lewiston
At Large

Agenda Item No. 1: Roll Call

Board Members Present

Jeff Raybould, Chairman
Jo Ann Cole-Hansen, Secretary
Albert Barker
Dale Van Stone
Dean Stevenson
Brian Olmstead

Board Members Present Online

Roger Chase, Vice-Chairman
Pete Van Der Meulen

Dale Van Stone
Hope
District 1

Albert Barker
Boise
District 2

Dean Stevenson
Paul
District 3

Staff Members Present

Gary Spackman, Director	Brian Patton, Executive Officer
Cynthia Bridge Clark, Water Projects Manager	
Neeley Miller	Wesley Hipke
Mathew Weaver	Kala Golden
Remington Buyer	Jennifer Strange
Tim Luke	Garrick Baxter
Mike Morrison	

Peter Van Der Meulen
Hailey
At Large

Staff Members Present Online

Kara Ferguson	Amy Cassel
Shelley Keen	Janet Garrett
Paul Thomas	Sascha Marston
Glyn Roberts	Steve Stuebner

Brian Olmstead
Twin Falls
At Large

John Loffredo
Meghan Carter
Mary Condon

Ethan Geisler
Dennis Owsley
Meghan Carter

Guests Present

Ann Vonde
Lanie Paquin
Kresta Davis
Mark Limbaugh
Carl Ellsworth

Michael Orr
James Whittaker
John Simpson
Norm Semanko
Brad Carlson

Guests Present Online

Terry Scanlan
Rachel Cohen
John Lawson
Emily Jones
Robert Newbry
Lowell Cerise
Representative Dorothy Moon
Clive Strong
Bob Turner
Daniel Bertram
Bud Corbus

Pat McMahon
Robin Lufkin
Paul Arrington
Darrell Early
Bert Stevenson
Douglas Jones
Ashlynn Goody
Kyle Radek
Chris Keith
Braden Jensen

An item was added to the executive session related to water right application 63-34753. Mr. Van Stone moved to amend the agenda. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried.

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. And Idaho Code § 74-206(1) subsection (d) to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code. 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. Mr. Michael Orr discussed WR Application 74-16187. Ms. Ann Vonde discussed Big and Little Wood Recharge Water Right Applications and ARDR WR Application 63-34753.

Ms. Cole-Hansen moved to resolve out of executive session at 9:12 AM. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

Agenda Item No. 3: Agenda and Approval of Minutes 15-21 and 16-21

Chairman Raybould asked if the minutes for 15-21 and 16-21 had been viewed. There was some discussion by Mr. Barker about language related to agenda item number 7 from the 15-21 minutes. It was decided that the minutes accurately reflected the topic.

Mr. Stevenson moved to accept the minutes. Mr. Van Stone seconded. Voice vote. All ayes. Motion carried.

Agenda Item No. 4: Public Comment

There were no comments from the public.

Agenda Item No. 5: WR Application 74-16187

Mr. Michael Orr of the Attorney General's office provided a resolution for the board to consider. The resolution contained a negotiated stipulation to resolve the judiciary review litigation over the application and send it back to IDWR where the parties would ask that a permit with certain conditions and elements be issued. The resolution would authorize Chairman Raybould to execute the stipulation on behalf of the Board.

Mr. Van Stone moved to accept the stipulation as provided in the resolution. Ms. Cole-Hansen seconded. Voice vote. All ayes. Motion carried.

Agenda Item No. 6: Lemhi Basin Settlement

Mr. Clive Strong provided a very detailed presentation on the 22-page comprehensive settlement agreement of the Lemhi Basin water users. There was some discussion about next steps for the basin upon approval of the agreement. Mr. Strong stated that there would be no action taken on this settlement at the meeting. Chairman Raybould asked if there were any folks from the public who would like to discuss the issue. Mr. James Whittaker made some statements. Mr. Carl Ellsworth also made comments on the settlement. Mr. Lowell Cerise provided brief comments which further supported Mr. Ellsworth's comments.

Agenda Item No. 7: Financial Report

Mr. Miller provided the Board's financial report. The accounts as of December 31, 2021, were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$20,921,490 and uncommitted balance \$7,099,349; Revolving Development Account: committed/earmarked but not disbursed \$19,345,135, loan principal outstanding \$17,232,581, uncommitted balance \$16,848,298, and anticipated loanable funds available next one year \$20,348,298; and Water Management Account: committed/earmarked but not disbursed \$71,021,372, and uncommitted balance \$169,563. Total committed/earmarked but not disbursed \$111,287,997; total loan principal outstanding \$17,232,581; and total uncommitted balance \$24,117,210.

Agenda Item No. 8: Federal Affairs Update by Mark Limbaugh

Mr. Mark Limbaugh of The Ferguson Group provided a report on federal affairs. He discussed infrastructure funding, additional FY 2022 federal funding, Bureau of Reclamation funding, and 2022 federal legislative and funding priorities. There were some questions from the board.

Agenda Item No. 9: Allocation of Funds

Mr. Patton discussed the actions that the Finance Committee had recommended on January 14, 2022. The first recommendation was to adopt threshold criteria for adding projects to the Regional Water Sustainability Projects Priority List. The criteria are defined as: "A project that helps achieve water supply sustainability on a regional, basin-wide, or state-wide basis." Secondly, the committee recommended an initial ARPA fund allocation as follows: Anderson Ranch Reservoir Enlargement, \$90 million; Mountain Home AFB Water

Project, \$30 million; and ESPA Recharge Infrastructure, \$75 million. A resolution containing both recommendations was presented to the board.

Mr. Chase moved to adopt the resolution. Ms. Cole-Hansen 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. 10: Anderson Ranch Dam Raise Update

Ms. Bridge Clark provided brief recap on the Anderson Ranch Dam Raise. She introduced Ms. Lanie Paquin of Bureau of Reclamation who provided updates on the project. There was some discussion about the process for applying for a water right on the reservoir. The board directed staff to pursue more targeted language for legislation to be drafted in that matter.

No action on this item.

Agenda Item No. 11: Cloverdale Ridge Water Corporation Loan

Ms. Kala Golden introduced a loan request by Cloverdale Ridge Water Corporation. Mr. John Lawson, the corporation secretary and Tyler Dibble, the vice president were both on the Zoom call for any questions. The resolution presented would approve a loan not to exceed \$56, 615 from the Revolving Development account at 2.6% interest with a 15-year repayment term. The loan would improve the efficiency of the system and reduce operational costs.

Ms. Cole-Hansen moved to adopt the resolution at 2.6% interest rate. 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.

Agenda Item No. 12: Mountain Home Aquifer

Mr. Neeley Miller provided a briefing on the background for a resolution to authorize funds in the amount of \$700,000 from the Board's Second Aquifer Planning, Management, and Implementation Fund for the completion of the Mountain Home Hydrologic Investigation. The investigation would be completed over four years and include the following: develop a water budget and hydrogeologic framework and perform water level synoptic measurements through the USGS; and drill new monitoring wells and improve the existing monitoring network through contracted work managed by IDWR staff. Mountain Home Commissioner, Bud Corbus was on the Zoom call. He expressed appreciation for the investigation.

Mr. Chase moved to adopt the resolution. Mr. Van Stone 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. 13: MHAFB Water Resilience Project Update

Mr. Mike Morrison updated the board on the Mountain Home Air Force Base Water Resilience Project. He stated the project is in its initial planning stages, with The Air Force and Board staff holding regular discussions to determine overall parameters and specifications. The Board anticipates receiving the Air Force's water delivery requirements, SCADA requirements, and security requirements in February 2022.

There was some discussion about another pipeline going to Mountain Home. Ms. Bridge Clark stated that more information could be provided at the next meeting, but that it would likely require a second right of way.

Agenda Item No. 14: Priest Lake Update

Mr. Neeley Miller provided an update on the Priest Lake Management Project. Work was completed for the breakwater on schedule and on budget. The outlet dam portion required additional time and negotiations. Staff will be participating in a dispute resolution process on behalf of the board for cost items of disagreement. Some photos of the project were shared.

Agenda Item No. 15: ESPA Recharge Program Update

Mr. Wesley Hipke presented an update on the ESPA Recharge Program efforts. Total natural flow water recharged was at 79,854-acre feet. He mentioned the ESPA Recharge capacity investigations and the upper valley small projects. An Aquifer Stabilization Committee meeting was planned for February where information would be shared. Ms. Cole-Hansen asked about the priorities for site projects.

Agenda Item No. 16: Basin 37 Settlement Agreement

Mr. Tim Luke discussed term sheets for the Big Wood River Ground Water Management Area Advisory Committee and the settlement agreement. Term sheet items included baseline mitigation actions, additional mitigation actions in dry years, and term and adaptive groundwater management planning measures. Mr. Stevenson expressed appreciation to Mr. Luke and Mr. Keen on their work on this agreement.

Agenda Item No. 17: Administrative Rules Update

Mr. Mat Weaver provided a brief update on administrative rules.

Agenda Item No. 18: Potential Legislation of Interest

Mr. Garrick Baxter updated two pieces of legislation.

Agenda Item No. 19: Director's Report

Director Gary Spackman reported on a statewide tour with legislators and select board members to discuss the proposed IDWR budget and expressed appreciation for the assistance. He also discussed petitions filed by the Federal Government to adjudicate all domestic and stockwater claims in the Snake River Basin Adjudication area. There was some discussion among board members. Darrell Early of the AG's office stated they are researching the petition and the issues from that.

Agenda Item No. 20: Non-Action Items for Discussion

Mr. Olmstead expressed appreciation for the Chairman's report at the IWUA.

Agenda Item No. 21: Next Meeting & Adjourn

Mr. Patton stated the next scheduled meetings would be March 31 and April 1, 2022 in Boise and via an online platform. Mr. Stevenson moved to adjourn. Mr. Olmstead seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 12:34 p.m.

Respectfully submitted this 1st day of April 2022.



Jo Ann Cole-Hansen, *Secretary*



Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Adopted a motion to amend the agenda.
2. Approved meeting minutes 15-21 and 16-21.
3. Adopted a resolution to accept agreement for WR permit application 74-16187 stipulations.
4. Adopted a resolution to accept the Finance Committee's recommendations.
5. Adopted a resolution to approve a loan for Cloverdale Ridge Water Corporation.
6. Adopted a resolution to authorize funding for the Mountain Home Hydrologic Investigation.