



IDAHO WATER RESOURCE BOARD

MEETING MINUTES 3-15

C.L. "Butch" Otter
Governor

Idaho Water Center
Conference Rooms 602 B,C,D
322 East Front Street, Boise, Idaho 83702

Roger W. Chase
Chairman
Pocatello
District 4

March 19, 2015
Work Session

Chairman Roger Chase called the meeting to order at approximately 8:10 am. Mr. Vince Alberdi and Mr. Pete Van Der Meulen were absent. All other Board members were present.

Jeff Raybould
Vice-Chairman
St. Anthony
At Large

During the Work Session the following items were discussed:

- Financial Status Report by Brian Patton
- Overview of Water District 1 Refill Settlement by Mat Weaver
- Idaho Water Use by Tim Merrick, USGS
- Economic Impacts of Curtailment by Dr. Garth Taylor, University of ID
- Municipal Vulnerability to Curtailment by Christian Petrich, SPF
- Proposal Preview by Paul Kimmel, Palouse Basin Aquifer Committee
- ESPA Recharge by Wesley Hipke
- Public Information Support by Steve Steubner

Vince Alberdi
Secretary
Kimberly
At Large

Peter Van Der Meulen
Hailey
At Large

No action was taken by the Board during the Work Session.

Charles "Chuck"
Cuddy
Orofino
At Large

March 20, 2015
IWRB Meeting

Albert Barker
Boise
District 2

At 7:30 am the Chairman called the meeting to order. Mr. Pete Van Der Meulen was absent. All other Board members were present.

John "Bert" Stevenson
Rupert
District 3

Agenda Item No. 1, Roll Call

Board Members Present

Dale Van Stone
Hope
District 1

Roger Chase, Chairman
Vince Alberdi, Secretary
Bert Stevenson
Dale Van Stone

Jeff Raybould, Vice-Chairman
Chuck Cuddy
Albert Barker

Staff Members Present

Gary Spackman, IDWR Director
Neeley Miller, Senior Planner
Mandi Pearson, Admin. Assistant
Liz Cresto, Hydrologist

Brian Patton, Bureau Chief
Cynthia Bridge Clark, Section Manager
Morgan Case, Biologist
Remington Buyer, WSB Coordinator

Wesley Hipke, Recharge Project Manager
Clive Strong, Deputy Attorney General
Garrick Baxter, Deputy Attorney General

Sean Vincent, Hydrology Section Manager
Harriet Hensley, Deputy Attorney General

Guests Present

Walt Poole, Idaho Fish and Game
Dave Tuthill, Idaho Water Engineering
Hal Anderson, Idaho Water Engineering
Marie Kellner, Idaho Conservation League
Manuel Rauhut, HDR

Peter Anderson, Trout Unlimited
Liz Paul, Idaho Rivers United
John J. Williams, Bonneville Power Administration
Jon Bowling, Idaho Power
John Simpson, Barker Rosholt & Simpson

Agenda Item No. 2, Executive Session

At approximately 7:30 am the Board resolved into Executive Session by unanimous consent pursuant to Idaho Code Section 67-2345 (1) subsections (f), for the purposes of communicating with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Topics discussed were Managed Recharge Permit Applications and North Idaho Adjudication. No action was taken by the Board during the Executive Session. The Board resolved out of Executive Session and into Regular Session at approximately 8:00 am.

Agenda Item No. 3, Agenda and Approval of Minutes

Chairman Chase called to the public's attention to a violation of the Open Meeting Law. He called the public's attention to the minutes from meeting 1-15 to ensure full notice of the content of the meeting is provided. The topic did not involve a deliberation towards a decision or a decision by the Board. The Board has been advised by the Attorney General's Office that no further correction is needed, but it is suggested that the Board receive training on the Open Meeting Law at a future meeting.

Mr. Barker made a motion to correct the draft minutes of the January 23, 2015 meeting, meeting number 1-15. The corrections include: on page 2, agenda item 2, the fourth line from the bottom of the first paragraph, after the word "Director," place a comma, and delete "of"; on the last line after the word "Director," add "and Reclamation"; on the second line of the second paragraph change the word "Director" to "Department." Mr. Barker made a motion to approve the minutes from meeting 1-15 with these corrections. Mr. Raybould seconded the motion. Voice Vote. All were in favor. Motion passed.

Mr. Barker made a motion that the minutes for meeting 2-15 be approved as printed. Mr. Van Stone seconded the motion. Voice Vote. All were in favor. Motion passed.

Agenda Item No. 4, Snake River at Murphy Minimum Flows

Mr. Clive Strong discussed the final implementation steps of Swan Falls Agreement. Under the 2009 Swan Falls Reaffirmation Agreement, the State of Idaho, the Idaho Water Resource Board and Idaho Power Company entered into several agreements, one of which was the quantification of the hydropower water rights. The issue at hand is how to maintain the agreed-upon flows at Murphy Gage. Staff has been working with Idaho Power to develop a measurement protocol at the Murphy Gage. This year, flows in the river will approach the minimum flows, so staff proposes a "debit system" to make the Board's Palisades storage water available to augment flows at the Murphy Gage in the event the adjusted average daily flow at the Murphy Gage drops below the Murphy minimum flow.

Mr. Brian Patton discussed the temporary debit/credit system the Board put in place last year. The intent is to renew the debit/credit system and make it a permanent feature. A critical piece of the resolution before the Board is the intention to engage the water right holders diverting Trust Water and

develop a mechanism whereby in the future the costs of and fees for delivery of the Palisades storage water will be borne by the water right holders diverting Trust Water.

There was discussion among the parties regarding the cost of administration and delivery of the storage water, possible curtailment if the shortfall exceeds the Board's storage water, notification to the Trust Water users, the real value of mitigation, a management plan to anticipate spring flows, a set of measures to respond to changes, and an adaptive management program.

Mr. Raybould moved to adopt the resolution regarding the Swan Falls Agreement Minimum Flows. Mr. Alberdi seconded the discussion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Absent; Mr. Van Stone: Aye; Mr. Barker: Abstain; Chairman Chase: Aye. Motion passed.

Mr. Sean Vincent presented a status report on the alternate gage below Swan Falls Dam. He discussed issues with the Near Murphy Gage caused by growth of aquatic vegetation during the low flow period, an alternate site and gage that should provide more accurate gage data, and the status of the installation of measurement equipment. There was discussion among the parties regarding the projected low flows, how the data from the gage will be used, and communication with Idaho Power.

Agenda Item No. 5, Public Comment

Chairman Chase opened up the meeting for Public Comment. Mr. John J. Williams of Bonneville Power Administration (BPA) provided an update on current BPA issues. Mr. Williams discussed the current status of the Biological Opinion, the Energy Crisis Lawsuit, and oversupply issues and solutions. There was discussion among the parties regarding the petition to delist Snake River fall Chinook, and solar power.

Ms. Marie Kellner of the Idaho Conservation League reminded the Board of the upcoming Weiser River Appreciation Event on May 2nd. Flows may not be sufficient to float the river, so an alternative event has been planned. Ms. Kellner described the purpose of the event and expressed desire that the Board attend. There was discussion among the parties regarding attendance and a timeline for the event.

Ms. Liz Paul of Idaho Rivers United addressed the Board regarding water policy issues. She discussed an opinion article from former Congressman George Miller (California).

Agenda Item No. 6, Committee Assignments

Mr. Patton discussed the proposed IWRB Committee assignments. Mr. Barker moved to adopt the updated Board Committees and Membership assignments. Mr. Raybould seconded the motion. Voice Vote. All were in favor. Motion passed.

Agenda Item No. 7, Legislative Update

Mr. Garrick Baxter provided a brief legislative update. He discussed the following items: HB94 (Trespass Exception), HB166 (Authorization for Irrigation Districts to Incur Debt), HB273 (IDWR Appropriation), HB255 (Dredge Mining), SB1099 (Land Lien on Unpaid Assessments), SB1100 (Cloud Seeding), Bear River Basin Adjudication, and RS23637 (Managed Recharge). Mr. Baxter also discussed proposed rule changes. There was discussion among the parties regarding the legislation and impacts to the Board.

Agenda Item No. 8, Water Supply Update

Ms. Liz Cresto provided an update on the current water supply. She discussed statewide snowpack levels, current and forecasted temperatures and streamflow, surface water supply, reservoir capacity, surface water supply index, and regional precipitation forecasts. There was discussion among the parties regarding streamflow peaks.

Agenda Item No. 9, Water Supply Bank

Mr. Remington Buyer provided an annual report to the Board on the Water Supply Bank. He discussed the growth of the Bank over the last few years, including increased productivity, utility and revenue. He also discussed the increasing complexity of lease/rental transactions, including companion lease/rental transactions. There was discussion among the parties regarding issues surrounding companion applications.

Agenda Item No. 10, Upper Salmon Basin Water Transaction Projects

Ms. Case discussed the 2015-2017 Morgan Creek Transaction. This transaction proposes a funding resolution of \$26,467.76 to enter into a three-year minimum flow agreement to maintain 2 cfs in Morgan Creek. Funds are available through the Columbia Basin Water Transactions Program. There was discussion among the parties regarding built-in annual increases.

Mr. Van Stone moved to approve the resolution to provide funding for the 2015-2017 Morgan Creek Water Transactions contracts. Mr. Raybould seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Absent; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Ms. Case discussed the 2015 Bohannon Creek Transaction. This transaction proposes a funding resolution of \$15,268 to enter into two one-year minimum flow agreements to reconnect Bohannon Creek. Funds are available through the Idaho Fish Accord Water Transactions Program.

Mr. Raybould moved to approve the resolution to provide funding for the 2015 Bohannon Creek Water Transactions contract. Mr. Cuddy seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Absent; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Ms. Case discussed the 2015-2017 Rental of Hat Creek. This transaction proposes funding of \$1,887.05 to enter into a three-year lease/rental agreement for water rights from Big Hat Creek and Hat Creek. Funds are available through the Columbia Basin Water Transactions Program.

Mr. Cuddy moved to approve the resolution to provide funding for the 2015-2017 Rental of Hat Creek. Mr. Barker seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Absent; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

Ms. Case discussed the Beaver Creek Rental Fee Adjustment. The transaction proposed funding of \$148,167.42 to enter into a twenty-year rental agreement for water rights from Beaver Creek and the Salmon River. This identifies corrected costs of the rental fees. Funds are available through the Columbia Basin Water Transactions Program to cover the corrected costs of the twenty-year rental from Beaver Creek. There was discussion among the parties regarding funding from the Columbia Basin Water Transactions Program.

Mr. Van Stone moved to approve the resolution to provide funding for the Beaver Creek Rental Fee Adjustment. Mr. Raybould seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Absent; Mr. Van Stone: Aye; Mr. Barker: Aye; Chairman Chase: Aye. Motion passed.

There was discussion among the parties regarding the potential to receive Columbia Basin Water Transaction funding to compensate Friends of the Teton River for monitoring costs.

Agenda Item No. 11, Storage Studies Update

Ms. Clark provided a status report on the surface water storage studies. She discussed the status of the Weiser-Galloway Project. The US Army Corps of Engineers (Corps) is currently completing the

evaluation of potential hydropower integration from the Galloway project with the Northwest power grid. Results from the study are expected spring 2015. A Planning Assistance to States cost-share agreement has been executed between the Board and the Corps to optimize the project size, develop a conceptual design layout, and revise construction costs. The study is scheduled to be completed at the end of the calendar year. A review of the economic benefits of the project is underway. An evaluation of Weiser River Trail impacts and relocation options is one of the next steps. A study scope is defined and the contract is being finalized. IDWR staff is developing a plan to compile a pre-application document during FERC preliminary permit period. Staff is also communicating with water users in the Weiser basin that have expressed interest in improvements to water measurement.

Ms. Clark discussed the status of the Boise River Feasibility Study. Evaluation of the selected water supply and flood risk reduction measures is ongoing. Reservoir modeling of the Arrowrock Dam raise has been completed. Staff is preparing a letter requesting the initiation of the Lands, Easements, Right-of-Way, Relocations, and Dredging Process with the Corps. The study is on schedule to complete draft feasibility study report and EIS for public review in the fall of 2015. There was discussion among the parties regarding the opportunity to increase channel capacity.

Ms. Clark provided an update on the Island Park Reservoir Enlargement Project. IDWR staff is preparing to issue a Request for Qualifications to complete an assessment of potential impacts to land and real estate resulting from a raise of the Island Park Reservoir, and will coordinate with the US Bureau of Reclamation and other stakeholders. Staff is in the process of developing a project website and information materials.

Agenda Item No. 12, ESPA Recharge

Mr. Wesley Hipke provided a status report on ESPA recharge. During this winter/spring season, staff estimates that 58,000 acre-feet has been recharged in the Lower Valley, and over 14,000 acre-feet in the Upper Valley. Issues include limited capacity in the Lower Valley and variable duration and volumes in the Upper Valley. Staff is working to maximize diversion of flows spilling past Milner during the non-irrigation season, to develop a winter-operational facility to utilize the Little Wood River water supplies, and to maximize opportunities for diverting springtime releases for the delivery of recharge above American Falls Reservoir that do not interfere with filling the reservoir system. There was discussion among the parties regarding conveyance costs and the payment structure for the participating canal systems, as well as discussion regarding other entities involved in recharge in the Upper Valley.

Agenda Item No. 13, North Idaho Future Water Demand Update

Mr. Neeley Miller provided an update on the North Idaho Future Water Demand Study. He discussed the background for the study. The contract for the study between the Board and IWRRI was executed in September 2014 and ends on May 30, 2015. The first four tasks of the study have been completed, and the Rathdrum Prairie Aquifer Future Water Demand Report was delivered to Board staff and others on December 15, 2014. Several Rathdrum Prairie municipal water providers utilized the information to submit applications for reasonable anticipated future needs water rights. The final task of the study is the development of an Integrated Water Resource Management Plan.

Mr. Miller also discussed the recent Rathdrum Prairie CAMP Advisory Committee meeting that occurred in Coeur d'Alene on February 24, 2015.

Agenda Item No. 14, IDWR Director's Report

Director Spackman provided a follow-up to the Swan Falls Minimum Flows. He discussed the complexities of communicating with the trustwater users, especially in light of budget issues. Director Spackman discussed the Surface Water Coalition Call Methodology Order, as well as delivery calls in the Big and Little Wood Rivers. Director Spackman also discussed the Lewiston Plateau Groundwater Management Plan and the Mountain Home Air Force Base water rights and water supply.

Agenda Item No. 15, Other Non-Action Items for Discussion

Mr. Cuddy discussed a 1900 foot well drilled by the Lewiston Orchard Irrigation District.

Agenda Item No. 16, Next Meetings and Adjourn

The next Board meeting is currently scheduled for May 21-22, 2015 in Idaho Falls. There was discussion among the parties regarding a possible field trip to the Great Feeder head gate and/or other sites. An upcoming meeting is currently scheduled for July 16-17, 2015 in Northern Idaho, but the Board members discussed alternate dates that may work better for July. Mr. Barker made a motion to Adjourn, and Mr. Stevenson seconded the motion. Voice Vote. All were in favor. Motion Carried.

The IWRB Meeting 3-15 adjourned at approximately 12:00 pm.

Respectfully submitted this 22nd day of May, 2015.



Vince Alberdi, Secretary



Mandi Pearson, Administrative Assistant II

Board Actions:

1. Mr. Barker made a motion to correct the draft minutes of the January 23, 2015 meeting, meeting number 1-15. The corrections include: on page 2, agenda item 2, the fourth line from the bottom of the first paragraph, after the word "Director," place a comma, and delete "of"; on the last line after the word "Director," add "and Reclamation"; on the second line of the second paragraph change the word "Director" to "Department." Mr. Barker made a motion to approve the minutes from meeting 1-15 with these corrections. Mr. Raybould seconded the motion. Voice Vote. All were in favor. Motion passed.
2. Mr. Barker made a motion that the minutes for meeting 2-15 be approved as printed. Mr. Van Stone seconded the motion. Voice Vote. All were in favor. Motion passed.
3. Mr. Raybould moved to adopt the resolution regarding the Swan Falls Agreement Minimum Flows. Mr. Alberdi seconded the discussion. Roll Call Vote. 6 Ayes, 1 Abstain, 1 Absent. Motion passed.
4. Mr. Barker moved to adopt the updated Board Committees and Membership assignments. Mr. Raybould seconded the motion. Voice Vote. All were in favor. Motion passed.
5. Mr. Van Stone moved to approve the resolution to provide funding for the 2015-2017 Morgan Creek Water Transactions contracts. Mr. Raybould seconded the motion. Roll Call Vote. 7 Ayes, 1 Absent. Motion passed.
6. Mr. Raybould moved to approve the resolution to provide funding for the 2015 Bohannon Creek Water Transactions contract. Mr. Cuddy seconded the motion. Roll Call Vote. 7 Ayes, 1 Absent. Motion passed.
7. Mr. Cuddy moved to approve the resolution to provide funding for the 2015-2017 Rental of Hat Creek. Mr. Barker seconded the motion. Roll Call Vote. 7 Ayes, 1 Absent. Motion passed.
8. Mr. Van Stone moved to approve the resolution to provide funding for the Beaver Creek Rental Fee Adjustment. Mr. Raybould seconded the motion. Roll Call Vote. 7 Ayes, 1 Absent. Motion passed.