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MINUTES OF SPECIAL TELEPHONIC MEETING

MEETING NO. 01-06 OF THE
IDAHO WATER RESOURCE BOARD
January 6, 2006, 8:30 a.m. MDT
Idaho Department of Water Resources
Director's Conference Room, 322 East Front Street, Boise, Idaho

Meeting No. 01-06 of the Idaho Water Resource Board was called to order via teleconference by Chairman Rigby
At the Idaho Water Center in Boise Idaho
(One Recording Tape)

Agenda Item No. 1, Roll Call

Board Members Attending

Jerry Rigby, Chairman	Bob Graham
Leonard Beck	Dick Wyatt – Secretary
Gary Chamberlain	Vic Armacost
Terry Uhling	Claude Storer

Department of Water Resources Staff Present

Karl Dreher, Director	Hal Anderson, Administrator
Crystal Calais, Admin. Asst. II	Brian Patton, WR Engineer
Bill Graham, Bureau Chief	David Blew, Recharge Coordinator
Renae Sanders, HR Manager	Debbie Allen, Financial Manager

Agenda Item No. 2, Public Comment

There was no public comment made.

Agenda Item No. 3, Consideration of the Aquifer Management Program Proposal

Mr. Anderson introduced the agenda item and gave a brief background of the Aquifer Management Program and Proposal requested by the Natural Resources Interim Legislative Committee as part of the Aquifer Management Recharge Program to present to the Legislature.

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Cont.

Mr. Rigby explained the details of the program and proposal. Mr. Rigby summarized that the Legislative Committee is looking to the Board for assistance in dealing with managed recharge around the state. Mr. Rigby assured the Committee that the Board is willing to help facilitate this program provided that the support and funding is available. Mr. Rigby explained that the Natural Resources Interim Legislative Committee would need to legislate, similar to Bell Rapids, the procedures and processes and provide funding to the Water Board for that purpose.

Mr. Rigby further explained how the proposal request came about at the last Natural Resources Interim Legislative Committee Recharge Sub-Committee meeting when the Sub-committee passed a motion that the Water Board planners and staff draft a proposal that would enhance the State Aquifer Management Program.

Mr. Rigby introduced Director Dreher to address the proposal.

Director Dreher stated that the largest impediment to Aquifer Recharge is not just limited to staffing and funding. The biggest problem is a lack of access to available water. If water is available in the Rental Pool, it can be rented for recharge. It is more of an issue of cost. Currently rentals from the Rental Pool are in the range of $8 - $20 an acre foot and it's doubtful anyone would want to pay that kind of money to rent water for recharge. The most desirable source of water is natural flow, when it's available. The difficulty with that is that all the water rights for recharge are junior in priority to hydropower rights held by Idaho Power.

Mr. Dreher referred to the Swan Falls Agreement where Idaho Power subordinated its rights to certain uses above Milner. It is believed that the intent was to subordinate to all uses including recharge. There has since been a modification made, (42-234) to specifically provide that hydropower rights are not subordinated to recharge and with that statutory provision, there is essentially very little natural flow water available for recharge most years. On an average annual basis, there's only about 30,000 acre feet of natural flow that would be available for recharge when Idaho Power's rights are essentially filled.

The Director's concern with this whole effort is that there seems to be a growing belief that the main reason we haven't moved forward with recharge is because the Department hasn't done enough work or we don't have the manpower or that the Board hasn't done what it could have – Which is largely false. The main reason is that we don't have water to do recharge. Simply creating a new program is not going to change that fact. We fulfilled the specific request to create this proposal, but hopefully it's been clearly stated that money and people are not the primary impediment. Mr. Dreher referred to page 3, element 4 of the proposal. The first item deals with the non-subordination of hydropower water rights to recharge, which simply states that unless the State of Idaho addresses this issue, recharge will be limited to approximately 30,000 acre feet on an average annual basis. This effectively eliminates managed recharge as a viable management tool, given that the level of the water budget on the Eastern Snake plain would need to be modified to make a significant difference. It also states that it is questionable whether increased staffing and funding are justifiable until that issue is addressed.

Mr. Dreher summarized that the Department and the Board are not opposed to assuming the additional responsibility or the legislature providing staffing and funding, but there needs to be a clear understanding that if that's the direction we're going to go, then there has to be a parallel commitment to address the availability of water. Beyond that, the Department is not adequately

staffed to provide the resources necessary and would require current staff reorganization and restructuring as well as additional staffing.

Mr. Rigby called for questions from the Board.

Mr. Storer asked if the Legislature should go ahead and provide funds to move forward to make recharge facilities available before worrying about water or money.

Mr. Armacost thought the Board had agreed to a model that would put water out in the W-Canal area and analyze what the results were to see if recharge was a viable solution. Afterwards we would follow up with water availability and if all of the results were positive, then we would go forward with the proposal we're discussing now.

Mr. Rigby stated that we are proceeding with that plan and asked Mr. Blew for an update. Mr. Blew stated that funding has been secured from the Bureau of Reclamation (BOR). We have drafted an RFP to have it ready to be advertised to hire consultant services. We're trying work out some issues with the Dept. of Administration. The BOR is currently working on the NEPA requirements for the project. We need to do an EA on the project. We have met with Fish & Wildlife Service. The BOR hopes to have the EA completed by April or May. We hope to have our consultant on the ground to start their studies. The plan is to have construction completed by this time next year so we are ready to begin operation by Spring of 2007.

Mr. Dreher followed up by saying there wasn't any change to what we're doing at this point, since what we're doing is minimal. We're moving ahead with the demonstration project to show what's necessary to make recharge work. The Director cited examples from Arizona's Municipal recharge efforts and locally, Micron's injection well projects. This proposal is in response to the request of the Legislative Committee to do more toward Managed Aquifer Recharge.

Mr. Rigby concurred and reiterated that everything the Board did toward that end would need to have Legislative approval.

Mr. Graham asked if the proposal was completely dependant upon the Legislature making changes or is there a possibility that the Board or the Department might be obligated or expected to enhance the recharge program with out all of the needed resources being provided.

Mr. Rigby responded that the proposal was written to clarify that neither the Department nor the Board would be able to proceed without Legislative changes.

Mr. Storer expressed concern about the requests for funding.

Director Dreher responded that this is a minimal starting proposal. If the Legislature decides to go forward, then it would be up to the Board and the Department to decide whether to do more or less. The program is set up to start initially in the Snake Plain but can be expanded to other parts of the State if it should proceed to that point.

Mr. Graham suggested changing the language of the second paragraph slightly to make sure it's understood what the Board's specific funding in the Revolving Development Account is earmarked for.

Mr. Patton clarified that there is still about $1.5 million still in the Account already earmarked for recharge projects as well as the repayment by the ground water districts of the $2 million from the water lease. There is also $3 million dollars from CREP that the ground water districts will be repaying to that account, as well.

Mr. Anderson reminded the Board about the $300,000 that has already been committed from that account toward the W-Canal Project.

Mr. Beck suggested that the paragraph be re-worded to specify 'money already appropriated by the Legislature in that account or any additional funds specifically ear-marked for that purpose.'

It was generally agreed that changing the wording as proposed would be sufficient.

Mr. Armacost expressed concern about the cost for future years and longer range plans. Mr. Dreher explained that the funding suggestions would be annual requests. There are also other aspects, which could change the spectrum of requests, such as other areas of the State that may be interested in the program in future years. There is also the necessary acquisition or subordination of water rights that would need to be considered in other areas as well. Unless the Legislature addresses the water availability issue then all of the other issues are mute.

Mr. Beck asked what the eventual capacity of the W-Canal project would be. Mr. Dreher responded that the initial demonstration has the capacity of about 10,000 acre-feet. The site can be enlarged if it proves to be cost-feasible up to a 30,000 – 45,000-acre feet capacity. This site should be able to take the amount of water that could be available currently.

Motion: Mr. Chamberlain moved to accept the proposal with changes to the second paragraph.
Mr. Beck seconded the motion.
Voice Vote, Unanimous approval, none opposed. **Motion passed.**

Agenda Item No. 4, Other items

No other items.

Mr. Chamberlain moved to adjourn the meeting.
Mr. Graham seconded.

Meeting adjourned.

Dated this 7th day of March, 2006.

D. Richard Wyatt

D. Richard Wyatt, Secretary

Patsy McGourty

Patsy McGourty, Administrative Assistant II

Board Actions

1. **Motion:** Mr. Chamberlain moved to approve the proposal with suggested changes Mr. Beck seconded the motion.
Voice vote: Unanimous approval, none opposed; **Motion passed.**