



IDAHO WATER RESOURCE BOARD

Brad Little
Governor

Roger W. Chase
Chairman
Pocatello
District 4

Jeff Raybould
Vice-Chairman
St. Anthony
At Large

Vince Alberdi
Secretary
Kimberly
At Large

Peter Van Der Meulen
Hailey
At Large

Albert Barker
Boise
District 2

John "Bert" Stevenson
Rupert
District 3

Dale Van Stone
Hope
District 1

Jo Ann Cole-Hansen
Lewiston
At Large

MINUTES MEETING NO. 11-20

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

November 19, 2020
Board Meeting No. 11-20

At 9:00 a.m. Chairman Chase called the meeting to order. This meeting was conducted at the address listed above via an online meeting platform.

Agenda Item No. 1: Roll Call

Board Members Present Via Zoom Online

Roger Chase, Chairman
Jeff Raybould, Vice-Chairman
Vince Alberdi, Secretary
Pete Van Der Meulen
Bert Stevenson
Dale Van Stone
Jo Ann Cole-Hansen
Albert Barker

Staff Members Present

Gary Spackman, Director
Brian Patton, Executive Officer
Cynthia Bridge Clark, Water Projects Section Manager
Jennifer Strange, Admin. Assistant

Staff Members Via Zoom Online

Meghan Carter	Neeley Miller
Sean Vincent	Emily Skoro
Noah Stewart-Maddox	Amy Cassel
Craig Tesch	Steve Stuebner
Mathew Weaver	Kala Golden
Garrick Baxter	Wesley Hipke
Tony Olenichak	

Guests Present Via Zoom Online

Ann Vonde
Tom Bassista
Norm Semanko
Dave Tuthill
Sam Eaton
Brandon McLean
John Williams
Will Patterson
Craig Chandler
Frank Gariglio
Kurt Newbry
Scott Pugrud
Travis Thompson
Alexis Clark
Karen Henderson

Clive Strong
Lanie Paquin
Lynn Tominaga
Paul Arrington
Senator Steve Bair
Bryan Horsburgh
Rusty Kramer
Steve Hannula
Dylan Lawrence
Kevin Lakey
Peter Anderson
Brian Liming
Shaun Parkinson
Travis Soderquist

Darrell Early
Kresta Davis
Keith Esplin
Robin Lee-Beusan
Mel Kunkel
Callianne Harris
Dan Stanaway
Chris Bromley
E. McGarry
Kevin Lewis
Rex Barrie
Selena Moore
Marie Kellner
John Simpson

Agenda Item No. 2: Agenda and Approval of Minutes

Mr. Alberdi moved to adopt the Amended Agenda that had been posted prior to 48 hours of the meeting. Mr. Van Der Meulen seconded. Voice vote. All ayes. The amended agenda was adopted.

Mr. Patton stated there were two sets of minutes for approval. Mr. Barker recommended a clarification for the 9-20 minutes on agenda item 11.

Mr. Barker moved to approve minutes 9-20 with the suggested edit and minutes 10-20. Mr. Raybould seconded. Voice vote. All ayes. The minutes were approved.

Agenda Item No. 3: Public Comment

There was no public comment.

Agenda Item No. 4: Financial Report

Mr. Miller provided an update on the Board's accounts. As of September 30, 2020 the Board's available and committed balances were as follows: Secondary Aquifer Fund—committed but not disbursed \$22,405,076 and uncommitted \$445,869; Revolving Development—committed but not disbursed \$25,858,796, loan principle outstanding \$25,475,913, uncommitted \$3,133,659, and anticipated loanable funds available next 1 year \$6,633,659; Water Management—committed but not disbursed \$21,882,899 and uncommitted \$556,530.

Agenda Item No. 5: Lemhi Settlement Update

Mr. Clive Strong stated there had been two meetings since the last update. Goals and objectives had been formulated and presented to the local water users. The next meeting was scheduled for December 9, 2020. Upon a settlement agreement, the next step would be draft legislation. Mr. Norm Semanko stated the meetings were well supported by those involved. Chairman Chase and Mr. Raybould commented that they have been in attendance at these meetings and appreciate the work done by the group.

Agenda Item No. 6: Boise River Feasibility Study

Ms. Bridge Clark introduced two items for the board: a status report by Ms. Lanie Paquin of Bureau of Reclamation and a resolution to address contracting options to construct the project.

Ms. Paquin stated that recent project activities included briefings between Reclamation and Department of the Interior officials on the Final Feasibility report and BOR initiated formal Endangered Species Act consultation with NOAA Fisheries to issue its biological assessment (BA). She reported that Reclamation is on track to meet the January 1, 2021 WIIN Act deadline for feasibility determination. Mr. Barker asked if Reclamation had posted the NOAA Fisheries BA on the website and Ms. Paquin said she would follow up.

Ms. Bridge Clark discussed a memo presented in the meeting materials regarding contracting considerations. Ms. Meghan Carter of the Attorney General's Office discussed the two options: A and B for contracting. Option A stated Reclamation would enter into a single agreement with IWRB covering construction, use of water, and operations and maintenance for the additional water supply, and allow the IWRB to enter into subcontracts with interests water users. Option B stated Reclamation would enter into an agreement with IWRB and other existing Reclamation contractors. On November 5, 2020 the Water Storage Committee convened and recommended Option A. Mr. Raybould confirmed that the committee had received a more detailed presentation of the options and had recommended Option A. Ms. Bridge Clark highlighted areas of the resolution before the board.

Mr. Raybould made a motion to accept the resolution. Mr. Barker 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, absent; Mr. Van Stone, aye; Chairman Chase, aye. 7 ayes. Motion passed. The resolution was adopted.

Agenda Item No. 7: Cloud Seeding Program

Ms. Bridge Clark stated there were two topics before the board on cloud seeding. Ms. Kala Golden provided background on the benefit analysis of the cloud seeding program.

a. Benefits Analysis Presentation

Mr. Noah Stewart-Maddox presented the methodology and results of Phase I of an analysis of impacts of additional water supply generated by cloud seeding. He also presented recommendations for Phase II that would provide more detailed results and address some of the uncertainties in the first phase. There was some discussion among board members related to Phase II and some questions about possible analysis in the Bear River and Lemhi Basins.

b. Program Budget

Ms. Kala Golden discussed budget adjustments. There was no discussion. Ms. Bridge Clark further discussed the budget and the resolution. Mr. Barker stated the funding was a one-time allocation.

Mr. Barker made a motion to accept the resolution. Mr. Stevenson 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. 8 ayes. Motion passed. The resolution was adopted.

Agenda Item No. 8: ESPA Managed Recharge Update

Mr. Hipke provided an update on the beginning of the recharge season and briefly discussed potential recharge capacity projects.

a. Management of Flows at Milner Dam: 2020-2021 Recharge Season

Mr. Patton presented a resolution regarding an agreement not to divert a portion of IWRB water rights 01-7054, 01-7142, and 01-10609 during the 2020-21 recharge season. Mr. Raybould stated this was a one-year fix and that a longer-term solution should be considered. Mr. Van Der Meulen suggested that

infrastructure construction may need to be slowed down if recharge water is going to be lost to Idaho Power Company. Mr. Stevenson would like to know how much water returns back to the river through increased spring flows. There was further discussion.

Mr. Raybould made a motion to accept the resolution. Mr. Alberdi seconded the motion. Roll call vote: Mr. Alberdi, aye; Mr. Barker, abstain; Ms. Cole-Hansen, aye; Mr. Raybould, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, abstain; Mr. Van Stone, aye; Chairman Chase, aye. 6 ayes. Motion passed. The resolution was adopted.

Agenda Item No. 9: Governor's Salmon Work Group Update

Mr. Patton introduced Mr. Paul Arrington who is a member of the Governor's Salmon Work Group. The Work Group assists the Governor as he shapes issues on salmon and steelhead recovery. The group has met throughout the state to discuss issues. A final report is due at the end of 2020. Mr. Barker asked what the recommendations are related to reintroduction. Mr. Arrington shared a five point policy for Idaho.

Agenda Item No. 10: Priest Lake Update

Mr. Miller stated construction had begun on the project. Any change orders over \$100,000 would require updated board approval.

Agenda Item No. 11: Potential Legislation

Mr. Garrick Baxter of the Attorney General's office provided an update on anticipated legislation. Legislation from the Department will relate to cleaning up outdated codes and rules. Idaho Water Users may have a few pieces of legislation. There may be other legislation for the Bear River adjudication.

Agenda Item No. 12: Flood Management Grant Program Update

Mr. Miller updated the board on the Flood Management Grant Program. A resolution was presented to update criteria.

Mr. Van Stone made a motion to accept the resolution that updated the program criteria. 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. 8 ayes. Motion passed. The resolution was adopted.

Agenda Item No. 13: Raft River

Mr. Craig Tesch provided the IWRB with a presentation on the Raft River basin hydrologic investigation. He provided project timelines and funding summaries.

Alexis Clark of the Idaho Geologic Survey presented a summary of the work done on the investigation. She shared maps, goals, and data compilation. Mr. Tesch stated the resolution would authorize continued funding for the efforts in the Raft River. Ms. Cole-Hansen asked about the availability of the funds for the resolution. Mr. Patton stated the funds would come from the Secondary Aquifer Funds.

Mr. Stevenson made a motion to accept the resolution. 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. 8 ayes. Motion passed. The resolution was adopted.

Agenda Item No. 14: Proposed Meeting Dates 2021

Mr. Patton directed the board to a list of proposed dates for regular board meetings in 2021. He noted that the IWRB will continue to hold its meetings virtually with a physical location in Boise. If the conditions

and direction related to COVID-19 change, the IWRB may plan to hold its meetings in person or in other locations.

Mr. Raybould moved to accept the proposed dates as regular meeting dates for 2021. Mr. Stevenson seconded. Voice vote. All ayes. The regular meeting dates were adopted.

Agenda Item No. 15: Director's Report

Director Spackman provided a report to the Board. He stated the Bear River adjudication would move forward, with the understanding that additional funding would be needed. He thought there was legislative support for the effort.

He said that meetings in the Big and Little Wood basins have commenced. Tim Luke and Shelley Keen were leading these meetings.

Finally, he stated Barber Dam ownership is changing. The Department efforts include having engineers assess long-term solutions.

Agenda Item No. 16: Non-Action Items for Discussion

Chairman Chase asked if there were any non-action items for discussion. Mr. Alberdi informed the board that he would not seek another term as a member of the board. He had served 12 years on the board. Members expressed appreciation for Mr. Alberdi's contributions to the board's accomplishments.

Agenda Item No. 17: Executive Session

Mr. Alberdi made a motion to move into Executive Session to communicate 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. Mr. Stevenson seconded. 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. 8 ayes. Motion passed. Mr. Barker left the meeting to avoid any conflicts related to the topic. The topic discussed by Deputy Attorney General Ann Vonde was American Falls.

Mr. Alberdi made a motion to move out of Executive Session, seconded by Mr. Raybould and agreed upon by voice vote in favor. No actions were taken by the Board in Executive Session. The session was closed to the public.

Agenda Item No. 18: Next Meeting and Adjourn

The next meeting was confirmed for January 20-21, 2021 in Boise and via an online platform. Mr. Raybould moved to adjourn. Mr. Barker seconded. Voice vote. All were in favor. The meeting adjourned at 3:30 p.m.

Respectfully submitted this 21st day of January, 2021.



Jo Ann Cole-Hansen, *Secretary*



Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Motion to adopt the Amended Agenda.
2. Adopted meeting minutes 9-20 and 10-20.
3. Approved a resolution to determine IWRB contracting in the matter of the Boise River Basin Feasibility Study.
4. Approved a resolution to provide one time funding to offset shortages in operation and maintenance funds for the 2020-2021 cloud seeding season.
5. Approved a resolution related to an agreement not to divert a portion of water during the 2020-21 recharge season.
6. Approved a resolution to amend the criteria for the Flood Management Grant Program.
7. Approved a resolution to continue funding the Raft River investigations.
8. Moved to adopt proposed meeting dates for calendar year 2021.