

Rental Pool Committee Meeting

05/12/2022
1:00 pm
IDWR Conference Room
Idaho Falls

Water District 1 is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us06web.zoom.us/j/81160630442?pwd=Wi9iQ1pRYm0xWENJaUFkTUN3OW5sdz09>

Meeting ID: 811 6063 0442

Passcode: 905110

+1 253 215 8782 US (Tacoma)

Agenda

(Action may be taken on any agenda or emergency items)

Call Meeting to Order

Mike Rasmussen

Minutes from January 26, 2022

John Lind

Excess Usage

Old Business

New Business

Adjourn

Rental Pool Committee Members:

Chairman-Mike Rasmussen - Albert Lockwood - Jennifer Ellis - Scott Breeding - Brent Bowen

Rental Pool Subcommittee Meeting

A meeting of the Rental Pool Subcommittee was held at the IDWR Office in Idaho Falls and via Zoom on January 26, 2022.

Call to Order

The meeting was called to order at 1:06 pm by Subcommittee Chairman Brent Bowen.

Roll Call

The following Committee of Nine members were present for the meeting (subcommittee members are underlined)

- | | | |
|-------------------------|--------------------------|------------------|
| ✓ <u>Brent Bowen</u> | ✓ <u>Darrel Ker</u> | ✓ Sean Maupin |
| ✓ <u>Jennifer Ellis</u> | ✓ <u>DeWitt Marshall</u> | ✓ Luke Hicks |
| ✓ <u>Alan Kelsch</u> | ✓ Scott Breeding | ✓ Mike Rasmussen |

Minutes of the Previous Meeting

DeWitt Marshall motioned to approve the minutes of the previous meeting. Darrel Ker seconded. The motion passed.

Rental Pool Procedure 7.5

Tony Olenichak provided historical background on Procedure 7.5 with regard to non-participants and how impacts are calculated following a question from Mike Hilliard (USBR USFO Manager). The USBR has additional comments that he will submit via email.

BOR Grant Money

Mike Hilliard summarized some funding opportunities that have become available as a result of the Bipartisan Infrastructure Bill. There are multiple grant categories available and grant workshops will be conducted to help applicants prepare proposals.

Rental Pool Procedure Change Proposals

Tony Olenichak reviewed the change proposals from the 1-19-2022 working version of the 2022 Rental Pool Procedures. The subcommittee discussed deleting the definition for "Impact Fund" and whether deleting the language could create a legal issue in 2022 when the 2021 impacts are calculated and paid out. The subcommittee will look at adding clarification regarding the transition year via a resolution to be drafted by Jerry Rigby and Darryl Ker. The subcommittee also discussed the Extraordinary Circumstances Pool (new Procedure 11) and the Supplemental Pool – specifically whether entities must participate in the first to be able to participate in the second.

Alan Kelsch motioned to approve the draft 2022 Rental Pool Procedures and send them to the full Committee of Nine. Darrel Ker seconded. The motion passed.

Adjourn

Darrel Ker motioned to adjourn the meeting. The meeting adjourned at 5:09 pm.

Committee of Nine Meeting

5/16/2022
1:30 PM
Pocatello Airport
Pocatello, ID

Join Zoom Meeting

<https://us06web.zoom.us/j/85263942823?pwd=R1F5dEdTQVZBZGxoN1R6YzRiQXB6UT09>

Meeting ID: 852 6394 2823

Passcode: 503884

1 253 215 8782 US

Agenda

Call to Order	Brent Bowen
Roll Call of Committee	John Lind
Minutes 4/13/2022	John Lind
IDWR Director Report	Gary Spackman
IWUA Report	Paul Arrington
Legal Updates	Jerry Rigby/John Simpson
BOR	
Idaho Fish and Game	
Watermaster Update	Tony Olenichak
Rental Pool Procedures	
Committee Reports	
• Tribal Rights	Alan Kelsch
• River and Reservoir Ops	Luke Hicks
• Rental Pool	Mike Rasmussen
Old Business	
• Alternate for Jen Ellis	
New Business	
• Committee of Nine Sun Valley Meeting	

Executive Session – The Committee of Nine and alternates may meet pursuant to Idaho Code §74-206 (1) subsection (f), for the purpose to communicate with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Executive Session is closed to the public.

Following adjournment of Executive Session – meeting reopens to the public.

Adjourn

Committee of Nine Meeting

The Committee of Nine held a special meeting on April 13, 2022 at the Pocatello Regional Airport.

Call to Order

The meeting was called to order at 9:57 am by Chairman Brent Bowen.

Roll Call

The following Committee of Nine members were present for the meeting:

- | | | |
|------------------|---------------|-------------------|
| ✓ Brent Bowen | ✓ Jenn Ellis | ✓ Darrel Ker |
| ✓ Scott Breeding | ✓ Luke Hicks | ✓ Albert Lockwood |
| ✓ Rod Dalling | ✓ Alan Kelsch | ✓ Mike Rasmussen |

2022 Rental Pool

Tony Olenichak reported that 50% of the Rental Pool space had opted out for 2022 (the threshold was 25% participation). There are approximately 216,000 acre-feet of impacts from the 2021 season.

Jenn Ellis motioned to state that the Committee of Nine's intent is to allow for an equitable distribution of impacts for 2022 and going forward. Rod Dalling seconded. The committee discussed at length how the impacts could be equitably shared and the prior practice of borrowing against the next year's fill. The motion passed.

Alan Kelsch discussed the 2021 Rental Pool Procedures and the ability of entities to repurchase water.

Alan Kelsch motioned to amend the 2022 Rental Pool Procedures related to the calculation of 2021 impact payments for all 2021 Rental Pool participants. Darrel Ker seconded. The motion was tabled.

Alan Kelsch motioned to amend the previous motion to include that every spaceholder have the opportunity to opt-out and every non-participant have the opportunity to opt-in to the 2022 Rental Pool for a 30-day period. Jenn Ellis seconded.

Rod Dalling motioned to table the previous motion. Jenn Ellis seconded. The motion passed.

The committee discussed the circumstances that led some entities to opt-out of the rental pool which is primarily concern about the season's uncertain water supply and how the share of 2021 impacts could further exacerbate the problem. There was also discussion about Mitigation Inc's 57,000-acre-foot shortfall for mitigation water to the tribes. The committee discussed structuring the 2022 Rental Pool to account for tribal mitigation, maintaining the small pool, and addressing the large pool rentals.

Jenn Ellis motioned to bring Alan Kelsch's motion back to the floor for discussion. Rod Dalling seconded. The motion passed.

After extensive discussion, Alan Kelsch withdrew his motion.

The committee discussed how the 2021 impacts would be allocated in 2022, how the large pool could be limited, and how the tribal mitigation would be handled.

Jenn Ellis motioned that for 2022, the quantity of water available in the large pool for rentals be lowered from 100,000 acre-feet to zero, that the 2023 last-to-fill obligation for participant allocations reduced this year to supply the 2021 Common Pool rentals be removed, and extend the deadline to May 13th for spaceholders to change their participation status in the rental pool process. Mike Rasmussen seconded. The motion passed.

Alan Kelsch motioned to not disperse payments from the Impact Fund in 2022 and hold them for impacts in 2023. Luke Hicks seconded. The motion passed.

The committee debated whether non-participating entities could receive leased or assigned water either for themselves or for third parties for irrigation, soft conversions, or recharge. The rental pool procedures are vague.

Darrel Ker motioned to hold 2022 leases until May 16th. Alan Kelsch seconded. The motion passed.

The next meeting will be held on May 16th at the Pocatello Regional Airport.

Adjourn

Luke Hicks motioned to adjourn. Scott Breeding seconded. The meeting adjourned at 3:35 pm.