IDAHO WATER RESOURCE BOARD

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Governor

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At Large

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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

Lawrence 'Vic' Armacost
New Meadows
At Large

MINUTES OF TELEPHONIC MEETING 07-06

August 3, 8:37 a.m.
Idaho Department of Water Resources at the Idaho Water Center – 6th Floor
Conference Room 648A, 322 East Front Street, Boise, Idaho

Chairman Rigby at the Idaho Water Center in Boise Idaho called meeting No. 07-06 of the Idaho Water Resource Board to order via teleconference.

Agenda Item No. 1, Roll Call

Board Members Attending

Jerry Rigby, Chairman
Bob Graham
Gary Chamberlain
Claude Storer
Vic Armacost

Department of Water Resources Staff and Guests Present in Person

Hal Anderson, Administrator
Bill Graham, Bureau Chief
Patsy McGourty, Admin Asst.
J Dee May, Attorney for Rangen Inc.
Karl Dreher, Director
Brian Patton, Engineer
Harriett Hensley, Deputy AG

Guests Present by Telephone

John Simpson
Diane Tate, CDR Assoc.
Stephanie Rother, NPR
Rich Rigby, BOR
Linda Lemmon, Thousand Sprgs.
Pat McCoy, Capitol Press
Jonathan Bartsch, CDR Assoc.
Lyle Swank, WD 1
Jon Bowling, Idaho Power
Gail McGarry, BOR

Agenda Item No. 2, Public Comment

There was no public comment.

Agenda Item No. 3, Approval of Minutes

Minutes of meeting 06-06 for the July 14th meeting were presented for approval. Mr. Chamberlain moved that the minutes be accepted as read. Mr. Storer seconded. All were in favor.

Agenda Item No. 4, Dworshak O & M Contract

Mr. Anderson asked Mr. Patton to discuss the Dworshak contract renewal. Negotiations have taken place with Mr. Malm of Malm Engineering who has agreed to a three-year extension of the contract with the same terms of $48,000 per year for operations and maintenance. There was discussion of the terms and questions were answered for Board members. Bob Graham moved that the Board approve the three-year extension of the operations and maintenance contract for Dworshak with Malm Engineering. Mr. Armacost seconded. The new contract will be forward to Chairman Rigby for signature.

Roll Call Vote:

Wyatt, Absent; Armacost, Aye; Storer, Aye; Beck, Absent; Chamberlain, Aye; Graham, Aye; Uhling, Absent; Chairman Rigby, Aye. 5 Ayes, 3 Absent. Motion passed.

Agenda Item No. 5, ESPA Management Plan

Mr. Anderson informed the Board that a contract had been signed with CDR Associates and presented Diane Tate and Jonathan Bartsch as the new facilitators who were on the telephone to discuss the beginning of the process to develop the management plan.

Diane Tate began by outlining the experience of CDR Associates and giving a short resume of her experience. Jonathan Bartsch also introduced himself and provided his experience history. Ms. Tate asked for comments from Board members on their vision for the process and what their definition of success would be. She also mentioned that everyone wanted robust public involvement and the options for creating that using the Internet. Chairman Rigby stated that involving the public was crucial for a successful project. Ms. Tate asked for his vision of the project.

Chairman Rigby stated that this is unexplored territory to a certain degree. He felt the stakeholders and the facilitators would dictate the process. Mr. Bartsch asked what the resolution of the matter would look like to him. Chairman Rigby said there would not be one resolution, but a framework for an ongoing process involving stakeholders.

Mr. Armacost added that there should be general acceptance of the process created for the framework as a minimum success to resolve issues. He hoped that this process could minimize some of the litigation.

Mr. Storer thought it was important to unite people with a common goal for the success of this process.

Chairman Rigby noted that individual conversations with Board members would probably elicit more comments. Mr. Bartsch stated that he wanted to create meaningful conversations like that by interviewing key stakeholders and Board members. Mr. Armacost asked if those people had been

identified. Mr. Bartsch noted that a preliminary list had been sent to them. Key persons to be interviewed will be identified as soon as possible.

Mr. Bob. Graham felt it was awkward and difficult to communicate by telephone and requested a face-to-face meeting with the Board and the facilitators as soon as possible. Ms. Tate agreed and stated that the urgency to get started necessitated a telephone meeting.

Ms. Tate asked for other comments. Mr. Storer stated that a public hearing would be essential for this process. Ms. Tate agreed that people need to have opportunities to discuss these issues in person.

Chairman Rigby and Ms. Tate asked guests on the telephone if they wanted to comment. John Simpson, an attorney for the surface water users and Clear Springs Foods, commented that he liked the layout of the process and the proposed face-to-face meetings to develop the framework. He noted that he had submitted comments at the beginning of this process for what the goals of the process should be. He expressed willingness to meet with the facilitators alone or with his entire group. Mr. Bartsch asked if he had any major concerns right now. Mr. Simpson compared the process to a three-legged stool that represents all the different parties and his concern about maintaining the health of the aquifer since it is declining. He felt that was of extreme importance to determine if there is over-appropriation or just natural decline or both.

J. Dee May, who was present at the meeting, expressed interest in key person interviews. He noted that there had been in the past a lot of involvement with large groups, but he felt there was a need for small groups to be involved. His group was interested in protecting their water rights and upgrading the aquifer model.

Linda Lemmon with the Thousand Springs Water Users agreed with all comments made by Simpson and May. She noted that her users are the last ones on the ditch and looked forward to providing input. She also expressed a need for a meeting since a lot of their members are older and do not use the Internet. Ms. Tate agreed that the Internet is just one tool for communication.

Jon Bowling from Idaho Power stated that his company had been involved for a long time and they would like other issues considered in this process like water quality and ESA. He also agreed with the comments made by Simpson and May. He wanted every viewpoint considered and complimented CDR on an excellent start.

Ms. Tate discussed the difference between the role of a facilitator and a mediator. Mr.Bartsch noted that their job is to help understand, bring together, highlight agreement and disagreement, but not to make decisions. That is the job of the Board.

Rich Rigby stated it was important to remember that it took decades to get to this point. He felt it was important to remember that this is a step in a long-term process and focus was needed.

Mr. Bartsch brought up the topic of the Internet. Chairman Rigby thanked everyone for their comments and that this meeting was a good start. He asked Hal Anderson to respond regarding the use of the Internet.

Mr. Anderson stated that one of the high priority items early on was the discussion of communication tools. The question of who would host the Internet site: CDR, IDWR or an independent entity. There has been some discussion with CDR about this. He stated that Tony Morse was experienced with Internet computer programs and asked him to discuss those with Board

members. Mr. Anderson noted that there was a concern about the negative perception of having IDWR as the host.

Mr. Morse explained that IDWR uses the Internet to put out information to the public not to bring it into the department. He explained that there are several programs for input and output with the public on the Internet. Mr. Bartsch explained previous experience CDR has had with these types of programs involving public input and interaction.

Chairman Rigby asked if there were any downsides to these communication tools. Mr. Bartsch noted that the only down side was if it is not moderated, it can get contentious. Ms. Tate explained that there are ways to control the discussions by using time windows. Mr. Morse agreed that moderators were part of computer programs and could be useful. Mr. Bartsch explained that CDR was not an expert in moderating and designing these programs. Chairman Rigby expressed the need for a moderator but acknowledged it would take staff time.

Ms. Tate asked the Board to decide who would be the host. There was discussion about who should host the website and the perception that the Board is unduly influenced by the department. The consensus of the group was that the Board should host the website and if problems arise, address them at that time. Mr. Bob Graham emphasized that the moderator would need to be well briefed on their role. There was further discussion about setting up the give and take of information from the website. The facilitators agreed to line out the development of this site with department staff at the upcoming meeting.

Mr. Armacost noted that on the scope of work for the contract with the facilitators the work tasks have a step to develop proposed management objectives and initial cost of those objectives but there is no step for development of management alternatives. Ms. Tate agreed to make that change. Mr. Armacost also wanted a more defined schedule of time frame dates that Ms. Tate said she was currently working on.

Mr. Anderson stated that a meeting is scheduled within the next two weeks to sit down with the facilitators and the staff to work out more details on the list of tasks to assign responsibilities. After that the Board's sub-committee or the entire Board may want to go over that list.

Agenda Item No. 6, Other Items

Mr. Chamberlain asked Director Dreher about the Upper Salmon Water District and the schedule to have staff on the ground gathering data. Mr. Bill Graham informed the group that a seepage study is being conducted in the Stanley Basin and that data will be used for the head gate study.

Mr.Chamberlain moved to adjourn the meeting. Mr. Storer seconded the motion. All were in favor. Meeting adjourned.

Dated this 22 day of Sept. 2006.

D Richard Wyatt

D. Richard Wyatt, Secretary

Patsy McGourty, Administrative Assistant II

Board Actions

1. Bob Graham moved that the Board approve the three-year extension of the operations and maintenance contract for Dworshak with Malm Engineering. Mr. Armacost seconded. The new contract will be forward to Chairman Rigby for signature.

Roll Call Vote:

Wyatt, Absent; Armacost, Aye; Storer, Aye; Beck, Absent; Chamberlain, Aye; Graham, Aye; Uhling, Absent; Chairman Rigby, Aye. 5 Ayes, 3 Absent. Motion passed.