



IDAHO WATER RESOURCE BOARD

C.L. "Butch" Otter
Governor

MINUTES MEETING NO. 1-17

Roger W. Chase
Chairman
Pocatello
District 4

Idaho Water Center
Conference Rooms 602 B, C, D
322 East Front Street, 6th Floor
BOISE

Jeff Raybould
Vice-Chairman
St. Anthony
At Large

January 23, 2017
Work Session

Vince Alberdi
Secretary
Kimberly
At Large

Peter Van Der Meulen
Hailey
At Large

Charles "Chuck" Cuddy
Orofino
At Large

Albert Barker
Boise
District 2

John "Bert" Stevenson
Rupert
District 3

Dale Van Stone
Hope
District 1

Chairman Chase called the work session meeting to order at 8:30 a.m. All Board members were present. IDWR staff members present were: Brian Patton, Cynthia Bridge Clark, Neeley Miller, Wesley Hipke, Rick Collingwood, Randy Broesch, Remington Buyer, Amy Cassel, Brian Ragan, David Hoekema, Sean Vincent, Gary Spackman and Mat Weaver. Guests present were: Jon Bowling, Marie Kellner, Walt Poole, Billy Richey, Doug Meahuain, Brandon Hobbs, Selena Moore, Lorri Lee and Roland Springer.

During the Work Session the following items were discussed:

- A presentation by Mr. Hoekema regarding the Water Supply Update.
- A presentation by Jim Yost regarding Columbia River Regional Issues.
- Mr. Hipke presented on Eastern Snake Plain Aquifer (ESPA) Managed Recharge during the past year and projections for the upper and lower valleys.
- Mr. Broesch gave a presentation on the MHAFFB Water Sustainability Project.
- Mr. Miller gave a presentation on RCPP Grant Funding.
- A presentation by Mr. Buyer on the Water Supply Bank.
- Mr. Ragan presented on ESPA Settlement Report.
- Ms. Cassel presented on Pole Creek and Bohannon Creek Water Transactions.
- Mr. Collingwood presented on the Lost Valley Reservoir Measurement Project along the Weiser River.
- Mr. Miller presented on the Priest Lake Water Management Study.
- Ms. Bridge Clark presented on the Boise River Feasibility.
- Lorri Lee and Roland Springer, from Idaho Bureau of Reclamation, gave a presentation regarding water storage and possible interest with a feasibility study.
- Ms. Bridge Clark presented on Island Park Reservoir Enlargement Project.
- Mr. Vincent gave a presentation on Treasure Valley Ground Water Model.

No action was taken by the Board during the Work Session. The session adjourned at 3:45 p.m.

January 24, 2017
Board Meeting No. 1-17

At 8:00 a.m. Chairman Chase called the meeting to order.

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
Meghan Carter, Deputy Attorney General
Garriek Baxter, Deputy Attorney General

Brian Patton, Bureau Chief
Neeley Miller, Senior Planner
Randy Broesch, Planning Engineer
Nikki Regent, Admin. Assistant
Steve Stuebner

Guests Present

Dave Tuthill, IWE
Stephen Goodson, GOV
Mike Faulkner, Faulkner Livestock Cat Creek
Clive Strong, Attorney General

Walt Poole, IDFG
Mark Cecchini-Beaver, OAG
Ann Vonde, Deputy Attorney General

Agenda Item No. 2: Executive Session

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

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: N.I.A, Hells Canyon Relicensing, Wood River, Lemhi, and Recharge water rights.

No actions were taken by the Board during the Executive Session. Mr. Alberdi moved to exit Executive Session. Mr. Raybould seconded the motion. Voice vote: All were in favor. Motion carried. The Board resolved out of Executive Session at approximately 9:25 a.m.

Agenda Item No. 3: Board Member Elections

Mr. Van Der Meulen made a motion to reinstate the Chairman, Vice Chairman and Secretary. Mr. Cuddy seconded the motion. Each position was voted on separately. To reinstate Roger Chase as Chairman. Roll call vote: Mr. Alberdi, aye; Mr. Barker, aye; Mr. Cuddy, aye; Mr. Raybould, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Chase, aye. 8 Ayes. Motion passed.

To reinstate Jeff Raybould as Vice Chairman. Roll call vote: Mr. Alberdi, aye; Mr. Barker, aye; Mr. Cuddy, aye; Mr. Raybould, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Chase, aye. 8 Ayes. Motion passed.

To reinstate Vince Alberdi as Secretary. Roll call vote: Mr. Alberdi, aye; Mr. Barker, aye; Mr. Cuddy, aye; Mr. Raybould, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Chase, aye. 8 Ayes. Motion passed

Agenda Item No. 4: Agenda and Approval of Minutes

Mr. Raybould made a motion to approve the meeting minutes 8-16. Mr. Alberdi seconded the motion. Voice vote: all were in favor. Motion passed. Meeting minutes were adopted.

Agenda Item No. 5: Water Right Protest Settlements

Ms. Vonde presented a settlement of a protest by the Board of Water Right application 74-16042 with Mr. Jensen. Mr. Jensen's application is for a new diversion off the L6 of the Lemhi River for 0.18 cfs to irrigate nine acres. The L6 diversion is located just upstream from the point where minimum stream flow (MSF) is measured. The parties drafted terms that will appear in the settlement to address the Board's concerns about impacts to the MSF. First, Mr. Jensen may not divert water if the MSF is not met. Second, Mr. Jensen may not divert if the Board is purchasing water to meet the MSF. Ms. Vonde recommended this settlement for approval from the Board.

Mr. Van Stone made a motion for Ms. Vonde to act on behalf of the Board and execute the settlement. Mr. Van Der Meulen seconded. Voice vote: All were in flavor. Motion passed.

Ms. Vonde presented a modified settlement to the Board's protest of Water Right application 37-22950 in the name of Robert Cook. Mr. Cook applied for a water right to divert water from the East Fork of the Big Wood River through an aesthetic canal that will return water back into the East Fork. To address concerns about potential impacts to the Board's MSF on the Big Wood River, the Board and the applicant reached a settlement in July 2016. IDWR rejected the terms of the settlement due to the challenges of administration. A new settlement has been reached that more clearly defines lands that will remain unirrigated and will allow IDWR to administer the new water right.

Mr. Raybould made a motion for Mark Cecchini-Beaver to sign the settlement on behalf of the Board and execute the settlement. Mr. Van Der Meulen seconded. Voice vote: All were in flavor. Motion passed.

Agenda Item No. 6: Public Comment

Chairman Chase opened the meeting for public comment. Mike Faulkner, a rancher with Faulkner Livestock in Gooding, presented details about the Cat Creek Energy Project, which includes a pump storage facility from the Anderson Ranch Reservoir. He stated that additional capacity of 25,000 to 30,000 acre-feet could be designed into the water storage reservoir and that City of Mountain Home, Elmore County, and the Board may be interested in participating in the project to take advantage of the additional storage. Dave Tuthill, from Idaho Water Engineering representing Cat Creek, also explained the possible expansion and associated water rights that may be of interest to the Board.

No action was taken by the Board

Agenda Item No. 7: Report on Legislation of Interest

Mr. Baxter presented two draft bills from the Farm Bureau. The first bill is related to the minimum stream flow process. Currently there is a section of the code that allows automatic adoption of a minimum stream flow if the legislature fails to act. One of the draft bills proposes to remove this section of the code such

that a resolution would be required to have a minimum stream flow approved. By striking the part of the current language, the statute does not address what would happen if no action is taken by the legislature. Mr. Baxter indicated that he will be working with the Farm Bureau to find some resolution to the ambiguity.

Mr. Baxter presented a second draft legislation amending Idaho Code §42-1734B's procedures for adopting a comprehensive State Water Plan. This draft states the Board must approve a change to the State Water Plan and submit it to the legislature. The Board must also distribute copies to each member of the legislature. Mr. Baxter is working with the Board to simplify this proposed process.

Agenda Item No. 8: Financial Update

Mr. Patton provided the Board with the financial update. The Board's accounts have a total of 36.7 million that is committed for various projects. Total loan principle outstanding is at a total of 25.5 million. The total uncommitted balance is 5.5 million, most of which came from the cigarette tax. There are three significant loan projects that are pending: the Big Wood Canal Co. for a loan of \$1.4 million, North Fremont/Marysville system for a loan of \$1.5 million; and the Sumaria Water Irrigation in Malad for a loan of \$1.9 million.

Agenda Item No. 9: Water Transactions

Ms. Cassel presented details on the Pole Creek transaction. Pole Creek is a 19-year agreement, from 2017-2035, to not divert Pole Creek tributary into the Salmon River. Pole Creek has a high quality habitat for ESA listed Chinook Salmon and Bull Trout. IDWR staff and other program partners have been working with landowners on Pole Creek for 10 years on various habitat and flow improvement projects. The landowners have agreed to enter into this agreement for 19 years which will cover the pumping costs for the two new groundwater wells, pumping stations and power that they will be using. The depth of the wells are 303 ft and 325 ft deep. The funds for this project will come from Bonneville Power Administration through the Columbia Basin Transaction program. The funding resolution includes \$250 for a lease application fee. Ms. Cassel is asking for consideration for Pole Creek resolution for \$696,232.85 to cover lease fees and enter into the 19 year agreement to not divert water from Pole Creek

Mr. Van Stone made a motion to approve the Pole Creek resolution. Mr. Van Der Meulen seconded the motion. Roll call vote: Mr. Alberdi, aye; Mr. Barker, aye; Mr. Cuddy, aye; Mr. Raybould, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Chase, aye. 8 Ayes. Motion passed.

Ms. Cassel presented an annual agreement regarding Bohannon Creek. This is a continuation of an agreement that has been in place for three years with land owners on Bohannon Creek. Ms. Cassel stated that Bohannon Creek houses migrating and spawning steelhead, but it can be dewatered by existing diversions. The intent of the agreement is to maintain a two cfs in the early in the season to ensure the steelhead can leave the system safely. The total compensation for this transaction wouldn't exceed \$14,678. This funding resolution also includes \$600 that will be paid to the water district to pay the water master for additional responsibilities.

Mr. Raybould made a motion to approve the Pole Creek resolution. Mr. Cuddy seconded the motion. Roll call vote: Mr. Alberdi, aye; Mr. Barker, aye; Mr. Cuddy, aye; Mr. Raybould, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Chase, aye. 8 Ayes. Motion passed.

Agenda Item No. 10: Water Supply Bank

Mr. Patton requested that Mr. Buyer's Water Supply Bank Resolution be referred to the Water Supply Bank Committee for more consideration and researching on the issue based on the discussion during the Work Session.

Mr. Barker moved to table this topic and refer it to the Water Supply Bank Committee. Mr. Van Der Meulen seconded. Voice vote: All were in flavor. Motion passed.

Agenda Item No. 11: Boise River Feasibility Study

Ms. Bridge Clark presented an updated resolution for the Board on the Boise River Feasibility Study. The U.S. Army Corps of Engineers (Corps) is unable to identify a project that would satisfy the primary project objectives; primarily the flood risk reduction and the water supply. The project's evaluation did not meet federal requirements for a benefits to costs ratio of 1.0 or higher. The Corps notified the Board that it is unable to continue the study of a project and asked that the Board consider termination of the study. The Board reviewed a draft resolution to approve termination of the study and added a statement encouraging the Corps, cities, counties, and other entities continue to investigate new storage and prioritize projects to reduce flood risk in the Treasure Valley.

Mr. Van Stone moved to amend the resolution to add "cities, counties and other entities" to develop projects. Mr. Van Der Meulen seconded. Voice vote: All were in flavor. Motion passed

Mr. Raybould moved to adopt the resolution as amended. Mr. Van Stone seconded the motion. Roll call vote: Mr. Alberdi, aye; Mr. Barker, aye; Mr. Cuddy, aye; Mr. Raybould, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Chase, aye. 8 Ayes. Motion passed.

Agenda Item No. 12: Weiser River – Lost Valley Reservoir Measurement Project

Mr. Collingwood summarized the Lost Valley Reservoir Company's resolution. Lost Valley is seeking some cost share funding to automate the reservoir outlet gate and install monitoring and measuring devices. Improvements were completed August of last year and put into full operation in September. These newly installed automations allow them to perform dam operations from remote locations, manage the water supply, and reduce operations and maintenance costs. Construction costs of \$21,671.35 and Lost Valley representatives requested a 75% cost share of \$16,253.51. Mr. Van Stone moved to accept the 75% cost share (then withdrew action later on this topic). Mr. Raybould suggested 50% of cost share for the Lost Valley Reservoir Co. and asked the Finance Committee to develop a policy with different types of cost-share funding options based on project total cost.

Mr. Van Stone moved to adopt the resolution with 50% cost sharing. Mr. Alberdi seconded the motion. Roll call vote: Mr. Alberdi, aye; Mr. Barker, aye; Mr. Cuddy, aye; Mr. Raybould, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Chase, aye. 8 Ayes. Motion passed.

Agenda Item No. 13: IWRB Annual Report

Mr. Patton passed around a copy of the annual report for approval by the Board. If approved, enough copies will be made in time for the next Senate visit.

Mr. Barker moved to approve the annual report. Mr. Van Stone seconded. Voice vote: All were in flavor. Motion passed.

Agenda Item No. 14: Director's Report

Director Spackman discussed the upcoming hearing in front of the Joint Finance Appropriation Committee (JFAC) for the Department and Board's joint budget. JFAC has changed the format for budget

presentations to eliminate the use of PowerPoint. He will present the 2016-2017 budget and upcoming 2018 budget and provide documentation of the Board's projects and activities.

The Committee of Nine discussed a rental pool application to irrigate new ground. It was a long-term contract and rental agreement for the rental of storage to supply water to 2,000 acres of irrigated land around Ririe. The discussion focused on how the Committee of Nine address these applications. Director Spackman expressed to the Committee of Nine that the Board would be interested in the matter. There's an opportunity for the Board to discuss this issue. Chairman Chase agreed to reach out to them.

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

Chairman Chase discussed issues related to fish passage at the Hells Canyon Complex. The Board Members agreed that they should discuss this topic at a later date via teleconference and develop a resolution to submit to the legislature.

Agenda Item No. 16: Next Meeting & Adjourn

Mr. Van Der Meulen motioned to adjourn the meeting. Mr. Cuddy seconded. Voice vote: All were in flavor. Meeting adjourned.

Respectfully submitted this 19th day of May, 2017.



Vince Alberdi, *Secretary*



Nikki Regent, *Administrative Assistant II*