



# Eastern Snake Plain Aquifer (ESPA) Comprehensive Aquifer Management Plan

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## Advisory Committee

### Meeting Notes

Date: Thursday, May 10, 2007

Time: 10:00 am - 5:00 pm

Location: Ramada Inn, Pocatello (133 West Burnside Ave., 83202)

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### Attendees:

#### Advisory Committee Members

1. Alex LaBeau – Idaho Association of Commerce and Industry
2. Randy MacMillan – Clear Springs Foods
3. Dee Reynolds – Fall River Electric
4. Dan Schaeffer – A&B Irrigation District
5. Jeff Raybould – Fremont-Madison Irrigation District
6. George Katseanes – Blackfoot
7. Tim Deeg – IGWA
8. Kim Goodman – Trout Unlimited
9. Craig Evans – Water District 120
10. Albert Lockwood – Northside Canal Company
11. Rich Rigby – Bureau of Reclamation
12. Dean Stevenson – Magic Valley Ground Water District (MVGWD)
13. Will Whelan – The Nature Conservancy
14. Lloyd Hicks – Burgess Canal Company
15. Jared Fuhriman – City of Idaho Falls
16. Rebecca Casper – Ball Ventures
17. Roger Chase – City of Pocatello
18. Roy Mink – IWRRRI
19. Jeff Foss – US Fish and Wildlife
20. Barry Burnell – Idaho Department of Environmental Quality (DEQ)
21. Don Parker – Water District 110
22. Scott Clawson – Water District 110
23. Vince Alberdi – Twin Falls Canal Co.
24. Lance Clow – City of Twin Falls
25. Stan Standal – Mixed Use
26. Jim Tucker – Idaho Power
27. Dave Parrish – Idaho Fish and Game
28. Randy Bingham – Burley Irrigation
29. Steve Howser – Aberdeen Spring Field Canal
30. Linda Lemmon – Idaho Aquaculture Association
31. Bob Muffley – Middle Snake Regional Water Resource Commission
32. Steven Serr – Bonneville County
33. Hal Anderson – IDWR

#### Other Attendees

34. Dell Raybould – State Representative
35. Dale Swensen – Fremont-Madison Irrigation District
36. Tom Arkoush – Surface Water Coalition (SWC)

37. Craig Carter – Peyron and Associates
38. Steve Brown – Senator Craig’s Office
39. Dan Temple – A&B Irrigation District
40. John Simpson – BRS
41. Peter Anderson – Trout Unlimited
42. Evelyn Small – Shoshone Bannock Tribal Media
43. Kevin Marsh – Idaho State University
44. Lynn Tominga – Idaho Groundwater Appropriators (IGWA)
45. Senator Steve Bair – Senator/Farmer
46. LaMan Barnes – Barreg Drilling
47. Ken Andrus – State Legislature
48. Don Dixon – Senator Crapo
49. Sam Nettinger
50. Dan Boyd – Idaho State Journal
51. Lyle Swank – Idaho Department of Water Resources Water District 1
52. Greg Lamming – City of Pocatello
53. Stanley Williams – Citizen
54. Keene Hueftle – South East Idaho Environmental Network ( SEIEN)
55. Roget Ling – A&B Irrigation District & BID
56. Randy Budge – Idaho Groundwater Appropriators (IGWA)
57. Alison Beck Haas – United States Fish and Wildlife Service (USFWS)
58. Michael Strickland – Idaho State Journal (columnist)
59. Howard Hall – McCamon ditch company
60. Dovey Hart – Hart/Love Ranch

## **MEETING AGENDA**

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- 1. Welcome, Introductions and Agenda Review**
- 2. Discussion of Operating Protocols**
- 3. Identification of Interests**
- 4. ESPA Framework and Committee Work Plan**
- 5. Logistics, Future Meeting Dates and Next Steps**

## **WELCOME, INTRODUCTIONS & AGENDA REVIEW**

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Jerry Rigby, Chairman of the Idaho Water Resource Board, welcomed the Advisory Committee and outlined the importance of the CAMP process. He encouraged the Committee to develop agreements on aquifer management recommendations and to work through the difficult management issues. While recognizing the Board’s aquifer management decision making authority and the importance of public input, Jerry emphasized that consensus Advisory Committee recommendations will be taken very seriously by the Board. Jerry asked that Committee meetings remain informal and indicated that Committee members are not required to wear jackets or ties.

Jonathan Bartsch, CDR Associates, welcomed the group and noted that while Committee members have different perspectives and goals, they will need to work together to educate each other and identify solutions that address members’ interests. He emphasized that the

focus of the Committee is aquifer solutions in the mid to long term timeframe. Addressing the 2007 water year issues, as was discussed at Governor Otter's Water Summit, is being addressed by stakeholders in other venues and is not the focus for the CAMP Advisory Committee.

Diane Tate, CDR Associates, welcomed the Committee, facilitated introductions and reviewed the contents of the Advisory Committee binders. Diane noted that the contact list tab had not been completed and encouraged members to sign-in and provide accurate contact information. The Committee contact information will be compiled and distributed. The primary means of Advisory Committee communication will be through electronic mail (e-mail) and postings on the website ([www.espaplan.idaho.gov](http://www.espaplan.idaho.gov)). Additional copies of Committee hand outs will be provided in the future for other ESPA stakeholders.

## **OPERATING PROTOCOLS**

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The Committee reviewed the Draft Operating Protocols, which outline the purpose, roles and responsibilities of the Board, Advisory Committee members and facilitators. The Protocols were reviewed and discussed by Committee members. A new draft, using Committee input, will be distributed to the Committee for review and decision making at the June 5, 2007, Committee meeting. See attached 5-10-07 Operating Protocols for a 'marked' copy of the Protocols.

During the Operating Protocol discussion, Committee members suggested revisions, asked questions and provided input. The following are questions and comments raised during the discussion organized according to Protocol section.

### **I. Advisory Committee Purpose**

- 1) A proposal was made to add "within the laws..." to the purpose statement. Q: Does that preclude this group from making suggestions for ways to modify state law? Some Committee members suggested that the CAMP should be consistent with existing state law while other members suggested that there may be current laws and regulations that hinder the management of the aquifer.
- 2) Q: Are there other requirements that need to be included in these operating protocols because this group is a committee appointed by a state board? During this process it might be helpful to have specific discussions between members of the committee – does this group have restrictions regarding how many members can get together without triggering the open meetings rules? Response: Harriet Hensley, Attorney General's office, will research this issue and provide feedback to the Committee.
- 3) The issues are broader than just the ESPA – management will affect the whole Snake River basin, and the connected resources. This is not an attempt to expand the task, but

to recognize that the ESPA is hydrologically connected to spring flows and the river.. Other comments suggested that: A) Our main focus is on the ESPA – there are other things we can't manage, but it is the aquifer we are talking about. B) Legislation specifically referred to ESPA. C) Achieving consensus just about the aquifer is going to be difficult enough, without broadening the scope. There was Committee agreement, however, that the management plan must take into account the connected resources and that this is why the Advisory Committee membership includes a range of interests.

### **III. The Comprehensive Management Plan (CAMP)**

- 1) Q: Can we add an objective that would address providing water for municipal growth? You can't decrease demand and provide water to new homes and development at the same time. There has to be a plan for cities to acquire future water rights and plan for growth – we can have more water rights than we currently use (unique). If the first objective (increase predictability for water users by managing for reliable supply) can include mention of cities it may address the concern. From a municipal perspective, we don't want to go through the condemnation process.

Other Committee members suggested that the objectives not include references to specific water uses, since if these objectives single out one set of water users, others will request the same treatment. Members suggested that the first objective covers the situation of cities. Another member suggested that all water users need the same question answered: what rules and process should be followed to acquire a secure water supply (certainty).

- 2) Q: Are we limited to actions that can be taken by the Board, or can we make recommendations for actions that would need to be taken by entities other than the Board? A: Jerry Rigby noted that in the Board's water plans, actions to be taken by other entities are often recommended, the same can be assumed for the CAMP.
- 3) There was a suggestion to remove the language "...water budget – increase supply or reduce demand – that will show results both in the short and long term," in order to consider other options outside traditional management approaches. Another member suggested that the 'fundamentals' must be included i.e., increasing supply and decreasing demand and argued that items such as increasing reuse would fall in the 'managing

demand category'. A different member suggested that there are numerous ways to manage the aquifer, and that we don't need to list everything. The word management could be sufficient – it is the most important thing. See highlighted changes in the Operating Protocols.

#### **IV. Board and Committee Responsibilities**

- 1) Q: When the group has a proposal under discussion, would the Committee be asked to decide on that proposal on the day it is presented, or would time be allowed for each member to take that proposal back to their constituent group? It was recommended that space between meetings be provided to solicit constituent input. A: Yes, time will be provided to ensure an informed constituent group and greater chance of implementation. See highlighted change in the Operating Protocols.
- 2) Q: Are there notification requirements if an alternate is going to be taking the place of a representative at a particular meeting? A: The representative and alternate need to coordinate but there is no notification required.
- 3) Q: Are the use of proxies envisioned in this process? A: The Committee will not use proxies unless decided otherwise by members.

#### **V. Decision Making**

- 1) Q: Is the Committee going to make one decision at the end of the process or multiple decisions throughout? It was suggested that items should be taken to the Board or the Legislature throughout the process. A: Jonathan, CDR Associates, envisions multiple recommendations, throughout the process and noted that this question is addressed in the proposed Work Plan. Jonathan also noted that some decisions may be dependant on other subsequent discussions.
- 2) A member noted that if you leave option three (“a member may block consensus and request that the group announce that there was not an agreement on a particular question or issue,”) it will be difficult to reach consensus, because people will use that as an “out”. “Block” may be the problematic word.
- 3) It was suggested that this ESPA management is a tough issue and that the Committee is going to have to work on it as time goes on. We are not sure what sticky issues will come up – what we have in the Protocols is good enough to allow the process to move forward.

- 4) Because this committee is charged with advising the Board, the ability to document different opinions, if consensus is not reached, will be important to the Board (as important as a consensus).

(See highlighted changes in the Operating Protocols for discussion.)

## **VI. Technical Support**

- 1) Q: If we need technical input, advice, or someone to explain something to us, how do we go about getting that help? A: The Committee will discuss this later in the process.

## **VII. Representation of other Interest Group Views**

- 1) It was noted that this is an important section and is much easier to do when it meetings are not open to the public. The question is how do you do this in the CAMP process, especially with litigation pending? How do we manage the process to make sure people feel comfortable doing this? How do we encourage frank and open discussions, given that the meetings are open? It was recognized that this issue will need further discussion.

## **VIII Constituents**

- 1) It was noted that since the public may not be well-informed about this process, it may be useful to use media to communicate with constituencies. A Committee member mentioned that we need to preserve the ability of committee members to communicate with the press.
- 2) Communicating with some constituencies may be difficult. May need to publish contact information for interest group representatives, and suggest that those interested get in touch with their representative. May also be ways to work with the press to solicit feedback from members of interest groups (not everyone has e-mail).

## **X. Communication with the Media**

- 1) Q: Can we suggest that the media focus less on what individuals say, and more on what the results are coming out of the process? Could we make that request to the media – please focus on results and not on the deliberations?
- 2) The Committee needs to be careful about what information we give the press. It may work better if the facilitator's communicate on behalf of the group.

- 3) The Committee may want to do press release on behalf of the group at end of each meeting. A press release would put media reports in context.
- 4) It was noted that the press is going to do what the press is going to do – we cannot stop our deliberations because of what the press may or may not print. We can't dictate to them. We need to do what needs to be done and not worry about the press.
- 5) The press will be reporting what *they* heard – how will we make sure that information we're putting out is consistent?
- 6) Another member highlighted that there is only one thing we can do – not disrespect the positions and interests of others in the group. We have to be respectful even of positions we don't agree with.

## **INTEREST BASED PROBLEM SOLVING**

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The interest-based problem solving approach was introduced to the Committee as a means for discussing the aquifer management issues. An interest-based problem solving process begins with developing and preserving a working relationship, educating each other about needs and then jointly problem solving on how to meet those needs. Jonathan noted that the Advisory Committee will be encouraged to use such an approach during CAMP deliberations. For more interest-based problem solving information see attached PowerPoint presentation.

After the short presentation, the Advisory Committee discussed their interests in the aquifer management plan. Diane, CDR Associates, outlined a few questions for the small groups to consider. The questions included:

- I need a management plan that \_\_\_\_\_.
- A good management plan will \_\_\_\_\_.
- A well-managed aquifer \_\_\_\_\_.
- A good management plan process will \_\_\_\_\_.

Members discussed input in small groups and recorded input on Post-it notes. The following is a summary from this discussion.

### **Advisory Committee Process – Interests**

- Process is creative and allows room for different solutions, all issues and solutions explored
- Builds on experiences from other states
- Multi-tiered emphasis that examines small and large water use needs involved
- Results in win/win solutions that benefit fish and wildlife and meet users' needs
- Fosters cooperation among water users
- Focuses on the long term

- Focused meetings that provide opportunity for idea exchange
- Residential users considered in the management alternatives
- Public is kept aware of the issues and doesn't get left behind
- Results in a plan that is broadly supported by the public and politicians
- Results in a management plan that is easily understood
- Considers and addresses fish, land use and wildlife needs

## **Comprehensive Aquifer Management Plan Results – Interests**

### **Aquifer Levels and Predictability**

- Balances water inflow/outflow for the aquifer
- Results in adequate levels for users; adequate water supply
- Stabilizes the aquifer and connected resources
- Long-term enhancement and predictable supply and demand

### **Water Quality**

- Preserves water quality
- Considers water quality – and all beneficial uses

### **Other**

- Protects water right holder by determining how to better recover flows
- Permits the drilling of recovery wells

### **Laws and Regulations – Interests**

- Consistent with existing rules and laws
- Looks beyond existing law for solutions
- Priority system respected and addressed in the Plan
- Develops simplified laws and rules that are more understandable.
- Avoids unnecessary administrative delays

### **Management Tools and Analysis – Interests**

- Vet and use groundwater model for the aquifer management application
- Based on sound science and is socially acceptable

### **Management Alternatives – Interests**

- Examines additional storage capacity
- Explores conservation/reuse
- Provides for recharge to the aquifer
- Pursues value added investments
- Examines reutilization of water – manage demand

### **Economic Analysis and Impacts – Interests**

- Preserves viable businesses in the sector
- Accommodates future population growth and development



- Provides water to support a growing economy
- Addresses the economic impact of management in water short years
- Provides mitigation water in-season and on timely basis – finish irrigating the crop
- Identifies how to best use the water when it is available
- Explores market-based approaches
- Allows for long-term farming business decisions to be made
- Protects economic viability:
  - Banker needs to know whether producer loan is viable
  - Helps the next generation needs to determine if they want to farm
  - Maintains processing and investments

### **Cost and Funding – Interests**

- Implementation and operation costs distributed across water users
- State and Federal financial support for management plan
- User fee structure identified
- Secures needed funding
- Incentives (financial) to manage the aquifer provided

### **Implementation and Monitoring – Interests**

- Plan is ‘doable’, ‘implementable’, achievable and affordable
- Monitoring plan developed and enforced
- Continuous measurement system outlined
- Identification of clear actions that can be implemented
- Quantifiable objectives identified with an implementation plan

### **Miscellaneous – Interests**

- Recognizes that not all water is equal – potable/non-potable sources
- Recognizes the difference between seasonal and year-round water needs, i.e. municipal and fish propagation

## **COMMITTEE WORK PLAN**

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The Committee reviewed the proposed Work Plan and discussed a range of issues regarding the Committee approach. The following are notes from this discussion.

### **General Discussion**

- Q: How does the legislative timeframe connect with this work plan? Are we going to be able to deliver a timely product? The legislature may want to do the same type of activity in a smaller time frame. Another member noted that generally, the Work Plan should be a fluid process, where work is conducted concurrently versus sequentially. A Committee member cautioned that if you focus on the 2007 water year or the next legislative session the Committee may lose site of the long-term goals. The Framework Plan (2007), it was

noted, addresses interim measures that could be taken to address issues earlier in the process.

Other Members noted that the 16-18 month process may need to be responsive to Legislature's Interim Committee needs and timing. Others noted that there is little likelihood of 'someone else' finding the answer to the ESPA management issues, and urged the group to stay focused on the task at hand. It was noted that 'short-term fixes' developed in the ESPA over the past years have not been successful in balancing the water budget.

- One Member encouraged the Committee to discuss rules and laws that may prevent positive changes. If barriers to managing supply and demand are identified and there is a need for legislative action, these issues should be addressed early in the work plan. The Committee may need to compile list of statutes and rules and solicit information about the rationale and context for each.

Another member encouraged the Committee to focus on how to manage water within existing water administration rules.

- Adaptive management strategies and approaches may need to be developed along the way, not only at the end of the process.
- What is the plan for revising this aquifer management plan? A: The Board's intention is that the ESPA Plan guide the management forever with adaptive management strategies and institutions along the way.
- The Committee discussed holding widely advertised public meetings when each task is completed. Advisory Committee members suggested that the Committee address the public meeting issue later in the process, after the Committee has been able to make progress on some of the tasks.

## **Interim Targets**

- The Committee needs to know what data exists and what data does not exist. We need to get on the same page with regard to these figures. It was noted that the IWWRI folks may have the most comprehensive information and can provide information on the interaction of the model volumes and magnitudes; however, setting an interim target is a policy task and not a technical issue alone.

Other members suggested that the biggest problem we have is the metrics, we need to have an understanding of what assumptions and approaches people are using including, flow measurements, inputs and outputs, horsepower measures; we need to know how much is coming out of the aquifer. The Committee needs to have a water budget conversation. Facts and figures are needed to inform this conversation.

- The groundwater model should be used as a baseline for initiating the discussion of interim targets. The Committee needs to be in agreement as to the baseline (inputs/outputs) for use in deliberating interim targets. Another Member noted that the model has been criticized and would like to hear what weaknesses are inherent in the model. It was suggested that appropriate experts who have different perspectives regarding the application of the model join the group to discuss the basis for their views.

There is a need to separate the water budget from the flow model (hydrogeology) and the scenarios and applications. What the model can be applied for is the basis of the criticism. The debate is about how the model is applied.

- A key question in determining an Interim Target is whether the Committee is going to focus on what is achievable versus what will solve the problem of the aquifer; these are two different things. If we focus on the model – how much can we do with X alternative and then add all the management alternatives together, it becomes the goal. However, this is a different matter than looking at the problem and trying to solve it. This is an important Committee threshold question.
- One way to go about this is to ask ‘how will we know when the aquifer has been fixed?’ Is it a leveling off of spring discharges and increased reach gains; depth pressures; lawsuits go away etc... What are the quantifiable signs that would indicate that we have addressed the problem?
- The Committee needs to establish what is achievable – what is achievable may be the best that can be done. Diane noted that the Committee may need to address these questions from both directions, i.e. what is the ideal as well as what is achievable.
- The future water needs of the cities must be taken into consideration.

### **Management Actions**

- Once we determine what can be done, we need to figure out how to do it. Need to reach an agreement on baseline information (in/outs); magnitude of changes required. We cannot let the technical experts take over the process. When we ask for technical information the Committee must give clear direction about what we want to hear from them. Specific questions are necessary to achieve the desired outcome from technical presentations.

### **Funding Mechanisms**

- There is a difference between determining what a management scenario will cost and identifying how it will be funded. The Committee needs to have ‘real time data’ regarding costs. The funding discussion will come later but what is needed early in the process is the gross funding needs and an examination of costs/benefits and impacts.

### **Adaptive Management**

- Implementation of the plan is key and will be done in phases. The Committee must develop an implementation plan with mechanisms for documenting when strategies are implemented.
- Another Member asked whether the Committee will be involved in the implementation phase and what happens when the Committee hands this issue off to the Board. Is the Committee responsible for ensuring implementation? When is the Committee's work finished?

See attached 'highlighted' Work Plan for finalization at the June 5, 2007, meeting.

## **TECHNICAL ANALYSIS: ADJUSTING SUPPLY AND DEMAND**

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Brian Patton, IDWR, outlined the 18 technical study tasks that will support the Advisory Committee deliberations. See attached PowerPoint presentation for more information.

Brian asked the Committee to complete a matrix and evaluate, if possible, the alternatives to be analyzed. A number of Committee members were unsure how to proceed with the assignment and requested a revised matrix that includes a complete list of the studies that illustrates which ones are data gathering exercises and which tasks are analytical. Brian agreed to develop a new matrix along with clear instructions for Advisory Committee members. Brian was asked how the information received from the Committee will be used and responded that the input will be used to identify research priorities, concerns about the study tasks, and to educate Committee members about the technical issues as needed.

In addition to this homework, Jonathan asked that the Committee generate additional data questions that they believe need to be addressed. He requested that list be brought to the next Committee meeting.

Q: Can we get the Strawman proposal updated? A: The Strawman Proposal (2004) was a previous attempt to define the needed annual aquifer budget change and has not been updated. However, this will be the first issue addressed i.e. identification of the quantitative target to pursue.

A Committee member reiterated that it would be important to learn how other western states have or are addressing similar issues and lessons learned.

## **MEETING SCHEDULING, LOGISTICS AND NEXT STEPS**

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The Committee discussed meeting scheduling, logistics and next steps. The next meeting was scheduled for June 5, 2007, in Twin Falls from 10:00 am – 5:00 pm. The meeting will be held at the **College of Southern Idaho, Taylor Building, 315 Falls Ave. Twin Falls, Idaho 83301.**

At this meeting a predictable meeting schedule will be established with Committee members. The Committee decided that meetings should usually be scheduled between 10:00 am and 5:00 pm to allow time for early morning work and travel. The meeting locations will rotate across the ESPA.

The Advisory Committee also decided that while only representatives will provide recommendations to the Board, that alternates and agency representatives should participate in deliberations. Additionally, it was suggested that representatives, alternates and agency representatives have different color name tents for the purpose of identification. Agency participants are encouraged to share relevant policy and technical input during the Committee discussions. The Committee determined that a U shape table should be used at future meetings to encourage discussion. It was noted however that this structure is not advantageous for breakout groups.

## **PRESENTATIONS, HAND OUTS AND MATERIALS INCLUDED IN BINDERS**

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- Committee Binder included Meeting Agenda, Draft Operating Protocols, Legislation of interest, ESPA Framework, CDR Presentations, ESPA work plan and a draft contact list
- PowerPoint Presentation “Adjusting Supply and Demand: Technical Analysis to Support the ESPA Management Plan” presented by Brian Patton (IDWR)
- Qualitative Evaluation Matrix of ESPA Framework Plan Interim Measure Studies
- PowerPoint Presentation “Interest-based Problem solving” presented by CDR Associates.

## **KEY TERM GLOSSARY FOR COMMITTEE**

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<b>Ac-ft</b>	Acre-feet
<b>CAMP</b>	Comprehensive Aquifer Management Plan
<b>cfs</b>	Cubic feet per second
<b>CREP</b>	Conservation Reserve Enhancement Program
<b>CRP</b>	Conservation Reserve Program
<b>ESPA</b>	Eastern Snake River Plain Aquifer or Eastern Snake Plain Aquifer
<b>IDWR</b>	Idaho Department of Water Resources
<b>IWRB</b>	Idaho Water Resource Board (also abbreviated as “Board”)