

IDAHO WATER RESOURCE BOARD

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L. Claude Storer Idaho Falls *District 4*

Bob Graham

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Gary M. Chamberlain Challis *At Large*

MINUTES OF MEETING NO. 03-02

Friday, April 19, 2002 at the Idaho Department of Water Resources Boise, Idaho

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IDAHO WATER RESOURCE BOARD

MINUTES OF MEETING NO. 03-02

Meeting No. 03-02 of the Idaho Water Resource Board was called to order by Chairman Joe Jordan on Friday, April 19, 2002, 8:30 a.m. at the Idaho Department of Water Resources, Boise, Idaho. (Recording Tape Nos. 1 & 2)

Agenda Item No. 1, Roll Call

Board Members Present

Dick Wyatt, Secretary

Joe Jordan, Chairman Bob Graham Gary Chamberlain Jerry Rigby, Vice Chairman

> Board Members Absent Claude Storer

Leonard Beck Terry Uhling (late)

Idaho Department of Water Resources' Staff PresentHal Anderson, AdministratorBill Graham, Planning Bureau ChiefRita Fleck, Administrative AssistantBrian Patton, Staff Engineer

Guests

Pat Hendren and Craig Bare, Jefferson Irrigation; Rex Pitcher, Preston-Riverdale and Mink Creek Canal Co.; Nick Purdy, Picabo Water System; Bill Novinger and Dr. Holland, Robertson Ditch Co.; Butch Anderson, Leigh Woodruff and Terry Scanlan; Wilderness Ranch Owners Association

Additional Items to the Agenda

Item No. 8 is the Temporary Rules for Underground Injection Control.

Item No. 9 is the Shoshone-Bannock agreement with the state of Idaho, Articles of Understanding.

Motion: Jerry Rigby moved to accept additional items to the agenda. Dick Wyatt seconded the motion.

Voice Vote: 5 Ayes, 0 Nays, 3 Absent. Motion passed.

Item No. 10 is Comore Development's Stream Channel Application for a boat ramp.

Motion: Gary Chamberlain moved to accept Comore Development Corporation's Stream Channel Application as agenda item No. 10. Dick Wyatt seconded the motion.

Voice Vote: 5 Ayes, 0 Nays, 3 Absent. Motion passed.

Agenda Item No. 2, Minutes of Meeting No. 01-02 and 02-02

Motion: Gary Chamberlain moved the minutes be adopted with minor editorial changes. A correction to agenda item No.3, Public Comment by Norman Semanko, Executive Director of Idaho Water Users Association was made. For SCR129 and SB1425, at the time, the IWUA's position was "no position". Dick Wyatt seconded the motion.

Voice Vote: 5 Ayes, 0 Nays, 3 Absent. Motion passed.

Agenda Item No. 3, Public Comment

No public comments.

Agenda Item No. 4, Dworshak Hydroelectric Project Update

A. Project Update

Brian Patton gave the update of the Dworshak Hydroelectric Project. The plant has produced approximately 35.4 million kilowatt hours. It averages 97% on-line time. The amount of energy produced is 89% of predicted production. This is due to low water levels in the reservoir resulting in reduced power head. This season the Clearwater Basin is experiencing higher snow pack and consequently expects water to be available for greater power production due to higher reservoir elevations.

B. Proposed Project Budget

Mr. Patton presented the proposed budget for 2003.

Motion: Gary Chamberlain moved to approve the proposed budget for the Dworshak Hydroelectric Project for fiscal year 2003. Jerry Rigby seconded the motion.

Voice Vote: 5 Ayes, 0 Nays, 3 Absent. Motion passed.

Agenda Item No. 5, IWRB Financial Program

a) Fall River Rural Electric Cooperative – Refund

Jim Wrigley, Wells Fargo Bank, submitted a policy for the Board's consideration. It detailed Mr. Wrigley's role as financial advisor.

Fall River Rural Electric Cooperative has not completed the request for refunding. The matter is not ready for consideration. The matter will be taken up at the next meeting.

b) Dworshak Small Hydroelectric Project – Refunding

Given the low interest rates in the financial bond market, the Board considered refunding its Dworshak Small Hydroelectric Project. Mr. Jim Wrigley, financial advisor, presented the Board with several options considering variable rates, swaps, and free floating financing. The Board and Mr. Wrigley discussed these options extensively, but no option was acceptable. No further action will be taken at this time.

c) Financial Program Status Report

Brian Patton, staff engineer, conducted the status report of the financial program. Mr. Patton reviewed account balances and other business matters.

d) Picabo Livestock Company – Loan Request

The Picabo Livestock Company owns and operates the water system for the Picabo town water system. The company covered the cost and completed a well for the town using operation funds. Now, the company is asking for permanent financing by requesting a loan of \$38,000.

The town of Picabo consists of 26 homes, two commercial connections and the livestock company. Before the well was constructed, the town and company used spring water. Due to regulations governing drinking water, the residents were forced to either treat the water or find another source. This new well will be the permanent source of water.

Nick Purdy, talked with the Board about a potential joint loan and grant program with the Department of Environmental Quality to assist small communities, such as Picabo, to provide assistance for water projects. Mr. Purdy complimented the Board and staff on the efficiency and ease of getting a loan. Gary Chamberlain suggested Mr. Purdy write to the Governor's Office supporting funding for the Board in future state appropriations.

Motion: Bob Graham moved to adopt the resolution (Attachment 1) authorizing a loan in the amount of \$38,000 to the Picabo Livestock Company for a water well. Dick Wyatt seconded the motion.

Roll Call Vote: Beck, Absent; Chanberlain, Aye; Graham, Aye; Rigby, Aye; Storer, Absent; Uhling, Absent; Wyatt, Aye; Jordan, Aye – 5 Ayes, 0 Nays, 3 Absent. *Motion passed*.

e) Dalton Water Association – Loan Request

The Dalton Water Association is requesting a loan in the amount of \$150,000 to replace a water main. The request is for \$150,000. The association provides water to Dalton Gardens,

located north of Coeur d'Alene, which includes 875 homes and 85 commercial connections. The water main is over 50 years old and has deteriorated.

Motion: Bob Graham moved to adopt the resolution (Attachment 2) authorizing a loan in the amount of \$150,000 to the Dalton Water Association for a water main. Jerry Rigby seconded the motion.

Roll Call Vote: Beck, Absent; Chanberlain, Aye; Graham, Aye; Rigby, Aye; Storer, Absent; Uhling, Absent; Wyatt, Aye; Jordan, Aye – 5 Ayes, 0 Nays, 3 Absent. *Motion passed*.

f) Carlin Bay Property Owners Association – Loan Request

The Carlin Bay Property Owners Association proposes to replace a water line and improve its pumping plant. The association requests a construction loan of \$35,000. The funds will be used to improve the system and stop extensive leakage.

Presently, the association has a loan with the Board and would like to add this new amount to the existing loan, keep the same annual payment, and extend the repayment period. Staff recommends approving the new loan, keeping the loans separate and having the loans run concurrent.

Motion: Gary Chamberlain moved to adopt the resolution (Attachment 3) approving a loan in the amount of \$32,014 for 10-years for a water main and the pumping plant upgrade for the Carlin Bay Property Owners Association. This new loan runs concurrently with the existing loan. Dick Wyatt seconded the motion.

Roll Call Vote: Beck, Absent; Chanberlain, Aye; Graham, Aye; Rigby, Aye; Storer, Absent; Uhling, Absent; Wyatt, Aye; Jordan, Aye – 5 Ayes, 0 Nays, 3 Absent. *Motion passed*.

g) Wilderness Ranch Owners Association – Grant and Loan Request

Wilderness Ranch Owners Association, located northeast of Boise on Highway 21, provides water to 210 homes and has future growth potential. The association is requesting a grant of \$7,500 and a loan of \$286,800 to perform the planning and design of a water treatment plant. Funding for the plant and other work is under request as a loan from the Department of Environmental Quality.

Leigh Woodruff, appeared before the Board and explained the need for water by the association. For several years, the association has shut off members' water use due to low water supply. The water treatment plant will help with the water supply. He asked for prompt action from the Board.

Mike Creamer, attorney for the association, reviewed the water rights for the Board and indicated that all is in order. The association has filed an application for transfer to change the point of diversion. The application is before the Department of Water Resources. The application is proceeding, but final action has not been taken.

The Board suggests holding the matter until the application has been approved. The Board will consider the matter either at the next meeting or at a conference call once the application for transfer has been approved.

Motion: Dick Wyatt moved to adopt the resolution (Attachment 4) deferring action on the funding request until the pending transfer application has been acted upon by the Department of Water Resources or the Snake River Basin Adjudication court issues a decree or an authorized use from Mores Creek is obtained. Gary Chamberlain seconded the motion.

Roll Call Vote: Beck, Absent; Chanberlain, Aye; Graham, Aye; Rigby, Aye; Storer, Absent Uhling, Absent; Wyatt, Aye; Jordan, Aye – 5 Ayes, 0 Nays, 3 Absent. *Motion passed*.

h) Preston-Riverdale & Mink Creek Canal Company – Loan Request

The Preston-Riverdale & Mink Creek Canal Company is requesting a loan in the amount of \$500,000 to construct the North Pipeline Project. The company shares facilities with the Preston-Whitney Irrigation system to provide water to about 5,000 acres near Preston. The project will replace the East Canal with a gravity pressure pipeline. This in turn will improve pumping costs, seepage and public safety. The savings in electrical use will assist with covering the Board's annual payment.

Motion: Gary Chamberlain moved to adopt the resolution (Attachment 5) authorizing a loan to the Preston-Riverdale & Mink Creek Canal Company in the amount of \$500,000 with a10-year repayment period for a gravity pressure pipeline. Bob Graham seconded the motion.

Roll Call Vote: Beck, Absent; Chanberlain, Aye; Graham, Aye; Rigby, Aye; Storer, Absent Uhling, Absent; Wyatt, Aye; Jordan, Aye – 5 Ayes, 0 Nays, 3 Absent. *Motion passed*.

i) Jefferson Irrigation Company – Loan Request

The Jefferson Irrigation Company is requesting a \$85,800 loan to deepen a well and drill a new well. The wells in the area are drawing from a shallow aquifer and, as wells go dry, they are being drilled to a deeper level or for a replaced better source of water. The company delivers water to approximately 10,000 acres near Mud Lake for irrigation use.

Motion: Gary Chamberlain moved to adopt the resolution (Attachment 6) authorizing a loan in the amount of \$85,800 for deepening a well and replacing a well to the Jefferson Irrigation Company. Dick Wyatt seconded the motion.

Roll Call Vote: Beck, Absent; Chanberlain, Aye; Graham, Aye; Rigby, Aye; Storer, Absent Uhling, Absent; Wyatt, Aye; Jordan, Aye – 5 Ayes, 0 Nays, 3 Absent. *Motion passed*.

j) Robertson Ditch Company – Loan Request

Mr. Novinger, President of the Robertson Ditch Company, appeared before the Board. He discussed the history of the company and the work proposed to improve the ditch as a delivery system. The Robertson Ditch Company is requesting a \$28,800 loan to rehabilitate the Robertson

Ditch. Originally built in the early 1900's, the company delivers water to 880 acres in the Wood River Basin. The canal has deteriorated to the point where only 20 percent of the natural flow and storage water rights are delivered. The company proposes to reconstruct the channel, canal banks and access road.

Mr. Chamberlain and Mr. Rigby noted that operation and maintenance are important requirements of any ditch company. Unfortunately, previous landowners took little interest in these aspects of the ditch company and it became of little concern as long as water continued to be delivered and was an inexpensive commodity. Only recently, has the ditch company acquired leadership who wishes to address the issues of operation and maintenance. The Board pointed out that its funds are usually used to assist on-going functional entities and that this is a special consideration.

Motion: Dick Wyatt moved to adopt the resolution (Attachment 7) authorizing a loan to the Robertson Ditch Company in the amount of \$28,800 to rehabilitate the Robertson Ditch. Gary Chamberlain seconded the motion.

Roll Call Vote: Beck, Absent; Chanberlain, Aye; Graham, Aye; Rigby, Aye; Storer, Absent; Uhling, Abstain; Wyatt, Aye; Jordan, Aye – 5 Ayes, 0 Nays, 2 Absent, 1 Abstain. *Motion passed.*

k) Skin Creek Water Association

The Skin Creek Water Association is requesting a revision to its original loan to reduce the annual payment. The water system was constructed in the 1960's and provides water to 63 connections. In 1997, the Board provided funds to construct a water treatment plant in the amount of \$188,000.

For two years, the association has made interest only payments. Soon, the payments will almost double and cannot be met even with rate increases. After reviewing the financial situation, an amount of \$14,000 per year was determined to be more in line with economic conditions of the association and the community is serves.

Motion: Dick Wyatt moved to adopt the resolution (Attachment 8) authorizing revisions to the existing loan to the Skin Creek Water Association. Jerry Rigby seconded the motion.

Roll Call Vote: Beck, Absent; Chanberlain, Aye; Graham, Aye; Rigby, Aye; Storer, Absent; Uhling, Aye; Wyatt, Aye; Jordan, Aye – 6 Ayes, 0 Nays, 2 Absent. *Motion passed*.

Bob Graham commented that the picture is not always clear. It first appeared that the Robertson Ditch Company members were doing very little to assist themselves. However, once Mr. Novinger discussed the company and the recent activities, the picture cleared and the Board members were better informed. Mr. Graham remarked how a representative can sometimes make the difference in the Board's decision.

Agenda Item No. 6, Comprehensive State Water Planning Studies

Bill Graham reported:

a) Lower Boise River Basin

Staff is analyzing the information from the Treasure Valley Water Summit and the April 4th follow up session. The plan goals, objectives and issues are being reviewed. In June, staff will begin developing the plan's actions and recommendations.

This plan is scheduled for adoption in late 2003.

In late April, planning staff will commerce screening stream reaches and determine which, if any, streams have outstanding scenic, geologic, recreational and biological attributes. If there are eligible stream, they can be recommended for inclusion as a state protected river.

b) Little Salmon River Basin

On March 27, House Bill 528 was signed into law. It adopted the Comprehensive State Water Plan for Little Salmon River Basin. The plan will be implemented with letters to the Federal Energy Regulatory Commission and the Northwest Power Planning Council as the comprehensive plan for the basin.

Chairman Jordan complemented those whose efforts went into developing this plan.

c) South Fork Clearwater River Basin

Planning staff is collecting information for the resource inventory. Information is being jointly used from a fully collaborative planning effort with the Department of Environmental Quality, U.S. Forest Service and the Nez Perce Tribe. Staff continues to work with the watershed advisory group.

The watershed advisory group holds meetings the third Wednesday of the month. In the June meeting, a greater focus on the comprehensive water plan partnership process will begin.

d) Dworshak Reservoir Operation Plan

The annual meeting to discuss the operation of the Dworshak Project is scheduled for June 4. The meeting will focus on the summer flow augmentation. This meeting will be held in Orofino.

The Water Planning Bureau has hired Mary McGown. She will begin work on April 28.

Katie Koval, the GIS analyst, has resigned. The position will be filled with a planner, Bob Rohrer. The Technical Services Bureau will provide GIS support.

Agenda Item No. 7, Minimum Stream Flow Status

Four minimum stream flow applications were presented for Legislative review. Three were on the Clearwater River and one is on the Lemhi River. These filings were approved without action.

Data is being collected to supplement the proof of beneficial use for Teton River and Elk Creek. The Department of Fish and Game is assisting with the data collection.

A public information meeting has been tentatively scheduled for June 27 in Hagerman to discuss two applications on Billingsley Creek.

Chairman Jordan allowed Mr. Lee Daniels to address the Board. He encouraged the Board's coordination with the Fish and Game Commission and Environmental Quality Board to acquire funds under relicensing of Idaho Power Company's Hell's Canyon Complex facilities. The funds are available under "mitigation enhancement field projects". He suggests reviewing possible field projects, i.e. off-stream storage facilities. He is looking for help for "dysfunctional watersheds and tributaries" such as the Weiser River and sees the Board as a potential partner in these matters.

Added Agenda Item No. 8, Underground Injection Control Temporary Rules

The temporary rules for Underground Injection Control are presented to the Board for adoption. The Environmental Protection Agency has advised Idaho to implement the rules to maintain primacy of the Underground Injection Control Program. Staff will develop permanent rules for the 2003 Legisature's consideration.

Motion: Terry Uhling moved to adopt the resolution (Attachment 9) approving the temporary rules for the Underground Injection Control program. Dick Wyatt seconded the motion.

Voice Vote: 6 Ayes, 0 Nays, 2 Absent. Motion passed.

Executive Session (This and item No. 9 were conducted as the last items of business).

Motion: Gary Chamberlain moved the Board enter into Executive Session with Clive Strong, Deputy Attorney General, to discuss the Shoshone-Bannock Settlement Agreement, pursuant to Section 67-2345, Idaho Code. Dick Wyatt seconded the motion.

Voice Vote: Motion passed by voice vote; 5 Ayes, 0 Nay, 3 Absent.

No action was taken on this matter.

Motion: Claude Storer moved the Board to exit out of Executive Session. Terry Uhling seconded the motion.

Voice Vote: 6 Ayes, 0 Nay, 2 Absent.

Added Agenda Item No. 9, Shoshone-Bannock Agreement

Motion: Terry Uhling moved that a resolution be prepared that incorporates the stipulation between the Shoshone-Bannock Tribe and the State of Idaho. Said stipulation shall be attached as an exhibit to the resolution. Terry Uhling amended his motion by deleting his reference to a written resolution and moving that the Chairman of the Board be provided the authority to execute said stipulation on behalf of the Board. Jerry Rigby seconded the motion.

Discussion: Jerry Rigby commented that the Board supports the State of Idaho and the Shoshone-Bannock in their attempt to resolve these matters. However, the Board is concerns with the lack of notice and timing given the Board.

Roll Call Vote: Beck, Absent; Chanberlain, Aye; Graham, Aye; Rigby, Aye; Storer, Absent; Uhling, Aye; Wyatt, Aye; Jordan, Aye – 6 Ayes, 0 Nays, 2 Absent. *Motion passed.*

<u>Added Agenda Item No. 10, Stream Channel Alteration Application – Comore</u> <u>Development Corp.</u>

Comore Development Corporation filed an application on the South Fork of the Snake River to construct a boat ramp. This area is protected as a recreational river in the South Fork of the Snake River Comprehensive State Water Plan. The plan is conditioned to allow boat ramps, but only after the Board has agreed it meets the conditions of the water plan.

Motion: Jerry Rigby moved adoption of the resolution (Attachment 10) allowing the stream channel alteration permit for the Comore Development Corporation for a boat ramp on the South Fork of the Snake River. Gary Chamberlain seconded the motion.

Voice Vote: 6 Ayes, 0 Nays, 2 Absent. Motion passed.

Agenda Item No. 11, Director's Report

Director Dreher deferred to the Executive Session due to time constraints.

Dick Wyatt asked the Director Dreher to comment on the aquifer in Northern Idaho. The Directors of the Department of Water Resources and Department of Environmental Quality met with Coeur d'Alene and Spokane Chambers of Commerce, community leaders and elected officials to address the water issues in the area and to develop a joint approach to the issues. A water model study is needed to test scenarios and to develop long-term water management methods. Christian Petrich, University of Idaho Water Resource Research Institute and Paul Castelin from the Department of Water Resources are assisting with a scope of work portion of the funding request. Once complete, the chambers will take the request to for a congressional appropriation in Washington, D.C.

Agenda Item No. 12, Other Items Board Members May Wish to Present

The next Board meeting will be held in Rexburg, Idaho on June 13 and 14. The meeting will include a tour to several projects the Board will be considering for funding in the future – Chester Dam and the Fall River Hydropower project at Island Park Reservoir.

The following meeting is tentatively scheduled for August 29 and 30 in the Bear Lake area of Eastern Idaho.

Meeting adjourned at 12:35 p.m., MST.

Dated this _____ day of June, 2002.

D. Richard Wyatt, Secretary

Rita I. Fleck, Administrative Assistant

Board Actions

- 1. Moved to accept additional items to the agenda. Motion passed.
- 2. Approved the minutes of the 07-01 meeting. Motion passed.
- 3. Moved to accept Comore Development Corporation's Stream Channel Application as Agenda Item No. 10. *Motion passed*.
- 4. Moved the minutes be adopted with minor editorial changes. A correction to agenda item No.3, which was the position of Norman Semanko, Executive Director of Idaho Water Users Association, for SCR129 was a "no position" and SB1425 was a "no position". *Motion passed*.
- 5. Moved to approve the proposed budget for the Dworshak Hydroelectric Project for fiscal year 2003. *Motion passed*.
- 6. Moved to adopt the resolution (Attachment 1) authorizing a loan in the amount of \$38,000 for a water well to the Picabo Livestock Company. *Motion passed*.
- 7. Moved to adopt the resolution (Attachment 2) authorizing a loan in the amount of \$150,000 for a water main to the Dalton Water Association. *Motion passed*.
- 8. Moved to adopt the resolution (Attachment 3) approving a loan in the amount of \$35,000 for a water main and the pumping plant upgrade for the Carlin Bay Property Owners Association. *Motion passed.*

- 9. Moved to adopt the resolution (Attachment 4) deferring action on the funding request until the pending transfer application has been acted upon by the Department of Water Resources or the Snake River Basin Adjudication court issues a decree or an authorized use from Mores Creek is obtained. *Motion passed*.
- 10. Moved to adopt the resolution (Attachment 5) authorizing a loan to the Preston-Riverdale & Mink Creek Canal Company in the amount of \$500,000 with a10-year repayment period for a gravity pressure pipeline *Motion passed*.
- 11. Moved to adopt the resolution (Attachment 6) authorizing a loan in the amount of \$85,800 for deepening a well and replacing a well to the Jefferson Irrigation Company. *Motion passed*.
- 12. Moved to adopt the resolution (Attachment 7) authorizing a loan to the Robertson Ditch Company in the amount of \$28,800 to rehabilitate the Robertson Ditch. *Motion passed.*
- 13. Moved to adopt the resolution (Attachment 8) authorizing revisions to the existing loan to the Skin Creek Water Association. *Motion passed*.
- 14. Moved to adopt the resolution (Attachment 9) approving the temporary rules for the Underground Injection Control program. *Motion passed*.
- 15. Moved adoption of the resolution (Attachment 10) allowing the stream channel alteration permit for the Comore Development Corporation for a boat ramp on the South Fork of the Snake River. *Motion passed.*
- 16. Moved the Board to enter into and exit out of Executive Session with Clive Strong, Deputy Attorney General, to discuss federal reserved water rights, possible litigation and other legal matters, pursuant to Section 67-2345, Idaho Code. *Motions passed*.
- 17. Moved that a resolution be prepared that incorporates the stipulation between the Shoshone-Bannock Tribe and the State of Idaho. Said stipulation shall be attached as an exhibit to the resolution. Terry Uhling amended his motion by deleting his reference to a written resolution and moving that the Chairman of the Board be provided the authority to execute said stipulation on behalf of the Board. *Motion passed*.

List of Attachments

Resolution (Attachment 1) authorizing a loan in the amount of \$38,000 for a water well to the Picabo Livestock Company.

Resolution (Attachment 2) authorizing a loan in the amount of \$150,000 for a water main to the Dalton Water Association.

Resolution (Attachment 3) approving a loan in the amount of \$35,000 for a water main and the pumping plant upgrade for the Carlin Bay Property Owners Association.

Resolution (Attachment 4) deferring action on the funding request until the pending transfer application has been acted upon by the Department of Water Resources or the Snake River Basin Adjudication court issues a decree or an authorized use from Mores Creek is obtained.

Resolution (Attachment 5) authorizing a loan to the Preston-Riverdale & Mink Creek Canal Company in the amount of \$500,000 with a 10-year repayment period for a gravity pressure pipeline.

Resolution (Attachment 6) authorizing a loan in the amount of \$85,800 for deepening a well and replacing a well to the Jefferson Irrigation Company.

Resolution (Attachment 7) authorizing a loan to the Robertson Ditch Company in the amount of \$28,800 to rehabilitate the Robertson Ditch.

Resolution (Attachment 8) authorizing revisions to the existing loan to the Skin Creek Water Association.

Resolution (Attachment 9) approving the temporary rules for the Underground Injection Control program.

Resolution (Attachment 10) allowing the stream channel alteration permit for the Comore Development Corporation for a boat ramp on the South Fork of the Snake River.