1	Before the Idaho Water Resource Board
2	of the State of Idaho
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10	REPORTER'S TRANSCRIPT OF AUDIO RECORDING OF PROCEEDINGS
11	Meeting No. 7-09
. 12	April 30, 2009, 10:00 a.m.
13	before The Idaho Water Resource Board
14	Gary M. Chamberlain
15	Bob Graham Charles "Chuck" Cuddy
16	Leonard Beck Roger W. Chase
17	Vince Alberdi Jerry R. Rigby
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23	P.O. Box 1625 605 West Fort Street Boise, ID 83701
24	Reported by Voice 208 345 3704 TUCKER
25	Debora Ann KreidlerFax208 343 3704and ASSOCIATES, LLCCSR No. 754Toll free 800 424 2354Web www.etucker.netCourt ReportersWebwww.etucker.netE-mail info@manager.netWhen excellence is an obligation

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Meeting number 7-09

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1	Before the Idaho Water Resource Board	1	MS. McGOURTY: Mr. Beck.
2	of the State of Idaho	2	MR. BECK: Here.
3		3	MS. McGOURTY: Mr. Chamberlain.
4 5		4	MR. CHAMBERLAIN: Here.
5 6		5	MS. McGOURTY: Mr. Graham.
7		6	MR. GRAHAM: Here.
8		7	MS. McGOURTY: Mr. Rigby.
9		8	MR. RIGBY: Here.
10	REPORTER'S TRANSCRIPT OF AUDIO RECORDING OF PROCEEDINGS	9	MS. McGOURTY: Chairman Uhling, not yet.
	Meeting No. 7-09	10	Seven present.
	April 30, 2009, 10:00 a.m.	11	THE CHAIRMAN: Is there any public comment
	before The Idaho Water Resource Board	12	Anyone that's not going to be on the agenda that
14	Gary M. Chamberlain Bob Graham	13	would like to address the Board at this time?
15	Charles "Chuck" Cuddy		
	Leonard Beck	14	-
16	Roger W. Chase	15	MR. HAZEN: My name is Bill Hazen. I work
	Vince Alberdi	16	with the Idaho Water Alliance. I don't know when
17	Jerry R. Rigby	17	the proper place to address the Board is, but this
18		18	is the time, I guess right now. It's a public
19	$\partial g_{\mu\nu} = -i \left(-\frac{1}{2} + \frac{1}{2} + \frac{1}{2$	19	1 0
20 21		20	I visited with Vince Alberdi the other day
22		21	regarding what is the proper format. And so I'll
23		22	just try to bring you up to date.
24	Reported by	23	The Idaho Water Alliance, of course, works
	Debora Ann Kreidler	24	with aquifer recharge issues in the Magic Valley,
75	CSR No. 754		
<u>ک</u> ۲		25	primarily, but also all over the state. They've
2D	Page 2	25	primarily, but also all over the state. They've Page 4
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1	some exploratory test holes along the Dietrich	1	the Swan Falls Settlement Agreement. That is the
2	canal. We dug three of them two weeks ago.	2	agreement that was signed between the attorney
3	Eaton's drilled those. IDWR geologist Lynn	3	general, the Governor, and Idaho Power that was
4	Campbell was there to make sure that we had the	4	the framework associated with this agreement that
5	good well logs that we need to make these kind of	5	the State and Idaho Power has reached, which calls
6	decisions. Monday, two of them went up there and	6	for this Memorandum of Agreement. Mr. Chairman,
7	videoed those holes to see if, in fact, we had	7	that has which is the subject of our discussion
8	enough cracks and fractures and cinders and stuff	8	primarily today.
9	like that in order to proceed. And on two of the	9	The Board has been briefed by Mr. Clive
10	three, we will be taking water potable water up	10	Strong, who's been negotiating on behalf of the
11	there in BLM trucks to see what kind of water will	11	Board and the State with the with the Idaho
12	go down. And once we've done that, we'll make	12	Power Company on this on this agreement. And
13	some kind of a decision as to where to go.	13	given that, Mr. Chairman, I would like to turn the
14	Gooding, Lincoln and Jerome counties are all	14	time over to Mr. Strong and let him go through the
15	interested as counties of trying to see if they	15	details of the agreement for the Board and provide
16	can help in providing the infrastructure to	16	opportunity for the Board to ask any questions
17	perpetuate and get some recharge going. So we're	17	they might have.
18	trying to get some of this stuff put together so	18	THE CHAIRMAN: Mr. Strong, please.
19	that we can maybe include some bore holes or some	19	MR. STRONG: Mr. Chairman, members of the
20	more, actually, injection wells that the counties	20	Board, what we're here today to do is to address
21	would fund.	21	the one of the conditions for the
22	I do encourage you, as you talk about the	22	implementation of the Swan Falls reaffirmation
23	implementation of the CAMP plan, to recognize the	23	framework.
24	extreme need to have grunts on the ground to see	24	As you recall, the framework reaffirming the
25	these things are done. We can have committee	25	Swan Falls Agreement itself is not a settlement
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1 2	meetings; we can have all kinds of things. But	1 2	document, but rather lays forward a suite of
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	Page 9		Page 11
1	submission of the proposed form of final decrees	1	in a last little while, both your office, mine and
2	to the SRBA District Court for approval.	2	other counsel that are representing the
3	If those remaining two actions occur, then	3	independent, I guess, party participants.
4	as between the company and the State of Idaho,	4	Obviously, with the condition that Idaho Power
5	that would constitute a resolution of the action	5	confirmed the letter of that you'll be
6	brought by Idaho Power Company challenging the	6	discussing, then I can represent to this Board and
7		7	to you that we are in agreement.
	Swan Falls the State's implementation of the	8	THE CHAIRMAN: Thank you, Mr. Rigby.
8	Swan Falls Agreement. I emphasize that that's an	9	Mr. Strong.
9	agreement between the State and Idaho Power	10.	-
10	Company, because other water users may have		MR. STRONG: Mr. Chairman, members of the
11	different opinions or interests in this matter.	11	Board, which having said that, I've laid out the
12	And they certainly have their right to participate	12	framework. I don't intend to revisit the
13	in each of these forums, and to make their views	13	framework. Instead, I'll now focus primarily on
14	known on the adequacy of the settlement.	14	the Memorandum of Agreement to which the Board is
15	MR. CHASE: You know, Mr. Chairman	15	being asked to consider approval.
16	THE CHAIRMAN: Mr. Chase.	16	The Memorandum of Agreement is it's
17	MR. CHASE: I might note too, you know, I	17	important to set out what it does and what it
18	probably have a conflict of interest on this	18	doesn't do. The Memorandum of Agreement is
19	subject. And so, I'm going to listen to the	19	intended to reflect understandings between the
20	debate, but I probably won't be able to vote on	20	State and Idaho Power Company with respect to how
21	this one.	21	we would move forward we the State would move
22	THE CHAIRMAN: Thank you for your	22	forward with managed recharge.
23	MR. CHASE: I've talked to attorneys about	23	As I've previously advised the Board, under
24	that, and that's what they told me I should	24	the Swan Falls proposed Swan Falls settlement,
25	probably do.	25	if it's implemented, there would be an
	Page 10		Page 12
1	THE CHAIRMAN: Thank you for your candor,	1	acknowledgment from the company that the issue of
2	Mr. Chase.	2	how managed recharge is conducted is a state
3	MR. CHASE: Okay.	3	policy issue. And what this Memorandum of
4	MR. RIGBY: Well, Mr. Chairman, while we're	4	Agreement attempts to do is to reflect the fact
5	on that subject, obviously, I'm one of the counsel	5	that, between the power company and the State,
6	that represents the Upper Snake River users. And	6	that there needs to be some dialogue that goes
7	we were party participants in the actual hearings	7	back and forth on these particular issues. Not
8	themselves. And although I've not spoken to	8	that the company has a right to control the state
9	Mr. Strong, I know that today I've been	9	process, but it's reaffirmation of its rights to
10	participating because I've not felt that conflict.	10	participate like other users in decisions that are
11	But if if anyone is concerned of this, or if	11	made through the State process, and also
12	Mr. Strong, on behalf of the State is, then I will	12	reaffirmation of the fact that we do have a
13	need to withhold as well.	13	contract with the company that reflects an
14	THE CHAIRMAN: Okay.	14	
15	MR. STRONG: Mr. Chairman, members of the	15	would be established at the Murphy Gauge and at
16	Board, from a conflict standpoint, if you're	16	the Milner Guage. And that, as the State moves
17	adverse if your clients are adverse to the	17	forward with its management actions, those actions
18	State, then that would be a provision that would	18	can have implications of in terms of the
19	require disqualification. My understanding,	19	implementation of that underlying Swan Falls
20		20	
	though, is that your clients have indicated that	1	Agreement that we are committing ourselves under this MOA to have a dialogue on these issues short
21	they are supporting of the agreement. If that's	21	this MOA to have a dialogue on those issues short
22	the event, then I would say conflict them in. It	22	of going forward with litigation.
23	depends upon where you're at with your clients.	23	Now, nothing in the Memorandum of Agreeme
		24	WOULD PRECIDE OF CHARGE ANY PARTIES POSITION
24 25	MR. RIGBY: And Mr. Chairman, Mr. Strong, obviously, the we've had a lot of dialogue just	25	would preclude or change any parties' position, either the Board or the company's right to seek

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	Page 13		Page 15
1	judicial relief. It's simply an expression of the	1	sense that, when you have a contractor, when you
2	goodwill and intent that we should attempt to	2	have an agreement with a party, that you sit down
3	dialogue on those issues before we have to resort	3	and you try to work cooperatively through those
4	to litigation.	4	issues. And that's what paragraph 1 attempts to
5	Having said that, the Memorandum of	5	recognize.
6	Agreement has certain whereas clauses. Those	6	Paragraph 2 is an understanding about the
7	whereas clauses, if you go back and follow the	7	ESPA CAMP process, which I should mention for the
8	pedigree of them, can be traced back to the	8	purposes of the record that the CAMP legislation
9	original Swan Falls Agreement, to the Swan Falls	9	was approved and signed into law by the Governor.
10	framework, which was the conceptual structure for	10	And under CAMP, as you're as this Board is well
11	the Swan Falls Agreement that was entered into	11	aware, it provides for a managed recharge of up to
12	back in 1984, and then provisions of the State	12	a hundred between 150,000 and 250,000 acre feet
13	water plan that were amended by this Board back in	13	on the average annual basis. But it provides that
14	1985 to reflect the Swan Falls Agreement.	14	that's going to be phased in over time, and that
15	Just I'm going to note issues as we go	15	the original intent was to phase in a hundred
16	along. One concern has been expressed by some of	16	thousand acre feet of recharge on the average
17	the party participants in the litigation is the	17 18	annual basis in the first ten-year period.
18 19	fact that this these whereases only reference,	10	And so what we're reflecting here is that
20	primarily, the recharge issue, and concern that, by not referencing other provisions of the	20	the State water plan represents, as a matter of law, what the State's policy is with regard to
21	original Swan Falls Agreement, that somehow those	21	recharge at this time. Doesn't mean that it can't
22	have a lesser standing. And I'd represent to the	22	be changed in the future. In fact, the framework
23	Board that that is not the intent. In fact, among	23	makes clear that it can. But as it's presently
24	the documents I've provided to you is a joint	24	implemented, that provision of State law in CAMP
25	statement from the Idaho Power Company and the	25	reflects what our recharge policy would be in the
······	Page 14		Page 16
1	State of Idaho that goes into this issue in more	1	Upper Snake River Basin. And it's an
2	depth.	2	acknowledgment that, if we, as a state, choose to
3	But basically, the reason these provisions	3	change that policy in the future, that that would
4	were called out was we were trying to put the	4	constitute a requirement to go back through and
5	framework of how this relates back to the Swan	5	amend the State water plan pursuant to state law.
6	Falls the original Swan Falls Agreement, how	6	So again, it's just a reflection of an
7	this is consistent with those original	7	understanding that that's what CAMP means. And
8	understandings and intent. And it is not intended	8	that's the process that we would use to change
9	to reflect any change in terms of State policy, or	9	those targets.
10	the agreements that were reached in the context of	10	Paragraph 3 deals with ESPA CAMP 1 phase-in
11	the original Swan Falls Agreement. In fact, in	11	One of the kind of important issues in terms of
12	the framework, we have an express provision that	12	management of the waters of Snake River is to
13	reaffirms all aspects of the original Swan Falls	13	recognize that and something we haven't done as
14	Agreement.	14	adequately as we should have in the past is that
15	Turning from the whereas clauses to the	15	one action affects other rights in the river. And
16	therefore clauses, which are the critical ones,	16	so, to extent that we implement recharge in the
17	let's walk through those. Paragraph No. 1 on page	17	pursuant to the CAMP process, that will
18	2 is a codification of what I just expressed to	18	necessarily mean that the waters that flow down
19	you, the idea that we, as a State, and Idaho Power	19	through the Snake River above Milner, for example
20	Company, entered into an agreement back in '84.	20	will be altered, depending upon where we do that
21	We're reaffirming that agreement, and recommitting	1	recharge. The return flows from that recharge
22	ourselves to work cooperatively to implement the	22	will impact flows in various segments or reaches
	principles of the Swan Falls Agreement, not to	23	of the river. And in particular, it could affect
23			· · · · · · · · · · · · · · · · · · ·
23 24 25	change them, but to implement them. And from a fundamental public policy standpoint, it makes	24 25	the flows that currently unregulated flows that go over the Milner Dam, and are available pursuant to

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	Page 17		Page 19
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1	the Swan Falls Agreement for use for hydropower	1	water management in the Snake River basin is that
2	generation at those facilities.	2	we move forward independently of one another
3	And again in the Swan Falls Agreement, it's	3	without taking into account the implications from
4	the State's State has the authority to use	4	a particular decision, and then we revisit those
5	those waters above Milner, and to use them in a	5	problems in subsequent litigation or conflicts
6	way for recharge without violating the Swan Falls	6	that arise. And the idea here is that, rather
7	Agreement. But as a consequence of that, if we	7	than allow issues to build, let's talk about them
8	take water out during certain times of the year	8	up front. Let's work through them in a
9	immediately above Milner, that means, in terms of	9	constructive way.
10	meeting the 3900 CFS 3900 CFS flow in the	10	Paragraph 5 is one that bears a significant
11	irrigation season, or 5600 CFS flow in the winter	11	amount of description for the reason that there is
12	season, that we have to be cognizant that that	12	a concern that, by having the Board and the
13	action could impact what happens at those reaches.	13	Governor work in good faith and cooperate with the
14	And so what we're expressing here is an	14	company and support the company's attempt to get
15	understanding that we're all going to be committed		regulatory relief from the implications or impacts
16	to moving forward with phase 1. The company has		of managed recharge, that that somehow makes the
17	fully expressed its support for moving forward	17	Board or the Governor an institutional adversary
18	with phase 1. But it wants to be able to	18	of the other water users in the basin,
19	participate in how we implement that to try to	19	particularly the groundwater users. And that's
20	minimize those impacts, and to avoid future	20	been a concern from Mr. Rigby's clients, from
21	potential conflicts between us.	21	Idaho groundwater users, and from the City of
22	And so, from that perspective, there's an	22	Pocatello. And first, I describe what the
23	understanding that, as the Board moves forward,	23	understanding is between the State and Idaho Power
24	we're going to look at that hundred thousand acre	24	Company, and then how we have attempted to remedy
25	foot target for the first ten-year period. We	25	or reconcile those concerns with the other
	foot target for the first ten-year period. We Page 18	25	or reconcile those concerns with the other Page 20
		25 1	
25	Page 18	1	Page 20
25 1	Page 18 recognize that adaptive management needs to be a		Page 20 affected water users.
25 1 2	Page 18 recognize that adaptive management needs to be a part of the CAMP process. And so built into this	1 2	Page 20 affected water users. When this provision was being developed, the
25 1 2 3	Page 18 recognize that adaptive management needs to be a part of the CAMP process. And so built into this is the notion that during that ten-year period,	1 2 3	Page 20 affected water users. When this provision was being developed, the concern from the company's perspective, and from
25 1 2 3 4	Page 18 recognize that adaptive management needs to be a part of the CAMP process. And so built into this is the notion that during that ten-year period, we're not going to go more than 75,000 acre feet	1 2 3 4 5	Page 20 affected water users. When this provision was being developed, the concern from the company's perspective, and from my opinion rightfully so, was that, okay, if we as
25 1 2 3 4 5	Page 18 recognize that adaptive management needs to be a part of the CAMP process. And so built into this is the notion that during that ten-year period, we're not going to go more than 75,000 acre feet above the hundred thousand acre foot target	1 2 3 4 5	Page 20 affected water users. When this provision was being developed, the concern from the company's perspective, and from my opinion rightfully so, was that, okay, if we as a company are going to agree that the State could
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25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Page 18 recognize that adaptive management needs to be a part of the CAMP process. And so built into this is the notion that during that ten-year period, we're not going to go more than 75,000 acre feet above the hundred thousand acre foot target without coming back to the Board and going through a process and evaluating the consequences of that decision. Again, it's your decision to make. It's a process paragraph that we have there. Paragraph 4 is the recognition, No. 1, that by entering into this agreement, the company is not waiving any of its rights to participate pursuant to state law as any other citizen would to come before the Board or to come before the legislature and to express its views with regard to managed recharge and what implications it may have on generation of hydropower at those facilities below the Milner Dam. It also recognizes that the Board will work with the company to sit down and to work through those issues, to receive information from the company, and to try to make use that information in a	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Page 20 affected water users. When this provision was being developed, the concern from the company's perspective, and from my opinion rightfully so, was that, okay, if we as a company are going to agree that the State could move forward and make decisions about managed recharge, that if you make those decisions, you ought to own the decision you made. In other words, if our decision is we want to use water above Milner, and that's going to impact flows below Milner, and the ability to make energy from that water, that we ought to acknowledge that we're making that decision, and what the consequences of that decision are. And that was all that was really intended. Because, oftentimes in these battles, you get into them, what happens is we make a decision, and then when someone seeks relief, then they're viewed as a culprit for that particular problem. And what this is intended to do is to simply have us acknowledge as a government what the consequences of our decisions are. It's not

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1	deprive the PUC of it's authority to make	1	concerns of some of the groundwater users. I'll
2	decisions about the adequacy of the requests being	2	let them speak from their own perspective. But my
з	made of the PUC, nor is it intended to have the	3	understanding, at least from Mr. Budge on that, on
4	Governor or the Board take a position with regard	4	behalf of his clients, making these a part of the
5	to that specific request. It's simply an	5	record, along with the resolution, would
6	acknowledgment that we will recognize, based on	6	adequately address their concerns about the
7	our own independent determinations what we think	7	interpretation of this particular paragraph.
8	the impact of the decisions we're making are so	8	Paragraph 6 is one that from the from
9	that that can be part of the public record.	9	your perspective and Governor's perspective is an
10	The concern is focused on the word support	10	important one. It's an acknowledgement both by
11	and the view that that could be interpreted more	11	the company and the State that managed recharge is
12	broadly. And in response to that, in	12	fundamentally a public policy issue that needs to
13	conversations with various counsel and with others	13	be decided pursuant to state law. It's not a
14	that are concerned, the State and Idaho Power	14	matter of contract. It's a matter of state law.
15	Company put together a joint summary of this	15	And so as a matter of state law, it's subject to
16	particular MOA and the framework, and expressly	16	change or modification in the future based upon
17	addressed this issue, and I would represent	17	the policy directions that you or the legislature
18	reflect with comments I just made to you that this	18	adopt.
19	is intended to simply be an acknowledgment by the	19	And then finally, paragraph 7. Paragraph 7
20	State of the consequences of its decisions as	20	is an acknowledgment to the company that, by
21	opposed to taking a particular position before the	21	entering into this MOA, and entering into the
22	PUC.	22	general agreement, that they do have the right,
23	As the legislation was moving forward	23	pursuant to state law, to continue to participate,
24	through the legislature, that concern continued to	24	and that neither the Swan Falls Agreement nor this
25	resonate, and as a consequence, we received the	25	MOA or the reaffirmation agreement precludes then
	Page 22		Page 24
1	letter that I've provided to each of you, and I	1	from exercising those rights that are available
2	would ask be made part of the record for Mr. Randy	2	pursuant to state law to express their views and
3	Budge, that on behalf of the water users who	3	concerns with regard to managed recharge.
4	express their concerns over this particular	4	So Mr. Chairman, members of the Board, in
5	provision and the legislation.	5	summary, what we're bringing to you today, in my
6	Now, in addition to his letter, you will see	6	opinion, is a Memorandum of Agreement that
7	in the materials I provided, and I ask to be made	7	reflects a process for coordination, cooperation
8	part of the record as well, a response that our	8	between the company, between the State on managed
9	office, the Office of the Attorney General	9	recharge. It's not intended to create a new
10	prepared in conjunction with the Governor's office	10	forum, but instead, it's intended to reflect
11	to reflect our understanding of this provision as	11	understandings that will allow us to move forward,
12	well as others. And it's about a 19-page letter.	12	implement the policies of the State of Idaho with
13	And it has that statement of concern attached to	13	regard to managed recharge in terms of CAMP. It
14	it as well.	14	will allow the company to exercise its right in
15	MR. RIGBY: Excuse me, Mr. Strong, that's	15	the public forum with everyone else.
16	the April 13th?	16	And so with that, Mr. Chairman, I would
17	MR. STRONG: That's correct.	17	stand for questions.
18	So what we're proposing is to have those	18	THE CHAIRMAN: Any questions of Mr. Strong?
19	issues made part of the record. We have in	19	MR. BECK: Mr. Chairman?
20	order to also give the other parties a comfort	20	THE CHAIRMAN: Mr. Beck.
21	level that, in fact, the representations that I am	21	MR. BECK: Thank you, Mr. Chairman.
22	making to you today, and that I am assuming	22	Mr. Strong, from this memorandum, it appears
23	Mr. Tucker will make to you as well, are reflected	23	that there is a tremendous or I shouldn't say
24	in the resolution for approval of the MOA. And	24	tremendous, but a concern for the decrease of
25	hopefully, with that, we'll address at least the	25	flows because of recharge. Certainly on the other
25	noperany, with that, we it address at least the		nows because of reenarge. Containty on the other

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	Page 25		Page 27
1	hand, there has to be an approach, or an effort to	1	(Unintelligible).
2	notice that the recharge would be to increase the	2	MR. RIGBY: Mr. Chairman and Mr. Strong, I
З	aquifer levels, which would greatly reduce deep	3	don't want to get out of order here. Just that,
4	well pumping. And in those levels being raised,	4	as I indicated before, for me to proceed, the only
5	it might also cause more flow in the river.	5	condition that I really have is the confirmation
6	Are we I'm more concerned about the	6	by Idaho Power of documents that they haven't
7	negativism versus the positive what a recharge	7	heretofore already executed, one of which is the
8	would look on it.	8	April 13, 2009 letter. Obviously, not having
9	MR. STRONG: Mr. Chairman, Mr. Beck, perhaps	9	executed, my understanding is Idaho Power is
10	in my presentation, I was too too much pointing	10	prepared to confirm your response in that letter.
11	on the downside, because that's the concerns that	11	And I guess that's what I'm saying. I don't
12	have been expressed. But the reality is you're	12	want to push this out of order. I know that Idaho
13	correct. Recharge has both positives and	13	Power will be before the pulpit or the stand
14	negatives. And to the extent that recharge may	14	you tell us go back to my church days here
15	not be going over Milner, it's certainly	15	and address this. But I just want to make sure
16	augmenting the aquifer. It provides a more stable	16	that's still on the Board.
17	supply, and it will help in those springs. And so	17	MR. STRONG: Mr. Chairman, members of the
18	it's a balancing act we're going to go through on	18	Board, it would be my recommendation to you that
19	recharge.	19	not only do we hear from Idaho Power Company, bu
20	I think really what's been kind of the heart	20	we hear from other water users. Though, I have
21	of debate on recharge over the last few years is	21	presented to you here what I believe to be the
22	everybody is looking at it from the worst case	22	benefits of moving forward with this, not everyone.
23	scenario. I think the reality, and what the	23	shares those views. And I think it's important in
24	future will show us is that recharge is a tool,	24	making public policy decisions that everyone has
25	not the only tool, but a tool that can be used in	25	an opportunity so that you have the information
	Page 26		Page 28
1	conjunction with other tools to try to bring the	1	necessary to make an informed decision.
2	aquifer back into balance.	2	And so from that perspective, I would
3	And I think that's reflected in your CAMP	3	encourage you to invite, not only Idaho Power
4	proposal. And I think as we go forward and	4	Company, but other participants here in the group
5	implement it, it's going to be incumbent upon us	5	that may have other concerns or issues they'd like
6	to document what are the consequences of the	6	to have addressed.
7	decision we make. And it may be that we find more		THE CHAIRMAN: Thank you, Mr. Strong.
8	benefits than we do negatives. But from a company	8	Any other questions of Mr. Strong?
9	standpoint, they're concerned about the negatives	9	Clive, thank you.
10	because that impacts their ability to generate.	10	Mr. Tucker, I see you just itching to get to
11	From a positive standpoint, having enhanced	11	the pulpit.
12	spring flows is going to enhance their ability to	12	MR. TUCKER: Mr. Chairman, thank you. No
13	D	4	wasn't really itching to get up here, but I
14	Springs. And I think it's that realization and	14	suspect that I perhaps should.
15	*	15	THE CHAIRMAN: We appreciate it.
16	think it's that realization that recharge isn't	16	MR. TUCKER: I do not have any prepared
17	5, 1	17	remarks today. I suspect that I might be on the
18	negative. It's got a balance. And we need to	18	agenda, so I do have a few things to say.
19	consider that as we implement it and do it in a	19	First of all, let me confirm what Mr. Strong
20	way that's most effective to optimizing the	20	said. Mr. Strong and I have appeared in various
21		21	forums over the last month or so, including the
22		22	legislature on several occasions before various
23	· · ·	23	committees. And the representations from
24 25	, , , , , , , , , , , , , , , , , , ,	24	Mr. Strong on the general outline of the
20	What?	25	agreement, the framework, the MOA is correct. W

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1	certainly generally confirm and participated in	1	context, we felt we've got to more forward in a
2	the summary that was done. And I confirmed the	2	cooperative manner under the CAMP and look at
з	letter that he sent. The letter that he sent, the	з	recharge in the same context as all the other
4	September 13th letter or the April 13th letter,	4	water management tools we have. What benefits
5	generally concur with that letter. No problems	5	will it bring. What attributes does it have that
6	with the letter.	6	might foster some public policy debates about how
7	What I want to do this morning is talk a	7	much we should use recharge and where we should
8	little bit broader than perhaps what this MOA	8	use it. That's what this agreement really does
9	talks about. It's focused obviously on recharge.	9	and sets the stage for. Sets the stage for Idaho
10	But one of the first things that, when we sat down	10	Power Company to be a partner with the State in
11	with the State to talk about trying to resolve the	11	the context of the CAMP and water management
12	Swan Falls litigation, we agreed upon was a	12	processes.
13	litigation was not an appropriate forum to really	13	Now, there's various other partners in that
14	resolve complex public policy issues. We've been	14	process. Some of them are in the room. There are
15	in litigation with the State for several years on	15	other potential partners that we haven't even
16	issues that really we're not going to get to the	16	talked to yet in the context of CAMP. But we
17	bottom line. And the bottom line being how do we	17	think it's recognized under CAMP that there has to
18	take care of the Snake River Plain Aquifer? How	18	be a leadership role from the State of Idaho. And
19	do we implement CAMP? And how do we go forward to	19	frankly, this Board is going to have to take the
20	see if we can't resolve some of the issues that	20	leadership role in that context. To really direct
21	have been plaguing the State of Idaho over the	21	CAMP, and direct these measures forward, and make
22	last several decades? Litigation wasn't going to	22	sound public policy choices as to what measures
23	solve that. So we agreed upon that, and we agreed	23	are in the best interests of the State of Idaho,
24	to move forward.	24	the Snake River, and the Eastern Snake Plain
25	Now recharge, in that litigation, was a hot	25	Aquifer.
	Page 30		Page 32
1	button issue. It was a hot button issue because	1	What this framework does, and these
2	of what occurred two or three or four, five years	2	documents do is put Idaho Power in a position
3	ago, 2006. We all remember House Bill 800? The	3	where we can come before this Board, and we can
4	acrimony that came out of that debate, that fight,	4	present our information, our data, our science,
5	if you will, which really blossomed into this	5	and be involved in this process so that this Board
6	litigation. But as we went through that	6	can make those sound public policy choices that
7	litigation, we found that the end result was not	7	need to be made. This is going to be a long
8	really going to even resolve that issue, because	8	process. This first phase is expected to take ten
9	we knew Idaho Power knew, and I think the State	9	years. I may not be around for the end of that.
10	knew that, in the context of the CAMP process, we	10	Though, it's got to start in a rational,
11	were going to proceed with some recharge.	11	reasonable way with leadership from the State, and
12		12	leadership from this Board. And we, through this
13		13	agreement, are taking the position we want to be
14		14	part of that. We want to be an active member, an
15		15	active participant in that. And that's what the
16		16	
17		17	of the litigation, and hopefully puts us in a
18		18	place where we'll be an active partner with the
19		19	State in moving forward on these issues.
20		20	So, again, I don't I think all too often
20	· · · · · · · · · · · · · · · · · · ·	21	-
22		21	in this context of this settlement agreement, we
22		22	look at recharge as being kind of the everybody
24		24	talks about recharge, recharge, recharge.
			Recharge is an important management tool.
25	pluses and minuses on both sides. So in that	25	Mr. Hazen makes the point that recharge, we need

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1	to worry about boots on the ground, or grunts on	1	someplace, because we don't. But we are as
2	the ground. I agree. We need to worry about how	2	with any other citizen, we have we have the
3	we're going to implement these various measures.	3	ability and the opportunity to come before this
4	But they have to be implemented. And I think this	4	Board and talk about the measures that are going
5	whole context of what we put together under the	5	to be put in place, and how those measures should
6	legislation is they should be implemented under	6	best address all of the various issues this Board
7	the CAMP process. And there's a lot of work to be	7	should be concerned with with respect to water
8	· ·	8	
	done that I just saw Mr. Barch come in	° 9	management.
9	there's a lot of work to be done in the context of		THE CHAIRMAN: Any other questions?
10	setting up the implementation committee, how that		Mr Mr. Rigby.
11	committee's going to consider measures to move	11	MR. RIGBY: Mr. Chairman.
12	forward with, how its a going to bring those	12	MR. CHAIRMAN: I knew that.
13	measures to this Board to get approved, and how	13	MR. RIGBY: I'm sorry.
14	this whole process is going to work. A lot of	14	Mr. Tucker and again, this is the
15	details to be worked out. We'd like to be a	15	attorney in me, but I just need to ask this
16	partner in helping to work out the little details.	16	question.
17	So with that, I'll answer questions if you	17	In response to the April 13th, 2009 letter,
18	have specific questions about that. I just want	18	I heard you say general agreement. I guess I
19	to give a little bit broader context.	19	would ask you, is there anything specific in that
20	THE CHAIRMAN: I believe that the fear of	20	letter I'm assuming you've read it numerous
21	the unknown is what is holding all of us back. It	21	times. Is there anything specific in that letter
22	is too bad that we can't look into a crystal ball	22	that you have any problem with?
23	and see ten years from now how worthwhile these	23	And again, I don't want to beat a dead
24	decisions we're making today are going to be.	24	horse, but I want you to understand that I'm
25	Are there any questions for Mr. Tucker?	25	concerned about my position on this Board. And
	Page 34	1	Page 36
		1	tage 50
1	Mr. Cuddy?	1	-
1 2	Mr. Cuddy? MR. CUDDY: Thank you, Mr. Chairman.	1 2	the only in voting on this, the only way I can
2	MR. CUDDY: Thank you, Mr. Chairman.	2	the only in voting on this, the only way I can is a clear agreement of Idaho Power to that
2 3	MR. CUDDY: Thank you, Mr. Chairman. I take it from this, you and Clive both	2 3	the only in voting on this, the only way I can is a clear agreement of Idaho Power to that response, because I believe that response
2 3 4	MR. CUDDY: Thank you, Mr. Chairman. I take it from this, you and Clive both believe that with the MOU and the April 13th	2 3 4	the only in voting on this, the only way I can is a clear agreement of Idaho Power to that response, because I believe that response addresses the concerns of my particular clients in
2 3	MR. CUDDY: Thank you, Mr. Chairman. I take it from this, you and Clive both believe that with the MOU and the April 13th letter being an integral part of it, that it still	2 3 4 5	the only in voting on this, the only way I can is a clear agreement of Idaho Power to that response, because I believe that response addresses the concerns of my particular clients in a obviously, there were many other concerns.
2 3 4 5 6	MR. CUDDY: Thank you, Mr. Chairman. I take it from this, you and Clive both believe that with the MOU and the April 13th letter being an integral part of it, that it still leaves you the latitude to move up and down the	2 3 4 5 6	the only in voting on this, the only way I can is a clear agreement of Idaho Power to that response, because I believe that response addresses the concerns of my particular clients in a obviously, there were many other concerns. But having gone through the litigation and dealt
2 3 4 5 6 7	MR. CUDDY: Thank you, Mr. Chairman. I take it from this, you and Clive both believe that with the MOU and the April 13th letter being an integral part of it, that it still leaves you the latitude to move up and down the necessary process that may occur in the Snake	2 3 4 5 6 7	the only in voting on this, the only way I can is a clear agreement of Idaho Power to that response, because I believe that response addresses the concerns of my particular clients in a obviously, there were many other concerns. But having gone through the litigation and dealt with the minutia of certain terms, that's why I'm
2 3 4 5 6 7 8	MR. CUDDY: Thank you, Mr. Chairman. I take it from this, you and Clive both believe that with the MOU and the April 13th letter being an integral part of it, that it still leaves you the latitude to move up and down the necessary process that may occur in the Snake River Plain to properly manage it without	2 3 4 5 6 7 8	the only in voting on this, the only way I can is a clear agreement of Idaho Power to that response, because I believe that response addresses the concerns of my particular clients in a obviously, there were many other concerns. But having gone through the litigation and dealt with the minutia of certain terms, that's why I'm beating this dead horse. And I apologize, but I
2 3 4 5 7 8 9	MR. CUDDY: Thank you, Mr. Chairman. I take it from this, you and Clive both believe that with the MOU and the April 13th letter being an integral part of it, that it still leaves you the latitude to move up and down the necessary process that may occur in the Snake River Plain to properly manage it without restriction?	2 3 4 5 6 7 8 9	the only in voting on this, the only way I can is a clear agreement of Idaho Power to that response, because I believe that response addresses the concerns of my particular clients in a obviously, there were many other concerns. But having gone through the litigation and dealt with the minutia of certain terms, that's why I'm beating this dead horse. And I apologize, but I guess I really don't apologize. I need to have a
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1	and talk about not only the settlement, but the	1	the Court was almost was ready to issue was put
2	whole process of moving forward with CAMP, and try	2	on hold. And that's currently the status. All
3	to get kind of an understanding, relationship, and	З	the argument and briefing has been done. And the
4	so we can, you know, communicate better. Be happy	4	Court has held back its order on summary judgment
5	to do that with your clients also.		And then this settlement occurred.
6	MR. RIGBY: Mr. Chairman?	6	It's important to know, and I know
7	THE CHAIRMAN: Yes, Mr. Rigby.	7	Mr. Strong did say, that the other parties have
8	MR. RIGBY: Mr. Tucker, we would really	8	not agreed to the settlement entirely. We still
9	appreciate that. I think that would be very	9	have some concerns about the framework and other
10	helpful. And you and I have had this discussion	10	issues relating to the settlement, and haven't
11	about meeting with my particular groups in the	11	made a decision on whether or not we will agree
12	past. I think it would be very, very worthwhile.	12	with the settlement ultimately that's before
13	MR. TUCKER: Be happy to do that.	13	this of the litigation that's pending in the
14	MR. RIGBY: Thank you. I will no longer	14	SRBA District Court. That's why we wanted to mak
15	cross-examine.	15	sure that our April 9th letter that discusses
16	MR. TUCKER: Thank you. May I step down	16	those questions and some of the things involved
17	now?	17 18	there is in the record as well as Mr. Strong's
18 19	THE CHAIRMAN: Just one second, Mr. Tucker.	19	April 13th response, which now Idaho Power has
20	Are there any other questions by other Board Members of Mr. Tucker?	20	joined in, from my understanding of the dialogue between Mr. Rigby and Mr. Tucker.
20	Hearing none, thank you, Mr. Tucker.	21	But I did want to just make that clear that
22	MR. TUCKER: Thank you, Mr. Chairman.	22	there is still pending litigation. And we haven't
23	Thank you.	23	made a decision entirely on the resolution of
24	THE CHAIRMAN: Who else would like to weigh	24	litigation. But as far as the Memorandum of
25		25	Agreement that you guys are to act on today, the
	Page 38		Page 40
1	MS. McHUGH: Thank you, Mr. Chairman. My	1	resolution accomplishes or addresses our
2	name's Candice McHugh. I represent the Idaho	2	issues.
3	Groundwater Appropriators. And we're here today	3	And with that, I would stand for any
4	to just, I guess, confirm some of the documents	4	questions.
5	that Clive or Mr. Strong has put into the	5	THE CHAIRMAN: Thank you, Miss McHugh.
6	record.	6	Any questions of the Board Members for
7	I understand you have Mr. Budge's April 9th	7	Ms. McHugh?
8	letter that set forth some concerns not only about	8	MS. McHUGH: Thank you.
9	the Memorandum of Agreement, but also about the	9	THE CHAIRMAN: Thank you.
10	framework. We're here today, I understand, for	10	Mr. Graham.
11	the Board to discuss the Memorandum of Agreement.	11	MR. GRAHAM: I'd like to ask Clive a
12	And specifically in that letter, we had a concern	12	question on paragraph 5 on page 3.
13	with paragraph 5. I understand the Board is going	13	(Unintelligible). The way I understand
14	to be adopting a resolution that will address our	14	understood you commenting on that seems to differ
15	concerns about that paragraph. Mr. Strong's	15	with the word and support on that second line.
16	already gone over that. So as far as the	16	The way I'm reading paragraph 5 is that the
17	Memorandum of Agreement goes, at this time, the	17	Governor and/or the Board will support Idaho Powe
18	Groundwater Appropriators are satisfied, provided	18	in any proceedings. When you talked about that
19	the resolution is adopted.	19	particular paragraph, it sounded like there was a
20	There are some other background information	20	hedge on and support.
21	I think is important to put on the record. The	21	MR. STRONG: Mr. Chairman, Mr. Graham, no
	settlement came about because of litigation before	22	there's not a hedge on the word support. It's any
22			
22 23	the SRBA District Court. The parties briefed the	23	time you use words, they're not like a
22	the SRBA District Court. The parties briefed the matter on summary judgment. And at the request of Idaho Power and the State of Idaho, the order that	23 24 25	time you use words, they're not like a mathematical equation. They can be interpreted differently. And that's what the real issue has

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1	been. There's been this issue about what is meant	1	So these three paragraphs are intended to
2	by the word and support. And I would reflect	2	confirm the representations that I have made to
3	again to the Board that as between the company and	3	you about the meaning of that particular
4	the State, it was our understanding that and	4	provision, and will be part of the history of this
5	support means that we will come forward, and as	5	particular agreement if it is approved by the
6	the company's making its request, acknowledge what	6	Board.
7	we determine to be the, both the benefits and	7	Now, let's what we're really dealing with
8	impacts for recharge. If we implement a program,	8	here and I think Mr. Tucker is correct that
9	we ought to be able to acknowledge what the	9	we have a relationship, one that is kind of like a
10	consequences of that decision are. So that's what	10	family relationship, where issues of trust have
11	paragraph from our perspective what paragraph 5	11	arisen over time, and there's concerns about
12	means.	12	making sure that we all have the same
13	And it's because of that concern that, in	13	understanding so we don't get into other
14	your resolution, we have language that's intended	14	litigation down the road. And so that's why these
15	to try to address that. Specifically on the	15	provisions are here, and rightly so.
16	second page, the second whereas clause, it says,	16	The water users that have been before you
17	"whereas, the Memorandum of Agreement provides	17	have expressed concern. Want to make sure that
18	that the Board would cooperate and inform the	18	there's that understanding so that we don't
19	Public Utilities Commission of any direct effects	19	unnecessarily or inadvertently cause conflict dow
20	the Board determines may arise from implementation	20	the road in terms of if implementation goes
21	of managed recharge and hydropower generation	21	forward. What we really need to do, and what I
22	capacity." So that's what we understand the word	22	think Mr. Tucker's point was well made this
23	support to mean. And when we sign it, that's	23	morning, is when you get into these issues of
24	going to be if the Board approves it, that's	24	trust, you've got to start somewhere. And this is
25	going to be the understanding that that's what it	25	what this is intended to do. It's intended to be
	Page 42		Page 44
1	meant.	1	an agreement that starts us down the road to
2	Then, "whereas, nothing in this memorandum's	2	where, rather than viewing ourselves as
3	intended to divest or interfere with Public	3	adversaries, we're going to try to view ourselves
٨	Utilities Commission's authority to independently		
4		4	as people who have interests that sometimes
4 5		45	as people who have interests that sometimes
	evaluate the effects of managed recharge and	ļ	as people who have interests that sometimes conflict, and sometimes converge. And so, try to
5	evaluate the effects of managed recharge and hydropower generation to pass the or the	5	as people who have interests that sometimes conflict, and sometimes converge. And so, try to manage those in a way that avoids the necessary
5 6	evaluate the effects of managed recharge and hydropower generation to pass the or the appropriateness of any requests by Idaho Power	5 6 7	as people who have interests that sometimes conflict, and sometimes converge. And so, try to manage those in a way that avoids the necessary the conflict that we've had in the past. And
5 6 7	evaluate the effects of managed recharge and hydropower generation to pass the or the appropriateness of any requests by Idaho Power Company to address any such effects."	5 6	as people who have interests that sometimes conflict, and sometimes converge. And so, try to manage those in a way that avoids the necessary – the conflict that we've had in the past. And obviously, because of the trust issues, it's
5 6 7 8	evaluate the effects of managed recharge and hydropower generation to pass the or the appropriateness of any requests by Idaho Power Company to address any such effects." So again	5 6 7 8 9	as people who have interests that sometimes conflict, and sometimes converge. And so, try to manage those in a way that avoids the necessary the conflict that we've had in the past. And obviously, because of the trust issues, it's difficult to get there. But at the beginning of
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	Page 45		Page 47
1	a different point of view. But what this is	1	Board, I'm Jo Beeman of Beeman & Associates. And
2.	intended to do is to the extent of showing the	2	I represent the City of Pocatello in the two Swan
3	goodwill, good faith effort to try to reconstruct	3	Falls matters at the SRBA court. As part of the
4	that constructive relationship that will lead us	4	record today, Candice McHugh provided the April
5	to a more effective water management process in	5	9th letter from the groundwater users. I wanted
6	the future.	6	to ask if that letter had the attachment, which I
7	MR. GRAHAM: Does Mr. Tucker agree with	7	believe is an order there was an attachment to
8	that?	8	that letter that was an order.
9	THE CHAIRMAN: Go ahead, Mr. Tucker.	9	MS. McHUGH: No.
10	MR. TUCKER: Mr. Chairman, Mr. Graham, yes,	10	MS. BEEMAN: Okay. What I would like and
11	I agree with that. And just to put this, maybe,	11	I have copies with me today to include in the
12	you know, again, in context, you know, I think we	12	record for the Board's consideration of the
13	realize, given what's happened over the last three	13	Memorandum of Agreement is a notice that the City
14	or four or five years with CAMP, that we you	14	of Pocatello filed in the Swan Falls litigation.
15	know, we're in a zero sum game here. You know,	15	And in addition, in that notice is a reference to
16	which means, if you take water from one place	16	the subtext of what we've been talking about this
17	one place Clive said this earlier and you	17	morning, the third party beneficiaries of the Swan
18	put it someplace else, it impacts various things.	18	Falls Agreement. And in the litigation,
19	When we started again, the discussions with the	19	Miss McHugh and Mr. Rigby represent the
20	Governor's office and the AG's office, all we	20	groundwater users. And Pocatello is a
21	asked in the context of this provision was that	21	representative the face of the municipal water
22	if, again, the public policy choice is made to	22	users who are groundwater users in the state.
23	move water from one part, one place to another	23	And in the context of the state policy, and
24	place that has impacts upon hydrogeneration, let	24	what the interface we have here between these
25	the state acknowledge that they made that public	25	extremely important policy decisions, and the
	Page 46		Page 48
1	policy choice with knowledge of what it was going	1	boundaries established by the litigation in the
	. 1		
2	to do.	2	'80's, and now the litigation before the SRBA
	You know, Idaho Power Company's not the	2 3	'80's, and now the litigation before the SRBA court with the Swan Falls matter, is that we
2 3 4	You know, Idaho Power Company's not the enemy here. We provide energy to the State, to a	1	'80's, and now the litigation before the SRBA court with the Swan Falls matter, is that we can't, in making policy decisions, escape the fact
2 3 4 5	You know, Idaho Power Company's not the enemy here. We provide energy to the State, to a portion of the State. We provide energy to the	3	'80's, and now the litigation before the SRBA court with the Swan Falls matter, is that we can't, in making policy decisions, escape the fact that we have had 24 to 25 years of Swan Falls.
2 3 4 5 6	You know, Idaho Power Company's not the enemy here. We provide energy to the State, to a portion of the State. We provide energy to the State. And we try to do it on a low cost basis.	3 4 5 6	'80's, and now the litigation before the SRBA court with the Swan Falls matter, is that we can't, in making policy decisions, escape the fact that we have had 24 to 25 years of Swan Falls. And unfortunately and this is something that
2 3 4 5	You know, Idaho Power Company's not the enemy here. We provide energy to the State, to a portion of the State. We provide energy to the State. And we try to do it on a low cost basis. And if public policy choices are made that impact	3 4 5	'80's, and now the litigation before the SRBA court with the Swan Falls matter, is that we can't, in making policy decisions, escape the fact that we have had 24 to 25 years of Swan Falls. And unfortunately and this is something that Pocatello will be bringing to the floor and has.
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	Page 49		Page 5
1	part of this framework a core part of this	1	know it's been signed, but 1169 makes public
2	framework sets forth in black and white a formula	2	policy of the exhibits to the framework. Those
3	about how those minimum flows are going to be	З	exhibits include the decrees. The decrees have a
4	measured. And we're going forward without the	4	formula. We don't know if that formula is, in
5	data of what has happened the last 24 years. That	5	fact, what the State has done for the last 24
6	is Pocatello's concern.	6	years. And in large measure, we don't know,
7	And so my response to the State was, can you	7	because we don't have the data.
8	provide us that data? I have begun to look at it.	8	That's my concern, that we're going forward
9	And I have to thank Miss McHugh's firm. They've	9	with a formula that says you look at the Murphy
0	had one of their experts looking at these issues	10	Gauge, and you've got to know what color the wa
1	as well. And we have talked about it. But we	11	is. If it's red, we don't count it. If it's
2	simply don't have the data. And the thing about	12	green, we do. That's the concern that Pocatello
З	the certainty and the trust going forward that	13	has. And the document I'm making of record is
4	everybody wants to support is that we have	14	just a notice to the SRBA court that there are
5	2 million acres of land in this state irrigated	15	five parties to the litigation. Two have signed
6	with groundwater. And we have two things that are	16	the framework, and that Pocatello joined. It
7	very uncertain going forward to this framework.	17	initiated one of the basin-wide issues on Swan
8	One is the Department's rules of appropriation,	18	Falls for the benefit of the third party
9	which came out of the Swan Falls Agreement have at	19	beneficiaries. The framework here that we're
0	their very end a map, which has a line that	20	talking about, and the Memorandum of Agreeme
1	designates if you're inside this line and the Swan	21	addressed the other piece of the Swan Falls
2	Falls flows are not met, you're going to be	22	litigation. Pocatello came into that expressly as
3	curtailed if your priority date is junior to 1984	23	a third party beneficiary of the Swan Falls
24	and 1985. We don't know if that line is going to	24	Agreement.
25	stay the same.	25	And that's the capacity in which I'm
	Page 50	- 5	Page 5
1	I think anybody who's worked on Swan	1	speaking to all of you today on behalf of the City
2	Falls you could probably ask Director	2	of Pocatello. If anyone has any questions, I'd
3	Tuthill will tell you that's not a hydrologic	3	THE CHAIRMAN: Any questions of Miss Beema
4	line. And if, as we go forward with this	4	MR. RIGBY: Mr. Chairman, I don't have any
5	framework and this is stated in the	5	
-		5	questions. I just want the record to be clear,
	documents that there is a desire to make that	6	Miss Beeman said that my group, and I want to make
6 7	documents that there is a desire to make that more correct. Well, I don't think anybody could	6 7	Miss Beeman said that my group, and I want to make sure maybe there is a confusion. My group in the
6 7 8	documents that there is a desire to make that more correct. Well, I don't think anybody could stand before you and say, in making that line	6 7 8	Miss Beeman said that my group, and I want to make sure maybe there is a confusion. My group in the litigation were groundwater users. In fact, they
6 7 8 9	documents that there is a desire to make that more correct. Well, I don't think anybody could stand before you and say, in making that line correct, we're going to have a smaller group of	6 7 8 9	Miss Beeman said that my group, and I want to make sure maybe there is a confusion. My group in the litigation were groundwater users. In fact, they were not. They are two from each of my what I
6 7 8 9	documents that there is a desire to make that more correct. Well, I don't think anybody could stand before you and say, in making that line correct, we're going to have a smaller group of groundwater users. No. If anything, that line	6 7 8 9 10	Miss Beeman said that my group, and I want to make sure maybe there is a confusion. My group in the litigation were groundwater users. In fact, they were not. They are two from each of my what I call my three regions as representative clients,
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Meeting number 7-09

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4/30/2009

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1	character, but you know, when they say the first	1	to working with the parties to get that
2	thing you need to do is to kill all the attorneys?	2	accomplished. And I would announce now - I'll
3	You know what the context of that statement is?	3	send out an e-mail later but I'll announce now
4	If you want to destroy democracy, the first thing	4	that last night I met with the director. And we
5	you do is kill all the attorneys.	5	have set up two meetings, two workshops. One will
6	And I thank you gentlemen.	6	be on May 6th. The purpose of the May 6th meeting
7	MR. RIGBY: Here, here.	7	will be to share information with regard to the
8	THE CHAIRMAN: I think we all realize how	8	number of water rights that the Department has
9	enjoyable it is to have attorneys in the room.	9	concluded would enjoy the benefit of the
10	Is there anyone else who would like to	10	subordination and those that would be deemed to be
11	address this before the Board takes action?	11	diverting from trust water.
12	I would entertain an acceptance of the	12	The next workshop would be on May 12th. And
13	resolution before us to approve the Memorandum of	13	both of these are in the afternoon at 1:00
14	Agreement.	14	o'clock. The May 12th workshop, will focus on the
15	MR. BECK: So moved, Mr. Chairman.	15	issue that Miss Beeman has raised about
16	THE CHAIRMAN: Mr. Beck has made the motion	16	UNIDENTIFIED SPEAKER: Phone is ringing.
17	to approve the Memorandum of Agreement that's	17	MR. STRONG: how we measure flows at the
18	before us.	18	Murphy Gauge. And so hopefully we'll be getting
19	Do I hear a second?	19	that information out
20	MR. GRAHAM: I'll second it.	20	MS. McGOURTY: Is that Bob's phone?
21	THE CHAIRMAN: Mr. Graham has seconded it.	21	UNIDENTIFIED SPEAKER: I don't know. It's
22	Any discussion by the Board?	22	in the bag here. It's Bob's.
23	This is important enough, I think we need a	23	MS. McGOURTY: Bob
24	roll call vote. Miss McGourty.	24	UNIDENTIFIED SPEAKER: Could someone find
25	MS. McGOURTY: Mr. Cuddy.	25	their phone?
	Page 54		Page 56
1	MR. CUDDY: Aye.	1	MS. McGOURTY: Bob?
2	MS. McGOURTY: Mr. Alberdi.	2	UNIDENTIFIED SPEAKER: Bob?
	MR. ALBERDI: Aye.	3	THE CHAIRMAN: Mr. Graham, have you got a
з		13	THE CHARMAN, MI. Glanalli, have you got a
3 4	MS. McGOURTY: Mr. Chase.	4	phone? You didn't put it on silent.
	-	1	
4	MS. McGOURTY: Mr. Chase.	4	phone? You didn't put it on silent.
4 5	MS. McGOURTY: Mr. Chase. MR. CHASE: I'm going to abstain.	4 5	phone? You didn't put it on silent. I forgot how hard of hearing Mr. Graham is.
4 5 6	MS. McGOURTY: Mr. Chase. MR. CHASE: I'm going to abstain. MS. McGOURTY: Okay. Mr. Beck.	4 5 6	phone? You didn't put it on silent. I forgot how hard of hearing Mr. Graham is. Mr. Strong.
4 5 6 7	MS. McGOURTY: Mr. Chase. MR. CHASE: I'm going to abstain. MS. McGOURTY: Okay. Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye.	4 5 6 7	phone? You didn't put it on silent.I forgot how hard of hearing Mr. Graham is.Mr. Strong.MR. STRONG: Mr. Chairman, Members of the
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	Page 57		Page 59
1	reaffirmation of Swan Falls Agreement is not an	1	Board's consideration about the uses of those
2	intent to change it. For example, one issue	2	storage of that storage water, particularly in
3	Miss Beeman raised was the issue of whether the	3	light of some of the negotiations that he's been
4	trust water line is going to change. I can	4	involved in recently. So this is an agenda item
5	represent to you here as I did before the	5	that Director Tuthill has requested.
6	legislature that this agreement does not	6	THE CHAIRMAN: Director Tuthill, please.
7	contemplate any change any change in the trust	7	DIRECTOR TUTHILL: Thank you, Mr. Chairman.
8		8	· · · · · · · · · · · · · · · · · · ·
	water line. It will stay where that's at. The		And I'm very pleased that the Board does have
9	agreement's been based upon that.	9	5,000 acre feet of storage in Palisades. I think
10	Our objective from the State's perspective	10	it gives the state a great capability in
11	is to make sure that the agreement is implemented	11	addressing water needs. Of course, as soon as
12	as intended back in 1984. That's not to say that	12	that water is acquired, many possible uses come
13	we agree that all aspects of that agreement were	13	up. It is my understanding that the Board has
14	necessarily the best decision to make at the time,	14	assigned this water to the rental pool for this
15	but nonetheless, they do, as Miss Beeman suggests,	15	year.
16	represent what we've been doing for the past	16	I did want to address one issue that has
17	over 25 years. And so, as a reality, we need to	17	come up as a potential use for this water and as a
18	make sure that we all have a clear and complete	18	primary use. And that is to assist with the State
19	understanding of that.	19	meeting its obligation for minimum in-stream flows
20	I was reading a letter the other day that I	20	at Swan Falls. And in line with the issue that
21	thought was kind of apropos where somebody said,	21	Ms. Beeman raised as far as computations and flows
22	well, we need to record this because, as time goes	22	at Swan Falls, we do recognize that on occasion,
23	by, our memories fade. And I can assure you that	23	we have come very close to not meeting that
24	is happening. And hopefully this will give us an	24	minimum stream flow. It's 3900 cubic feet per
25	opportunity to refresh our memories.	25	second in the summer, 5600 cubic feet per second
	Page 58	. •	Page 60
1	Thank you.	1	in the winter. So far, to my knowledge, there has
2	THE CHAIRMAN: Clive?	2	not been even one day when that flow has not been
3	These meetings will be held where,	3	met. For a time, it appeared that there was one
4	Mr. Strong?	4	day when it was not met, but the record was
5	MR. STRONG: They're going to be held here	5	subsequently corrected. So that date does not
6	at the Department of Water Resources.	6	reflect that the flow was not met.
7	THE CHAIRMAN: Okay.	7	However, in the future, there would possibly
8	UNIDENTIFIED SPEAKER: What time?	8	be times when the flow would not be met. It is an
9	MR. STRONG: 1:00 o'clock.	9	obligation of the State. And one potential use
10	UNIDENTIFIED SPEAKER: 1:00 o'clock.	10	that's been discussed of the 5,000 acre feet of
11	THE CHAIRMAN: Any other questions?	11	storage in Palisades is to augment the flow to
12	Everybody understands, then.	12	ensure that that minimum flow is met. So I did
13	Mr. Anderson.	13	want to bring that before the Board. It appears
14	Are we done with No. 3?	14	that, for this year, we're probably okay. It's
15	MR. ANDERSON: Mr. Chairman, Members	15	at this point, the forecast for minimum flows in
		,	as and point, no recoust for minimum nows m
16		16	the Mid Snake would describe that we won't be
16	we're done with No. 3, yes.	16 17	the Mid Snake would describe that we won't be violating that minimum flow this summer
17	we're done with No. 3, yes. Mr. Chairman, agenda item 4, at the last	17	violating that minimum flow this summer.
17 18	we're done with No. 3, yes. Mr. Chairman, agenda item 4, at the last Water Board meeting, the Board made a decision to	17 18	violating that minimum flow this summer. But I would ask that the Board consider
17 18 19	we're done with No. 3, yes. Mr. Chairman, agenda item 4, at the last Water Board meeting, the Board made a decision to put the Board's Palisades storage contract water	17 18 19	violating that minimum flow this summer. But I would ask that the Board consider putting a caveat on the water that's put in the
17 18 19 20	we're done with No. 3, yes. Mr. Chairman, agenda item 4, at the last Water Board meeting, the Board made a decision to put the Board's Palisades storage contract water right in the water supply bank for rental for	17 18 19 20	violating that minimum flow this summer. But I would ask that the Board consider putting a caveat on the water that's put in the rental pool, that if it appears that water is
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15 (Pages 57 to 60)

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	Page 61		Page 63
1	It's been discussed various times. And had I been	1	MR. TOMINAGA: Mr. Chairman, members of the
2	here for the year end discussion, I would have	2	Board, when EGWA came and approached the Board to
3	mentioned that.	3	try and lease the water for this year, we were
4	THE CHAIRMAN: What's the pleasure of the	4	with the understanding that that caveat would be
5	Board?	5	included in our rental, because we know that there
6	Mr. Rigby?	6	are higher uses of the water that needs to be
7	MR. RIGBY: Mr. Chairman, Mr. Director,	7	done. And our membership would be very amenable
8	obviously, we recognize or at least I certainly	8	to trying to work some some kind of language
9	recognize that as being one of the potentials.	9	out that would allow for that caveat. But we also
10	And, in fact, even the Idaho groundwater, they	10	know that we probably won't pay a premium for that
11	were also not present at the very time and have	11	water every year either, because it's not always
12	asked request that we do something with this	12	going to be available. So there's a tradeoff.
13	water and may it help them.	13	But that's we were always under the
14	I think, at least in my voting the way we	14	understanding that that that water would have
15	did, the reason for it was just for this year	15	that caveat in it.
16	only. In other words, recognizing that until we	16	THE CHAIRMAN: Thank you, Mr. Tominaga.
17	get a handle on what's happened with CAMP, with	17	Any other comments?
18	everything else, that all of these are potential.	18	DIRECTOR TUTHILL: Thank you, Mr. Chairman
19	And obviously, that is an extremely important one.	19	And the second issue related to the 5,000 acre
20	You can recognize, at least from my past, how	20	feet, relates to some of the discussions that have
21	important I'd want I want to make as you, I	21	been taking place involving the Fort Hall
22	would want to ensure that that is met.	22	Agreement. As you all are aware, we have been,
23	Having said that, I didn't I certainly	23	over the past about three or four years, been
24	didn't vote with the idea that this is going to be	24	discussing the Fort Hall water rights, and their
25	what we're going to do for the future. That, in	25	water rights related to the other water uses in
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	Page 62		Page 64
1	Page 62 essence, during this year, we get a handle on it.	1	Page 64
1 2	essence, during this year, we get a handle on it,	1 2	the Blackfoot River Basin in an attempt to
2	essence, during this year, we get a handle on it, we get an understanding of what the possibilities	2	the Blackfoot River Basin in an attempt to negotiate solutions to objections that the Fort
2 3	essence, during this year, we get a handle on it, we get an understanding of what the possibilities are, that the legislation hadn't yet passed, all	2 3	the Blackfoot River Basin in an attempt to negotiate solutions to objections that the Fort Hall the Shoshone Bannock tribes filed to the
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16 (Pages 61 to 64)

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	Page 65		Page 67
1	adjustment is not, per se, an SRBA issue. It's	1	with this year, and to the extent that the Board
2	related to the agreement. But that's been	2	didn't need the water for another use, for
3	discussed along with the other SRBA issues.	3	example, to provide for minimum flows over Swan
4	In a meeting last month with the parties	4	Falls, and to the extent that, perhaps, the United
5	involved in Pocatello, we were looking at	- 5	States would pay for the water, and to the extent
6	potential resolutions for this equitable	6	that the committee of nine would put this as part
7	adjustment. And at this point, it appears that,	7	of their procedures, rental pool procedures,
8	through proper management in Water District 27,	8	perhaps this would be a source in some years for
9	the amount of water, on average, diverted will	9	the 5,000 acre feet.
10	likely be about 50,000 acre feet. Some 5,000 acre	10	When I made that suggestion, immediately the
11	feet more than the placeholder in the agreement.	11	United States said they weren't going to pay for
12	So the discussion has revolved around how to find	12	the water. Immediately, the tribes said they
13	5,000 acre feet per year to add to the tribal	13	needed the water every year, not just when it's
14	right as the equitable adjustment.	14	available. So that suggestion didn't take root.
15	We recognize that we're installing measuring	15	But I did want to describe to the Board the nature
16	devices, and there's a water measurement plan, and	16	of that conversation, the basis of it, the fact
17	now a water management plan that's been drafted	17	that I did mention this as part of a possible
18	for the Blackfoot River. So we're moving toward	18	solution, not speaking for the Board, but
19	better management. And we'll, over time, have a	19	recognizing that, to the extent that the Board
20	better understanding of how much water really is	20	would decide to put the water in the rental pool,
21	diverted, recognizing that this particular water	21	and recognizing that this Board would have an
22	district, historically, has not been one where	22	interest in helping to find a resolution to the
23	good water measurements were taken.	23	tribal issue, that this might be a possibility.
24 25	In coming up with this agreement, where	24	So I don't have anything to bring before you
23	we're at right now is that the parties are willing	25	today. You might hear about the discussion of the
		I	<i>~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~</i>
	Page 66		Page 68
1	_	1	Page 68 5,000 acre feet related to the tribal discussions.
1 2	Page 66 to accept, I believe, this agreement on an eight-year basis while we add measuring devices	1 2	-
	to accept, I believe, this agreement on an	1	5,000 acre feet related to the tribal discussions.
2	to accept, I believe, this agreement on an eight-year basis while we add measuring devices	2	5,000 acre feet related to the tribal discussions. And I did want to provide that explanation to you.
2 3	to accept, I believe, this agreement on an eight-year basis while we add measuring devices and improve the measuring systems. If there is	2 3	5,000 acre feet related to the tribal discussions. And I did want to provide that explanation to you. So thank you Mr. Chairman.
2 3 4	to accept, I believe, this agreement on an eight-year basis while we add measuring devices and improve the measuring systems. If there is some equitable adjustment during that eight-year period, the concept would be, after eight years, to take another look at the actual diversions, and	2 3 4	5,000 acre feet related to the tribal discussions. And I did want to provide that explanation to you. So thank you Mr. Chairman. THE CHAIRMAN: Thank you, Mr. Tuthill.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to accept, I believe, this agreement on an eight-year basis while we add measuring devices and improve the measuring systems. If there is some equitable adjustment during that eight-year period, the concept would be, after eight years, to take another look at the actual diversions, and make a more long-term solution. So, you know, it's my understanding that if we were to find 5,000 acre feet per year for the next eight years, we could find a resolution to this issue that's on before us right now, and resolve the adjudication issues for the most part in the Blackfoot River Basin. In the context of this negotiation, one suggestion that came up is potentially to use the Board's 5,000 acre feet. It happens to be the same number by chance, totally by chance. But people are aware that the Board has acquired this water. And I made one proposal for consideration, stating that I certainly don't have authority to do anything with the Board's water right. That's up to the Board. But I suggested that one	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 5,000 acre feet related to the tribal discussions. And I did want to provide that explanation to you. So thank you Mr. Chairman. THE CHAIRMAN: Thank you, Mr. Tuthill. MR. RIGBY: Mr. Chairman? THE CHAIRMAN: Mr. Rigby. MR. RIGBY: Thank you. Mr. Director, again, for the record, obviously, the Committee of 9 is involved. I'm involved with one of the firms one of the two firms actually three firms on this big a one that is involved with mediation for and on behalf of the Committee of 9. I'm also involved as a result of Water Board itself. I represent a few clients within Basin 27. I've got many conflicts in this one. Having said that, I do believe with sincerity that the Water Board be represented there. And whether we direct the director on our behalf to be there in other words, come back to the Board as he has here, and be our negotiator, if you will, or someone else within the Board.

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	Page 69		Page 71
1	is now, I think, up to speed in being represented.	1	presentation regarding ideas for your
2	Obviously, the tribe is represented. The Feds are	2	consideration in regards to how we how we get
3	represented. I guess the one that is missing	З	started with the tasks that are outlined in House
4	right now in an apparent position, although the	4	Bill 264 and the ESPA plan. And to do that, do a
5	director is certainly there, but without the, I	5	little background what the components of the plan
6	guess, confirmed authority to act and work on	6	are. So the draft implementation committee
7	behalf of the Board, we may want to do that, or at	7	purpose, function and composition, including the
8	least consider it. That would be my suggestion.	8	idea, the concept of working groups, I want to
9	THE CHAIRMAN: What's the pleasure of the	9	re-emphasize here that this is just a starting
10	Board?	10	point for discussion. And for your discussion, to
11	Mr. Tuthill, would you be willing to report	11	talk a bit about the work plan, along with some
12	back to us?	12	time frames, and then get some direction from you
13	I am very appreciative of the report that	13	as the Board.
14	you just gave. It goes a long ways towards	14	Background, where we started from was when
15	diffusing any problems that may arise from	15	was when I was originally hired, it was a
16	misinterpretation of information.	16	question about whether we're going to do anything
17	DIRECTOR TUTHILL: Thank you, Mr. Chairman	17	different in terms of managing this resource. And
18	I'm pleased to continue to report to the Board on	18	that was we crossed that bridge when we did the
19	the activities. Right over this next month or	19	framework. And we convened you convened the
20	two, there will be it's a critical time in this	20	advisory committee. And that advisory committee
21	negotiation.	21	was trying to figure out what to do in terms of
22	Thank you, Mr. Chairman.	22	how what to do to manage the resources, the
23	THE CHAIRMAN: Thank you.	23	measures, the locations, the principles, including
24	Mr. Anderson.	24	the principles around funding.
25	MR. ANDERSON: Mr. Chairman.	25	It seems to me where we are now with the
	Page 70		Page 72
1	THE CHAIRMAN: It's a Palisades storage.	1	adoption of House Bill 264 is that we're in the
2	MR. ANDERSON: Members of the Board,	2	question - we're in the place of how do we go
З	Mr. Jonathan Barch is here. The next agenda item	3	about implementing the plan. And so, how do we
4	is the ESPA CAMP implementation. I would suggest	4	establish a solid foundation for the work that's
5	we take a five-minute break while we get him set	5	1 H
		5	based on good science, that's consistent, that's
6	up. He's going to be presenting with power point	6	coordinated, and while at the same time is not
6 7	up. He's going to be presenting with power point presentation.		coordinated, and while at the same time is not being rigid. And so the challenge about getting
	presentation. (Break taken.)	6	coordinated, and while at the same time is not being rigid. And so the challenge about getting and moving forward now is about how do we go abou
7	presentation. (Break taken.) THE CHAIRMAN: We're going to bring this	67	coordinated, and while at the same time is not being rigid. And so the challenge about getting and moving forward now is about how do we go about developing these implementation plans; how do we
7 8 9 10	presentation. (Break taken.) THE CHAIRMAN: We're going to bring this meeting back to order for about two minutes.	6 7 8	coordinated, and while at the same time is not being rigid. And so the challenge about getting and moving forward now is about how do we go about developing these implementation plans; how do we go about operationalizing with enough specificity
7 8 9 10	presentation. (Break taken.) THE CHAIRMAN: We're going to bring this meeting back to order for about two minutes. We're going to go ahead and break for lunch. Our	6 7 8 9	coordinated, and while at the same time is not being rigid. And so the challenge about getting and moving forward now is about how do we go about developing these implementation plans; how do we go about operationalizing with enough specificity to ensure success for what the good work that's
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	presentation. (Break taken.) THE CHAIRMAN: We're going to bring this meeting back to order for about two minutes. We're going to go ahead and break for lunch. Our meals have got here. And I know that Jonathan is going to be lengthy enough that we're not going to wait to take our meal. So let's break for lunch until about a quarter after 12:00. And then we'll reconvene the meeting. (Lunch break taken.) THE CHAIRMAN: Gentlemen, let's go. Let the record show that meeting No. 7-09 has been reconvened at 12:15. And we are at agenda item No. 5, ESPA CAMP implementation. Jonathan Barch. MR. BARCH: Mr. Chairman, Members of the	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	coordinated, and while at the same time is not being rigid. And so the challenge about getting and moving forward now is about how do we go about developing these implementation plans; how do we go about operationalizing with enough specificity to ensure success for what the good work that's been done in the ESPA plan. So that's a bit of the background there. As you'll remember, as you all know, the overall long-term goal is a 600,000 acre foot water budget change, 20-year time frame, \$600 million cost, \$30 million annually, and where we spent the bulk of the time was on phase 1, which is that one to ten years with a hydrologic target of 2 to 300,000 acre foot change, water budget change, actions that what we're trying to do is increase the aquifer levels, the spring and reach

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1	implementation.	1	employed for the last number of years that has
2	The actions there, you've seen surface	2	resulted in the ESPA plan.
3	groundwater, surface water conversions,	3	Again, the draft tasks are similar.
4	management, and incidental aquifer recharge,	4	Collection mechanisms, criteria and priority,
5	demand reduction, pilot weather modification, as	5	goals and implementation plans, analysis and
6	well as other additional actions, including the	6	incorporation of work group proposals. And I'll
7	CAMP implementation committee. And we're going to	7	talk about what I'm thinking about with the
8	be talking specifically about that. Continuing to	8	working groups. Ensuring implementation,
9	integrate environmental considerations. The	9	coordination, consistency, monitoring and
10	clearing house, evaluate options to implement that	10	reporting, and then any necessary legislation, if
11	flexible market-based approach to connecting	11	any, to go about implementing the plan.
12	willing participants in this, in the water	12	So here's where I'll stop for a moment and
13	management projects.	13	talk about the who. My vision or my thought is
14	Outreach and education. So outside of the	14	that what is needed is a swift, easy and smooth
15	outstanding work that and leadership that	15	transition from the good work that's been done on
16	you've provided as a board in terms of educating a	16	the advisory committee into those tasks that I've
17 18	broader range of interests than had previously been done, how do we both develop and fund a broad	17	just outlined. My thought here is that previous
10 19	water education and outreach effort, management	18 19	advisory members and alternates who are willing and are able would be comprise the
20	and flexibility, as well as the downstream	20	implementation committee. If they're unable to
21	transfer policy. And those are the plan the	21	serve, then you would identify a replacement
22	highlights. And I guess I should say that I'm	22	through a solicitation process, and we'd have the
23	staying at a pretty high level in terms of where	23	similar number of broadly represented interest
24	we are, and including the my ideas around the	24	groups. You've made this investment in terms of
25	implementation committee. And we can get into	25	education. The sense of broad buy-in to the plan
	Page 74		Page 76
1	more specifics later.	1	I think is going to be as important, if not more
2	So my draft purpose and function for this	2	important as we have had water users and others
3	implementation committee, which again, I just want	3	contributing financially to the plan. That we
4	to overemphasize that this is an idea these are	4	would have agency participants continue to be
5	ideas as to but consistent with the plan is to	5	to have an active role in committee deliberations.
6	develop consensus recommendations to you all. The	6	Ultimate decisions, obviously, will be made
7	Board, of course, remains, and is the	7	by the Board. What you're looking for from this
8	decision-maker on the ESPA planned projects, which	8	group, as I understand it, is a consensus
9	is the phase 1 funding collection mechanisms.	9	recommendation by implementation committee
10	That's top of the list in terms of identifying,	10	members. So when we are making decisions on
11	and the task that's going to be on a fast track in	11	the on recommendations, it's not the alternates
12	terms of needing to have something done earlier in	12	or the agency participants, but it's those key
13	this 12-month process that we're talking about.	13	representatives, similar to the advisory
14	Implementation criteria, plans and	14	committee. That we would meet originally I had
15 16	priorities, early action projects. My	15	thought and my discussions with Mr. Anderson
16 17	indications, and I think and I'd like some feedback from you all later is that it's great	16 17	and with others, that the implementation committee
18	to have plans, criteria, protocols. And within	18	could meet on a quarterly basis. Based on discussions, it's unlikely that that's going to be
19	the next 12 months, we're going to need some	19	
20	successes. We're going to need some actions on	20	enough time to help to to provide that policy guidance. And so, what I was thinking was that we
21	the ground to demonstrate that and to build that	21	would start with a bi-monthly meeting, and
22	overall confidence. And so then there's the	22	potentially then afterwards, less frequently.
23	foundation for for the plan of implementation	23	We'd establish a consistent schedule. And one
24	that's strategically coordinated, consistent and	24	suggestion was to do that to make sure that the
25		25	implementation committee meets prior to
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1	coordinate, basically, with the Board schedule, so	1	web conferencing to he
2	that there would be timely updates to you about	2	budget as well as to ma
3	the deliberations and the progress of the advisory	3	The working group
4	committee.	4	these recommendations
5	Now, what I've heard is concerns that the	5	group need to be devel
6	existing advisory committee, and if we have the	6	that's the collection me
7	implementation committee be a mirror image of that	7	commitments. And that
8	is too large and unwieldy. And I would agree with	8	with the interim legisla
9	that in terms of developing proposals, specific	9	the Board and the Gov
10	proposals, ideas. And that's why we're suggesting	10	pursuit of the additiona
11	a working a working group structure. Now, the	11	as well. So it's how do
12	working groups would be their purpose would be	12	How do we pursue tho
13	to develop those specific plan, recommendations	13	And then you'll see
14	and proposals for the implementation committee	14	are those are those
15	review, refinement and adoption. These would be	15	that have been outlined
16	truly working groups in the sense that we'd be	16	surface water, conversi
17	looking for resources and assets that would help	17	recharge, demand redu
18	us to develop the implementation plans around	18	What will be needed in
19	recharge or the funding collection mechanisms.	19	groups successful is co
20	And this would be they would include committee	20	some consistent and
21	members, but it would also be broad enough to	21	the work products and
22	include those specific resources and bring those	22	boards upon which the
23	resources to bear in order to bring solidly based,	23	And so, the overall
24	informed and technically sound proposals to the	24	moving too quickly, pl
25	group.	25	about a month or two,
	Page 78		
1	The each implementation committee member	1	approve the work plan,
2	would have a choice in participating in up to two	2	these working groups in
3	working groups. Assignments would be made based	3	functioning, that will p
4	on interests and expertise. I've spoken with	4	along the way. So the

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web conferencing to help to -- both to manage the budget as well as to manage people's lives.

The working groups include funding. And so these recommendations from the funding working group need to be developed in rapid order. So that's the collection mechanism for the phase one commitments. And that would be in conjunction with the interim legislative committee as well as the Board and the Governor's office, proactive pursuit of the additional resources for the plan as well. So it's how do we expand the pie here? How do we pursue those?

And then you'll see the other working groups are those -- are those -- are the key elements that have been outlined in the plan, groundwater, surface water, conversions, manage and incidental recharge, demand reduction, weather modification. What will be needed in order to make these working groups successful is consistency, a structure, and some consistent -- and the consistency about both the work products and the parameters and the side boards upon which they are working.

And so, the overall work plan -- and if I'm moving too quickly, please stop me -- is to, in about a month or two, adopt operating protocols,

	Page 78		Page 80
1	The each implementation committee member	1	approve the work plan, and develop and develop
2	would have a choice in participating in up to two	2	these working groups into groups that are actually
3	working groups. Assignments would be made based	3	functioning, that will produce a product at the
4	on interests and expertise. I've spoken with	4	along the way. So the working groups will then
5	Mr. Anderson about the fact that each that the	5	work with proposals and plan recommendations.
6	Board staff will be assigned to each working	6	Some of these are going to be on a faster time
7	group. The working groups can also, as I've	7	frame than others. But estimated two to six
8	already mentioned, include other staff resources	8	months. The integration of the working group
9	as necessary.	9	proposals and recommendations, an estimate of two
10	The funding committee working group is the	10	to four months. And again these are not it's
11	exception to this. And what we're thinking is	11	not sequential. There will be interaction and
12	that the funding working group be comprised only	12	there will be work and interaction between the
13	of those representatives of interest groups that	13	working groups and this larger implementation
14	have phase 1 funding participation targets. So	14	committee. Again, the idea is that the
15	the the working groups themselves and I'll	15	implementation committee, that broad-based group
16	go into which ones they are in a moment would	16	that would sort of look to refine, to adopt and to
17	be open to except for the funding working group	17	make recommendations to you through the support of
18	that would be brought and again, the funding	18	this.
19	working group, and that key issue of developing	19	So my questions to you are what
20	the agreement on the collection mechanism would be	20	modifications, changes do you suggest regarding
21	made up of those who have funding participation	21	the implementation committee purpose, function and
22	targets. We'd meet on the working groups would	22	composition, the work plan modifications,
23	meet monthly and on an as-needed basis. And the	23	additions or areas of emphasis do you suggest?
24	idea is that, in addition to in-person meetings,	24	And then the final question to you is about after
25	that we'd use the use of teleconferencing and/or	25	a year and although I recognize this is not a

20 (Pages 77 to 80)

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handstanding			
	Page 81		Page 83
1	year project. This is a long-term proposal. But	1	don't know how you would reduce it, because it
2	what we're looking to do in this first year is to	2	would be that same problem, that same dichotomy
3	set a solid foundation for the implementation over	3	is the working groups. And that is truly the
4	time here. How would you define success after one	4	answer to this is having the working groups,
5	year? What are the kinds of things that, when I'm	5	because just as before, that's what got this thing
6	standing here a year from now, you want to say,	6	turned around. And I like your idea of having
7		7	only two, because, again, there are those who
8	this is what was accomplished or you'd like to see	8	
	done.		would want to be on every working group. So there
9	So let's start with the first question,	9	again, it becomes too large.
10	Mr. Chairman, Members of the Board, unless there	10	MR. BARCH: Right.
11	are other things about ideas or questions about	11	MR. RIGBY: So I guess what I'm saying is
12	the implementation committee purpose, function and	1 A A A A A A A A A A A A A A A A A A A	that I the only thing I'm seeing there and
13	composition.		I've kind of already gone over this, so I kind of
14	THE CHAIRMAN: Mr. Rigby.	14	knew where you were coming from. The only thing I
15	MR. RIGBY: Mr. Chairman, you know, it's	15	see there that I think I would recommend to the
16	interesting not on the committee, and it would	16	committee or maybe the Board has to do it so that
17	be nice to hear from committee members, especially		the committee doesn't get in trouble with
18	that are here on the Board first, and others that	18	themselves and those that are participating, is
19	are in the room. But it's kind of interesting.	19	requiring it to go back to just the committee and
20	As you know, when we first set this up, we thought	20	alternates as the acting participants, and having
21	that the Board would be I mean, the committee	21	the others be there for their purposes and their
22	would be unwieldy if we had more than 15, 17,	22	call.
23		23	UNIDENTIFIED SPEAKER: All of them?
24	the committee itself would find the alternates.	24	MR. RIGBY: Alternates and active. I
_25	And then, you add to that the agencies. And they	25	okay. Again, my thoughts, and just what I've
	Page 82		
	rage oz		Page 84
1	-	1	
1 2	allowed them the same participation.	1	heard, and especially those who were alternates.
2	allowed them the same participation. It's interesting and some of the comments	2	heard, and especially those who were alternates. Again, we were trying to make the committee so it
	allowed them the same participation. It's interesting and some of the comments I've heard back is that we need to reduce it, but	ł	heard, and especially those who were alternates. Again, we were trying to make the committee so it wasn't too large to begin with. So we named the
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21 (Pages 81 to 84)

			
	Page 85		Page 87
1	make the decisions necessary. It's got one real	1	about water, it's inversely related the
2	big plus. We don't have a lot of money, but we	2	quantity of water is inversely related to the
3	got a good water year.	3	price. The more water you've got available, the
4	MR. BARCH: That's true.	4	less money the less it costs for that
5	MR. ALBERDI: And we've all been through	5	incremental amount. Next year, if we go too slow,
6	these good water years when the water year slips	6	we may not have as much water, and the director
7	by, and then the next year isn't quite as good.	7	knows it's worth a lot more. So we got those
8	So I'm thinking that we talked on Mr. Rogers web	8	challenges here that, without a lot, we may be
9	hit, but we talked a lot about the low-lying	9	able to do something.
10	fruit. And I think the momentum we've got in that	10	THE CHAIRMAN: Mr. Chase, would you like to
11	group has to continue for this to be a success.	11	weigh in?
12	And we need to identify the low-lying fruit. And	12	MR. CHASE: Well, I agree with Vince that we
13	I see that, when you look at the number of things	13	need to find successes right off. It's amazing
14	we can do, realistically, the working committees	14	the group got where it got. And I think if we
15	can come up with some programs relatively easy	15	don't have successes, it will unravel pretty
16	because there aren't that many things we're going	16	rapidly.
17	to do.	17	I never looked at the group as too
18	MR. BARCH: Right.	18	burdensome. I think it kind of separated itself
19	MR. ALBERDI: And the detriment that we	19	that those who didn't show up didn't show up. And
20	could create by being very careful here is not	20	I don't know if they'd still want to stay on, but
21	come up with some plans that we can do with the	21	you know, I thought we made pretty good progress.
22	limited amount of money, if the Board puts the	22	So I don't know who we would eliminate, because
23	money in that we may be able to. Because, I'm	23	I you know, I haven't had a lot of calls on
24	with Jonathan that we need to have some successes,	24	this, but anybody that's called me wants to stay
-	because a ten-year period, we need to kick that	25	on the Doord So I think that hereare a problem
25	boouldo a ton your porrou, we need to klok that	25	on the Board. So I think that becomes a problem
25	Page 86	2.5	Page 88
25	Page 86	1	Page 88
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	Page 89		Page 91
1	So you know, I don't know if you could make	1	make because I was an alternate, but I probably
2	that a caveat.	2	spoke more on behalf of the cities than the
3	THE CHAIRMAN: Well, it's the Board's choice	3	others. But I tend to talk too much at times too,
4	who's going to be on there.	4	I admit.
5	MR. CHASE: Yeah. And as far as agencies, I	5	THE CHAIRMAN: All right. Mr. Jonathan.
6	guess what agencies are we going to eliminate? I	6	MR. BARCH: Well, I think there are a number
7	mean, I You know, to me, you need to have fish	7	of ways that let's start with the agency
8	and game at the table on this, because those are	8	participation. I think that the operating
9	issues we have to deal with in DEQ's.	9	protocols which govern the advisory committee was
10	So when I'm sitting there, I'm trying to	10	the first decision the advisory committee made.
11	there's only one group I could see that we could	11	And we're going to need to readopt them and make
12	eliminate. And I that didn't come a lot. And	12	modifications. Can call out specifically about
13	that actually was IACI wasn't there very often.	13 14	the participation of representatives, alternates and agencies, and whether that specifically is
14 15	But I don't know if you can eliminate IACI. MR. RIGBY: Mr. Chairman, maybe we need to	14	about that the agencies aren't at the table, and
16	clarify what I said about that (unintelligible).	16	are only called upon as a resource. That's
17	THE CHAIRMAN: Mr. Rigby, go ahead.	17	something that you can you can decide.
18	MR. RIGBY: Mr. Chase Mr. Chairman and	18	I think in terms of the so I think the
19	Mr. Chase, I did not mean in any way to eliminate	19	operating protocols is where where, with your
20	the agencies. What I talked what I was	20	guidance, we establish establish, basically,
21	referring to was the acting participation as any	21	those ground rules. I think, coming to the issue
22	other member. In other words, just as we	22	of composition, recognizing that there are that
23	attempted to as we worked through this with the	23	there are interest groups that are going that
24	Board, I, as chairman, attempted to allow Board	24	have phase 1 funding participation targets, my
25	Members to have the first go around. Once the	25	suggestion, or my proposal here was that they be
	Page 90		Page 92
1	Board had exhausted its questions, then I	1	the only ones to be part of that funding working
2	generally resorted to you in the back and other	2	group, that that's them. But that on a whole, we
3	members. That's all I'm saying is that, as I saw	3	don't get into trying to reconstitute the entire
4	the group, and the complaint I've heard, is that	4	implementation antino advisors committee Sec
			implementation entire advisory committee. So
5	an agent one agent the agency member that	5	that was my attempt to say how do we recognize the
6	wanted to dominate or to deal with it had as much	5 6	that was my attempt to say how do we recognize the role that funding funding certain
6 7	wanted to dominate or to deal with it had as much right to participate as anyone else during that	5 6 7	that was my attempt to say how do we recognize the role that funding funding certain stakeholders have in terms of the funding
6 7 8	wanted to dominate or to deal with it had as much right to participate as anyone else during that initial go around. That's all I was suggesting.	5 6 7 8	that was my attempt to say how do we recognize the role that funding funding certain stakeholders have in terms of the funding participation targets, while at the same time as
6 7 8 9	wanted to dominate or to deal with it had as much right to participate as anyone else during that initial go around. That's all I was suggesting. Not that we eliminate them. No. You're	5 6 7 8 9	that was my attempt to say how do we recognize the role that funding funding certain stakeholders have in terms of the funding participation targets, while at the same time as creating and building on what we've done before.
6 7 8 9 10	wanted to dominate or to deal with it had as much right to participate as anyone else during that initial go around. That's all I was suggesting. Not that we eliminate them. No. You're absolutely right. Most of those agencies, in the	5 6 7 8 9 10	that was my attempt to say how do we recognize the role that funding funding certain stakeholders have in terms of the funding participation targets, while at the same time as creating and building on what we've done before. And I I tend to agree with Mayor Chase
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	Page 93		Page 95
1	implementation committee to start to take away	1	For those who are unwilling or unable to continue
2	names or interest groups because I think what it	2	to serve, that they that there be a nomination
3	does is it will detract from the difficult work	3	for just those those categories. It limits
4	that you have in front of us in terms of a very	4.	your decision-making to versus the whole thing.
5	short period of time.	5	We keep the same interest groups there. And then
6	And I think many Mr. Chairman, Members of	6	in terms of the working group, that there's likely
7	the Board, you remember how we convened advisory		to be more interest in certain working groups than
8	committee. And that was not necessarily the	8	others. But those have to be small. They have to
9	easiest process in the world. My hope would be	9	be focused. And there has to be the kind of
10	that we use the energy, the time, and the focus	10	expertise so that we can actually develop viable
11	that we have amongst the advisory committee	11	work plans that give us that consistent view
12	members to get started with doing the work. And	12	across about how we're going to implement this.
13	so that's kind of my interest overall interest	13	That, including the monitoring and developing
14	is getting on with the tough work in front of us	14	those types of protocols, that we're able to
15	versus get bogged down in who's in and who's out,	15	really start with that, that foundation.
16	and why am I out, and why are they other folks	16	I think this is a real important year in
17	not out. So but at the same time, recognizing	17	terms of setting setting the overall program up
18	that the funding those who are contributing	18	for success. And we're going to need resources
19	financially have a different role in particular as	19	outside of those who can provide policy direction.
20	it comes to the funding collection mechanism, and	20	So I'm hoping I'm being clear about what I'm
21	that funding working group. So that's just so	21	thinking. And again, I want to qualify all that
22	we're clear about kind of where what I'm	22	with this is your process and your decision. I'm
23	thinking.	23	just providing some input.
24	THE CHAIRMAN: Mr. Graham.	24	MR. GRAHAM: What's your recommendation on
25	MR. GRAHAM: I think that makes a lot of	25	the numbers for the two working?
	Page 94		Page 96
1			
1	sense that funding group would be the people that	1	MR. BARCH: For the two working groups?
1 2	sense that funding group would be the people that are paying. But you must have some idea,	1 2	MR. BARCH: For the two working groups? MR. GRAHAM: How many members on each group?
			MR. GRAHAM: How many members on each group? MR. BARCH: Right. So there's let's talk
2	are paying. But you must have some idea, Jonathan, on target numbers for the implementation committee and the two working groups.	2	MR. GRAHAM: How many members on each group? MR. BARCH: Right. So there's let's talk about the funding piece the funding
2 3	are paying. But you must have some idea, Jonathan, on target numbers for the implementation committee and the two working groups. MR. BARCH: Mm-hmm.	2 3 4 5	MR. GRAHAM: How many members on each group? MR. BARCH: Right. So there's let's talk about the funding piece the funding mechanism funding working group, which
2 3 4 5 6	are paying. But you must have some idea, Jonathan, on target numbers for the implementation committee and the two working groups.	2 3 4 5 6	MR. GRAHAM: How many members on each group? MR. BARCH: Right. So there's let's talk about the funding piece the funding mechanism funding working group, which MR. GRAHAM: That would make me seems to
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2 committee is ment to - that's who you'll get 3 for. This is the time now, and this committee and 4 these groups to actually to start - to gaw on 5 and develop actual - the substantive solutions to 6 how were going to go about implementing this. 7 These are going to to bough decisions to be made. 8 And I think that's where my job, as I understand 9 in, is to do - is to drive them, and drive these 10 groups to making these tough decisions on the 11 plans. So the short maswer - 12 plan. So the short maswer - 13 MR. CRAHAM: Would the same number sevene 14 group that can come forward with some proposals. 15 WR. TRACHI: Yeah. 16 your reget for the second group? I assume that, 17 in the finding group, that seven would be the 18 because - 19 wotting group, as a direct funding participation committee or 19 mentioned would be resource advisors being seven. 20 True KR. BARCHI: Yobaby eight. Seven or eight. 21 hord then, the make folls 22 and then, the making the dec	1	able to make some substantive recommendations in	1	demand reduction. And the implementation
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25 decision-makers. what you need what you would 25 committee? It seems to me that we the	Z 4		1		
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26 (Pages 101 to 104)

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	Page 105		Page 107
1	option where I came down was that we used those	1	So I would envision this to be a group
2	on an as-needed basis, and that we don't	2	that's the major group that we had set up with sub
3	necessarily call that out in a formal, formal way.	3	groups needed as needed. And keep the focus on
4	But this, again, is your is your process.	4	what we've already done. Don't re-invent
5	THE CHAIRMAN: Mr. Chase.	5	anything.
6	MR. CHASE: Thank you, Mr. Chairman.	6	MR. BARCH: And Mr. Chairman and Mr. Chase,
7	Jonathan, as I understand, just from the	7	I think that the groups that we at least envision
8	conversation going on here today, we had the	8	now are those major categories that have been
9	regular large committee, then that committee would	9	outlined in the plan. And again, I want to come
10	have the discretion not necessarily there would	10	back to what I said to Mr. Beck, which is that
11	be two committees, that there may be a finance	11	this is a this is not re-opening what we're
12	committee, there may be an implementation		going to do, or even including the participation
13	committee, there may be an executive committee.		targets. It's about how to go about how are we
14	But is what you're seeking to have that discretion	14	going to go about collecting those funding
15	of that Board, as we have before, as committees	15	contributions that have been established and are
16	are needed, we set them up. And to me, that made	16	now a part of law.
17	a lot of sense, instead of restricting them to	17	So it's a again, it's not a we
18	just a couple, because you don't know what's going	18	don't I think it's an important screen not to
19	to happen.	19	have people on this committee that aren't
20	The second thing, on the side of the money		believers in figuring out, and problem solvers in
21	issue which was a tough issue. A lot of people		terms of figuring out how we go about doing or
22	had to really bite down hard to swallow with what		wanting to reopen things. Because, what I see is
23	happened with the money. But I think two things	23	this is a stake in the ground. The framework was
24	happened. For instance, the City's perspective,	24	the first stake in the ground, a milestone, if you
25	we put in more than we used. Now, there are a	25	will. And the ESPA plan is the next one. And now
	Page 106		Page 108
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1 2	couple of reasons for that. One was because we	1 2	getting implementation plans, the specific ones is
	couple of reasons for that. One was because we think in the future, we may use more as cities.	1	getting implementation plans, the specific ones is the next one: And we're marching the ball toward
2	couple of reasons for that. One was because we think in the future, we may use more as cities. Second, there's probably different value in water	2	getting implementation plans, the specific ones is
2 3	couple of reasons for that. One was because we think in the future, we may use more as cities. Second, there's probably different value in water for cities than there was elsewhere, so we felt it	2 3	getting implementation plans, the specific ones is the next one: And we're marching the ball toward that water budget change that that's been
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2 3 4 5	couple of reasons for that. One was because we think in the future, we may use more as cities. Second, there's probably different value in water for cities than there was elsewhere, so we felt it	2 3 4 5	getting implementation plans, the specific ones is the next one. And we're marching the ball toward that water budget change that that's been envisioned and it's desired for all of the reasons that we've that we've articulated. So THE CHAIRMAN: Mr. Shannon, please.
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	Page 109		Page 111
1	ideas. And I think there would be a great deal of	1	we like these ideas, but when it comes down to all
2	value in having a small working group that would	2	the work on the ground, you know, the committee
3	think through and struggle with what type of	3	isn't going to be able to do it. We're going to
4	criteria that they feel, is the word I'll use, and	4	have to have, you know, some real competent staff.
5	then bring those recommendations to you folks to	5	And we've got some good people that have
6	struggle with as well	6	shepherded us along with Brian and a lot of really
7	UNIDENTIFIED SPEAKER: What will give the	7	good people from the department. But you know,
8	State of Idaho the most bang for their buck.	8	this is a this is going to be a big job.
9	MR. SHANNON: Yes, sir.	9	And I guess that's all I have to say, if
10	THE CHAIRMAN: Thank you, Mr. Shannon.	10	anybody has any questions.
11	Jonathan.	11	THE CHAIRMAN: Thank you, Mr. Gibson.
12	MR. BARCH: Mr. Chairman and members of the	12	Anyone else? Come on, Jim. I've never
13	Board, as we typically do, we have ESPA advisory	13	known you to be at a loss for words.
14	committee members here and others. And I guess it	14	MR. TUCKER: I am kind of at a loss for
15	might be a good time for them to weigh in on	15	words.
16	THE CHAIRMAN: We would love to hear from	16	Mr. Chairman, Members of the Board, I
17	them.	17	struggle a little bit. I had a discussion with
18	MR. BARCH: on the perspectives, so I'll	18	Jonathan the other day. And my first reaction,
19	step to the side here.	19	when thinking about this implementation committee,
20	THE CHAIRMAN: Who's first?	20	was probably like a lot of people. Keep it small
21	MR. GIBSON: I guess I'll go first. I	21	and keep it nimble so it can act fast, and get the
22	didn't intend coming here to speak. I come here	22	job get things moving rather quickly. But then
23	for another reason. But while I'm here, I thought	23	when you listen to what has been discussed today,
24	of a couple of things. One of them, I'd agree	24	and some of Jonathan's considerations, I can see
25	with you, it's very important that we move fast on	25	it's it's going to be difficult. You certainly
	Page 110		Page 112
1	this. I mean, we've got some momentum going.	1	can't exclude people from this process. There was
1 2	this. I mean, we've got some momentum going. Even though it's been nice to have a few months	1 2	can't exclude people from this process. There was enough interest, as we saw over the months, from
		1	
2	Even though it's been nice to have a few months	2	enough interest, as we saw over the months, from
2 3	Even though it's been nice to have a few months without meetings, it's we need to get going.	2 3	enough interest, as we saw over the months, from people that came to those meetings, that at the very least, I would expect, even if you had a relatively small committee, you'd still have a lot
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Even though it's been nice to have a few months without meetings, it's we need to get going. And I think one of the important reasons is there's some government money out there right now. For example, if you want you know, Mr. Alberdi spoke of the low-hanging fruit. You know, there's some government money out there to maybe help fund some conversions. And construction costs of some of these conversions right now are as low as they've been in years. And so there are some real opportunities now to go forward. And I guess that's one of the things I'd say. And the other one and it comes back to what Mr. Hazen said when he was here. You know, this is a big project, and we're going to have to have some staff. And I hate to ever say this, but I you know, I don't want to say another bureaucracy, but we're going to have to be people that are going to be able to work on this full time with a lot of with some resources	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	enough interest, as we saw over the months, from people that came to those meetings, that at the very least, I would expect, even if you had a relatively small committee, you'd still have a lot of people in the room. And it would be difficult to exclude them. So I don't I mean, Jonathan's ideas here, I think deserve consideration. It sounds like it's workable. Jonathan and I have talked a little bit. I think the first thing that an implementation committee needs to do is develop structure and protocols so that, even if you do have 16 or 32 people in the room, you've got you know, as this Board knows, you've got to conduct business. You've got to move forward with business. And that's going to be the first thing that that committee probably has to do. And it's a little more difficult when you have that many more people. But nonetheless, as Mr. Chase says, we did it before, we can probably do it again. So

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Once we beat up on him enough.	1	MR. TOMINAGA: Best for last.
Thank you, Mr. Chairman.	2	We provided some comments. And I don't know
THE CHAIRMAN: Thank you, Mr. Tucker.	3	if the Board had received them or not. But we can
Anyone else?	4	live with Jonathan's proposal, I believe. There
Randy McMillan. Mr. McMillan, please.	5	are some things that came up that Jerry we had
MR. McMILLAN: Well, Mr. Chairman and	6	some problems with CAMP in the state legislature.
Members of the Board, I think Jonathan has really	7	One of them was is folks in the Upper Snake that
captured the best approach. And that is to have	8	believe that the group did not address incidental
the flexibility for him, as the facilitator, to	9	recharge. And we almost didn't get it out of
make decisions whether or not we need a small	10	committee because of that. And so we need to make
group or a large group or it's kind of the idea	11	sure that we address the incidental recharge
of the plan itself is adaptive management. And	12	issue, because it's going to come back.
what Jonathan's proposed here with the working	13	And I agree with Jerry's recommendation that
groups, and perhaps with the core group, is to be	14	not only the participating members, but the
able to make that decision that we need to move to	15	alternates should be able to come in and
the core group to resolve some issues. So I'm in	16	participate in any of the working groups. I think
favor of what Jonathan's proposed.	17	that will make sure that you get full
I think it's really critical that we keep	18	participation from everyone that's involved. They
this process moving forward. And we don't need to	19	might have a different point of view than that
get bogged down, in my view, in the composition of	\$	member. But at least they're not excluded from
the implementation yeah, the implementation of	21	participating. And then that way, everybody

22 that's involved, we can point to those

25 participate, or not be involved with that

individuals, saying they were appointed to that

group. It was up to them not to come and

- 22 the committee itself very much, because I think
- 23 that the intensity of the meetings will probably
- 24 ultimately limit the number that are really able
- 25 to participate. It's -- at the same time, it's

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1	really critical to keep this open, the whole	1	particular working group. And I think that will
2	process open, keep make sure that people in the	2	solve some of the issues, because the impression
3	public feel like they can come to the meeting and	3	that was given at the state legislature was that
4	offer their ideas. And we really need to look	4	the group from the Upper Snake was not actively
5	long term. If we start to close down on	5	participating, or were not part of the
6	participation, then when we get to phase 2 of the	6	implementation group. They were. But nobody at
7	plan, if we ever get there, the public's going to	7	the state legislature knew that. And that's what
8	be they may be very jaundiced about trying to	8	they preyed upon.
9	do that, if they haven't felt welcome in this	9	The other thing they preyed upon, and it's
10	process.	10	something that Jerry tried to address a little
11	So so I I'm in favor of what Jonathan	11	bit, was that, with a large number of working
12	has proposed here. And I think that as long as we	12	folks, Fish and Game, US Fish and Wildlife, Bureau
13	can keep some flexibility and nimbleness in	13	of Reclamation, that group again pointed to that
14	deciding how to proceed, we'll get through it.	14	group and said, these were the folks that led this
15	And as Jonathan said and others, we have a lot of	15	group, not the participants, which was not
16	hard work to do here, and some difficult decisions	16	again, not true. But again, when you have
17	to make. So I think that we need to make sure	17	somebody that's sitting down with those state
18	that people like Mr. Hazen feel welcome to	18	representatives that are from Northern Idaho, from
19	participate. They do offer some real expertise	19	Southwestern Idaho, they don't know. And we had a
20	that all of us could, perhaps, profit from.	20	lot of problems trying to convince those folks
21	So thank you.	21	that they were a minor player. They were there
22	THE CHAIRMAN: Thank you, Mr. McMillan.	22	because of their jurisdictional abilities over the
23	Mr. Tominaga.	23	water management or Fish and Wildlife issues that
24	MR. TOMINAGA: Mr. Chairman.	24	were associated with water management.
25	THE CHAIRMAN: Best for last.	25	And again, you have representatives that are

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1	very distrustful of State and Federal agencies.	1	in terms of and Mr. Anderson and Patsy I'm
2	And Mayor Chase knows that very well, especially	2	not sure I don't think we need to vote, but I
3	in our state legislature. And Representative	3	do I may be wrong about that, but
4	Cuddy, he knows he also knows that too, that	4	UNIDENTIFIED SPEAKER: No.
5	they preyed upon those fears. And that's why we	5	MR. BARCH: But we need some kind of
6	had a hard time getting that bill out of committee	6	indication that we're on the right track
7	because they preyed upon those fears. How do you	7	UNIDENTIFIED SPEAKER: Confirmation.
8	get rid of those? Well, I think the way Jonathan	8	MR. BARCH: here, and that we should
9	has set this up, it's inclusive, but yet,	9	proceed with and the plan would be that late
10	hopefully the major decisions and implementation	10	May, early June, we get we get started with
11	will avoid that. And by having more	11	first implementation committee meeting. We get
12	participation, will do that. But again, one of	12	and the plan is then to get them in terms of adopt
13	the issues that need to be need to be addressed	13	that operating protocols, get a work plan, develop
14	will be the incidental recharge.	14	the structure around the working groups. And I've
15	Also, the legislative interim committee is	15	deliberately left some of this at a 30,000 foot
16	one that needs to be addressed too. The members	16	level in part because I think it's important for
17	of the Interim Natural Resource Committee believe	17	the committee to weigh in and have ownership about
18	that they're they are going to play a major	18	the specific task tasks and those kinds of
19	role with the implementation committee. And so	19	things. But I'm looking for you for direction and
20	that needs to have some kind of connection also,	20	getting started with this late May.
21	because members of that committee that I visited	21	THE CHAIRMAN: Is there anybody on the Board
22	with believe that they are they believe that	22	that has a problem with what Jonathan has
23	being on that committee, they will have a major	23	proposed?
24	role in this process. So that also has to be	24	Do we have any additions to what he's
25	addressed.	25	proposed?
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1	So, yeah, you guys got your work cut out for	1	MR. CHASE: Mr. Chairman?
2	you. And the groundwater users will be there to	2	THE CHAIRMAN: Mr. Chase.
3	make sure this process hopefully is very	3	MR. CHASE: One thank you, Mr. Chairman
4	successful.	4	One question I'd have, Jonathan, the
5	THE CHAIRMAN: Thank you, Mr. Tominaga.	5	staffing issue within the plan itself, there
6	Jonathan?	6	wasn't money set aside for staffing. Would you
7	MR. BARCH: Mr. Chairman and Members of the		come back with a recommendation early on to tell
8	Board, what I was the direction that I'm	8	us what type of staffing is involved? Would that
9	looking for from you is to, say, to extend the	9	be one of the first tasks, I would assume?
10	invitation to those existing advisory committee	10	MR. BARCH: So building on so building on
11	members to become part of the implementation	11	kind of the some of the comments, which is,
12	committee. And for those who are unable or	12	well, nobody wants a bureaucracy that the type
13	unwilling to continue with that commitment, to	13	of change that we're talking about, these are
14	then there would be a to solicit some	14	major projects, and that there are going to need
15	nominations.	15	to be resources that are identified. And I
16	THE CHAIRMAN: Or a decision made whether	16	believe that that would be a product of the
17	they're necessary.	17	working groups, which include so how getting
18	MR. BARCH: Or decision	18	as specific as we can in terms of the nuts and
19	THE CHAIRMAN: That position is necessary.	19	bolts, which is, not only what are we going to do,
20	MR. BARCH: Yeah, right, right.	20	and when we're going to do those, and but who's
21	So that I mean, basically, in terms of	21	going to do those, and with what resources. I
22	the overall approach about how the implementation	22	think that's that's part of what would come out
23	committee, the purpose, the working group, and how	23	
24	they would how groups and how they would	23	of this, and whether that's in the you know, in
25		25	the first two months, or in the second you
	Tunction, Thi looking to some direction from Vol	1 40	know, the next four months, when that that

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1	comes up.	1	on staff. We are facing 7 to \$10 million per year
2	To me it seems like you need to know what	2	through this planning project.
З	we're going to be doing, and how we're going to be	3	I appreciated the comments of Mr. Stevenson
4	doing that. So the scale to the targets that have	4	on the need for staffing effort. My expectation
5	been identified and the hydrologic targets that	5	is that we will be identifying need for staffing
6	have been identified in the phase 1 plan before,	6	effort. We don't have it now in the department.
7	then, you can get into it. So it seems but,	7	And this 7 to \$10 million per year is going to
8	you know, that could be an accelerated item,	8	have to partly be dedicated towards staffing
9	Mr. Chairman and Mr. Chase.	9	effort. So I appreciate the comments. It's very
10	THE CHAIRMAN: Mr. Rigby.	10	true that we are strapped right now, and do not
11	MR. RIGBY: Mr. Chairman, without putting	11	have excess staff to support this project.
12	you on the spot, Mr. Director and Hal, do you want	12	THE CHAIRMAN: Okay. Jonathan.
13	to at least address that particular issue? In	13	MR. BARCH: So it sounds to me like this is
14	other words, what do you perceive as your you	14	actually one of the you know, in terms of I
15	and your staff's availability? And is this	15	have a list of issues, substantive issues
16	perceived need truly necessary?	16	THE CHAIRMAN: Is this one of the issues
17	In other words, if we're if you felt like	17	that we have to cover?
18	all along you were going to handle it in the first	18	MR. BARCH: We've been talking a lot about
19	place, maybe we need to at least present that to	19	process. This is going to be one of the
20	them. If you felt like, yeah, it would be nice to	20	additional not an additional one, but one that
21	have the extra staff, which I think it would be,	21	maybe has more of an emphasis, and it could be an
22	but I'd like to hear from you.	22	earlier emphasis about how is it that we can
23	THE CHAIRMAN: Mr. Tuthill.	23	balance these two things. One is a really strong
24	DIRECTOR TUTHILL: Thank you, Mr. Chairman	24	desire on stakeholder's part to have an efficient
25	Mr. Rigby, when we received the funding	25	and lean and nonbureaucratic approach, and at the
	Page 122		Page 124
1	allocation for the \$20 million over the course of	1	same time, about being able to have the
2	several years to be used at a rate of about \$3	2	organization to really to create the keep
3	million per year for the aquifer planning fund, we	3	coming back to this the foundation for being
4	received three staff positions to go along with	4	able to implement this over a period of time. And
5	that. So basically, one staff position per	5	I think that's going to be that's going to be
6	million dollars per year.	6	one of the issues that we're that you're going
7	MR. RIGBY: Out of that money?	7	to need policy direction from this from the
8	DIRECTOR TUTHILL: Out of that money, yes.	8	implementation committee on. So
9	And the funding came from the aquifer money. And	9	THE CHAIRMAN: Mr. Graham.
10	also along with that came authorization for three	10	MR. GRAHAM: Mr. Chairman, in order to move
11	new positions. That's challenging as it is to	11	things on, I hope, I understood your presentation
12	have because, with those positions, we're	12	to say that the staffing issue was going to be one
13	contracting and doing a variety of things. But I	13	of the first chores of the working groups. If
14	F	14	rather than have to settle the staffing issue
15	million dollars per year.	15	today, it looks like we would first want the input
16	What we're finding right now, as you know,	16	from
17	1	17	MR. BARCH: From the implementation
18	percent reduction in salary, we'll be undergoing,	18	committee.
19	for the first time in my 33-year career,	19	MR. GRAHAM: From the working groups.
20	reductions in force. We had one fellow that was	20	MR. BARCH: I think that's right.
21	reduced in force 25 years ago. This coming month	21	THE CHAIRMAN: Okay. Do you want to move on
22	we'll have another process for that. Some of the	22	to the last point that you have, and what factors?
23	staff reductions that we've had already are in the	23	MR. BARCH: Yeah.
24	planning bureau. Right now, Brian is short three	24	MR. CHASE: Mr. Chairman?
25		25	THE CHAIRMAN: Sure, Mr. Chase.

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1	MR. CHASE: One quick question before you	1	Mr. Chairman, Members of the Board.
2	move off of that. And I guess from my	2	HAL ANDERSON: Mr. Chairman, Members of the
3	perspective and I may be way out of line on	з	Board, we have one other housekeeping item on
4	this I believe you've got to look to find the	4	that. But before we go there, you should have
5	staffing within the money that the group itself	5	a you should have a resolution. It says a
6	produces. I think to go try to find new found	6	resolution to authorize a funding commitment.
7	money is going to be very difficult.	7	THE CHAIRMAN: It's in the blue folder.
8	MR. BARCH: Mm-hmm.	8	HAL ANDERSON: Yes. But I'd like I will
9	To the seven Mr. Chairman, Mr. Chase, the	9	say that I'll be working with Mr. Barch between
10	seven to, you know, to whatever million dollars a	10	now and the Water Board meeting on May, and we
11	year, that there's a portion of that that your	11	will probably come back with some more specifics
12	suggestion would be that it's a portion of that	12	on the implementation committee to make sure that
13	would be helping to administer this. And I think	13	all that is approved, embedded by the Board. And
14	that's I think that's useful input.	14	we'll be working hard over the next month with the
15	THE CHAIRMAN: Definitely.	15	Governor's office, and with the advisory committee
16	MR. BARCH: So what are you going to define		and others to make sure that we get this advisory
17	as what are the kinds of things you want to see	17	committee up and figure out who's who's in and
18	at the end of the end of the year, recognizing	18	who's not. And we can bring all that before the
19	this is you know, decades long piece. And what	19	Board on the May 8th.
20	we're trying to do is in this first year is get a	20	THE CHAIRMAN: Our May meeting.
21	really solid foundation, the protocols, the so	21	UNIDENTIFIED SPEAKER: Yeah.
22	that not saying it's going to run itself, but	22	THE CHAIRMAN: I would entertain a motion
23	that we have a much clearer direction about how	23	for the resolution to go forward.
24	we're going to move forward.	24	MR. CHASE: So moved.
25	THE CHAIRMAN: I think the main thing that		MR. RIGBY: Second.
	This off monthly. Tuning the main uning the		
	Page 126	1	Page 128
-	Page 126	-	Page 128
1	all of us are looking forward is suggestions as to	1	THE CHAIRMAN: Mr. Chase. And Mr. Rigby
2	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to	2	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded.
2 3	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for	2 3	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote.
2 3 4	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else	2 3 4	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy.
2 3 4 5	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of	2 3 4 5	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye.
2 3 4 5 6	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move	2 3 4 5 6	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi.
2 3 4 5 6 7	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward.	2 3 4 5 6 7	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye.
2 3 4 5 6 7 8	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay.	2 3 4 5 6 7 8	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase.
2 3 4 5 6 7 8 9	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham.	2 3 4 5 6 7 8 9	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye.
2 3 4 5 6 7 8 9	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be	2 3 4 5 6 7 8 9 10	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck.
2 3 4 5 6 7 8 9 10 11	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably,	2 3 4 5 6 7 8 9 10 11	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye.
2 3 4 5 6 7 8 9 10 11 12	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to	2 3 4 5 6 7 8 9 10 11 12	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain.
2 3 4 5 6 7 8 9 10 11 12 13	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we	2 3 4 5 6 7 8 9 10 11 12 13	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye.
2 3 4 5 6 7 8 9 10 11 12 13 14	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results,	2 3 4 5 6 7 8 9 10 11 12 13 14	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results, productive results.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results, productive results. MR. BARCH: So to make it concrete, then,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye. MS. McGOURTY: Mr. Rigby.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results, productive results. MR. BARCH: So to make it concrete, then, maybe it's a maybe it's a project that you can	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye. MS. McGOURTY: Mr. Rigby. MR. RIGBY: Aye.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results, productive results. MR. BARCH: So to make it concrete, then, maybe it's a maybe it's a project that you can actually physically visit that will demonstrate	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye. MS. McGOURTY: Mr. Rigby. MR. RIGBY: Aye. MS. McGOURTY: Seven aye's. Motion passed.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results, productive results. MR. BARCH: So to make it concrete, then, maybe it's a maybe it's a project that you can actually physically visit that will demonstrate that on the ground. Okay?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye. MS. McGOURTY: Mr. Rigby. MR. RIGBY: Aye. MS. McGOURTY: Seven aye's. Motion passed. THE CHAIRMAN: Thank you, Patsy.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results, productive results. MR. BARCH: So to make it concrete, then, maybe it's a maybe it's a project that you can actually physically visit that will demonstrate that on the ground. Okay? MR. GRAHAM: Mm-hmm.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye. MS. McGOURTY: Mr. Rigby. MR. RIGBY: Aye. MS. McGOURTY: Seven aye's. Motion passed. THE CHAIRMAN: Thank you, Patsy. MS. McGOURTY: Mm-hmm.
2 3 4 5 6 7 8 9 10 11 23 14 15 16 17 18 19 20 21	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results, productive results. MR. BARCH: So to make it concrete, then, maybe it's a maybe it's a project that you can actually physically visit that will demonstrate that on the ground. Okay? MR. GRAHAM: Mm-hmm. THE CHAIRMAN: Other comments?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye. MS. McGOURTY: Mr. Rigby. MR. RIGBY: Aye. MS. McGOURTY: Seven aye's. Motion passed. THE CHAIRMAN: Thank you, Patsy. MS. McGOURTY: Mm-hmm. THE CHAIRMAN: Mr. Anderson.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results, productive results. MR. BARCH: So to make it concrete, then, maybe it's a maybe it's a project that you can actually physically visit that will demonstrate that on the ground. Okay? MR. GRAHAM: Mm-hmm. THE CHAIRMAN: Other comments? MR. BARCH: Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye. MS. McGOURTY: Mr. Rigby. MR. RIGBY: Aye. MS. McGOURTY: Seven aye's. Motion passed. THE CHAIRMAN: Thank you, Patsy. MS. McGOURTY: Mm-hmm. THE CHAIRMAN: Mr. Anderson. MR. ANDERSON: Mr. Chairman, members of the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 23	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results, productive results. MR. BARCH: So to make it concrete, then, maybe it's a maybe it's a project that you can actually physically visit that will demonstrate that on the ground. Okay? MR. GRAHAM: Mm-hmm. THE CHAIRMAN: Other comments? MR. BARCH: Okay. THE CHAIRMAN: I think you've got your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye. MS. McGOURTY: Mr. Rigby. MR. RIGBY: Aye. MS. McGOURTY: Seven aye's. Motion passed. THE CHAIRMAN: Thank you, Patsy. MS. McGOURTY: Mm-hmm. THE CHAIRMAN: Mr. Anderson. MR. ANDERSON: Mr. Chairman, members of the Board, you have we have a request from the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22	all of us are looking forward is suggestions as to how we're going to raise the monies necessary to get the staffing, to provide the monies for recharge, to build new dams and everything else that we need to do. I think that would be one of the main things we have to look at as we move forward. MR. BARCH: Okay. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: I think another thing would be going back to some of the distinctives, probably, and some others and you have made that we need to get some results soon. And a year from now, we would like to see some of those results, productive results. MR. BARCH: So to make it concrete, then, maybe it's a maybe it's a project that you can actually physically visit that will demonstrate that on the ground. Okay? MR. GRAHAM: Mm-hmm. THE CHAIRMAN: Other comments? MR. BARCH: Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE CHAIRMAN: Mr. Chase. And Mr. Rigby seconded. Roll call vote. MS. McGOURTY: Mr. Cuddy. MR. CUDDY: Aye. MS. McGOURTY: Mr. Alberdi. MR. ALBERDI: Aye. MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye. MS. McGOURTY: Mr. Rigby. MR. RIGBY: Aye. MS. McGOURTY: Seven aye's. Motion passed. THE CHAIRMAN: Thank you, Patsy. MS. McGOURTY: Mm-hmm. THE CHAIRMAN: Mr. Anderson. MR. ANDERSON: Mr. Chairman, members of the

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1.44	Page 129		Page 131
1	from Mr. Brian Patton. And Mr. Patton will lead	1	with a \$300,000 loan for the similar Sandy
2	that discussion.	2	Pipeline Project, all the way through until last
3	(Unintelligible).	3	year with the Board loaned them \$10 million for
4	THE CHAIRMAN: Mr. Patton, go ahead.	4	their participation in the Pristine Springs
5	MR. PATTON: Mr. Chairman, Members of the	5	Project. A number of other mitigation projects
6	Board, the North Snake and Magic Valley	6	and other things along the way. All loans have
7	Groundwater Districts are jointly requesting a	7	been repaid either on time or ahead of schedule.
8	\$500,000 loan to construct a pipeline project to	8	In looking at the effect that this loan
9	satisfy their mitigation responsibility to the	9	would have on the actual assessment rates, we
10	Snake River Farm Facility, which is owned by Clear	10	can't do that yet 'cause there's still some things
11	Springs Foods. In response to a delivery call	11	in play in regard to the \$10 million note
12	made by Clear Springs Foods for that facility, in	12	regarding how much some other districts such as
13	2005, Director Dreher issued an order requiring	13	Southwest are going to pick up. But in running
14	mitigation by the junior priority groundwater	14	through the numbers, the 500,000 this \$500,000
15	users within these two districts for the impact	15	Ioan, if it's approved at 5 and a half percent for
16	that their pumping causes on the senior surface	16	10 years would result in a \$66,000 per year
17	flows utilized by Clear Springs Foods at this	17	repayment to the Board, which, spread out over the
18	facility.	18	220,000 acres encompassed in these two districts
19	After determined accounting for the	19	results in about 30 cents per acre per year for
20	mitigation provided by the districts through CREP	20	the cost of the loan. If the Board chose to
21	and conversion projects, IDWR determined that the	21	follow its precedent of loaning the money at 4
22	districts have to provide 1.99 CFS to at the	22	percent to the groundwater districts, that would
23		23	result in an annual payment of about \$61,600 a
24	0	24	year, and then would result in about 28 cents per
25		25	acre per year cost for the loan.
*****	Page 130		Page 132
1	-	1	·. –
1	acres of land served by groundwater within these two districts.	1	UNIDENTIFIED SPEAKER: So only about tw cents difference
2 3		2	MR. PATTON: Two cents difference
4	The district submitted a plan to construct this project to deliver this water, which was	4	UNIDENTIFIED SPEAKER: in the cost per
5	found acceptable by Director Tuthill by order he	5	
6	issued on March 26th, 2009. As per that order,	6	year. MR. PATTON: that's correct. That's
7	the project must be completed by June 2nd, 2009,	7	correct.
8	or the districts owe a \$10,000 per day penalty.	8	
9		-	In conclusion, this is a this is a
9 10	The project the districts are proposing to	9 10	project that is necessary for the groundwater
11	8	1	districts in order to meet the mitigation
12		11	requirements that are required of them. The
13	, , , , , , , , , , , , , , , , , , , ,	12	project has been found acceptable by the director
14			as an acceptable means of meeting the mitigation
15	0 0 0	14	requirements. These two districts have an
16	8	15	excellent prior repayment history in past
		16	operations with the Board. And for that reason,
77	8	17 18	the staff recommends that you go ahead and
17	The and accine the consultance of the second s	1 1 0	authorize this \$500,000 loan to the districts
18	o , , , , , , , , , , , , , , , , , , ,	110	iointly
18 19	longer be used for irrigation. So those lands	19	jointly.
18 19 20	longer be used for irrigation. So those lands would no longer be served by groundwater. This	20	MR. GRAHAM: At what percent?
18 19 20 21	longer be used for irrigation. So those lands would no longer be served by groundwater. This project has been estimated by the district's	20 21	MR. GRAHAM: At what percent? MR. PATTON: Mr. Chairman, Mr. Graham,
18 19 20 21 22	longer be used for irrigation. So those lands would no longer be served by groundwater. This project has been estimated by the district's engineering consultants to cost around \$500,000.	20 21 22	MR. GRAHAM: At what percent? MR. PATTON: Mr. Chairman, Mr. Graham, that's at the Board's discretion. If the Board
18 19 20 21 22 23	 longer be used for irrigation. So those lands would no longer be served by groundwater. This project has been estimated by the district's engineering consultants to cost around \$500,000. This Board has made several prior loans to both 	20 21 22 23	MR. GRAHAM: At what percent? MR. PATTON: Mr. Chairman, Mr. Graham, that's at the Board's discretion. If the Board follows its prior precedent, it would be 4
18 19 20 21 22	 longer be used for irrigation. So those lands would no longer be served by groundwater. This project has been estimated by the district's engineering consultants to cost around \$500,000. This Board has made several prior loans to both North Snake and Magic Valley as shown there on 	20 21 22	MR. GRAHAM: At what percent? MR. PATTON: Mr. Chairman, Mr. Graham, that's at the Board's discretion. If the Board follows its prior precedent, it would be 4 percent. There's no reason that the Board would

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	Page 133		Page 135
7		-	_
1	MR. GRAHAM: Do we have the money?	1	the water swap, essentially, is what it is. And
2	MR. PATTON: Yes, sir. Yes, you do.	2	then, so that's and in the long term, that's
3	MR. GRAHAM: Don't have the sheet show	3	not a I mean, even in tough years, we can find
4	(unintelligible).	4	3500. 35,000 is harder. We've been down that
5	MR. PATTON: I'm aware. We were trying	5	road before.
6	to trying to be sensitive to the concerns about	6	THE CHAIRMAN: Mr. Cuddy.
7	too large of e-mails being sent out prior to the	7	MR. CUDDY: What's the added is there an
8	meeting.	8	added expense to this water exchange, then?
9	The Board does have the funds. It would	9	DEAN: Well, we have the cost of lifting
10	actually have to be, however, a combination of	10	water, about I think about 80 feet. And then
11	funds from the Eastern Snake Plain sub account and	11	we'll have the cost of, you know, maintenance.
12	the May account. But that's that's a	12	And you know, those are costs. And as pumpers,
13	bookkeeping item that we can handle in-house.	13	we're all aware of that's kind of the business
14	Would like to note we do have	14	we're in. And so we're aware of those costs and
15	representatives of the two districts here today.	15	what those operating costs would be and what's
16	THE CHAIRMAN: Let's hear from them.	16	required.
17	UNIDENTIFIED SPEAKER: I think Brian pretty	17	MR. CUDDY: But that takes care of the
18	much said kind of what our story is here. Is	18	problem of like water for like water.
19	there any first off, is there any questions	19	DEAN: Right.
20	that we have?	20	MR. CUDDY: You're not getting the surface
21	UNIDENTIFIED SPEAKER: Do you see a 5 and a		water
22	half percent being an encumbrance on the trial	22	DEAN: Well, there's still some questions on
23	voter at 2 cents a break.	23	that. But that's I mean, it's essentially
24	UNIDENTIFIED SPEAKER: Probably not. I	24	the wells are within a half mile of the spring
25	mean, it's it's a number we always you know,	25	source. So we assume that
	Page 134		Page 136
1	we would prefer we would always prefer cheaper.	1	MR. CUDDY: So you assume the quality will
2	UNIDENTIFIED SPEAKER: I understand that,	2	be
3	but somewhere down the road you'd like to borrow	3	DEAN: We assume the quality's I mean, if
3 4	but somewhere down the road you'd like to borrow some more money, and	3 4	it's not if it's different water, we'd sure
3 4 5	but somewhere down the road you'd like to borrow some more money, and UNIDENTIFIED SPEAKER: Right, right.	3 4 5	it's not if it's different water, we'd sure like to know that.
3 4	but somewhere down the road you'd like to borrow some more money, and UNIDENTIFIED SPEAKER: Right, right. UNIDENTIFIED SPEAKER: the more money	3 4 5 76	it's not if it's different water, we'd sure like to know that. THE CHAIRMAN: Mr. Graham.
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3 4 5 6 7 8	but somewhere down the road you'd like to borrow some more money, and UNIDENTIFIED SPEAKER: Right, right. UNIDENTIFIED SPEAKER: the more money that we have come in, the more we've got to loan. UNIDENTIFIED SPEAKER: Right. And we	3 4 5 7 7 8	it's not if it's different water, we'd sure like to know that. THE CHAIRMAN: Mr. Graham. MR. GRAHAM: Can you make the do you plan on making that June date? Can you get this done
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1	again, that would, I think be the Board's	1	Springs loan that you loaned us to purchase the 10
2	discretion, but	2	CFS, if that's the Pristine Springs.
3	MR. GRAHAM: What do they want?	3	THE CHAIRMAN: Mr. Alberdi, did you have
4	THE CHAIRMAN: Ten years.	4	MR. ALBERDI: Yeah, Mr. Chairman, Dean, with
5	MR. PATTON: I would throw out ten years as	5	regards to the project that you're doing, is there
6	a starting point.	6	any contingency in the event that you need to
7	THE CHAIRMAN: Yes, sir.	7	provide Clear Springs more water, is this a
8	MR. CARLQUIST: Mr. Chairman, I'm Lynn	8	standalone project, or can it be expanded?
9	Carlquist that determined the North Snake	9	DEAN: It can be scaled.
10	Groundwater District. And the reason we need the	10	MR. ALBERDI: It can be scaled?
11	loan is we had a short period of time to	11	DEAN: I mean, we're obviously looking in
12	accomplish this work. And the conversion part of	12	the design, we're looking we're looking at the
13	the process is already probably 90 percent done.	13	size of the pipe. I mean, for example, eight-inch
14	All that work is done. But the project of getting	14	pipe would provide the CFS very easily. But you
15	the pipeline actually over the rim is not yet	15	know, right now we're oversizing things that would
16	underway. All the engineering has been done in	16	take more we're designing and with our
17	terms of getting the easement most of the	17	engineering people, we're designing bigger. You
18	easements have been obtained. And most of the	18	know, it's scalable is what I guess what I'm
19	engineering work has been done. But as Dean said,	19	saying.
20	there has been some negotiations ongoing between	20	MR. ALBERDI: And that's covered with the
21	the parties at a different arrangement. But we	21	500,000.
22	don't yet have anything in place, so we still feel	22	DEAN: That would be the initial. You know,
23	like we need have this loan done.	23	obviously, to scale up would be we'd have more
24	The groundwater districts did not have	24	things we'd have to do with the system. But we
25	enough available money to finance this thing all	25	you know, that's what our initial engineering work
		ł	
	Page 138		Page 140
1	Page 138 by ourselves. Our ability to raise money through	1	Page 140 is that it would be you know, it's kind of
2	· _	1 2	is that it would be you know, it's kind of lucky right now we're finding that contractors
	by ourselves. Our ability to raise money through our assessments is about a year and a half process out. And I think a ten-year loan would be nice,	1	is that it would be you know, it's kind of lucky right now we're finding that contractors right now are quite easy to come by. And they're
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4/30/2009

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	Page 141		Page 143
1.	Any discussion?	1	participation for mitigation efforts or
2	MR. BECK: Mr. Chairman?	2	DEAN: Yes. What it is is there's we did
3	THE CHAIRMAN: Mr. Beck.	з	the purchase because of the time frame, the two
4	MR. BECK: I didn't know if Mr. Graham's	4	largest players in the Pristine purchase were
5	motion was intended to cut off discussion, or if	5	Magic Valley and North Snake. And this was to
6	he had other interests.	6	solve they call it Blue Lakes. And Blue Lakes,
7	MR. GRAHAM: I'm very anxious to get into	7	for us, was really the bigger issue. I mean, the
8	this ethics subject.	8	Blue Lakes call, for example, this only affects
9	MR. BECK: Excited or not, I'll take time to	9	about 15 well, between 10 and 15 percent of
10	ask some questions.	10	Magic Valley Groundwater District. But we have to
11	THE CHAIRMAN: Please do, Mr. Beck.	11	go forward and protect our but it had a far
12	MR. BECK: Thank you, Mr. Chairman.	12	reaching effect.
13	Dean, and perhaps Snake River Farm, have	13	And because of the way the time frame came
14	they bought off agreeable to what you're	14	together, the two groundwater districts took on
15	proposing?	15	the loan. There was some obligations that come
16	Is there anybody here from the Snake River	16	from southwest. There's some folks in Water
17	Farms?	17	District 140 outside of irrigation district.
18	DEAN: Snake River Farms is here, but	18	There's some folks at Carey. There's a couple
19	there's been a motion filed that opposes this.	19	of at Arco even as far away as Arco that had
20	You know, to stop the construction of the	20	obligations in the Blue Lakes call. And the
21	pipeline. So there is some issues. We have we	21	difficulty was is trying to figure out who owed
22	have our plan approved by the director. And	22	what. And that's what we're in the process of
23	that's, at this point, the one we really have	23	doing right now. The department Al Wiley's
24	he seems to be the most important one to approve		done some analysis. And we're in the process of
25	MR. ALBERDI: I've got three or four	25	meeting with him in determining truing up on
	Page 142	-	Page 144
1	questions.	1	figuring out who owes what on the Blue Lakes.
2	THE CHAIRMAN: Go ahead, Mr. Alberdi, here.	2	MR. ALBERDI: So one last question,
3	UNIDENTIFIED SPEAKER: Who does it go to?	3	Mr. Chairman, if I could.
4	MR. ALBERDI: So the ground that's going to	4	THE CHAIRMAN: Mm-hmm.
5	be, I guess, converted to from deep well to	5	MR. ALBERDI: So if those negotiation with
6	what, other deep well?	6	those two entities do not come forward, does that
7	DEAN: Surface water.	7	leave you with extra mitigation water for future
8	MR. ALBERDI: And how far away are you from	8	use or
9	the surface water that you apply to those lands?	9	DEAN: No, it's I think the negotiations
10	DEAN: There's a what lateral is that.	10	with those entities will come forward. It will
11	UNIDENTIFIED SPEAKER: The S Cooley	11	mean it's going to be a matter of internally
12	DEAN: The S Cooley.	12	between how to move mitigation credits around.
13	UNIDENTIFIED SPEAKER: goes right through		But I don't know. There may be at some point some
14 15	the and it's Northside (Unintelligible) Company	14	excess water. Right now there's excess water
15 16	has approved transporting the water, delivering	15	in we're over mitigated on Blue Lakes to the tune I think of about 2 CFS because of our
17	the water to these sites and or helping to find canal shares that we can use to deliver the water.	17	conversion credit. And so we've got it's the
18	MR. ALBERDI: Okay. And then, over on the	18	Blue Lakes, and it's not the Snake River Farm. So
19	paragraph that's numbered 5.0 financial analysis,	19	we're overmitigated one spot, undermitigated in
20	you mentioned that you're in negotiations with the	20	another. But that's how life works, so
21	Carey Valley groundwater districts and the	21	THE CHAIRMAN: Any other questions?
22	Southwest Irrigation Districts for the	22	Mr. Chase.
23	participation in Pristine Springs.	23	MR. CHASE: Thank you, Mr. Chairman.
24	DEAN: Mm-hmm.	24	Dean, I want to understand this penalty.
25	MR. ALBERDI: Is that for their	25	This \$10,000 a day. So if you're not done in,

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• ,	Page 145		Page 147
1	what, 32 days, you're going to get fined \$10,000 a	1	replacement water under a replacement water plan
2	day?	2	that's been approved by the director. And that
3	DEAN: Yeah. But I think the director has	3	issue is on appeal to the District Court right
4	the ability, if we're making progress, to waive	4	now. We had arguments this week on it.
5	that. I'm not going to	5	And I'm not going to go into that issue.
6	MR. CHASE: Well that's kind of, I guess,	6	But what I did want the Board to know is that
7	where my question's going, because if you're five	7	Clear Springs did file a motion this week to stay
8	days late, you're into this a hundred thousand	8	construction of this project, that it would accept
9	dollars, which, I just want it make sure you get	9	for 2009 the conversions that Mr. Patton
10	the money to pay that, I guess is my question.	10	represented, and the groundwater district
11	UNIDENTIFIED SPEAKER: It's actually	11	represented as identified as adequate mitigation
12	\$50,000.	12	for 2009. Because, we have concerns over whether
13	UNIDENTIFIED SPEAKER: 50,000 a day.	13	or not the project should be built, how it should
14	MR. CHASE: Oh, sorry.	14	be built, whether it is adequate water. Or
15	UNIDENTIFIED SPEAKER: For five days, yeah.	15	someone on the Board asked the question is this
16	UNIDENTIFIED SPEAKER: That was the Board's	16	like water? Well, there's no data to identify
17	take on that, right?	17	whether it is like water in similar quality to the
18	UNIDENTIFIED SPEAKER: Yeah, don't	18	water coming out of the springs or not. There
19	UNIDENTIFIED SPEAKER: We get half. They	19	isn't the data. The data that they have is a
20	get half.	20	distance away.
21	MR. CHASE: But 50,000, I mean, I just hope	21	So until those issues are resolved, until we
22	that you understand that. I guess that concerns	22	have an opportunity to go through a hearing, a
23	me because that could add up real fast. Unless	23	mitigation hearing that's been at least noticed up
24	they do construction faster in the Magic Valley	24	and protested and has yet to be scheduled, we hav
25	than they do in Pocatello.	25	concerns about whether the project should go
. '	Page 146		concerns about whether the project should go Page 14
1	Page 146 THE CHAIRMAN: It would add up faster if	1	concerns about whether the project should go Page 14 forward.
1 2	Page 146 THE CHAIRMAN: It would add up faster if they don't do anything, if they don't even start	1 2	concerns about whether the project should go Page 14 forward. In light of that, we felt like it's the best
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1	is proper mitigation.	1	Now, I have required a weekly status update
2	In light of that motion, if they would	2	since the order was issued on March 26th. Those
3	accept that motion to stay, the Board wouldn't	3	have been timely filed. My assessment is that the
4	have to determine whether or not it has funds in	4	groundwater districts have been moving forward
5	one account or another account to loan to the	5	appropriately to install this water. Why the
6	groundwater districts. That could be put off for	6	urgency? The reason is because the alternative to
7	another day. That could realistically be put off	7	this plan is curtailment. The alternative to
8	to determine after we determine whether it's an	8	providing replacement water is curtailing. And
9	appropriate mitigation plan instead of using our	9	the groundwater districts proposed this plan as an
10	replacement plan concept, whether the project	10	alternative to curtailment. That has been
11	should go forward.	11	accepted.
12	So I am not going to weigh in any further on	12	So this replacement plan for 2009 has been
13	Clear Springs' positions on the elements of the	13	accepted. But with this short time frame, our
14	plan, but simply we presented in a motion to the	14	engineering staff evaluated the proposal and
15	director the opportunity to set this program aside	15	determined that it could be built in 49 days, if
16	for a period of time and proceed in a logical	16	there were urgency. My expectation is still what
17	manner.	17	contractors are doing. It's not that big a
18	Thank you for that.	18	project, that it is feasible to construct this by
19	THE CHAIRMAN: Thank you, Mr. Simpson.	19	June 1st. I'm expecting that it will be. If both
20	DIRECTOR TUTHILL: Mr. Chairman.	20	sides agree, or, depending on the outcome of the
21	THE CHAIRMAN: Mr. Tuthill.	21	status conference next week, I'll consider the
22	DIRECTOR TUTHILL: Thank you, Mr. Chairman		proposal. But right today, I'm expecting that
23	To respond to Mr. Simpson, I did receive the	23	water will be delivered in accordance to the plan
24 25	motion. And this motion to which he refers is	24 25	proposed by the groundwater districts by June 1st.
25	Clear Springs Foods' motion for a partial stay of	25	THE CHAIRMAN: Thank you, Mr. Tuthill.
	Page 150	1 ·	Dago 152
	rage 100		Page 152
1	implementation of directors March 26, 2009 order	1	Mr. Stevenson, do you have anything else to
1 2	-	1 2	
	implementation of directors March 26, 2009 order	1	Mr. Stevenson, do you have anything else to
2	implementation of directors March 26, 2009 order approving groundwater district's replacement water	2	Mr. Stevenson, do you have anything else to say?
2 3	implementation of directors March 26, 2009 order approving groundwater district's replacement water plan for 2009. This was filed earlier this week.	2 3	Mr. Stevenson, do you have anything else to say? MR. STEVENSON: Yeah. I believe as they comment, Lynn, feel the need to chime in. You know, what the director says, you know,
2 3 4	implementation of directors March 26, 2009 order approving groundwater district's replacement water plan for 2009. This was filed earlier this week. And it is true that there is a proposal by Clear Springs. This motion does request a status conference to be set.	2 3 4	Mr. Stevenson, do you have anything else to say? MR. STEVENSON: Yeah. I believe as they comment, Lynn, feel the need to chime in. You know, what the director says, you know, if we don't if it comes to the point we don't
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38 (Pages 149 to 152)

	Page 153		Page 155
1	stipulated agreement between the groundwater	1	thinking, then, that the conversions will handle
2	districts and Clear Springs Foods. And we weren't	2	the mitigation? Or you're just not in favor of
3	able to reach an agreement that each side felt	3	the supply of water that would be pumped through
4	like they could sign. And so, just late last	4	the pipeline?
5	week, this motion, which the director has referred	5	MR. SIMPSON: The conversions don't satisfy
6	to, Mr. Simpson referred to has been filed with	6	the mitigation obligation. Clear Springs doesn't
7	the department. In the last two weeks, everything	7	feel as though the number that's been identified
8	has kind of been put on hold in terms all the	8	in the order that we're working with as of today
9	engineering work has been done. And the	9	is the correct number. That's part of what the
10	easement most of the easements have been	10	appeal process is. As a part of the orders that
11	signed, and that's all been done. But we have not	11	were issued by the department, final order, which
12	started construction, which would have happened	12	references the hearing officer's order, it
13	before now, because we've been trying to see if we		identified that additional work needed to be done
14	could reach either a stipulated agreement, or see	14	on better quantifying the relationship between
15	where we'll go with this motion that's been filed. Mr. Tuthill said that he would not have a status	15	what appears in a spring versus what appears in
16 17	hearing on that until next week. And I don't want	16 17	the reach gained as a result of the groundwater model.
18	.	18	
19	to start digging the project until we know where we have to be.	19	Clear Springs has done some of that work. The modeling committee is looking at some of that
20	Now, representatives from Clear Springs	20	work. So, for example, we may have an obligation
21	Foods said that they would indicate to the	21	today that looks like it's 2 CFS. Once we've
22	department that they would give us more time	22	refined that work, it may be 1 CFS, or it may be
23	beyond the June 1st because we have kind of put	23	12 CFS. If it's 12 CFS and we've built this
24	this thing on hold now for two weeks. So I think	24	over-the-rim project, then it's just phase 1 of an
25	we're going to have to work. If the project does,	25	over-the-rim project that has to be expanded six
	Page 154		Page 156
1	in fact, end up going forward, it will be	1	times or so. Is that the best use of our money?
2	difficult for us now to meet the over-the-rim	2	Likewise, we haven't we, Clear Springs,
з	portion of the project in by June 1st, because	1	
	portion of the project in of tuno isi, because	3	hasn't had an opportunity to present to a hearing
4	we've been on hold now for over two weeks. Now,	4	hasn't had an opportunity to present to a hearing officer whether we are in favor of the
4 5		1	
	we've been on hold now for over two weeks. Now,	4	officer whether we are in favor of the over-the-rim project or not. It's being imposed
5	we've been on hold now for over two weeks. Now, they finished up the engineering work that they	4 5	officer whether we are in favor of the over-the-rim project or not. It's being imposed
5 6	we've been on hold now for over two weeks. Now, they finished up the engineering work that they have done and so forth. But the engineers we've been working with, and the contractors were all ready to go. But we told them hold up and let's	4 5 6	officer whether we are in favor of the over-the-rim project or not. It's being imposed upon us against our will. We came to the director at his suggestion in March, and we voiced our concerns over this over-the-rim project, whether
5 6 7 8 9	we've been on hold now for over two weeks. Now, they finished up the engineering work that they have done and so forth. But the engineers we've been working with, and the contractors were all ready to go. But we told them hold up and let's see what happens here.	4 5 6 7	officer whether we are in favor of the over-the-rim project or not. It's being imposed upon us against our will. We came to the director at his suggestion in March, and we voiced our concerns over this over-the-rim project, whether it was the right quantity, quality, whether from a
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	Page 157		Page 159
1	plan. They're just simply willing to back away	1	first.
2	and say, it is what it is. But let's not move	2	MR. GRAHAM: Let me see if I can figure out
3	forward in a manner in which might waste folks'	3	just exactly where we are right now on this. I
4	money. The dollar's being spent on a project	4	understand from two districts that you will not be
5	which we may find out to be inadequate.	5	doing anything until after this meeting next week,
6	Further, I mean, let's be honest. Let's	6	right, and possibly the Board decision; is that
7	stand here and say groundwater district's spent	7	correct? You will not start digging?
8	half a million dollars to build this project	8	MR. STEVENSON: Well, our intent will
9	pursuant to the director's order. That's as Brian	9	probably be not to start the actual digging until
10	Patton said. We determined that that's a good	10	we determine where director will go with this
11	project, that's adequate. What's the likelihood	11	motion that has been filed.
12	of Clear Springs getting a fair and open hearing	12	MR. GRAHAM: Next week.
13	on the adequacy of the plan after it's built? In	13	MR. STEVENSON: Well, we have to be in a
14	our view, that's a good question to ask. We	14	position you know, we have to be in a position
15	haven't got a good answer to it yet.	15	to move on this fairly fast if we
16	So that's our position.	16	MR. GRAHAM: But on that point, I understood
17	THE CHAIRMAN: Mr. Rigby.	17	this gentleman to say, because of the two-week
18	MR. RIGBY: Mr. Chairman, I guess my concern	18	delay already, and more time looking at next week
19	is that I think it's a slippery slope for us to be	19	sometime, you probably are not going to make the
20	caught up and involved in litigations as a board.	20	June 2nd date anyway.
21	By that I'm saying, I don't proceed, and I will	21	MR. STEVENSON: We will not. I don't think
22	not be bullied based upon the arguments of whether	22	we can make the June 1st date. We will have to
23	or not all of which are good arguments on both	23	ask for an extension of that because of the
24	sides whether or not one should prevail or	24	extenuating circumstances that have come forth.
25	otherwise. In other words, I don't view us as the	25	Because, if we had continued right with the
	Page 158		Page 160
		1	
1	judge here or the director. That's for a whole	1	project going forward, we could have made that
2	different forum, a whole different body to deal.	2	June 1st date.
	different forum, a whole different body to deal. I view our vote here as a water user asking	2 3	June 1st date. MR. GRAHAM: But with the \$10,000 fine
2 3 4	different forum, a whole different body to deal. I view our vote here as a water user asking for a loan, and using our general criteria, do	2 3 4	June 1st date. MR. GRAHAM: But with the \$10,000 fine starting on June 2.
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40 (Pages 157 to 160)

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Page 161		Page 163
loan, or they haven't used the loan. That's not a	1	realize it may not be our in our best interest.
problem.	2	And I don't know who our attorney is, whether
UNIDENTIFIED SPEAKER: Mr. Chairman, our	3	Clive's around or not
CREP loan that was approved by the Board that's	4	THE CHAIRMAN: He's right over there.
similar to that, the number of acres that signed	5	MR. ALBERDI: Clive, some counsel for the
into CREP wasn't as large as anticipated, and that	6	Board? I have a difficult time approving
loan was not fully used.	7	something that's got so many issues, question
THE CHAIRMAN: Right.	8	marks on it.
	9	MR. STRONG: Mr. Chairman, members of the
	10	Board, I think the advice that you were receiving
	11	from Mr. Rigby's the correct advice. The question
	ł	you have before you is, in any of these kind of
		controversies, there's going to be issues about
	{	who's right or who's wrong. Those need to be
	1	decided in the administrative forum. And they
-	1	will. I mean, the director's going to make his
		independent determination. And we can't we
	5 .	can't influence that.
	1	I think the decision that's before you today
	1	is you have an application before you. Does the
• •	1	application comply with your requirements. And in
	1	your judgment, if it does, are they able to repay
	1	the loan? And if they do, that's the decision
	1	that's before you. And these other decisions have
•	1	to be handled in the forum in which they're
Page 162		Page 164
MR. CUDDY: Starting with the time they got	1	appropriately addressed.
the money?	2	MR. ALBERDI: One follow-up not for you,
	3	Clive, but for Brian.
	4	If we make this \$500,000 loan, how much
	5	money have we got left to loan?
MR. PATTON: That's correct. In fact, there	6	
		MR. PATTON: Yes, sir. Mr. Chairman,
have been loans that you have approved that have	7	MR. PATTON: Yes, sir. Mr. Chairman, Mr. Alberdi, based on the fact that you allocated
have been loans that you have approved that have never been drawn.	78	
· • • •	1	Mr. Alberdi, based on the fact that you allocated
never been drawn.	8	Mr. Alberdi, based on the fact that you allocated a hundred thousand dollars to continue with CDR's
never been drawn. UNIDENTIFIED SPEAKER: I think that's what Mr. Cuddy's question. MR. PATTON: Right. And my expectation is	8 9	Mr. Alberdi, based on the fact that you allocated a hundred thousand dollars to continue with CDR's contract, if you move forward and allocate this
never been drawn. UNIDENTIFIED SPEAKER: I think that's what Mr. Cuddy's question. MR. PATTON: Right. And my expectation is that if an agreement is reached or the director	8 9 10	Mr. Alberdi, based on the fact that you allocated a hundred thousand dollars to continue with CDR's contract, if you move forward and allocate this \$500,000 loan, that leaves you with, as of today,
never been drawn. UNIDENTIFIED SPEAKER: I think that's what Mr. Cuddy's question. MR. PATTON: Right. And my expectation is	8 9 10 11	Mr. Alberdi, based on the fact that you allocated a hundred thousand dollars to continue with CDR's contract, if you move forward and allocate this \$500,000 loan, that leaves you with, as of today, about \$150,000 available. That does not count
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	CREP loan that was approved by the Board that's similar to that, the number of acres that signed into CREP wasn't as large as anticipated, and that loan was not fully used. THE CHAIRMAN: Right. Mr. Cuddy. MR. CUDDY: Thank you, Mr. Chairman. Brian, if we approve this loan today, when does the interest rate start on it. MR. PATTON: Mr. Chairman, Mr. Cuddy, what happens on a normal loan that the Board approves is disbursements from the loan are made based upon the needs of the construction project. Okay. So we make construction progress payments as the project proceeds. Given the time frame, it will probably all happen in one lump sum here. Normally, the interest kicks in on the amount that's outstanding. Okay. So on a \$500,000 loan, if they borrow half as a construction installment, then they're paying interest on half of that for that period of time until more is disbursed, and so on. Page 162 MR. CUDDY: Starting with the time they got the money? MR. PATTON: Starting with the day they get the money; that's correct. MR. CUDDY: The time we pass the motion.	CREP loan that was approved by the Board that's4similar to that, the number of acres that signed5into CREP wasn't as large as anticipated, and that6loan was not fully used.7THE CHAIRMAN: Right.8Mr. Cuddy.9MR. CUDDY: Thank you, Mr. Chairman.10Brian, if we approve this loan today, when11does the interest rate start on it.12MR. PATTON: Mr. Chairman, Mr. Cuddy, what13happens on a normal loan that the Board approves14is disbursements from the loan are made based upon15the needs of the construction project. Okay. So16we make construction progress payments as the17project proceeds. Given the time frame, it will18probably all happen in one lump sum here.19Normally, the interest kicks in on the amount20that's outstanding. Okay. So on a \$500,000 loan,21if they borrow half as a construction installment,22then they're paying interest on half of that for23that period of time until more is disbursed, and24so on.25Page 1621MR. CUDDY: Starting with the day they get1the money?2MR. CUDDY: The time we pass the motion.5

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Tucker & Associates, 605 W. Fort St., Boise ID www.etucker.net

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		Page 165	
THE CHAIRMAN: Adjourn?	1	DIRECTOR TUTHILL: Mr. Chairman, this is	1
UNIDENTIFIED SPEAKER: Adjourn, and nothir	2	2 replacement water.	2
was accomplished.	3	-	3
THE CHAIRMAN: Do I hear a second?	4		4
Mr. Beck?	5		5
Anyone opposed?	6	-	6
Meeting's adjourned. Thank you, Patsy.	7		7
(End of audio recording of proceeding.)	8	• • • · · · · · · · · · · · · · · · · ·	8
	9	UNIDENTIFIED SPEAKER: Mr. Chairman, I'd	9
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	13	3 Would the maker of that motion be acceptable	13
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Page 16		Page 166	
_	1		1
	2	2 MS. McGOURTY: Mr. Chase.	2
	2 3 ·	MS. McGOURTY: Mr. Chase.MR. CHASE: Aye.	2 3
I, Debora Ann Kreidler, Certified	2 3 4	 MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. 	2 3 4
I, Debora Ann Kreidler, Certified Shorthand Reporter, State of Idaho, hereby	2 3 4 5	 MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. 	2 3 4 5
I, Debora Ann Kreidler, Certified Shorthand Reporter, State of Idaho, hereby certify:	2 3 4	 MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. 	2 3 4 5 6
I, Debora Ann Kreidler, Certified Shorthand Reporter, State of Idaho, hereby certify: That I am the reporter who transcribed	2 3 4 5 6	 MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. 	2 3 4 5 6 7
I, Debora Ann Kreidler, Certified Shorthand Reporter, State of Idaho, hereby certify: That I am the reporter who transcribed the audio recording of proceedings had in the	2 3 4 5 6 7	 MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. 	2 3 4 5 7 8
I, Debora Ann Kreidler, Certified Shorthand Reporter, State of Idaho, hereby certify: That I am the reporter who transcribed the audio recording of proceedings had in the above-entitled action in machine shorthand and	2 3 4 5 6 7 8	 MS. McGOURTY: Mr. Chase. MR. CHASE: Aye. MS. McGOURTY: Mr. Beck. MR. BECK: Aye. MS. McGOURTY: Mr. Chamberlain. MR. CHAMBERLAIN: Aye. MS. McGOURTY: Mr. Graham. MR. GRAHAM: Aye. 	2 3 4 5 6 7 8 9
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1	<u>REPORTER'S CERTIFICATE</u>
2	
3	· · · · · · · · · · ·
4	I, Debora Ann Kreidler, Court Reporter
5	Pro Tempore, County of Ada, State of Idaho, hereby
6	certify:
7	That I am the reporter who transcribed
8	the proceedings had in the above-entitled action
9	in machine shorthand and thereafter the same was
10	reduced into typewriting under my direct
11	supervision; and
12	That the foregoing transcript contains a
13	full, true, and accurate record of the proceedings
14	had in the above and foregoing cause, which was
15	heard at Boise, Idaho.
16	. IN WITNESS WHEREOF, I have hereunto set
17	my hand this St of Our , 2009.
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19	
20	
21	Debora Ann Kreidler, Court Reporter Pro
22	Tempore CSR No. 754
23	
24	· ·
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