IDAHO WATER RESOURCE BOARD

MINUTES OF MEETING

MEETING NO. 02-04
March 10, 2004, 9:00 a.m.
Idaho Department of Water Resources
Conference Room D, 1301 N. Orchard St.,
Boise, Idaho

Dirk Kempthorne
Governor

Jerry R. Rigby
Chairman
Rexburg
At Large

Terry T. Uhling
Vice Chairman
Boise
District 2

Dick Wyatt
Secretary
Lewiston
District 1

Leonard Beck
Burley
District 3

Bob Graham
Bonners Ferry
At Large

L. Claude Storer
Idaho Falls
District 4

Gary M. Chamberlain
Challis
At Large

Joseph L. Jordan
Fruitvale
At Large

Meeting No. 02-04 of the Idaho Water Resource Board was called to order by Chairman Jerry Rigby on Wednesday, March 10, 2004, 9:00 a.m. in Conference Room D at the Idaho Department of Water Resources, Boise, Idaho.

Agenda Item No. 1, Roll Call

Board Members Present

Jerry Rigby, Chairman	Dick Wyatt, Secretary
Claude Storer	Joe Jordan *(present)*
Gary Chamberlain	Bob Graham
Terry Uhling, Vice Chairman	Leonard Beck

Department of Water Resources Staff Present

Hal Anderson, Administrator	Bill Graham, Bureau Chief
Rita Fleck, Admin. Asst.	Thomas Grant, Planner
David Blew, Recharge Coordinator	Brian Patton, Engineer
L. Glen Saxton, Administrator	Tim Luke, Water District Mgr.
Karl Dreher, Director	

Guests

Phil Rassier and Clive Strong Deputy Attorney General; Rich Rigby, U.S. Bureau of Reclamation; Jim Tucker, Idaho Power Company; David Shaw, ERO Resources; and Michael Bogert, Office of the Governor

Added Agenda Item, Executive Session

Clive Strong, Deputy Attorney General, requested an opportunity to meet with the Board.

Motion: Joe Jordan moved to add an Executive Session to the agenda. Gary Chamberlain seconded the motion.

Voice Vote: 7 Ayes, 0 Nays, 1 Absent. *Motion passed.*

Agenda Item No. 2, Water Right No. 37-07842 to Water Supply Bank

On March 4, 2004, the Idaho Water Resource Board received a request from the North Snake Ground Water District (NSGWD) to place a portion of the Board's Water Right No. 37-07842 into the Idaho Water Supply Bank. The NSGWD asked that 400 cfs of the 800 cfs be made available for rent from the water bank for recharge purposes. The sources of the water are the Big and Little Wood Rivers.

Jim Tucker from Idaho Power Company submitted a letter describing how rental of this right out of the water bank could injury the power company's water rights at downstream.

A long discussion occurred covering the history of the permit, present circumstances prompting this action, and a reasonable rental rate. The Board then took action on a resolution.

Motion: Gary Chamberlain moved to put 400 cfs of water from Permit No. 37-07842 into the Idaho Water Supply Bank. Joe Jordan seconded the motion.

Voice Vote: 7 Ayes, 0 Nays, 1 Absent. *(Terry Uhling left the meeting.) Motion passed.*

Motion: Gary Chamberlain moved to establish the compensation rate at $10.00 per acre-foot. Joe Jordan seconded the motion.

Amended Motion: Gary Chamberlain moved to amend the compensation rate to $1.00 per acre-foot. Joe Jordan seconded the amended motion.

Voice Vote: 7 Ayes, 0 Nays, 1 Absent. *Motion passed.*

Executive Session

Motion: Joe Jordan moved the Board to enter into Executive Session with Clive Strong, Deputy Attorney General, to discuss federal reserved water rights, litigation and other legal matters, pursuant to Section 67-2345, Idaho Code. Claude Storer seconded the motion.

Voice Vote: Motion passed by voice vote; 7 Ayes, 0 Nay, 1 Absent. *Motion passed.*

The Idaho Water Resource Board took no action.

Motion: Gary Chamberlain moved the Board to exit out of Executive Session. Bob Graham seconded the motion.

Voice Vote: Motion passed by voice vote; 7 Ayes, 0 Nay, 1 Absent . *Motion passed.*

Motion: Claude Storer moved to adjourn. Dick Wyatt seconded.

Voice Vote: Motion passed by voice vote; 7 Ayes, 0 Nay, 1 Absent. *Motion passed.*

Meeting adjourned at 11:19 a.m.

Dated this 2nd day of April, 2004.

/S/
D. Richard Wyatt, Secretary

/S/
Rita I. Fleck, Administrative Assistant

approved without regard to the U.S. Bureau of Reclamation's approval of the assignment of the 300 acre-feet. Gary Chamberlain seconded the motion. *Motion passed.*

14. Terry Uhling moved the Board to accept the Well Site Easement Agreement (Attachment 5) with Y.E.S. Development, L.L.C. Gary Chamberlain seconded the motion. *Motion passed.*

15. Bob Graham moved the Board adopt the recommended changes as directed to the planning team on the South Fork of the Clearwater River. Gary Chamberlain seconded the motion. *Motion passed.*

16. Gary Chamberlain moved the Board to enter into Executive Session with Clive Strong, Deputy Attorney General, to discuss federal reserved water rights, possible litigation and other legal matters, pursuant to Section 67-2345, Idaho Code. Joe Jordan seconded the motion. *Motion passed.*

17. Leonard Beck moved the Board to exit out of Executive Session. Gary Chamberlain seconded the motion. *Motion passed.*

18. Joe Jordan moved to adjourn. *Motion passed.*

Attachments

1. Resolution for a loan of $155,000 to the Thunder Canyon Homeowners Association for ten years for water system improvements with the stipulation that the amount equal to one year's loan payment be put in a reserve account over the next year.

2. Resolution for a $5,000 grant to the Cougar Ridge Water and Sewer District for the master water plan study.

3. Resolution to change the grant request from $5,000 to $3,750 and to add a condition: Bonneville County shall provide one-for-one matching funds for the grant.

4. Resolution approving the release of 300 acre-feet of Boise City Canal Company's contracted storage water as collateral. The resolution is approved without regard to the U.S. Bureau of Reclamation's approval of the assignment of the 300 acre-feet. Gary Chamberlain seconded the motion.

5. The Well Site Easement Agreement with Y.E.S. Development, L.L.C.