



# IDAHO WATER RESOURCE BOARD

**Brad Little**  
*Governor*

## MINUTES MEETING NO. 3-23

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

Water Center  
Conference Rooms 602 B, C & D / Zoom Online  
322 E. Front St.  
BOISE

**Jo Ann Cole-Hansen**  
*Vice Chair*  
Lewiston  
At Large

March 30, 2023  
**Work Session**

**Dean Stevenson**  
*Secretary*  
Paul  
District 3

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

Chairman Raybould called the work session meeting to order at 8:12 AM (MT) in Boise, Idaho and online. Board members present were Al Barker, Jo Ann Cole-Hansen, Marcus Gibbs, Patrick McMahon, Brian Olmstead, Dean Stevenson, Dale Van Stone, and Chairman Raybould.

**Dale Van Stone**  
Hope  
District 1

IDWR staff members present were: Brian Patton, Cynthia Bridge Clark, Neeley Miller, Wesley Hipke, Gary Spackman, Steve Stuebner, John Loffredo, Mary Condon, Heather Neace, Remington Buyer, Mike McVay, Craig Tesch, David Hoekema, Matt Anders, Sean Vincent, Amy Steimke, and Jennifer Strange. Online were: Sascha Marston, Neal Farmer, Collin Macheel, Erik Julian, Kara Ferguson, Sam Larrondo, Josh Morell, Ethan Geisler, Alex Moody, Jennifer Sukow, and Mackenzie Kienholz.

**Albert Barker**  
Boise  
District 2

Guests present were: John Simpson, Scott Pugrud, Douglas R. Jones, Hattie Zobott, Kresta Davis, Neil Shippy, Jay Barlogi, Travis Thompson, Dan Davidson, Chris Mebane, and Ann Yribar. Guests online were: Tony Dixey, Kyle Radek, Chris Keith, J. Roldan, Norm Semanko, W. Kent Fletcher, T. R. Merrick, Brandon McLean, Clive Strong, Rachel Cohen, Marie Kellner, Clay Hickey, Alan Hansten, Keith Esplin, Michael Fuss, Tom Bassista, Marybeth Collins, Dylan Lawrence, Paul Arrington, Jaxon Higgs, T.J. Budge, and Chris Bromley.

**Brian Olmstead**  
Twin Falls  
At Large

**Marcus Gibbs**  
Grace  
District 4

**Patrick McMahon**  
Sun Valley  
At Large

### **Agenda Item No. 2: Ethics and Open Meeting Law Training**

Ann Yribar of the Attorney General's office provided comprehensive training on ethics and open meeting law in Idaho to current and new board members.

### **Agenda Item No. 3: Anderson Ranch Dam Raise Project Update**

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098  
Phone: (208) 287-4800 Fax: (208) 287-6700 Website: [idwr.idaho.gov/IWRB/](http://idwr.idaho.gov/IWRB/)

Cynthia Bridge Clark introduced Bryan Horsburgh of the US Bureau of Reclamation who provided updates on the schedule for the ARDR project.

**Agenda Item No. 4: Lemhi River Basin Settlement Implementation Update**

Amy Cassel discussed the Lemhi River Basin Settlement Implementation. She said the advisory committee would need a board member to fill the role of chairman. There were some questions about streamflow maintenance water rights. The deadline to file is July 1, 2024.

**Agenda Item No. 5: Aquifer Investigations and Modeling Update**

Mike McVay discussed ESPAM refinements in various basins and ongoing modeling efforts.

**Agenda Item No. 6: Mid-Snake Water Quality Monitoring Update**

Craig Tesch introduced Chris Mebane of the US Geological Survey who presented information on a water quality study along the mid-Snake River.

**Agenda Item No. 7: Water Supply Update**

David Hoekema provided an update on the water supply for Idaho overall and more in-depth by selected basins.

**Agenda Item No. 8: Rental Pool Procedures**

Mary Condon discussed 2023 rental pool procedures for water districts 01, 63, and 65. Draft resolutions were presented.

**Agenda Item No. 9: Potential Legislation of Interest**

Garrick Baxter discussed several bills of legislation related to topics pertinent to water in Idaho.

**Agenda Item No. 10: IGWA/SWC Negotiations Update**

Mathew Weaver briefly summarized a series of meetings between the SWC and IGWA. The negotiations produced a one-year agreement and one page term sheet, but not all ground water districts had agreed.

**Agenda Item No. 11: Stakeholder Perspectives on ESPA Recharge Program Build Out**

The following folks provided perspectives on ESPA recharge program build out: Kresta Davis with Idaho Power Company, John Simpson representing Surface Water Coalition, Jay Barlogi with Twin Falls Canal Company, Dan Davidson with Minidoka Irrigation District, TJ Budge representing IGWA, and Chris Bromley representing the Cities.

**Agenda Item No. 12: Non-Action Items for Discussion**

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

**Agenda Item No. 13: Adjourn**

The meeting adjourned at 12:38 PM.

The board broke for lunch.

March 31, 2023

## Board Meeting No. 3-23

At 8:03 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  
Jo Ann Cole-Hansen, Secretary  
Albert Barker  
Marcus Gibbs  
Patrick McMahon  
Dale Van Stone  
Brian Olmstead  
Dean Stevenson

#### *Staff Members Present*

Gary Spackman, Director	Brian Patton, Executive Officer
Cynthia Bridge Clark	Wesley Hipke
Neeley Miller	Garrick Baxter
Justin Ferguson	Remington Buyer
Jennifer Strange	Neal Farmer
Mike Morrison	Megan Jenkins

#### *Staff Members Present Online*

Sascha Marston	Erik Julian
Josh Morell	Ethan Geisler
Mackenzie Kienholz	Amy Cassel
Sam Larrondo	Heather Neace
Amanda Johnson-Veibell	Amy Steimke
Steve Stuebner	

#### *Guests Present*

Hattie Zobott	Scott Pugrud
Darrel Ker	Kresta Davis
John Simpson	Ann Yribar
Michael Fuss	Douglas R. Jones

#### *Guests Present Online*

Claudia Cottle	David Cottle	Neil Shippy
Paul Arrington	Braden Jensen	Dylan Lawrence
Clive Strong	John Williams	Clay Hickey
Hal Anderson	Dave Tuthill	Keith Esplin
Tony Dixey	Tom Bassista	Robin Lee-Beusan
Ashlynn Goody	Allison Lebeda	Randy Broesch
Mark Steuer	Brad Carlson	

### **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. The executive session was closed to the public.

Ms. Cole-Hansen moved to resolve into executive session at 8:04 AM. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Ms. Cole-Hansen, aye; Mr. Gibbs, aye; Mr. McMahon, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Ann Yribar discussed litigation.

At 8:36 AM, Ms. Cole-Hansen moved to resolve out of executive session. Mr. Barker seconded. Voice vote. All in favor. The motion carried. No actions were taken during the executive session.

### **Agenda Item No. 3: Board Elections**

Mr. Barker made a motion to recommend Mr. Raybould as chairman, Ms. Cole-Hansen as vice chair, and Mr. Stevenson as secretary. Mr. Olmstead seconded. Chairman Raybould asked for other nominations or motions. There were none. Mr. Barker moved to close the nominations, and Mr. Olmstead seconded that motion. Voice vote. All in favor. The motion carried.

### **Agenda Item No. 4: Board Committee Appointments**

Mr. Patton provided proposed committee assignments from the Chairman. Mr. Barker made a motion to accept those committee assignments. Ms. Cole-Hansen seconded. Voice vote. All in favor. The motion carried.

### **Agenda Item No. 5: Agenda and Approval of Minutes 1-23 and 2-23**

Chairman Raybould asked if any changes to the agenda were needed. None were. The minutes for meetings 1-23 and 2-23 were available for approval.

Mr. Barker moved to approve the meeting minutes provided. Mr. Stevenson seconded. Voice vote. All in favor. The motion carried.

### **Agenda Item No. 6: Public Comment**

There was no public comment.

### **Agenda Item No. 7: Financial Report**

Mr. Neeley Miller provided the Board's financial report. The accounts as of January 31, 2023 were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$22,341,675 and uncommitted balance \$13,832,714; Revolving Development Account: committed/earmarked but not disbursed \$32,961,636, loan principal outstanding \$17,112,562, uncommitted balance \$1,591,508, and anticipated loanable funds available next one year \$5,091,508; and Water Management Account: obligated \$116,718,734, and unobligated balance \$31,241,536. Total committed/earmarked but not disbursed \$172,022,045; total loan principal outstanding \$17,112,562; and total uncommitted balance \$46,665,758. ARPA: committed per HB 769 is \$100,000,000; obligated \$17,060,413; unobligated \$10,067,953; and expended is \$72,871,634.

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 2022 IWRB meeting the IWRB authorized \$12,500,000 in funds for Aging Infrastructure grants (round one). At the January 2023 IWRB meeting the IWRB authorized \$12,500,000 in funds for Aging Infrastructure grants (round two).

In FY 2023 the IWRB has approved \$15,148,255 in loans from the Revolving Development Account and \$20,811,000 in loans from the Water Management Account.

Since the September 2022 IWRB meeting \$72,871,634 has been expended from the ARPA funds for the Anderson Ranch Reservoir Enlargement.

#### **Agenda Item No. 8: Bear River Basin**

Amy Cassel briefed the board on a draft resolution to cost share facilitation services with Pacific Corp to help resolve issues related to Bear Lake storage. Chairman Raybould and Mr. Barker suggested adding the word “equitable” before “agreement” and “up to \$50,000” into the resolution.

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

#### **Agenda Item No. 9: Lemhi River Basin Settlement Implementation**

Amy Cassel had two resolutions for consideration. The first resolution provided approval of the Lemhi River Basin Comprehensive Settlement Agreement Implementation committee charter and membership list.

Mr. Barker moved to adopt the resolution. Mr. Stevenson seconded. Voice vote. All in favor. The motion carried.

The other resolution provided approval of protocol for the exercise of the Lemhi River at McFarland Campground minimum stream flow water right.

Mr. Barker moved to adopt the resolution. Mr. McMahon seconded. Voice vote. All in favor. The motion carried.

#### **Agenda Item No. 10: State Water Plan**

Brian Patton discussed a resolution to approve funds for consulting services for the State Water Plan review and update in an amount up to \$100,000.

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

**Agenda Item No. 11: Idaho Water Transactions**

John Loffredo presented a resolution to approve and fund renewal of the proposed short-term agreements not to divert in the lower Lemhi River.

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

**Agenda Item No. 12: Mountain Home Air Force Base Water Resilience Project**

Mike Morrison provided an overview of the project. He stated the board had retained the services of an Owner's Advisor, Brown and Caldwell Inc., to assist in the selection of qualified design and construction firms and to help manage the project. Since the January Board meeting, Staff and Brown and Caldwell have: completed a market sounding that will be used to determine a project delivery method that is compatible with local construction market conditions; refined pump station siting and pipeline alignment details; and worked with stakeholders to obtain easements and Rights of Way for the pipeline.

He introduced Vincent Roquebert, Contract Manager for Brown and Caldwell, who provide a brief update and revised timeline.

**Agenda Item No. 13: Flood Management Grant Criteria**

Neeley Miller discussed a resolution for consideration to adopt criteria in the matter of flood management grants.

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

**Agenda Item No. 14: Regional Water Sustainability Priority List**

Neeley Miller updated the board on the latest for the Regional Water Sustainability Priority list. He stated that the Finance Committee met on March 23rd and authorized staff to solicit additional information from project sponsors. This additional information will focus on readiness to proceed and status of the project in the planning and permitting processes. Staff will utilize this information in combination with previously submitted information to help the IWRB prioritize projects and request presentations from project sponsors.

**Agenda Item No. 15: ESPA Recharge**

Wesley Hipke provided an update on the current recharge season. The current total natural flow water recharged was 131,597 acre feet. He discussed upcoming recharge projects. He presented a resolution to authorize the expenditure of \$1,700,000 million dollars from ARPA funding to design and develop the recharge capacity of the 55th Road Recharge site. Darrel Ker addressed the board about the site.

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

**Agenda Item No. 16: Rental Pool Procedures**

Mary Condon had three resolutions for updated rental pool procedures for water districts 01, 63, and 65. She discussed the changes for each district's procedures. Director Spackman reviewed the draft procedures for the districts. He recommended approval of the procedures.

Mr. Olmstead moved to adopt all three resolutions. Mr. Gibbs seconded. Voice vote. All in favor. The motion carried.

**Agenda Item No. 17: Loan Application**

Mr. Patton stated the Lost Valley Reservoir Company had decided to hold the loan application at the March Finance Committee.

Justin Ferguson presented a loan request for Boise City Canal Company. Mr. Patton added that they also have been approved for an aging infrastructure grant.

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

**Agenda Item No. 18: Administrative Rules Update**

Deputy Director Mat Weaver had a brief update on negotiated rulemaking. Rules were presented to the House Resource Committee on February 7<sup>th</sup>. That committee approved the mine tailing and safety of dams rules but rejected the water supply bank rules. He discussed upcoming rulemaking activities. There was some discussion about the options for the rejected rules.

**Agenda Item No. 19: Director's Report**

Director Spackman provided a handout for the board. He expressed appreciation to the board and staff for the work that had been accomplished for the meetings. He discussed performance measures for the agency. He provided an update on employee compensation.

**Agenda Item No. 20: Non-Action Items for Discussion**

There were no items for discussion.

**Agenda Item No. 21: Next Meeting and Adjourn**

Mr. Patton stated the next scheduled meetings would be May 18-19, 2023 in Idaho Falls and via an online platform. Mr. Van Stone moved to adjourn. Mr. Barker seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 11:34 AM (MT).

Respectfully submitted this 19<sup>th</sup> day of May 2023.



---

Dean Stevenson, *Secretary*



---

Jennifer Strange, *Administrative Assistant II*