



**Eastern Snake Plain Aquifer (ESPA)
Comprehensive Aquifer Management Plan
Implementation Committee**

**Draft Meeting Summary
Friday, March 5th, 2010
Boise Office - IDWR**

AGENDA

Friday, March 5th: 12:30pm-5:00pm

- 1. Welcome, Introductions, Agenda and Meeting Note Finalization**
- 2. Update and Discussion: ESPA Plan Meeting with Governor Otter and 2010 Direction**
Goal: Review and discuss the meeting with Governor Otter and legislative leadership including ESPA Plan direction for 2010; status of funding legislation and outline strategies for reviewing projects in 2010
- 3. Discussion: Implementation Actions for 2010**
Goal: Review Implementation Committee priorities outlined in December 2009; brainstorm potential projects to submit to the Board
- 4. Presentation and Discussion: Managed Recharge**
Goal: Review the February 12th, 2010 managed recharge concept and determine the managed recharge approach for 2010
- 5. Update: Education Sub-Committee**
Goal: Discuss the draft fact-sheet and ESPA Plan website modifications
- 6. Meeting Scheduling**
Goal: Identify upcoming meeting dates, in order to meet the Governor's established timeline
- 7. Public Comment**
Goal: Work through various funding scenarios to determine the most appropriate way to allocate available funds to ESPA Plan implementation activities

1. Welcome, Introductions, Agenda Review and Note Finalization

Jonathan Bartsch, CDR Associates, welcomed the group and facilitated introductions. The meeting summaries from the December 16th and 17th, 2009 Implementation Committee meeting and the February 2nd, 2010 Implementation Committee teleconference were finalized. Those that did not review the meeting summaries prior to March 5th, 2010 were encouraged to send in comments or question and will be reviewed at the April 6th Implementation Committee.

2. Update and Discussion: ESPA Plan Meeting with Governor Otter and 2010 Direction

Clive Strong, Attorney General's Office, provided an overview of the issues and a status update regarding where the long-term funding legislation stands. He noted that since January 2009, members of the Implementation Committee and Mr. Phil Rassier, Deputy AG, have been developing a funding mechanism that would meet the agreed upon sideboards and that was consistent with the ESPA Plan. In the early months of 2010, Implementation Committee members expressed a number of concerns regarding the constitutionality of the funding legislation. Subsequently, a legal review meeting was held. After the meeting, it was determined that the concerns could not likely be addressed prior to the end of this legislative session. The funding legislation for the ESPA Plan, consequently, will not move forward this year and that further discussion is needed prior to 2011. After the legal review meeting, the Governor requested time to visit with Implementation Committee members and legislative leadership. At this meeting, the Governor and others outlined a proposed process for moving forward in 2010 and with the ESPA Plan.

Stephen Goodson, from the Governor's Office, reviewed the contents of the Governor's meeting with members of the Implementation Committee. The following are the highlights:

- Governor Otter is committed to the ESPA Plan.
- The Governor wanted a renewed commitment from the Implementation Committee members to the Plan and to the process, to stay at the table over the next year to develop a long-term funding mechanism and process for prioritizing and selecting projects and to work collaboratively to minimize the risk of future challenges to the Plan.
- He also wanted a commitment to identify projects for this year that will demonstrate to the water users and public the range of benefits those groups will receive from this effort.
- Governor Otter understands the concerns associated with the circulated versions of the draft funding legislation, and is aware that the legislation will not occur this year.
- Funds are available for projects this year, and will be used to supplement "projects commencing in 2010 that have committed funding from project sponsors." The criteria for these projects include, among other things:
 - An analysis of whether the project decreases demand on the aquifer from existing ground and surface water rights
 - Increases supply to those rights suffering shortages
 - Improves the health of the aquifer
- The proposed timeline for 2010 project selection is as follows:
 - **March 3, 2010:** Commitment to the ESPA Plan process and willingness to work on a long-term funding mechanism and process for prioritization and selection of projects is needed from members of the Implementation Committee.
 - **March 12, 2010:** Project submissions to the ESPA Implementation Committee are due, and should include an estimate of the amount of non-state money that will be committed to the project.
 - **May 3, 2010:** ESPA Implementation Committee recommendations will be provided to the IWRB by this date.
 - **June 1, 2010:** The IWRB and the Governor's office will determine which projects will be implemented and the level of state funds that will be committed to each implemented project.

The Implementation Committee was asked to share their comments and questions about the Governor's meeting and the future of the ESPA Plan. Implementation Committee members at the meeting shared their support for moving forward with Plan implementation in 2010 and beyond. One highlight of the discussion was that the Implementation Committee holds the mindset that the Plan is going to be implemented, and will proceed with the 'as if' proposition. It was noted that 2010 is to bridge the group to the full long-term Plan funding and implementation.

Clive Strong and Hal Anderson introduced the amending bill to Section 42-1780 of Idaho Code. This code change would provide for a financial account, using the Aquifer Planning, Management and Implementation Fund in the State Treasury, for handling the 2010 funds. The Implementation Committee indicated support for moving forward with this code amendment in order to proceed with implementation actions in 2010.

3. Discussion: Implementation Actions for 2010

Priorities and Project Review

The Implementation Committee reviewed the priorities discussed at the December Implementation Committee. The projects included in this list are to be included on the final list of projects to be evaluated by the Implementation Committee prior to May 3rd.

Brian Patton also reviewed a memo presenting potential projects for ESPA Plan project funds for 2010. The memo included leveraging AWEP funds for 2009 and 2010 (including conversions, demand reduction and Thousands Springs projects), managed recharge operations funds for 2011 and managed recharge site construction. Stan Hawkins asked about the level of funding that AWEP projects would receive and was concerned about the level of funding that AWEP project sponsors might receive if they are to receive both federal and state funds, compared to other projects. Other Implementation Committee members commented that the amount of state monies that an AWEP project sponsor might receive is relatively low compared to other projects that are being discussed.

The Implementation Committee offered up additional projects that should be considered by the Recharge Working Group and the full Implementation Committee including Wood River injection wells and re-regulating ponds as an element of AWEP. These have been added to the list of projects to consider. After the meeting completed, an email was sent from an Implementation Committee member who was unable to attend the Implementation Committee meeting. The response email from Randy MacMillan suggested another project for implementation in 2010, pump-back to increase water supply for conversions above the rim.

Project Submission

The Implementation Committee determined that the most efficient method is to email or contact both Jonathan Bartsch (jbartsch@mediate.org or 303-442-7367 x 201) and Joan Sabott (jsabott@mediate.org or 303-442-7367 x 205). Then Jonathan and Joan will distribute the submissions to the appropriate ESPA Plan Working Group for discussion, evaluation and

population of the matrix. Then all the projects (including the Implementation Committee ideas) will be evaluated by the full Implementation Committee.

Project Selection Criteria

The Decision-Making Process Document Draft was distributed prior to the Implementation Committee. Upon review and discussion, the Committee agreed that the document is too detailed for 2010, given the accelerated timeline for project recommendations. Therefore, the Committee narrowed the scope of the evaluation and determined that a matrix with several essential criteria is the best way to move forward for the May 3rd deadline. The following is a draft of the matrix that will be considered at the April 6th Implementation Committee meeting.

| Project Overview / Type | Is the project consistent with ESPA Plan Goal & Objectives? | Benefits (hydrologic, location, distribution, others) | Leveraging / Cost-Sharing Funds Available | Cost/Acre Foot or CFS | Timetable for Implementation | Other |
|--------------------------------|--|--|--|------------------------------|-------------------------------------|--------------|
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Successes

Clive Strong commented that it is important for the Committee to demonstrate the ability to make good public policy decisions regarding these projects to maintain momentum for Plan implementation moving forward. The specific successes achieved already include the successful managed recharge program that occurred in both early and late season 2009, the award of AWEP funds –the proposal was successful largely due to the existence of the ESPA Plan, and cloud seeding efforts by IPC and several counties.

4. Presentation and Discussion: Managed Recharge

The Implementation Committee discussed the managed recharge approach that has been in development over the past several months. The most recent version was the February 12, 2010 version. Many Implementation Committee members were unable to agree to this most recent version of the approach. Therefore, a proposal was introduced to have managed recharge for 2010 be implemented similarly to 2009. In order to be opportunistic this early recharge season and because the Board’s water right is in priority above American Falls, the Implementation Committee would like to proceed with recharge implementation immediately and get the contracts in place. Given this information, the Implementation Committee is recommending a

motion to the IWRB to establish contracts (\$3/af uniform rate) with willing conveyance companies for recharge in the early season of 2010.

In order to ensure that the early season recharge actions are not detrimental to river flows, particularly on the South Fork, the IWRB staff will be in coordination with Rich Rigby at BOR and others on the environmental sub-committee to evaluate the state of the river and if and when recharge efforts need to be suspended.

Rich Rigby noted that the Bureau has concerns regarding recharge on the South Fork of the river due to the low releases being made from Palisades Dam and the impacts on the river if large scale recharge took place. If significant recharge was to occur on the South Fork, the BOR would likely have to spill more water out of Palisades Reservoir, reducing the available storage. The alternative would be to see River levels decline to unacceptably low levels.

Finally, the Implementation Committee discussed the idea that conveyance companies who are unwilling to commit to the CAMP process and fund implementation activities should be unable to receive managed recharge monies in 2010. It was noted that the Board's \$400,000 had been allocated previously and that it was not contemplated that a match was required for this year. The Committee would like to review this principle for next year and no formal recommendation was made on this issue.

5. Update: Education Sub-Committee

Per the requests of the Implementation Committee at the December 16 & 17 meeting in Jerome, an Education Sub-Committee was formed to develop the approach to education for the ESPA Plan, its actions and other relevant items. The Sub-Committee met twice in the early part of 2010 to begin the discussion. Thus far, the group has focused its efforts in three areas: 1) developing an overall plan for how to approach education in the ESPA region, 2) refining the website and its contents and 3) creating an ESPA Plan fact-sheet.

Joan Kathol, CDR Associates presented the website. Committee members are urged to peruse the website and provide comments and feedback on the content, design and accessibility. The fact-sheet was circulated prior to the meeting. Generally speaking, the fact-sheet was well received, although a number of individuals commented that this document was most appropriate for the Legislature and other political leadership. Additional documents should be developed to address other audiences (general public, water users, etc). The Committee also requested that the Sub-Committee explore Idaho Public T.V. as a way to get the word out to the ESPA region and state.

6. Meeting Scheduling

The Implementation Committee will meet twice in April in order to make recommendations to the IWRB regarding projects that should be implemented in 2010.

- Implementation Committee meeting on April 6, 2010 from 10:00 a.m. – 5:00 p.m. in Chubbuck

- Implementation Committee meeting on April 29, 2010 from 10:-00 a.m. – 5:00 p.m. in Chubbuck

7. Public Comment

No public comment.

MEETING ATTENDEES

Implementation Committee Members

| | | | |
|-----|---------|----------|-----------------------------------|
| 1. | Hal | Anderson | IDWR |
| 2. | Peter | Anderson | Environmental and Conservation |
| 3. | Barry | Burnell | IDEQ |
| 4. | Rebecca | Casper | Land Developers |
| 5. | Scott | Clawson | Groundwater Users (via telephone) |
| 6. | Lance | Clow | Municipalities/Counties |
| 7. | Steve | England | Municipalities/Counties |
| 8. | Craig | Evans | Groundwater Users |
| 9. | Steve | Howser | Surface Water Users |
| 10. | Linda | Lemmon | Spring Water Users |
| 11. | Albert | Lockwood | Surface Water Users |
| 12. | Brian | Olmstead | Surface Water Users |
| 13. | Walt | Poole | Idaho F&G |
| 14. | Jeff | Raybould | Surface Water Users |
| 15. | Rich | Rigby | BOR |
| 16. | Steven | Serr | Counties |
| 17. | Jim | Tucker | Hydropower |
| 18. | Will | Whelan | Environmental and Conservation |

Other Attendees

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| 19. | Jonathan | Bartsch | CDR Associates |
| 20. | Jon | Bowling | Idaho Power |
| 21. | Don | Dixon | U.S. Senator Mike Crapo's Office |
| 22. | Stephen | Goodson | Governor's Office |
| 23. | Stan | Hawkins | Great Feeder |
| 24. | Russ | Holder | USF&WS |
| 25. | Theresa | Molitor | Great Feeder Representation |
| 26. | Brian | Patton | IDWR |
| 27. | Chuck | Pentzer | City of Jerome |
| 28. | Phil | Rassier | IDWR |
| 29. | Joan | Sabott | CDR Associates |
| 30. | Gary | Spackman | IDWR |
| 31. | Clive | Strong | Attorney General's Office |
| 32. | Lynn | Tominaga | Idaho Ground Water Appropriators, Inc |