



IDAHO WATER RESOURCE BOARD

Brad Little
Governor

Jeff Raybould
Chairman
St. Anthony
At Large

Roger W. Chase
Vice-Chairman
Pocatello
District 4

Jo Ann Cole-Hansen
Secretary
Lewiston
At Large

Dale Van Stone
Hope
District 1

Albert Barker
Boise
District 2

Dean Stevenson
Paul
District 3

Peter Van Der Meulen
Hailey
At Large

Brian Olmstead
Twin Falls
At Large

MINUTES MEETING NO. 10-21

Hilton Garden Inn
Snake River Ballroom / Zoom Online
1740 Harrison St. N.
TWIN FALLS, ID

July 22, 2021

Work Session

Agenda Item No. 1: Roll Call

Chairman Raybould called the work session meeting to order at 8:00 a.m. in Twin Falls, Idaho. Board members present were Al Barker, Roger Chase, Jo Ann Cole-Hansen, Brian Olmstead (arrived at 9:00 a.m.), Dean Stevenson, Dale Van Stone, and Chairman Raybould; online was Pete Van Der Meulen. IDWR staff members present were: Brian Patton, Gary Spackman, Cynthia Bridge Clark, Wesley Hipke, Mathew Weaver, and Jennifer Strange; and online were Sean Vincent, Kala Golden, Alex Moody, Amy Cassel, Craig Tesch, David Hoekema, Gus Womeldorph, Kara Ferguson, Ethan Geisler, Mat Weaver, Matt Anders, Meghan Carter, Neeley Miller, Angie Grimm, Noah Stewart-Maddox, Steve Stuebner, Garrick Baxter, Collin Macheel, and Emily Skoro.

Guests present were: Ann Vonde, Representative Sally Toone, Jay Barlogi, Vince Alberdi, Kresta Davis, John Simpson, Speaker Scott Bedke, Darrel Ker, Paul Arrington, Scott Pugrud, and Jason Brown.

Guests present online were: Darrell Early, Representative Linda Hartgen, Robert Turner, Bert Stevenson, Kurt Newbry, Representative Muffy Davis, David Blew, Keith Esplin, Braden Jensen, Kylie Turner, M. Fuss, and Norm Semanko.

Mr. Chase made a motion that the agenda be amended to include a public comment period following the executive session. Mr. Van Stone seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, absent; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. Motion carried.

Agenda Item No. 2: Executive Session

Board met pursuant to Idaho Code § 74-206(1) subsection (f) 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. Topics were: Water right applications 37-23110 and 37-23111 and Water right applications 01-10613, 21-13160, 21-7578, 21-7580, & 21-7577. Also, subsection (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code. Topic: H.B. 266 Cloud Seeding. Ms. Ann Vonde of the Attorney General's office spoke on the topics.

Ms. Cole-Hansen moved to resolve into executive session. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, absent; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. The motion passed.

Ms. Cole-Hansen moved to resolve out of executive session at 9:00 a.m. Mr. Barker seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

Public Comment:

Darrel Ker of Enterprise Canal briefly described a project for which financial support is sought. They want to develop a 10-acre recharge pond outside of Ririe. Engineers had estimated the project at \$3.15 million, though Mr. Ker stated it will be closer to \$3.4 million. He requested \$1.5 million from the Board to assist with the project.

Agenda Item No. 3: Eastern Snake Plain Aquifer Updates

- a. **Aquifer Storage Update:** Mike McVay provided a presentation on the ESPA storage changes.
- b. **Thousand Springs and Swan Falls Flows Update:** Matt Anders presented updates on the ESPA discharge flows.
- c. **Near Blackfoot to Minidoka Reach Gains Update:** Matt Anders discussed these reach gains in the previous presentation.
- d. **Sentinel Wells Update:** Brian Ragan shared annual progress reports for IGWA and the Cities Settlement Agreement and the groundwater levels for the sentinel wells index.
- e. **IWRB Recharge Effects Analysis:** Noah Stewart-Maddox discussed the ESPA and the role of aquifer management.

Agenda Item No. 4: Bennington Irrigation Loan

A loan for the Bennington Irrigating Company in the amount of \$200,000 was presented by Kala Golden.

Agenda Item No. 5: Adjourn

The board recessed for lunch at 11:30 am. They went on a field trip of the Twin Falls Canal Company's facilities from 1:00 p.m. – 4:00 p.m.

July 23, 2021

Board Meeting No. 10-21

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

Agenda Item No. 1: Roll Call

Board Members Present

Jeff Raybould, Chairman

Roger Chase, Vice-Chairman

Jo Ann Cole-Hansen, Secretary

Albert Barker

Dale Van Stone

Meeting Minutes 10-21

July 23, 2021

Dean Stevenson
Brian Olmstead
Board Members Present Online
Pete Van Der Meulen

Staff Members Present

Gary Spackman, Director
Cynthia Bridge Clark, Water Projects Manager
Neeley Miller
Jennifer Strange

Staff Members Present Online

Emily Skoro
Kala Golden
Wesley Hipke
Amy Cassel

Brian Patton, Executive Officer
Mathew Weaver, Deputy Director
Steve Stuebner

Paul Thomas
Kara Ferguson
Remington Buyer
John Loffredo

Guests Present

Travis Rothweiler
Kresta Davis
Paul Arrington

Guests Present Online

Bert Stevenson
Kurt Newbry
Rhett Phelps
Chris Bromley
John Simpson
Bryan Horsburgh
Kira Finkler
Braden Jensen
Representative Dorothy Moon
Dylan Lawrence
Hattie Zobott
Kyle Radek
Pat McMahon

Ann Vonde
James Whittaker
Hannah Ashton

Candice McHugh
Aaron Tarbett
Morton Hunter
Robert Turner
Paul Arrington
Jerry Rigby
Clive Strong
Douglas Jones
Darrell Early
Norm Semanko
Chris Keith
Alan Jackson
R. Fehring

Agenda Item No. 2: Agenda and Approval of Minutes 8-21 and 9-21

Chairman Raybould asked if the minutes had been reviewed and if there were any edits needed. Mr. Barker moved to adopt the minutes as presented for board meetings 8-21 and 9-21. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 3: Public Comment

Chairman Raybould asked if there were any public comments. James Whittaker, rancher in the Lemhi basin, spoke to the board on concerns for Hawley Creek management near Leadore. Travis Rothweiler, Twin Falls City Manager requested a status update for the Pristine Springs Agreement. Ms. Candace McHugh, attorney representing the City of Bellevue and the Sun Valley Company, encouraged the board to agree to mediation amongst the parties.

Agenda Item No. 4: Lemhi Basin Settlement Working Group Update

Mr. Norm Semanko stated settlement principles as: protect existing uses; resolve protests to pending applications; convert high flow practice into protected water rights; protect fish habitat; and provide for future development. Next steps included another meeting in Salmon for September 9th or 10th; an IDWR training on use of its water right application tool; a settlement proposal to be vetted through public meetings in the fall; if a settlement is reached, then water users will file high flow claims with IDWR; and any settlement will be subject to legislative review. Mr. Clive Strong provided an overview of the Lemhi Basin conservation easements.

Agenda Item No. 5: Lemhi River at L-6 Agreements

Ms. Amy Cassell presented two resolutions that the Streamflow Enhancement and Minimum Streamflow Committee reviewed on July 6th. The committee recommended the resolutions to the full board. The first is designed to help meet stream flows at the L-6 Diversion on the Lower Lemhi River and would be permanent subordination agreements. Funding would come through the Idaho (MOA) Fish Accord Water Transaction or the Columbia Basin Water Transaction Program in the amount of \$819,840.

The second resolution discussed would extend subordination agreements for 2021, with funding approved and available through Idaho MOA Fish Accord Water Transaction Program, not to exceed \$67,500.

Mr. Van Stone moved to adopt both resolutions. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Agenda Item No. 6: Boise River Feasibility Study / Anderson Ranch Dam Raise

Ms. Bridge Clark introduced Mr. Bryan Horsburgh who discussed next steps in the project. He stated that a Basis of Negotiation (BON) still needed to have final approval from the Interim Commissioner.

Mr. Barker expressed concerns about the amount of time for getting a negotiation signed. There was some discussion among board members about the timeframe.

Ms. Bridge Clark stated that there would be a public comment negotiation planned for late August/September.

Agenda Item No. 7: Financial Report

Mr. Miller provided the Board's financial report. The accounts as of May 31, 2021 were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$11,281,864 and uncommitted balance \$12,581,602; Revolving Development Account: committed/earmarked but not disbursed \$20,458,439, loan principal outstanding \$20,741,013, uncommitted balance \$12,329,450, and anticipated loanable funds available next one year \$15,829,450; and Water Management Account: committed/earmarked but not disbursed \$71,624,781, and uncommitted balance \$219,569.

Agenda Item No. 8: Bennington Irrigation Loan

Mr. Patton stated a funding resolution for a loan was available. Chairman Raybould asked for any comments from the Bennington Irrigating Company. Aaron Tarbett expressed appreciation for consideration of the loan.

Mr. Chase moved to adopt the resolution. Mr. Van Stone seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Agenda Item No. 9: Flood Management Grant Program

Mr. Miller provided some background on the Flood Management Grant Program. He stated that in early July the Finance Committee had recommended the top 10 projects be funded for an amount of \$980,936.

Mr. Van Stone moved to adopt the resolution to authorize funding for the top 10 ranked flood management projects. Ms. Cole-Hansen seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Agenda Item No. 10: Water Projects Priority List

Mr. Patton shared a priority water projects list with the board. The list had gone through the Governor's budget staff, where it was suggested, the list be shared and made public. The Finance Committee recommended this list to the full board. Ms. Cole-Hansen said she would abstain from voting since her employer was on the list. It was stated that the list is not an approval of any particular project; but a way to monitor priorities in the state.

Mr. Van Stone moved to accept the Water Projects Priority List and review periodically. Mr. Olmstead seconded. Voice vote. 7 ayes. 1 abstain. The motion passed.

Agenda Item No. 11: Ririe Reservoir

Mr. Patton discussed the background of the Ririe Reservoir issue. He stated that the effort has the potential to increase water storage in the Upper Snake River Basin at relatively little cost and without significantly adversely affecting the flood control purpose, and so fits with the IWRB overall effort to increase water storage in Idaho. Mr. Rigby of Mitigation Inc. added comments and clarification. The resolution before the board would authorize funds and contract with Mitigation, Inc. to cost share the effort to modify the flood control rule curves at Ririe Reservoir.

Mr. Olmstead moved to adopt the resolution. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Agenda Item No. 12: Cloud Seeding Program

Ms. Ann Vonde spoke of the House Bill 266 and introduced Ms. Kala Golden. Ms. Golden discussed a resolution to authorize funding for a statewide climatology assessment and pilot cloud seeding project in the Bear River Basin. There was some discussion about amending the resolution to allow usage in the Upper Snake Basin, if appropriate.

Mr. Van Stone moved to adopt the resolution with the suggested amendment. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Following the resolution vote, there was discussion about authorization and program details. Board members requested that staff present on the topic at the next meeting.

Agenda Item No. 13: Water Rights 37-23110, et al.

Ms. Ann Vonde discussed the two water right applications that were being protested in the Wood River Basin. Mediation had been requested by the protestants. Mr. Stevenson expressed concerns about going the mediation route and was not in favor of that option. Chairman Raybould shared concerns related to the unpredictability of entering into mediation. The advice given to Ms. Vonde is to proceed without mediation. Mr. Barker stated that options could be considered, and discussion could continue.

Agenda Item No. 14: Water Rights 01-10613, et al.

Ms. Ann Vonde discussed the status of the board's water right applications in the Upper Snake. She stated that Idaho Power had asked if hydropower could be included as a topic of discussion in the already existing Environmental Working Group. Chairman Raybould said there would be a solution to this issue offered in agenda item 17, and that there would be a need to add the topic to the group.

Mr. Patton stated there is a resolution for consideration on the topic of the Upper Valley recharge protests. Ms. Vonde provided details on the resolution. It resolved that the IWRB will not use existing storage water from the Upper Snake River Reservoirs for recharge unless the storage water is donated to the IWRB by another entity or the IWRB is contracted to conduct recharge of existing storage water on behalf of another entity. It also resolved to assist with the maximum storage of water in the Upper Snake River Reservoirs, the IWRB will not conduct recharge using natural flow water upstream of American Falls Dam unless its natural flow water rights for recharge are in priority and the United States Bureau of Reclamation, in consultation with Water District 01 and the Committee of Nine declares, pursuant to Pub. L. No. 115-244, § 203, 132 Stat. 2897, 2906 (2018), there is excess water in the system above American Falls Reservoir.

Mr. Barker moved to adopt the resolution. Mr. Van Stone seconded. Voice vote. All ayes. Motion carried. The resolution passed.

Agenda Item No. 15: Priest Lake Water Management Project Update

Mr. Neeley Miller provided a status update on the Priest Lake Water Management Project. He stated that the next regular board meeting in September will be in the Priest Lake area and will include a field trip of the work. He stated that lake levels were unusually lower than normal.

Agenda Item No. 16: Administrative Rules

Mr. Mat Weaver provided an update on the ongoing Rulemaking process and the Zero-Based Rulemaking. Materials provided to the board members included drafts for review. Mr. Barker asked about the stream channel rules.

Agenda Item No. 17: Board Committees

Chairman Raybould suggest a new committee titled: Water Supply Management Committee; with members being Roger Chase, Brian Olmstead, Dean Stevenson, and Jeff Raybould. He asked if there was a need for other committee assignment changes. There were none. He said the new committee could cover the topics of Idaho Power hydropower issues, water allocation issues, and the like.

Mr. Stevenson moved to adopt the board committee, including the new committee and assignments. Ms. Cole-Hansen seconded. Voice vote. All ayes. Motion carried.

Agenda Item No. 18: Director's Report

Director Gary Spackman expressed appreciation for Mr. Weaver's work on the Administrative Rules. He discussed several settlement issues and water shortfall problems throughout the state. He also stated that the Department of Financial Management (DFM) administrator, Alex Adams favorably received the suggestion of additional staff to IDWR. He named some reasons for additional staff and stated that 19 additional staff including 6 for Bear River Adjudication would be requested.

Agenda Item No. 19: Non-Action Items for Discussion

There were none. Mr. Barker asked if there might be a need for a DEQ update on implications from The Maui case with the Attorney General's office.

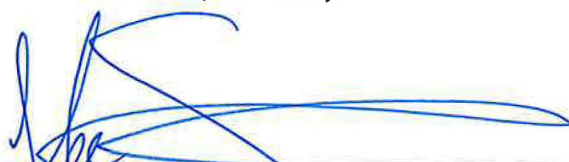
Agenda Item No. 20: Next Meeting and Adjourn

Mr. Patton stated the next scheduled meetings were September 16-17, 2021 in Coolin and via an online platform. Mr. Barker moved to adjourn. Ms. Cole-Hansen seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 12:40 p.m.

Respectfully submitted this 17th day of September 2021.



Jo Ann Cole-Hansen, Secretary



Jennifer Strange, Administrative Assistant II

Board Actions:

1. Meeting minutes 8-21 and 9-21 were adopted.
2. Adopted two resolutions for a permanent rental and temporary extension of water transactions on the Lower Lemhi.
3. Adopted a resolution authorizing funding for a loan.
4. Adopted a resolution to award 2021 funds for the Flood Management Grants.
5. Motion was carried to accept a Water Projects Priority List.
6. Adopted a resolution in the matter of the Ririe Reservoir to approve funding.
7. Adopted a resolution on Cloud Seeding.
8. Adopted a resolution in the matter of the board's ESPA Managed Recharge Program.
9. Adopted a motion to accept the addition of a new committee.