



IDAHO WATER RESOURCE BOARD

MINUTES OF TELEPHONIC BOARD MEETING NO. 3-10

C.L. "Butch" Otter
Governor

March 9, 2010
Idaho Water Center
Boise, Idaho

Terry T. Uhling
Chairman
Boise
District 2

Chairman Uhling called meeting 3-10 to order at 8:00 a.m. and requested roll call.

Gary M. Chamberlain
Vice-Chairman
Challis
At Large

Agenda Item No. 1, Roll Call

Board Members Present and by Phone

Bob Graham
Secretary
Bonners Ferry
At Large

Terry Uhling
Chuck Cuddy
Gary Chamberlain
Roger Chase

Vince Alberdi
Bob Graham
Leonard Beck
Jerry Rigby

Charles "Chuck" Cuddy
Orofino
District 1

Staff

Hal Anderson, Administrator
Helen Harrington, Section Mgr.
Jack Peterson, Federal Liaison

Brian Patton, Bureau Chief
Patsy McGourty, Admin. Asst.
Gary Spackman, Interim Director

Leonard Beck
Burley
District 3

Guests by Phone or in Person

Roger W. Chase
Pocatello
District 4

Walt Poole, Dept. of Fish and Game
Lynn Tominaga, Idaho Groundwater Appropriators
Alan Koelsch, Idaho Irrigation Dist.
Mike Webster, Governor's Off.
John Simpson, Attorney
Harriet Hensley and Clive Strong, Deputy Attorneys General
Rich Rigby, Bureau of Reclamation
Jonathan Bartsch and Joan Sabott, CDR Associates
Jon Bowling, Idaho Power
Peter Anderson, Trout Unlimited
Kevin Lewis, Idaho Rivers United

Norm Semanko, Idaho Water Users Assn.
Rich Rigby, Bureau of Reclamation
Jim Tucker, Idaho Power
Lyle Swank, Water District 01
Stephen Goodson, Governor's Off.
David Blew, Idaho Power
Theresa Molitor, Great Feeder Canal Co.
Shelly Davis, Barker, Rosholt

Vince Alberdi
Kimberly
At Large

Jerry R. Rigby
Rexburg
At Large

Agenda Item No. 2, Public Comment

Mr. Simpson who represents the Northside and Twin Falls Canal Companies discussed the Milner Dam Hydropower Water Right License and past negotiations. He stated that the canal companies wanted to sit down with the Board and negotiate a resolution of pending litigation. The Chairman asked Mr. Strong if his office would work with Mr. Simpson on that issue. Mr. Anderson asked if an Executive Session would be necessary at the Board meeting in late March. Mr. Strong stated he would talk to Mr. Simpson and get back to Mr. Anderson.

Agenda Item No. 3, 2010 Recharge

Mr. Anderson discussed the water supply situation for the upcoming season and managed recharge for 2010. The SNOTEL report for March 8th is bleak for the entire state. The Henry's Fork is 54% of average, above Palisades is 54% and 8% at Bear River. This means a limited amount of runoff for spring recharge from the Board's 1980 priority natural flow water right. The Board has set aside approximately \$400,000 to accomplish managed recharge in support of the Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan. This year there may only be a 2-3 week window for recharge. Staff are ready to send contracts to canal companies for recharge efforts if water is available.

Mr. Patton stated that the right is in priority now and has been for some time. Several canals are ready to start including Fremont Madison, Aberdeen Springfield and Southwest Irrigation. The Chairman asked how soon the recharge could start and Mr. Patton replied some had already opened their head gates. Mr. Patton noted that a discussion was held last Friday March 5 with the ESPA CAMP Implementation Committee. The Bureau of Reclamation requested no operations on the South Fork of the Snake due to low flows. Mr. Anderson stated the concern is drying up the river at Lorenzo and near Blackfoot which would cause environmental problems. Mr. Rich Rigby, Bureau of Reclamation, agreed that the Great Feeder Canal Company could dry up the river at Lorenzo which would necessitate increased releases at Palisades to compensate. The resources are too valuable he said. He urged judicious care with the recharge efforts.

Chairman Uhling urged staff to get contracts out quickly. Secondly, he said the Board would want to be involved in any discussions of environmental impacts from recharge efforts.

Mr. Peter Anderson stated that conservation interests have discussed transparency issues in big water years. This year extra care is needed because of low snow pack. A group within the ESPA CAMP Implementation Committee known as the Environmental Task Force which includes environmental groups and state agencies might be able to provide input on these issues. He recommended that group to monitor low water situations and recharge efforts. Chairman Uhling asked staff if the planned recharge efforts are approved by the ESPA CAMP Implementation Committee. Mr. Hal Anderson responded that staff will coordinate recharge projects with the

Implementation Committee. He added that staff are learning all the time what the potential challenges are.

Mr. Chamberlain asked that the recharge contracts be approved at the January meeting for next year to be prepared for spring recharge efforts. Mr. Patton noted that was staff's intent this year; however, efforts underway in the ESPA CAMP caused a delay. Thus, staff prepared contracts to go ahead and move forward. Mr. Chamberlain asked that this topic be on the January agenda for next year.

Mr. Anderson stated that a motion for staff to move ahead to complete contracts was needed to get the recharge started. Mr. Anderson read the names: Aberdeen Springfield, American Falls Reservoir District No. 2, Fremont Madison Irrigation District, Idaho Irrigation District, New Sweden Irrigation District, North Side Canal Company, Osgood Canal Company, Snake River Valley Irrigation District, and Southwest Irrigation District.

Mr. Chamberlain moved that staff move ahead with the recharge efforts. Mr. Alberdi seconded. Mr. Rigby asked if all the contracts were being authorized. The Chairman responded yes; however, the staff will determine which ones are utilized. Chairman Uhling asked that the parties to the contracts be read aloud.

Mr. Beck wanted to know what the rate of pay was for the recharge. Mr. Patton responded that the rate would be \$3 per acre-foot. There was some discussion that some wanted higher rates and that they would not do it for less.

Chairman Uhling stated the Board is offering a uniform rate of \$3 per acre foot. Mr. Chase stated that those who do not want to participate at \$3 per acre won't participate. The Chairman agreed. The Chairman called for a roll call vote.

Roll Call Vote:

Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Chase: Aye; Mr. Beck: Aye; Mr. Chamberlain: Aye; Mr. Graham: Aye; Mr. Rigby: Aye; and Chairman Uhling: Aye. 8 Ayes. Motion Passed.

Agenda Item No. 4, ESPA CAMP Funding

Mr. Anderson discussed a proposed resolution for ESPA CAMP Funding. Mr. Anderson stated that the Idaho Legislature is currently approving department budgets. The ESPA CAMP Implementation Committee has been developing funding legislation for the coming year adhering as closely as possible to the objectives in the ESPA CAMP plan. At the request of the Interim Legislative Committee, the legislation was finalized. In the last two weeks questions have arisen about the tax versus fee issue and concerns about benefits derived from the fees. To keep the process moving ahead, the Governor held a meeting requesting that those in attendance would participate in a volunteer process to keep the CAMP moving along. The state would stay engaged and would contribute state resources to implement CAMP with the intention that other parties would contribute

contribute state resources to implement CAMP with the intention that other parties would contribute funding identified in the ESPA CAMP. Mr. Anderson asked if the Governor's Office had any comments about his summary today.

Mr. Mike Webster, Office of the Governor, stated that Mr. Anderson had accurately summarized the meeting. At the budget hearing on Monday morning, Senator Bair recommended the department's budget to the Joint Finance and Appropriation Committee. Mr. Anderson had met with Senator Bair last week representing the Board. Senator Bair asked if the Board was willing to make a commitment of Board funds to keep the ESPA CAMP process moving along. The Governor had originally committed \$1 million of stimulus funds; however, that money has been reallocated to other budget needs. Senator Bair approved of using monies from the Pristine Springs loan to keep the CAMP process moving along. He informed the JFAC committee that the first two payments would be committed to ESPA CAMP for Fiscal Year 2011. Mr. Anderson stated the first payment is in place and the next payment will be received in October. The resolution obligates the first two Pristine Springs loan payments to the ESPA CAMP in the total amount of \$2.4 million.

Chairman Uhling asked if this was consistent with the matching request which was part of Phase I of the ESPA CAMP process. Mr. Anderson responded yes. He added that Senator Bair, Clive Strong and Phil Rassier had been working on a modification of Idaho Code Section 42-1780 which authorizes and establishes the Aquifer Planning and Management Fund. This fund was created by the Legislature and every year the Board seeks authorization to spend money from the fund. The new legislation creates a secondary fund to provide opportunity for canal companies, irrigation districts and private entities that want to contribute matching funds for Board projects and will provide spending authority so the Board does not have to seek spending authority. This will provide flexibility in the years ahead. Chairman Uhling asked for comments and questions.

Mr. Beck asked for clarification that in the space of two weeks when the Governor had expressed support for camp with \$1 million and now that has been allocated elsewhere. That's correct, Mr. Anderson responded. Mr. Beck stated that recently Water District 01 passed a resolution highlighting the Governor's contribution of \$1 million. Mr. Beck expressed his disappointment and the Chairman shared that disappointment. The Chairman also noted that with the low state revenues it was not unexpected.

Mr. Cuddy asked if contributions from water parties would be site specific when coming into the fund and would there be specific allocations. Mr. Anderson responded that it is a fund that would be used for all projects. Monies could come in for specific projects or for overall costs.

Mr. Chase asked if the \$2.4 million used for these projects would be returned to the Board. Mr. Anderson responded that it would not; it would be used for projects. Chairman Uhling asked if this matching was the 60/40 mentioned in the plan. Mr. Anderson replied that these monies would be used in conformance with the ESPA CAMP plan. The Chairman called for further questions and comments.

Mr. Bartsch, CDR Associates, stated that subsequent to the Governor's meeting an Implementation Committee meeting was held to bring members up to speed on the funding legislation as well as the direction from the Governor and the Legislature for 2010.

The Implementation Committee discussed the proposed time frame and decided they would act "as if" the plan was moving forward for the long term. Questions have been raised about leadership from the Governor and the Board. The Implementation Committee discussed their time frame and time line. Mr. Bartsch stated that March 12 is the deadline for projects to be submitted to the Implementation Committee. By June 1, the Board and the Governor will decide on projects based on the Implementation Committee's input. There was discussion about this process.

Mr. Bartsch discussed the criteria for evaluating the projects which include AWEP, managed recharge elements including longer term constructed projects and other water user projects. The criteria are: 1) is it consistent with the plan; 2) is there aquifer benefit both qualitative and quantitative; 3) is money available; and 4) What are the implementation timeframes. The next Implementation Committee meeting will be April 6 and another on April 26th with projects to be submitted by May 3rd to the Board. The Implementation Committee is supportive of the direction and excited to get on with the work of building projects.

Mr. Alan Koelsch asked what the Pristine Springs payment was this year. Mr. Anderson responded that the first payment at the end of 2009 was \$1.2 million with another \$1.2 million coming in October. Mr. Beck asked if any of the \$1.2 million that came in during 2009 was already obligated. Mr. Anderson responded that it was not obligated.

Chairman Uhling asked if the Implementation Committee would measure the benefits of what is done with the money. Mr. Bartsch responded that results are a key piece.

Mr. Chamberlain moved that the resolution obligating the Pristine Springs Loan Repayments to the ESPA CAMP Implementation be approved. Mr. Beck seconded. The Chairman called for a roll call vote.

Roll Call Vote:

Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Chase: Aye; Mr. Beck: Aye; Mr. Chamberlain: Aye; Mr. Graham: Aye; Mr. Rigby: Aye; and Chairman Uhling: Aye. 8 Ayes. Motion Passed.

Agenda Item No. 5, Any Other Non-Action Items Board Members May Wish to Present

The Chairman asked when was the next Board meeting. Mr. Anderson responded it was the 25th of March. The regular Board meeting is the 26th.

Agenda Item No. 6, Adjourn

Mr. Rigby moved to adjourn. Mr. Cuddy seconded. The Chairman called for a voice vote and all were in favor.

Dated this 1st day of April, 2010



Secretary



Patsy McGourty, Administrative Assistant II

Board Actions:

1. Mr. Chamberlain moved that staff move ahead with the spring recharge efforts. Mr. Alberdi seconded. The Chairman called for a roll call vote.

Roll Call Vote:

Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Chase: Aye; Mr. Beck: Aye; Mr. Chamberlain: Aye; Mr. Graham: Aye; Mr. Rigby: Aye; and Chairman Uhling: Aye. 8 Ayes. Motion Passed.

2. Mr. Chamberlain moved that the resolution obligating the Pristine Springs Loan Repayments to the ESPA CAMP Implementation be approved. Mr. Beck seconded. The Chairman called for a roll call vote.

Roll Call Vote:

Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Chase: Aye; Mr. Beck: Aye; Mr. Chamberlain: Aye; Mr. Graham: Aye; Mr. Rigby: Aye; and Chairman Uhling: Aye. 8 Ayes. Motion Passed.