



**Eastern Snake Plain Aquifer (ESPA)  
Comprehensive Aquifer Management Plan  
Implementation Committee**

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**Meeting Summary  
Tuesday, October 13 2009  
10 am – 5 pm  
Idaho Falls City Council Chambers**

**Agenda**

**1. Welcome, Introductions, Agenda Review and Meeting Note Finalization**

**2. Discussion: Ongoing Role of Implementation Committee**

Goal: Review Board input regarding on-going role of Implementation Committee

**3. Presentation and Discussion: ESPA Plan – Funding Collection Mechanism**

Goal: Review Board and Interim Committee's direction regarding funding collection mechanism.

**4. Presentation and Discussion: Working Group Updates**

- Conversions Working Group
- Demand Reduction Working Group
- Weather Modification Working Group
- Recharge Working Group

Goal: Provide Committee with substantive updates and recommendations developed by Working Groups

**5. Discussion: Additional Plan Components**

Goal: Determine how best to address Plan components, including discussion regarding a draft decision making process template for Plan implementation

**6. Discussion: Next Steps and Meeting Scheduling**

**7. Public Comment**

*All presentations made during the meeting can be found on the project website:  
[www.espaplan.idaho.gov](http://www.espaplan.idaho.gov)*

## 1. Welcome, Introductions, Agenda Review and Note Finalization

Jonathan Bartsch, CDR Associates, welcomed the group and facilitated introductions. Jonathan noted that the focus of the October Implementation Committee meeting is on updates and recommendations from the five Working Groups. Jonathan also reminded the group that the December Implementation Committee meeting (December 16 and 17) is a critical milestone, at which point firm recommendations should be ready for review, refinement and approval/rejection. Jonathan reviewed the agenda and the Committee finalized the Meeting Summary from August 13, 2009.

## 2. Ongoing Role of the Implementation Committee

The first year of the Implementation is focused on organization and putting an institutional structure in place for the Plan which requires intensive action necessitating frequent meetings. As the ESPA Plan matures and moves toward project(s) implementation, the composition and tasks for the Implementation Committee will likely change. The Board requested the views of the Implementation Committee and the following is a summary.

- ***Composition and Term of Service:*** Implementation Committee members indicated support for the future Committee composition to be consistent with the membership of the current group (water users, conservation interests, agency representatives, etc). Additionally, the group would like a term of service to be staggered so that the Implementation Committee always has experienced members in the group. Three years was suggested as the length of any term of service; membership could be renewable.
- ***Role of Members:*** The expressed role of the Implementation Committee members is consistent with the Operating Protocols, agreed upon at the June 2009 Implementation Committee meeting. Specifically, the responsibility of the Committee is to be ambassadors for the Plan and educate their larger constituent group about discussions, options and actions. Essentially, Implementation Committee members serve as the key component in a feedback loop between their constituent groups and the Plan implementation. Another important element regarding the role of Committee members is that members represent a larger interest group (i.e. conservation or irrigated agriculture), not only their entity and are responsible for relaying a range of perspectives.
  - One member pointed out that the vitality of advisory groups often diminishes over the course of a long-term project, and that one way to combat this is to have a clear sense of deliverable(s) and tasks.
  - Vince Alberdi, IWRB Member, indicated that the IWRB views the relationship between the Implementation Committee and the Board as a partnership. The IWRB relies on the Committee to make do the leg work, build support and provide recommendations; the Board will provide feedback when additional considerations need to be made when formulating a decision.
  - It was pointed out that the IWRB and the Idaho State Legislature are kicking decisions back to the Implementation Committee for final discussion and recommendation development, like the funding mechanism, not the other way around.

- **Accountability:** The group wants clearer definition around what the Implementation Committee is accountable for under the ESPA Plan and its implementation. Several members mentioned the need for taking some degree of ownership for the Plan (communicating the benefits etc...) and the decisions that fall under the Plan, while recognizing that the Board is the final decision maker.
- **Frequency of Meetings:** Several members of the group mentioned that the Implementation Committee might need to meet approximately 4 times a year in the future years. Others indicated the likely need to meet more often, in order to keep the momentum of the group moving forward, make decisions and adaptively manage the resource.
- **Working Groups:** The vision of having smaller meetings, Working Groups, to continue to do the ‘heavy lifting’ was discussed. The group did not come to a consensus on the number of meetings that might take place each year. Working Group will need to discuss and decide upon their desired meeting schedule and the support needed to continue the decision making process. Others, including consultants, will continue to play a role in the Working Group process.
- **Sense of Purpose:** The Implementation Committee would like to see a clear sense of purpose when any meetings are taking place. The group does not want to meet just for the sake of meeting and continuing the momentum. The Implementation Committee needs to review existing projects and recommendations and make decisions about plan implementation in order to have purpose at these meetings.
- **Role of Legislature:** The Implementation Committee requested clarification on what needs to be reviewed/approved before the Idaho State Legislature and what does not. Is an annual update necessary? Do they want to be consulted when making certain project-related decisions? Again, clarification is needed.
- **Process of Implementation Committee Meetings:** Members would like to establish a clear process for how decisions will be made. Some members recommended a formalized town meeting process for making decisions. Others recommended that the group continue on in the same fashion – thumbs up or down – when deciding on recommendations. A number of Implementation Committee members indicated support for this approach because it has been working for several years.

### 3. ESPA Plan – Funding Collection Mechanism

Jonathan Bartsch updated the Implementation Committee on the progress of the Funding Working Group (WG) and discussions with the Interim Legislative Committee and the IWRB. The proposed fee-based funding mechanism, collected either through the county treasurer’s office and/or the water districts, received positive reception from the Interim Legislative Committee and the IWRB in late September. Specifically, the Interim Legislative Committee passed a motion to move forward with the conceptual approach outlined by the Implementation Committee. The IWRB and Interim Legislative Committee are amenable to a fee collected through the Water Districts, the Counties, or some combination of the two. The legislature would like the Implementation Committee to develop draft legislation prior to the legislative session. Enforcement of unpaid fees is an issue that needs further clarification. The Association of Idaho Counties voted to indicate that the ESPA Plan fee could be collected by county treasurers and identified representatives to help draft legislation.

### *Incidental Recharge*

HB 264, the legislation that authorizes the ESPA Plan, includes the following statement on incidental recharge: “Section 4. The CAMP recognizes that incidental ground water recharge that occurs as a result of the exercise of surface and flood irrigation water rights is an important component of the Eastern Snake Plain Aquifer water supply. The CAMP implementation plan shall include measures that recognize the benefits of incidental recharge, and that will encourage water users and canal managers to continue their historic surface water diversion practices.” Several members indicated particular interest in moving forward with identifying specific measures that recognize incidental recharge as a component of ESPA Plan implementation. They are concerned that if such behaviors were not incentivized it may promote the discontinuation and could undermine the Plan components. A number of other members pointed out that the Legislature (and others) had the “wisdom” to include incidental recharge in HB 264 and that the discussions will continue. They also indicated that they would like these conversations to occur *within* the Working Groups and the Implementation Committee, rather than outside the established ESPA process. The Implementation Committee would like the Recharge WG to discuss the issue of incidental recharge, rather than the Funding WG. Additionally, various members requested additional information on incidental recharge (including attributable hydrologic benefits) in order to make informed decisions.

### *Agreement*

- The Implementation Committee will move forward with a mandatory fee based approach with a preference for collection through the Counties and/or Water Districts.

### *Next Steps*

- Discuss ESPA funds collection with the Counties and refine approach with Water Districts on October 28, 2009.
- Develop a timeline for IWRB and the Interim Legislative Committee on the proposed schedule of the funding mechanism.
- Discuss a number of identified issues (ESPA vs. entire state, ESPA boundaries, logistics oversight)
- Draft language for the proposed mandatory fee mechanism prior to the beginning of the Legislative session
- Schedule a Recharge Working Group to discuss the analysis of the incidental recharge effort.

## **4. Presentation and Discussion: Working Group Updates**

### *Conversions*

Joan Sabott, CDR Associates, and Cynthia Bridge Clark, IWRB Staff, updated the group on the status of the Conversions WG. The major discussions of the WG have focused on the project review process of the administrative mechanism, the five identified large-scale project sites in the ESPA, and the need for MOUs between a) IWRB and the property owner and b) IWRB and the conveyance entity.

### *Administrative Mechanism: Project Review Process*

Conversions Working Group members identified a draft administrative mechanism. In working through the administrative mechanism process, the WG developed a three-step ranking process: eligibility criteria, ranking criteria, and project comparison or 'final' ranking. A next step includes refining the data that was used to populate the ranking criteria and the accompanying charts, prior to providing recommendations in December. A Committee member noted that it was important to include space for additional considerations when examining conversion projects.

#### *Five Preliminarily Identified Project Sites for Conversions*

The Working Group has identified five project sites. The five are: Hazleton Butte (Milner Gooding, North Side, or directly from Milner Pool), H & P Farms (Milner Gooding), West End A & B Project (Milner Gooding), Rockford Canal (Aberdeen Springfield Canal Co), and Moreland (Peoples or Aberdeen Springfield Canal Co). Once the ranking criteria have been modified, the Conversions WG will revisit the five sites and make final recommendations for implementation and rank them in order of preference.

#### *Memorandums of Understanding*

The Conversions WG is recommending that two MOUs be part of any conversions project application and implementation (including AWEP projects). One MOU would be between the IWRB and the owner of the property on which a conversion project will be implemented. The MOU will include information related to the length of time, water supply and termination issues, amongst other agreements. The second MOU will be signed between the IWRB and the conveyance entity. This Memo will detail the agreed upon conditions for water supply on a conversion project. This MOU will be shorter term than the first MOU, as it is difficult to obtain agreement from a conveyance company board on a long-term agreement of this nature. That being said, the participating conveyance companies indicated that agreements are likely to be renewed if a project is financially successful.

#### *Next Steps*

- Finalization of the two MOUs
- Finalize the administrative mechanism for managing projects from application stage to construction to water delivery and monitoring (including eligibility and ranking criteria)
- Utilize the administrative mechanism component of the project review process to make decisions about the five preliminarily recommended project sites for conversion activities.
- Design public outreach and education strategy in order to get letters of interest for large scale conversions projects and possible partnerships
- Upon receiving guidance from the Environmental Subcommittee, incorporate environmental factors

#### ***Demand Reduction***

Joan Sabott presented the preliminary recommendations of the Demand Reduction WG on the PERC Program and reviewed other discussions that have taken place in this WG.

### *PERC Program*

The PERC Program will serve two purposes: 1) as a stand-alone program to incentivize the retirement of land and 2) provide an additional incentive for the existing CREP Program. The Demand Reduction WG recommended their proposed PERC Program structure to the Implementation Committee. The Implementation Committee indicated support for the PERC Program, but would like the WG to revisit a potential cap for acres enrolled into PERC.

### *Downstream Transfer Policy*

Joan summarized the presentation from Morgan Case, IWRB Staff, regarding downstream transfer activities that have/are occurring on the Salmon River. At this point, it is not clear how these activities might be utilized on the Snake River and its tributaries. Therefore, the WG is proposing to continue further conversation with individuals and entities to assess the benefits of leasing, agreements not to divert, etc. At this point, however the WG is not going to actively pursue these activities and would like to discuss them again at a future WG meeting. The Committee asked question about why the process in the Salmon did not lend itself to the Snake.

### *Surface Water Conservation*

The Demand Reduction WG is exploring various methods of surface water conservation in the Twin Falls Canal tract and other areas. The WG would like to continue exploring these options, and discuss what other areas are appropriate for such activities. A Committee member asked why the focus was on the Twin Falls tract for conservation efforts compared to the Great Feeder. It was noted that surface water conservation efforts on Twin Falls Canal could be used to provide water to other Plan activities since Twin Falls system does not lay on the ESPA.

### *Next Steps*

- Review the PERC Program and the maximum number of allowable acres into the recommended program
- Continue the WG discussion on surface water conservation projects near the Twin Falls Canal and identify other possible sites
- Hold small group meetings to discuss leasing and agreements not to divert (downstream transfer policy)
- Individual working group members to contact Brian Olmstead if interested in a tour of the areas where the aquatic reed herbicide has been applied.
- Initiate discussions on buy-downs and buy-outs and how they fit into the ESPA Plan

### *Weather Modification*

Joan Sabott updated the Implementation Committee on the recommendations of the Weather Modification WG and, with John Bowling, presented the proposed budget for a five-year pilot program in the Upper Snake. The WG continues to recommend an Idaho Power Company-led cloud seeding pilot program in the Upper Snake, in coordination with municipalities/counties who are already implementing cloud seeding, and the presented budget is consistent with what the WG views as necessary to implement such a program. The proposed budget does not include an aerial program at this time, but this may be revisited at a later date in Phase 1. There was Committee interest in the coordination effort between the existing municipal/county program and

the ESPA Plan program, led by Idaho Power Company. It was noted that there is on-going, effective and collaborative dialogue with the municipalities/counties and that there have been no indications of ‘turf’ battles. The counties/municipalities have committed to continue financial contributions to the program although one Committee member question whether that was possible given the budget crisis.

#### *Next Steps*

- The WG will develop a draft monitoring plan for the program – that may use a 3rd party for technical support/oversight to lend credibility to the program – that includes the measurement of benefit, environmental effects, fish and wildlife issues, water quality, etc.
- A formal relationship regarding the implementation of a weather modification program will be developed between IWRB and IPC and between IWRB and the Counties under the ESPA Plan umbrella
- The WG will continue to refine the FAQ document
- The WG, with the assistance of IPC, will develop a Power Point that could be presented at scheduled meetings for entities that are interested in hearing more about weather modification

#### ***Recharge***

Bill Quinn, IWRB Staff, updated the Implementation Committee on recharge activities for 2009, a plan that accounts for equitable distribution above and below American Falls. He also provided the Implementation Committee with information on the estimated costs and benefits related to two constructed recharge sites: Mile Post 31 and West Egin. The Big/Little Wood River constructed site still needs to be identified and assessed and determined. The BLM has granted an access permit for MP 31 which allows the ability to begin to work on the site.

#### *Liability for Recharge*

Jonathan Bartsch explained an e-mail communication from Jim Peterson (an insurance agent for a number of conveyance companies) on October 7, 2009. The e-mail stated that, “Recharge activities, in my view, are part of normal operations. Coverage should exist.” The Recharge WG is still awaiting an official letter from the underwriter. While several conveyance companies do not utilize this particular insurance provider, there is a sense that clarity regarding recharge liability and coverage may be emerging. Additional confirmation from the underwriter is important, including official letters as to the level of coverage.

#### *Other Discussion Points*

- Barry Burnell will be drafting an official letter regarding water quality monitoring and recharge activities clarifying that recharge (fall or spring) in the canals are similar to normal conditions. Therefore, no additional monitoring is necessary.
- Gravel pits should be considered constructed sites because they do not have a natural filtration system.

#### *Agreement*

- Late season recharge will move forward as recommended by the Recharge WG and adopted by the Board.

### *Next Steps*

- Collect data to assess the results of the 2009 recharge efforts. People are interested in knowing the benefit of these activities.
- Obtain letters from insurance underwriters and Barry Burnell.
- Begin discussing 2010 spring recharge efforts.
- Initiate the discussion around incidental recharge and how it fits under the ESPA Plan umbrella.

## **5. Additional Plan Components**

### *Environmental Factors*

Richard Rigby, Bureau of Reclamation, updated the group on the inclusion of environmental factors in ESPA discussions. The ESPA Plan calls for continued integration and it was suggested that it be considered and discussed in a small group. The sub-committee will examine ways to include environmental factors into the Implementation Committee process. Their next meeting is November 9<sup>th</sup>, and the sub-committee intends to update the full Implementation Committee at the December meeting.

### *Municipal Interests*

The topic of addressing municipal interests relating to rules and statutes that may inhibit growth was discussed. The Implementation Committee would like to engage consultants (attorneys, engineers, etc) in determining the specific legislation that is of concern to municipalities. Another concern related to municipalities relates to possible changes to existing rules. These likely involve administrative changes, so others from the IDWR will likely need to be brought into this process to provide guidance on what rules might need amending and how to go about changing these rules.

### *DRAFT Decision Making Process Model*

Jonathan Bartsch handed out copies of the DRAFT Decision Making Process Model, a document developed to help streamline the decision making process of the Implementation Committee and to ensure that essential factors are weighed when making any recommendations to the IWRB. The DRAFT also was circulated electronically for suggestions and edits.

## **6. Next Steps and Meeting Scheduling**

Jonathan Bartsch suggested that the five Working Groups have draft recommendations, with specific projects identified, for the December 2009 Implementation Committee meeting. At this point, they should be well thought out and well analyzed plans from each of the Working Groups.

### *Implementation Committee Meeting Schedule*

- December 16<sup>th</sup> (1:00-5:00pm) and December 17<sup>th</sup> (9:00am – 5:00pm) at Twin Falls City Council (location to be confirmed)

## **7. Public Comment**

No public comment.



## MEETING ATTENDEES

### Implementation Committee Members

1.	Hal	Anderson	IDWR
2.	Peter	Anderson	Environmental and Conservation
3.	Randy	Bingham	Surface Water Users
4.	Barry	Burnell	IDEQ
5.	Rebecca	Casper	Land Developers
6.	Scott	Clawson	Groundwater Users
7.	Charles	Correll	Municipalities/Counties
8.	Steve	England	Municipalities/Counties
9.	Craig	Evans	Groundwater Users
10.	Jared	Fuhriman	Municipalities/Counties
11.	Lloyd	Hicks	Surface Water Users
12.	Steve	Howser	Surface Water Users
13.	Linda	Lemmon	Spring Water Users
14.	Randy	MacMillan	Spring Users
15.	Don	Parker	Groundwater Users
16.	Walt	Poole	Idaho F&G
17.	Jeff	Raybould	Surface Water Users
18.	Rich	Rigby	BOR
19.	Steven	Serr	Counties
20.	Dan	Temple	Mixed-Use
21.	Jim	Tucker	Hydropower
22.	Will	Whelan	Environmental and Conservation

### Other Attendees

23.	Vince	Alberdi	IWRB
24.	Jay	Barlogi	TFCC
25.	Jonathan	Bartsch	CDR Associates
26.	David	Blew	Idaho Power
27.	Jon	Bowling	Idaho Power
28.	Cynthia	Bridge Clark	IDWR
29.	Ted	Diehl	NSCC
30.	Don	Dixon	U.S. Senator Mike Crapo's Office
31.	Alan	Hansten	Northside Canal Company
32.	Stan	Hawkins	Committee of Nine
33.	Matt	Howard	BOR
34.	Neeley	Miller	IDWR
35.	Brian	Patton	IDWR
36.	Bill	Quinn	IDWR
37.	Joan	Sabott	CDR Associates
38.	Lyle	Swank	WD 1
39.	Dale	Swensen	FMID
40.	Lynn	Tominaga	Idaho Ground Water Appropriators, Inc