



# IDAHO WATER RESOURCE BOARD

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**Peter Van Der Meulen**  
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**John "Bert" Stevenson**  
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District 3

**Dale Van Stone**  
Hope  
District 1

**Jo Ann Cole Hansen**  
Lewiston  
At Large

## MINUTES MEETING NO. 6-18

City of Salmon  
Conference Room  
200 Main Street  
SALMON

September 13, 2018  
**Work Session**

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, Gary Spackman, Mat Weaver, Amy Cassel, Tanna Fullenkamp, and Nikki Regent. Guests present were: James Yost, Chad Fealko, Paul Arrington, Chris Gaughan, Paul Kline, Abbie Gongloff, Merrill Beyeler, Jeff DiLuccia, John Simpson and James Whittaker.

During the Work Session the following items were discussed:

- Mr. Miller provided a brief update of the Flood Management Grants.
- Jim Yost updated the Board on the Columbia Basin Partnership's goals and objectives.
- Mr. Patton & Mr. Yost provided history and background on the Upper Salmon Water Transactions Program.
- Mr. DiLuccia of Idaho Department of Fish and Game presented a history of the Lemhi River fisheries and the implementation of projects.
- Ms. Cassel provided the current status, outcomes to date, and areas for future consideration for the Upper Salmon Water Transaction Program.
- The Board, IDWR staff, and invited guests departed for a field trip to the Lemhi River Basin.

September 14, 2018  
**Board Meeting No. 6-18**

At 8:30 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  
Albert Barker

Jeff Raybould, Vice-Chairman  
Pete Van Der Meulen  
Dale Van Stone  
Jo Ann Cole-Hansen

#### *Staff Members Present*

Brian Patton, Bureau Chief  
Cynthia Bridge Clark, Water Projects Section Manager  
Amy Cassel, Water Transaction Program Mgr.  
Tanna Fullenkamp, Project Coordinator, Water Transaction Program  
Cindy Yenter, Water District 170 Watermaster

Gary Spackman, Director  
Mat Weaver, Deputy Director  
Neeley Miller, Senior Planner  
Nikki Regent, Admin. Asst.

#### *Guests Present:*

Carl Ellsworth, Water District 74W  
Kurt Bird, Water District 74W  
Abbie Gongloff, Upper Salmon Basin Watershed Program  
Kathy McRea, Water District 74W & 2W

Merrill Beyeler, Water District 74W  
James Whittaker, Water District 74W  
Chris Gaughan, USBWP

### **Agenda Item No. 2: Public Comment**

Chairman Chase opened the meeting for public comment. No public comment.

### **Agenda Item No. 3: Agenda & Approval of Minutes**

Mr. Patton presented the Board with two sets of meeting minutes for the 9-17 and 5-18 meetings. Mr. Alberdi noted a correction for 9-17 and made a motion to accept the meeting minutes with that correction. Mr. Stevenson seconded the motion. Voice vote: All were in favor. Meeting minutes were adopted.

### **Agenda Item No. 4: Financial Report**

Mr. Miller presented the Financial Status Report to the Board. The committed/earmarked but not disbursed balance in the Secondary Aquifer Fund was \$31 million, as of the July 31, 2018. The Revolving Development Account has a committed/earmarked but not disbursed balance of \$20 million, loan principle outstanding of \$27 million and uncommitted balance of \$2.5 million. The Water Management Account has a committed/earmarked but not disbursed balance of \$1.1 million.

The committed/earmarked balance in the Water Management Account (WMA) included the \$1M legislative appropriation for the Flood Management Grant Program per HB 712. Mr. Miller noted the balance of the WMA will be adjusted upon execution of grant awards and associated contracts.

### **Agenda Item No. 5: Flood Management Grants**

Mr. Miller gave the Board background on the Flood Management Grants including the funding provided by the Legislature. The first round of awards were authorized at the July 27, 2018 Board meeting. The Board authorized ten applications for a total of \$767,000. Leaving \$232,930 available to be funded during the next round of applications. On September 7, 2018, the Board's Finance Committee reviewed and recommended some of the applications to the full Board. Mr. Miller presented a resolution for the Board to approve funding for five of the nine applicants listed in Attachment A of the resolution.

Mr. Barker requested that the words "wishes to amend the criteria" on line 31 of the resolution be replaced with "has determined to" and made a motion to accept the resolution to award funds with that amendment. Mr. Alberdi seconded the motion. Roll call vote: Mr. Alberdi, aye; Mr. Barker, aye; Ms. Cole-Hansen,

aye; Mr. Raybould, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; Chairman Chase, aye. Motion passed. The resolution was adopted.

**Agenda Item No. 6: Recommended Orders on Recreational Dredge Mining Permit Nos. S01-20253, S82-20066 and S82-20067**

Mr. Patton presented a resolution for the Board to approve in the matter of Stream Channel Alteration Permit No. S01-20253 application from David Shackleton. The Department sent Mr. Shackleton a letter denying his application. Mr. Shackleton requested a hearing on the Department's Denial of his application. A hearing was held on July 6, 2018 and James Cefalo, the hearing officer, recommended order affirming the Department's denial of the application. Mr. Shackleton had fourteen days to file a petition for reconsideration, but did not file a petition. The resolution proposed to the Board would adopt the recommended order issued by the hearing officer in its entirety.

Mr. Patton presented a resolution in the matter of Stream Channel Alteration Permit Nos. 82-20066 from Gay Richardson and S82-20067 from John Stickley. The Department received letters from Mr. Richardson and Mr. Stickley requesting a hearing on the denial of their Joint Application Permit. The Hearing Officer held a pre-hearing conference on August 20, 2018 and Mr. Richardson and Mr. Stickley verbally withdrew their requests for a hearing regarding their Joint Application for Permit. The Hearing Officer issued an order recommending that the Board dismiss the matter. The resolution proposed to the Board would adopt the recommended order issued by the hearing officer in its entirety.

Mr. Van Stone made a motion to accept both resolutions to adopt the recommended orders as the final orders. Mr. Van Der Meulen seconded the motion. Voice vote: all ayes. Motion passed. The resolutions were adopted.

**Agenda Item No. 7: Priest Lake Water Management Project**

Mr. Miller gave an update on the Priest Lake Water Management Project and a projected schedule on Phase 2. July 2018 IDWR staff executed a contract with Mott MacDonald for Phase 2: Preliminary Engineering Design and Regulatory Permitting. A steering committee is scheduled for September 24<sup>th</sup>. Public meeting is scheduled September 27, 2018. Mr. Miller indicated that preliminary engineering/design work would be ongoing through early 2019 when the emphasis would shift to the regulatory permitting phase. Regulatory Permitting is anticipated to be completed in mid-2019.

**Agenda Item No. 8: Boise River Storage Study Update**

Ms. Bridge Clark updated the Board on the Boise River Storage Study. The study included an evaluation of small raises of the three large dams on the Boise River system: Anderson Ranch, Arrowrock, and Lucky Peak Dams. After initial technical review of the three dams, Reclamation concluded that an increase in reservoir storage at Arrowrock and Lucky Peak Dams is significantly more complicated than a raise of Anderson Ranch Dam due to the physical and procedural complexities of each facility. The Bureau of Reclamation recommended further study efforts focus on the raise of Anderson Ranch due to meet the conditions of the WIIN Act to determine project feasibility by January 2020.

A Legislative Infrastructure Tour was held on August 28, 2018 to discuss large water infrastructure projects in Idaho with representatives from Idaho's Congressional delegation. The tour included a visit to Anderson Ranch Dam to discuss the study and the importance of the WIIN Act.

#### **Agenda Item No. 9: ESPA Recharge Update**

Mr. Patton presented an update on the ESPA Recharge Program for the Board. Final accounting for the 2017-2018 season shows 536,100 acre-feet was recharged. Recharge was accomplished for 298 total days the 2017-2018 recharge season ended June 26<sup>th</sup> just as the 2018-2019 season began.

The Surface Water Coalition (SWC) donated 58,500 acre-feet of storage water for recharge under the Board's Recharge Program. In accordance with the settlement agreement, the storage water was provided to the SWC by the Idaho Ground Water Association (IGWA) and the Water Mitigation Coalition (the food processors), who contributed 50,000 acre-feet and 8,500 acre-feet respectively.

#### **Agenda Item No. 10: MHAFB Water Supply Project – BLM ROW**

Ms. Bridge Clark presented a resolution to approve funds and provide signatory authority to execute the Right-of-Way (ROW) Grant in the matter of MHAFB Sustainable Water Supply Project. The ROW Grant from the Bureau of Land Management would allow construction of a 14.4-mile pipeline from C.J. Strike Reservoir to the MHAFB along a defined alignment. Ms. Bridge Clark suggested changes in the last paragraph starting on line 74 of the resolution.

Mr. Barker made a motion to accept the resolution with the revision suggested by staff. Mr. Van Der Meulen seconded the motion. Roll call vote: Mr. Alberdi, aye; Mr. Barker, aye; Ms. Cole-Hansen, aye; Mr. Raybould, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; Chairman Chase, aye. Motion passed. The resolution was adopted.

#### **Agenda Item No. 11: Basin 74 High Flow – Lemhi Irrigation District**

Basin 74 Water Users filed claims in the SRBA seeking to have high flow water use decreed as individual water rights. The SRBA Court held that the previous Lemhi Decree did not create water rights for high flow use and instead the Court decreed a Basin 74 General Provision that included a "high flow" provision allowing for the historic practice of high flow use to continue. Chairman Chase opened the floor for comments from the community.

Mr. Carl Ellsworth of 74W: Informed the Board of a previous meeting of the water users. The water users are developing an outline and framework to address concerns about preservation of high flow diversion practices. The water users intend to take a developed plan to the Water District.

Mr. Kurt Bird, rancher at Leadore and Chairman of the 74W: Discussed not having enough areas to save water and recharge or use it at a later time. He would like to divert water on existing farm lands or gravel pits to be used for storage and then used at a later time.

Mr. James Whittaker 74W: Requested more time to create a plan and address the Board at a later time.

Mr. Merrill Beyeler, 74W: Explained the opportunity to create stability for local water users and provide extra storage. Chairman Chase advised the local water users to email the Board via Amy Cassel with any questions or concerns.

#### **Agenda Item No. 12: Update on Water District 170**

Ms. Yenter addressed the Board of highlights from the Salmon field office including: implementation and enforcement of the Basin 73 (Pahsimeroi) ground water measurement order, Pahsimeroi tributary diversion inventories and measurement compliance, measuring device compliance in WD71 (Stanley



Basin) and WD72D (Clayton Area, EF Salmon River), expansion of Water District 170 to include Basin 74 (Lemhi Basin), and preparation and pending issuance of the Basin 74 Measurement Order. Next Steps include: Public information meetings regarding expansion of WD170 to include Basin 75 (Main stem Salmon and tributary from Ellis to Middle Fork) – Fall 2018, formation of steering committee to recommend B75 sub-district boundaries – Fall-Winter 2018-2019, basin 75 inventories – Summer 2019, and hearings to form Water Districts in B75 – 2019.

**Agenda Item No. 13: Director's Report**

Director Spackman spoke to the Board about the history of Basin 74 High Flow diversions and possible recognition in the State Water Plan. He also discussed the creation of Water District of 170 and reserved water rights. Finally, the Director discussed the status of in state and out of state charges for recreational dredge mining permits and concerns by the Idaho Conservation League.

**Agenda Item No. 14: Non-Action Items for Discussion**

Mr. Barker mentioned concerns about the possibility of joining an Amicus Brief regarding the County of Maui decision in the 9<sup>th</sup> Circuit Court regarding the question of whether discharges to ground water are covered on the Clean Water Act if the Board chooses to address to protect ground water. He suggested a Board meeting via conference call within the next week to discuss options.

Mr. Patton asked the Board what they thought about the Columbia Basin Partnership. Board Members agreed the Columbia Basin Partnership were doing a good job. Mr. Raybould suggested once a threshold has been reached with different species, they should have the ability to de-list that species. Mr. Patton also informed the Board of some concerns about the Big Lost water supply bank leases and rentals from certain parties. The Board may receive a formal request to re-evaluate that the water supply bank process for leases and rentals.

**Agenda Item No. 15: Next Meeting and Adjourn**

The next meetings were confirmed for November 27-28, 2018 in Boise. Mr. Raybould moved to adjourn. Mr. Barker seconded the motion. Voice vote: all in favor. Meeting adjourned.

Respectfully submitted this 25<sup>th</sup> day of January, 2019.

  
Vince Alberdi, *Secretary*

  
Nikki Regent, *Administrative Assistant II*

**Board Actions:**

- A resolution to award funds and amend the criteria in the matter of Flood Management Grants.
- A resolution to adopt recommended order as final in the matter of Application for Stream Channel alteration Permit No. S01-20053.
- A resolution to adopt recommended order as final in the matter of Application for Stream Channel alteration Permit Nos. S82-20066 and S82-20067.
- A resolution to approve funds and provide signatory authority to execute the Right-of-Way Grant in the matter of Mountain Home Air Force Base Sustainable Water Supply Project.