



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

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**Implementation Committee  
Teleconference Meeting Summary  
Tuesday, February 02, 2010**

**Meeting Overview**

The purposes of the Implementation Committee teleconference were to:

- Review version 1.8 of the draft funding legislation, including legislative language for the spring user contribution and the managed recharge approach
- Provide comments and input on version 1.8
- Address concepts, rather than word modifications or edits
- Determine if the concepts included in version 1.8 of the draft funding legislation were supportable
- Assess existing concerns regarding version 1.8, that will go to the IWRB along with any recommendation

**Review of Draft Legislation version 1.8**

Phil Rassier reviewed the changes from legislative versions 1.7 and 1.8. A number of different organizations provided comments on version 1.7, including the Surface Water Coalition, counties and other Implementation Committee individuals representing their interest groups. Throughout the review, Implementation Committee members had various comments, including:

- In 42-1783 Legislative Findings and Intent, concern was raised about the strength of the fee-benefit language. Some argued that the language should be broad, so as to capture the big umbrella of fees relating to benefits in/across the ESPA (reasonable, reasonably, reflect, etc). On this same matter, an issue was raised about the how to characterize the contributions of those not being assessed a fee.
- In 42-1785 Collection of Fee Through Counties, concern was raised about the limit placed on counties regarding the assessment of a maximum \$1/a when it might make sense to provide flexibility for counties to collect more than the \$1/a.
- Prior to the teleconference, some Implementation Committee members also sent emails that included suggestions and edits to the document. The comments all related to suggested word edits, formatting, and clarity of the language. Additionally, others commented on certain legal issues in the draft (i.e. fee that is proportionate to benefit).

**Spring User Contribution**

Jonathan Bartsch provided background on the discussions on the spring user contribution language in the funding legislation. Assumptions were made when drafting the ESPA Plan regarding who falls into the spring user category. Since state and federal spring users will not be assessed, there are a smaller number of spring users to meet the \$200k target. The draft language presented defines who falls into this category, including all non-consumptive user fees, municipal and hydropower spring users. No spring user will contribute more than per \$50/cfs. The IPC contribution will be an in-kind contribution from their \$1.5-2M target (approximately \$60K).

### **Managed Recharge Approach**

Last week, a group met to discuss and refine the managed recharge approach. While not everyone was able to support the approach at the conclusion of the meeting, there was broad support and a willingness to continue discussions on the concept. On the Implementation Committee teleconference, the following comments or issues were discussed:

- In the third bullet in the Overview of the Managed Approach, concern was expressed about 1) the need for the bullet at all and 2) the inclusion of “including incidental recharge.”
- The draft of the managed recharge approach needs to be wordsmithed, edited and further clarified. The biggest issue is that it is not easily understandable. While the concept is supportable, generally speaking, there are a number of concerns that need further refinement and detail (proportionate allocation is one example.) The document needs further work before going before the IWRB as a recommendation.

### **Support for Funding Legislation**

All Implementation Committee members on the call commented that they are able to conceptually recommend the legislation version 1.8 to the Board, noting concerns and pending revisions.

### **Areas for Improvement**

The Implementation Committee identified several areas for legislation improvement in the circulated documents, which fell into two categories:

#### *Issues to Address in the Short-Term*

- Clarity of concepts and legislation
- Word editing/smithing regarding spring user fee
- Address legal issues and concerns
- Determining the timing of legislative introduction
- The limit placed on amount (maximum of \$1/a) county assessments

#### *Issues to Address in the Long-Term*

- Determine amount of standard rate for wheeling fees
- 600KAF goal included in legislation, might be considered as a range (400-600 kaf)
- Post-Phase I evaluation of actions, determining what projects/activities are successful and should be continued, unsuccessful and should be discontinued or in need of modification to increase likelihood of success.

### **Next Steps**

The draft funding legislation will be presented to the IWRB on Friday, February 5<sup>th</sup> on a teleconference. They will be made aware of the conceptual recommendation by the Committee as well as areas of concerns and issues that still need to be addressed or need input from the IWRB. The Board will decide on Friday whether and how to move forward with the legislation.

### **Implementation Committee Continuing Role**

Implementation Committee members are encouraged to participate in the February 5<sup>th</sup> call with the IWRB to discuss the reasons for their support for the legislation or to make additional comments about the funding legislation. The draft funding legislation will be presented to the IWRB on Friday, February 5<sup>th</sup> on a teleconference. They will be made aware of the recommendation regarding the concepts included in the funding legislation and of the issues that still need to be addressed or need input from the IWRB.

### **Public Comment**

Members of the public were able to comment on the discussions. Highlights include:

- The document needs work on clarifying the language. Even in the minds of the different Board members, it may not mean the same thing. At this point, there are “fatal flaws” because of the legal issues and they have easy fixes. It might be best to gather a room of lawyers to dive into the document and make it more sound and less vulnerable to litigation. The fee-based language needs to be strengthened.
- The major issues need to be worked through and finalized so that the bill has a better chance of passing, particularly because there will be more support for its passage.
- Concern was expressed about timing and there was a request that the process slow down, in order to have an improved document to present to the IWRB and State Legislature.

### **Meeting Attendees**

#### **Implementation Committee Members**

1.	Hal	Anderson	IDWR
2.	Peter	Anderson	Environmental and Conservation
3.	Randy	Bingham	Surface Water Users
4.	Rebecca	Casper	Land Developers
5.	Scott	Clawson	Groundwater Users
6.	Craig	Evans	Groundwater Users
7.	Linda	Lemmon	Spring Water Users
8.	Randy	MacMillan	Spring Users
9.	Brian	Olmstead	Surface Water Users
10.	Walt	Poole	Idaho F&G
11.	Jeff	Raybould	Surface Water Users
12.	Rich	Rigby	BOR
13.	Steven	Serr	Counties
14.	Dan	Temple	Mixed-Use
15.	Jim	Tucker	Hydropower

#### **Other Attendees**

16.	Tom	Arkush	Other
17.	Jonathan	Bartsch	CDR Associates
18.	Jon	Bowling	Idaho Power
19.	Don	Dixon	U.S. Senator Mike Crapo’s Office
20.	Stan	Hawkins	Committee of Nine
21.	Matt	Howard	BOR
22.	Teresa	Molitor	Other

23.	Walt	Mullins	Milner Irrigation District
24.	Brian	Patton	IDWR
25.	Phil	Rassier	IDWR
26.	Joan	Sabott	CDR Associates
27.	Mike	Webster	Governor's Office
28.	Steve	West	Other