



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. 5-21

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

March 18, 2021
Work Session

Chairman Raybould called the work session meeting to order at 10:55 a.m. Board members present were Al Barker, Jo Ann Cole-Hansen, Jeff Raybould, and Dale Van Stone; online were, Roger Chase and Pete Van Der Meulen. IDWR staff members present were: Brian Patton, Gary Spackman, Cynthia Bridge Clark, Wesley Hipke, John Loffredo, 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, and Emily Skoro. Guests present online were: Congressman Mike Simpson, Brennan (Assistant to M.S.), Norm Semanko, John Roldan, Michael Gibson, Barney Metz, Brian Liming, Braden Jensen, Bryan Horsburgh, Chris Keith, Clive Strong, Corey Loveland, Craig Quarterman, David Cottle, Darrell Early, Ann Vonde, John Simpson, Lynn Tominaga, Kresta Davis, Frank Gariglio, Jaime Campbell, Justin Hayes, Kyle Radek, Lanie Paquin, Marie Kellner, Michael Orr, Neil Crescenti, James Whittaker, Robin Lee-Beusan, Scott Pugrud, Shaun Parkinson, Tom Bassista, Mitch Cutler, Garret Visser, Brandon McLean, Claudia Cottle, Jamie Morin, and Dan Stanaway.

During the Work Session the following items were discussed:

- Congressman Mike Simpson spoke on his Salmon and Energy Concepts.
- Mr. Clive Strong and Mr. Norm Semanko discussed the latest updates for the Lemhi Basin Settlement Working Group.
- Ms. Bridge Clark presented updates on the Boise River Feasibility Study/Anderson Ranch Dam Raise project. Ms. Lanie Paquin of the Bureau of Reclamation discussed the project as well.
- Ms. Amy Cassel presented three Upper Salmon Water Transactions on Panther Creek, Morgan Creek and the Upper Lemhi.

- Mr. David Hoekema gave the latest information for the water supply outlook for the state.
- Ms. Kala Golden presented information pertaining to a loan for the Picabo Livestock Company. There was some discussion about the Board's interest rate.
- Mr. Wes Hipke gave the most recent information on the ESPA Managed Recharge efforts.
- There were no non-action items for discussion.

At the end of the work session, the Board moved into Executive Session. 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. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. Topics discussed pursuant to Idaho Code §74-206(1) subsection (f) were: Idaho Code §42-1737 by Ann Vonde and Lemhi by Michael Orr. Executive session was closed to the public. Mr. Barker recused himself from the session for the Idaho Code §42-1737 discussion.

At 2:53 p.m. Ms. Cole-Hansen moved to resolve out of executive session. Mr. Van Stone seconded. Voice vote. All ayes. No action was taken during the executive session.

Chairman Raybould moved to adjourn. Voice vote. All ayes. The meeting adjourned at 2:54 p.m.

March 19, 2021
Board Meeting No. 5-21

At 8:30 a.m. Chairman Raybould called the meeting to order. All members were present.

Agenda Item No. 1: Roll Call

Board Members Present

Jo Ann Cole-Hansen, Secretary

Albert Barker

Dale Van Stone

Board Members Present Online

Jeff Raybould, Chairman

Roger Chase, Vice-Chairman

Pete Van Der Meulen

Staff Members Present

Gary Spackman, Director

Cynthia Bridge Clark, Water Projects Manager

John Loffredo

Shelley Keen

Staff Members Present Online

Neeley Miller

Kala Golden

Wesley Hipke

Amy Cassel

Brian Patton, Executive Officer

Jennifer Strange, Admin. Assist.

Tim Luke

Emily Skoro

Meghan Carter

Remington Buyer

Steve Stuebner

Guests Present Online

John Williams

James Whittaker

Ann Vonde

Paul Arrington

Patrick Purdy

Frank Gariglio

Pat McMahon

Barney Metz

Robin Nimmer
Paul Kimmell
Kyle Radek
Lynn Tominaga
Michael Lawrence
Norm Semanko
John Simpson

Scott Pugrud
Brian Liming
John Roldan
TJ Budge
Korey Woodley
Sharon Lee
Tom Bassista

Agenda Item No. 2: Agenda and Approval of Minutes 1-21, 2-21, 3-21, and 4-21

Chairman Raybould asked if there were any amendments to the agenda. There were none. Mr. Van Stone moved to adopt the minutes for board meetings 1-21, 2-21, 3-21, and 4-21. Mr. Barker seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 3: Public Comment

Chairman Raybould asked if there were any public comments. Mr. John Williams from Bonneville Power Administration had several updates for the Board which included the FY20 financial performance; Columbia River system operations EIS; hydro facilities and lower Snake River dams; and current events for BPA.

Agenda Item No. 4: Financial Report

Mr. Miller provided an updated financial report on the Board's accounts. As of January 31, 2021 the Board's available and committed balances were as follows: Secondary Aquifer Fund—committed but not disbursed \$20,447,615 and uncommitted \$4,569,397; Revolving Development—committed but not disbursed \$21,791,887, loan principle outstanding \$21,704,464, uncommitted \$10,112,821, and anticipated loanable funds available next 1 year \$13,612,824; Water Management—committed but not disbursed \$21,720,007 and uncommitted \$267,733.

Mr. Patton stated that Senate Bill 1190 had passed JFAC and key components for IDWR were two staffing positions to assist in the Bear River Adjudication and one position for a Water Projects Manager in the Planning and Projects Bureau.

Agenda Item No. 5: Idaho Code §42-1737

Ms. Ann Vonde asked the board about approving its own projects and whether conditions for board rights should be made in regards to IC §42-1737. There was some discussion. A motion was made to proceed with the permitting process for water right applications.

Mr. Chase moved to advise legal counsel to proceed with the permitting process for board-held water right permit applications. Ms. Cole-Hansen seconded. Mr. Barker abstained from voting. Voice vote. All ayes. One abstain. The motion carried.

Agenda Item No. 6: Amendments to Idaho Code §42-1760

Mr. Patton discussed House Bill 267 which would amend Idaho Code §42-1760. It would revise provisions regarding the Water Management Account. Amendments included (1) replacing the list of potential projects with authority for projects which "conserve or increase water supply, improve drought resiliency, and address water sustainability or support flood management;" (2) including aquifer recharge above Milner Dam on the list of specific projects for consideration; (3) confirming that all water rights, including hydropower water rights, must be protected, and that identified water uses must be considered in the approval of projects; and (4) providing additional information as part of the board's annual report. It had passed in the House and was on its way to the Senate.

Agenda Item No. 7: Senate Bill 1121 Priorities

Mr. Patton presented information on Senate Bill 1121. There was some discussion among board members. Appropriation priorities for the bill were considered and recommended on February 25, 2021 at the IWRB Finance Committee meeting.

A resolution was presented that would allocate funds that were contemplated in Senate Bill 1121 and funds in the Water Management Account; allocated as follows: Anderson Ranch Dam Raise Interim Funding, \$17.6M; Mountain Home Air Force Base Sustainable Water Project, \$28.0M; Eastern Snake Plain Aquifer Recharge Infrastructure, \$22.4M; and Bear Lake Additional Water Storage, \$2.0M.

Mr. Van Stone moved to adopt the resolution. Ms. Cole-Hansen seconded. Roll call vote. Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. All ayes. The motion was adopted.

Agenda Item No. 8: House Bill 266

Mr. Patton provided an update on House Bill 266. It had passed in the House, passed in the Senate Resources Committee, and was headed to the Senate floor. Mr. Chase asked if there had been any opposition to the bill; there had been none amongst the legislators on the committees. A request to have a Cloud Seeding Benefit Analysis Update at the May meeting was made.

Agenda Item No. 9: Picabo Livestock Company Loan

Ms. Kala Golden discussed a resolution to approve a loan for the Picabo Livestock Company. There was some discussion about the interest rate. Mr. Patrick Purdy from the company was on the videoconference and agreed with the Board's standard 3.5% interest rate.

Mr. Van Stone moved to adopt the resolution approving a loan not to exceed \$95,000 at 3.5% interest rate. Ms. Cole-Hansen seconded. Roll call vote. Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Van Der Meulen, abstain; Mr. Van Stone, aye; and Chairman Raybould, aye. 5 ayes. The motion was adopted.

Agenda Item No. 10: Palouse Basin Aquifer Committee Update

Paul Kimmell, Corey Woodley, and Robin Nimmer represented the Palouse Basin Aquifer Committee. Mr. Kimmell discussed recent efforts towards developing a long term sustainable water supply. He provided a PBAC Water Supply Alternatives Outreach Plan Final Report. Ms. Cole-Hansen stated she was pleased with the progress of the committee.

Agenda Item No. 11: Upper Salmon Water Transactions

Ms. Amy Cassel had three resolutions that had been discussed in the Work Session.

The Panther Creek transaction is a resolution to purchase the assignment of Water Right 75-14927 for \$75,000 and to pay a one-time permanent rental fee of \$364 to the Idaho Water Supply Bank. Mr. Van Stone moved to adopt the resolution. Ms. Cole-Hansen seconded. Roll call vote. Mr. Barker, aye; Mr. Chase, abstain; Ms. Cole-Hansen, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 5 ayes. The motion was adopted.

The Morgan Creek transactions provide for contract agreements not to divert out of Morgan Creek. Funding will come from the CBWTP in an amount not to exceed \$53,616. 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. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. All ayes. The motion was adopted.

The Lower Lemhi agreement authorizes the Chair to enter into agreements for 2021 with a lower Lemhi River irrigator to not divert up to 3 cfs out of the Lemhi River, for an amount not to exceed \$27,000 which is subject to funding from the BPA Idaho MOA/Fish Accord Water Transaction Program. Mr. Chase moved to adopt the resolution. Mr. Van Der Meulen seconded. Roll call vote. Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. All ayes. The motion was adopted.

Agenda Item No. 12: Priest Lake Water Management Project Update

Mr. Miller discussed the Priest Lake Water Management Study. Mr. Van Stone asked if Strider was still on site; they were. More information from Mott MacDonald was needed on how to wrap up the project. They were working on change orders. A technical evaluation would be needed to determine the costs of finishing phase 2. The breakwater portion was complete and a walk-through was planned for April 2021.

Agenda Item No. 13: Potential Legislation of Interest

Mr. Garrick Baxter discussed several pieces of legislation related to water issues.

Agenda Item No. 14: Administrative Rules Update

Mr. Mathew Weaver discussed a memo regarding "Rules of Procedure of the Idaho Department of Water Resources, IDAPA 37.01.01 with Retrospective Analysis and Recommendations."

Agenda Item No. 15: Wood River Groundwater Management Advisory Committee Update

Mr. Shelley Keen presented on the Wood River Groundwater Management Advisory Committee. The committee was tasked with developing and proposing a ground water management plan for approval by the director pursuant to IC §42-233a. The approval of a ground water management plan has the potential to replace deliver call litigation, to avoid the harsh outcomes of litigation, including possible curtailment of junior priority water rights, and to avoid the associated costs of such litigation.

Agenda Item No. 16: Director's Report

Director Spackman discussed the Big Wood, Bear River Adjudication, and adjudication options in other basins. Mr. Van Stone asked if funding had already been appropriated for Basins 96 & 97. It had been.

Agenda Item No. 17: Non-Action Items for Discussion

Mr. Van Stone requested without objection that the July meeting dates be switched from July 29-30, 2021 to July 22-23, 2021. No other items were discussed.

Agenda Item No. 18: Next Meeting and Adjourn

Mr. Patton stated the next scheduled meetings were May 20-21, 2021 in Boise and via an online platform. Mr. Van Stone moved to adjourn. Mr. Chase seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 11:40 a.m.

Respectfully submitted this 21st day of May, 2021.



Jo Ann Cole-Hansen, *Secretary*



Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Meeting minutes 1-21, 2-21, 3-21, and 4-21 were adopted.
2. A motion to advise legal counsel to proceed with the permitting process for board-held water right permit applications.
3. Adopted a resolution to allocate funds that were contemplated in Senate Bill 1121 and funds in the Water Management Account.
4. Adopted a resolution to approve a loan not to exceed \$95,000 at 3.5% interest rate to the Picabo Livestock Company.
5. Adopted a resolution to make a funding commitment on Panther Creek.
6. Adopted a resolution to make a funding commitment on Morgan Creek.
7. Adopted a resolution to make a funding commitment on the lower Lemhi River.