



# 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. 2-22

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

February 24, 2022

At 10:00 a.m. Chairman Raybould called the meeting to order. All members were present.

#### Agenda Item No. 1: Roll Call

##### *Board Members Present*

Brian Olmstead

##### *Board Members Online*

Jeff Raybould, Chairman

Roger Chase, Vice-Chairman

Jo Ann Cole-Hansen, Secretary

Albert Barker- joined after the Big/Little Wood Exec. Session Topic

Dale Van Stone

Dean Stevenson

Pete Van Der Meulen

##### *Staff Members Present*

Brian Patton, Executive Officer

Cynthia Bridge Clark, Water Projects Manager

Mathew Weaver, Deputy Director

Jennifer Strange

Mary Condon

##### *Staff Members Present Online*

Neeley Miller

Wesley Hipke

Steve Stuebner

Amy Cassel

Remington Buyer

*Guests Present*  
James Whittaker

*Guests Present Online*  
Ann Vonde, AG's Office  
Clive Strong  
Tom Curet  
Lowell Cerise  
Carl Lufkin  
Ashlynn Goody  
Robert Turner  
Braden Jensen  
William Stoddart

Michael Orr, AG's Office  
Norman Semanko  
Carl Ellsworth  
Jay Barlogi  
Tom Bassista  
John Murdock  
John Simpson  
Devin Stoker  
Scott King

### **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.

At 10:05 a.m. Mr. Olmstead moved to resolve into executive session. Mr. Chase seconded. Roll call vote: Mr. Barker, absent; 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. Ms. Ann Vonde of the Attorney General's Office discussed Big and Little Wood Recharge Applications. Mr. Barker joined after this topic. Ms. Vonde also discussed the Lemhi Settlement topic.

At 11:10 a.m. Mr. Olmstead moved to resolve out of executive session. Mr. Van Der Meulen seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

### **Agenda Item No. 3: Lemhi Basin Settlement**

Mr. Clive Strong summarized the key points of the settlement agreement. The voluntary agreement provides a pathway for the following: resolves the pending applications in the Mill Creek, Big Timber, Eight Mile, and Eighteen Mile areas; allows users to perfect a protectable right in high flow water in the Lemhi Basin subject to certain terms and conditions; addresses fish habitat needs; and provides a program for addressing water supply issues in the Lemhi Basin. He stated that the agreement had signatures of those who wished to be a party to it. Mr. Strong discussed some edits requested by IDWR for the proposed legislation.

Chairman Raybould asked if there were any public comments related to the settlement. Mr. James Whittaker had some comments. Mr. Carl Ellsworth commented on the settlement. Mr. Tom Curet from Idaho Fish and Game spoke positively about the agreement. Deputy Director Mat Weaver shared appreciation for the work done on the settlement and mentioned next steps.

Mr. Patton discussed the actions of the resolution.

Mr. Olmstead moved to adopt the resolution to approve the Lemhi Comprehensive Settlement Agreement. 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.

**Agenda Item No. 4: Big & Little Wood Recharge Applications**

Ms. Vonde stated that a completed agreement would come before the board within a few weeks. There was no action.

**Agenda Item No. 5: Administrative Rules**

Deputy Director Mat Weaver provided an update on the Board's Administrative Rules. He discussed the reasoning for the resolution before them.

Mr. Barker moved to adopt the resolution to conditionally adopt the Board's current pending administrative fee rules as temporary rules. 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.

Mr. Weaver updated on the ZBR Rulemaking analysis of Water Supply Bank Rules and the Geothermal Resources Rules. Mr. Barker asked about the need for board member participation at the public meetings.

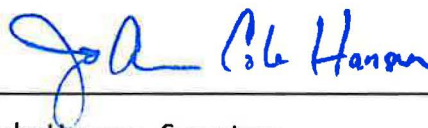
**Agenda Item No. 6: Non-Action Items for Discussion**

There were no other items.

**Agenda Item No. 7: Next Meeting and Adjourn**

Mr. Chase moved to adjourn. Ms. Cole-Hansen seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at noon.

Respectfully submitted this 1<sup>st</sup> day of April 2022.



Jo Ann Cole-Hansen, Secretary



Jennifer Strange, Administrative Assistant II

**Board Actions:**

1. Adopted a resolution to approve the Lemhi Comprehensive Settlement Agreement.
2. Adopted a resolution to conditionally adopt the Board's current pending administrative fee rules as temporary rules.