



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. 4-22

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

March 31, 2022
Work Session

Agenda Item No. 1: Roll Call

Chairman Raybould called the work session meeting to order at 8:30 AM (MT) in Boise, Idaho. Board members present were Al Barker, Jo Ann Cole-Hansen, Brian Olmstead, Dale Van Stone, and Chairman Raybould; online were Roger Chase, Dean Stevenson (joined just after roll call), and Pete Van Der Meulen.

IDWR staff members present were: Brian Patton, Gary Spackman, Cynthia Bridge Clark, Neeley Miller, Mathew Weaver, Wesley Hipke, Sascha Marston, Sean Vincent, Rob Whitney, Erik Boe, Mike Morrison, Ethan Geisler, Mary Condon, Tim Luke, Steve Stuebner, and Jennifer Strange; and online was Remington Buyer, Megan Jenkins, John Loffredo, Kara Ferguson, David Hoekema, and Amy Steimke.

Guests present were: Douglas Jones, Paul Arrington, Roy Mink, Mary Mink, Sidney Erwin, Chris Black, Norman Semanko, Celia Draper, Mark Draper, Mark Steuer, Ann Vonde, John Simpson, and Kresta Davis. Online: Kurt Newbry, Bob Turner, Brett Casperson, Bryan Horsburgh, Chris Keith, Cianna Wyshnytzky, Dylan Lawrence, Kira Finkler, Lanie Paquin, Mjaye Guerricagoitia, Randy Broesch, Robin Lee-Beusan, Selena Moore, Ashlyn Goody, TJ Budge, Darren Parker, Braden Jensen, D. Maier, and Marynette Herndon.

Agenda Item No. 2: IDWR Budget Update

Mr. Patton stated the department's budget passed both legislative houses and was signed into law by the governor on Monday, March 28, 2022. He highlighted areas of the budget that included new positions to the department and funds for specific projects. Mr. Van Stone asked if there were any timelines associated with the funding. Mr. Patton explained the timeline appropriations.

Agenda Item No. 3: Anderson Ranch Dam Raise Update

Ms. Bridge Clark introduced Ms. Lanie Paquin of the Bureau of Reclamation. Ms. Paquin provided project updates.

Agenda Item No. 4: MHAFB Water Resilience Project Update

Mr. Mike Morrison provided updated information on the Mountain Home Air Force Base Water Resilience Project. He stated that staff is currently awaiting the Air Force's water delivery and SCADA requirements and continues to develop the documentation needed to obtain professional design and construction management services.

Agenda Item No. 5: Upper Snake Rental Pool Procedures

Ms. Mary Condon provided redlined version of Water District 1 2022 Rental Pool Procedures. There was some discussion among board members and John Simpson provided information on the topic. Director Spackman added comments and a preliminary recommendation.

Folks for Agenda Item 6 were not yet in attendance of the meeting. The Chairman recommended that the board take up Agenda Item 7.

Agenda Item No. 7: Grandview/Bruneau Groundwater Management Area

Mr. Erik Boe provided a brief presentation that highlighted various issues in the Grandview/Bruneau Groundwater Management Area. Some members of that groundwater district were in attendance and introduced. Mr. Sidney Erwin spoke on the local perspective of the issues. Mr. Roy Meek spoke on well repair costs. Mr. Rob Whitney provided information about well drilling related to the repairs. Director Spackman discussed the history of the area. Mr. Erwin continued the discussion. Mr. Mark Draper spoke on his 3,000 ft deep well.

Agenda Item No. 6: Public Lands Foundation/BLM National Award

The board returned to this agenda item. Ms. Jenna Whitlock from the Public Lands Foundation presented Mr. Wesley Hipke with a Landscape Stewardship Award.

There was a brief break following the award presentation.

Agenda Item No. 8: Flows at Murphy Gaging Station Update

Mr. Ethan Geisler provided an update on the Snake River flows near the Murphy gaging station.

Agenda Item No. 9: Water Supply Outlook Update

Mr. David Hoekema discussed the outlook for water supply in Idaho.

Agenda Item No. 10: Administrative Rules Update

Mr. Mat Weaver provided an update on changes in the administrative rules process and on current rulemaking processes.

Agenda Item No. 11: ESPA Recharge Program Update

Mr. Wesley Hipke provided updated numbers on the natural flow water recharged. In the October 20, 2021 through March 28, 2022 period 153,208 af had been recharged. Diversion rate median was 445 cfs and the maximum was 573 cfs.

Agenda Item No. 12: Non-Action Items for Discussion

There were no other items for discussion from the board members. Director Spackman mentioned a letter from the BOR.

Agenda Item No. 13: Adjourn

Mr. Van Stone moved to adjourn. Mr. Barker seconded. Voice vote: all ayes. Motion carried. The meeting adjourned at 11:35 AM.

April 1, 2022
Board Meeting No. 4-22

At 8:05 AM (MT) Chairman Raybould called the meeting to order. All members were present.

Agenda Item No. 1: Roll Call

Board Members Present

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

Staff Members Present

Gary Spackman, Director
Neeley Miller
Wesley Hipke
Sean Vincent
Garrick Baxter
Remington Buyer

Brian Patton, Executive Officer
Steve Stuebner
Jennifer Strange
Tim Luke
Mary Condon
Mathew Weaver

Staff Members Present Online

Amy Cassel
Janet Garrett
Kara Ferguson
Glyn Roberts

Mike Morrison
Sascha Marston
Ethan Geisler

Guests Present

John Williams
Barbara Warfield Gordon
Michael Fuss
Pat McMahon
Ann Vonde
Scott Pugrud

Douglas R. Jones
Norm Semanko
Pat Purdy
Cooper Brossy
Darrell Early

Guests Present Online

Allan Songstad
Robert Newbry
Bud Belles
Ashlynn Goody
Kresta Davis
Kira Finkler
Pecky Cox
Carl Pendleton
Rachel Cohen
Sharon Lee

Paul Arrington
Mike Lawrence
Braden Jensen
John Simpson
Chris Bromley
Marybeth Collins
Candace McHugh
Travis Thompson
Larry Kull
Fred Cox

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. 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. Mr. Darrell Early discussed mediation update regarding Coeur d'Alene Tribe water right claims and mediation update regarding United States' motion to adjudicate deferred de minimis water rights.

At 8:50 AM, Ms. Cole-Hansen moved to resolve out of executive session. Mr. Chase seconded. Voice vote. All in favor. The motion carried. No actions were taken during the executive session.

Agenda Item No. 3: Agenda and Approval of Minutes 1-22, 2-22, and 3-22

Chairman Raybould stated that agenda and approval of minutes 1-22, 2-22, and 3-22 were available for consideration. Ms. Cole-Hansen moved to adopt the minutes for board meetings 1-22, 2-22, and 3-22. Mr. Barker seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 4: Public Comment

Chairman Raybould asked if there were any public comments.

Douglas Jones from Idaho Water Engineering provided an update on Lost Valley Reservoir. He stated that the shareholders held their annual meeting recently. He shared information about their votes and decisions in support of the dam raise. He requested that the project be presented at an upcoming Storage Committee meeting. Mr. Olmstead asked if the EIS would cost \$400,000. Mr. Jones stated that amount is a 50/50 match. Chairman Raybould asked when the \$400,000 would be available in the project account.

Barbara Warfield Gordon, a shareholder in the Lost Valley Reservoir Company, had many questions related to the project.

Norman Semanko expressed appreciation for the support on the Lemhi Basin Settlement work. He stated that next steps would be in implementation.

Agenda Item No. 5: Financial Report

Mr. Miller provided the Board's financial report. The accounts as of February 28, 2022 were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$20,116,342 and uncommitted balance \$8,285,497; Revolving Development Account: committed/earmarked but not disbursed \$20,393,579, loan principal outstanding \$16,770,495, uncommitted balance \$16,741,943, and anticipated loanable funds available next one year \$20,241,943; and Water Management Account: committed/earmarked but not disbursed \$71,053,984, and uncommitted balance \$170,292. Total committed/earmarked but not disbursed \$111,563,905; total loan principal outstanding \$16,770,495; and total uncommitted balance \$25,197,732.

Agenda Item No. 6: Water Transactions

Ms. Amy Cassel discussed three resolutions that the Streamflow Enhancement and Minimum Streamflow Committee had recommended on March 14, 2022.

Mr. Van Stone moved to adopt a resolution to enter into an agreement for 2022 with a Lower Lemhi River irrigator to not divert up to 3 cfs out of the Lemhi River for an amount not to exceed \$27,000; funded from the BPA through the Idaho MOA/Fish Accord Water Transaction Program. 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. Van Stone moved to adopt the resolution to enter into drought response annual agreements with Lower Lemhi River irrigators to not divert out of the Lemhi River when the total days of subordinated water will not exceed the contract maximum of 100 days; funded from the BPA through the Idaho MOA/Fish Accord Water Transaction Program. 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.

Mr. Barker moved to adopt the resolution to enter into a 3-year agreement not to divert for the purpose of improving flow in Canyon Creek, tributary to the Teton River, using an amount not to exceed \$285,000; and subject to the condition that the IWRB receives the requested funding from the Columbia Basin Water Transaction Program. 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. 7: Priest Lake Water Management Project Update

Mr. Miller provided an update on the Priest Lake Water Management Project. He detailed a resolution to amend the Priest Lake Outlet Dam Construction contract to extend construction to a third year. Chairman Raybould suggested some edits for the resolution.

Mr. Van Stone moved to adopt the resolution with the mentioned edits. 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. 8: Upper Snake Rental Pool Procedures

Mr. Patton recapped the discussion from the work session. He stated that a revised resolution was provided to board members. He discussed the resolution with the board. Chairman Raybould asked

Director Spackman for comments. Director Spackman stated that the proposed procedures were acceptable.

Mr. Barker moved to adopt the resolution. Mr. Van Stone seconded. Voice vote: All ayes. The motion passed.

Agenda Item No. 9: Treasure Valley Drain Monitoring

Mr. Sean Vincent discussed a resolution to provide funding to the USGS to continue monitoring 10 real-time agricultural drain gages plus three miscellaneous measurement sites in the lower Treasure Valley. On February 11, 2022 the Aquifer Stabilization Committee recommended funding this resolution in the amount of \$125,000.

Mr. Barker 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. 10: Big Lost Aquifer Groundwater Model

Mr. Sean Vincent discussed a resolution to authorize funds in the amount of \$480,000 from the IWRB's Secondary Aquifer Planning, Management, and Implementation Fund for development of a numerical groundwater flow model of the Big Lost River basin aquifer system. The resolution was presented to the Aquifer Stabilization Committee on February 11, 2022. The committee recommended the resolution to the full board.

Ms. Cole-Hansen 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. 11: Basin 37 Settlement CIEF Petition

Mr. Patton introduced the Conservation, Infrastructure, and Efficiency Fund (CIEF) petition. He discussed some of the specifics of the management plan. Mr. Olmstead and Mr. Stevenson had participated in the discussions. The plan calls for a match of the funds for the CIEF.

Mr. Carl Pendleton of the Big Wood Canal Company addressed the board on the topic. He would like the board to consider allocation of \$200,000 as mentioned in the plan. He further requested that the board consider a 2-1 match for the first year or enhance the funds to organize the CIEF Board. There was some discussion on the total funding. Chairman Raybould asked for clarification on whether the money would be paying for water as opposed to infrastructure and conservation improvements.

Mr. Cooper Brossy of the Big and Little Wood Water Users Association discussed the need for the funding. There was discussion on options. Mr. Pendleton named some affordable projects that are being considered. Chairman Raybould suggested an option for funding the CIEF petition. Mr. Stevenson supported the suggestion as a possible way forward. Ms. Candace McHugh shared an appreciation for the Chairman's suggestion.

Mr. Olmstead asked for Pat Purdy from Picabo Livestock Company to give his thoughts. He was involved in the advisory committee. He stated that this water year would be especially difficult.

Mr. Patton provided an edit for the draft resolution starting at line 102: "Now therefore be it resolved that the Idaho Water Resource Board authorizes a commitment of funds not to exceed \$200,000 annually from the Secondary Aquifer Planning, Management, and Implementation Fund for the next three years, on a two to one match in year one, and on a dollar for dollar match in subsequent years for those funds provided by the groundwater users to the CIEF for conservation infrastructure and efficiency funding. Now therefore, be it further resolved that this commitment of funds is subject to the director's approval of the Big Wood River Groundwater Management Area management plan. Therefore, be it further resolved that the board authorizes its chairman or his designee to execute necessary agreements. Therefore, be it further resolved that after three years progress under the management plan including progress made with CIEF funded projects shall be reviewed and if found satisfactory by the Board may elect to extend its commitment made under this resolution and then a new therefore, be it resolved. Now therefore, be it further resolved that after the initial three-year period at least equal to the amount contributed to the CIEF by the Idaho Water Resource Board shall be committed for conservation, infrastructure, and efficiency projects." Ms. Cole-Hansen had a couple of other edits for the resolution.

Mr. Olmstead moved to adopt the resolution with the edits as stated by Mr. Patton and Ms. Cole-Hansen. Mr. Van Stone seconded. Roll call vote: Mr. Barker, abstain; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, abstain; Mr. Van Stone, aye; and Chairman Raybould, aye. 6 ayes. The motion passed.

Agenda Item No. 12: Legislation of Interest

Mr. Garrick Baxter provided a brief update on legislation of interest to the board.

Agenda Item No. 13: Director's Report

Director Gary Spackman stated that discussions held throughout the state related to IDWR Budget were very effective. He mentioned appreciation to Mr. Olmstead and Mr. Stevenson for their contributions to the Basin 37 Groundwater meetings. He spoke on the Swan Falls minimums and on water administration possibilities for the upcoming year.

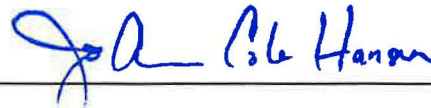
Agenda Item No. 14: Non-Action Items for Discussion

There were no other items for discussion.

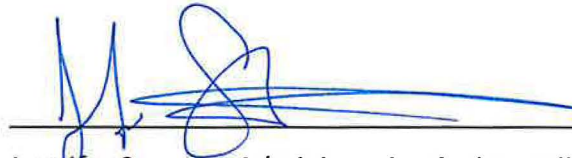
Agenda Item No. 15: Next Meeting and Adjourn

Mr. Patton stated the next scheduled meetings were May 19-20, 2022 in Lewiston and via an online platform. Mr. Van Stone moved to adjourn. Mr. Olmstead seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 11:45 AM.

Respectfully submitted this 20th day of May 2022.



Jo Ann Cole-Hansen, *Secretary*



Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Meeting minutes 1-22, 2-22, and 3-22 were adopted.
2. Adopted a resolution in the matter of the Lower Lemhi 2022 water right subordination agreement.
3. Adopted a resolution in the matter of the Lower Lemhi water right subordination agreements.
4. Adopted a resolution in the matter of the Canyon Creek water transaction agreement.
5. Adopted a resolution in the matter of the Priest Lake Water Management Project construction.
6. Adopted a resolution in the matter of approval of amended rental pool procedures for the Upper Snake River rental pool.
7. Adopted a resolution in the matter of the Treasure Valley Groundwater flow model.
8. Adopted a resolution in the matter of the Big Lost River Groundwater flow model.
9. Adopted a resolution in the matter of the Big Wood River Groundwater Management Area Management Plan—Conservation, Infrastructure, and Efficiency Fund.