



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

**Meeting Summary
Wednesday, December 16, 2009
And
Thursday, December 17, 2009
Jerome Office of Idaho Fish & Game**

AGENDA

Wednesday, December 16th: 1:00pm-5:00pm

1. Welcome, Introductions, Agenda and Meeting Note Finalization

2. Presentation from ESPA Plan Working Groups

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

- **Funding**
- **Weather Modification**
- **Demand Reduction**
- **Conversions**
- **Recharge**

Thursday, December 17th: 10:00am-5:00pm

3. Update and Discussion: Environmental Task Force

Goal: Receive an update on the progress of the Environmental Subcommittee and discuss the implications on the Plan process

4. Review and Discussion: Great Feeder Study

Goal: Review the Great Feeder Study and formulate the recommendation to the IWRB on incidental recharge

5. Review and Discussion: Decision Making Process Model

Goal: Work through the decision making process model, using recommended projects to complete the model, and discuss the necessary elements

6. Discussion: Education and Outreach

Goal: Discuss the general ESPA Plan approach to education and outreach for 2010, including any needed funds for outreach activities

7. Review and Discussion: Funding Scenarios for 2010

Goal: Work through various funding scenarios to determine the most appropriate way to allocate available funds to ESPA Plan implementation activities

8. Discussion and Decision-Making: Formulation of Recommendations to IWRB

Goal: Integrate the Working Group recommendations into a package of recommendations that are ready to go before the IWRB

9. Next Steps and Meeting Scheduling

10. Public Comment

All presentations made during the meeting can be found on the project website: www.esaplan.idaho.gov

Wednesday, December 16th: 1:00pm-5:00pm

1. Welcome, Introductions, Agenda Review and Note Finalization

Jonathan Bartsch, CDR Associates, welcomed the group and facilitated introductions. Jonathan noted that this Implementation Committee meeting is essential for moving forward on a number of initiatives, particularly related to the funding legislation and the issue of incidental recharge. Joan Sabott reviewed the agenda and finalized the Meeting Summary from October 13, 2009.

2. Presentations from ESPA Plan Working Groups

Funding Working Group

Phil Rassier, IDWR Deputy Attorney General, updated the Implementation Committee on the progress of the Funding Working Group (WG), the funding legislation and discussions with the Interim Legislative Committee. The proposed fee-based funding mechanism, collected through the county treasurer's office and the water districts, is within the sideboards established earlier in the process. It received positive reception from the Interim Legislative Committee at a December 15th meeting.

The Implementation Committee, after a brief overview of the draft legislation, met in their interest groups to recommend edits and changes to the draft legislation. As a large group, they debriefed and made changes to the legislation. A draft will be circulated to reflect the edits.

Agreement

- In concept, the Implementation Committee supports moving forward with the draft legislation.

Next Steps

- Prior to submitting the legislation formally, the draft will be circulated to the Implementation Committee for any additional comments, suggestions or edits via email.
- Form agreement on the issue of recharge (incidental/managed) in the draft legislation
- Form agreement on the issue of spring user fees in the draft legislation

Weather Modification

Jon Bowling, Idaho Power Company (IPC), reviewed the 2009 cloud seeding efforts in the Upper Snake. Implementation progress includes a total of 9 IPC remote generators and 25 County-run manual generators. As of December 15th, there was 55 hours of seeding and 1,100

grams of AgI (silver iodide) used to increase snowpack in the Upper Snake. These and additional efforts will continue in the Upper Snake in 2010. Additionally, IPC and the counties met to develop suspension criteria for cloud seeding (protocol for ceasing or not initiating cloud seeding during a storm because it will not produce desirable results or possible negative impacts). Joan Sabott indicated that the Weather Modification WG is continuing to develop an FAQ document to educate general citizens and the Idaho Legislature about cloud seeding and that, once funding information is known, an agreement between IWRB and IPC will be developed regarding how the cloud seeding efforts/monies spent will be accounted for in the IPC Plan contribution. This agreement between the IWRB and IPC will be brought to the Implementation Committee when it is prepared for review.

Demand Reduction

Joan Sabott presented the updated PERC Program proposal to the Implementation Committee. The PERC Program is both a stand-alone program to incentivize the retirement of land and a program to provide additional incentive to the existing CREP Program. While the WG would like to implement this program immediately, they only want to initiate it when a stable and consistent funding source is in place.

In concept, Implementation Committee members support the PERC Program and see it as one of the implementation activities with a great deal of potential. With that being said, there were concerns about three elements of the PERC proposal: 1) the lesser incentive for pivot corners/end guns in the Monetary Incentive Structure, 2) the unclear language on “willing seller and buyer” for the Permanent Retirement Option and how to incentivize sellers to agree on the front-end of the contract to a sale/purchase, and 3) the desire to review a recommendation for a financial limit/maximum to the PERC Program. At their January meeting, the Demand Reduction WG will evaluate these issues and, at the February Implementation Committee meeting, will provide supporting comments for the decisions made on these issues.

AWEP 2010 Strategies for Demand Reduction

Joan also updated the Implementation Committee on the intended preparation process for AWEP 2010 project outreach and selection. Demand reduction activities for 2010 include 1) aquifer demand reduction incentives, 2) conversion to dry land farming, 3) crop mix modification and 4) potential funds for additional Thousand Springs projects. In the early months of 2010, the Demand Reduction WG will develop outreach strategies and criteria. It was pointed out that this planning process is instrumental in project implementation, as this is the opportunity for the ESPA Plan process to feed directly into how NRCS approaches AWEP outreach and project selection and implementation. The WG will be ready to make recommendations at the February Implementation Committee meeting on AWEP 2010, as the application period needs to begin in March 2010 and the application review will begin in April. All unused AWEP funds will be returned to Washington by June.

Next Steps

- Review the issues of the PERC Program and make recommendations at the February 2010 Implementation Committee meeting
- Develop the plans for AWEP 2010 and update the Implementation Committee in February 2010

Conversions

Cynthia Bridge Clark, IWRB Staff, and Joan Sabott updated the group on the discussions and recommendations of the Conversions WG on the following topics.

AWEP 2009 Projects

11 projects were recommended for approval, while 5 additional projects are likely to be approved following further coordination. Overall, AWEP implementation in 2009 was successful despite the expedited process. The Implementation Committee recommendation to pursue as many projects as possible was put into action.

AWEP 2009 MOA

The Conversions WG developed an MOA (between IWRB and property owner) for AWEP 2009 projects that outlines the tasks/responsibilities of each party, particularly related to monitoring and reporting. There is no language regarding incentives or penalties in the MOA, as no ESPA funds are being provided to the property owners to further incentive the AWEP funds. The Implementation Committee recommended that the AWEP 2009 projects move forward with this MOA.

One concern about the MOA is the expense of the measuring devices required by the Water Master. If the property owners want to sign the contracts immediately, they will not know exactly what is required of them for a device(s). If they would like to wait until the Water Master has indicated what device is necessary, the property owners can wait. (See Conversion WG Funding Requests below)

MOA for Future Projects

Cynthia provided an overview of the elements in the MOA that will be used for conversions projects when a consistent funding source is available for stand-alone projects or those that are affiliated with AWEP or other programs. Many of the elements are similar to the AWEP 2009 MOA, such as outlining the tasks/responsibilities of the IWRB and the property owner. This future-use MOA also includes incentives for water supply and conveyance fees and penalties for non-use, non-compliance or early termination. Committee members were supportive of the ways to incentivize property owners to locate/utilize their own water source, so that reliance is not on State water sources. Additionally, the Committee agreed that the penalties need to be related to cost of building the conversions infrastructure. The Conversions WG is still discussing how penalties will apply to rebates for water supply and conveyance fees.

While both the Working Group and the Implementation Committee recommend the components of the MOA for future projects as a general concept, the exact language and the financial incentives (dollar amounts) and penalties need to be completed and evaluated.

AWEP 2010 Conversions Process

Similar to the Demand Reduction Working Group, the Conversions WG will be developing plans for NRCS to use when completing outreach activities, application and review of projects and project implementation. In the early months of 2010, the Conversions WG will develop outreach strategies and refine the criteria recommendations from the 2009 AWEP project review process.

This planning process is key to project implementation, as this is the opportunity for the ESPA Plan process to feed directly into how NRCS approaches AWEPP outreach and project selection and implementation. The WG will be ready to make recommendations at the February Implementation Committee meeting on AWEPP 2010.

The Implementation Committee agreed with the Conversions WG recommendations on how to move forward with AWEPP 2010 project selection including the following elements: 1) only applications for 100+ acres into the AWEPP program, 2) maintain outreach in the 5 large project sites for conversions so that interest isn't lost, 3) if a large-scale project were to apply, the WG would evaluate its potential success and make a recommendation to the Implementation Committee on whether or not it should be funded and 4) benefit will be considered a discretionary criteria so that it helps to differentiate one project from another if funding forces a choice.

Conversions WG Funding Requests

This WG would like to see funding for measuring devices to help augment property owner costs for AWEPP projects. AWEPP does not cover these devices in the cost schedule. Some of the measuring devices being promoted as necessary are quite expensive, particularly the electromagnetic measuring devices, and could stand in the way of property owners signing the NRCS contract and the MOA. Later in the meeting, the Implementation Committee recommended the inclusion of measuring devices as a funding priority (if State funds become available).

Next Steps

- Begin signing contracts/MOAs with AWEPP 2009 project owners
- Draft an MOA for future projects, using the key elements addressed at this meeting, and bring it before the Implementation Committee
- Plan for 2010 AWEPP project implementation, specifically in the areas of outreach and criteria development, and be ready to make recommendations in February
- Continue to refine the administrative mechanism based on project reviews with the Conversions WG

Recharge

Bill Quinn, IWRB Staff, updated the Implementation Committee on recharge activities for 2009. Managed recharge activities were successful in 2009, as a total of 124,972 af was recharged at a cost of \$280,412.

Liability for Recharge

Bill Quinn also recommended, following communications with an underwriter that conveyance companies seek out additional insurance coverage for recharge activities as recommended by their own insurance companies, although the risk of liability for conveying Board's recharge water is most likely viewed as 'normal' operations.

Next Steps

- Continue recharge efforts in the ESPA in 2010, beginning in the early season

3. Environmental Task Force

Will Whelan, The Nature Conservancy, updated the group on the discussions that have occurred in the Environmental Task Force. The Task Force is approaching the integration of environmental factors/considerations by identifying the issues and needed information early so that it can be weighed along with other factors at the time Plan decisions are made. The mindset is that fully informed decisions are better decisions that will ensure that all issues have been considered. Ultimately, the Task Force aims to simplify the process of integrating environmental considerations so that the Implementation Committee can move forward efficiently and with confidence. A table was distributed that outlines each ESPA Plan implementation strategy and any issues and other information that should be known in evaluating the environmental considerations.

The Implementation Committee agreed to support the Task Force, even indicating that IWRB Staff time should be dedicated to their efforts.

Next Steps

- Continue to develop information on environmental issues and hydrologic conditions (that will feed into the Working Group and Implementation Committee processes)
- Consider processes that will integrate environmental considerations into the larger process
- Conduct hydrologic analyses
- Report back at the February Implementation Committee with an update and any recommendations

4. Great Feeder Study

David Blew, IPC, provided an overview of the Great Feeder Study to illustrate the effectiveness of incidental recharge on the aquifer.

The ESPA Plan Implementation Committee reviewed the conceptual approach, outlined below, to address the issues regarding incidental recharge. The Implementation Committee did not oppose further inquiry into the conceptual approach outlined and recognized that further analysis is required.

Draft Language for Incidental Recharge

The Implementation Committee 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 and encourages the continued historic surface water diversion practices. The Implementation Committee will encourage this through the ESPA Plan managed recharge program.

The Implementation Committee recommends that incentives be provided using managed recharge wheeling fee premiums or a voluntary contract retainer for high loss canals.

A separate payment, wheeling fee, will be made for managed recharged when water is available and recharge occurs. Non-performance of contract requirements would require the retainer to be remanded, or some portion thereof.

5. Decision Making Process Model

A Decision Making Process Model, which was distributed at an earlier Implementation Committee meeting, was drafted to streamline the decision making process for all Implementation Committee activities. The purpose of the model is to serve as a template for evaluating projects. For example, when evaluating any projects that are recommended by a Working Group to the Implementation Committee, all the elements of the Model need to be completed so that the Committee can make informed decisions about the project. Additionally, the Model can be used to help the Working Groups and the Committee weigh the value of a project over another if funds only allow for one of them to be implemented.

Generally, the Implementation Committee approves of using a model like the one developed. Edits were suggested and a new draft will be circulated for electronic review. At the February Implementation Committee, another draft will be proposed to the full Committee as a recommendation.

6. Education and Outreach

The Implementation Committee is interested in developing an education and outreach strategy that addresses:

- The “story” of the ESPA Plan
- Short-term and long-term issues related to the ESPA Plan
- General information about the ESPA Plan (process, plan elements)
- Specific implementation activities (conversions, etc) and possible opportunities for coordination between ESPA Plan funds and other funds
- Legislative funding information
- General funding for interest groups
- Schedule/timeframe
- Specific strategies for outreach to Legislators

According to a number of Implementation Committee members, the issue of education and outreach is increasingly important given the unknowns of funding. There is a great deal of momentum regarding project implementation and Implementation Committee members are continuing to engage property owners in the process. Therefore, it is key to continue education and outreach so that property owners have continued interest in the plan and helping to implement it.

The Implementation Committee decided that the best way to move forward with an education and outreach plan is to form a small group that will prepare recommendations for the full Committee. Volunteers for the small group include: Hal Anderson, Randy Bingham, Rebecca Casper, Randy MacMillan, Lynn Tominaga and Jim Tucker. Joan Sabott will serve as facilitator for the Education and Outreach Sub-Group. Additionally, Jim Tucker offered the professional services of the communications division at IPC to assist in the efforts, if the group desires.

7. Funding Scenarios for 2010

The Implementation Committee was asked to make recommendations on funding preferences if either \$1M or \$3M were available for ESPA Plan implementation from the State for 2010. The

following are the funding priorities of the Implementation Committee, in order. The Implementation Committee also recommended that the IWRB Staff determine, given this order, what is the appropriate amount of funds for that action.

- Staff support/consultants/contractors (including IWRB staff and facilitation services)
- Education and outreach, including targeted outreach to the State Legislature
- Managed recharge
- Measuring devices for conversions projects (specifically, AWEPP)
- Weather modification support to IPC and counties
- Conversions project rebates
- Monitoring and reporting recharge activities
- Studies/data collection (e.g. dye tracer studies, Egin groundwater monitoring, biological impacts)
- Potential to opportunistically buy-out/buy-down
- Additional study(ies) on constructed managed recharge sites
- Pilot PERC in coordination with AWEPP demand reduction incentives

8. Next Steps and Meeting Scheduling

The next Implementation Committee is on Tuesday, February 16th. The location is TBD.

9. 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.	Craig	Evans	Groundwater Users
9.	Lloyd	Hicks	Surface Water Users
10.	Linda	Lemmon	Spring Water Users
11.	Albert	Lockwood	Surface Water Users
12.	Randy	MacMillan	Spring Users
13.	Brian	Olmstead	Surface Water Users
14.	Don	Parker	Groundwater Users
15.	Walt	Poole	Idaho F&G
16.	Jeff	Raybould	Surface Water Users
17.	Rich	Rigby	BOR
18.	Steven	Serr	Counties
19.	Dean	Stevenson	Groundwater Users
20.	Dan	Temple	Mixed-Use
21.	Jim	Tucker	Hydropower

22.	Will	Whelan	Environmental and Conservation
Other Attendees			
23.	Jay	Barlogi	TFCC
24.	Jonathan	Bartsch	CDR Associates
25.	David	Blew	Idaho Power
26.	Jon	Bowling	Idaho Power
27.	Cynthia	Bridge Clark	IDWR
28.	Don	Dixon	U.S. Senator Mike Crapo's Office
29.	Terry	Edwards	USDA
30.	Lynn	Harmon	AFRD #2
31.	Stan	Hawkins	Committee of Nine
32.	Matt	Howard	BOR
33.	Walt	Mullins	Milner Irrigation District
34.	Brian	Patton	IDWR
35.	Chuck	Pentzer	Jerome
36.	Bill	Quinn	IDWR
37.	Phil	Rassier	IDWR
38.	Joan	Sabott	CDR Associates
39.	Lyle	Swank	WD 1
40.	Dale	Swensen	FMID
41.	Lynn	Tominaga	Idaho Ground Water Appropriators, Inc
42.	Mike	Webster	Governor's Office