



IDAHO WATER RESOURCE BOARD

L. "Butch" Otter
Governor

MINUTES OF TELEPHONIC MEETING NO 05-07

Jerry R. Rigby
Chairman
Rexburg
At Large

Idaho Department of Water Resources
Idaho Water Center, Boise Idaho
April 2, 2007

Terry T. Uhling
Vice Chairman
Boise
District 2

Chairman Rigby called meeting 05-07 to order at 10:00 a.m. and requested roll call.

Agenda Item No. 1, Roll Call

Bob Graham
Secretary
Bonners Ferry
At Large

Board Members Attending

**Charles "Chuck"
Cuddy**
Orofino
District 1

Jerry Rigby, Chairman
Vic Armacost
Claude Storer
Bob Graham

Leonard Beck
Gary Chamberlain
Chuck Cuddy
Terry Uhling, Absent

Staff Members and Guests Attending

Leonard Beck
Burley
District 3

Hal Anderson, Administrator
Brian Patton, Bureau Chief
Patsy McGourty, Admin. Asst. II
Neeley Miller, Planner

Dave Tuthill, Interim Director
Phil Rassier, Deputy Attorney General
Bob McLaughlin, PIO
Lynn Tominaga, IGWA

L. Claude Storer
Idaho Falls
District 4

Guests by Telephone

**Gary M.
Chamberlain**
Challis
At Large

Scott Clawson, WD 110-120
Matt Howard, BOR
Diane Tate, CDR Assoc.
Tom Arkoosh, SWC
Rebecca Casper

Jonathan Bartsch, CDR Assoc.
John Simpson, SWC
Harriet Hensley, Deputy Attorney General
Tom Courtney, Twin Falls
Jon Bowling, Idaho Power

**Lawrence "Vic"
Armacost**
New Meadows
At Large

Agenda Item No. 2, Public Comment

There was no public comment.

Agenda Item No. 3, Selection of the Advisory Committee for the Eastern Snake Plan Aquifer Comprehensive Management Plan – CDR Associates

Mr. Anderson stated that staff has been working with CDR Associates and the Governor's Office in preparation for the Water Summit. He turned the meeting over to Mr. Bartsch and Ms. Tate from CDR Associates.

Mr. Bartsch stated that the list is ready for finalization and he would like to set the date for the first Advisory Committee meeting. Mr. Bartsch noted that the item tabled at the last meeting was the suggested County Assessor's Category and he asked the Board if they wanted to approve this category that has been recommended strongly by Governor Otter. Chairman Rigby asked what the purpose of this category was since County Assessors could be contacted at any time. Mr. Anderson responded that the Governor's Office clarified that the Governor wants the assessors sitting at the table to determine any affect on county taxes and economic impacts from recommendations made by the Advisory Committee. Director Tuthill agreed and added that the Governor wants to be sure that the proposed solutions can be implemented.

Chairman Rigby asked how many would be on the committee with this category and Ms. Tate answered 15. **Mr. Armacost moved that the County Assessor Category be added with Max Vaughn, Minidoka County, as primary representative and Blake Mueller, Bonneville County as alternate. Mr. Chamberlain seconded.** Chairman Rigby asked for further discussion. Mr. Beck asked who made the nominations and asked if any County Assessors had attended earlier CDR meetings. Mr. Bartsch stated that both nominees came from the Governor's Office. He noted that they had not previously participated in the ESPA meetings; however, he did think it would be advantageous to have them at the table.

Mr. Cuddy asked if these two counties would be adversely affected by the outcomes. Ms. Tate stated that because of their geographical locations they are in the ESPA area. Mr. Cuddy noted that this category would connect directly with the expertise of the State Tax Commission. Ms. Casper noted that the two counties represented were polarized and suggested that a neutral county might be a better idea. There was discussion about the two nominated assessors and their affiliations. **Chairman Rigby called for a roll call vote.**

Roll Call: Mr. Cuddy, Yes; Mr. Storer, Yes; Mr. Chamberlain, Yes; Mr. Armacost, Yes; Mr. Beck, Yes; Mr. Graham, Yes; Mr. Uhling, Absent; Chairman Rigby, Abstain. Six Yes, 1 Absent, 1 Abstain. Motion passed.

Mr. Bartsch discussed the Domestic Well Owner Category nominees, George Katseanes of Blackfoot as primary representative and Lew Pence from the Mid-Snake Regional Water Resource Commission as alternate. The Governor's Office had suggested Mr. Katseanes, a Blackfoot County Commissioner and former legislator. Both are willing to serve and both are domestic well owners. Mr. Arkoosh asked if either of them had any other associations with any other groups. He also asked if any well drillers had been contacted as was previously suggested. Mr. Bartsch stated that a well driller nominee had not been received. Mr. Arkoosh asked them to pursue a well driller nominee.

Mr. Bartsch asked the Board how they wanted to handle the domestic well owner nominees. Ms. Tate stated that the Advisory Committee could seek information or advice from the well drilling

committee. Mr. Anderson stated that these two people were nominated because they have a broad background and understanding of the issues. Mr. Bartsch stated that both nominees felt confident that they could serve. **Mr. Chamberlain moved that George Katseanes be appointed to serve as the primary representative and Lew Pence as the alternate of the Domestic Well Owner Category. Mr. Graham seconded.** Mr. Beck commented that the well drillers bring a wealth of knowledge. There was further discussion about input from the well drillers. Mr. Bartsch assured the Board that the well drillers could still provide input. **Mr. Cuddy asked to amend the motion to appoint George Katseanes as primary representative and leave the alternate position open for a well driller nominee to be decided. Mr. Beck seconded.** Discussion followed about the well driller issue. Chairman Rigby asked for a vote on the motion to amend the motion to accept Mr. Katseanes as primary representative with a well driller as alternate to be decided.

Roll Call: Mr. Cuddy, Yes; Mr. Storer, Yes; Mr. Graham, Yes; Mr. Armacost, No; Mr. Chamberlain, No; Mr. Beck, Yes; Mr. Uhling, Absent; Chairman Rigby, Abstain. Four Yes, 2 No, 1 Absent, 1 Abstain. Motion passed.

For discussion, **Mr. Cuddy moved that if the well drillers did not accept the nomination in one week, the alternate would be Mr. Pence. There was no second.** Discussion followed about getting a well driller nominee. **Mr. Armacost moved that the Board would automatically accept a nominee from the well drillers association for the alternate.** There was discussion about the well driller nominee's geographical location. Everyone agreed that it should be someone doing business in the ESPA. Mr. Chamberlain stated that the Board would have to approve the nominee. **Mr. Graham seconded the motion. Chairman Rigby called for a roll call vote.**

Roll Call: Mr. Cuddy, Yes; Mr. Storer, Yes; Mr. Graham, Yes; Mr. Armacost, Yes; Mr. Chamberlain, Yes; Mr. Beck, Yes; Mr. Uhling, Absent; Chairman Rigby, Abstain. Six Yes, 1 Absent, 1 Abstain. Motion passed.

Mr. Bartsch addressed the Business Category. Alex LaBeau, IACI President is nominated as the primary representative and Arie Roeloff, a dairyman, as alternate. Mr. Roeloff would not be available for the Governor's Summit. **Mr. Cuddy voiced support for Mr. LaBeau and moved that he be appointed the primary representative with Mr. Roeloff as the alternate. Mr. Armacost seconded. Chairman Rigby asked for further discussion. Chairman Rigby called for a roll call vote.**

Roll Call: Mr. Cuddy, Yes; Mr. Storer, Abstain; Mr. Graham, Yes; Mr. Armacost, Yes; Mr. Chamberlain, Yes; Mr. Beck, Abstain; Mr. Uhling, Absent; Chairman Rigby, Yes. Five Yes, 1 Absent, 2 Abstain. Motion passed.

Mr. Bartsch read the proposed agency participants – from Idaho Department of Water Resources, Hal Anderson, Administrator, Planning and Technical Services Division; Idaho Department of Environmental Quality Participant, Barry Burnell, Water Quality Administrator; Idaho Water and Energy Resources Research Institute, Roy Mink, Former Director; Bureau of Reclamation, Richard Rigby, Special Assistant to Regional Director; and US Fish and Wildlife Service, Jeff Foss. The Board had previously determined that they would accept the nominations from each of these

agencies. Idaho Fish and Game was also to be on the list. Mr. Armacost suggested that NRCS be added to the list.

Mr. Bartsch asked the Board to discuss the named participants, the Legislative role, the Governor's office role and the department's role. Chairman Rigby asked if everyone understood the role of the agency representatives. Mr. Bartsch stated they are participants and their role would be to bring their technical expertise and perspective to the Advisory Committee to assist in developing the management plan. There was discussion about their involvement in meetings. Each agency representative would serve as a point of contact for the Advisory Committee. Mr. Bartsch noted that the Board had already decided to involve agency participants and would accept any agency's participation.

Mr. Simpson noted that some agencies hold water rights and those parties have a different level of interest and should have a place at the table at every meeting. Mr. Tominaga stated that the identified agencies have important input into the planning process and it is important to identify them as a contact person to obtain information. The Advisory Committee should determine their role in the process. Mr. Armacost agreed that identifying an individual as a regular participant was important. Board members discussed adding other agencies and directed Mr. Bartsch and Ms. Tate to contact NRCS for a contact person.

Mr. Bartsch asked the Board to discuss the Legislative role and the Governor's Office role. Chairman Rigby noted that the Board usually approves a plan that goes to the Legislature for their approval. Any legislator would be welcome at the meetings. Mr. Anderson noted that there is an Interim Committee on Natural Resources and the Joint Chairmen are very informed on this process by the Department. Mr. Anderson suggested that they be the contact to keep the Legislature informed. Director Tuthill agreed with Mr. Anderson. **Mr. Cuddy moved that the Advisory Committee communicate with the Legislature through the Co-Chairmen of the Natural Resource Interim Committee with regular briefings. Mr. Chamberlain seconded. Chairman Rigby called for a voice vote. All were in favor.**

Mr. Bartsch discussed the role of the Board in the Advisory Committee process. He encouraged Board member participation with no formal role as it has been with the process so far. Chairman Rigby agreed with this plan and thought there should be at least one Board member at each meeting. There was general agreement on this issue.

Mr. Bartsch stated that the Advisory Committee is finalized except for the well driller alternate. Mr. Bartsch noted follow-up items for CDR of 1) e-mail notice to committee members, 2) interviews with committee members and 3) develop a protocol to run the meetings. Ms. Tate said that the first meeting would be May 10 in the Pocatello-Chubbuck area.

Mr. Bartsch asked Board members for approval of the four tasks. He answered Board member's questions. Ms. Tate asked if the May 10th date for an all day meeting would work for everyone. Mr. Anderson had a conflict with the Spokane-Rathdrum study. Ms. Tate suggested they discuss this by e-mail with Advisory Committee members and the Board. Mr. Beck suggested that it be held right after the Water Summit on April 17th.

Mr. Bartsch asked if the Board wanted to review the operating protocols for the Advisory Committee meetings. Members agreed it was up to the committee.

Agenda Item No. 4, Other Items Board Members May Wish to Present

Mr. Armacost asked about writing a letter to the Governor in support of Interim Director Tuthill's appointment as director. Chairman Rigby was in favor of doing that. Mr. Beck asked where the Governor's Office was in the process. Interim Director Tuthill stated that there has been discussion since the Governor's Office stated they were doing a broader search. He thought the outcome of the Water Summit might weigh in on the decision. Mr. Tuthill thanked the Board for their support but he said the time was not quite right and he would let the Board know if and when they should send written support.

Agenda Item No. 5, Adjourn

Mr. Graham moved that the meeting be adjourned. Mr. Cuddy seconded. All were in favor.

Dated this _____ day of _____, 2007.

Secretary

Patsy McGourty, Administrative Assistant II

Board Actions:

1. Mr. Armacost moved that the County Assessor Category be added with Max Vaughn, Minidoka County, as primary representative and Blake Mueller, Bonneville County as alternate. Mr. Chamberlain seconded. Chairman Rigby called for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Storer, Yes; Mr. Chamberlain, Yes; Mr. Armacost, Yes; Mr. Beck, Yes; Mr. Graham, Yes; Mr. Uhling, Absent; Chairman Rigby, Abstain. Six Yes, 1 Absent, 1 Abstain. Motion passed.

2. Mr. Chamberlain moved that George Katseanes be appointed to serve as the primary representative and Lew Pence as the alternate of the Domestic Well Owner Category. Mr. Graham seconded. Mr. Cuddy asked to amend the motion to appoint George Katseanes as primary representative and leave the alternate position open for a well driller nominee to be decided. Mr. Beck seconded.

Roll Call: Mr. Cuddy, Yes; Mr. Storer, Yes; Mr. Graham, Yes; Mr. Armacost, No; Mr. Chamberlain, No; Mr. Beck, Yes; Mr. Uhling, Absent; Chairman Rigby, Abstain. Four Yes, 2 No, 1 Absent, 1 Abstain. Motion passed.

3. Mr. Armacost moved that the Board would automatically accept a nominee from the well drillers association for the alternate. Mr. Graham seconded the motion. Chairman Rigby called for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Storer, Yes; Mr. Graham, Yes; Mr. Armacost, Yes; Mr. Chamberlain, Yes; Mr. Beck, Yes; Mr. Uhling, Absent; Chairman Rigby, Abstain. Six Yes, 1 Absent, 1 Abstain. Motion passed.

4. Mr. Cuddy voiced support for Mr. LaBeau and moved that he be appointed the primary representative with Mr. Roeloff as the alternate for the Business Category. Mr. Armacost seconded. Chairman Rigby asked for further discussion. Chairman Rigby called for a roll call vote.

Roll Call: Mr. Cuddy, Yes; Mr. Storer, Abstain; Mr. Graham, Yes; Mr. Armacost, Yes; Mr. Chamberlain, Yes; Mr. Beck, Abstain; Mr. Uhling, Absent; Chairman Rigby, Yes. Five Yes, 1 Absent, 2 Abstain. Motion passed.

5. Mr. Cuddy moved that the Advisory Committee communicate with the Legislature through the Co-Chairmen of the Natural Resource Interim Committee with regular briefings. Mr. Chamberlain seconded. Chairman Rigby called for a voice vote. All were in favor.