

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE MARCH 2015 SESSION**

Fourth Day

Tuesday, March 24, 2015

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 10:25 a.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary (by phone); Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Clerk JoLynn Drage; and Recording Secretary Sunny Grant.

Commissioner Schoen was absent from today's meeting.

Chairman Greenberg called the meeting to order at 10:27 a.m.

AMEND AGENDA

McCleary moved, seconded by Greenberg, to amend today's March 24, 2015 agenda to add consideration of a letter requesting Drought Declaration for Blaine County. Motion carried 2/0.

PUBLIC COMMENT - NONE

PETITION FOR ORGANIZATION OF THE SOUTH VALLEY GROUND WATER DISTRICT

Also present: District 37 Watermaster Kevin Lakey; Sun Valley Water/Sewer District General Manager Pat McMahon; South Valley Ground Water District attorney Albert Barker; The Nature Conservancy Silver Creek Preserve Manager Sunny Healey; Idaho Department of Water Resources Bureau Chief Tim Luke; Wood River Land Trust Director of Conservation Keri York, Project Coordinator Patti Lousen, and Stewardship Coordinator Chad Stoesz; Bellevue Farms Homeowners Association member Greg Bloomfield; Corey Weatherly; Les Cameron; Wes Tinsley; Elizabeth Fry; Kaedi Fry; Nick Purdy; Shirley Bauer; John Hockner; Sharon Lee; Tom Beck; Richard Fife; Amy Boyer; Carl Bontrager; Pepin Corso-Harris; Raymond Goettsch; Stephanie Eisenbarth; Roberta Bouttier; Bryan Dilworth; Judy Grigsby; Kathy S. McClatchy; Rocky Sherbine; Claire Casey; D. Jarmuz; Kristy Molyneux; A.W. Molyneux; Thelma Cameron; Kati and Matt Garner; Sandy Burke for James Blandford; and Brett Stevenson.

Grant read notice. Blaine County Chief Deputy Prosecuting Attorney Tim Graves said this notice was sufficient to comply with Idaho Code.

McCleary moved, seconded by Greenberg, that adequate notice was given for this hearing. Motion carried 2/0.

Blaine County Clerk JoLynn Drage said the petition is valid. The petition was received in accordance with state requirements and has been available for public inspection. Presentation of the petition and today's public hearing were noticed in compliance with statutory requirements. The petition has the requisite number of signatures, and the signatures on the petition match owners on the Blaine County Assessment roll. The proposed Water District has filed its nominations for directors with the County Clerk.

DISCLOSURES:

Graves said this hearing is largely administrative, but is a quasi-judicial hearing and state statute requirements must be followed. The BCC disclosed any ex parte contacts and independent investigation through conversations with others:

- McCleary spoke to Brett Stevenson when the BCC made their initial decision about setting a bond amount to accompany the petition; and again to Ms. Stevenson over the phone last week to be sure she'd received the most recent public comments.
McCleary spoke to Idaho Conservation League Water Associate Marie Callaway Kellner about formation of ground water districts throughout the state. None of these discussions will influence her decision on the matter.
- Greenberg spoke to Mark Davidson, Charles Brockway, Jr. and Idaho Department of Water Resources (IDWR) Bureau Chief Tim Luke to familiarize himself with Idaho statutes and requirements in preparation for this public hearing. Those discussions won't influence him. Most of the correspondence with Mr. Luke concerned his ability to phone in to today's meeting. Mr. Luke is present today. Mr. Luke submitted a follow-up email to the BCC.

Graves said the purpose of this public hearing is for the Board of County Commissioners to determine if statutory requirements have been met to authorize the BCC to enter an order for an election to decide whether or not to create the South Valley Ground Water District. The BCC will also decide if the boundaries of the proposed district are "proper" in their opinion. The petitioners will state the need for a new ground water district and any amendments to the boundaries of the proposed district.

PETITIONERS:

Albert Barker, attorney representing petitioners in formation of the South Valley Ground Water District, said there would be a status conference on May 4 on a water call that had been filed. IDWR is in the process of determining whether to begin administrative proceeding on whether it is necessary to require mitigation or other measures, including curtailment, by ground water users in order to ensure delivery of water to senior surface water users in the Little Wood and Big Wood areas. IDWR is under pressure to move forward as quickly as possible to make sure people get their water.

The main reason for a ground water district is to provide a mechanism for ground water users to respond to a call with their own information about the impacts they may or may not have on senior users downstream and to provide ways for mitigation. Timing is critical.

The petitioners propose the South Valley Ground Water District to encompass more than two-thirds of the ground water use in Blaine County. Almost all uses in the proposed district are larger agricultural uses. The total flow is 516cfs and the average well size is about 4cfs, or about 200 acres.

Landowners included in the proposed ground water district can request to opt out of the district once it's formed. State Statute requires the ground water district Board of Directors to grant the petition, and there is minimal expense in recording a certified copy of the order excluding that landowner. Landowners who opt out would have no benefits of adjudication and could have their water curtailed.

PUBLIC COMMENT:

- Neighboring landowners Robert Boutier, Judy Grigsby, Raymond Goettsch and Bellevue Farms Homeowners Association representative Greg Bloomfield asked if they could be included in the proposed district. Goettsch suggested the properties included in the proposed water district appear arbitrary. Goettsch said excluded landowners overlay the same aquifer and jointly own infrastructure used to take surface water and create mitigation to respond to a ground water call. Goettsch said State Statute 42-5207 permitted the BCC to include his land with ground water rights and other members of Irrigation District #45 with ground water rights in the proposed South Valley district.
- Bloomfield and Goettsch objected to the rush timeframe.
- South Valley Ground Water District petitioner Pepin Corso-Harris said the proposed water district boundaries included two "islands" because their owners had other land that was in the district. Corso-Harris said landowners who have indicated they will opt out once the water district is formed are staying in for now to keep the boundaries cohesive.
- Corso-Harris said the group proposing the South Valley Ground Water District had been working on this for two years. They had learned the process along the way, and had chosen the boundaries after careful consideration.

IDWR Bureau Chief Tim Luke said Idaho Code 42-5259 allows ground water holders to opt in at any time as a mitigation-only member. They pay for mitigation costs only and benefit from whatever mitigation is approved by IDWR.

IDWR supports formation of the district and its proposed boundaries. The South Valley Ground Water District could consider amending its proposed boundaries, but that would delay election until November. Luke said a group is beginning to form a Galena Ground Water District for the remainder of the valley.

Luke felt it was important for landowners to form ground water districts as quickly as possible, so they can represent users in addressing questions when calls arise. Luke was unaware of any other ground water district formation where boundaries were questioned.

IDWR is developing a ground water model for the Wood River Valley, which should be complete early 2016.

The BCC determined that the South Valley Ground Water District has ostensibly met its statutory requirements for organization. The County Attorney and County Clerk reconfirmed that all statutory requirements had been met to enter an order to call for an election on May 19, 2015.

McCleary moved, seconded by Greenberg, to order an election on May 19, 2015 for the possible formation of the South Valley Ground Water District, based on Findings that all Idaho statutory requirements have been met to enter a written order and authorize the chairman to sign. Motion carried 2/0. Record #625385

DECLARATION OF DROUGHT EMERGENCY FOR BLAINE COUNTY FOR WATER YEAR 2015, Discussion and Consideration

Greenberg moved, seconded by McCleary, to issue a request for drought emergency declaration and send letters to Governor Butch Otter and Idaho Department of Water Resources Director Gary Spackman requesting drought emergency declaration. Motion carried 2/0.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Claims – Schar Boyd

- Deputy Auditor Schar Boyd presented the claims.

McCleary moved, seconded by Greenberg, to approve claims dated March 19, 2015 and additional claims emailed to the BCC on March 24, 2015. Motion carried 2/0.

ADJOURN

At the hour of 11:54 a.m., with no more business before them, McCleary moved to adjourn, seconded by Greenberg. Motion passed 2/0.

Attest: _____ Approved _____
JoLynn Drage County Clerk Jacob Greenberg Chairman