



# IDAHO WATER RESOURCE BOARD

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**C.L. "Butch" Otter**  
*Governor*

## MINUTES MEETING NO. 6-16

**Roger W. Chase**  
*Chairman*  
Pocatello  
District 4

Clarion Inn  
1399 Bench Road  
POCATELLO, ID

**Jeff Raybould**  
*Vice-Chairman*  
St. Anthony  
At Large

September 15, 2016  
**Work Session**

**Vince Alberdi**  
*Secretary*  
Kimberly  
At Large

Chairman Chase called the Work Session meeting to order at 8:15 a.m. All Board members were present. IDWR staff members present were: Brian Patton, Cynthia Bridge Clark, Neeley Miller, Rick Collingwood, Gary Spackman, Mathew Weaver, Wesley Hipke, Sean Vincent, Mike McVay, Jennifer Strange, and James Cefalo. Guests present were: Sarah Hagen, Shaun Parkinson, Jon Bowling, John Simpson, Harvey Walker, Alan Hansten, Stephen Goodson, Ann Vonde, Amy Verbeten, Sarah Lien, Kelly Park, Walt Poole, Nancy Murillo, John Williams, and Del Kohtz.

**Peter Van Der Meulen**  
Hailey  
At Large

During the Work Session the following items were discussed:

**Charles "Chuck" Cuddy**  
Orofino  
At Large

- An annual update of ESPA monitoring and aquifer storage by Sean Vincent and Mike McVay, both of IDWR.
- A presentation by Mr. Hipke of current ESPA resolutions and projects planned.
- A presentation that introduced a loan request for North Side Canal Company by Mr. Collingwood.
- An update on water storage studies by Ms. Bridge Clark.
- A presentation by Mr. Shaun Parkinson from Idaho Power that updated the Board on the statewide cooperative cloud seeding program.
- A presentation by the Teton Water Users Association, which included Lynn Bagley, Amy Verbeten, and Sarah Lien.

**Albert Barker**  
Boise  
District 2

**John "Bert" Stevenson**  
Rupert  
District 3

**Dale Van Stone**  
Hope  
District 1

Around noon the Board broke for lunch. A tour of the Last Chance Canal Diversion Dam followed lunch. They met in Grace, Idaho to hear a presentation from the Last Chance Canal Company representatives. Then the group toured the site of the Last Chance diversion dam, the power plant and flumes. The tour ended around 4:45 p.m.

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

September 16, 2016  
**Board Meeting No. 6-16**

At 8:00 a.m. Chairman Chase called the meeting to order. All members were present.

**Agenda Item No. 1: Roll Call**

*Board Members Present*

Roger Chase, Chairman  
Vince Alberdi, Secretary  
Bert Stevenson  
Chuck Cuddy

Jeff Raybould, Vice-Chairman  
Pete Van Der Meulen  
Dale Van Stone  
Albert Barker

*Staff Members Present*

Gary Spackman, Director  
Cynthia Bridge Clark, Water Projects Section Manager  
Rick Collingwood, Planning Engineer  
Ann Vonde, Deputy Attorney General  
Mathew Weaver, Deputy Director

Brian Patton, Planning Bureau Chief  
Neeley Miller, Senior Planner  
Lyle Swank, Eastern Region Manager  
Mike McVay, Technical Engineer

*Guests Present*

Terrell Sorensen, Falls Irrigation District  
Stephen Goodson, Governor's Office  
John Williams, BPA  
Jerry Rigby, WSWC  
Walt Poole, IDFG  
Elese Teton, Shoshone Bannock Tribes  
Garry Ratzlaff, Sagebrush Steppe Land Trust

Shaun Tischendorf, Falls Irrig. District  
Chris Colson, Ducks Unlimited  
Lyle Swank, Water Dist #01  
Bob Bruce, Stanley Consultants  
Randy Budge, IGWA  
Nancy E. Murillo

**Agenda Item No. 2 Executive Session**

Mr. Alberdi made a motion for the Board to resolve into Executive Session. Mr. Stevenson seconded. Roll call vote: Mr. Alberdi: Yes; Mr. Barker: Yes; Mr. Cuddy: Yes; Mr. Raybould: Yes; Mr. Stevenson: Yes; Mr. Van Der Meulen: Yes; Mr. Van Stone: Yes; and Chairman Chase: Yes. 8 Ayes.

At approximately 8:05 a.m. the Board resolved into Executive Session by unanimous consent pursuant to Idaho Code Section 74-206(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: Big Wood, Lemhi and ESPA Recharge Water Rights.

No actions were taken by the Board during the Executive Session. Mr. Alberdi moved to exit out of Executive Session. Mr. Raybould seconded the motion. Voice vote: All were in favor. Motion carried. The Board resolved out of Executive Session at approximately 9:32 a.m.

### **Agenda Item No. 3: Agenda and Approval of Minutes 5-16**

There was one noted adjustment to the Agenda. Mr. Patton said item No. 8b—a loan request for 3D Water Association—would not be addressed, per the memo that had been included in the meeting materials.

For the 5-16 Minutes, Mr. Raybould recommended that the word “requirement” be changed to “goal” on page 5 under Agenda item No. 12. Mr. Stevenson moved to approve the minutes as amended. It was seconded by Mr. Cuddy. Voice vote: all were in favor. The minutes were adopted.

### **Agenda Item No. 4: Public Comment**

Some members of the community had requested time to speak during public comment. Chairman Chase recommended a five minute maximum per person. The following individuals addressed the Board:

Mr. Terrell Sorensen previously with the Falls Irrigation District and currently with the University of Idaho shared with the Board a need for help with late season water needs. They proposed a desire for three new wells to provide more water in the Falls Irrigation District.

Mr. Chris Colson of Ducks Unlimited expressed a desire to be included on the next meeting’s agenda regarding water fowl conservation. Ducks Unlimited is looking for common ground where aquifer recharge and breeding grounds can overlap to provide flood irrigation in historic flood plains.

Mr. John Williams provided updates on Bonneville Power Administration. He said a scoping process will begin and that he would keep the Board updated. He also thanked the Board members who participated in the BPA constituent survey.

Mr. Lyle Swank from Water District #01 had two issues for the Board to hear. First, he suggested that large private leases in the district could potentially cause problems for water supply balances. Also, he had concerns regarding Water District #01 rental pool leases that went outside of the ESPA boundaries. Secondly, he expressed concern with balancing federal programs that encourage the use of more efficient irrigation systems with the efforts to provide for the ESPA recharge program.

No actions were taken by the Board.

### **Agenda Item No. 5: Financial Status**

Mr. Patton provided updates as of September 1<sup>st</sup> on the Board’s account balances. He highlighted changes to the Fiscal Memo. He presented the newest format for the Secondary Aquifer budget. Board members expressed appreciation for the new format. Finance Committee Chair, Mr. Alberdi said that the new format made the budget easy to track and understand. Mr. Patton said the Committee recommended that the new format be carried to the Revolving Development account balance sheets as the next goal to accomplish.

No actions were taken by the Board.

## **Agenda Item No. 6 ESPA Recharge**

Mr. Hipke presented six resolutions for the Board to consider in the matter of aquifer stabilization and the Eastern Snake Plain Aquifer recharge efforts. The first was for the Butte Market Lake Canal Company to conduct recharge site identification.

Mr. Raybould moved to adopt the resolution that authorized expenditures not to exceed \$39,000 to the BMLCC to conduct potential site identification. Mr. Van Stone seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Cuddy: Aye; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. 8 Ayes. Motion passed. The resolution was adopted.

The second resolution was for the New Sweden Irrigation District to do the preliminary survey work for the managed recharge site evaluation on their system.

Mr. Alberdi moved to adopt the resolution authorizing expenditures not to exceed \$39,000 to the NSID to conduct a survey. Mr. Cuddy seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Cuddy: Aye; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. 8 Ayes. Motion passed. The resolution was adopted.

The third resolution was for the Quayles Lake site evaluation proposed by the Egin Bench Canal Company and Fremont-Madison Irrigation District. Mr. Raybould recused himself from the vote on this resolution.

Mr. Van Stone moved to adopt the resolution authorizing expenditures not to exceed \$20,000 to evaluate the site and provide necessary information to obtain BLM easements for that area. Mr. Van Der Meulen seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Cuddy: Aye; Raybould: Abstain; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. 7 Ayes. Motion passed. The resolution was adopted.

The fourth resolution was for the Woodville Canal Company to conduct a managed recharge site evaluation.

Mr. Stevenson moved to adopt the resolution authorizing expenditures not to exceed \$17,000 to evaluate the site. Mr. Raybould seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Cuddy: Aye; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. 8 Ayes. Motion passed. The resolution was adopted.

The fifth resolution was for the Big Wood Canal Company to survey the Richfield managed recharge site.

Mr. Barker moved to adopt the resolution authorizing expenditures not to exceed \$47,000 to provide the preliminary survey work for the proposed site. Mr. Cuddy seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Cuddy: Aye; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Abstain; Van Stone: Aye; Chairman Chase: Aye. 7 Ayes. Motion passed. The resolution was adopted.

The final resolution was for the South Fork managed recharge feasibility evaluation. There was some discussion among the Board regarding the options to evaluate six or nine of the possible sites.

Mr. Van Stone moved to adopt the resolution authorizing expenditures not to exceed \$166,000 to evaluate up to nine sites. Mr. Alberdi seconded the motion. Roll call vote: Alberdi:



Aye; Barker: Aye; Cuddy: Aye; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. 8 Ayes. Motion passed. The resolution was adopted.

#### **Agenda Item No. 7 Presentation by the Shoshone-Bannock Tribes on Water Issues**

Ms. Elese Teton provided an overview of the Water Resources Department for the Shoshone-Bannock Tribes. She discussed the history of water issues on the reservation; current solutions; and future considerations.

No actions were taken by the Board.

#### **Agenda Item No. 8 Loan Requests**

Mr. Collingwood presented a loan for the North Side Canal Company. Mr. Raybould had a question about how soon NSCC would begin making repayments. Mr. Barker asked to be recused from discussion of this loan request. There was discussion about amending the resolution to include repayment terms.

Mr. Van Der Meulen moved to adopt the resolution as amended approving a loan not to exceed \$5,200,000 to the North Side Canal Company. Mr. Alberdi seconded the motion. Roll call vote: Alberdi: Aye; Barker: Abstain; Cuddy: Aye; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. 7 Ayes. Motion passed. The resolution was adopted.

#### **Agenda Item No. 9 IGWA Items**

Mr. Patton introduced the first section of this agenda item, which requested action on a loan extension for the Ground Water Districts. He reminded the Board of the Finance Committee's recommendations. They had questions and concerns for IGWA. Mr. Stevenson informed the Board that he does have ground water rights within the Magic Valley Ground Water District, but that he is not affected any differently than any other water right holders. He expressed an intention to be included on the vote for the resolution.

Mr. Randy Budge represented IGWA and spoke with the Board about the issues. He informed the Board that he did not see any prohibition for the Districts to obtain further indebtedness. There was some discussion about repayment obligations. Mr. Raybould had some amendments to the resolution.

Mr. Raybould moved to adopt the resolution as amended approving an extension of the due date of the interim loan. Mr. Van Stone seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Cuddy: Aye; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. 8 Ayes. Motion passed. The resolution was adopted.

Mr. Budge continued his discussion with the Board regarding other IGWA issues. He said most of the issues in the Hagerman Valley have been resolved. He discussed the trim line decision along the Great Rift and the Billingsley Creek decision. He stated the settlement with Buckeye is expected to be completed within a year. He said there is a 5<sup>th</sup> mitigation plan pending with Rangen.

Further, Mr. Budge provided updates on the Surface Water Coalition settlement agreement. There was some discussion on the State's role. He discussed the year's activities and the upcoming expectations.

#### **Agenda Item No. 10 NRCS Snow Survey**

Ms. Bridge Clark introduced Mr. Abramovich with NRCS. She reminded the Board that a resolution was included with the board materials. Mr. Abramovich had a presentation for the Board on a proposal for the identification and installation of new SNOTEL sites. He said that they would like a list of basins the Board would like to see evaluated. There was some discussion about having mid-level sites developed and about having other agencies on board for funding.

Ms. Bridge Clark discussed the resolution with the Board. There is an expectation for a future update to include the names of the others funding the project.

Mr. Van Stone moved to adopt the resolution as amended to provide funding not to exceed \$200,000 to develop new SNOTEL sites. Mr. Van Der Meulen seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Cuddy: Aye; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. 8 Ayes. Motion passed. The resolution was adopted.

#### **Agenda Item No. 11 Appointment of Hearing Officer for Stream Channel Alteration Permits on the South Fork of the Clearwater**

Mr. Patton informed the Board that a hearing officer needed to be appointed in regards to notice received from holders of stream channel alteration permits on the South Fork of the Clearwater.

Mr. Raybould moved to adopt the resolution appointing a hearing officer—Mr. James Cefalo. Mr. Cuddy seconded the motion. Voice vote: all were in favor. The resolution was adopted.

#### **Agenda Item No. 12 Western States Water Council Report-Jerry Rigby**

Mr. Jerry Rigby talked to the Board about recently being elected Chairman of Western State Water Council. He discussed the role of the WSWC in water issues of the West. He stated the next meeting will be in St. George, UT. The theme is "strategic planning" and will include the following topics: NASA landsat, Water SMART continuation, state water laws, and NPDES. He discussed other areas that the WSWC is involved. He said the Council is considering an increase in States' dues in the Council.

No action was taken by the Board.

#### **Agenda Item No. 13 State Water Plan Sustainability Policy Update**

Mr. Miller updated the Board on the Sustainability Policy. He reminded the Board that the final public hearing was held and that the comment period would end September 30, 2016. He stated that there is a Water Planning Committee meeting set for October 5<sup>th</sup>. Mr. Barker suggested that Mr. Miller have a summary of the comments and draft responses to those comments at that meeting.

No action was taken by the Board.

**Agenda Item No. 14 Director's Report**

Director Spackman mentioned the following topics to be discussed at the next meeting: GWMA public meetings; critical ground water areas orders issued; and Priest Lake levels. He did express concerns regarding the WD01 rental pool issues that Mr. Swank had discussed during public comment. He listed some of the current demands on the system in light of the mitigation demands. There was discussion among board members about the stresses on the system. The Director also discussed the proposed 2018 budget for the Department.

**Agenda Item No. 15 Non-Action Items for Discussion**

Mr. Raybould suggested that a discussion on Water Supply Bank functioning would be appreciated at the next Work Session. Also recommended was a meeting for the WSB Committee.

**Agenda Item No. 16 Next Meeting and Adjourn**

The next meeting was confirmed for November 1-2, 2016 in Boise in conjunction with the Idaho Water Users Association seminar. Mr. Raybould moved to adjourn. Mr. Cuddy seconded. Voice vote: all in favor. The meeting adjourned.

Respectfully submitted this 2<sup>nd</sup> day of November, 2016.

  
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Vince Alberdi, Secretary

  
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Jennifer Strange, Administrative Assistant II

## Board Actions:

1. Mr. Stevenson moved to adopt Minutes 5-16. Mr. Alberdi seconded the motion. Voice Vote. All were in favor. Motion passed.
2. Mr. Raybould moved to adopt the resolution allocating funds up to \$39,000 to the BMLCC to conduct potential site identification. Mr. Van Stone seconded the motion. Roll Call Vote. 8 Ayes. Motion carried.
3. Mr. Alberdi moved to adopt the resolution allocating funds up to \$39,000 to the NSID. Mr. Cuddy seconded the motion. Roll Call Vote. 8 Ayes. Motion carried.
4. Mr. Van Stone moved to adopt the resolution allocating funds up to \$20,000 to Egin Bench Canal Company and FMID. Mr. Van Der Meulen seconded the motion. Roll Call Vote. 7 Ayes. 1 Abstain. Motion carried.
5. Mr. Stevenson moved to adopt the resolution allocating funds up to \$17,000 to the Woodville Canal Company. Mr. Raybould seconded the motion. Roll Call Vote. 8 Ayes. Motion carried.
6. Mr. Barker moved to adopt the resolution allocating funds up to \$47,000 to the Big Wood Canal Company. Mr. Cuddy seconded the motion. Roll Call Vote. 7 Ayes. 1 Abstain. Motion carried.
7. Mr. Van Stone moved to adopt the resolution allocating funds up to \$166,000 to the South Fork Canals. Mr. Cuddy seconded the motion. Roll Call Vote. 8 Ayes. Motion carried.
8. Mr. Van Der Meulen moved to adopt the resolution approving a loan not to exceed \$5,200,000 to the North Side Canal Company. Mr. Cuddy seconded the motion. Roll Call Vote. 7 Ayes. 1 Abstain. Motion carried.
9. Mr. Raybould moved to adopt resolution approving an extension of the due date of the interim loan for the Ground Water Districts. Mr. Van Stone seconded the motion. Roll Call Vote. 8 Ayes. Motion carried.
10. Mr. Van Stone moved to adopt the resolution authorizing funding not to exceed \$200,000 to the NRCS. Mr. Van Der Meulen seconded the motion. Roll Call Vote. 8 Ayes. Motion carried.
11. Mr. Raybould moved to adopt the resolution appointing a hearing officer—Mr. James Cefalo. Mr. Cuddy seconded the motion. Voice Vote. All were in favor. Motion passed.