

AGENDA ITEM SUMMARY

DATE: 10/25/2010

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____



SUBJECT:

Conjunctive Management Mitigation Options

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am attaching a memorandum prepared by SPF Water Engineering, which addresses conjunctive management mitigation options for the City of Hailey. Roxanne Brown of SPF will be present at Monday's meeting to discuss this memo. In the meantime, if you have any questions, please contact me. Thank you.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Case # _____

Budget Line Item # _____

YTD Line Item Balance \$ _____

Estimated Hours Spent to Date: _____

Estimated Completion Date: _____

Staff Contact: _____

Phone # _____

Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	_____
___ Safety Committee	___ P & Z Commission	___ Police	_____
___ Streets	___ Public Works, Parks	___ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss memorandum and ask any questions of Roxanne or staff. Also, discuss future action based on memorandum.

FOLLOW-UP REMARKS:



MEMORANDUM

DATE: October 20, 2010

TO: Ned Williamson, Attorney
Williamson Law Office, PLLC
115 Second Avenue South
Hailey, Idaho 83333

FROM: Christian Petrich, Ph.D., P.E., P.G., Principal Engineer/Hydrologist
Roxanne Brown, Water Right Specialist

RE: City of Hailey Conjunctive Administration Mitigation Options

The City of Hailey is considering possible mitigation options under future conjunctive administration of ground and surface water in the Big Wood River Valley. This memorandum provides a (1) general discussion about the conjunctive administration of ground- and surface-water rights, and (2) possible mitigation strategies to avoid or reduce curtailment of junior-priority ground-water rights. Conclusions from this review are listed below, followed by supporting information.

Conclusions and Recommendations

General conclusions from this review are that (1) conjunctive administration of ground-water rights in the Big Wood River Valley will likely occur in the next 5 to 10 years, (2) the call for curtailment of junior-priority ground-water rights will likely be driven by senior surface-water right holders, (3) mitigation requirements will likely depend on the specific nature of a water delivery call and associated material injury, and (4) there are likely multiple options to mitigate for at least some continued junior-priority ground-water use.

Specific conclusions from our review include the following:

Conjunctive Administration and Management

1. Although the Idaho Department of Water Resources (IDWR) has no immediate plans for the conjunctive administration of water rights in the Big Wood River Valley, some increased level of conjunctive administration of ground and surface water is virtually certain in the future (likely within the next 5 to 10 years).

2. Effective conjunctive administration will require a more developed understanding of local hydrology, a comprehensive inventory of wells, a well-supported, fully-calibrated surface- and/or ground-water flow model, and the completed adjudication of Basin 37 water rights.
3. Consumptive uses of ground water (e.g., irrigation) are vulnerable to curtailment under conjunctive administration. Non-consumptive uses (e.g., indoor domestic uses) are less vulnerable to curtailment, because this water (when treated and discharged) remains available for other downstream uses.
4. Between 1995 and 2007, the City of Hailey used an average of about 1,700 acre-feet per year for irrigation purposes (with annual irrigation use ranging from about 1,200 acre-feet to almost 2,600 acre-feet during this 12-year period).
5. The City diverts about 3 cubic-feet per second (cfs) during winter months and about 11.5 cfs in July¹ (based on 2008 data). Most of this difference (about 8.5 cfs) is diverted for irrigation purposes.
6. Some conjunctive administration of surface- and ground-water diversions currently exists in the Big Wood River Valley. Full conjunctive administration could begin by IDWR initiative, or be prompted by one or more water delivery calls placed by senior-priority water-right holders.

Mitigation Strategy

7. Selecting a mitigation strategy to avoid curtailment of junior-priority ground-water pumping will depend, in part, on the specific nature of any administrative actions and/or specific water delivery calls. For example, conjunctive administration may be used to (a) increase flows to Magic Reservoir, (b) increase deliveries to post- March 23, 1883 water-right holders, or (c) address some other recognized material injury. Mitigation options will depend on the specific nature of the material injury being addressed.
8. The formation of a ground water district may facilitate implementation of regional mitigation strategies.

Possible Mitigation Options

9. Possible mitigation options to avoid the curtailment of junior-priority ground-water rights fall into two general categories: (a) strategies that the City could pursue on its own, and (b) strategies best pursued with multiple ground-water users (with some strategies that could be applied on both a

¹ These numbers are provided for discussion purposes only – current numbers likely reflect recent water-system efficiency improvements and seasonal demand variations. A detailed diversion analysis was outside of the scope of this evaluation.

local and regional basis). Possible mitigation options could include the following:

- a. Use of Indian Creek Springs water as mitigation for ground-water pumping;
- b. Use of Hiawatha Canal water for the irrigation of schools, golf courses, parks and municipal common areas;
- c. Reduce water use within the City through additional conservation, leak reduction, etc.;
- d. Aquifer recharge and/or Aquifer Storage and Recovery (ASR);
- e. Alternate pumping patterns;
- f. Purchase/lease of land irrigated with water from Magic Reservoir;
- g. Purchase or lease of senior-priority water rights;
- h. Compensate senior-priority water-right holders for lost profits; or
- i. Conversion of some senior-priority users from surface- to ground-water irrigation on a temporary basis.

Conjunctive Management

10. Eventually, conjunctive administration likely will extend beyond the simple administration of water rights to include more active management of surface- and ground-water resources. Such management could include managed recharge and active ASR activities.

Recommendations stemming from this review include the following:

1. Continue to seek ways of improving the City's water system efficiency and decreasing overall water demand through water conservation.
2. Document water-source policies, i.e., dedicate use of Indian Creek Springs water for irrigation demands during the irrigation season and for domestic uses when irrigation demand is low.
3. Document changes in water-use patterns as a result of municipal water system efficiency improvements, water conservation, etc.
4. Analyze historical and recent water-use patterns, and correlate changes in water-use patterns with improvements in water conservation and or water system efficiency.
5. Seek opportunities for developing additional local ground-water recharge.

Conjunctive Administration and Management

"Conjunctive administration" refers to the administration by prior appropriation of water rights from all sources (ground water, springs, streams, etc.) as if water under these rights was being diverted from a single water source. "Conjunctive management," for the purposes of this discussion, refers to the active management of ground- and surface-water, recognizing that the two water sources are hydraulically connected.

Diversions in the Big Wood River basin under natural-flow surface-water rights with priority dates junior to about 1890 are generally "out of priority" (and hence curtailed) during a portion of each year. Curtailment of surface-water diversions under water rights with priority dates on or junior to March 24, 1883 vary from year to year, depending on available water (which is influenced by available snowpack, runoff conditions, etc.).

Most ground-water rights in the Big Wood River basin have a priority date junior to 1950. Under conjunctive administration, these junior-priority ground-water rights can be curtailed to increase water availability for senior-priority surface-water right holders (to the extent that pumping under these ground-water rights impacts the surface-water flows from which the senior users divert water).

The Idaho Department of Water Resources (IDWR) currently administers surface- and ground-water in the Big Wood River basin separately (with some exceptions)². However, some level of conjunctive administration of surface- and ground-water is virtually certain in the future (likely within the next 5 to 10 years).

Conjunctive administration is not new to Idaho. Ground- and surface-water is managed on a conjunctive basis in an increasing number of Idaho basins, although the actual implementation of conjunctive management varies widely between basins.

We discussed Big Wood River Valley conjunctive administration and management with several IDWR staff³ to assess Department plans regarding this matter. Here are some of their comments:

1. IDWR has no immediate plans for conjunctive administration in the Big Wood River Valley. However, IDWR staff members agree that future conjunctive administration is almost certain, and is likely to begin in the next 5 to 10 years.
2. Discussion of specific conjunctive management policies for Basin 37 is premature⁴ because IDWR has not yet developed such policies.

² The Basin 37 Watermaster reportedly has authority to administer 93 specific ground-water rights.

³ Jeff Peppersack (Allocations Bureau Chief); Tim Luke, (Water Distribution Section Manager), Allen Merritt (Southern Regional Manager), and Kevin Lakey (Basin 37 Watermaster). IDWR Interim Director Gary Spackman declined a request to discuss conjunctive management plans in the Big Wood River Valley.

3. Effective conjunctive administration in the Big Wood River Valley will require the following:
 - a. A better understanding of local hydrology. Additional hydrogeologic information likely will be developed by the U.S. Geological Survey (USGS), IDWR, and/or others, possibly as part of basin-wide water management planning efforts⁵.
 - b. An inventory of wells in Basin 37. Wells cannot be regulated if they cannot be readily identified. A well inventory would likely be conducted by IDWR, an existing water district, or a newly-formed ground water district.
 - c. A well-supported, fully-calibrated, surface-water and/or ground-water flow model capable of adequately simulating pumping effects and ground and surface water interaction. Such a model would likely be developed by (or under the direction of) the USGS and/or IDWR.
 - d. A completed adjudication of water rights in Basin 37 (currently underway), or a court order allowing interim administration of the water rights based on the current Director's recommendations in the SRBA.

Based on our discussions with IDWR staff, conjunctive administration and management policies in the Big Wood River basin have not yet been defined. IDWR recognizes that conjunctive administration is on the horizon, and that specific future conjunctive administration policies will likely be influenced by specific delivery calls and/or basin-wide water management planning efforts.

Potential Curtailment under Conjunctive Management

Absent mitigation, IDWR has required curtailment of at least some junior-priority ground-water rights in conjunctively-managed basins. The curtailment has generally been the result of a delivery call placed by a surface- or ground-water user with a senior-priority water right. In the cases where IDWR has found material injury (the user placing the delivery call has been found to be truly water-short), IDWR has ordered sufficient curtailment of junior-priority ground-water use to increase deliveries to the senior user. Alternatively, a ground-water user has the option to mitigate for the effects caused by junior-priority pumping.

Surface water diversions from the Big Wood River and its tributaries are currently administered on a priority basis. The Basin 37 watermaster annually curtails junior-priority surface water rights to ensure delivery of senior-priority surface water rights. Each year,

⁴ The Big Wood River Valley comprises a large portion of Administrative Basin 37.

⁵ The Idaho Water Resource Board (IWRB) anticipates a Comprehensive Aquifer Planning and Management Program (CAMP) in the Big Wood River Valley, similar to CAMP processes currently underway in the Eastern Snake River Plain, Rathdrum Prairie, and Treasure Valley (http://www.idwr.idaho.gov/waterboard/WaterPlanning/CAMP/RP_CAMP/RathdrumCAMP.htm).

surface water rights with priorities junior to 1883 are routinely curtailed for at least a portion of the irrigation season. The 2010 "priority cuts"⁶ for water rights above Magic Reservoir are summarized in Table 1.

Water rights with priority dates junior to this date were curtailed	on this date in 2010
June 2, 1890	7/26/2010
May 10, 1887	7/27/2010
September 18, 1885	7/28/2010
August 1, 1884	8/2/2010
July 10, 1884	8/3/2010

Table 1. 2010 "priority cuts" in the Big Wood River Valley.

The extent of ground-water curtailment under conjunctive management may depend, in part, on the nature of injury being addressed in a successful water delivery call. We see the following as a few examples of possible delivery calls:

1. The Big Wood Canal Company owns water rights for storage in Magic Reservoir with priority dates ranging from 1905 to 1920. The Big Wood Canal Company could file a delivery call if it feels that junior-priority ground-water use is impacting its ability to fill Magic Reservoir. (The Company fills its reservoir largely with winter, spring and early- summer flows.)
2. Senior surface-water right holders in the lower portion of the Big Wood Valley (e.g., downstream of Bellevue) could claim injury as a result of reduced surface-water diversions attributable to river flow depletions caused by junior-priority ground water pumping.

An actual delivery call would require investigation of material injury suffered by the water user placing the call. Material injury under some of these rights could be limited by two factors:

1. Some water users have "stacked" rights (water rights with overlapping places of use) that may limit the impact of partial curtailment. This might best be explained with the following example: A water-right holder currently irrigates with diversions under an 1883 water right and an 1890 water right. Delivery under the 1890 water right is cut at some point during

⁶ This information is current as of August 3, 2010.

the irrigation season when flow in the Big Wood River drops. However, the water-right holder can continue to irrigate with the 1883 water right. As such, the irrigated place of use does not necessarily dry out, but receives less water. The injury as a result of the 1890 water-right curtailment in a case like this could thus be evaluated based on a reduction in delivery, not necessarily the cessation of delivery.

2. It may be found that ground-water pumping impacts some surface water rights that are currently cut during the irrigation season (such as the 1890 water right used in the previous example). However, these surface water rights would likely have been cut eventually anyway, and curtailment of ground-water pumping may only extend the use of such a surface water right only by a few days or weeks. Injury to the surface water right in this example would likely be based on the period between the actual cut and the time at which it would have been cut absent ground-water pumping.

Futile Call

When a delivery call is made by a water user with a senior-priority water right, curtailing some water rights will have little or no effect on delivery of the senior right. For example, curtailing a small water right on a tributary stream many miles from the claimed injury may not result in any additional water for delivery under the call. This would be known as a "futile call". The same is true of the relationship between ground and surface water.

Although the Big Wood River is known to be in direct hydraulic connection with shallow aquifers, some deeper aquifer zones may have a less direct hydraulic connection with the river. In other words, the effect of curtailing ground-water pumping from deeper aquifer zones may take days, weeks, or even months to propagate to the Big Wood River (this is referred to as "lag time".) Depending on the nature of a particular delivery call, and the depth and distance from which water is being pumped, seasonal pumping curtailments similar to current seasonal curtailment of junior-priority surface water rights may have no (or limited) effect on streamflows in the Big Wood River. Determination of lag times between subsurface pumping and a subsequent impact to the Big Wood River will likely require the development, calibration, and use of a 3-dimensional ground-water flow model.

Ground Water District – To Form or Not to Form

Various water users and individuals in the Big Wood River Valley have discussed possible formation of a ground water district to help address conjunctive management issues on a collective, regional basis. Possible advantages of a separate ground water district include the following:

1. From a workload standpoint, the Water District 37 Watermaster may find it difficult to collect all the data necessary to administer both surface water diversions and ground-water pumping. A ground water district could assess ground-water users for measurement costs and provide funding

and/or personnel to collect ground-water measurement data, inventory wells, etc. within the ground water district.

2. A ground water district may be able to represent the interests of ground-water users, whereas the existing water district was created to administer water use and arguably should not be an advocate for any water user subgroup.

Either a water district or a ground water district may be able to facilitate broad mitigation measures that would be unavailable or impractical for individual ground-water users. Such measures might include regional water conservation projects, investment in aquifer storage and recovery efforts, etc.

City of Hailey Water Use

Curtailment of junior-priority ground water rights in response to a delivery-call would likely affect only the City of Hailey's consumptive uses, such as the irrigation of residential lawns, school yards, and City parks. It is unlikely that curtailment would affect in-home domestic uses (because these uses are largely non-consumptive). Water used for domestic purposes is generally treated and discharged, and therefore remains available for downstream uses.

Prior to considering mitigation options it is helpful to review the City's water-use patterns. Ground-water diversions under junior-priority water rights are especially relevant because these rights are most vulnerable to curtailment. Water use patterns are typically considered in the form of annual (or monthly) volumes⁷ and instantaneous diversion rates⁸.

Annual water-demand volumes between 1995 and 2008 averaged about 3,560 acre feet per year (based on City water system records), ranging from as low as 2,800 acre-feet to as high as 4,450 acre feet (Figure 1). Indian Creek Springs provided approximately 1,600 acre-feet per year; the balance was supplied by ground water. Irrigation use averaged approximately 1,700 acre-feet per year during this period (ranging from approximately 1,170 acre-feet in 1997 to approximately 2,590 acre-feet in 2003). The peak irrigation months in the Big Wood River Valley are July and August (Figure 2).

Average daily January 2008 diversion rates⁹ (Table 2) were about 1,350 gpm (or about 3 cfs). Average July 2008 diversion rates were about 5,200 gpm (or about 12 cfs). Of these rates, Indian Creek Springs provided about 2.6 to 2.7 cfs. Average irrigation diversions (mostly under junior-priority ground-water rights) were about 3,830 gpm (or 8.5 cfs).

⁷ Annual or monthly volumes are often evaluated in units of acre-feet per year (afa).

⁸ Instantaneous diversion rates are typically evaluated in units of gallons per minute (gpm) or cubic feet per second (cfs).

⁹ 2008 water-use rates are used here for illustrative purposes. These irrigation-season diversion rates will vary based on seasonal weather conditions. The City of Hailey's water system has undergone (and is undergoing) efficiency improvements, which will reduce ground-water pumping. An exhaustive water-use evaluation was outside of the scope of this analysis.

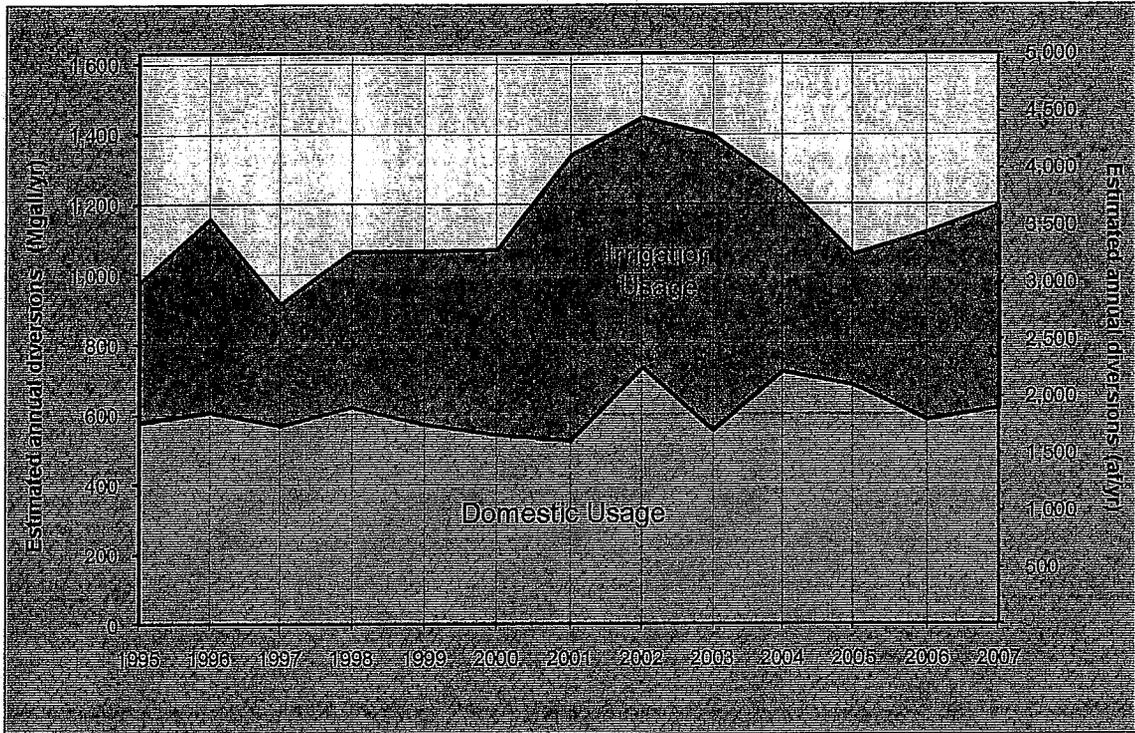


Figure 1: Annual domestic and irrigation water use, 1995-2007.

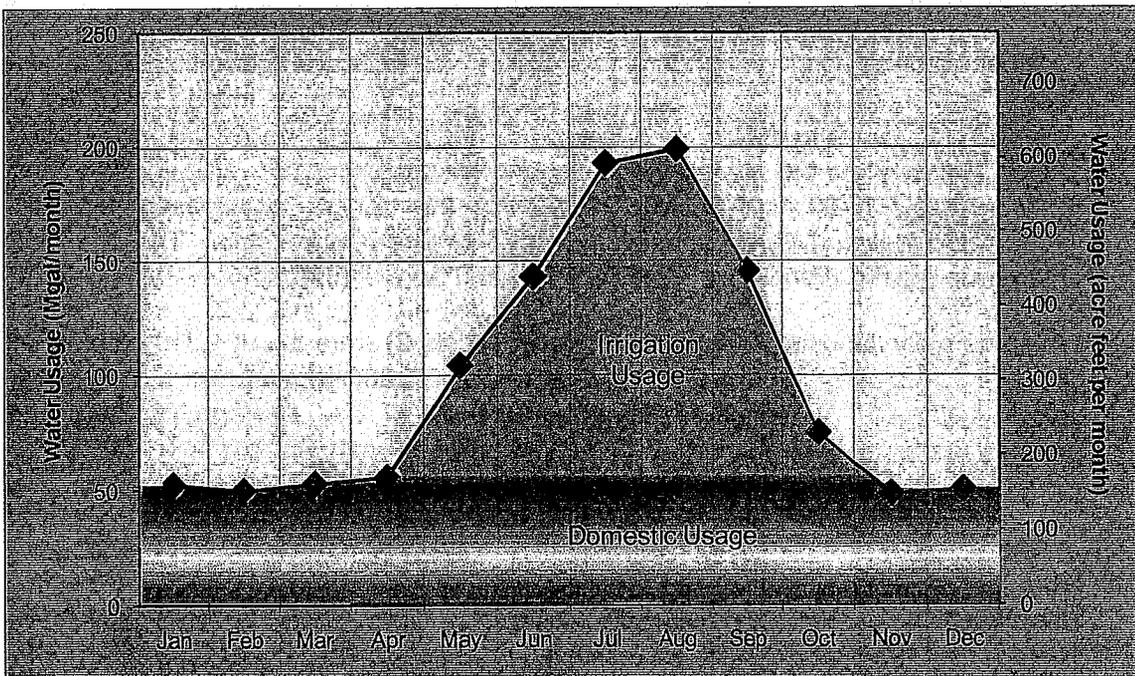


Figure 2: Average monthly usage Seasonal domestic and irrigation water use, 1995-2007.

2008 City of Hailey Diversion Data				
Source	Average Daily Diversion (gpm)	Maximum Daily Diversion (gpm)	Average Daily Diversion (cfs)	Maximum Daily Diversion (cfs)
January 2008				
Wells	131	502	0.3	1.1
Indian Creek Springs	1,218	1,774	2.7	4.0
Total	1,350	2,275	3.0	5.1
July 2008				
Wells	4,014	4,963	8.9	11.1
Indian Creek Springs	1,165	1,549	2.6	3.5
Total	5,179	6,512	11.5	14.5
Difference between January and July 2008 combined well and spring diversion rates (i.e., primarily irrigation)	3,829	4,237	8.5	9.4
Notes (1) Estimated data used for Woodside Well for July 2008				

Table 2. Summary of January and July 2008 diversion data.

Possible Mitigation Options to Avoid Curtailment

Is not clear at this point how ground-water rights in the Big Wood River Valley will be administered under conjunctive management. Conjunctive administration of ground and surface water rights will depend, in large measure, on the specific nature of a delivery call – and the specific nature of material injury – that is being addressed.

The following paragraphs describe some potential mitigation or conjunctive-management options that address one or more of the delivery-call scenarios listed in the previous section. Some of these mitigation measures may be suitable for the City alone (e.g., Options 1-3), while others (e.g., Options 4-9) could be undertaken by the City but are likely better suited for a regional approach (i.e., in conjunction with other ground-water users). These options are described below.

1. *Use of Indian Creek Springs water as a mitigation strategy.* The City has 3 claimed water rights from Indian Creek Springs (37-296A, 37-717, and 37-1216) with priority dates of April 1, 1880, August 1, 1907, and April 1, 1884, respectively. Objections to these rights have not yet been resolved in the SRBA. Of the 3 rights, water right 37-296A is the least vulnerable to

curtailment with the 1880 priority date (and is therefore the best candidate for mitigation use).

We see three possible alternatives for using Indian Creek Springs water in a curtailment scenario:

- a. Indian Creek Springs water right (37-296A) authorizes the diversion of 2.62 cfs with a priority date of April 1, 1880. Diversions under this right could be allocated to irrigation uses during the irrigation season, with diversions under ground-water rights during the irrigation season dedicated to domestic uses. Such an allocation might be documented in a water-system operations manual and related policy documents.
- b. Treated effluent of water from Indian Creek Springs could be used for irrigation as long as the City's surface-water rights are not being curtailed. It is very unlikely that water right 37-296A, with an April 1, 1880 priority date, would be curtailed.

It is generally held that municipal water can be used to "extinction" as long as the water is being used for authorized municipal uses¹⁰. It is likely that water diverted under senior-priority water rights could be used for irrigation during times of junior-priority curtailment. However, we think it unlikely that municipal effluent, if diverted under junior-priority water rights (and absent mitigation), could be used for consumptive (irrigation) uses during a time of junior-priority curtailment.

- c. Depending on the specific nature of a delivery call (or ground water curtailment requirements) and the lag times associated with ground water pumping, it may be possible to use ground water to meet all or a portion of base flow demands during portions of a year during which non-diversion of Indian Creek Springs water reaches the Big Wood River. As such, flow from Indian Creek Springs would either contribute to flow in the Big Wood River or would serve as ground water recharge to mitigate for a portion of the City's pumping.

2. *Use of Hiawatha Canal water as a mitigation strategy.* Water right 37-10717 recently received a partial decree in the Snake River Basin Adjudication (SRBA), which authorizes the diversion of 2.86 cfs for municipal purposes under a March 24, 1883 priority date. Water under this right is diverted from the Big Wood River via the Hiawatha Canal.

If undiverted or unused, it may be possible to use water right 37-10717 for mitigation purposes. Alternatively, diversions under this right could be used to (a) irrigate City areas through a pressurized irrigation system separate from the existing municipal water system, or (b) be treated and delivered through the City's existing municipal water system. Although the maximum amount of water authorized under water right 37-10717 (2.86

¹⁰ However, this concept has not (to our knowledge) been legally tested in Idaho.

cfs) is not sufficient to supply all of Hailey's peak irrigation demand (which was about 8.5 cfs in July 2008 – see Table 2), use of water from the Hiawatha Canal would reduce the use of ground water under existing City rights, and would thereby reduce the need for mitigation in the event of curtailment.

Although water right 37-10717 has a priority date senior to many in the Big Wood River Valley, it is still vulnerable to curtailment. According to Kevin Lakey (Basin 37 Watermaster), water rights with a March 24, 1883 priority date are cut when the Big Wood River flow falls to 190 cfs (which occurs in the drier years).

The 2.62 cfs from Indian Creek Springs (water right 37-296A) and 2.86 cfs authorized under water right 37-10717 (Hiawatha Canal), which in aggregate represent 5.48 cfs, would go a long way toward meeting in 8.5 cfs July irrigation demand (Table 2). Aggressive water conservation likely could reduce this 3 cfs difference (8.5 cfs less 5.48 cfs) even further.

3. *Reduce water use within the City.* Mitigation requirements will likely focus on ground-water use for irrigation purposes. Reducing ground-water use will decrease the amount of mitigation required.

The City already has undertaken conservation measures such as inverted-tier rate schedules, metering, odd-even irrigation rotations, and steps to improve municipal water system efficiency¹¹. However, additional measures might be considered to further reduce water use. Additional water conservation methods might include drought-tolerant landscaping incentives, peer-pressure pricing, higher inverted tier rates, etc. General conservation measures are outlined in Attachment B.

4. *Aquifer Recharge and/or Aquifer Storage and Recovery (ASR).* There are likely opportunities for increased ground water recharge with surface water, both within the City of Hailey as well as in other parts of the Big Wood River Valley. This recharge could serve as a mitigation strategy or provide opportunities for subsequent recovery and use. Recharge opportunities might include diverting flows from Indian Springs Creek or the Big Wood River (when available) into canals or recharge basins to increase infiltration and aquifer recharge.
5. *Consider alternate pumping patterns.* Lag effects of pumping on the Big Wood River depend, in part, on the distance of a well from the river (or the depth of the well below ground surface). In general, the pumping impacts of wells distant from the river, or the impact of pumping from a deep aquifer zones, will be realized more slowly than from shallow wells immediately

¹¹ If the city has not yet done so, we recommend evaluating the efficacy of existing water conservation measures by carefully tabulating historical water use (prior to conservation) and comparing it to existing water use (with water conservation). Continued monitoring and analysis

adjacent to the river. Depending on the nature of a specific delivery call, it may be possible to partially mitigate the effects of pumping on some senior-priority diversions with temporary changes to the operation of the City's wells. For example, the City might be able to continue pumping from a deeper well that is distant from the Big Wood River during times of curtailment simply because curtailing use of the well would provide little or no short-term benefit to a downstream senior-priority water-right holder.

6. *Purchase/lease of land irrigated with water from Magic Reservoir.* The effect of such purchases would be to reduce the Big Wood Canal Company's storage needs in Magic Reservoir. Such land could be farmed during years in which Magic Reservoir has ample storage, but would lie fallow during the low-water years in which Magic Reservoir storage is insufficient. The effect of such purchases/leases would be to reduce potential injury associated with insufficient reservoir fill.
7. *Purchase or lease of senior-priority water rights.* Non-use of such rights would mitigate for ground-water pumping during times of curtailment. To be truly effective, such rights likely would have to have a priority date senior to that of the water-right holder placing a delivery call (water rights with the earliest priority dates would have the greatest value). Purchase of such rights could be expensive because the water could not be used on the existing place of use during times of a priority call, and could therefore substantially reduce the value of the existing irrigated property.

The use of such a senior-priority water right for mitigation purposes would not require a transfer if the water right remained undiverted and unused, but intervening water rights could complicate the ability to use a down-valley water right for the mitigation of water use in the Hailey area. For example, IDWR might find that non-use of a downstream senior water right would not mitigate the effects of Hailey-area pumping on water levels in the Big Wood River immediately downstream of the City of Hailey. Similarly, non-use of a down-valley water right may not mitigate for potential impacts on minimum stream flows downstream of Hailey (the Idaho Water Resource Board owns water right 37-7919 that establishes a minimum stream flow of 70 cfs with a priority date of June 19, 1981).

The future monetary value of senior-priority water rights is difficult to predict. Current prices may reflect the potential mitigation value of these rights. However, the mitigation value of these rights may decrease in the future if other regional mitigation options, such as some of those described in this section, are available.

8. *Compensate senior-priority water right holders for lost profits.* One strategy to address possible material injury to a senior-priority user may be to

would provide a basis for evaluating the effectiveness of any additional water conservation measures pursued by the City.

compensate for lost income as a result of ground-water pumping. IDWR cannot require such compensation, but such compensation could be agreed upon by the senior-priority water-right holder and affected junior-priority ground-water right holders and result in a withdrawn delivery call.

9. *Conversion of some senior-priority users from surface- to ground-water irrigation.* It may be feasible to convert some existing senior-priority surface water use to short-term ground-water use (at the expense of junior-priority ground-water pumpers). Such short-term conversion may be possible with (i.e., mitigated by) increased recharge using early-season surface-water diversions.

Summary

We anticipate that broad conjunctive administration of ground-water rights in the Big Wood River Valley will begin in the next 5 to 10 years. The call for curtailment of junior-priority ground-water rights will likely be driven by senior surface-water right holders. Mitigation requirements to avoid curtailment of junior-priority ground-water pumping will likely depend on the specific nature of a water delivery call and associated material injury. There are likely multiple options of partially or fully mitigating for at least some continued junior-priority ground-water use, some of which would be more appropriate for the City alone and some of which may be more appropriate for multiple ground-water users (i.e., a regional approach).

Attachment A: City of Hailey Water Right Summary

Water Right No.	Water Right Status	Source	Priority Date	Authorized Diversion Rate (cfs)	Authorized Diversion Rate (gpm)	Use	Notes
37-296A	Decree	Indian Springs	4/1/1880	2.620	1,175	Municipal	contested (ICROA)
37-717	Decree	Indian Springs	8/1/1907	1.830	820	Municipal	contested (ICROA)
37-1216	Decree	Indian Springs	4/1/1880	0.900	400	Municipal	contested (City, ICROA)
37-7854	License	Indian Springs	7/23/1980	3.380	1,500	Power	contested (ICROA)
37-906	Decree	Big Wood River	4/1/1940	1.039	465	Municipal	contested (City, Hiawatha Users)
37-10717	Decree	Big Wood River	3/24/1883	2.860	1,300	Municipal	Partial Decree to be issued 9/24/2010
37-22311	Decree	Big Wood River	3/24/1883	1.500	670	Irrigation (31 acres)	Partial Decree issued 1/21/2009
37-22316	Decree	Big Wood River	3/24/1883	0.180	80	Irrigation (31 acres)	Partial Decree issued 1/21/2009
37-22321	Decree	Big Wood River	3/24/1883	0.190	85	Irrigation (31 acres)	Partial Decree issued 1/21/2009
37-2698	Decree	Ground water	#####	2.560	1,148	Municipal	Partial Decree to be issued 9/24/2010
37-2699	Decree	Ground water	8/11/1964	2.000	897	Municipal	Partial Decree to be issued 9/24/2010
37-7305	Decree	Ground water	11/4/1973	2.620	1,175	Municipal	Partial Decree to be issued 9/24/2010
37-8837	License	Ground water	9/10/2001	4.670	2,094	Municipal	License issued 7/16/2010
37-20831	Decree	Ground water	#####	0.210	94	Irrigation (9.1 acres)	Partial Decree issued 6/4/2009
37-22019	Decree	Ground water	3/29/1961	9.370	4,200	Irrigation (486.0)	Partial Decree issued 4/1/2010

Table 3. City of Hailey water rights.

Attachment B: Potential Water Conservation Measures

This attachment provides a partial list of potential water conservation measures and programs. Some of these options may be more appropriate for the City of Hailey than others.

Potential water conservation measures and programs include the following:

1. Water Efficient Fixtures/Appliances and Incentives
 - a. Retrofit kits
 - b. Rebates and incentives – residential and non-residential
 - c. Promotion of new technologies
2. Landscape Efficiency
 - a. Promotion of landscape efficiency
 - b. Landscape planning and renovation
 - c. Selective irrigation sub-metering
 - d. Irrigation management
 - e. Turf/high water use landscaping buy-back/incentive program
 - f. Xeric or drought-tolerant landscaping and demonstration gardens at provider facilities
 - g. Certification program/classes for landscape/irrigation professionals
 - h. Outdoor water conservation kits
 - i. Rain sensor incentive
 - j. Evaluation of landscape and irrigation plans for new/re-development
3. Water-Use Audits
 - a. Audits of large-volume users
 - b. Landscape and irrigation audits
 - c. Indoor water audits for residential customers
4. Industrial and Commercial Efficiency
 - a. Commercial and industrial water conservation education and support
 - b. Low-flow commercial pre-rinse spray washers
5. Education/Information Distribution

- a. Public education
 - b. Youth and teacher education
 - c. Workshops
 - d. Water conservation webpage
 - e. Conservation information available for customers
6. Encouraging Water Conservation through Water Rate Structures and Billing
- a. Inverted, tiered water rate schedule
 - b. Cost-of-service accounting
 - c. User charges
 - d. Metered rates
 - e. Cost analysis
 - f. No promotional rates
 - g. Understandable and informational water bill
 - h. Peer-user information (e.g., average use by neighbors) printed on water bill
 - i. Water bill inserts
7. Regulations/Ordinances
- a. Water use standards and regulations
 - b. Requirements for new developments
8. Other Water Management Activities
- a. Water conservation officer staff position
 - b. Customer service
 - c. Advisory committee
9. Water Reuse/Recycling
- a. Industrial and commercial applications; large-volume water users
 - b. Treatment facility water conservation/efficiency opportunities
10. Universal Metering
- a. Source-water metering
 - b. Surface-connection metering
 - c. Meter public use water
 - d. Fixed-interval meter reading
 - e. Meter-extra seat analysis
-

f. Test, calibrate, repair, and replace meters

11. Water Accounting and Loss Control

a. System maintenance, leak detection, and repair program

b. Analysis of "unaccounted" water

c. Water system audit

d. Automated sensors/telemetry

12. Pressure Management

a. System-wide pressure regulation

b. Selective use of pressure-reducing valves

AGENDA ITEM SUMMARY

DATE: 10/18/2010 DEPARTMENT: Treasurer

DEPT. HEAD SIGNATURE: *[Signature]*

SUBJECT:

HAILEY RODEO PARK "soft costs" and staff payroll for FYE 10

AUTHORITY: ND Code 50-1003 IAR City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The approved Reimbursement Resolution, approved June 28, 2010, states the City can be reimbursed for Hailey Rodeo Park expenses incurred related to this project, paid for from the Capital Projects Fund and the General Fund. A copy of Resolution 2010-8 is attached for your convenience; also attached is a revised list of Direct Costs (a few minor corrections have been made resulting from scrutiny), a spreadsheet listing payroll related expenses for the fiscal year and a new spreadsheet outlining the "other, inter-fund costs" comprised of the payroll aspect as well as legal, permits and the park coordinator.

The Inter-fund costs are included in the direct costs sheet; we seek direction on whether or not some or all of these should be paid for out of the capital fund. It has been our assumption that the capital fund should pay these costs; is that indeed the council's understanding?

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone #: _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

The capital fund has been partially reimbursed for Hailey Rodeo Park expenses, through the August 30 recap. The reimbursement included the Park Coordinator; it did not include legal, payroll or the most recent permits and fees (water and wastewater hookup and inspections). (The building permit invoice was created in early October; the legal costs were separated out from the monthly bill in late September.) We recommend discussion to be certain the expenses related to this capital project are approved to be paid out of the capital projects fund rather than to be treated as staff support and paid out of the general operating fund.

FOLLOW-UP REMARKS:*

AGENDA ITEM SUMMARY

DATE: 10/18/2010 DEPARTMENT: Treasurer

DEPT. HEAD SIGNATURE: _____



SUBJECT:

HAILEY RODEO PARK "soft costs" and staff payroll for FYE 10

AUTHORITY: ID Code 50-1003 IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

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FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	_____
___ Safety Committee	___ P & Z Commission	___ Police	_____
___ Streets	___ Public Works, Parks	___ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

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FOLLOW-UP REMARKS:*

RESOLUTION NO. 2010-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAILEY, BLAINE COUNTY, IDAHO, EXPRESSING OFFICIAL INTENT, PURSUANT TO SECTION 1.150-2 OF THE FEDERAL INCOME TAX REGULATIONS, TO REIMBURSE THE CITY, FROM THE PROCEEDS OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2010, CERTAIN EXPENSES TO BE PAID FROM FUNDS OF THE CITY; AND PROVIDING AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, Blaine County, Idaho, as follows:

Section 1: The City Council of the City of Hailey, Blaine County, Idaho (the "City"), reasonably expects to reimburse the expenditures and other costs described herein from the proceeds of the "City of Hailey General Obligation Bonds, Series 2010," which the City anticipates will be issued on August 3, 2010 (the "Reimbursement Bonds").

Section 2: This declaration of official intention is made pursuant to Section 1.150-2 of the Federal Income Tax Regulations.

Section 3: The expenditures with respect to which the City reasonably expects to reimburse the City from the proceeds of the Reimbursement Bonds are for the costs of the payment of certain expenses of the City which would otherwise be paid from proceeds of the Reimbursement Bonds.

Section 4: The expenditures with respect to which the City expects to reimburse the City from proceeds of the Reimbursement Bonds are being made from the Capital Fund and from the General Fund.

Section 5: The reimbursement allocation from the proceeds of the Reimbursement Bonds will be made no later than ninety (90) days after the date of issuance of the Reimbursement Bonds.

Section 6: This resolution shall take effect and be in force from and after its passage and approval.

DATED this 28th day of June, 2010.

CITY OF HAILEY
Blaine County, Idaho

Mayor

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HAILEY RODEO PARK - OTHER, INTER-FUND CITY COSTS *

	TOTAL	GEN	WATER	WWATER	
WILLIAMSON	13,605.00	4,535.00	4,535.00	4,535.00	Charges through 8/31/10
PAYROLL	27,100.94	9,246.18	10,822.12	7,032.64	Through 9/28/10 via Project Management
KEEPER	12,901.76	12,901.76			Paid through 10/7/10
PERMITS	106,149.00	29,181.00	42,010.00	34,758.00	
INSPECTIONS			100.00	100.00	
TOTAL	159,756.70	55,863.94	57,467.12	46,425.64	

* The above costs have been included in the DIRECT COSTS spreadsheet but are listed here separately for your consideration.

HAILEY RODEO PARK PAYMENTS

DIRECT COSTS PAID THROUGH 9/30/10

Pymt Date	Payee	Description	Check #	Amount		
7/22/2009	Ruscitto, Latham, Blantam	Progress billing through 7/9/09	22106	5,500.00		ARCH
8/1/2009	Keefer Associates	Coordinator	22187	1,150.00		Park Consultant/Coord
9/30/2009	Keefer Associates	Campaign Apr. Jul, Aug, Sept	var	950.00		Park Consultant/Coord
11/19/2009	Keefer Associates	Campaign	22666	800.00		Park Consultant/Coord
12/4/2009	Ruscitto, Latham, Blantam	Progress billing 7/10-10/28/09	22808	6,009.20		Planning Services Agreement 100%
12/10/2009	Keefer Associates	Coordinator	22776	800.00		Park Consultant/Coord
1/4/2010	Keefer Associates	Coordinator	22953	1,000.00		Park Consultant/Coord
1/6/2010	USPS	Mailing brochures (fundraising)	22980	1,500.00		
1/7/2010	Galena Engineering	Mapping and short plat	22931	4,488.50		
2/1/2010	Ruscitto, Latham, Blantam	Progress billing 11/1-12/31/09	23125	35,465.72		47% schematic phase
2/4/2010	Keefer Associates	Coordinator	23095	1,101.76		Park Consultant/Coord
3/3/2010	Keefer Associates	Coordinator	23251	1,000.00		Park Consultant/Coord
3/9/2010	Geoengineers, Inc	Preliminary geotech evaluation	23312	2,348.68		
4/1/2010	Ruscitto, Latham, Blantam	Progress billing 1/1-2/28	23428	40,493.65		100% Schematic phase
4/1/2010	City of Hailey	Planning Design Review	23371	3,670.98		
4/12/2010	Keefer Associates	Coordinator	23482	1,000.00		Park Consultant/Coord
HAILEY RODEO PARK				107,278.49		- MONTH TOTAL TO DATE
APRIL EXPENSES						
4/20/2010	City of Hailey	Planning Prelim Plat, post, pub	23519	1,076.76	1,076.76	108,355.25
MAY EXPENSES						
5/5/2010	Keefer Associates	Coordinator	23613	900.00	900.00	109,255.25
JUNE EXPENSES						
6/9/2010	Keefer Associates	Coordinator	23880	1,000.00		
6/9/2010	GeoEngineers	Geotech evaluation	23783	12,301.34		
6/24/2010	Ruscitto, Latham, Blantam	Progress Billing 3/1-5/31/2010	23894	40,174.36		
6/24/2010	ACS	Asbestos testing	23862	492.62	53,968.32	163,223.57
JULY EXPENSES						
7/2/2010	Keefer Associates	Coordinator	23949	800.00		
7/2/2010	Industrial Hygiene Resources	Testing-lead paint	23944	1,515.00		
7/2/2010	City of Hailey	Demo Permit		75.00		
7/15/2010	Galena Engineering	Util, drainage plans	24010	6,478.75		
7/15/2010	GeoEngineers	Engineering/Eval	24011	517.34		
7/15/2010	Idaho Power	Underground power	24021	1,140.00		
7/15/2010	Diamond Productions	High Def Vidio-rodeo, ground brk	24004	500.00		
7/19/2010	City of Hailey	Permit	23996	50.00		
7/21/2010	Idaho Mountain Express	Call for Artists	24019	164.00		
7/21/2010	Idaho Mountain Express	Call for Artists	24019	117.00		
7/21/2010	Idaho Mountain Express	Const Mgr Ad	24019	107.64		
7/21/2010	Idaho Mountain Express	Ordinance	24019	105.80		
7/21/2010	Idaho Mountain Express	RFQ	24019	105.80		
7/21/2010	The Weekly Paper	Call for Artisterror- fireworks	24061			
7/21/2010	Ruscitto, Latham, Blantam	Progress Billing 4/15-6/30/2010	24051	41,390.92	53,067.25	216,290.82
AUGUST EXPENSES						
8/3/2010	Bond Closing Costs	Paid from bond proceeds	no check	38,950.00		
8/4/2010	Bill Amaya	Public Art Progress Payment	24079	3,000.00		
8/4/2010	Tom Teltge	Public Art Progress Payment	24167	3,000.00		
8/4/2010	Ellen Nasvik	Public Art Progress Payment	24139	3,000.00		
8/4/2010	Marie Stewart	Public Art Progress Payment	24165	3,000.00		
8/4/2010	Troy Passey	Public Art Progress Payment	24146	3,000.00		
8/5/2010	Mt Express	Legal Notice of Bond Sale	24115	141.45		
8/6/2010	Mt Express	Ordinance Publishing	24115	62.56		
7/28/2010	Mt Express	Ordinance Publishing	24115	60.72		
8/19/2010	Building Materials Thrift Store	Mural Demo/Removal	24187	1,000.00		
8/6/2010	Burks Excavation	Demolition	24189	7,375.00		
8/12/2010	Idaho Power	Underground power	24218	36,272.00		
8/4/2010	Keefer Associates	Coordinator - July	24222	800.00		
April exp	Mt Express	Bond Advertisements, miscoded	var	669.60		
April exp	Mt Express	Ordinance 1054 Legals	var	132.48	100,463.81	316,754.63
SEPTEMBER EXPENSES						
9/9/2010	Galena Engineering	July engineering	24306	970.14		\$317,054.63 9/10/2010
9/9/2010	Galena Engineering	August Engineering	24306	3,730.06		to Cap Proj from HRP pro
9/9/2010	Ruscitto, Latham, Blantam	7/1-8/15/10 Architectural services	24352	10,480.85		JE DIT 8/31/10
9/9/2010	Extreme Excavation	Sewer and Water	24296	68,872.00		Diff \$300, Weekly Paper r
Aug,Sept	Go Fer It Express	Water sample Delivery	24309	36.00		(Fireworks ad, not Call for
9/1/25/10	Whitehead Landscaping	Hook up main line and skate park in	25041	1,601.89		
9/9/2010	Magic Valley Labs	Water sample	24336	26.00		
9/9/2010	Keefer Associates	Coordinator Aug	24329	800.00		
9/23/2010	Arbor Farms	Tree move	24373	3,067.50		
9/23/2010	Idaho Lumbeer	Paint and supplies	25003	161.86		
9/23/2010	Ole Dan Tucker Fencing	Fence Move	25023	7,340.00		
Thru 8/31/10	Ned Williamson	Legal work 9/1/09-8/31/10	var	13,605.00	110,691.30	427,445.93
OCTOBER PAYMENTS for Sept						
	Arborcare	Spruce removal		360.00		
	Galena Eng			3,839.76		
10/11/2010	Ned Williamson	Sept Legal Work		585.00		
10/7/2010	Keefer Associates	Sept Coordination	25098	800.00	5,584.76	433,030.69
PAYROLL AND BENEFITS FYE 10						
TO DISCUSS WITH COUNCIL		PAYROLL		21,818.35		
		BENEFITS		6,002.38	27,820.73	460,851.42
	City of Hailey	HRP Building permit, www hookups...		106,149.00		

RODEO GROUNDS PAYROLL RELATED

10/1/09-3/28/10

PAYROLL	HOURS	Hourly	% total	Total	BY DEPARTMENT BY FUND	
					Gen	Wwater
CONE, MARY	36.00	25.50	17.69%	918.00	306.00	306.00
DAWSON, HEATHER	33.00	47.80	30.40%	1,577.40	525.80	525.80
STOKES, BECKY	6.50	26.49	3.32%	172.19	57.40	57.40
HELLEN, TOM	27.00	42.33	22.03%	1,142.91	400.02	400.02
ISAACS, TRINA	2.00	19.10	0.74%	38.20	13.37	13.37
FERGUSON, DAVE	2.00	31.71	1.22%	63.42	63.42	63.42
MEAD, BECKY	30.25	18.26	10.65%	552.37	552.37	552.37
PLATT, MARIEL	23.50	24.82	11.24%	583.27	583.27	583.27
ROBRAHN, BETH	4.00	35.09	2.71%	140.36	140.36	140.36
5109.99 per rept	164.25		100.00%	5,188.11	2,582.94	1,302.58
					2,582.94	1,302.58
BENEFITS						
CONE, MARY	36.00	25.50	17.69%	264.43	88.14	88.14
DAWSON, HEATHER	33.00	47.80	30.40%	454.36	151.45	151.45
STOKES, BECKY	6.50	26.49	3.32%	49.60	16.53	16.53
HELLEN, TOM	27.00	42.33	22.03%	329.21	115.22	115.22
ISAACS, TRINA	2.00	19.10	0.74%	11.00	3.85	3.85
FERGUSON, DAVE	2.00	31.71	1.22%	18.27	18.27	18.27
MEAD, BECKY	30.25	18.26	10.65%	159.11	159.11	159.11
PLATT, MARIEL	23.50	24.82	11.24%	168.01	168.01	168.01
ROBRAHN, BETH	4.00	35.09	2.71%	40.43	40.43	40.43
	164.25		100.00%	1,494.41	744.00	375.20
					744.00	375.20
					3,326.95	1,677.79
				6,682.52	3,326.95	1,677.79

PAYROLL RELATED HPR EXPENSES 10/1/09-3/28/10

3/29/10-9/30/10

PAYROLL	HOURS	Hourly	% total	Total	BY DEPARTMENT BY FUND	
					Gen	Wwater
CONE, MARY	65.00	25.50	0.00%	1,035.67	1,035.67	1,035.67
DAWSON, HEATHER	52.50	47.80	19.30%	1,390.73	463.58	463.58
STOKES, BECKY	2.50	26.49	8.64%	47.75	16.71	16.71
ANDERSON, TRACY	90.00	19.10	0.30%	3,809.70	1,333.40	1,333.40
HELLEN, TOM	119.00	42.33	23.67%	986.75	1,151.21	1,151.21
ZARUBICA, JIM	9.00	27.64	20.43%	285.39	285.39	285.39
FERGUSON, DAVE	1.25	31.71	1.77%	43.86	43.86	43.86
ROBRAHN, BETH	1.00	35.09	0.27%	29.55	29.55	29.55
PARKER, ROGER	1.00	29.55	0.18%	29.55	29.55	29.55
					1,035.67	1,035.67
					463.58	463.58
					16.71	16.71
					1,333.40	1,333.40
					1,151.21	1,151.21
					285.39	285.39
					43.86	43.86
					29.55	29.55
					1,513.57	1,515.95
					2,129.66	2,484.60
					285.39	285.39
					43.86	43.86
					3,326.95	1,677.79
					744.00	375.20
					3,326.95	1,677.79

M:110 Financial\Halley Rodeo Park\EXPENSE RECAP

3/29/10-9/30/10

HOURS	Hourly	% total	Total
HOLYOAK, STEVE	8.50	1.19%	191.42
DIBBLE, REESE	3.00	0.43%	68.76
BALIS, COLE	16.00	1.85%	297.60
SCHULTZ, BOB	16.00	1.89%	304.00
WEST, KELLY	86.00	9.91%	1,594.44
FISCHER, PAUL	55.50	5.86%	943.50
ANTONIO	16.00	1.29%	208.00
TEX	17.00	1.89%	303.45
MAQUEL	14.00	1.13%	182.00
16104.65 per rept	572.25	100.00%	16,096.31

BENEFITS

HOURS	Hourly	% total	Total
DAWSON, HEATHER	65.00	19.30%	834.28
STOKES, BECKY	52.50	8.64%	373.43
ANDERSON, TRACY	2.50	0.30%	12.82
HELLEN, TOM	90.00	23.67%	1,022.96
ZARUBICA, JIM	119.00	20.43%	883.19
FERGUSON, DAVE	9.00	1.77%	76.63
ROBRAHN, BETH	1.25	0.27%	11.78
PARKER, ROGER	1.00	0.18%	7.93
HOLYOAK, STEVE	8.50	1.19%	51.40
DIBBLE, REESE	3.00	0.43%	18.46
BALIS, COLE	16.00	1.85%	79.91
SCHULTZ, BOB	16.00	1.89%	81.63
WEST, KELLY	86.00	9.91%	428.13
FISCHER, PAUL	55.50	5.86%	253.34
ANTONIO	16.00	1.29%	55.85
TEX	17.00	1.89%	81.48
MAQUEL	14.00	1.13%	48.87
TOTAL HOURS	572.25	100.00%	4,322.11
PAYROLL RELATED HPR EXPENSES 3/29/10-9/30/10	736.50		20,418.42
PAYROLL RELATED HRP EXPENSES FYE 10			27,100.94
27,031.16 per PROJ MGT rept			

BY DEPARTMENT BY FUND			
Gen	Water	Wwater	Wwater
	68.76	191.42	220.97
	297.60		
	304.00		
	1,594.44		
	943.50		
208.00			
303.45			
182.00			
693.45			
4,665.93	7,208.86	4,221.53	4,221.53

BY DEPARTMENT BY FUND			
Gen	Water	Wwater	Wwater
278.09	278.09	278.09	
124.48	124.48	124.48	
4.27	4.27	4.27	
306.89	358.04	358.04	406.84
264.96	309.12	309.12	406.84
76.63			667.15
11.78			667.15
			59.33
			59.33

BY DEPARTMENT BY FUND			
Gen	Water	Wwater	Wwater
	18.46		
	79.91		
	81.63		
	428.13		
	253.34		
55.85			
81.48			
48.87			
1,253.30	1,935.48	1,133.33	1,133.33
5,919.23	9,144.33	5,354.86	5,354.86
9,246.18	10,822.12	7,032.64	7,032.64

AGENDA ITEM SUMMARY

DATE: 10/25/10 DEPARTMENT: PW DEPT. HEAD SIGNATURE: 

SUBJECT: Discussion on a revision to the Tree Ordinance to address encroachment fees, replacement costs and procedures for Public Trees.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

In implementing the Hailey Tree Ordinance there have been some instances that point to the need to revise the ordinance.

1. When a person asks to be allowed to remove a public tree that is dead, dying or presenting a risk at their expense our ordinance currently requires an encroachment permit which requires a \$50 fee. As they are assisting with what would otherwise be our cost the Tree Committee feels that this fee should be waived.
2. When there is no reason for a public tree to be removed as requested by a property owner this ordinance revision would allow for the option of paying the City the value of the tree that we would use to replant elsewhere.
3. The Tree Committee has developed a permit form for reviewing the condition of a tree being requested to be removed. They are requesting that Council approve their recommended form.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
 Budget Line Item # _____ YTD Line Item Balance \$ _____
 Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
 Staff Contact: Tom Hellen Phone # 788-9830 Ext 14
 Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

____ City Attorney	____ Clerk / Finance Director	____ Engineer	____ Building
____ Library	____ Planning	____ Fire Dept.	_____
____ Safety Committee	____ P & Z Commission	____ Police	_____
____ Streets	____ Public Works, Parks	____ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:
Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record

Copies (all info.): _____

Instrument # _____

*Additional/Exceptional Originals to: _____

Copies (AIS only)

Draft 12-30-03

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 12.20.030 TO REGULATE STANDARDS FOR ENCROACHMENT PERMITS AND REPLACEMENT OPTIONS FOR PUBLIC TREES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey have adopted the Hailey Tree Ordinance and established the Hailey Tree Committee to promote the proper care of our Urban Forest; and

WHEREAS, the Hailey Tree Committee has recommended policies for the proper enforcement of the Hailey Tree Ordinance; and

WHEREAS, the Hailey Tree Committee now recommends that the Hailey Tree Ordinance be amended to clarify procedures to ensure that our community forest is maintained and improved in a manner that ensures it is protected for future generations;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAILEY, IDAHO:

Section 1. Chapter 12.20 of the Hailey Municipal Code is amended as follows:

Chapter 12.20

HAILEY TREE ORDINANCE

12.20.030 Public Trees.

12.20.030.01 No person, firm or legal entity shall plant, prune, maintain or remove any Public Tree without first obtaining an encroachment permit from the City of Hailey. All such permit applications shall be reviewed following policies recommended by the Hailey Tree Committee. The city may grant a permit or conditionally grant a permit only when such is consistent with provisions of this Chapter and/or other applicable laws or standards. There shall be no fee for an encroachment permit obtained for removal of a Public Tree deemed by a certified arborist to be dead, dying or presenting a condition requiring risk mitigation. Conditionally granted encroachment permits may include provisions for the applicant to provide to the City of Hailey the replacement value of the Public Tree for the use of providing new Public Tree(s) in another location at the discretion of the City.

12.20.030.02 No person, firm or legal entity shall abuse, poison or mutilate any Public Tree, plant or Shrub or the root of any Public Tree, plant or Shrub, unless allowed pursuant to an encroachment permit issued under this Chapter.

12.20.030.03 No person, firm or legal entity shall Top any Public Tree or to Flush Cut any branch on Public Trees, unless allowed pursuant to an encroachment permit issued under this Chapter.

12.20.030.04 Any person, firm or legal entity contracting for the maintenance, removal or planting of Public Trees must enter into a contract for services with the City of Hailey. The contract shall be revocable for cause. Any person or entity must provide security in accordance with Section 12.16.080 of the Hailey Municipal Code.

12.20.030.05 Any utility company shall, upon review, be granted a yearly permit that allows work on Street Trees. Permits shall be subject to the following restrictions:

A. Work done on Public Trees and roots must meet the standards and practices as stated in the Forestry Plan.

B. The person or entity must provide security in accordance with Section 12.16.080 of the Hailey Municipal Code.

Section 2. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2010.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

