



# IDAHO WATER RESOURCE BOARD

**Brad Little**  
*Governor*

## MINUTES MEETING NO. 13-22

**Jeff Raybould**  
*Chairman*  
St. Anthony  
At Large

Water Center  
Conference Rooms 602 B-D / Zoom Online  
322 E Front Street  
BOISE

**Jo Ann Cole-Hansen**  
*Secretary*  
Lewiston  
At Large

November 17, 2022  
**Work Session**

**Dale Van Stone**  
Hope  
District 1

### **Agenda Item No. 1: Roll Call**

Chairman Raybould called the work session meeting to order at 8:31 AM (MT) in Boise, Idaho and online. He requested that Jo Ann Cole-Hansen chair the meeting since he was participating online. Board members present were Jo Ann Cole-Hansen, Brian Olmstead, Dean Stevenson, and Dale Van Stone; and online were Pete Van Der Meulen, and Chairman Raybould.

**Albert Barker**  
Boise  
District 2

IDWR staff members present were: Brian Patton, Cynthia Bridge Clark, Neeley Miller, Wesley Hipke, Kala Golden, Gary Spackman, Mathew Weaver, Garrick Baxter, Steve Stuebner, Mike McVay, David Hoekema, Jacci Ellis-Gibbons, and Jennifer Strange. Online were: Remington Buyer, Sascha Marston, Neal Farmer, Josh Morell, Justin Ferguson, Amy Cassel, and Sean Vincent.

**Dean Stevenson**  
Paul  
District 3

**Peter Van Der Meulen**  
Hailey  
At Large

Guests present were: Hattie Zobott, Harold Jones, Darrel Ker, Bill Millenkamp, Scott Pugnud, Ann Yribar, John Simpson, and Kresta Davis. Guests online were: Bert Stevenson, Norm Semanko, Ashlynn Goody, Robin Lee-Beusan, Braden Jensen, Dylan Lawrence, Keith Esplin, Keri Hill, Kira Finkler, Michael Fuss, Niko Lostra, Noah Stewart-Maddox, Travis Thompson, Derek Blestrud, Clive Strong, Douglas Jones, Alan Hansten, Marie Kellner, Karen Henderson, Jon Baune, and Robert Turner

**Brian Olmstead**  
Twin Falls  
At Large

### **Agenda Item No. 2: ESPA Recharge Program & Infrastructure Updates**

Mr. Patton introduced Kresta Davis of Idaho Power Company who spoke on water management balance with hydropower. Chair Cole-Hansen asked what request IPC had for the board. Ms. Davis said that they request a 60-40 split goal for the flows at Milner on the Snake River this winter. David Hoekema shared concerns of having a shortfall in streamflow in the summer. There was more discussion.

Wesley Hipke provided an update on current recharge on the ESPA. He discussed two projects that would seek funding. Josh Morell provided a presentation of recharge data on the IDWR website.

*The board took a brief break at 9:46 a.m.*

**Agenda Item No. 3: Lemhi River Basin Settlement Implementation Update**

Clive Strong provided an update on the Lemhi River Basin Settlement Implementation. He provided a progress report that summarized the status of the various actions required under the Agreement.

**Agenda Item No. 4: Aging Infrastructure Grant Program**

Neeley Miller provided an updated on the Aging Infrastructure Grant Program. The due date for the second round of applications was December 9, 2022.

**Agenda Item No. 5: Regional Water Sustainability Projects Priority List**

Mr. Miller discussed updates on the Regional Water Sustainability Projects Priority list. The list will be updated annually at the regularly scheduled January board meeting.

**Agenda Item No. 6: Big Lost Groundwater Flow Model Update**

Mike McVay discussed the latest information on the Big Lost groundwater flow model. Mr. Stevenson asked about the duration of the efforts. Mr. McVay said it would be a three-year process.

**Agenda Item No. 7: Loan Programs**

**a. North Side Energy Company**

Kala Golden discussed a loan request from North Side Energy Company to refinance an existing loan with Northwest Farm Credit Services with an approximate balance of \$2,295,894. There was discussion about creating a policy on refinanced loans. Mr. Alan Hansten provided clarification on the loan.

**b. North Side Pumping Company**

Ms. Golden discussed a new loan request in the amount of \$1.2 million for North Side Pumping Company.

**c. Raft River Recharge Group**

Ms. Golden introduced a new loan in the amount of \$14,111,000 for the Raft River Recharge Group. There was discussion about security for the loan and collaboration with the groundwater district. Hattie Zobott and Bill Millenkamp provided clarification on the proposal. There was discussion about considering a reduced interest rate and about defining aging infrastructure for the loan program.

**d. Blaine County Canal**

Ms. Golden discussed a loan request of \$1,800,000 for Blaine County Canal Company.

**Agenda Item No. 8: Potential Legislation of Interest**

Garrick Baxter updated the board on potential legislation of interest.

**Agenda Item No. 9: IDWR Staffing Update**

Mathew Weaver informed the board of staffing concerns for IDWR, relating to hiring challenges and workforce characteristics. He introduced Jacci Ellis-Gibbons, the department's human resources specialist.

**Agenda Item No. 10: Non-Action Items for Discussion**

There were no other items for discussion from the board members.

**Agenda Item No. 11: Adjourn**

The meeting adjourned at 11:54 AM.

November 18, 2022

**Board Meeting No. 13-22**

At 8:07 AM (MT) Chairman Raybould called the meeting to order in Boise, Idaho and online.

**Agenda Item No. 1: Roll Call**

*Board Members Present*

Jeff Raybould, Chairman, online

Jo Ann Cole-Hansen, Secretary

Albert Barker

Dale Van Stone

Brian Olmstead

Dean Stevenson

Pete Van Der Meulen, online

*Staff Members Present*

Gary Spackman, Director

Cynthia Bridge Clark

Steve Stuebner

Kala Golden

Remington Buyer

Brian Patton, Executive Officer

Neeley Miller

Wesley Hipke

Jennifer Strange

Mike Morrison

*Staff Members Present Online*

Mathew Weaver, Deputy Director

Sascha Marston

Justin Ferguson

Amy Cassel

Ethan Geisler

Glyn Roberts

Tony Olenichak

Kara Ferguson

*Guests Present*

John Simpson

Scott Pugrud

Darrel Ker

Ann Yribar

Michael Fuss

Jacob Gerratt

Hattie Zobott

Jeff Barnes

*Guests Present Online*

John Williams

Paul Arrington

Bryan Horsburgh

Bert Stevenson

Chris Keith

Tracy Meeks

Keri Hill

D. Stoker

Kurt Newbry

Brad Carlson

Robin Lee-Beusan

Lanie Paquin

Cianna Wyshnytzky

Rory Pancheri

Aaron Ogden

James Dawson

John Hildreth

Ben Miller

Ashlynn Goody

Robert Turner

Norm Semanko

Jen Cuhaciyen

M. Howard

Douglas Jones

Frank Gariglio

Clay Hickey

Bill Millenkamp

**Agenda Item No. 2: Executive Session**

Board resolved into executive session pursuant to Idaho Code § 74-206(1) subsection (d) to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code. The executive session was closed to the public.

Ms. Cole-Hansen moved to resolve into executive session at 8:12 AM. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. The motion passed.

Ms. Ann Yribar discussed MHAFB Water Rights and Amended Snake River Moratorium Order.

At 8:49 AM, Ms. Cole-Hansen moved to resolve out of executive session. Mr. Van Stone seconded. Voice vote. All in favor. The motion carried. No actions were taken during the executive session.

Chairman Raybould asked Jo Ann Cole-Hansen to run the meeting as Chair, since he was participating online.

### **Agenda Item No. 3: Agenda & Approval of Minutes 10-22, 11-22, and 12-22**

Chair Cole-Hansen introduced meeting minutes to approve.

Mr. Barker moved to adopt the minutes for meetings 10-22, 11-22, and 12-22. Mr. Stevenson seconded. Voice vote. All in favor. The motion carried.

### **Agenda Item No. 4: Public Comment**

There was no public comment.

### **Agenda Item No. 5: Financial Report**

Mr. Neeley Miller provided the Board's financial report. The accounts as of October 31, 2022 were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$23,086,836 and uncommitted balance \$10,330,962; Revolving Development Account: committed/earmarked but not disbursed \$31,709,886, loan principal outstanding \$17,999,950, uncommitted balance \$2,834,147, and anticipated loanable funds available next one year \$6,334,147; and Water Management Account: obligated \$83,596,599, and unobligated balance \$64,075,919. Total committed/earmarked but not disbursed \$138,393,321; total loan principal outstanding \$17,999,950; and total uncommitted balance \$77,241,028. ARPA: committed per HB 769 \$100,000,000, obligated \$13,415,581, unobligated \$13,712,953, and expended \$72,871,000.

The obligated balance in the Water Management Account includes the \$20M legislative appropriation per HB 285 (FY 2019) for the Anderson Reservoir Enlargement and/or Mountain Home Air Force Base Water Supply Project. The obligated balance also includes \$50M for large infrastructure projects per Senate Bill 1121 (FY 2021) for the Anderson Ranch enlargement, Mountain Air Force Base Water Supply Project, ESPA Managed Aquifer Recharge Program, other projects identified by the IWRB.

The Water Management Account unobligated balance includes \$75M per HB 769 (FY 2022) to be used for expenditures, loans, or grants for water projects, including studies, to address water sustainability, rehabilitate or improve aging water infrastructure or support flood management. The legislature provided that no more than one-third of these moneys shall be used for grants. At the September IWRB meeting the IWRB authorized \$12,500,000 in funds for Aging Infrastructure grants.

At the September IWRB meeting the IWRB approved \$15,148,255 in loans from the Revolving Development Account to accompany the Aging Infrastructure Grants awarded from the Water Management Account.

Since the September IWRB meeting \$72,871,406 has been expended from the ARPA funds for the Anderson Ranch Reservoir Enlargement.

**Agenda Item No. 6: Anderson Ranch Dam Raise Project Update**

Cynthia Bridge Clark introduced Lanie Paquin from Bureau of Reclamation. Ms. Paquin thanked the state and board for the investments provided. She said they have completed the risk neutrality and construction risk analysis process. They plan to reintroduce environmental compliance activities. There was discussion on upcoming planned activities.

Ann Yribar discussed water right application 63-34753 in the name of the IWRB. She stated an informal settlement conference could move forward. She requested discussion and a decision on where the 90% non-federal ownership for that right should be. Mr. Barker believed that the Board should retain 90% ownership of the water right. There was discussion.

Mr. Olmstead made a motion for the board to obtain ownership of the 90% nonfederal portion of application for permit 63-34753 90%. Mr. Stevenson seconded. Voice vote. All in favor. The motion carried.

**Agenda Item No. 7: MHAFB Water Resilience Project**

Mr. Patton stated that Ms. Yribar would discuss water right issues associated with the Mountain Home Air Force Base Water Resilience Project. She stated that the board purchased water rights from J.R. Simplot Company would need to perform a transfer or lease/rental for the Air Force Base to use the water. There was discussion on the topic. A resolution was presented.

Mr. Barker moved to adopt the resolution to amend application 02-10556 and pursue a water supply bank rental. Mr. Van Stone seconded. Voice vote. All in favor. The motion carried.

Mike Morrison had a brief update for the project. The evaluation committee completed its evaluation of the three firms who had responded to the board's request for qualification. Brown and Caldwell were named as owners' advisor services.

**Agenda Item No. 8: Priest Lake Dam Modification Project Update**

Mr. Morrison stated that the dam is stable and safe. Contract amendments have been negotiated with Mott MacDonald. There was some discussion about existing gates and preparing bid packages.

**Agenda Item No. 9: Loan Programs**

**a. Northside Energy Company**

Kala Golden read through parts of the resolution. Mr. Olmstead suggested that the application be moved to the Finance Committee where a policy on outside loan refinancing could be discussed.

Mr. Olmstead moved to defer the application and refer it back to the Finance Committee to establish a policy on refinancing outside loans. Mr. Van Stone seconded. Voice vote. All in favor. The motion carried.

**b. Northside Pumping Company**

Ms. Golden read through a resolution for the North Side Pumping Company for a loan for \$1.2 million. She provided updates on incidental recharge reduction impacts.

Mr. Van Stone moved to adopt the resolution. Mr. Stevenson seconded. Roll call vote: Mr. Barker, abstain; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 6 ayes. The motion passed.

**c. Raft River Recharge Group**

Ms. Golden read through a resolution for a loan for a project to construct recharge and flood control infrastructure. There was discussion about the membership group and securities. Hattie Zobott, Jacob Gerrat, and Bill Millenkamp made comments on the project.

Mr. Olmstead moved to adopt the resolution to fund a loan not to exceed \$14,111,000 at 4.75% interest rate for Raft River Recharge Group. There was an amendment to the motion to direct the Finance Committee to review the final terms of the security on the loan and to look at the interest rate. Then make a recommendation to the full board Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. The motion passed.

**d. Blaine County Canal**

Ms. Golden presented a loan amendment for Blaine County Canal Company for an additional \$650,000. She read through the resolution. Mr. Roy Pancheri from the Blaine County Canal Company expressed appreciation for the Board's support.

Mr. Van Stone moved to approve the resolution. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, abstain; Mr. Van Stone, aye; and Chairman Raybould, aye. 6 ayes. The motion passed.

**Agenda Item No. 10: ESPA Recharge Program & Infrastructure**

Wesley Hipke presented resolutions for recharge projects.

Mr. Van Stone moved to adopt the resolution in the matter of the Big Sky and Murtaugh recharge well development in the amount of \$245,000 from the ARPA State Fiscal Recovery Fund. Mr. Olmstead seconded. Roll call vote: Mr. Barker, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. The motion passed.

Mr. Ker from Enterprize Canal provided some answers on the project and expressed appreciation on the funding opportunity.

Mr. Van Stone moved to adopt the resolution in the matter of the Swan Highway recharge site development in the amount of \$3.4 million from the ARPA State Fiscal Recovery Fund. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. The motion passed.

Chair Cole-Hansen asked if there was any more discussion on the request to allow bypass flows past Milner. Mr. Raybould made a motion to allow a pilot program for the season commencing December 1, 2022 and running through mid-February, 2023 to allow bypass flow of 200 CFS with a maximum acre foot volume not to exceed 30,000 acre feet and a maximum number of days of 75. Mr. Olmstead seconded. There was further discussion on water quality monitoring. Roll call vote: Mr. Barker, abstain; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 6 ayes. The motion passed.

**Agenda Item No. 11: Regular Board Meeting Dates for 2023**

Mr. Patton introduced a proposed schedule for the 2023 regular board meeting dates as:

- January 20, 2023 in Boise
- March 30-31, 2023 in Boise
- May 18-19, 2023 in Idaho Falls
- July 20-21, 2023 in Moscow
- September 14-15, 2023 in Salmon
- November 16-17, 2023 in Boise

Mr. Van Stone moved to adopt the dates. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried.

**Agenda Item No. 12: Director's Report**

Director Spackman discussed two moratorium orders that had been issued and activities in the Bear River adjudication.

**Agenda Item No. 13: Non-Action Items for Discussion**

There were no items for discussion.

**Agenda Item No. 14: Next Meeting and Adjourn**

Mr. Patton stated the next scheduled meetings would be January 20, 2023 in Boise and via an online platform. Mr. Stevenson moved to adjourn. Mr. Van Stone seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 11:09 AM (MT).

Respectfully submitted this 20<sup>th</sup> day of January 2023.

  
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Jo Ann Cole-Hansen, Secretary

  
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Jennifer Strange, Administrative Assistant II