



IDAHO WATER RESOURCE BOARD

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Brian Olmstead
Twin Falls
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Marcus Gibbs
Grace
District 4

Patrick McMahon
Sun Valley
At Large

MINUTES MEETING NO. 8-23

Water Center
Conference Rooms 602 B-D
322 E. Front Street
BOISE

November 16, 2023
Work Session

Agenda Item No. 1: Roll Call

Chairman Raybould called the work session meeting to order at 8:06 AM (MT) in Boise, Idaho. The meeting was livestreamed on the Board's YouTube Channel online. Board members present were Al Barker, Jo Ann Cole-Hansen, Marcus Gibbs, Patrick McMahon, Brian Olmstead, Dean Stevenson, Dale Van Stone, and Chairman Jeff Raybould.

IDWR staff members present were: Brian Patton, Cynthia Bridge Clark, Neeley Miller, Wesley Hipke, Amy Cassel, Mary Condon, Kala Golden, Matt Anders, John Falk, Nick Miller, Shelley Keen, Steve Stuebner, Garrick Baxter, and Jennifer Strange. Online were: Justin Ferguson and Mathew Weaver.

Guests present were: Neil Shippy, Scott Pugrud, Kresta Davis, John Simpson, Lloyd Knight, and Ann Yribar.

Agenda Item No. 2: Dam Safety Federal Grant Opportunities

John Falk, the Safety of Dams program manager at IDWR, shared several funding opportunities through federal grant programs related to dam safety. There was some discussion on the difficulty in the grant application processes. Director Weaver explained why the information was being presented and emphasized the importance of getting the options out to the public.

Agenda Item No. 3: Quagga Mussel Update

Lloyd Knight, the Deputy Director from Idaho State Department of Agriculture provided an update on the quagga mussel treatment plan on the Snake River.

Agenda Item No. 4: Water District 65 Rental Pool Procedures

Mary Condon discussed rental pool procedures amendments requested by Water District 65. Neil Shippy, Watermaster for WD65 provided some description on the proposed changes.

Agenda Item No. 5: Cloud Seeding Cost Share

Kala Golden discussed water user funding for the collaborative cloud seeding program, including historical contributions and current challenges. There were concerns about lowering the water users' contribution to accommodate a rounded number in the calculations. It was decided that the contribution amount should remain the same as in previous years.

Upper Snake River basin's RC&D program requested up to \$40,000 in state funding to support cloud seeding operations.

Authorization was sought for use of up to \$200,000 in budget reserves for unplanned expenses related to ongoing maintenance issues.

Agenda Item No. 6: Potential Legislation of Interest

Garrick Baxter provided an update on three pieces of legislation being considered for the upcoming legislative session.

Agenda Item No. 7: Regional Manager's Update

Nick Miller presented updates for the work happening at the Western Region office.

Agenda Item No. 8: Swan Falls Minimum Flows Update

Sean Vincent provided minimum flow updates for Swan Falls and Murphy gauging station.

Agenda Item No. 9: Non-Action Items for Discussion

Steve Stuebner shared a video of the Enterprize Canal recharge project PR event in Idaho Falls that included Governor Little and board members Brian Olmstead and Marc Gibbs.

Agenda Item No. 10: Adjourn

Chairman Raybould adjourned the meeting at 11:05 AM.

The board broke for lunch. Following lunch, the board departed for a field trip to the Swan Falls Dam, near Murphy, Idaho.

November 17, 2023
Board Meeting No. 8-23

At 7:54 AM (MT) Chairman Raybould called the meeting to order in Boise, Idaho. The meeting was livestreamed on the Board's YouTube Channel online upon adjournment of the executive session.

Agenda Item No. 1: Roll Call

Board Members Present

Jeff Raybould, Chairman

Jo Ann Cole-Hansen, Vice Chairman

Albert Barker

Marcus Gibbs
Patrick McMahon
Dale Van Stone
Brian Olmstead
Dean Stevenson, Secretary

Staff Members Present

Mathew Weaver, Director
Cynthia Bridge Clark
Kala Golden
Neeley Miller
Meghan Carter
Mike Morrison

Brian Patton, Executive Officer
Wesley Hipke
Garrick Baxter
Amy Cassel
Justin Ferguson
Jennifer Strange

Staff Members Present Online

Mary Condon

Guests Present

Scott Campbell
Tom Banducci
Remington Buyer
Irv Leen
Robert Annalora
Douglas R. Jones
Jeff Barnes
Bill Millenkamp

Ann Yribar
Jennifer Reinhardt-Tessmer
Dale Barton
Michael Fuss
Bret Andersen
John Spencer
Hattie Zobott
Neil Shippy

Guests Online

Wade Egan
Tonya Boyd
Chris Keith

Alan Hansten
Lanie Paquin

Agenda Item No. 2: Executive Session

Immediately following roll call, Ms. Cole-Hansen made a motion to amend the agenda to include a topic for the executive session. Chief Campbell at the AG's office had requested an opportunity to discuss Columbia River Basin Litigation. Mr. Barker seconded. Voice vote. All in favor. The motion carried.

At 7:55 AM, Mr. Stevenson moved to resolve into executive session 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. 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.

Scott Campbell spoke on the topic of Columbia River Basin Litigation. Meghan Carter spoke on Priest Lake litigation. Ann Yribar spoke on City of Pocatello litigation CV-42-23-1668.

Mr. Stevenson moved to resolve out of executive session at 9:07 AM. Mr. Van Stone seconded. Voice vote. All in favor. The motion carried. The meeting was closed to the public, and no actions were taken during the executive session.

Agenda Item No. 3: Agenda and Approval of Minutes 7-23

The agenda and minutes for meeting 7-23 were available for approval. Mr. Barker moved to approve the minutes for meeting 7-23. Mr. Van Stone 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

Neeley Miller provided the Board's financial report. The accounts as of October 31, 2023, were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$32,001,299 and uncommitted balance \$4,947,136; Revolving Development Account: committed/earmarked but not disbursed \$33,834,588, loan principal outstanding \$17,338,353, uncommitted balance \$3,350,413, and anticipated loanable funds available next one year \$6,850,413; and Water Management Account: obligated \$164,859,047, and unobligated balance \$132,301,373. Total committed/earmarked but not disbursed \$230,694,935; total loan principal outstanding \$17,338,353; and total uncommitted balance \$140,598,923. ARPA: committed per HB 769 is \$100,000,000; committed per SB 1181 is \$24,497,543; expended \$75,011,582; obligated \$55,450,464; unobligated \$5,964,503.

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 also includes \$150M per HB 1181 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 indicated that the IWRB may provide up to one-third of this money for grants. The Water Management Account includes \$25M obligated for Aging Infrastructure Grants (rounds one and two) and the \$22.7M for non-ARPA eligible Regional Water Sustainability Priority List projects that the IWRB awarded at the July 2023 meeting.

Chairman Raybould suggested some clarification in the budget related to the SB 1181 allocation of \$50M.

Agenda Item No. 6: Anderson Ranch Dam Raise Update

Cynthia Bridge Clark introduced Lanie Paquin of Bureau of Reclamation who discussed alternatives to reduce construction risk on the project. She stated the project team identified opportunities for cost savings, reduced environmental impact, and improvement for the public use of the reservoir. She mentioned that a schedule update would be needed and forthcoming.

Ms. Bridge Clark sought to advance the water rights process with potential space holders. The board suggested a Water Storage Committee meeting be held after the January 2024 meeting to provide a way to gather public input.

Agenda Item No. 7: Priest Lake Dam Modification Update

Mike Morrison stated the dam modification was on schedule. He shared some recent photos of the project and provided a timeline for the remainder of the work. His timeline included: January 24, 2024—repair void under slab; February 22, 2024—concrete apron extension complete; March 15, 2024—in water work complete; March 19, 2024—gate repairs and seals complete; April 1, 2024—substantial completion; and May 1, 2024—project close-out.

Agenda Item No. 8: Mountain Home Air Force Base Water Resilience Project

Mike Morrison provided updates for the project. They were finalizing contract negotiations with IMCO Construction to design, build, and test a water transmission system that will provide water to Mountain Home AFB from CJ Strike Reservoir. IMCO's \$26,439,000 bid was significantly below the Engineer's \$38,481,750 estimate or either of the other two bids submitted for this project. Additionally, staff is working with the U.S. Air Force to obtain the water rights needed to provide a year-round municipal supply. The winter use water right application was advertised by IDWR, and three protests were received. Staff will begin working with the department, protestants, and legal counsel toward a resolution. A Water Supply Bank rental application is being developed to change the nature of use of the water rights purchased from the J.R. Simplot Corporation to municipal use during the summer months. Work continues with the Bureau of Land Management, Mountain Home Highway District, the Idaho Transportation Department, Idaho Department of Lands, the J.R. Simplot Company, and other landholders to obtain the necessary easements and rights-of-way to build the project. Only one Design-Build firm, RSCI Inc., was pre-qualified to bid on the Air Force's Water Treatment Plant project. It is anticipated that the Board's Water Transmission System will be completed in time to supply water for commissioning and testing the Air Force's Water Treatment Plant in summer 2025.

Agenda Item No. 9: Aging Infrastructure Grant Awards

Neeley Miller presented a draft resolution for \$11 million in grant awards for the Aging Infrastructure Program. He stated the application period for the IWRB's third round of aging infrastructure funding had closed on August 4, 2023. The IWRB received 23 grant applications requesting approximately \$11 million in funding. The applications were evaluated, scored, and ranked according to the criteria adopted by IWRB. On November 1, 2023, the Finance Committee met and discussed the projects, and recommended the IWRB approve awards as specified in Attachment A included with the resolution.

Mr. Van Stone moved to adopt the resolution and attachment to fund the third round of Aging Infrastructure Grants at \$11M. Ms. Cole-Hansen seconded. Roll call vote: Mr. Barker, abstain; Ms. Cole-Hansen, aye; Mr. Gibbs, aye; Mr. McMahan, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Stone, aye; and Chairman Raybould, abstain. 6 ayes. The motion passed.

Chairman Raybould stated that he supports the program, but abstained from voting due to a conflict of interest for one of the entities that would receive funding. Mr. Barker abstained for the same reasons.

Following the vote, Mr. Miller shared a timeline for due dates and award dates for a few grant programs.

Agenda Item No. 10: Regional Water Sustainability Project Contract Terms & Conditions

a. Treasure Valley Water Supply Assessment Project

There were no changes in terms and conditions recommended by the finance committee.

b. North Fremont Canal Systems Phase 5 Pipeline Project

There were no changes in terms and conditions recommended by the finance committee.

c. Nampa Projects

There were no changes in terms and conditions recommended by the finance committee.

d. Lost Valley Reservoir Enlargement Project

The Lost Valley group had stipulations and questions for the board. Douglas Jones announced that QRS (Quadrant Engineering) would be the contractors on the project and that Sundance Consulting would work as EIS consultants. He introduced two board members from the Lost Valley Reservoir Company: Irv Leen and Dale Barton. Mr. Leen described their plan for collecting cost match dollars. Completing the EIS was identified as critical for the project. There was some discussion on financing options. A loan was suggested to assist the project, should shareholders be unable to provide the necessary matching dollars. The group would take the proposal to their shareholders.

Mr. Miller shared the draft resolution and the attachment that specifically listed the terms and conditions for each of the projects. Mr. Barker made a motion to approve the resolution and to adopt attachment A with the removal of the Lost Valley Reservoir Enlargement Project. Mr. Stevenson 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. 11: Loan Program

a. Marsh Center Irrigation Company

Justin Ferguson introduced a new loan request for Marsh Center Irrigation Company in the amount of \$700,000 to convert a nearly 27,000-foot section of open canal delivery system to pressurized buried pipe system.

Ms. Cole-Hansen moved to adopt the resolution to approve a loan not to exceed \$700,000 at 8.5% interest with a 2-year repayment term. Mr. Gibbs 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.

b. North Side Canal Company Extension

North Side Canal Company requested a one-year extension on their loan approved in Resolution No. 06-2023.

c. North Side Pumping Company Extension

North Side Pumping Company requested an extension on their loan approved in Resolution No. 45-2022.

d. King Hill Irrigation District Extension

King Hill Irrigation District requested an extension through December 2025 on their loan approved in Resolution No. 05-2023.

e. Raft River Recharge Group Extension

The Raft River Recharge Group requested an extension through December 2025 for their loan approved in Resolution No. 46-2022.

All loan extension requests were included in one resolution for a period of two years.

Mr. Olmstead moved to adopt the resolution. Mr. McMahon seconded. Mr. Van Stone noted that the draft resolution listed “one year” but should be “two years.” With that edit noted and agreed upon, the board voted. Roll call vote: Mr. Barker, abstain; Ms. Cole-Hansen, aye; Mr. Gibbs, aye; Mr. McMahon, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. The motion passed.

Agenda Item No. 12: Water District 65 Rental Pool Procedures

Director Weaver mentioned that he had been working with Mary Condon and Neil Shippy from WD 65. Further work on the rules and procedures for Water District 65 was recommended. The board agreed to wait for revisions to be made to the proposed procedures.

Agenda Item No. 13: Cloud Seeding Cost Share

Kala Golden discussed a draft resolution with three expenditure requests for the following: one-time expenditures to offset anticipated O&M funding shortages; for costs to support existing cloud seeding program projects, program development, and analysis not to exceed \$200,000; and for O&M costs to support the HCRCDC cloud seeding program for the 2023-24 season not to exceed \$40,000.

Mr. Gibbs 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. 14: 2024 Approved Board Meeting Dates

Brian Patton shared a memo which listed potential dates for regular board meetings in 2024.

Mr. Van Stone moved to approve 2024 board meeting dates. Mr. Stevenson seconded. Voice vote. All in favor. The motion carried.

Agenda Item No. 15: Director’s Report

Director Weaver discussed his appointment and stated that he viewed himself as a status quo selection from the governor. Changes to the department included appointing two deputy directors: Brian Patton, who will oversee planning and projects bureau, technical services bureau, and maintain his role as Executive Manager to the board; and Shelly Keen, who will oversee water allocations, regional operations, and IT operations. He named fully staffing the department as a need. He emphasized the importance of transparency and accountability in spending the department’s budget.

Garrick Baxter provided an update on Judge Wildman’s decision on November 16, 2023. His ruling stated that signatory members of the mitigation plan are responsible for the 240,000 acre-feet obligation, rejecting attempts to shift responsibility to non-signatory entities. The decision may lead to further action in parallel proceedings, such as an appeal.


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

There were no other items for discussion.

Agenda Item No. 17: Next Meeting and Adjourn

Mr. Patton stated the next scheduled meeting would be January 19, 2024, in Boise and that Idaho Water Users Association annual convention would be the same week. Mr. Van Stone moved to adjourn. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 11:31 AM (MT).

Respectfully submitted this 19th day of January 2024.



Dean Stevenson, *Secretary*



Jennifer Strange, *Administrative Assistant II*