



# AGENDA

## IDAHO WATER RESOURCE BOARD

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### Work Session for Board Meeting No. 5-18

July 26, 2018

8:30 a.m.

Best Western Plus University Inn

Conference Room

1516 Pullman Road

MOSCOW

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**C.L. "Butch" Otter**  
Governor

**Roger W. Chase**  
Chairman  
Pocatello  
District 4

**Jeff Raybould**  
Vice-Chairman  
St. Anthony  
At Large

**Vince Alberdi**  
Secretary  
Kimberly  
At Large

**Peter Van Der Meulen**  
Hailey  
At Large

**Albert Barker**  
Boise  
District 2

**John "Bert" Stevenson**  
Rupert  
District 3

**Dale Van Stone**  
Hope  
District 1

**Jo Ann Cole-Hansen**  
Lewiston  
At Large

1. Roll Call
2. Flood Management Grants
3. Priest Lake Water Management Project
4. Idaho Fish & Game – Priest Lake Siphon Proposal
5. Lower Lapwai Rental Pool
6. Boise River Feasibility Study
7. Palouse Basin Aquifer Committee Presentation

*The Board will break for lunch at approximately 11:30 a.m.*

*12:00 p.m. – 3:00 p.m.: The Board will depart for a Field Trip hosted by Palouse Basin Aquifer Committee.*

*Transportation will be provided for Board members, IDWR staff, and invited guests.*

\*Action Item: A vote of recommendation regarding this item may be made at this meeting. Identifying an item as an action item on the agenda does not require a vote to be taken on the item.

#### Americans with Disabilities

The meeting will be held in facilities that meet the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations to attend, participate in, or understand the meeting, please make advance arrangements by contacting Department staff by email [nikki.regent@idwr.idaho.gov](mailto:nikki.regent@idwr.idaho.gov) or by phone at (208) 287-4800.

# Memorandum



To: Idaho Water Resource Board (IWRB)  
From: Neeley Miller  
Date: July 18, 2018  
Re: Priest Lake Water Management Project

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**ACTION: No action needed at this time**

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## Background

- As a result of limited water supply and drought conditions in northern Idaho in 2015 and 2016 it was difficult to maintain required pool levels and downstream flow in the Priest River during the recreational season.
- The IWRB subsequently authorized the expenditure of up to \$300,000 from the Revolving Development Account to complete the Priest Lake Water Management Study to evaluate strategies to meet long-term water management objectives for the Priest Lake and Priest River system.
- A Request for Proposals was issued to solicit consultant services to complete the conceptual study and subsequent Priest Lake Water Management Project. The proposal submittal period closed in October 2016. Several proposals were submitted and staff reviewed proposals and selected a consultant to perform the study: Mott MacDonald.
- Priest Lake Water Management Study (Phase 1) was completed in February 2018. The study included the following recommendations:
  - Temporarily raising the surface level of Priest Lake 3 to 6 inches during the recreational season of dry years and integrating real-time streamflow data to allow more flexibility
  - Outlet structure improvements to the scour apron, modifying and strengthening gates, and electrical gate operation
  - Replace the current existing porous breakwater with an impervious sediment retention feature and dredging a portion of the Thorofare channel
- The Phase 1 estimated cost to implement recommendations is approximately \$5 million (\$2.4 million for outlet structure improvements, and \$2.4 - \$2.6 million for Thorofare improvements).
- On January 26, 2018 the IWRB passed a resolution asking the Idaho Legislature to repurpose the remaining balance of \$2,419,600 in a 2005 CREP appropriation that had not been utilized and direct it towards the Priest Lake Water Management Project. In that resolution, the IWRB also indicated that it expects local contributions of at least \$200,000 for the project.
- House Bill 677 passed and approved by the 2018 Legislature included 1) a \$2.4 million transfer from the General Fund to the Revolving Development Account, and 2) \$2,419,600 of funding in the Revolving Development redirected from the Conservation Reserve Enhancement Program (CREP) to be used for the

Priest Lake Water Management Project. On March 27, 2018 Governor Otter signed the budget bill (FY 2019) which includes the funds for the Priest Lake Project.

- On May 18, 2018 the Board adopted a resolution authorizing \$600,000 for Engineering and Design work associated with Phase 2 of the Priest Lake Water Management Project.
- Funding Status: \$2.4 million + \$2.4196 + \$200K local contribution -\$600K for preliminary engineering design & permitting = \$4,419,600 remaining for Final Engineering Design, Bidding Solicitation, Construction and Construction Management.
- In July 2018 Mott MacDonald submitted to IWRB staff the final Priest Lake Water Management Project Phase 2 – Preliminary Engineering Design & Permitting Scope of Work.
- July 2018 – executed contract with Mott MacDonald for Phase 2: Preliminary Engineering Design & Regulatory Permitting

## Phase 2 – Scope of Work

The work of Phase 2 is a continuation of the work, conclusions and recommendations outlined in the Phase 1 report. Phase 2 project goals include Lake Level Management (maintaining a 3-ft level at the USGS outlet gage during the recreational season and developing lake level operational strategies during dry and low water years), maintain minimum flow requirements downstream of outlet dam, and provide sustainability for the Thorofare (promoting self-sustaining improvements to improve Thorofare access, navigability).

**Task 1 Additional Data Collection** - Collection of new data is needed to supplement data collected during Phase 1 and develop a comprehensive dataset for conducting preliminary engineering, and regulatory permitting.

- Kickoff Meeting. Conduct kickoff meeting conference call with BOARD and Project Team to discuss scope, schedule, roles/responsibilities and communication protocols.
- Site Assessments. Conduct field assessments at the project area to aid in the development of the regulatory permitting and design.
- Surveying (Hydrographic & Topographic). The consultant will survey the lake and river bottom within a distance of 2,000 feet upstream and downstream of the dam to provide data for the numerical (computer) hydraulic modeling. More detailed survey work will be conducted within the area immediate downstream of the dam to develop the design drawings.
- Water Level, Flow & Hydraulic Measurements. Conduct additional field data collection to aid in the final hydraulic and water management analysis.
- Geotechnical Data Collection (Thorofare and Outlet Dam).
- Basis of Design. Update the basis of design from the Phase 1 work to reflect the current preferred concepts and results of the site assessment work.

**Task 2 Preliminary Engineering** - Conduct Preliminary Engineering analysis and design to support regulatory permitting application documents.

- Hydraulic & Hydrologic Analysis
- Outlet Structure Preliminary Engineering Analysis

- Thorofare Preliminary Engineering Analysis
- Preliminary Engineering Design

**Task 3 Regulatory Permitting** - Conduct consultation with regulatory agencies and develop documentation required for permit application submission based on information generated from the preliminary engineering design task. The consultant anticipates considerable coordination with regulatory agencies for both elements of the project.

- Regulatory Agency Consultation - Regulatory agencies will include federal, state and local agencies. Consultation consisting of telephone and meeting outreach will be conducted to solicit input on the proposed project.
- Wetland Assessments - In the first phase of the study, there were concerns relative to potential impacts to the wetlands at the north and south end of the lake. The consultant will conduct a site assessment on up to three locations to aid in the evaluation of the potential impacts (if any) caused by a temporary, seasonal 3" to 6" pool raise.
- Regulatory Permitting Strategy Memorandum laying out the permits, agencies involved and schedules.
- Permit Application Documentation 1. Joint Permit (USACE, IDWR, IDL), 2. Lake Encroachment (IDL), 3. Water Quality Certification (IDEQ), 4. Stream Channel Alteration (IDWR), 5. Preparation of Biological Assessment, assuming a finding of non-significance by USACE, 6. Floodplain (Bonner County), 7. Authorization of Special Use for Thorofare construction (USFS).
- Dredged Material Management - Development of existing site conditions and proposed new dredging and disposal work will be developed following the Level 1 evaluation protocols. This will include development of a project description and conceptual dredging plan.

**Task 4 Public Involvement/Stakeholder Engagement** – Conduct outreach throughout duration of the work with identified key stakeholders and the general public as a continuation of public involvement program implemented in the Phase 1 study. The work under this task includes the following:

- Public Involvement: Conduct 2 public meetings throughout the duration of the work. The first will be after data collection and during early phase of the preliminary engineering. The second meeting will be during development of the design prior to completion.
- Stakeholder Involvement: Conduct stakeholder involvement consisting of local advisory group (steering committee) and government agencies periodically throughout duration of the project. Five meetings are planned throughout the duration of the work execution to obtain input into the design and permitting process. The meetings will be conducted as a combination of in-person and teleconference meetings.

The public involvement and stakeholder engagement effort will be conducted in parallel with the engineering and regulatory permitting work with large emphasis during the preliminary design and permitting tasks.

**Task 5 Project Management** – The consultant will provide ongoing coordination with the BOARD and management of the project tasks for the subcontractors in order to provide an effective and efficient distribution of project information ensuring the project remains on schedule. The consultant will provide monthly reports with invoices and periodic updating of project schedules. Additionally, the consultant will lead monthly project control meetings with the BOARD and prepare and distribute meeting minutes.



## Phase 2 Schedule

### **Task 1 Data Collection – July to August, 2018**

- Kickoff Meeting
- Existing & New Data Collection.
- Site Assessments – Dam, Wetlands, Erosion areas on lake, Thorofare.
- Design Recommendations – Refinement of recommendations from last phase and any new information gathered that could affect the scope of preliminary design.
- Basis of Design – Refinement and update from last phase.
- Steering Committee Meeting #1 – Late July/Early August

### **Task 2 Preliminary Engineering Design – September to January, 2019**

- Regulator Agency & Stakeholder Engagement.
- Steering Committee Meeting #2 – Early September.
- Public Meeting/Open House – Late September.
- Permitting Level Plans – Draft November; Final December.
- Updated Construction Cost Estimates – Draft November; Final December.
- Dam Improvements & Dam Safety Report Submittal. Includes discipline reports (Geotechnical, Structural, Hydraulic, etc.) – Draft November; Final December.

### **Task 3 Regulatory Permitting – August 2018 to June 2019**

- Consultation with Agencies regarding proposed concepts – August/September 2018.
- Permit Application Documents – Initiate development of documents starting in September and working on through Winter 2018.
- Permit Application Submission – January 2019.

### **Task 4 Public/Stakeholder Involvement – Ongoing with large emphasis during the preliminary design and permitting tasks.**

- Steering Committee Meeting #1 – Late July/Early August (in person or telecon).
- Steering Committee Meeting #2 – Early September 2018 (telecon).
- Public Open House – Late September 2018 (in person, Priest Lake).
- Steering Committee Meeting #3 – October 2018.
- Steering Committee Meeting #4 – November 2018.
- Steering Committee Meeting #5 – December 2018 or January 2019.

## Phase 3 Schedule

### **Final Engineering Design – TBD Based on status off regulatory permitting process. Likely starting mid-2019.**

Final engineering and design and services during bidding and construction are not included in this Phase 2 scope of work but will likely include the following elements:

- Sealed plans, specifications, cost estimates.
- Final computation package for dam safety review.

### **Bidding and Construction**

- Bidding is anticipated in late 2019, with construction starting early 2020.

# Memorandum

To: Idaho Water Resource Board (IWRB)  
From: Neeley Miller  
Date: July 18, 2018  
Re: Idaho Fish & Game – Priest Lake Siphon Proposal

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A representative from Idaho Fish & Game will deliver a presentation to the Board on the Priest Lake Siphon Proposal.

# Priest River Cold Water Bypass Concept

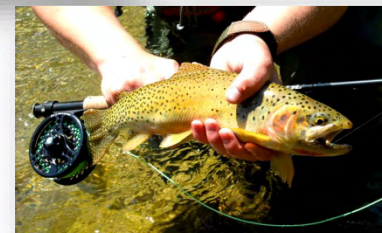
Kiira Siitari

Environmental Staff Biologist  
Idaho Department of Fish and Game



July 26, 2018

Idaho Water Resource Board Meeting



# Why consider more cold water in the first place?

## During most summers, Lower Priest River is too warm for our native trout.

From the Outlet Dam to the confluence with the Pend Oreille River, the 45 miles of stream meanders through idyllic scenery along the Selkirk Mountains.

Yet during July, August, and September, the stream is relatively empty. Many of our native, aquatic animals are adapted to thrive in cold, snow-fed streams (below 66°F). Yet August average temperatures climb above this suitable threshold, putting species like bull trout and westslope cutthroat trout at risk of stress, disease, or death.

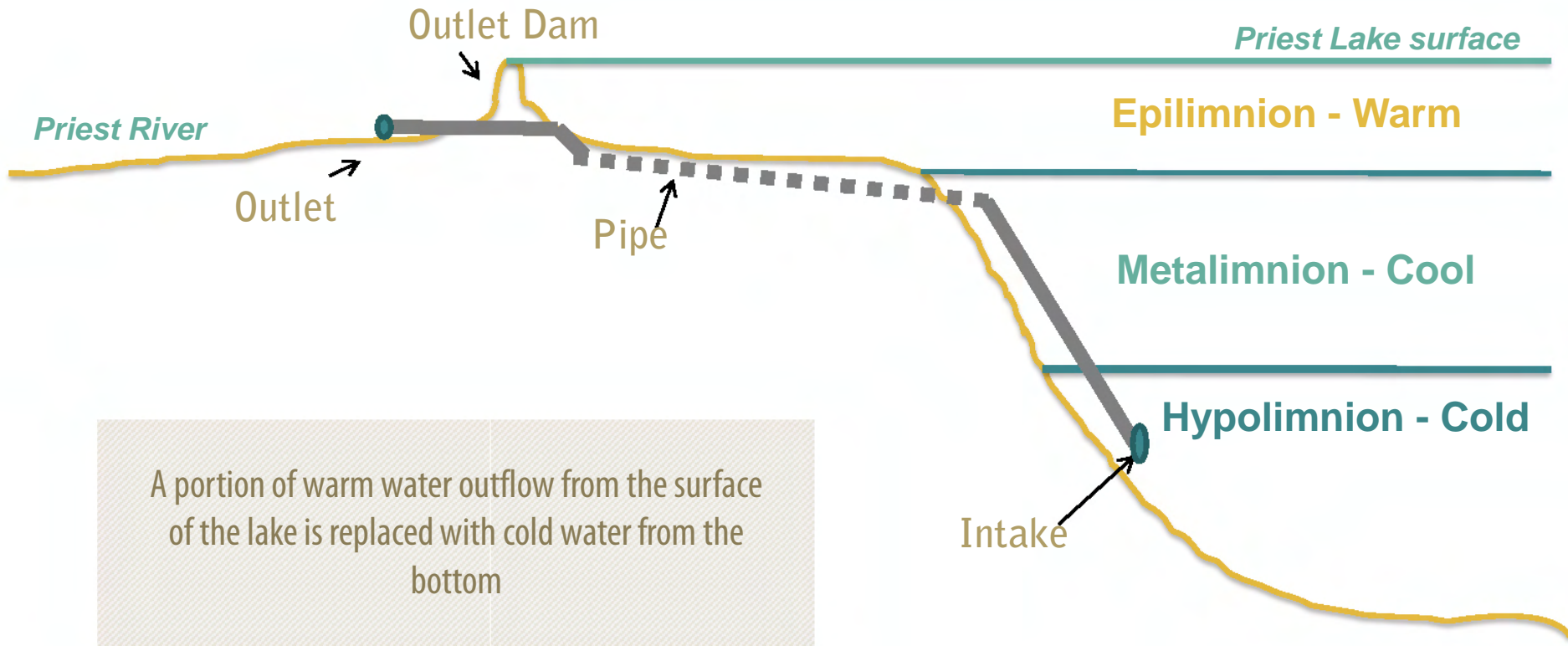
Trout densities are much lower than expected in a stream the size of Lower Priest River. Idaho Department of Fish and Game surveys have found trout densities 55 times lower than similar sized rivers in northern Idaho such as the Moyie, North Fork Coeur d'Alene, and the St. Joe.

Lower Priest River presents unique challenges to addressing this water quality impairment. Yet the potential for a healthy stream, destination trout fishery, and thriving local economy cannot be ignored.

Priest River contains trout densities 55 times less than similar sized rivers in northern Idaho

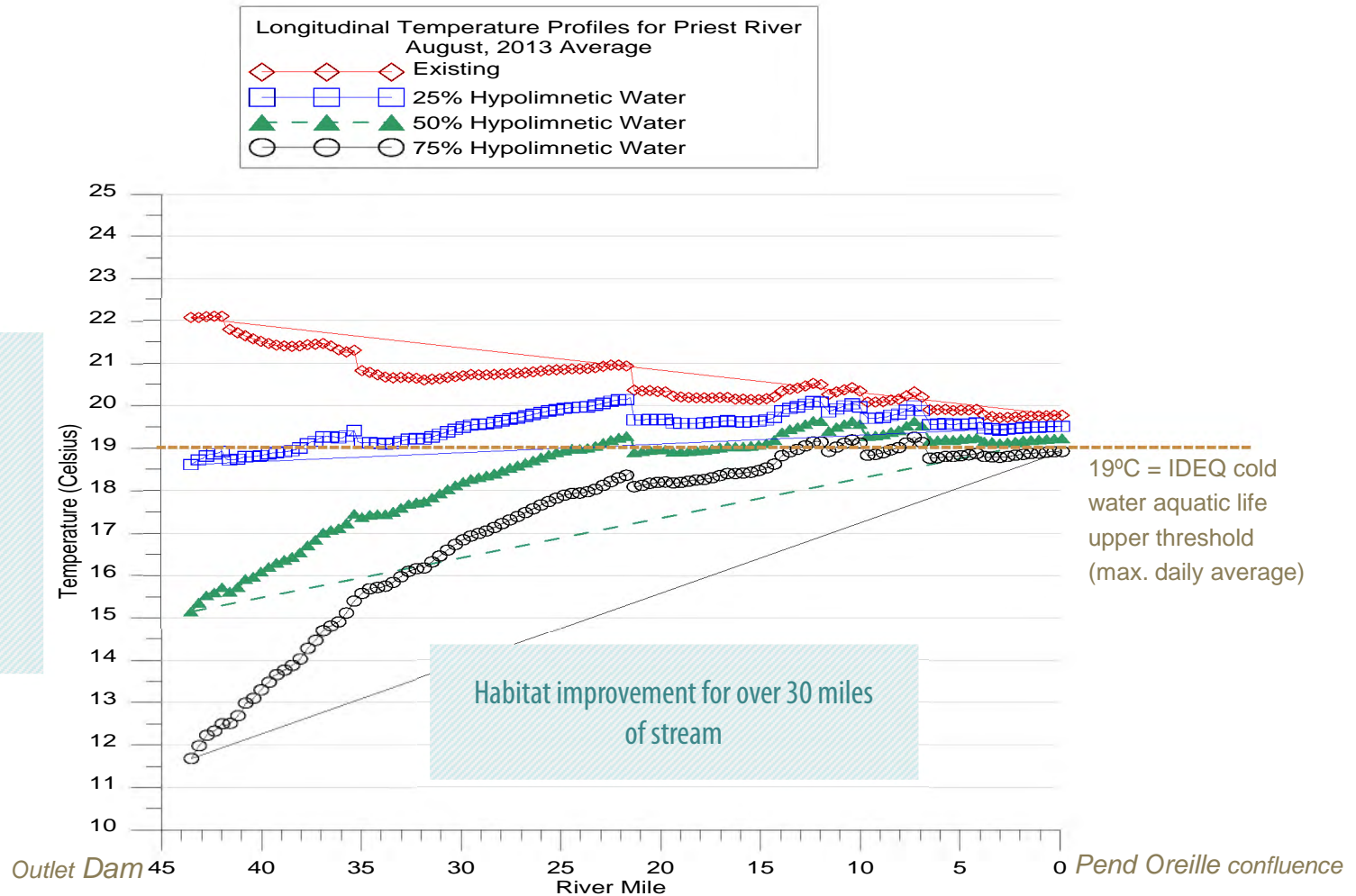
concept

# How would a cold water bypass work?



concept

# How much colder?



## Frequently Asked Questions

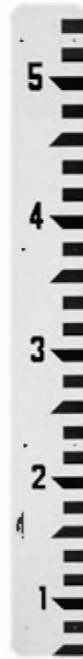
# Would this affect lake level?

answer: **No**

Outflow volume would be unchanged and Priest Lake would remain at the same level it is currently maintained per Idaho statute §70-507 and the Priest Lake Water Management Plan, administered by the Idaho Water Resource Board.

Any proposed alternatives would be designed to protect existing uses including:

- Boat access and navigation
- Priest Lake fishery
- Swimming
- Diving
- Private property value

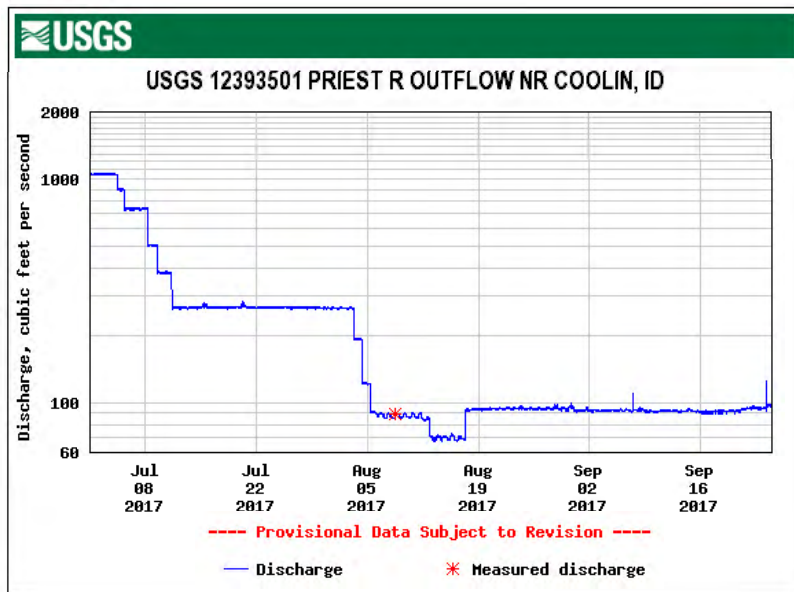




## Frequently Asked Questions

# How much water?

answer: Like today, it depends on how much water is available to meet lake level requirements



Discharge volume in to the river would not change, only where in the lake it comes from. To illustrate pipe capacity needs we look at previous water years. For example, 2017 was a normal water year in the Panhandle. From July 1-September 24, the average discharge at the Outlet Dam was 219 cfs. Under the highest mixing scenario in 2017, average bypass flow would have been **164 cfs**.

In a low water year like 2015, bypass flow would have been as low as **15 cfs**.

A large part of the upcoming Alternatives Analysis will determine the costs associated with meeting the three different modeling scenarios (25%, 50%, 75% hypolimnetic water).

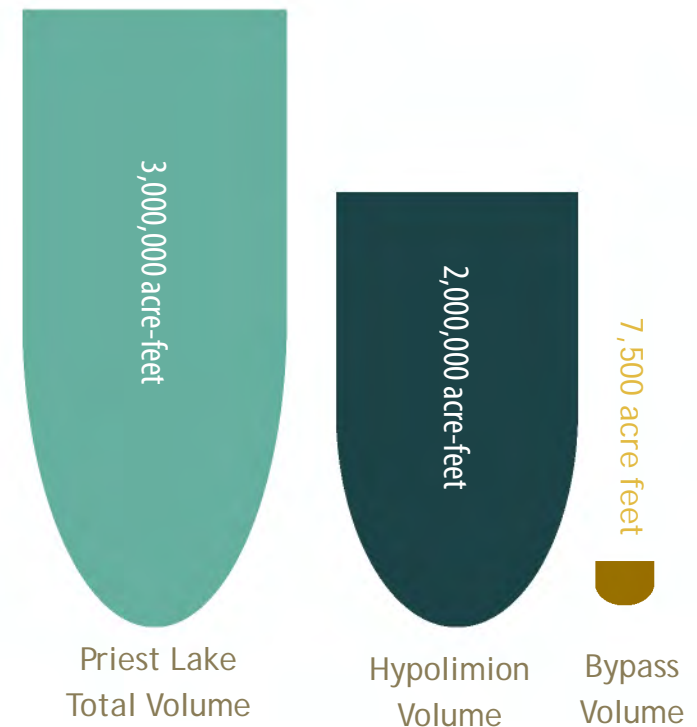


# Will this affect lake ecology?

answer: Unlikely. Less than 4% of the hypolimnion would be mixed in to the river over the course of a summer

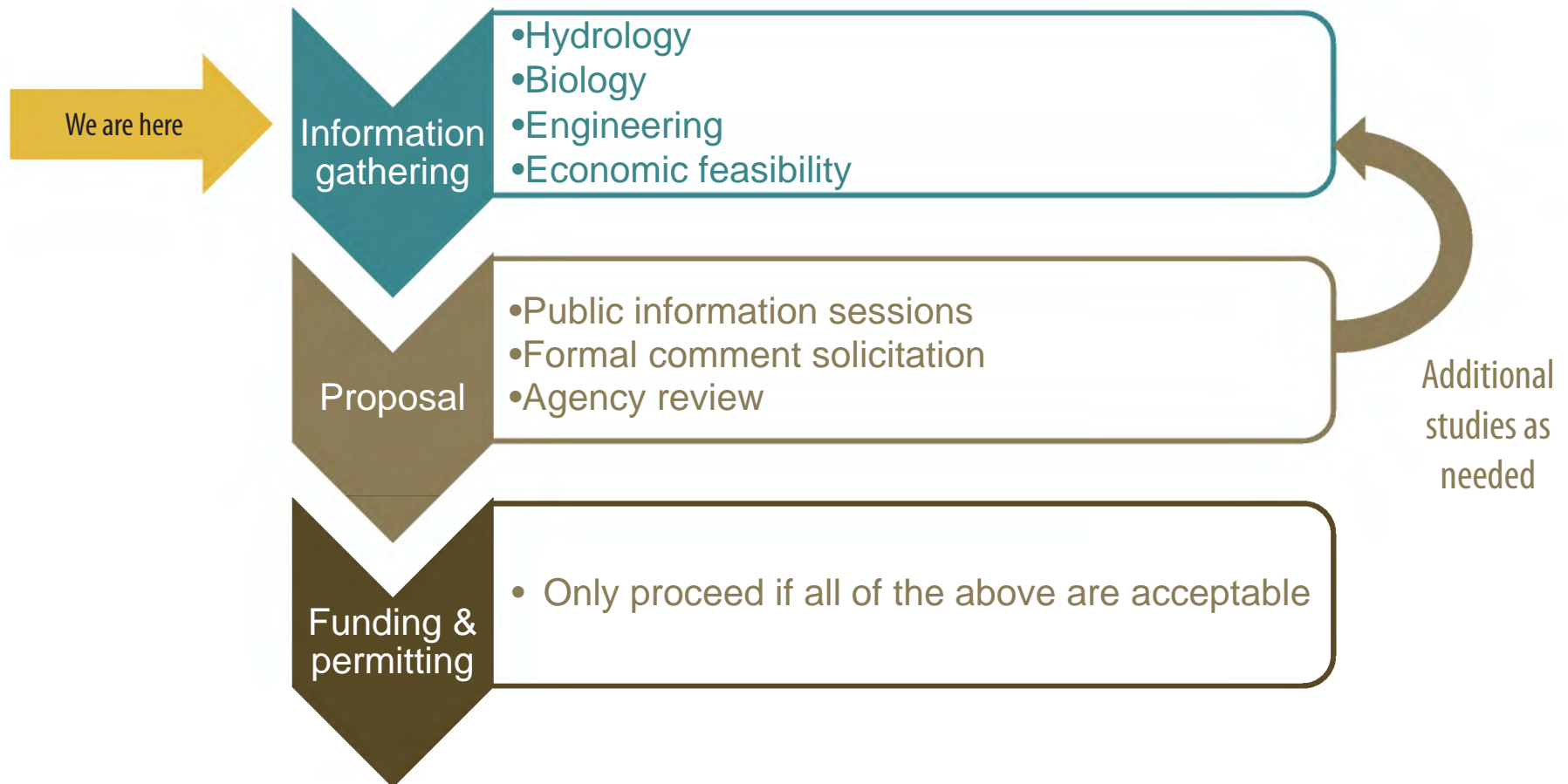
Priest Lake is over 300 ft deep. The thermocline sits 60 ft below the water surface, so that during the summer the vast majority of the volume is cold water (40-50°F). Because the lake stratifies, we would expect the result to be a slight lowering of the thermocline elevation. Water temperatures of the stratified layers in the lake would remain unchanged. Other lakes with successful cold water withdrawals include Sullivan Lake, Washington and Payette Lake, Idaho.

If the bypass concept proves to be economically feasible, a limnological assessment by a third party consultant would be conducted to assure no negative changes occur to Priest Lake.



process

# Information gathering



# Next Step: Alternatives Analysis

An **Alternatives Analysis**, is planned for 2018. The goal is to narrow possible engineering designs down to understand **size, construction needs, and cost**. This information will be used to better inform the public scoping process.

Economic assessments consistently find recreational fisheries bring substantial gains to local businesses and government. These estimates factor in gear, transportation, licenses, lodging, ,food, and guide services. The alternatives assessment will help determine if the up-front cost of a cold water bypass is worth the potential gains.

What would a bypass look like?

What is the cost?

## Recreational Fisheries Annual Economic Benefit

Priest Lake \$5.8 million  
Coeur d'Alene \$4.3 million  
St. Joe \$1.7 million

# thank you

Kiira Siitari

For more info, or to sign up  
for our mailing list, please  
contact me at

kiira.sitari@idfg.idaho.gov  
208-769-1414

# Memorandum



To: Idaho Water Resource Board  
From: Remington Buyer  
Date: July 17, 2018  
Re: Lower Lapwai Creek Rental Pool Proposal

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**REQUIRED ACTION:** None.

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A Water Supply Bank Committee meeting was held June 26<sup>th</sup>, 2018, to discuss the establishment of a new storage water rental pool within the Lower Lapwai Creek drainage of IDWR administrative basin 85. The committee meeting was in follow up to a proposal made by representatives of the Lewiston Orchards Irrigation District, the Nez Perce Tribe and the US Bureau of Reclamation (collectively, "the parties") at the May 2018 IWRB meeting, when it was requested that the IWRB establish a rental pool for storage water from reservoirs on Lower Lapwai Creek.

The parties presented members of the committee with draft rental pool procedures, a draft rental pool application form, proposed articles of incorporation for a proposed non-profit entity called the Lower Lapwai Rental Pool, Inc. (to serve as the IWRB-appointed local committee) and other relevant documents. A lengthy discussion was had regarding the merits and necessities of forming a rental pool on Lower Lapwai Creek.

Pursuant to Idaho Code 42-1765, the Board may appoint local committees to oversee operation of rental pools. To serve as an IWRB-appointed rental pool local committee, an entity must present for review by the Director of IDWR and the IWRB, the following items:

- information concerning the organization of the entity;
- a listing of its officers;
- a copy of its bylaws and procedures (if applicable);
- a copy of the local committee rental pool procedures (pursuant to which the local committee would facilitate the lease and rental of water); and,
- copies of the general lease and rental forms proposed to be used by the local committee.

Per Water Supply Bank rule 40.3, following receipt and review of rental pool procedures, the Director can submit them to the Board, along with his recommendation. The Director was in attendance at the June 26<sup>th</sup> Water Supply Bank Committee meeting and he has reviewed the rental pool procedures. The Director may provide the Board with his recommendation at the July 2018 Board meeting.

# Memorandum

To: Idaho Water Resource Board (IWRB)  
From: Neeley Miller  
Date: July 18, 2018  
Re: Palouse Basin Aquifer Committee (PBAC) Update

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Representatives from the Palouse Basin Aquifer Committee (PBAC) will deliver a presentation to the Board.



# AGENDA

## IDAHO WATER RESOURCE BOARD

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### Board Meeting No. 5-18

July 27, 2018

8:00 a.m.

Best Western Plus University Inn  
Conference Room  
1516 Pullman Road  
MOSCOW

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**C.L. "Butch" Otter**  
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**Dale Van Stone**  
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**Jo Ann Cole-Hansen**  
Lewiston  
At Large

1. Roll Call
2. Executive Session – Board will meet pursuant to Idaho Code §74-206(1) subsection (f), for the purpose of communicating 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. Topic: Water Rights. Executive Session is closed to the public.  
*Following adjournment of Executive Session – meeting reopens to the public.*
3. Public Comment
4. Agenda & Approval of Minutes\*
5. Financial Report
6. Flood Management Grant Awards\*
7. ESPA Recharge\*
8. Boise River Storage Feasibility Study\*
9. Basin 63 Refill Settlement Agreement
10. Northern Idaho Regional Manager's Report
11. Director's Report
12. Non-Action Items for Discussion
13. Next Meeting & Adjourn

\* Action Item: A vote regarding this item may be made this meeting. Identifying an item as an action item on the agenda does not require a vote to be taken on the item.

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# Memorandum

To: Idaho Water Resource Board  
From: Brian Patton & Neeley Miller  
Date: July 13, 2018  
Re: Financial Status Report



As of **June 30** the IWRB's available and committed balances are as follows:

## Secondary Aquifer Fund:

Committed/earmarked but not disbursed	\$13,776,811
Loan principal outstanding	\$0
Uncommitted Balance	\$11,907,973

## Revolving Development Account:

Committed/earmarked but not disbursed	\$17,420,706
Loan principal outstanding	\$27,215,965
Uncommitted Balance	\$3,155,022
Anticipated loanable funds available next 1 year	\$6,655,022

## Water Management Account

Committed/earmarked but not disbursed	\$1,111,376
Uncommitted Balance	\$9,915

<b>Total committed/earmarked but not disbursed</b>	<b>\$32,308,893</b>
<b>Total loan principal outstanding</b>	<b>\$27,215,965</b>
<b>Total uncommitted balance</b>	<b>\$15,072,910</b>

- The uncommitted balance in the Secondary Aquifer Fund is currently about \$11.9M. This is the result of 1) moving the ESPA Ground Water Districts/IGWA loan from the Secondary Aquifer Fund to the Revolving Development Account through the refinancing of the loan, repaying \$4M plus interest to the Secondary Fund, and 2) receipt of the \$5M in Cigarette Tax proceeds during the current fiscal year, which has been allocated by the IWRB in its FY19 budget for the Secondary Aquifer Fund which took effect on July 1.
- The committed/earmarked balance in the Water Management Account includes the \$1M legislative appropriation for the Flood Management Grant Program per HB 712. The Board will review and make Flood Grant awards on July 27.



- Loan applications that we are tracking include:

Potential Applicant	Project	Loan Amount	Comment
New Sweden Irrigation District	Replace Great Western Canal headgate		
Twin Falls Canal Company	Check Structures	\$2M	Planning to use BOR WaterSmart for matching dollars
North Fremont Canal Company (Marysville)	Continue installing gravity-pressure delivery system (Phase 3)	\$2.5M	Anticipated NRCS match.

Idaho Water Resource Board  
Budget and Committed Funds  
as of June 30, 2018

SECONDARY AQUIFER PLANNING, MANAGEMENT, & IMPLEMENTATION FUND

FYE 2017 Cash Balance..... 18,459,951.08

**FY 2018 Revenue**

Interest Earned State Treasury.....	366,437.48
HB547 - State Recharge & Aquifer Stabilization (SRAS).....	5,000,000.00
SB1176, Section 4 - Water Sustainability.....	5,000,000.00
Department of Energy Grant.....	137,650.00
Loan Interest.....	15,861.10
Loan Principal.....	4,000,000.00
<b>TOTAL FY 2018 REVENUE.....</b>	<b>14,519,948.58</b>

**FY 2018 Expenditures**

SRAS Equipment & Supplies - FY 17.....	(12,305.00)
SRAS Equipment & Supplies - FY 18.....	(86,469.94)
SRAS Conveyance Costs - FY 17.....	(1,974,446.32)
SRAS Conveyance Costs - FY 18.....	(296,727.96)
South Fork Engineering & Site Evaluation (CON01163, 1164, 1165).....	(92,476.69)
New Sweden Irrigation District (CON01212).....	(6,751.25)
Butte Market Lake (CON01168).....	(15,721.38)
Woodville Canal Company (CON01169).....	(7,536.69)
AFRD2 - Dietrich Drop Study (CON01139).....	(1,281.25)
Field Trip Costs.....	(3,190.00)
North Side Canal Company (CON01199).....	(207,283.04)
Big Wood Canal Company (CON01226).....	(128,046.18)
SRAS Site Monitoring.....	(75,081.18)
SRAS Regional Monitoring - FY 17.....	(61,417.28)
SRAS Regional Monitoring - FY 18.....	(117,992.69)
The Ferguson Group.....	(96,399.29)
Steve Stuebner - Media Services.....	(32,734.27)
Advertising Costs.....	(208.30)
WS Hydrology Monitoring - FY 17.....	(8,694.44)
WS Hydrology Monitoring - FY 18.....	(63,099.79)
Ralston Hydrologic Services.....	(37,423.32)
Washington State University.....	(2,040.00)
University of Arizona (CON01200).....	(1,425.00)
Stuivenga Vessey Logging Inc (CON01279).....	(2,100.00)
Grants.....	(59,984.03)
University of Idaho - (CON01152).....	(19,025.60)
ESHMC Meeting Refreshments.....	(65.85)
USGS - 6601 (Wood River Modeling).....	(21,470.31)
USGS - 6605 (Treasure Valley Modeling) FY17.....	(294,995.21)
USGS - 6605 (Treasure Valley Modeling) FY18.....	(122,521.28)
Department of Energy Grant expenditures.....	(156,331.90)
Egin Bench Canals Inc (CON01166).....	(95,275.75)
NRCS Snow Survey contribution (USDA CON01177).....	(50,000.00)
Ozark Underground Laboratory Inc (CON01242, CON01239).....	(29,119.22)
Quadrant Consulting Inc (CON01238).....	(11,750.04)
Quadrant Consulting Inc (CON01240).....	(10,095.45)
Quadrant Consulting Inc (CON01261).....	(36,829.49)

Caribou Inc (CON01247).....	(11,800.00)
Southwest Irrigation District (CON01172).....	(600,000.00)
Brown & Caldwell (CON01234).....	(22,207.50)
Water, Civil, & Environmental Inc (CON01289).....	(19,136.49)
Idaho Bureau of Labs.....	(19,386.00)
Brown & Caldwell (CON01201, MHAFB Project).....	(495,083.58)
Skinner Fawcett (CON01202, MHAFB Project).....	(12,116.94)
SPF Engineering (CON01203, MHAFB Project).....	(540.00)
Misc Costs (Phone, meals, etc., MHAFB Project).....	(530.65)
Idaho Power - Cloudseeding Model (CON01254).....	(596,000.00)
Idaho Power - Cloudseeding Model (CON01254).....	(200,000.00)
Idaho Power - Cloudseeding Model (CON01254).....	(580,000.00)
US Dept of Interior-BOR (Boise River Studies).....	(500,000.00)

**TOTAL FY 2018 EXPENDITURES.....** **(7,295,116.55)**

**FY 2018 Cash Balance.....** **25,684,783.11**

**FY 2014 - FY 2017 Committed Funds**

	Budget	Amended	Obligated	Expenditures	Carry forward	Committed
Water User Contribution.....	109,493.16		109,493.16	(106,537.50)	2,955.66	0.00
Measurement devices for AWEP conversion projects.....	200,000.00		200,000.00	(16,455.21)	183,544.79	0.00
Cooperative Weather Modification Program (Cloud Seeding - CON01109).....	492,000.00		492,000.00	(354,917.64)		137,082.36
<b>Remaining Initial Funds.....</b>	<b>801,493.16</b>	<b>0.00</b>	<b>801,493.16</b>	<b>(477,910.35)</b>	<b>186,500.45</b>	<b>137,082.36</b>

**ESPA Recharge Operations**

FY 2017 Conveyance Cost.....	1,500,000	1,150,000.00	2,650,000.00	(2,460,498.29)	189,501.71	0.00
FY 2017 Equipment & Supplies.....	87,000		61,668.70	(61,668.70)		0.00
FY 2017 Regional Monitoring.....	200,000		200,000.00	(200,000.00)		0.00
<b>Total ESPA Recharge Operations.....</b>	<b>1,787,000</b>	<b>1,150,000.00</b>	<b>2,911,668.70</b>	<b>(2,722,166.99)</b>	<b>189,501.71</b>	<b>0.00</b>

**ESPA Managed Recharge Infrastructure**

Miner-Gooding Dietrich Drop hydro plant bypass.....	50,000	1,450,000.00	1,500,000.00			1,500,000.00
NSCC Wilson Lake Infrastructure Project (CON01199).....	4,000,000	800,000.00	4,800,000.00	(207,283.04)		4,592,716.96
SWID Recharge Project (CON01172).....	1,000,000		600,000.00	(600,000.00)		0.00
<b>Total ESPA Managed Recharge Infrastructure.....</b>	<b>5,050,000</b>	<b>2,250,000.00</b>	<b>6,900,000.00</b>	<b>(807,283.04)</b>	<b>0.00</b>	<b>6,092,716.96</b>

**Managed Recharge Investigations**

South Fork Engineering & Site Evaluation (CON01163, 1164, 1165).....	200,000		166,000.00	(114,758.97)		51,241.03
NSID Recharge Feasibility (CON01212).....	200,000		200,000.00	(45,035.00)		154,965.00
Butte & Market Lake Canal Co (CON01168).....	39,000		39,000.00	(32,512.46)		6,487.54
Woodville Canal Co (CON01169).....	17,000		17,000.00	(7,536.69)		9,463.31
<b>Total Managed Recharge Investigations.....</b>	<b>456,000</b>	<b>0.00</b>	<b>422,000.00</b>	<b>(199,843.12)</b>	<b>0.00</b>	<b>222,156.88</b>

**Statewide Studies & Projects**

Treasure Valley Modeling (USGS 6605).....	500,000		500,000.00	(500,000.00)		0.00
Wood River Valley Aquifer GW Model (USGS 6601).....	200,000		200,000.00	(31,714.90)		168,285.10
Aquifer monitoring network enhancements in priority aquifers.....	100,000		100,000.00	(100,000.00)		0.00
NRCS Snow Survey contribution USDA (CON01177).....	100,000	100,000.00	200,000.00	(100,000.00)		100,000.00
Mountain Home Air Force Base (PCA 29800).....	1,000,000		1,000,000.00	(508,271.17)		491,728.83
<b>Total Statewide Studies &amp; Projects.....</b>	<b>1,900,000</b>	<b>100,000.00</b>	<b>2,000,000.00</b>	<b>(1,239,986.07)</b>	<b>0.00</b>	<b>760,013.93</b>

**TOTAL FY 2014 - FY 2017 COMMITTED FUNDS.....** **9,994,493.16** **3,500,000.00** **13,035,161.86** **(5,447,189.57)** **376,002.16** **7,211,970.13**

**FY 2018 Budget** **Budget** **Amended** **Obligated** **Expenditures** **Carry forward** **Committed**

**ESPA Managed Recharge Operations**

Equipment & Supplies.....	100,000		100,000.00	(86,469.94)		13,530.06
Conveyance Cost.....	2,500,000	900,000.00	3,400,000.00	(296,727.96)		3,103,272.04
Site Monitoring.....	150,000		150,000.00	(75,081.18)		74,918.82
Regional Monitoring.....	200,000		200,000.00	(117,992.69)		82,007.31
<b>Total ESPA Managed Recharge Operations.....</b>	<b>2,950,000</b>	<b>900,000.00</b>	<b>3,850,000.00</b>	<b>(576,271.77)</b>	<b>0.00</b>	<b>3,273,728.23</b>

**ESPA Managed Recharge Infrastructure**

Northside Canal Recharge Site (CON01240, CON01261).....	1,600,000		1,600,000.00	(46,924.94)	1,271,363.55	281,711.51
Richfield Site Development (CON01234).....	150,000		150,000.00	(128,046.18)		21,953.82
AFRD2 MP 28 Hydro Plan Tailbay (CON01247).....	200,000		200,000.00	(11,800.00)	118,200.00	70,000.00
SF Recharge Site Development.....	250,000		250,000.00		250,000.00	0.00
Butte Market Lake Site Development.....	250,000		250,000.00		250,000.00	0.00
NSID Recharge Site Development.....	250,000		250,000.00			250,000.00
Egin Lakes Phase II.....	500,000	80,000.00	580,000.00	(95,275.75)		484,724.25
Reserved for Additional Recharge Projects.....	1,000,000	(80,000.00)	920,000.00	(19,386.00)	920,000.00	(19,386.00)
<b>Total ESPA Managed Recharge Infrastructure.....</b>	<b>4,200,000</b>	<b>0.00</b>	<b>4,200,000.00</b>	<b>(301,432.87)</b>	<b>2,809,563.55</b>	<b>1,089,003.58</b>

**Managed Recharge Investigations**

AFRD2 - MP 34 Investigation (CON01238).....	100,000		100,000.00	(11,750.04)	55,000.00	33,249.96
BWCC Star Lake.....	60,000		60,000.00		60,000.00	0.00
Reserved for additional investigations and engineering.....	300,000		300,000.00	(74,934.46)	195,528.75	29,536.79
<b>Total Managed Recharge Investigations.....</b>	<b>460,000</b>	<b>0.00</b>	<b>460,000.00</b>	<b>(86,684.50)</b>	<b>310,528.75</b>	<b>62,786.75</b>

**TREASURE VALLEY**

Treasure Valley Modeling (USGS 6605).....	500,000		500,000.00	(122,521.28)		377,478.72
Boise River Storage Studies.....	1,000,000		1,000,000.00	(500,000.00)		500,000.00
Treasure Valley DCM Water Conservation Study.....	200,000		200,000.00		200,000.00	0.00
<b>TREASURE VALLEY TOTAL.....</b>	<b>1,700,000</b>	<b>0.00</b>	<b>1,700,000.00</b>	<b>(622,521.28)</b>	<b>200,000.00</b>	<b>877,478.72</b>

**ELMORE COUNTY**

Canyon Creek Recharge Site.....	50,000	90,000.00	140,000.00			140,000.00
<b>WOOD RIVER VALLEY TOTAL.....</b>	<b>50,000</b>	<b>90,000.00</b>	<b>140,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>140,000.00</b>

**WEISER BASIN**

Weiser River Basin Project/Lost Valley Reservoir.....	100,000		100,000.00		70,000.00	30,000.00
<b>WEISER BASIN TOTAL.....</b>	<b>100,000</b>	<b>0.00</b>	<b>100,000.00</b>	<b>0.00</b>	<b>70,000.00</b>	<b>30,000.00</b>

**BEAR RIVER BASIN**

Bear River Aquifer Study.....	50,000		50,000.00		50,000.00	0.00
<b>BEAR RIVER BASIN TOTAL.....</b>	<b>50,000</b>	<b>0.00</b>	<b>50,000.00</b>	<b>0.00</b>	<b>50,000.00</b>	<b>0.00</b>

**NORTHERN IDAHO AQUIFERS**

Lewiston Study Phase II.....	109,273		109,273.09	(42,988.32)		66,284.77
<b>NORTHERN IDAHO AQUIFERS TOTAL.....</b>	<b>109,273</b>	<b>0.00</b>	<b>109,273.09</b>	<b>(42,988.32)</b>	<b>0.00</b>	<b>66,284.77</b>

**STATE-WIDE**

Aquifer monitoring network enhancements in priority aquifers.....	100,000		100,000.00	(63,099.79)		36,900.21
Cooperative Cloud Seeding Program						
Operations & Maintenance (1/3 of total).....	600,000	18,000.00	618,000.00	(580,000.00)		38,000.00
Cloud Seeding Modeling Project.....	540,000	56,000.00	596,000.00	(596,000.00)		0.00
Cloud Seeding Benefit Allocation Study.....	200,000		200,000.00	(200,000.00)		0.00
Ground water conservation grants in priority aquifers.....	200,000		200,000.00	(59,984.03)	140,015.97	0.00
Administrative expenses (public information, staff training, etc).....	80,000		80,000.00	(32,942.57)		47,057.43



Mountain Home Air Force Base (PCA 29800).....		900,000.00	900,000.00		900,000.00
Professional Assistance for securing Federal Funding.....	100,000		100,000.00	(96,399.29)	3,600.71
<b>STATE-WIDE TOTAL.....</b>	<b>1,820,000</b>	<b>974,000.00</b>	<b>2,794,000.00</b>	<b>(1,628,425.68)</b>	<b>140,015.97</b>
<b>Unspecified Projects in Other Areas or Carry-over.....</b>	<b>1,368,166</b>	<b>(1,964,000.00)</b>		<b>(595,834.00)</b>	
NRCS Snow Survey contribution					
Boise Project Board of Control					
MP31 Check Dam					
<b>TOTAL FY 2018 BUDGETED FUNDS.....</b>	<b>11,439,273</b>	<b>1,964,000.00</b>	<b>13,403,273.09</b>		
<b>TOTAL FY 2018 COMMITTED FUNDS.....</b>					<b>6,564,840.40</b>
<b>PROJECTED CARRY FORWARD.....</b>				<b>3,360,276.43</b>	
<b>PROJECTED TOTAL FUNDS AVAILABLE FOR FY 2019 BUDGET.....</b>					<b>11,907,972.58</b>

FY2019 BUDGET FOR THE SECONDARY AQUIFER FUND

Carry-Over From FY18	\$	2,898,760
General Fund (HB 677):	\$	5,000,000
HB547 funds - receipt of Cigarette Tax proceeds	\$	5,000,000
IGWA Loan Repayment to the Secondary Fund	\$	4,000,000
DOE-INL SEP Funds (\$2.068 M over 3 years)	\$	690,000
Estimated interest	\$	250,000
TOTAL	\$	17,838,760

BUDGET TRACKING

Category	Sub-Category	FY19 Budget (as Approved)	FY19 Amended Budget
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ESPA MANAGED RECHARGE

ESPA Recharge Operations		Conveyance Cost	\$3,500,000	\$3,500,000
		Equipment & Supplies	\$89,000	\$89,000
		Recharge Monitoring	\$554,550	\$554,550
		Regional Monitoring	\$200,000	\$200,000
		TOTAL	\$4,343,550	\$4,343,550
ESPA Managed Recharge Infrastructure Projects	Budgeted Projects	North Side Wilson Canyon Site	\$1,750,000	\$1,900,000
		AFRD2 MP29 Site	\$2,150,000	\$2,150,000
		AFRD2 MP28 Hydro Plant Tailbay	\$1,000,000	\$1,400,000
		South Fork and Other Small Upper Valley S	\$1,000,000	\$1,000,000
		A&B Injection Wells	\$550,000	\$550,000
	Reserved for additional recharge infrastructure projects		\$500,000	\$100,000
		TOTAL	\$6,950,000	\$7,100,000
Managed Recharge Investigations	Budgeted Investigations	North Side Recharge Sites	\$200,000	\$200,000
		Large Upper Valley Site(s)	\$200,000	\$200,000
		Big / Little Wood Sites	\$200,000	\$200,000
	Reserved for additional investigations and engineering		\$300,000	\$300,000
		TOTAL	\$900,000	\$900,000
ESPA Hydrologic Monitoring (DOE Funding) (Year 1 of 3 - Total \$928,000)			\$310,000	\$310,000
ESPA MANAGED RECHARGE TOTAL			\$12,503,550	\$12,653,550

TREASURE VALLEY

Treasure Valley Aquifer Ground Water Model (Year 3 of 5 - Total \$2.5 M)	\$500,000	\$500,000
Boise River Storage Studies (final payment)	\$1,000,000	\$1,000,000
Southeast Boise Groundwater Management Area Monitoring	\$100,000	\$100,000
Treasure Valley DCMI Water Conservation Study	\$200,000	\$200,000
TREASURE VALLEY TOTAL	\$1,800,000	\$1,800,000

CAMAS PRAIRIE

Ground & Surface Water Monitoring	\$75,000	\$75,000
CAMAS PRAIRIE TOTAL	\$75,000	\$75,000

BIG LOST TOTAL

Hydrologic Monitoring (DOE Funding) (Year 1 of 3 - Total \$1.14 M)	\$380,000	\$380,000
BIG LOST TOTAL	\$380,000	\$380,000

PALOUSE BASIN

Water Sustainability Projects	\$100,000	\$100,000
PALOUSE TOTAL	\$250,000	\$250,000

BEAR RIVER BASIN

Water Sustainability Projects	\$250,000	\$250,000
BEAR RIVER BASIN TOTAL	\$250,000	\$250,000

STATE-WIDE

Aquifer monitoring network enhancement in priority aquifers	\$200,000	\$200,000
Cooperative Cloud Seeding Program:		
Operations & Maintenance Costs (Board portion is 1/3 per year)	\$800,000	\$800,000
Cloud Seeding Modeling Project (Year 2 of 4 - Total \$1.47 Million)	\$470,000	\$470,000
Operations costs for additional Ground Generators & Upper Snake Aircraft	\$425,000	\$425,000
Administrative expenses (public information, staff training, etc)	\$80,000	\$80,000
Professional Assistance for securing Federal Funding	\$100,000	\$100,000
STATE-WIDE TOTAL	\$2,075,000	\$2,075,000

RESERVE FOR WORK IN OTHER PRIORITY AREAS OR CARRY-	\$ 505,210	\$ 355,210
GRAND TOTAL	\$ 17,838,760	\$ 17,838,760



IDAHO WATER RESOURCE BOARD  
Sources and Applications of Funds  
as of June 30, 2018  
**REVOLVING DEVELOPMENT ACCOUNT**

Original Appropriation (1969).....	\$500,000.00
Legislative Audits.....	(\$49,404.45)
IWRB Bond Program.....	(\$15,000.00)
Legislative Appropriation FY90-91.....	\$250,000.00
Legislative Appropriation FY91-92.....	\$280,700.00
Legislative Appropriation FY93-94.....	\$500,000.00
IWRB Studies and Projects.....	(\$249,067.18)
Loan Interest.....	\$10,508,167.35
Interest Earned State Treasury (Transferred).....	\$1,908,843.14
Filing Fee Balance.....	\$47,640.20
Bond Fees.....	\$1,469,801.45
Arbitrage Calculation Fees.....	(\$12,000.00)
Protest Fees.....	(\$995.00)
Series 2000 (Caldwell/New York) Pooled Bond Issuers fees.....	\$43,657.93
2012 Ground Water District Bond Issuer fees.....	\$373,300.00
Bond Issuer fees.....	\$21,107.59
Attorney fees for Jughandle LID.....	(\$3,600.00)
Attorney fees for A&B Irrigation.....	(\$4,637.50)
Water Supply Bank Receipts.....	\$6,100,533.79
Legislative Appropriation FY01.....	\$200,000.00
Pierce Well Easement.....	\$2,000.00
Transferred to/from Water Management Account.....	\$317,253.80
Legislative Appropriation 2004, HB843.....	\$500,000.00
Legislative Appropriation 2009, SB 1511 Sec 2, Teton/Minidoka Studies.....	\$1,800,000.00
Legislative Appropriation 2009, SB 1511 Sec 2, Teton/Minidoka Studies Expenditures.....	(\$1,229,460.18)
Weiser Galloway Study - US Army Corps of Engineers.....	(\$1,533,047.30)
Boise River Storage Feasibility Study.....	(\$333,000.00)
Geotech Environmental (Transducers).....	(\$6,402.61)
Priest Lake Improvement Study (16-Mar-18).....	(\$289,252.25)
Treasureton Irrigation Ditch Co.....	(\$5,000.00)
<b>Mountain Home AFB Water Sustainability Project</b>	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	4,000,000.00
JR Simplot - WR Purchase.....	(\$2,500,000.00)
LeMoyne Appraisal LLC.....	(\$10,500.00)
IWRB WSB Lease Application.....	(\$750.00)
Integrated Delivery Solutions - Mark Alpert.....	(\$34,459.18)
Brown & Caldwell - Owner's Advisor.....	(\$1,218,298.11)
SPF Engineering - WR Transfer.....	(\$118,715.75)
Skinner-Fawcett - Bond Counsel.....	(\$31,602.41)
Pillsbury, Winthrop, & Shaw - DBO Counsel.....	(\$79,839.30)
Project Costs (mailings, travel, teleconference calls).....	(\$1,769.91)
Publishing Costs.....	(\$1,648.16)
Water District 02 Assessments.....	(\$2,417.18)
<b>Balance for Mountain Home AFB Water Sustainability Project.....</b>	<b>\$0.00</b>
<b>Galloway Dam &amp; Reservoir Project</b>	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$2,000,000.00
Galloway Dam & Reservoir Project Costs (HB 479).....	(\$124,708.68)
<b>Balance Galloway Dam &amp; Reservoir Project.....</b>	<b>\$1,875,291.32</b>
<b>Boise River (Arrowrock Enlargement) Feasibility Study (HB479)</b>	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$1,500,000.00
Boise River (Arrowrock Enlargement) Feasibility Study Costs (HB479).....	(\$543,681.63)
<b>Balance Boise River (Arrowrock Enlargement) Feasibility Study (HB479).....</b>	<b>\$956,318.37</b>
<b>Island Park Enlargement (HB 479)</b>	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$2,500,000.00
Island Park Enlargement Costs (HB 479).....	(\$182,927.65)
<b>Balance Island Park Enlargement (HB 479).....</b>	<b>\$2,317,072.35</b>
<b>Water Supply Bank Computer Infrastructure (HB 479)</b>	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$500,000.00
Water Supply Bank Computer Infrastructure Costs (HB 479).....	(\$497,350.75)
<b>Balance Water Supply Bank Computer Infrastructure (HB 479).....</b>	<b>\$2,649.25</b>
<b>Balance of Legislative Appropriation 2014, HB 479 Sec 1 and 2.....</b>	<b>\$5,151,351.29</b>
<b>Aqualife Hatchery Sub-Account</b>	
Aqualife Hatchery, HB644, 2014.....	(\$1,885,000.00)
Aqualife Lease receipt from Seapac.....	\$114,720.00
Tax Payments.....	(\$1,419.15)
Lemoyne Appraisal for Aqualife facility.....	(\$10,500.00)
Loan payments received.....	\$2,900,000.00
Loans Outstanding	
ESPA Ground Water Districts (Aqualife purchase).....	\$0.00
Total Loans Outstanding.....	\$0.00
<b>Balance Aqualife Hatchery Sub-Account.....</b>	<b>\$1,117,800.85</b>
<b>Bell Rapids Water Rights Sub-Account</b>	
Legislative Appropriation 2005, HB382.....	\$21,300,000.00
Interest Earned State Treasury.....	\$696,364.88
Bell Rapids Purchase.....	(\$16,008,558.00)
Bureau of Reclamation Principal Amount Lease Payment Paid.....	\$8,294,337.54
Bureau of Reclamation Interest Paid.....	\$179,727.87
Bureau of Reclamation Remaining Amount Lease Payment Paid.....	\$9,142,649.54

First Installment Payment to Bell Rapids.....	(\$1,313,236.00)
Second Installment Payment to Bell Rapids.....	(\$1,313,236.00)
Third Installment Payment to Bell Rapids.....	(\$1,313,236.00)
Fourth Installment Payment to Bell Rapids.....	(\$1,040,431.55)
Interest Credit due to Bureau of Reclamation (Part of Fourth Installment).....	(\$19,860.45)
Fifth Installment Payment to Bell Rapids.....	(\$1,055,000.00)
Transfer to General Fund - Principal.....	(\$21,300,000.00)
Transfer to General Fund - Interest.....	(\$772,052.08)
BOR payment for Bell Rapids.....	\$1,040,431.55
BOR payment for Bell Rapids.....	\$1,313,236.00
BOR prepayment for Bell Rapids.....	\$1,302,981.70
BOR prepayment for Bell Rapids.....	\$1,055,000.00
BOR payment for Alternative Financing Note.....	\$7,117,971.16
Payment to US Bank for Alternative Financing Note.....	(\$7,118,125.86)
Payment for Water District 02 Assessments.....	(\$60,383.27)
Payment for Ongoing Bell Rapids Finance Costs (trustee fees, water bank, etc.).....	(\$6,740.10)
<b>Commitments</b>	
Ongoing Bell Rapids Finance Costs (trustee fees, WD02).....	\$123,841.03
Committed for alternative finance payment.....	\$0.00
<b>Total Commitments.....</b>	<b>\$123,841.03</b>
<b>Balance Bell Rapids Water Rights Sub-Account.....</b>	<b>(\$0.00)</b>
<b>Pristine Springs Project Sub-Account</b>	
Legislative Appropriation 2008, SB1511, Pristine Springs.....	\$10,000,000.00
Legislative Appropriation 2006, HB870, Water Right Purchases.....	\$5,000,000.00
Interest Earned State Treasury.....	\$59,888.93
Loan Interest.....	\$2,119,124.67
Transfer from ESPA Sub-Account.....	\$1,000,000.00
Payment for Purchase of Pristine Springs (3).....	(\$16,000,000.00)
Payment from Magic Valley & North Snake GWD for Pristine Springs.....	\$4,912,500.23
Appraisal.....	(\$25,500.00)
Insurance.....	(\$47,500.25)
Recharge District Assessment.....	(\$26,605.25)
Water District 130 Annual Assessment.....	(\$3,841.45)
Hydro Plants Engineering Certification (Straubhar).....	(\$4,200.00)
Payment to EHM Engineers for pipeline work.....	(\$1,200.00)
Payment to John Root for Easement Survey.....	(\$1,000.00)
Payment to MWH Americas Inc.....	(\$11,326.27)
Payment to Dan Lafferty Construction.....	(\$16,846.68)
Telemetry Station Equipment.....	(\$15,193.92)
Rein Tech LLC (Satellite phone annual payment).....	(\$1,980.00)
Standley Trenching (Trac system for communication equip).....	(\$2,863.99)
Property Taxes and other fee assessments (Jerome County).....	(\$9,980.95)
Rental Payments.....	\$1,767,694.18
Payments to Scott Kaster.....	(\$180,196.67)
Utility Payments (Idaho Power).....	(\$38,509.38)
Costs for property maintenance.....	(\$203,267.04)
Travel costs for property maintenance.....	(\$517.31)
Pipeline repair (IGWA).....	(\$170,000.00)
Transferred to Secondary Aquifer Fund (2011 Legislature; HB 291).....	(\$2,465,300.00)
Transferred to Secondary Aquifer Fund (2012 Legislature; SB 1389).....	(\$1,232,000.00)
Transferred to Secondary Aquifer Fund (2013 Legislature; HB 270).....	(\$716,000.00)
Transferred to Secondary Aquifer Fund (2014 Legislature; HB 618).....	(\$716,000.00)
Transferred to Aquifer Planning Fund (2015 Legislature; HB 273).....	(\$716,000.00)
Transferred to Aquifer Planning Fund (2016 Legislature; SB 1402, Sec 3).....	(\$716,000.00)
Transferred to Aquifer Planning Fund (2017 Legislature; SB 1176, Sec 3).....	(\$716,000.00)
<b>Pristine Springs Hydropower Projects</b>	
Net power sales revenues.....	\$721,375.59
<b>Pristine Springs Committed Funds</b>	
To be transferred to Aquifer Planning Fund.....	\$0.00
Repair/Replacement Fund.....	\$0.00
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$0.00</b>
<b>Loans Outstanding</b>	
North Snake and Magic Valley Ground Water Districts.....	\$5,087,499.77
<b>Total Loans Outstanding.....</b>	<b>\$5,087,499.77</b>
<b>Funds to RP CAMP &amp; TV CAMP Sub-Account.....</b>	<b>\$271,672.34</b>
<b>Pristine Springs Revenues Into Main Revolving Development Account.....</b>	<b>\$1,270,882.10</b>
<b>Rathdrum Prairie CAMP &amp; Treasure Valley CAMP Sub-Account</b>	
Pristine Springs Hydropower and Rental Revenues.....	\$271,672.34
Interest Earned State Treasury.....	\$573.11
Spokane River Forum.....	(\$18,000.00)
Treasure Valley Water Quality Summit.....	(\$500.00)
Kootenai-Shoshone Soil & Water Cons. Dist. - Agrimet Station.....	(\$20,000.00)
Rathdrum Prairie-Spokane Valley Aquifer Pumping Study (CON00989).....	(\$70,000.00)
Idaho Washington Aquifer Collaborative.....	(\$10,000.00)
<b>Committed Funds.....</b>	
Kootenai-Shoshone Soil & Water Cons. Dist. - Agrimet Station.....	\$0.00
Spokane River Forum.....	\$0.00
Rathdrum Prairie-Spokane Valley Aquifer Pumping Study.....	\$0.00
Treasure Valley Water Quality Summit.....	\$0.00
Idaho Washington Aquifer Collaborative.....	\$0.00
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$0.00</b>
<b>Balance Rathdrum Prairie CAMP &amp; Treasure Valley CAMP Sub-Account.....</b>	<b>\$153,745.45</b>
<b>Upper Salmon/CBWTP Sub-Account</b>	
Water Transaction Projects Payment Advances from CBWTP/Agcood.....	\$4,575,064.82
PCSRF Funds for Administration of Non-Diversion Easements on Lemhi River.....	\$222,257.16
Interest Earned State Treasury.....	\$175,527.96
Transfer to Water Supply Bank.....	(\$99,894.84)
Change of Ownership.....	(\$600.00)
Appraisals/Closing Costs.....	(\$13,386.48)



Payments for Water Acquisition .....		(\$1,625,553.76)
<b>Committed Funds</b>		
Administration of Non-Diversion Easements on Lemhi River.....	\$129,089.39	
Alturas Lake Creek (Breckenridge).....	\$0.00	
Bayhorse Creek (Peterson Ranch).....	\$30,508.94	
Badger Creek (OWBP).....	\$18,634.10	
Beaver Creek (DOT LLP).....	\$120,658.78	
Big Hat Creek.....	\$0.26	
Big Timber Tyler (Leadore Land Partners).....	\$445,695.89	
Canyon Creek/Big Timber Creek (Beyeler).....	\$415,872.49	
Carmen Creek (Bill Slavin).....	\$205,121.60	
Carmen Creek (Bruce Slavin).....	\$128,715.39	
Fourth of July Creek (Vanderbilt).....	\$15,671.59	
Iron Creek (Phillips).....	\$0.00	
Iron Creek (Koncz).....	\$207,922.32	
Kenney Creek Source Switch (Gail Andrews).....	\$23,409.27	
Lemhi - Big Springs (Merrill Beyeler).....	\$57,834.68	
Lemhi River & Little Springs Creek (Kauer).....	\$19,969.16	
Little Springs Creek (Snyder).....	\$266,686.22	
Lower Eighteenmile Creek (Ellsworth Angus Ranch).....	\$1,777.78	
Lower Lemhi Thomas (Robert Thomas).....	\$1,200.00	
Pahsimeroi-Little Mud Creek (Bar G Farm).....	\$4,978.71	
P-9 Bowles (River Valley Ranch).....	\$272,388.78	
P-9 Charlton (Sydney Dowton).....	\$18,029.50	
P-9 Dowton (Western Sky LLC).....	\$216,050.70	
P-9 Elzinga (Elzinga).....	\$267,237.07	
Patterson-Big Springs (PBSC9).....	\$176,627.56	
Pole Creek (Salmon Falls Land).....	\$634,475.70	
Pratt Creek (Mulkey).....	\$80,306.87	
Spring Creek (Richard Beard).....	\$542.88	
Spring Creek (Ella Beard).....	\$795.69	
Whitefish (Leadore Land Partners).....	\$162,188.61	
Total Committed Funds.....	\$3,922,290.13	
<b>Balance CBWTP Sub-Account.....</b>		<b>(\$688,875.27)</b>
<b>Water District 02 WaterSmart Grant Sub-Account</b>		
Received from BOR for BORWS2.....	\$118,058.42	
Received from BOR for BORWS3.....	\$59,960.43	
Payments made to contractors for BORWS2.....	(\$118,058.42)	
Payments made to contractors for BORWS3.....	(\$59,960.43)	
<b>Committed Funds:</b>		
Grant Approval for BORWS2.....	\$0.00	
Grant Approval for BORWS3.....	\$0.00	
Total Committed Funds.....	\$0.00	
<b>Balance WaterSmart Grant Sub-Account.....</b>		<b>\$0.00</b>
<b>Water Supply Bank Sub-Account</b>		
Interest Earned State Treasury.....	\$13,071.14	
Payments received from renters.....	\$3,507,365.41	
Payments made to owners.....	(\$2,859,652.73)	
<b>Water Supply Bank Sub-Account Subtotal</b>		<b>\$660,783.82</b>
<b>Committed Funds:</b>		
Owners Share.....	\$647,712.68	
Total Committed Funds.....	\$647,712.68	
<b>Balance Water Supply Bank Sub-Account.....</b>		<b>\$13,071.14</b>
<b>Eastern Snake Plain Sub-Account</b>		
Legislative Appropriation 2005, HB392.....	\$7,200,000.00	
Legislative Appropriation 2005, HB392, CREP Program.....	\$3,000,000.00	
Interest Earned State Treasury.....	\$1,989,825.18	
Loan Interest.....	\$256,260.39	
Bell Rapids Water Rights Closing Costs.....	(\$6,558.00)	
First Installment Payment to Bell Rapids Irr. Co. (Partial).....	(\$361,800.00)	
Second Installment Payment to Bell Rapids Irr. Co. (Partial).....	(\$361,800.00)	
Third Installment Payment to Bell Rapids Irr. Co. (Partial).....	(\$361,800.00)	
Fourth Installment Payment to Bell Rapids Irr. Co. (Partial).....	(\$614,744.00)	
Fifth Installment Payment to Bell Rapids Irr. Co. (Final).....	(\$1,675,036.00)	
Reimbursement from Commerce & Labor W-Canal.....	\$74,709.77	
Transfer to Pristine Springs Sub Account.....	(\$1,000,000.00)	
Reimbursement from Magic Valley GWD - Pristine Springs.....	\$500,000.00	
Reimbursement from North Snake GWD - Pristine Springs.....	\$500,000.00	
Reimbursement from Water District 1 for Recharge.....	\$159,764.73	
Palisades (FMC) Storage Costs.....	(\$3,519,790.74)	
Reimbursement from BOR for Palisades Reservoir.....	\$2,381.12	
W-Canal Project Costs.....	(\$326,634.11)	
Black Canyon Exchange Project Costs.....	(\$158,872.00)	
Black Canyon Exchange Project Revenues.....	\$23,600.00	
2008 Recharge Conveyance Costs.....	(\$14,580.00)	
2009 Recharge Conveyance Costs.....	(\$355,253.00)	
2010 Recharge Conveyance Costs.....	(\$484,231.62)	
Additional recharge projects preliminary development.....	(\$28,909.30)	
Pristine Springs Project Costs.....	(\$6,863.91)	
<b>Loans and Other Commitments</b>		
Commitment - Remainder of Bell Rapids Water Rights Purchase (1).....	\$361,620.00	
Commitment - CREP Program (HB392, 2005).....	\$0.00	
Commitment - Priest Lake Water Mgmt Project (HB677, 2018).....	\$2,419,580.50	
Commitment - Additional recharge projects preliminary development.....	\$337,594.00	
Commitment - Palisades Storage O&M.....	\$10,000.00	
Commitment - Black Canyon Exchange Project (fund with ongoing revenues).....	\$442,252.95	
Total Loans and Other Commitments.....	\$3,571,047.45	
<b>Loans Outstanding:</b>		

American Falls-Aberdeen GWD (CREP).....	\$58,040.75	
Bonneville Jefferson GWD (CREP).....	\$37,408.43	
Magic Valley GWD (CREP).....	\$55,176.62	
North Snake GWD (CREP).....	\$26,331.85	
<b>TOTAL ESP LOANS OUTSTANDING</b> .....	<b>\$176,957.75</b>	
<b>Uncommitted Balance Eastern Snake Plain Sub-Account</b> .....		<b>\$681,663.31</b>
<b>Dworshak Hydropower Project</b>		
Dworshak Project Revenues		
Power Sales & Other.....	\$9,192,555.73	
Interest Earned State Treasury.....	\$605,272.64	
<b>Total Dworshak Project Revenues</b> .....		<b>\$9,797,828.57</b>
Dworshak Project Expenses		
Transferred to 1st Security Trustee Account.....	\$148,542.63	
Construction not paid through bond issuance.....	\$226,106.83	
1st Security Fees.....	\$314,443.35	
Operations & Maintenance.....	\$2,722,975.92	
Powerplant Repairs.....	\$171,327.49	
Bond payoff.....	\$391,863.11	
Capital Improvements.....	\$318,366.79	
FERC Payments.....	\$74,398.02	
<b>Total Dworshak Project Expenses</b> .....		<b>(\$4,368,024.14)</b>
Dworshak Project Committed Funds		
Emergency Repair/Future Replacement Fund.....	\$1,456,654.70	
FERC Fee Payment Fund.....	\$5,973.89	
<b>Total Dworshak Project Committed Funds</b> .....		<b>\$1,462,628.59</b>
<b>Excess Dworshak Funds into Main Revolving Development Account</b> .....		<b>\$3,967,175.84</b>
<b>TOTAL</b> .....		<b>\$27,447,597.57</b>
<b>Loans Outstanding:</b>	<b>Amount</b>	<b>Principal</b>
	<b>Loaned</b>	<b>Outstanding</b>
A&B Irrigation District (Pipeline & Pumping Plant, Dec).....	\$3,500,000.00	\$3,108,448.84
A&B Irrigation District (Pipeline & Pumping Plant, Sept).....	\$3,500,000.00	\$3,240,797.39
Aberdeen-Springfield Canal Company (WRB-491; Diversion structure).....	\$329,761.00	\$41,857.30
Bee Line Water Association (Sep 23, 2014; System Improvements).....	\$600,000.00	\$560,341.34
Canyon County Drainage District No. 2 (28-Nov-12; Drain tile pipeline).....	\$35,000.00	\$19,733.66
Chaparral Water Association (21-Jan-11; Well deepening & improve).....	\$68,000.00	\$13,795.21
Clearview Water Company.....	\$50,000.00	\$36,855.11
Cloverdale Ridge Water Corp. (Irrigation system rehab 25-sep-09).....	\$106,400.00	\$5,650.47
Consolidated Irrigation Company (July 20, 2012; pipeline project).....	\$500,000.00	\$468,835.82
Dalton Water Association.....	\$1,036,900.00	\$797,077.08
Enterprise Irrigation District (14-Jul-06; Pipeline project).....	\$37,270.00	\$660.60
Enterprise Irrigation District (North Lateral Pipeline).....	\$105,420.00	\$8,438.62
Evans Water Corporation & HOA.....	\$20,000.00	\$18,258.44
Foothill Ranch Homeowners Association (7-oct-11; well rehab).....	\$150,000.00	\$101,088.16
Goose Lake Reservoir Corp.....	\$320,000.00	\$32,825.00
Idaho Ground Water Appropriators (IGWA).....	\$3,208,115.35	\$3,208,115.35
Jefferson Irrigation Company (9-May-2008 Well Replacement).....	\$81,000.00	\$13,377.13
King Hill Irrigation District (24-Sep-10; Pipeline replacement).....	\$300,000.00	\$31,129.93
Lake Reservoir Company (29-July-11; Payette Lake-Lardo Dam Outle).....	\$594,000.00	\$15,156.69
Last Chance Canal Company (14-July-2015, diversion dam rebuild).....	\$2,500,000.00	\$2,053,889.63
Lava Hot Springs, City of.....	\$347,510.00	\$51,346.67
Lindsay Lateral Association (Engineering Design Project & Pipeline Stu).....	\$19,700.00	\$10,353.68
Marsh Center Irrigation Company (13-May-05; Hawkins Dam).....	\$236,141.00	\$73,615.13
Marysville Irrigation Company (18-May-07, Pipeline Project Phase 1).....	\$825,000.00	\$85,083.58
Marysville Irrigation Company (9-May-06, Pipeline Project Phase 2).....	\$1,100,000.00	\$287,600.75
North Fremont Canal Systems (25-Jan-13; Marysville Project).....	\$2,000,000.00	\$1,286,835.77
North Side Canal Company (Phase I - canal rehab project).....	\$1,846,082.61	\$1,763,160.02
North Side Canal Company (Phase II - canal rehab project).....	\$3,353,907.39	\$2,255,394.32
Outlet Water Association (22-Jan-16; new well & improvements).....	\$100,000.00	\$94,024.52
Pinehurst Water District (23-Jan-15).....	\$100,000.00	\$57,008.60
Point Springs Grazing Association (July 20, 2012; stock water pipeline).....	\$48,280.00	\$31,403.98
Preston-Whitney Irrigation Company (29-May-09; Fairview Lateral Pipel).....	\$800,000.00	\$0.00
Producers Irrigation Company.....	\$173,000.00	\$46,719.16
Skin Creek Water Association.....	\$188,258.00	\$27,551.12
Spirit Bend Water Association.....	\$92,000.00	\$0.00
St. Johns Irrigating Company (14-July-2015; pipeline project).....	\$1,429,775.00	\$1,366,627.34
Sunset Heights Water District (17-May-13; Exchange water project).....	\$48,000.00	\$20,597.40
Twin Lakes Canal Company (Winder Lateral Pipeline Project).....	\$500,000.00	\$203,423.58
Valley County Local Improvement District No. 1/Jughandle HOA (well p).....	\$907,552.00	\$514,429.20
<b>TOTAL LOANS OUTSTANDING</b> .....		<b>\$21,951,507.59</b>
<b>Loans and Other Funding Obligations:</b>		
Senate Bill 1511 - Teton Replacement and Minidoka Enlargement Studies.....		\$578,161.82
Boise River Storage Feasibility Study.....		\$13,578.15
Weiser-Galloway Study (28-May-10).....		\$461,620.87
Priest Lake Improvement Study (16-Mar-16).....		\$81,141.01
Bee Line Water Association (Sep 23, 2014; System Improvements).....		\$39,658.68
Dalton Water Association.....		\$239,822.92
Dover, City of (23-Jul-10; Water Intake project).....		\$194,063.00
Evans Water Corporation & HOA.....		\$0.00
Goose Lake Reservoir Corp.....		\$287,175.00
Idaho Ground Water Appropriators (IGWA).....		\$0.00
North Side Canal Company (16-sep-16; canal rehab project).....		\$1,098,513.07
Producers Irrigation Company (23-May-16; new wells).....		\$70,872.50
St. Johns Irrigating Company (14-July-2015, pipeline project).....		\$11,869.78
<b>TOTAL LOANS AND OTHER FUNDING OBLIGATIONS</b> .....		<b>\$3,176,476.78</b>
<b>Uncommitted Funds</b> .....		<b>\$2,319,613.20</b>
<b>TOTAL</b> .....		<b>\$27,447,597.57</b>

(1) Actual amount needed may vary depending on final determination of water actually purchased and interest income received.

Idaho Water Resource Board  
Sources and Applications of Funds  
as of June 30, 2018  
**WATER MANAGEMENT ACCOUNT**

Original Appropriation (1978).....	\$1,000,000.00
Legislative Audits.....	(\$10,845.45)
IWRB Appraisal Study (Charles Thompson).....	(\$5,000.00)
Transfer funds to General Account 1101(HB 130, 1983).....	(\$500,000.00)
Legislative Appropriation (6/29/1984).....	\$115,800.00
Legislative Appropriation (HB988, 1994).....	\$75,000.00
Turned Back to General Account 6/30/95, (HB988, 1994).....	(\$35,014.25)
Legislative Appropriation (SB1260, 1995, Aquifer Recharge, Caribou Dam).....	\$1,000,000.00
Interest Earned.....	\$120,475.04
Filing Fee Balance.....	\$2,633.31
Water Supply Bank Receipts.....	\$841,803.07
Bond Fees.....	\$277,254.94
Funds from DEQ and IDOC for Glenns Ferry Water Study.....	\$10,000.00
Legislative Appropriation FY01.....	\$200,000.00
Western States Wate Council Annual Dues.....	(\$7,500.00)
Transfer to/from Revolving Development Account.....	(\$317,253.80)
Legislative Appropriation (SB1239, Sugarloaf Aquifer Recharge Project).....	\$60,000.00
Legislative Appropriation (HB 843 Sec 6).....	\$520,000.00
Legislative Appropriation (SB1496, 2006, ESP Aquifer Management Plan).....	\$300,000.00
Legislative Appropriation (HB 320, 2007, ESP Aquifer Management Plan).....	\$849,936.99
Legislative Appropriation (HB 712, Sec 1, 2018, Priest Lake Outlet Dam).....	\$1,000,000.00
<b>TOTAL .....</b>	<b>\$5,497,489.85</b>

Grants Disbursed:

Completed Grants.....	\$1,291,110.72
Arco, City of.....	\$7,500.00
Arimo, City of.....	\$7,500.00
Bancroft, City of.....	\$7,000.00
Bloomington, City of.....	\$4,254.86
Boise City Canal Company.....	\$7,500.00
Bonniers Ferry, City of.....	\$7,500.00
Bonneville County Commission.....	\$3,375.00
Bovill, City of.....	\$2,299.42
Buffalo River Water Association.....	\$4,007.25
Butte City, City of.....	\$3,250.00
Cave Bay Community Services.....	\$6,750.00
Central Shoshone County Water District.....	\$7,500.01
Clearwater Regional Water Project Study, City of Orofino et al.....	\$10,000.00
Clearwater Water District.....	\$3,750.00
Cottonwood Point Water and Sewer Association.....	\$7,500.00
Cottonwood, City of.....	\$5,000.00
Cougar Ridge Water & Sewer.....	\$4,661.34
Curley Creek Water Association.....	\$2,334.15
Downey, City of.....	\$7,500.00
Fairview Water District.....	\$7,500.01
Fish Creek Reservoir Company, Fish Creek Dam Study.....	\$12,500.00
Franklin, City of.....	\$6,750.00
Grangeville, City of.....	\$7,500.00
Greenleaf, City of.....	\$3,000.00
Hansen, City of.....	\$7,450.00
Hayden Lake Irrigation District.....	\$7,500.00
Hulen Meadows Water Company.....	\$7,500.00
Iona, City of.....	\$1,425.64
Kendrick, City of.....	\$7,500.00
Kooskia, City of.....	\$7,500.00
Lakeview Water District.....	\$2,250.00
Lava Hot Springs, City of.....	\$7,500.00
Lindsay Lateral Association.....	\$7,500.00
Lower Payette Ditch Company.....	\$5,500.01
Maple Grove Estates Homeowners Association.....	\$5,020.88
Meander Point Homeowners Association.....	\$7,500.00
Moreland Water & Sewer District.....	\$7,500.00
New Hope Water Corporation.....	\$2,720.39



North Lake Water & Sewer District.....	\$7,500.00	
Northside Estates Homeowners Association.....	\$4,492.00	
North Tamar Butte Water & Sewer District.....	\$3,575.18	
North Water & Sewer District.....	\$3,825.00	
Parkview Water Association.....	\$4,649.98	
Payette, City of.....	\$6,579.00	
Pierce, City of.....	\$7,500.00	
Potlatch, City of.....	\$6,474.00	
Preston Whitney Irrigation Company.....	\$7,500.00	
Preston & Whitney Reservoir Company.....	\$3,606.75	
Preston & Whitney Reservoir Company.....	\$7,000.00	
Roberts, City of.....	\$3,750.00	
Round Valley Water.....	\$3,000.00	
Sagle Valley Water & Sewer District.....	\$2,117.51	
South Hill Water & Sewer District.....	\$3,825.00	
St Charles, City of.....	\$5,632.88	
Swan Valley, City of.....	\$5,000.01	
Twenty-Mile Creek Water Association.....	\$2,467.00	
Valley View Water & Sewer District.....	\$5,000.02	
Victor, City of.....	\$3,750.00	
Weston, City of.....	\$6,601.20	
Winder Lateral Association.....	\$7,000.00	
<b>TOTAL GRANTS DISBURSED.....</b>		<b>(\$1,632,755.21)</b>
<b>IWRB Expenditures</b>		
Lemhi River Water Right Appraisals.....	\$31,000.00	
<b>Expenditures Directed by Legislature</b>		
Obligated 1994 (HB988).....	\$39,985.75	
SB1260, Aquifer Recharge.....	\$947,000.00	
SB1260, Soda (Caribou) Dam Study.....	\$53,000.00	
Sugarloaf Aquifer Recharge Project (SB1239).....	\$55,953.69	
ESPA Settlement Water Rentals (HB 843 2004).....	\$504,000.00	
ESP Aquifer Management Plan (SB1496, 2006).....	\$300,000.00	
ESP Aquifer Management Plan (HB320, 2007).....	\$801,077.75	
<b>TOTAL IWRB AND LEGISLATIVE DIRECTED EXPENDITURES.....</b>		<b>(\$2,732,017.19)</b>
<b>WATER RESOURCE BOARD RECHARGE PROJECTS.....</b>		<b>(\$11,426.88)</b>
<b>CURRENT ACCOUNT BALANCE.....</b>		<b>\$1,121,290.57</b>
<b>Committed Funds:</b>		
<b>Grants Obligated</b>		
Cottonwood Point Water & Sewer Association.....	\$0.00	
Preston - Whitney Irrigation Company.....	\$7,500.00	
Water District No. 1 (Blackfoot Equalizing Reservoir Automation).....	\$35,000.00	
<b>Legislative Directed Obligations</b>		
Sugarloaf Aquifer Recharge Project (SB1239).....	\$4,046.31	
ESPA Settlement Water Rentals (HB 843, 2004).....	\$16,000.00	
ESPA Management Plan (SB 1496, 2006).....	\$0.00	
ESP Aquifer Management Plan (HB320, 2007).....	\$48,829.24	
Flood Management Grants (HB712, Sec 1, 2018).....	\$1,000,000.00	
<b>TOTAL GRANTS &amp; LOANS OBLIGATED &amp; UNDISBURSED.....</b>		<b>\$1,111,375.55</b>
<b>Loans Outstanding:</b>	<b>Amount</b>	<b>Principal</b>
	<b>Loaned</b>	<b>Outstanding</b>
Arco, City of.....	\$7,500	\$0.00
Butte City, City of.....	\$7,425	\$0.00
Roberts, City of.....	\$23,750	\$0.00
Victor, City of.....	\$23,750	\$0.00
<b>TOTAL LOANS OUTSTANDING.....</b>		<b>\$0.00</b>
<b>Uncommitted Funds.....</b>		<b>\$9,915.02</b>
<b>CURRENT ACCOUNT BALANCE.....</b>		<b>\$1,121,290.57</b>

# Memorandum

To: Idaho Water Resource Board  
From: Neeley Miller  
Date: July 17, 2018  
Re: Flood Management Grant Applications



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**REQUIRED ACTION:** Approve Award of Flood Management Grant Applications

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House Bill 712 passed and approved by the 2018 Legislature included a FY 2018 transfer of \$1,000,000 from the General Fund to the Water Management Fund in the Department of Water Resources budget. This funding was intended for a grant program administered by the Idaho Water Resource Board to provide competitive grants for flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects.

On May 18, 2018 the Board adopted by resolution an evaluation criteria for the award of Flood Management Grant funding. The criteria establish an application deadline of June 15, 2018 and indicated that funding awards would be announced at the July 27, 2018 Board meeting.

Staff received ten (10) applications during the applications period. The applications and sponsor's grant documents were evaluated, scored, and ranking according to criteria adopted by Board.

On July 17, 2018 the Finance Committee reviewed the applications, scores, rankings and made a recommendation to the Board to fund all the applications. Additionally, the Finance Committee recommended that the Board amend the Flood Management Grant criteria to allow for a second round of applications.

**Package includes:**

1. Criteria
2. Ranking Application Sheet
3. Project Summaries
4. Draft Resolution

Attachment A: Flood Management Grant Awards

Attachment B: Amended Criteria



# IDAHO WATER RESOURCE BOARD

**C.L. "Butch" Otter**  
Governor

**Roger W. Chase**  
Chairman  
Pocatello  
District 4

**Jeff Raybould**  
Vice-Chairman  
St. Anthony  
At Large

**Vince Alberdi**  
Secretary  
Kimberly  
At Large

**Peter Van Der Meulen**  
Hailey  
At Large

**Lewiston**  
At Large

**Albert Barker**  
Boise  
District 2

**John "Bert" Stevenson**  
Rupert  
District 3

**Dale Van Stone**  
Hope  
District 1

## MINUTES MEETING NO. 11-17

Idaho Water Center  
Conference Rooms 602 B, C, D  
322 East Front Street, 6<sup>th</sup> Floor  
BOISE

October 24, 2017  
**Board Meeting No. 11-17**

At 1:00 p.m. Chairman Chase called the meeting to order. All members were present.

### Agenda Item No. 1: Roll Call

#### *Board Members Present*

Roger Chase, Chairman	Jeff Raybould, Vice-Chairman
Vince Alberdi, Secretary	Pete Van Der Meulen
Bert Stevenson	Dale Van Stone
Albert Barker	<u>John Rusche (via teleconference)</u>

#### *Staff Members Present*

Brian Patton, Bureau Chief	Ann Vonde, Attorney General
Cynthia Bridge Clark, Water Projects Section Manager	
Neeley Miller, Senior Planner	

#### Guests Present

Shane Phillips, Mott MacDonald  
Terry Scanlan, SPF,  
Bud Corbus Elmore County Commissioner  
Scott Campbell, Campbell Law  
Hal Anderson, Idaho Water Engineering

### Agenda Item No. 2: Priest Lake Water Management Study

Mr. Miller introduced Shane Phillips from Mott MacDonald to the Board. Mr. Phillips delivered a presentation to the Board highlighting the preliminary recommendations associated with the Priest Lake Management Study. The study included the following recommendations: 1) Temporarily raising the surface level of Priest Lake 3 to 6 inches during the recreational

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Deleted: Randy Broesch, Engineer¶  
Amy Cassell, Transactions Program Manager¶

Commented [MN1]: Need to add list of guests that attended Board Meeting

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Deleted: Connely Baldwin, PacifiCorp

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Deleted: Kim Pierson, US Forest Service¶

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Douglas R. Jones, Idaho Water Engineering¶  
Braden Jensen, Idaho Farm Bureau¶  
Sarah Lien, Friends of the Teton¶  
Peter Anderson, Trout Unlimited

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season of dry years and integrating real-time streamflow data to allow more flexibility, 2) Outlet structure improvements to the scour apron, modifying and strengthening gates, and electrical gate operation, and 3) Replace the current existing porous breakwater with an impervious sediment retention feature and dredging a portion of the Thororfare channel

### **Agenda Item No. 3: Boise River Storage Studies**

Ms. Bridge Clark provided an overview of recent activities involving the U.S. Corps of Engineers and the U.S. Bureau of Reclamation. The Bureau of Reclamation discussed the proposed scope of work for a feasibility study of small raises of three existing dams on the Boise River (Anderson Ranch, Arrowrock and Lucky Peak Dams) and discussed options for partnering with the IWRB in the study as the non-federal partner on behalf of other water users in the Treasure Valley.

Ms. Bridge Clark proposed a resolution authorizing funding and execution of the necessary agreements between the IWRB and Reclamation is provided for review and discussion if the IWRB chooses to move forward with the feasibility study.

Mr. Van Stone made a motion to accept the resolution. Mr. Barker seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Raybould: Abstain; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. Motion passed. The resolution was adopted.

### **Agenda Item No. 4: Elmore County Recharge Project**

Mr. Hipke gave a brief overview of the Elmore County Water Supply Study. The report also included potential projects that could assist with Elmore County's limited water supply and offset demand on declining groundwater levels. One of the projects evaluated was the Canyon Creek Recharge Project. Elmore County presented an initial proposal to develop a managed recharge site off of Canyon Creek to improve groundwater levels near the City of Mountain Home and surrounding areas. Elmore County requested that the IWRB consider providing a cost-share for the project.

Mr. Hipke presented resolutions for the IWRB's consideration to authorize cost-share funding for the proposed Canyon Creek Recharge Project.

Mr. Barker made a motion to accept the resolution. Mr. Van Stone seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Raybould: Abstain; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Rusche: Aye; Chairman Chase: Aye. Motion passed. The resolution was adopted.

### **Agenda Item No. 5 Non-Action Items for Discussion**

No items were discussed

### **Agenda Item No. 6 Next Meeting and Adjourn**

Next Meeting is scheduled for November 7-8, 2017 in Boise, Idaho

Respectfully submitted this 27<sup>th</sup> day of July, 2018.

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Vince Alberdi, *Secretary*

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Nikki Regent, *Administrative Assistant II*

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# IDAHO WATER RESOURCE BOARD

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**C.L. "Butch" Otter**  
Governor

**Roger W. Chase**  
Chairman  
Pocatello  
District 4

**Jeff Raybould**  
Vice-Chairman  
St. Anthony  
At Large

**Vince Alberdi**  
Secretary  
Kimberly  
At Large

**Peter Van Der Meulen**  
Hailey  
At Large

**Albert Barker**  
Boise  
District 2

**John "Bert" Stevenson**  
Rupert  
District 3

**Dale Van Stone**  
Hope  
District 1

**Jo Ann Cole-Hansen**  
Lewiston  
At Large

## MINUTES MEETING NO. 4-18

Idaho Water Center  
Conference Rooms 602 B, C, D  
322 East Front Street, 6<sup>th</sup> Floor  
BOISE

May 17, 2018  
**Work Session 4-18**

Chairman Chase called the work session meeting to order at 8:00 a.m. All Board members were present. IDWR staff members present were: Brian Patton, Cynthia Clark Bridge, Neeley Miller, Wesley Hipke, Rick Collingwood, Randy Broesch, Remington Buyer, Gary Spackman and Amy Cassel Mat Weaver. Guests present were: Bud Corbus, Barbara Steele, Kresta Davis-Butts, Kira Finkler, Walt Poole, Peter Anderson, Lanie Paquin, Jerry Kelmer, Lynn Tominaga, Selena Moore, Hattie Zobott, Mel Kunkd, Terry Scanlan, Roland Springer, Shawn Parkinson, Danny Tappa, Ron Abramavich, Kara Ferguson, Carl Ellsworth, Carl Lufkin, Merrill Beyeler

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During the Work Session the following items were discussed:

- Neeley Miller presented FY 2019 Budget for the Secondary Aquifer Planning, Management and Implementation Fund as recommended by the Finance Committee and accompanying resolution.
- Neeley Miller presented recommended changes by the Finance Committee for the proposed Flood Management Grant Program Criteria.
- Remington Buyer introduced Rowland Springer (Bureau of Reclamation), Bobby Hills (Nez Perce Tribe), Barney Mets (Lewiston Orchards), and Jerry Clem (Lower Clearwater Exchange) to the Board. They informed the Board of a desire from local water users to appoint a committee to facilitate the lease and rental of storage water in the Lower Lapwai Basin
- Representatives from Elmore County provided the IWRB with an update on their recharge project.
- Cynthia Bridge Clark and Rowland Springer provided the Board with an update on the Boise River Feasibility Storage Feasibility Study.
- Brian Patton provided the Board with an update of recent activities on the Bear River Basin as well as a resolution, for review, authorizing funds.
- Neeley Miller provided the Board with a status update on the Priest Lake

Water Management Project.

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098  
Phone: (208) 287-4800 Fax: (208) 287-6700 Website: [idwr.idaho.gov/IWRB/](http://idwr.idaho.gov/IWRB/)

- Wesley Hipke presented an ESPA Recharge update.
- Cynthia Bridge Clark gave a brief overview of the and representatives from Raft River Recharge Group discussed the Raft River Recharge Project and efforts to deliver recharge water from the Snake River to the Raft River basin.
- Amy Cassel provided a brief introduction to water issues in the Lemhi River Basin.
- Cynthia Bridge Clark and Shawn Parkinson provided the Board with an update on Natural Resources Conservation Service SNOTEL Analysis and Snow Survey Improvements.
- Cynthia Bridge Clark and presentation will also include an update on program expansion and build-out, the development of the Weather Research and Forecast Model-Cloud Seeding Module (partially funded by the IWRB), and the status of the SNOWIE project (Seeded & Natural Orographic Wintertime Clouds: the Idaho Experiment).
- Tim Luke updated the Board on the status of the South Fork Clear Water River Suction Dredge Mining issues.
- Liz Cresto provided the Board with a presentation on ESPA Spring Flows.

No action was taken by the Board during the Work Session. The session adjourned at 3:45 p.m.

### **Board Meeting No. 4-18**

At 8:00 a.m. Chairman Chase called the meeting to order. All members were present.

#### **Agenda Item No. 1: Roll Call**

##### *Board Members Present*

Roger Chase, Chairman  
Vince Alberdi, Secretary  
Bert Stevenson  
Albert Barker

Jeff Raybould, Vice-Chairman  
Pete Van Der Meulen  
Dale Van Stone

##### *Staff Members Present*

Brian Patton, Bureau Chief  
Cynthia Bridge Clark, Water Projects Section Manager  
Neeley Miller, Senior Planner  
Randy Broesch, Engineer  
Amy Cassell, Transactions Program Manager

Ann Vonde, Attorney General  
Meghan Carter, Attorney General  
Andrea Courtney, Attorney General

##### *Guests Present*

Connely Baldwin, PacifiCorp  
Peter Anderson, Trout Unlimited  
Bud Corbus, Elmore County Commissioner  
Terry Scanlan, SPF  
Scott Campbell, Campbell Law

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#### **Agenda Item No. 2: Executive Session**

Mr. Alberdi made a motion for the Board to resolve into Executive Session pursuant to Idaho Code §74-206(1) subsection (d), to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code. In addition, the Board to resolve into Executive Session pursuant to Idaho Code §74-206(1) subsection f), for the purpose of communicating 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. Topic: MHAFB Water Sustainability Project, Water Rights. Mr. Stevenson seconded. Roll call vote: Mr. Alberdi: Aye; Mr. Barker: Aye; Mr. Raybould: Aye; Mr. Stevenson: Aye; Mr. Van Der Meulen: Aye; Mr. Van Stone: Aye; and Chairman Chase: Aye. 7 Ayes.

At approximately 8:35 a.m. the Board resolved into Executive Session by unanimous consent.

No actions were taken by the Board during the Executive Session. Mr. Alberdi moved to exit Executive Session. Mr. Raybould seconded the motion. Voice vote: All were in favor. Motion carried. The Board resolved out of Executive Session at approximately 9:30 a.m.

### **Agenda Item No. 3: Public Comment**

Chairman Chase opened the meeting for public comment. No public comment was available.

### **Agenda Item No. 4: Agenda and Approval of Minutes 3-18**

Mr. Patton presented the Board with a set of meeting minutes for the 3-18 meeting. Mr. Stevenson made a motion to accept the meeting minutes. Mr. Van Stone seconded the motion. Voice vote: All were in favor. Meeting minutes were adopted.

### **Agenda Item No. 5: Financial Status**

Mr. Patton presented the Financial Status Report to the Board. The uncommitted balance in the Secondary Aquifer Fund was about \$11.9M, as of the April 30, 2018. This was the result of 1) moving the ESPA Ground Water Districts/IGWA loan from the Secondary Aquifer Fund to the Revolving Development Account through the refinancing loan, repaying \$4M plus interest to the Secondary Fund, and 2) receipt of the \$5M in Cigarette Tax proceeds during the current fiscal year, which will be allocated by the IWRB in its FY19 budget for the Secondary Aquifer Fund.

The committed/earmarked balance in the Water Management Account includes the \$1M legislative appropriation for the Flood Management Grant Program per HB 712.

### **Agenda Item No. 6 Flood Management Grant Program**

Mr. Miller gave a brief overview on the Proposed Flood Management Criteria and the funds approved by the legislature, including a FY 2018 transfer of \$1,000,000 from the General Fund to the Water Management fund in the Department of Water Resources budget. The funding is intended for a grant program administered by the Idaho Water Resource Board to provide competitive grants for flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects.

The Board reviewed the proposed criteria and resolution that was recommended by the Finance Committee for adoption by the Board. The resolution establishes a criteria and timeline for the award of Flood Management Grants.

Mr. Van Stone made a motion to accept the resolution. Mr. Barker seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Raybould: Abstain; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. Motion passed. The resolution was adopted.

### **Agenda Item No. 7 FY 2019 Secondary Aquifer Budget**

Mr. Patton presented a resolution for the FY 2019 Secondary Aquifer Planning, Management & Implementation Fund.

Mr. Alberdi made a motion to accept the resolution. Mr. Raybould seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. Motion passed. The resolution was adopted.

#### **Agenda Item No. 8 ESPA Recharge**

Mr. Hipke presented a resolution amending the FY 2018 the Secondary Aquifer Planning, Management, Budget Recharge Conveyance cost from \$2,500,000 to \$4,700,000. The funds were unallocated funds in the Secondary Aquifer Fund.

Mr. Alberdi made a motion to accept the resolution. Mr. Raybould seconded the motion. Roll call vote: Alberdi: Aye; Barker: Abstain; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. Motion passed. The resolution was adopted.

#### **Agenda Item No. 9 Priest Lake Project**

Mr. Miller proposed a resolution to commit funds and provide signatory authority for Staff to proceed with the engineering and design phase for the Priest Lake Water Management Project. If approved, IWRB authorizes the expenditure of funds not to exceed \$600,000 from the Revolving Development Account for the Engineering and Design phase of the Priest Lake Water Management Project, which includes preliminary engineering, regulatory permitting, final engineering, and public/stakeholder support

Mr. Raybould made a motion to accept the resolution. Mr. Van Stone seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Raybould: Aye; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. Motion passed. The resolution was adopted.

#### **Agenda Item No. 10 Transaction Projects**

Ms. Cassel proposed a resolution to Approve Funds and Provide Signatory authority for Bohannon Creek 2018-2037 Water Transaction Contracts. This resolution would consider the attached the attached funding resolution for a total of \$1,370,370.00 for 20 years of pumping costs for both water users. Funds for the water transactions will come from 2018 Idaho Fish Accord and the Columbia Basin Water Transaction Program.

Mr. Van Der Meulen made a motion to accept the resolution. Mr. Van Stone seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Raybould: Abstain; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. Motion passed. The resolution was adopted.

Ms. Cassel provided the Board with a resolution to Approve Funds and Provide Signatory authority for Big Timber Creek 2018-2037 Water Transaction Contracts. This resolution would consider of the attached funding resolution for a total of \$117,937 for 20 years of pumping costs. Funds for the water transaction will come from 2018 Idaho Fish Accord.

Mr. Van Stone made a motion to accept the resolution. Mr. Stevenson seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Raybould: Abstain; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. Motion passed. The resolution was adopted.

Ms. Cassel provided a resolution to Approve Funds and Provide Signatory for the Board to purchase water right no. 77-4207 from Wester Rivers Conservancy. This resolution would consider of the attached funding resolution for a total of \$775,322.00 to acquire Knapp Creek Water Right No. 77-4207. Funds for the acquisition will come from the Pacific Coast Salmon Recovery Fund.

Mr. Van Stone made a motion to accept the resolution. Mr. Van Der Meulen seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Raybould: Abstain; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. Motion passed. The resolution was adopted.

#### **Agenda Item No. 11 Appointment of Hearing Officer for Denial of Dredge Mining Applications on Iowa Creek**

Ms. Blades presented a resolution appointing James Ceffalo as the Hearing Officer for the denial of the dredge mining applications on Iowa Creek.

Mr. Raybould made a motion to accept the resolution. Mr. Barker seconded the motion. Voice vote: All were in favor. Motion passed. The resolution was adopted.

#### **Agenda Item No. 12 Bear River**

Mr. Patton presented resolution that would authorize up to \$100,000 for two items: 1) appraisals of lands where flood easements in gentile Valley would be located, and 2) costs and/or contracts needed to participate in modeling studies with the State of Utah. Because both items are still somewhat uncertain, Staff is proposing that although funds would be authorized, all expenditures would require the further direction of the Chairman.

Mr. Raybould made a motion to accept the resolution. Mr. Van Stone seconded the motion. Roll call vote: Alberdi: Aye; Barker: Aye; Raybould: Abstain; Stevenson: Aye; Van Der Meulen: Aye; Van Stone: Aye; Chairman Chase: Aye. Motion passed. The resolution was adopted.

#### **Agenda Item No. 13 Director's Report**

Deputy Director Weaver discussed the measurement effecting the Eastern Snake Plain effecting 5,500 points of diversion order requiring installation of meters. A hotline was used as a way to communicate those that have the new meters installed or have are waiting for installation with approved equipment. Mr. Weaver also briefly discussed the national flood insurance issues with FEMA. IDWR is currently engaging in discussions with FEMA to remedy those concerns.

#### **Agenda Item No. 14 Non-Action Items for Discussion**

No items were discussed

#### **Agenda Item No. 15 Next Meeting and Adjourn**

Next Meeting is scheduled for July 26 and 27, 2018 in Moscow, Idaho

Respectfully submitted this 27<sup>th</sup> day of July, 2018.

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Vince Alberdi, *Secretary*

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Nikki Regent, *Administrative Assistant II*

#### Board Actions:

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- The Board approved meeting minutes 3-18.
- The Board adopted a resolution to establish a criteria for the award of Flood Management Grants.
- The Board adopted a resolution establishing the Fiscal Year 2019 Secondary Aquifer Planning, management & Implementation Fund
- The Board adopted a resolution amending the FY 2018 the Secondary Aquifer Planning, Management, Budget Recharge Conveyance cost from \$2,500,000 to \$4,700,000. The funds were unallocated funds in the Secondary Aquifer Fund.
- The Board adopted a resolution to commit funds and provide signatory authority for Staff to proceed with the engineering and design phase for the Priest Lake Water Management Project.
- The Board adopted a resolution to approve funds and provide signatory authority in the matter in the Purchase of WR No. 77-4207 from Western Rivers Conservancy.
- The Board adopted a resolution to approve funds and provide signatory authority in the matter of Big Timber Creek 2018-2037 Water Transaction Contracts.
- The Board adopted a resolution to approve funds and provide signatory authority in the matter of Bohannon Creek 2018-2037 Water Transaction Contracts.
- The Board adopted a resolution to commit funds and provide signatory authority in the matter of the Priest Lake Water Management Project.
- The Board adopted a resolution appointing James Ceffalo as the Hearing Officer for the denial of the dredge mining applications on Iowa Creek.
- The Board adopted resolution that would authorize up to \$100,000 for two items: 1) appraisals of lands where flood easements in gentile Valley would be located, and 2) costs and/or contracts needed to participate in modeling studies with the State of Utah. Because both items are still somewhat uncertain, Staff is proposing that although funds would be authorized, all expenditures would require the further direction of the Chairman.

# **FLOOD MANAGEMENT GRANT PROGRAM**

## **RANKINGS AND PROJECT SUMMARIES**

### **1. FLOOD CONTROL DISTRICT NO.9 – Bypass Canal and Bannon Flood Mitigation Project**

Flood Control District No.9 is requesting a \$90,000 flood management grant for the \$273,809 Bypass Canal and Bannon Flood Mitigation project. The project goal is to mitigate flood damage to irrigation water delivery structures that convey irrigation water to approximately 6,300 acres of land south of Bellevue. Due to the 2017 flood, the altered Wood River channel does not adequately deliver water to three head gate structures. The objectives of the project are to mitigate the effects of the flooding, alleviate future flood damage, ensure irrigation water delivery, stabilize streambanks, enhance riparian habitat, reduce the need for ongoing channel manipulations, and improve water quality.

### **2. BLAINE COUNTY – Della View Subdivision Flood Mitigation Project**

Blaine County is requesting a \$121,331 flood management grant for the \$306,334 Della View Subdivision Flood Mitigation project. The remaining matching funding of \$185,003 will be provided by Blaine County, City of Hailey, and Flood Control District No.9. The goal of the project is to reduce the amount and duration of flooding in the area. The project consists of two (2) areas of treatment, which include activating a side channel on the Big Wood River and developing conveyance channels in the subdivision.

### **3. CASSIA COUNTY – Raft River Channel Project**

Cassia County is requesting a \$42,336.38 flood management grant for the \$84,672.75 Raft River Channel project. The remaining matching funding of \$42,336.37 will be provided by Cassia County and the Raft River Flood District. The Raft River channel is a major irrigation water conveyance system to farms and ranches. The 2017 flood caused a significant amount of debris and sediment to collect at the Reid Springs Road bridge. Without the required stream channel repair, the bridge is at risk of major structural damage. The debris and sedimentation has altered the natural stream flow, damaging the stream channel. Cassia County will perform the stream channel repairs to restore the channel to its original configuration.

### **4. FLOOD CONTROL DISTRICT NO.10 – New Dry Creek Diversion Structure Project**

Flood Control District No.10 is requesting a \$78,400.00 flood management grant for the \$156,800 New Dry Creek structure project. Flood District No.10 will provide the matching funding of \$78,400.00. The goal of the project is to repair the river bank adjacent to the New Dry Creek diversion structure, which was breached during the 2017 flooding on the Boise River,



and armor an area of severe bank erosion adjacent to the Greenbelt. The objective of the project is to return the river to its normal channel, protection of the greenbelt pathway, hardening of the channel bottom to reduce head cutting at the diversion, and to reduce flood risk to adjacent land owners and a gravel mining site.

**5. FLOOD CONTROL DISTRICT NO.10 – Duck Alley Pit Capture Project**

Flood Control District No.10 is requesting a \$153,550.00 flood management grant for the \$307,100.00 Duck Alley Pit Capture project. The remaining matching funding of \$153,550.00 will be provided by adjacent landowners, Flood District No.10, and the NRCS. The goals of the project are to redirect base river flow back to the pre-existing river channel, and redirect current flood waters from agricultural land back to the historic river channel. The project includes bank restoration using rock armoring and bioengineering methods, such as log root wads, willow plantings, cottonwood pole plantings, and grass seeding's for bank stability, and the removal of gravel currently blocking normal river flows.

**6. FLOOD CONTROL DISTRICT NO.10 – Porter and Mulchay Project**

Flood Control District No.10 is requesting a \$38,808.00 flood management grant for the \$77,616.00 Porter and Mulchay project. Flood District No.10 will provide the matching funding of \$38,808.00. The goal of the project is to reduce erosion to ranch lands and an irrigation diversion structure on the north side of the river channel. The erosion of the river bank and failure of the Porter's diversion structure are a result of a continued accumulation of gravel in this reach of the Boise River. The project is a gravel removal project, with a total estimated removal volume of 26,600 cubic yards.

**7. CLEARWATER SOIL AND WATER CONSERVATION DISTRICT – Quartz Creek Project**

The Clearwater Soil and Water Conservation District is requesting a \$155,220.00 flood management grant for the \$310,439.00 Quartz Creek project. PotlatchDeltic, a private industrial forestland owner/management firm, will provide the matching funding of \$155,220.00. The goal of the project is to reduce the impacts of annual flooding on the Snake Creek Road, which is a major secondary road in Clearwater County. The Snake Creek Road provides access to private, state, and federal lands managed for timber and year-round recreation. The proposed project will replace sixteen (16) undersized culverts within Quartz Creek, and two (2) culverts within the Calhoun Creek drainage that have a direct impact on flows in Quartz Creek along Snake Creek Road.

**8. FLOOD CONTROL DISTRICT NO.10 – Leighton and Wells Project**

Flood Control District No.10 is requesting a \$22,000 flood management grant for the \$44,000.00 Leighton and Wells project. Flood Control District No.10 will provide the matching funding of \$22,000.00. The goal of the project is reduce erosion to ranch lands and river channel banks. An accumulation of gravel in this stretch of the Boise River channel has caused serious erosion and flooding of adjacent property owner's fields. This project is a gravel removal project, with a total estimated gravel removal volume of 22,000 cubic yards.

**9. FLOOD CONTROL DISTRICT NO.11 – Tree and Debris Removal Project**

Flood Control District No.11 is requesting a \$57,675.00 flood management grant for the \$115,350.00 tree and debris removal project on the Boise River. Flood Control District No.11 will provide the matching funding of \$57,675.00. The goal of the project is to remove trees and debris from the Boise River that are causing out of bank flows and damage to the river bank, adjacent farm lands, and irrigation diversion structures. The Flood Control District has identified over 140 locations for tree and debris removal, and upon removal, all trees and debris will be disposed of by burning and/or chipping.

**10. TWIN LAKES CREEK FLOOD CONTROL DISTRICT NO.17 – Flood Control and Stream Flow Monitoring Equipment Project**

Twin Lakes Creek Flood Control District No.17 is requesting a \$7,750.00 flood management grant for the \$15,500.00 flood control and stream flow monitoring equipment project. Twin Lakes Creek Flood Control District No.17 will provide the matching funding of \$7,750.00. The goal of the project is to install lake level and discharge monitoring equipment, including telemetry, to provide real-time dam operations to the operators to reduce or prevent flooding downstream of the dam.

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF FLOOD  
MANAGEMENT GRANTS

RESOLUTION TO AWARD FUNDS AND  
AMEND THE CRITERIA

1           WHEREAS, House Bill 712 passed and approved by the 2018 legislature transferred  
2 \$1,000,000 from the General Fund to the Water Management Fund creating a Flood  
3 Management Grant Program administered by the Idaho Water Resources Board (IWRB) to be  
4 used for the purpose of flood-damaged stream channel repair, stream channel improvement,  
5 flood risk reduction, or flood prevention projects; and  
6

7           WHEREAS, House Bill 712 allows for the award of grants larger than \$50,000 for the Flood  
8 Management Program, at the discretion of the IWRB; and  
9

10           WHEREAS, House Bill 712 directs the IWRB to require the availability of fifty percent (50%)  
11 matching funds for all projects to be considered under the grant program; and  
12

13           WHEREAS, House Bill 712 directs the IWRB to prioritize projects on a competitive  
14 statewide basis; and  
15

16           WHEREAS, on May 18, 2018 the IWRB adopted a criteria for the award of Flood  
17 Management Grants, and  
18

19           WHEREAS, the IWRB wishes to amend the criteria allow for a second round of funding  
20 awards, and  
21

22           NOW, THEREFORE BE IT RESOLVED that the IWRB approves the award of Flood  
23 Management Grants as specified in Attachment A to this resolution, and  
24

25           NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB adopts the amended criteria  
26 attached hereto in Attachment B to allow for a second round of applications for the award of  
27 Flood Management Grants and directs staff to issue a statewide solicitation for Flood  
28 Management projects.

DATED this 27 day of July, 2018.

ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
VINCE ALBERDI, Secretary

**ATTACHMENT A: Flood Management Grant Funding Awards**

Entity	Funds Awarded
Flood Control District 9	\$90,000.00
Blaine County	\$121,331.00
Cassia County	\$42,336.00
Flood Control District 10	\$78,400.00
Flood Control District 10	\$153,550.00
Flood Control District 10	\$38,808.00
Clearwater Soil & Water Conservation District	\$155,220.00
Flood Control District 10	\$22,000.00
Flood Control District 11	\$57,675.00
Twin Lakes/Flood Control District 17	\$7,750.00
<b>Total funds awarded</b>	<b>\$767,070.00</b>

## ATTACHMENT B: IWRB Flood Management Grant Program Criteria -Amended

The Idaho Water Resource Board (IWRB) Flood Management Grant Funding Program provides financial assistance on a competitive statewide basis to Flood Control Districts, Drainage Districts, Irrigation Districts, Canal Companies, Municipalities, Counties and other public entities interested in pursuing flood damaged stream channel repair, stream channel improvement, flood risk reduction, and flood prevention projects. (See HB 712; Statutes 42-1760; IDAPA 37.02.02)

Pursuing flood damage repair and improvement projects can help prevent or reduce flood damage in Idaho's streams and rivers. To be considered for grant funding, entities must be able to provide evidence of flood damage, or evidence of conditions that create the risk of flooding in a stream channel and submit a funding request document outlining the proposed repairs and/or improvements to the stream channel.

**Eligible Entities:** Flood Control Districts, Drainage Districts, Irrigation Districts, Canal Companies, Municipalities, and Counties. Other public entities are eligible to apply.

**Eligible Geographic Area:** Statewide

**Program Budget:**

- \$1,000,000
- No more than 50% (\$500,000) of the total budget may be spent within a single IWRB district. This limit may be waived if there are no competing funding demands.

**Funding Amount:** up to \$200,000 per project; one project per application

- Funding awards may be reallocated unless Flood Management work begins prior to November 1, 2018.
- Funding will not be distributed unless the project is fully permitted. Sponsor is responsible for providing permit documentation to IWRB staff.

**Matching Funds for Projects:**

- Entities requesting funding for flood management grant projects must provide at least 50% matching cost-share funding with non-state dollars. Projects that include higher cost share amounts will receive a higher ranking during project evaluations
- In-kind services can be used for 30% of the total projects costs. Legal/Administrative in-kind services are limited to 5% of total project costs.
- EXAMPLE: For a \$100K project, sponsor would have to provide at least \$50K in matching cost share funding. Of the \$50K, the sponsor could provide up to \$30K in in-kind services of which \$5,000 could be in legal/administrative costs and \$20K in cash to meet the matching cost-share requirement)

**Evaluation Criteria:** To maximize the effective and efficient use of available funds, applications and sponsor's grant document will be evaluated, scored (*130 point scale*), and ranked according to the following criteria:

Effectiveness of Project (60 points)

- What is the urgency of the project and anticipated costs? (*10 points*)
- What are the objectives and benefits of the project? (*10 points*)
- How does the proposed project solution address the objectives? (*10 points*)
- How will the project measure success of its objectives, and describe the proposed monitoring plan. (*5 points*)
- Is the proposed budget and schedule realistic and is the budget appropriate for the scope of work provided? Has the applicant provided detailed construction expenses documenting how money will be spent to complete the project? (*15 points*)

- Are project sponsors using relevant and appropriate information to develop the proposed project? (Sponsor should include references to relevant studies, assessments, reports, management plans, etc.) How will the project account for expected future changes to hydrology, sediment regimes, or water supply? *(10 points)*

#### Readiness of Project (50 points)

- Lead sponsor of project is identified and there is a description of other affected stakeholders and jurisdictions. *(10 points)*
- Project sponsors will provide documentation that affected local stakeholders and jurisdictions have been consulted. If the project is located within a Flood Control District, the sponsor must provide documentation showing the Flood Control District supports the project, otherwise the project will be declared ineligible. *(10 points)*
- Specify cash matching funds that will be provided for the project, including any in-kind services. Indicate what funding sources are secured or pending. The applicant must provide at least 50% matching cost share funding with non-state dollars. In-kind services can be used for 30% of the total projects costs. Legal/Administrative in-kind services are limited to 5% of total project costs. *(10 points)*
- Projects that propose matching cost-share amounts above 50% will receive additional points in the ranking *(1 point for each additional 1% increase up to 70% to receive up to 20 additional points)*.

#### Organization Capacity (20 points)

- What is the sponsor's history of successful accomplishments on projects similar to this one? The sponsor shall provide several past project examples, if possible. *(10 points)*
- What level of sponsor and consultant staffing will be directed toward the implementation of the proposed project? Discuss the number of sponsor and consultant staff and amount of time dedicated for each for the project. Will the project utilize volunteers? If so, how? Include brief resumes or list of qualifications for each member of the project team. *(10 points)*

#### **Application Process:**

Application Submittal Notice: May 21, 2018

Round One Application Deadline: June 15, 2018

Round One Funding Awarded: July 27, 2018 Board meeting

Round Two Application Deadline: August 17, 2018

Round Two Funding Awarded: September 14, 2018 Board meeting

#### **Payment Process:**

- Funds will be distributed upon sponsor submitting funding reimbursement requests to the IWRB.
- Sponsor funding requests shall include a cover letter which shall include a description of the project activities, dates for performing the project activities, and contractor or supplier invoices.
- A total of 5% shall be retained from each payment request until the project has been completed, and the applicant has fulfilled their deliverable requirements. The 5% award-withholding will be included with the final payment request disbursement.

**Project Deliverables:**

Entities that receive flood management grant funding will be required to submit monthly progress reports updating the IWRB on project progress, and a final report at the completion of the project. Additionally, entities will be expected to provide completed plans and specifications, bid documents, material testing and sampling reports, and a letter from the sponsor or sponsor's consultant that the project was completed in substantial conformance with the approved plans and specifications. If Flood Management Grant funding is available in the future, sponsor funding requests will not be considered if the sponsor does not comply with the deliverable requirements.

**IWRB Districts are as follows:**

District No. 1: Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis and Idaho counties.

District No. 2: Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee counties.

District No. 3: Camas, Gooding, Jerome, Twin Falls, Cassia, Blaine, Lincoln, Minidoka, Lemhi, Custer and Butte counties.

District No. 4: Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Power, Bannock, Caribou, Oneida, Franklin and Bear Lake counties.

*\* No more than 50% (\$500,000) of the total budget may be spent within a single IWRB district. This limit may be waived if there are no competing funding demands.*



# Memorandum

To: Idaho Water Resource Board  
From: Wesley Hipke  
Date: July 5, 2018  
Re: ESPA Managed Recharge Program Status Report



---

**REQUIRED ACTION:** Consider the approval of the following resolutions at the July 27, 2018 IWRB meeting.

- **Resolution** – AFRD2 - MP28 Hydro-plant - to approve funding for infrastructure improvements to protect the hydro-plant while running recharge water during freezing conditions (\$1.4 million).
  - **Resolution** – North Side Canal - Wilson Canyon Recharge Site - to approve funding for the development of a managed recharge site from the North Side Canal below Wilson Lake (\$1.9 million).
  - **Resolution** – Farmers Friend Canal - H. Jones Recharge Site - to approve funding for the development of a managed recharge site from the Farmers Friend Canal (\$170,000).
  - **Resolution** – Great Feeder Canal - Ward Recharge Site - to approve funding for the development of a managed recharge site from the Randall Canal (\$120,000).
  - **Resolution** – Butte Market Lake Canal - Ward Recharge Site - to approve funding for the development of a managed recharge site in the Butte Market Lake system (\$110,000).
- 

## I. 2017/2018 Recharge Season Summary

### IWRB Recharge:

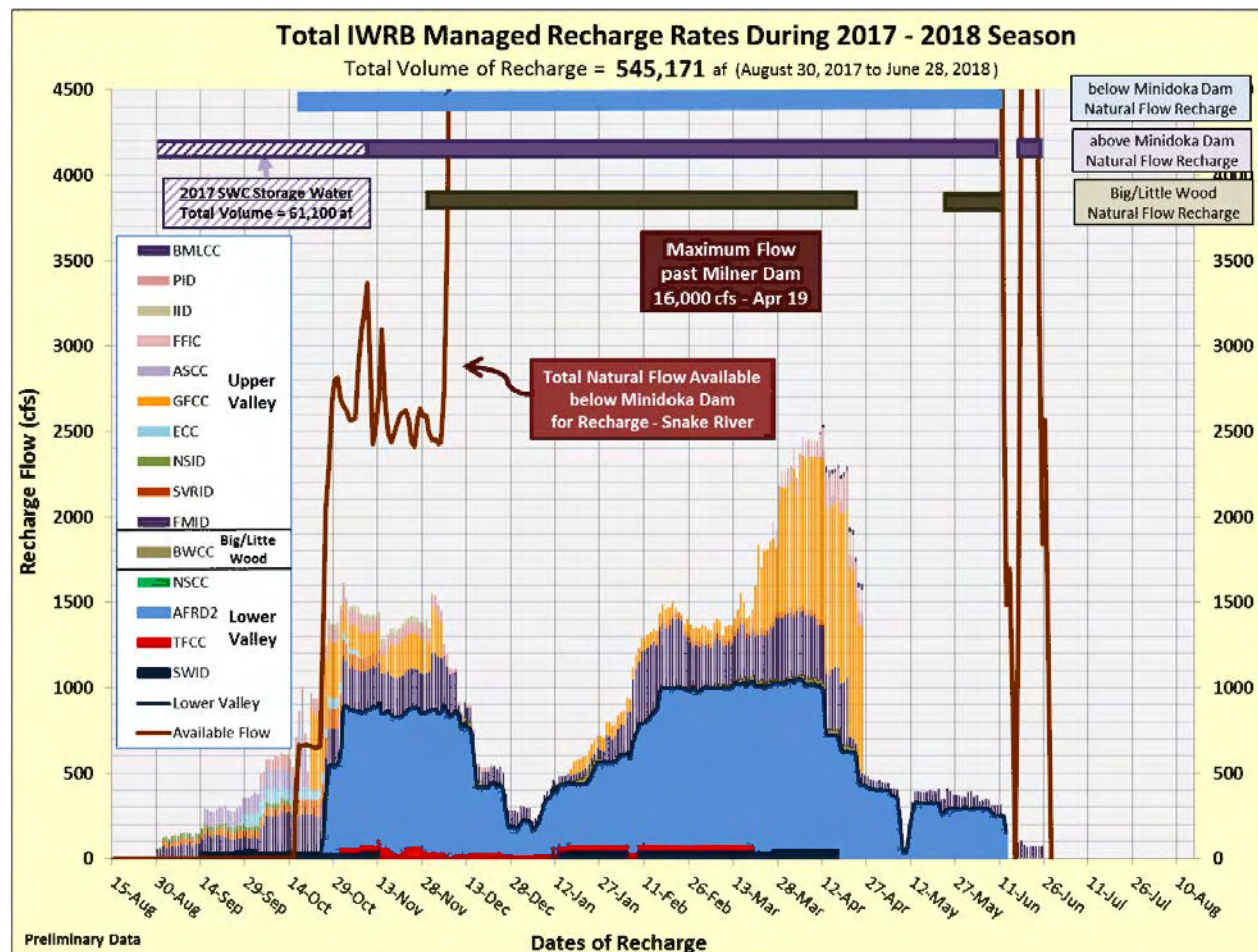
A new record for IWRB ESPA recharge was set during this recharge season. The reservoir system had a significant amount of carryover water and was 75% full as of August 30, 2017. As a result, the Surface Water Coalition (SWC) donated 61,100 acre-feet (af) of storage to IWRB for recharge. The IWRB began recharging the storage water on August 30, 2017, much earlier than a normal year when recharge is dependent upon available natural flow. Additional natural flow was also available earlier this year due to the large carryover in the reservoir system. The IWRB's water rights were in priority and water was available in the Snake River above and below Minidoka Dam from mid-October 2017 through most of June 2018, and was supplemented with recharge off of the Big Wood and the Little Wood Rivers.

A summary of IWRB recharge for the 2017/2018 season is provided in Table 1 and Figure 1.

**Table 1. IWRB ESPA Recharge 2017/2018\***

System	Area	Start/End of IWRB Recharge	Time of Recharge (Days)	Median Recharge Rate (cfs)	Volume Recharged (Acre-feet)*	IWRB Delivery Cost*
Snake River	Lower Valley	Sept 14 – Jun 13	273	541	299,536	\$3,014,500
	Upper Valley	Aug 30 – Jun 26	296	309	238,068	\$1,478,089
	Snake River Total		298	692	537,604	\$4,492,590
Big & Little Wood Rivers		Nov 30 – Jun 13	168	18	7,567	\$80,189
ESPA TOTAL			298	706	545,171	\$4,572,778

\*Recharge Volumes and Cost are not final, values may be adjusted as the numbers are finalized with the canal companies.



**Figure 1. IWRB 2017/2018 ESPA Managed Recharge.**

### **Upper Valley Summary:**

The IWRB partnered with ten irrigation district/canal companies to perform recharge this year. Prior to last year, the largest volume of IWRB recharge in the Upper Valley was around 78,000 af. This season, the IWRB recharged over 238,000 af. This was achieved in part by FMID, which performed managed recharge throughout the winter for 296 days.

Several areas for program improvement have been identified through the experiences of the last two years. The following describes issues for consideration by the IWRB in the near-term:

- A need for development of long-term conveyance contracts with Upper Valley partners.
- The canals in the Upper Valley can recharge significant volumes of water prior to the irrigation season. However, there are very few off-canal sites in the Upper Valley to use for managed recharge once irrigation water delivery begins.
- Continue to improve the monitoring program in key managed recharge areas to help evaluate the influence of managed recharge.
- Develop criteria to determine when the IWRB Recharge Program should discontinue using canals for managed recharge. For example, cool wet spring conditions may delay delivery of irrigation water; therefore, a “typical” start date for irrigation may not be an appropriate end date for recharge activities every year.

### **Lower Valley Summary:**

The IWRB surpassed its record of 180,000 af by recharging over 299,000 af in the Lower Valley this season. The median recharge rate increased from 214 cfs the previous year to 541 cfs the previous season. The increase capacity is largely due to infrastructure improvements funded by the IWRB. Managed recharge activities also benefited from a warm fall that allowed recharge partners to maximize recharge in their canal systems before having to reduce diversions due to freezing temperatures.

In the Lower Valley, the focus of the program is on the development of additional managed recharge capacity through the development of new sites and infrastructure improvements to facilitate delivering water during the cold winter months. The following are some of the observations from this last recharge season:

- Diversifying the canals/locations capable of delivering IWRB recharge water, especially in the long-term, will be important to maximize recharge in a system where water availability can be highly variable and cold weather conditions can be severe.
- After irrigation season begins canal capacity can be a limiting factor in delivering water to off-canal recharge sites.
- Dye-testing of the off-canal sites has proven to be an extremely useful tool to assist in determining potential impacts of managed recharge and monitor well locations.

**Big/Little Wood River Summary:**

The Big Wood Canal Company (BWCC) was also able to conduct managed recharge throughout the winter. Through most of the winter the water availability was relatively low, 10 to 15 cfs. With the construction of the Richfield site, the BWCC now has an off-canal site to conduct managed recharge using excess water from the Little Wood River and potential from the Big Wood River. Like the Lower Valley Snake River, recharge canal capacity during the irrigation season can be a limiting factor in the volume of water that can be diverted to off-canal sites. Therefore, development of sites on the Big Wood improves the potential to recharge more consistently in this part of the ESPA.

**II. ESPA Recharge Program Projects and Buildout Activities**

A number of projects have been undertaken to enhance the IWRB's ability to recharge in the ESPA. The following summary is a brief overview of the projects the IWRB is currently pursuing to meet the managed recharge goal of an average 250,000 af/yr.

For managed recharge projects involving infrastructure improvements to which the IWRB provided funding, a Memorandum of Intent (MOI) was developed to establish a long-term agreement (twenty years) between the IWRB and the entity implementing the project. The MOI acknowledges: 1) the IWRB provided financial assistance for a project; and 2) the entity agrees to deliver and prioritize delivery of the IWRB's recharge water as compensation for financial assistance from the IWRB.

**ESPA Managed Recharge Infrastructure Project Summary**

IWRB staff is focused on the development of additional recharge capacity throughout the ESPA. The IWRB allocated over \$14 million dollars from 2013 through fiscal year 2018 for infrastructure improvements to increase managed recharge throughout the ESPA. For the fiscal year 2019, the IWRB has budgeted \$7.85 million for managed recharge infrastructure projects and investigations. The implementation status of the current projects in the Lower and Upper Valleys is included in Tables 2 and 3, respectively. A summary of the projected projects is presented in Tables 4 and 5.

In the Lower Valley, this includes development of recharge capacity on the North Side Canal system below Wilson Lake, investigation of potential recharge sites along the Milner-Gooding canal, and pursuit of other opportunities as they arise. In the Upper Valley, staff is working with numerous canal companies and other entities to find and develop recharge sites or infrastructure projects to facilitate recharge. The Upper Valley is also being evaluated by staff to determine the potential area where a large scale managed recharge site could be developed.

**Table 2. Current IWRB ESPA Managed Recharge Projects - Lower Valley**

<b>IWRB Partner</b>	<b>Project Name</b>	<b>Project Type</b>	<b>Status</b>	<b>Approved Funds</b>	<b>Scheduled Completion</b>	<b>Description / Key Items</b>
AFRD2	Dietrich Drop Hydro Plant Winter By-pass	Design / Construction	Active	\$1,500,000	Spring 2020	<b>Winter recharge by-pass of the Dietrich Drop Power Plant</b> <ul style="list-style-type: none"> <li>• ENEL and AFRD2 infrastructure improvements to accommodate winter recharge flow – Apr 2018</li> <li>• Finalize cost and project schedule – May 2018</li> <li>• FERC review of improvements – Summer/Fall 2018</li> <li>• Start Construction – Fall/Winter 2018</li> </ul>
North Side CC	Hydro Plants (4) Improvements for Winter By-pass	Design / Construction	Active	\$5,074,581	Dec 2018	<b>Winter recharge by-pass of the hydro plants between the Milner Pool and Wilson Lake</b> <ul style="list-style-type: none"> <li>• Phase I const. complete – Mar 2018</li> <li>• 100% Design complete - Apr 2018</li> <li>• FERC approval for const. – Apr 2018</li> <li>• Contractor hired - July 2018</li> </ul>
BLM	Wilson Canyon & MP 29 Right-of-Way	EA / Investigation	Active	\$100,000	Dec 2018	<b>BLM Right-of-Way for Wilson Canyon &amp; MP29 Site</b> <ul style="list-style-type: none"> <li>• Hire Contractor to develop an EA for two sites – Mar 2018</li> <li>• Required surveys for EA – Summer 2018</li> <li>• Draft EA – Fall 2018</li> </ul>

**Table 3. Current IWRB ESPA Managed Recharge Projects - Upper Valley**

<b>IWRB Partner</b>	<b>Project Name</b>	<b>Project Type</b>	<b>Status</b>	<b>Approved Funds</b>	<b>Scheduled Completion</b>	<b>Description / Key Items</b>
Fremont-Madison ID	Egin Lakes Phase II	Construction	Active	\$580,000	Fall/Winter 2018	<b>Construction of Egin Lakes Phase II Recharge Capacity Expansion</b> <ul style="list-style-type: none"><li>• Submittal of EA/Evaluation – Oct 2017<ul style="list-style-type: none"><li>◦ Est. BLM approval – Aug 2018</li></ul></li><li>• Construction of weir on Recharge Canal – Feb 2018</li><li>• Construction on new recharge areas – Fall 2018 (after BLM approval)</li></ul>
New Sweden ID	New Sweden Site Testing & Groundwater Monitoring Plan	Evaluation of Sites	Active	\$200,000	2018	<b>Testing potential sites on the New Sweden system and development of GW monitoring plans if necessary</b> <ul style="list-style-type: none"><li>• Approved \$200,000 for testing of sites and a GW Quality Monitoring Program – May 2017</li><li>• May 2018 – Testing of Porter Pit complete – site is not suitable for managed recharge</li></ul>



**Table 4. Projected Lower Valley - IWRB ESPA Managed Recharge Projects**

<b>IWRB Partner</b>	<b>Project Name</b>	<b>Project Type</b>	<b>Status</b>	<b>Approved Funds</b>	<b>Scheduled Completion</b>	<b>Description / Key Items</b>
AFRD2	MP 28 Hydro Plant Tailbay	Design / Construction	Planning	None at this time – Proposed \$1.4M	Winter 2018/2019	<b>Isolating tailbay and improving forebay of the hydro plant during winter recharge</b> <ul style="list-style-type: none"> <li>• AFRD2 purchasing the Hydro Plant - Apr 2018</li> <li>• AFRD2 proposed infrastructure improvements for winter time recharge flows – Jun 2018</li> <li>• IWRB approval – July 2018</li> <li>• If Approved, Start Construction – Summer/Fall 2018</li> </ul>
AFRD2	MP 29 Recharge Site	Design	Planning	None at this time	Summer/Fall 2018	<b>Preliminary Design of potential recharge site at MP29</b> <ul style="list-style-type: none"> <li>• Survey data delivered - Feb 2018</li> <li>• Evaluating and assessing MP29 site – Spring 2018</li> <li>• Design and Cost Estimate – Summer/Fall 2018</li> </ul>
North Side CC	Wilson Canyon Site	Design / Construction	Planning	None at this time – Proposed \$1.9M	Winter 2018/2019	<b>Design, Construction, and development of a Groundwater Quality Monitoring Program for site(s) below Wilson Lake</b> <ul style="list-style-type: none"> <li>• Alternative Analysis – Jan 2018</li> <li>• Design and Cost Estimate – June 2018</li> <li>• IWRB Approval – July 2018</li> <li>• If Approved, Start Construction – Fall 2018</li> </ul>
North Side CC	Additional Managed Recharge Sites below Wilson Lake	Survey, Design	Planning	None at this time	2018/2019	<b>Preliminary Design of potential recharge site</b> <ul style="list-style-type: none"> <li>• Staff Evaluation and additional survey data – Summer 2018</li> <li>• Design and Cost Estimate – Fall/Winter 2018</li> </ul>



**Table 5. Projected Upper Valley - IWRB ESPA Managed Recharge Projects**

<b>IWRB Partner</b>	<b>Project Name</b>	<b>Project Type</b>	<b>Status</b>	<b>Approved Funds</b>	<b>Scheduled Completion</b>	<b>Description / Key Items</b>
Farmers Friend Irrigation Co.	H. Jones Site	Construction	Planning	None at this time – Proposed \$170K	Summer/Fall 2018	<b>Construction of proposed recharge site</b> <ul style="list-style-type: none"> <li>• Evaluation of site complete – Jan 2018</li> <li>• Submittal of proposal/cost – Jun 2018</li> <li>• IWRB approval – July 2018</li> <li>• If Approved, Start Construction – Summer 2018</li> </ul>
Great Feeder Canal Co.	Ward Site	Construction	Planning	None at this time– Proposed \$120K	Summer/Fall 2018	<b>Construction of proposed recharge site</b> <ul style="list-style-type: none"> <li>• Evaluation of area complete – Jan 2018</li> <li>• Submittal of proposal/cost – Jun 2018</li> <li>• IWRB approval – July 2018</li> <li>• If Approved, Start Construction – Summer 2018</li> </ul>
Butte Market Lake Co.	Injection Well Test	Testing / Construction	Planning	None at this time – Proposed \$110K	Fall 2018	<b>Testing and potential installation of injection wells in the BMLCC area</b> <ul style="list-style-type: none"> <li>• BMLCC System Evaluation – Feb 2018</li> <li>• Submittal of proposal/cost – July 2018</li> <li>• IWRB approval – July 2018</li> <li>• If Approved, Start testing – Summer/Fall 2018</li> </ul>
	Upper Valley – Large Scale Recharge Project	Evaluation	Planning	None at this time	Fall/Winter 2018	<b>Evaluation of the Upper Valley to determine the potential of developing a large scale managed recharge project</b> <ul style="list-style-type: none"> <li>• Analysis of available data – Spring/Summer 2018</li> </ul>



**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF INFRASTRUCTURE  
IMPROVEMENTS FOR THE MP 28 HYDROPOWER  
PLANT ON THE MILNER-GOODING CANAL FOR  
AMERICAN FALLS RESERVOIR DISTRICT NO 2

RESOLUTION TO APPROVE FUNDS FROM THE  
SECONDARY AQUIFER PLANNING,  
MANAGEMENT, AND IMPLEMENTATION  
FUND AND PROVIDE SIGNATORY AUTHORITY

1 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million from  
2 the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning, Management,  
3 and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and  
4

5 WHEREAS, Senate Bill 1402 passed and approved by the 2016 Legislature allocated \$5 million in  
6 ongoing General Fund dollars and \$2.5 million in Economic Recovery Reserve Funds to the IWRB's  
7 Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; and  
8

9 WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has been losing approximately 216,000 acre-  
10 feet annually from aquifer storage since the 1950's resulting in declining ground water levels in the aquifer  
11 and declining spring flows from the aquifer; and  
12

13 WHEREAS, the State Water Plan includes a goal to accomplish managed recharge in the ESPA  
14 averaging 250,000 acre-feet annually; and  
15

16 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136  
17 directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed  
18 recharge to the ESPA by December 31, 2024; and  
19

20 WHEREAS, on May 18, 2018, the IWRB adopted the Secondary Aquifer Fund Fiscal Year 2019  
21 Budget, which included \$1,000,000 for infrastructure improvements on the MP 28 Hydropower Plant and  
22 reserved \$500,000 for additional recharge infrastructure projects to improve managed recharge capacity  
23 in the ESPA; and  
24

25 WHEREAS, American Falls Reservoir District No 2 (AFRD2) operates and maintains an irrigation  
26 delivery system that conveys water from the Snake River through the Milner-Gooding Canal to various  
27 recharge sites downstream of the MP 28 Hydropower Plant; and  
28

29 WHEREAS, cost estimates provided by AFRD2 and their consultants to construct the required  
30 infrastructure to allow winter-time recharge water deliveries past the MP 28 Hydropower Plant total  
31 \$1,400,000;  
32

33 NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures budgeted for the MP  
34 28 Hydropower plant improvements and \$400,000 from funds reserved for other ESPA recharge projects,  
35 not to exceed a total of \$1,400,000, from the Secondary Aquifer Fund for the infrastructure improvements  
36 to the MP 28 Hydropower plant that include improvements to the bypass gates, the power plant, the

Resolution No. \_\_\_\_\_

Page 1

37 forebay, and tailbay; and  
38

39 NOW, THEREFORE BE IT RESOLVED that the IWRB Fiscal Year 2019 budget for the Secondary  
40 Aquifer Planning, Management, and Implementation Fund will be amended to reflect the changes  
41 specified in this resolution.  
42

43 NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes its chairman or designee, Brian  
44 Patton, Executive Officer to the IWRB, to execute the necessary agreements or contracts to complete the  
45 winterizing infrastructure at the MP 28 Hydropower Plant.  
46

DATED this 27th day of July, 2018.

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ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
VINCE ALBERDI, Secretary





**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF CONSTRUCTION OF THE  
WILSON CANYON RECHARGE SITE OFF THE  
NORTH SIDE CANAL COMPANY

RESOLUTION TO APPROVE FUNDS FROM THE  
SECONDARY AQUIFER PLANNING,  
MANAGEMENT, AND IMPLEMENTATION  
FUND AND PROVIDE SIGNATORY AUTHORITY

1 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million from  
2 the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning, Management,  
3 and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and  
4

5 WHEREAS, Senate Bill 1402 passed and approved by the 2016 Legislature allocated \$5 million in  
6 ongoing General Fund dollars and \$2.5 million in Economic Recovery Reserve Funds to the IWRB's  
7 Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; and  
8

9 WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has been losing approximately 216,000 acre-  
10 feet annually from aquifer storage since the 1950's resulting in declining ground water levels in the aquifer  
11 and declining spring flows from the aquifer; and  
12

13 WHEREAS, the State Water Plan includes a goal to accomplish managed recharge in the ESPA  
14 averaging 250,000 acre-feet annually; and  
15

16 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136  
17 directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed  
18 recharge to the ESPA by December 31, 2024; and  
19

20 WHEREAS, on May 18, 2018, the IWRB adopted the Secondary Aquifer Fund Fiscal Year 2019  
21 Budget, which included \$1,750,000 for the North Side Wilson Canyon Recharge Site to improve managed  
22 recharge capacity in the ESPA; and  
23

24 WHEREAS, on May 18, 2018, the IWRB adopted the Secondary Aquifer Fund Fiscal Year 2019  
25 Budget, which included \$655,210 reserve funds for work in other priority areas (reserve funds) ; and  
26

27 WHEREAS, North Side Canal Company (NSCC) operates and maintains an irrigation delivery system  
28 that conveys water from the Snake River through the Main Canal to the Wilson Canyon Recharge Site; and  
29

30 WHEREAS, cost estimates provided by NSCC and Quadrant Consulting Inc. to construct the  
31 required infrastructure and three (3) groundwater monitoring wells to make the Wilson Canyon Recharge  
32 Site a viable managed recharge location total \$1,900,000;  
33

34 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures budgeted for the North  
35 Side Wilson Canyon Recharge Site and \$150,000 from the reserve funds, not to exceed a total of  
36 \$1,900,000, from the Secondary Aquifer Fund for the development of the Wilson Canyon Recharge Site  
37 which includes construction of turnout structure, berms and basin improvements, and groundwater

38 monitoring wells; and  
39

40 NOW, THEREFORE BE IT RESOLVED that the IWRB Fiscal Year 2019 budget for the Secondary  
41 Aquifer Planning, Management, and Implementation Fund will be amended to reflect the changes  
42 specified in this resolution.  
43

44 NOW THEREFORE BE IT RESOLVED that the IWRB authorize its chairman or designee, Brian Patton,  
45 Executive Officer to the IWRB, to execute the necessary agreements or contracts to complete the  
46 development of the Wilson Canyon Recharge Site.  
47

DATED this 27th day of July, 2018.

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ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
VINCE ALBERDI, Secretary



BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF CONSTRUCTION OF THE H.  
JONES RECHARGE SITE FOR THE FARMERS  
FRIEND IRRIGATION COMPANY

RESOLUTION TO APPROVE FUNDS FROM THE  
SECONDARY AQUIFER PLANNING,  
MANAGEMENT, AND IMPLEMENTATION  
FUND AND PROVIDE SIGNATORY AUTHORITY

1 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million from  
2 the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning, Management,  
3 and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and  
4

5 WHEREAS, Senate Bill 1402 passed and approved by the 2016 Legislature allocated \$5 million in  
6 ongoing General Fund dollars and \$2.5 million in Economic Recovery Reserve Funds to the IWRB's  
7 Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; and  
8

9 WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has been losing approximately 216,000 acre-  
10 feet annually from aquifer storage since the 1950's resulting in declining ground water levels in the aquifer  
11 and declining spring flows from the aquifer; and  
12

13 WHEREAS, the State Water Plan includes a goal to accomplish managed recharge in the ESPA  
14 averaging 250,000 acre-feet annually; and  
15

16 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136  
17 directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed  
18 recharge to the ESPA by December 31, 2024; and  
19

20 WHEREAS, on May 18, 2018, the IWRB adopted the Secondary Aquifer Fund Fiscal Year 2019  
21 Budget, which included \$1,000,000 for South Fork and Other Small Upper Valley Sites to improve managed  
22 recharge capacity in the ESPA; and  
23

24 WHEREAS, Farmers Friend Irrigation Company (FFIC) operates and maintains an irrigation delivery  
25 system that conveys water from the Snake River through the Farmers Friend Canal to the H. Jones  
26 Recharge Site; and  
27

28 WHEREAS, cost estimates provided by FFIC to construct the required infrastructure and three (3)  
29 groundwater monitoring wells to make the H. Jones Recharge Site a viable managed recharge location  
30 total \$170,000;  
31

32 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures budgeted for South  
33 Fork and Other Small Upper Valley Sites, not to exceed \$170,000, from the Secondary Aquifer Fund for  
34 the development of the H. Jones Recharge Site that includes construction of turnout structure, berms and  
35 basin improvements, and groundwater monitoring wells; and  
36

37 NOW THEREFORE BE IT RESOLVED that FFIC will provide agreements executed with the land

owner to ensure the site can be used when the IWRB's recharge water right(s) are in priority.

NOW THEREFORE BE IT RESOLVED that the IWRB authorize its chairman or designee, Brian Patton, Executive Officer to the IWRB, to execute the necessary agreements or contracts to complete the development of the H. Jones Recharge Site.

DATED this 27th day of July, 2018.

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ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF CONSTRUCTION OF THE  
WARD RECHARGE SITE FOR THE GREAT FEEDER  
CANAL COMPANY

RESOLUTION TO APPROVE FUNDS FROM THE  
SECONDARY AQUIFER PLANNING,  
MANAGEMENT, AND IMPLEMENTATION  
FUND AND PROVIDE SIGNATORY AUTHORITY

1 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million from  
2 the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning, Management,  
3 and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and  
4

5 WHEREAS, Senate Bill 1402 passed and approved by the 2016 Legislature allocated \$5 million in  
6 ongoing General Fund dollars and \$2.5 million in Economic Recovery Reserve Funds to the IWRB's  
7 Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; and  
8

9 WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has been losing approximately 216,000 acre-  
10 feet annually from aquifer storage since the 1950's resulting in declining ground water levels in the aquifer  
11 and declining spring flows from the aquifer; and  
12

13 WHEREAS, the State Water Plan includes a goal to accomplish managed recharge in the ESPA  
14 averaging 250,000 acre-feet annually; and  
15

16 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136  
17 directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed  
18 recharge to the ESPA by December 31, 2024; and  
19

20 WHEREAS, on May 18, 2018, the IWRB adopted the Secondary Aquifer Fund Fiscal Year 2019  
21 Budget, which included \$1,000,000 for South Fork and Other Small Upper Valley Sites to improve managed  
22 recharge capacity in the ESPA; and  
23

24 WHEREAS, Great Feeder Canal Company (GFCC) operates and maintains an irrigation delivery  
25 system that conveys water from the Snake River to the Burgess Canal System that can deliver water to  
26 the Ward Recharge Site; and  
27

28 WHEREAS, cost estimates provided by GFCC to construct the required infrastructure and three (3)  
29 groundwater monitoring wells to make the Ward Recharge Site a viable managed recharge location total  
30 \$120,000;  
31

32 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures budgeted for South  
33 Fork and Other Small Upper Valley Sites, not to exceed \$120,000, from the Secondary Aquifer Fund for  
34 the development of the Ward Recharge Site that includes construction of turnout structure, berms and  
35 basin improvements, and groundwater monitoring wells; and  
36

37 NOW THEREFORE BE IT RESOLVED that GFCC will provide agreements executed with the Burgess



38 Canal Company, and the land owner to ensure the site can be used when the IWRB's recharge water  
39 right(s) are in priority.  
40

41 NOW THEREFORE BE IT RESOLVED that the IWRB authorize its chairman or designee, Brian Patton,  
42 Executive Officer to the IWRB, to execute the necessary agreements or contracts to complete the  
43 development of the Ward Recharge Site.  
44

DATED this 27th day of July, 2018.

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ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
VINCE ALBERDI, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF CONSTRUCTION OF THE  
BROWNS INJECTION WELL FOR THE BUTTE &  
MARKET LAKE CANAL COMPANY

RESOLUTION TO APPROVE FUNDS FROM THE  
SECONDARY AQUIFER PLANNING,  
MANAGEMENT, AND IMPLEMENTATION  
FUND AND PROVIDE SIGNATORY AUTHORITY

1 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million from  
2 the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning, Management,  
3 and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and  
4

5 WHEREAS, Senate Bill 1402 passed and approved by the 2016 Legislature allocated \$5 million in  
6 ongoing General Fund dollars and \$2.5 million in Economic Recovery Reserve Funds to the IWRB's  
7 Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; and  
8

9 WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has been losing approximately 216,000 acre-  
10 feet annually from aquifer storage since the 1950's resulting in declining ground water levels in the aquifer  
11 and declining spring flows from the aquifer; and  
12

13 WHEREAS, the State Water Plan includes a goal to accomplish managed recharge in the ESPA  
14 averaging 250,000 acre-feet annually; and  
15

16 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136  
17 directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed  
18 recharge to the ESPA by December 31, 2024; and  
19

20 WHEREAS, on May 18, 2018, the IWRB adopted the Secondary Aquifer Fund Fiscal Year 2019  
21 Budget, which included \$1,000,000 for South Fork and Other Small Upper Valley Sites to improve managed  
22 recharge capacity in the ESPA; and  
23

24 WHEREAS, Butte & Market Lake Canal Company (BMLCC) operates and maintains an irrigation  
25 delivery system that conveys water from the Snake River to the Brown's Injection Well site; and  
26

27 WHEREAS, cost estimates provided by BMLCC to construct the required infrastructure to make  
28 the Brown's Injection Well a viable managed recharge location total \$110,000;  
29

30 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures budgeted for South  
31 Fork and Other Small Upper Valley Sites, not to exceed \$110,000, from the Secondary Aquifer Fund for  
32 the development of the Brown's Injection Well that includes construction of turnout structure, drilling  
33 and developing the injection well; and  
34

35 NOW THEREFORE BE IT RESOLVED that BMLCC will have signed agreements with land owner to  
36 ensure the site can be used when the IWRB's recharge water right(s) are in priority.  
37

38           NOW THEREFORE BE IT RESOLVED that the IWRB authorize its chairman or designee, Brian Patton,  
39 Executive Officer to the IWRB, to execute the necessary agreements or contracts to complete the  
40 development of the Ward Recharge Site.  
41

DATED this 27th day of July, 2018.

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ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
VINCE ALBERDI, Secretary

# Memorandum



To: Idaho Water Resource Board  
From: Cynthia Bridge Clark, Emily Skoro  
Date: July 12, 2018  
Re: Boise River Storage Feasibility Study

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**REQUIRED ACTION:** Consider whether to focus the feasibility study on an analysis of Anderson Ranch Dam at this time. A draft resolution is attached for discussion purposes.

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## **Background**

On October 24, 2017, the Idaho Water Resource Board (IWRB) passed a resolution to partner with the Bureau of Reclamation (Reclamation) to complete a feasibility study of new surface water storage options on the Boise River (study). This study will incorporate results of previous studies, including analyses recently performed by the Army Corps of Engineers of a large raise of Arrowrock Dam. Reclamation has initiated an evaluation of potential smaller raises of the existing dams on the Boise River including Anderson Ranch, Arrowrock and Lucky Peak Dams to provide additional water supply and flood control to the Treasure Valley.

The total study cost is estimated to be \$6 million. The IWRB, as the non-federal sponsor, has committed to funding fifty percent of the study costs up to \$3 million.

## **Status**

- In March 2018, the Memorandum of Agreement was signed which formalized the working relationship between the IWRB and Reclamation.
- Reclamation initiated the feasibility study under the authority of Public Law 111-11, which authorized the study of projects to address water shortages in the Boise River system and sunsets in March 2019. The Water Infrastructure Improvements for the Nation Act (WIIN Act, P.L. 114-322) provides a second authority for the study, and potentially design and construction. The act states that continuing authority only applies to projects determined to be feasible before January 1, 2021. Additionally, projects can only receive Federal funds under the WIIN Act if recommended by the Secretary of the Interior and designated by name in Federal appropriations legislation. Reclamation received \$750,000 of WIIN Act funding in 2018 for the Study. Reclamation is continuing to pursue additional funding under the WIIN Act and through standard budget processes.
- The Board provided \$500,000 to Reclamation to cover costs for Phase I of the work through January 31, 2019. Phase I includes performance of initial screening of alternatives and development of a full plan of study. Phase II will include environmental compliance analysis and completion of an Environmental Impact Statement to inform the feasibility study.
- Current project activities include:
  - Collection of LIDAR data and orthoimagery by contractors is in scheduled to be completed in August. A subsequent land, structure, infrastructure and real estate impact assessment by contractors has been initiated.
  - Reclamation's technical team completed field visits to the three dam sites from June 3 through June 6, 2018. The team included staff from Reclamation's Technical Service Center in Denver,

Colorado, as well as staff from the Pacific Northwest Regional Office and Snake River Area Office. Information obtained from the site visits will be used to determine additional data collection efforts (e.g. exploratory drilling) and inform technical analyses.

- Observations made by the technical team have highlighted the complexities of the different projects. Specifically, Reclamation's initial findings suggest that a raise of Arrowrock is likely to be significantly more complex and costly than the other two projects while a raise of Lucky Peak requires additional consideration of its operational function for flood control as well as necessary inter-agency coordination as it is owned and operated by the Army Corps of Engineers. Based on the requirement under the WIIN Act to determine project feasibility prior to January 1, 2021, Reclamation is considering whether study efforts should be focused on the feasibility of raising Anderson Ranch Dam at this time.
- Roland Springer, the Area Manager of Reclamation's Snake River Area Office, will present the details of technical team's findings at the July IWRB meeting and discuss options to focus study activities going forward to meet deadlines defined under the WIIN Act.

### **Current Schedule**

- November 2017 - January 2019: Perform initial screening of alternatives and develop a Plan of Study
- February 2019 - September 2021: Perform analysis of alternatives
- October 2021 - September 2022: Perform formal environmental compliance activities
- October 2022 - March 2024: Undergo approval process of recommended alternative

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF BOISE RIVER STORAGE  
FEASIBILITY STUDY

RESOLUTION TO AUTHORIZE THE U.S.  
BUREAU OF RECLAMATION TO PRIORITIZE  
ANALYSIS OF THE FEASIBILITY OF A RAISE OF  
ANDERSON RANCH DAM

1 WHEREAS, on October 24, 2017, the Idaho Water Resource Board (IWRB) passed a resolution  
2 authorizing its chairman to execute the necessary agreements with the U.S. Bureau of Reclamation  
3 (Reclamation) and to contribute the necessary fifty percent (50%) non-federal cost-share to carry out the  
4 Boise River Storage Feasibility Study (study); and  
5

6 WHEREAS, in March 2018, the IWRB and Reclamation executed a Memorandum of Agreement to  
7 formalize the general scope of the study to include the evaluation of raises to the existing dams on the  
8 Boise River (Anderson Ranch, Arrowrock and Lucky Peak Dams) in order to provide additional water  
9 storage capacity; and  
10

11 WHEREAS, Reclamation initiated the feasibility study under the authority of the Omnibus Public  
12 Land Management Act of 2009, P.L. 111-11, which authorized the study of projects to address water  
13 shortages in the Boise River system and sunsets in March 2019; and  
14

15 WHEREAS, the Water Infrastructure Improvements for the Nation Act (WIIN Act, P.L. 114-322)  
16 provides a second authority for the study, and potentially design and construction. The act states that  
17 continuing authority only applies to projects determined to be feasible before January 1, 2021 and that  
18 projects can only receive Federal funds under the WIIN Act if recommended by the Secretary of the  
19 Interior and designated by name in Federal appropriations legislation; and  
20

21 WHEREAS, Reclamation received \$750,000 of WIIN Act funding in 2018 for the study and is  
22 continuing to pursue additional funding under the WIIN Act and through standard budget processes; and  
23

24 WHEREAS, based on initial technical review of available information and completion of site visits  
25 of the three dams, Reclamation has concluded that an increase in reservoir storage at Arrowrock and  
26 Lucky Peak Dams is likely to be significantly more difficult than a raise of Anderson Ranch Dam due to the  
27 physical and procedural complexities associated with the facilities; and  
28

29 WHEREAS, Reclamation concluded that evaluation of the feasibility of raises to all three dams will  
30 not be complete before January 1, 2021 and recommends focusing study efforts at this time on a raise of  
31 Anderson Ranch Dam; and  
32

33 NOW, THEREFORE, BE IT RESOLVED that the IWRB authorizes Reclamation to focus current study  
34 analyses on a raise of the Anderson Ranch Dam with the intent to determine project feasibility before  
35 January 1, 2021 in accordance with conditions of the WIIN Act, and acknowledges that the feasibility of  
36 small raises at Arrowrock and Lucky Peak Dams has not be determined and may be evaluated further in



37 future, separate feasibility analyses. Reclamation is also authorized to complete land, structure,  
38 infrastructure and real estate impact assessments for all three reservoirs to provide information for current and  
39 future feasibility analyses.  
40

41 NOW, THEREFORE, BE IT RESOLVED that the IWRB will continue to pursue an extension to the  
42 Omnibus Public Land Management Act of 2009, P.L. 111-11 authority and encourages Reclamation to  
43 pursue authorization and funding under the WIIN Act and other authorities to achieve the greatest  
44 support for development of multi-purpose water projects in the Treasure Valley, including potential raises  
45 or increases in reservoir capacity of Anderson Ranch, Arrowrock and Lucky Peak Dams.  
46

DATED this 27<sup>th</sup> day of July, 2018.

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ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
VINCE ALBERDI, Secretary

## STIPULATION

This Stipulation is made and entered into among the parties to Snake River Basin Adjudication (“SRBA”) subcase nos. 63-33732, 63-33733, 63-33734, 63-33737, 63-33738, and the parties to the appeals and cross-appeals currently pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017 (collectively, “Parties”).<sup>1</sup> The Parties, by and through their counsel of record, hereby stipulate and agree as follows:

1. The purpose of this Stipulation is to facilitate and expedite resolution of all disputes among the Parties that have arisen in various judicial and administrative proceedings pertaining to issues of the “fill” and/or “refill” of the storage water rights for on-stream reservoirs in Idaho Department of Water Resources (“Department” or “IDWR”) Administrative Basin 63, known as Arrowrock, Anderson Ranch and Lucky Peak Reservoirs (“Boise River Reservoirs”), including but not limited to: SRBA subcase nos. 00-91017, 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738; the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017; and the administrative and judicial proceedings underlying these same appeals and cross-appeals.

2. The parties to the appeals and cross-appeals currently pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017 stipulate and agree to jointly support passage of legislation during the 2019 Regular Legislative Session for the purpose of statutorily supporting

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<sup>1</sup> The Director of the Idaho Department of Water Resources (“Director”) and the Idaho Department of Water Resources (“Department” or “IDWR”) are not “parties” to the SRBA, but are parties to the appeals and cross-appeals currently pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017. The Director is included, acting for the Department, as a bound signatory to this Stipulation because the Director is vested with the direction and control of the distribution of water from all natural water sources within a water district pursuant to Idaho Code § 42-602, and is a party to the referenced appeals and cross-appeals.

the “Enactment Remark” set forth in paragraph 3 below. The parties to the appeals and cross appeals currently pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017 agree to support consideration by the Idaho legislature of the proposed legislation in **Attachment A** attached hereto with only those changes to which all Parties have expressly consented in writing.<sup>2</sup>

3. If the proposed legislation referenced above in paragraph 2 becomes law on or before the adjournment of the 2019 Regular Legislative Session, and with only those changes to which all Parties have expressly consented in writing, the Parties stipulate and agree the remark in the “Priority Date” element of water right no. 63-33734A shall be as follows (the “Enactment Remark”):

This water right is subordinate to all water rights established pursuant to Idaho law for uses within the IDWR Administrative Basin 63, except water rights to store more than 1,000 acre feet of surface water permitted or licensed after April 15, 2019. This water right shall not be administered as subordinate to water rights permitted or licensed for managed ground water recharge after April 15, 2019 or any water rights for the storage or use of water for power purposes.

Alternatively, if the legislation in **Attachment A** does not become law on or before the adjournment of the 2019 Regular Legislative Session, the Parties stipulate and agree the remark in the “Priority Date” element of water right no. 63-33734A shall be as follows (the “Non-Enactment Remark”):

This water right is subordinate to all water rights established pursuant to Idaho law for uses within the IDWR Administrative Basin 63. This water right shall not be administered as subordinate to water rights permitted or licensed for managed ground water recharge after April 15, 2019 or any water rights for the storage or use of water for power purposes.

4. The Parties stipulate and agree that these alternative remarks are set forth in the

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<sup>2</sup> As set forth in paragraphs 3, 4, 5, 6, and 7 of this Stipulation, the Parties have stipulated and agreed to two alternative remarks for the “Priority Date” element of water right no. 63-33734A. The Parties have further stipulated and agreed that the remark to be decreed depends on whether the proposed legislation set forth in **Attachment A** becomes law on or before the adjournment of the 2019 Regular Legislative Session, and with only those changes to which all Parties have expressly consented in writing. The two alternative forms of the partial decree for water right no. 63-33734A are included in **Attachment B** and **Attachment C**. The Parties have further stipulated and agreed that water right no. 63-33734B should be decreed in the form included in **Attachment D** regardless of whether the proposed legislation is approved.

“Enactment Remark” version and “Non-Enactment Remark” version of the two alternative partial decrees for water right no. 63-33734A, which are included in **Attachment B** and **Attachment C**.

5. The Parties stipulate and agree that they will support issuance of the “Enactment Remark” version of the partial decree for water right no. 63-33734A if the proposed legislation in **Attachment A** becomes law on or before the adjournment of the 2019 Regular Legislative Session, and with only those changes to which all Parties have expressly consented in writing. The Parties stipulate and agree that they will support issuance of the “Non-Enactment Remark” version of the partial decree for water right no. 63-33734A if the proposed legislation in **Attachment A** does not become law on or before the adjournment of the 2019 Regular Legislative Session.

6. The Parties stipulate and agree that they will support issuance of the proposed partial decree for water right no. 63-33734B included in **Attachment D**, and that the partial decree for water right no. 63-33734B is not dependent upon legislative action.

7. The Parties further stipulate and agree to the following:

- a. No more than seven (7) days after formal execution of this Stipulation by all Parties except the United States,<sup>3</sup> the parties to the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017 will file with the Idaho Supreme Court joint motions of the form attached hereto in **Attachment E** that request re-scheduling oral argument of the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017 for the first oral argument setting available after November 30, 2019.
- b. Within seven (7) days after adjournment of the 2019 Regular Legislative Session or the

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<sup>3</sup> The United States has informally expressed that it has no objection to the Stipulation, but may not formally execute the Stipulation without authorization from the U.S. Department of Justice.

legislation attached hereto as Attachment A becoming law, and with only those changes to which all Parties have expressly consented in writing, whichever occurs first, the State of Idaho will file in the SRBA “main case” no. 39576 the following motions, which all Parties stipulate and agree to support as a full and final resolution of SRBA water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738<sup>4</sup>:

- i. a motion to decree water right no. 63-33734B and to decree as disallowed water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738 of the form set forth in **Attachment D**; and
- ii. a motion to alter or amend the partial decrees for water rights nos. 63-303, 63-3613, 63-3614, and 63-3618 of the form set forth in **Attachment F**, requesting that the partial decrees be modified to include in their “Quantity” elements the following combined volume limit condition, and in their “Other Provisions” elements the following “reset” condition:
  - a. Combined Volume Limit Condition: Water rights nos. 63-303, 63-3613, 63-3614, 63-3618, 63-33734A, and 63-33734B, are limited to the total combined annual diversion volume necessary to allocate a total of 1,044,011 acre-feet of storage water per year to the consumers or users of the storage water.
  - b. Reset Condition: The annual time period for accruing natural flow to the on-stream reservoir storage water rights in IDWR Administrative Basin 63 will be determined by the Watermaster as supervised by the Director of the Department of Water Resources; provided, however, the annual time period will begin (1) after the day of allocation and when there is no natural flow

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<sup>4</sup> A copy of this Stipulation (including the Attachments) will be appended to the motions to be filed in the SRBA.

available to water rights junior in priority to January 12, 1911, and (2) before natural flow has again become available to water rights junior in priority to January 12, 1911, or on November 1, whichever is earlier; and

iii. a motion to decree water right no. 63-33734A, of the form set forth in either **Attachment B** or **Attachment C**, depending on whether the proposed legislation set forth in **Attachment A** becomes law on or before the adjournment of the 2019 Regular Legislative Session, and with only those changes to which all Parties have expressly consented in writing:

- a. if the proposed legislation set forth in **Attachment A** becomes law on or before the adjournment of the 2019 Regular Legislative Session, and with only such changes to which the Parties have expressly consented in writing, then the State will file and the Parties will support a motion to decree water right no. 63-33734A of the form set forth in **Attachment B**;
- b. alternatively, if the proposed legislation set forth in **Attachment A** does not become law on or before the adjournment of the 2019 Regular Legislative Session, and with only such changes to which the Parties have expressly consented in writing, then the State will file and the Parties will support a motion to decree water right no. 63-33734A of the form set forth in **Attachment C**.

8. In supporting the issuance of the partial decree for water right no. 63-33734B as set forth in **Attachment D**, the Parties agree the annual volume defined in the quantity element of that partial decree does not constitute an admission by any Party or a finding by the Court of the number of acres entitled to receive storage water from the Boise River Reservoirs.

9. The Parties stipulate and agree that they will not seek any changes in the proposed partial decrees included in **Attachments B, C, or D**, or the proposed legislation set forth in **Attachment A**, without having first obtained the express written consent of all the Parties to the change(s) sought.

10. The Parties stipulate and agree that they will not object to or appeal the SRBA Court's issuance of partial decrees for water right nos. 63-33734A and 63-33734B that are materially consistent with the motions filed pursuant to paragraph 7.b.i and 7.b.iii above, and any additional or subsequent express written agreement of the Parties.

11. The Parties stipulate and agree that they will not object to or appeal the decrees of disallowance of water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-337378 entered by the SRBA Court in accordance with the motion filed pursuant to paragraph 7.b.i above.

12. The Parties stipulate and agree that they will not object to or appeal the SRBA Court's amendment of the partial decrees for water rights nos. 63-303, 63-3613, 63-3614, and 63-3618 in accordance with the motion filed pursuant to paragraph 7.b.ii above. The Parties also stipulate and agree they will not seek any other amendments of the partial decrees for water rights nos. 63-303, 63-3613, 63-3614, and 63-3618 other than those described above in paragraph 7.b.ii without having first obtained the express written consent of all the Parties to the amendment(s) or change(s) sought.

13. If the SRBA Court issues partial decrees for water right nos. 63-33734A and 63-33734B on or before November 30, 2019 that are materially consistent with the motions filed by the State pursuant to paragraph 7.b.i and 7.b.iii above, the parties to the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017 will file with the Idaho Supreme Court, within seven (7) days of the issuance of the partial decrees for water right nos. 63-33734A and 63-33734B, joint motions of the form attached hereto in **Attachment G** that request immediate dismissal of the appeals and cross-appeals pending under Idaho Supreme Court docket



nos. 44677-2016, 44745-2017, and 44746-2017 with instructions to the Twin Falls County District Court to vacate its *Memorandum Decision and Order* (Sep. 1, 2016) and *Order Denying Rehearing* (Nov. 14, 2016), Case no. CV-WA-2015-21376 (Consolidated Ada County Case No. CV-2015-21391).

14. If the SRBA does not issue partial decrees for water right nos. 63-33734A and 63-33734B on or before November 30, 2019 that are materially consistent with the motions filed by the State pursuant to paragraph 7.b.i and 7.b.iii above, this Stipulation will become null and void and no longer binding, with all Parties retaining all of their rights, positions, and arguments with respect to the disputes referenced in paragraph 1 above; with the sole exception that if the SRBA does not issue partial decrees for water right nos. 63-33734A and 63-33734B on or before November 30, 2019 that are materially consistent with the motions filed by the State pursuant to paragraph 7.b.i and 7.b.iii above, the Parties stipulate and agree that oral argument of the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017 will occur during the first available setting after November 30, 2019 or such other date previously set by the Idaho Supreme Court, and that none of the Parties may seek suspension, stay, continuance, or dismissal of the appeals, cross-appeals, or oral argument thereon.

15. The Parties stipulate and agree that the Department will continue to account for the distribution of water to water rights in Water District 63 as described in the Director's *Amended Final Order* issued on October 20, 2015, in the Contested Case that was the subject of the judicial review proceedings in Case No. CV-WA-2015-21376 (Consolidated Ada County Case No. CV-WA-2015-21391). The Parties stipulate and agree that they will not challenge or object to the Department's use of the Water District 63 water right accounting system to distribute water to water rights in Water District 63 as described in, and consistent with, the Director's *Amended Final Order*. With the

exception of these limitations, the Parties stipulate and agree that SUEZ Water Idaho Inc. and the irrigation organizations bound by this Stipulation reserve their rights under Idaho law to otherwise challenge or object to the distribution of water to water rights in Water District 63.

16. The Parties stipulate and agree that upon issuance of the partial decrees for water right nos. 63-33734A and 63-33734B, the Department will update the Water District 63 water right accounting system to account for the distribution of water to water right nos. 63-33734A and 63-33734B consistent with their partial decrees. The Department will provide the Parties, the Water District 63 Advisory Committee, the Water District 63 Watermaster, and all water right holders in Water District 63 with notice of, and an opportunity to submit comments on, the proposed updates to the accounting system. Any aggrieved Parties may request a contested case on these matters, but such a contested case will be limited to preclude raising any issues raised or addressed in the Contested Case that was the subject of the judicial review proceedings in Case No. CV-WA-2015-21376 (Consolidated Ada County Case No.CV-WA-2015-21391).

17. For all future material modifications of the Water District 63 water right accounting system IDWR will provide notice and an opportunity to comment on the change(s). Any party aggrieved by the Director's action in making a material modification has the right to request a contested case in accordance with Idaho Code § 42-1701A and the provisions and standards set forth in chapter 52, title 67, Idaho Code.

18. The Parties stipulate and agree that the Department will update the Water District 63 water right accounting system to account for the distribution of water pursuant to conditions on water rights authorizing diversions when the Boise River below Lucky Peak Dam is "on flood release."

19. No provision of this Stipulation shall be construed to modify or require the United States to change the reservoir operating plan as defined in the November 20, 1953 Memorandum of

Agreement Between the Department of the Army and the Department of the Interior for Flood Control Operation of Boise River Reservoirs, Idaho (hereinafter “MOA”) and the 1985 Memorandum of Understanding for Confirmation, Ratification, and Adoption of the Water Control Manual—Boise River Reservoirs, Boise, Idaho (hereinafter “Manual”). No provision of this Stipulation shall modify the rights or obligations of the United States or the Arrowrock, Anderson Ranch, and Lucky Peak spaceholders pursuant to the MOA and Manual, federal law or contracts between the United States and the spaceholders. No provision of this Stipulation shall be construed to bind the State of Idaho to the MOA or Manual or to require the Director or the Department to distribute water pursuant to the MOA or Manual.

20. Nothing in this Stipulation or its Attachments limits the Attorney General from developing or providing legal opinions as authorized by Idaho law.

21. Nothing in this Stipulation, including the stipulated entry of partial decrees or other evidence or pleading submitted or relied upon for approval of the Stipulation, or any offers or compromises made in the course of negotiating the Stipulation, shall be construed as admissions against interest or used as evidence to support or oppose any party’s claims or objections in the SRBA, in any other water rights adjudication, or in any administrative proceedings before the Department, other than those for interpretation, enforcement or administration of the Stipulation or the partial decrees or for a purpose contemplated by Rule 408.

22. Each of the undersigned represent that they are authorized to execute this Stipulation on behalf of the entity they represent.

23. Nothing in this Stipulation shall be construed as creating liability against the United States, the State of Idaho or any of its agencies for any claims related to or arising from flood control operations.

24. This Stipulation may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

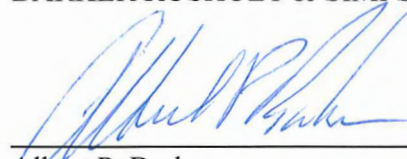
25. This Stipulation shall become effective and binding on all Parties except the United States upon execution by all signatories except the United States. This Stipulation shall become effective and binding on the United States upon execution by the United States.

UNITED STATES DEPT. OF JUSTICE

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David Gehlert	Date
Attorney for United States	
Bureau of Reclamation	

BARKER ROSHOLT & SIMPSON LLP

  
Albert P. Barker  
Attorney for Boise Project Board of Control.

  
Date

SAWTOOTH LAW OFFICES, PLLC

 6-26-18

Daniel V. Steenson

Date

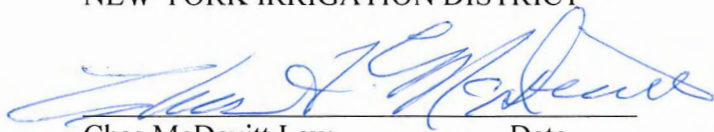
Attorney for Ballentyne Ditch Company; Boise Valley Irrigation Ditch Company; Canyon County Water Company; Eureka Water Company; Farmers' Co-Operative Ditch Company; Middleton Mill Ditch Company; Middleton Irrigation Association, Inc.; Nampa & Meridian Irrigation District; New Dry Creek Ditch Company; Pioneer Ditch Company; Pioneer Irrigation District; Settlers Irrigation District; South Boise Water Company; and Thurman Mill Ditch Company

STIPULATION

Page 13



NEW YORK IRRIGATION DISTRICT

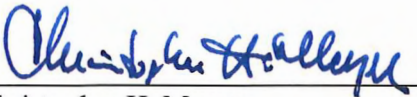
A handwritten signature in blue ink, appearing to read "Chas McDevitt", is written over a horizontal line.

Chas McDevitt Law

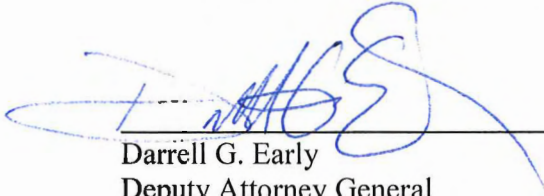
Date


Attorney for New York Irrigation District

GIVENS PURSLEY, LLP

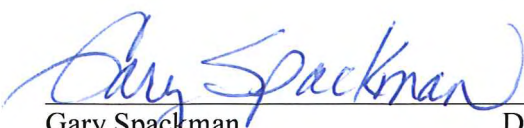
 6/25/18  
Christopher H. Meyer Date  
Attorney for SUEZ Water Idaho Inc. (formerly United Water Idaho)

IDAHO ATTORNEY GENERAL'S OFFICE

  
\_\_\_\_\_  
Darrell G. Early  
Deputy Attorney General  
Attorney for State of Idaho

  
\_\_\_\_\_  
Date

IDAHO DEPARTMENT OF WATER RESOURCES

 6/25/2018  
Gary Spackman Date  
Director  
Idaho Department of Water Resources

# ATTACHMENT A

**DRAFT**

DRKAG217

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LEGISLATURE OF THE STATE OF IDAHO  
Sixty-fourth Legislature Second Regular Session - 2018  
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IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

RELATING TO WATER; AMENDING CHAPTER 1, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-115, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL SUBORDINATE PERMITS AND LICENSES FOR CERTAIN PROJECTS ISSUED AFTER A SPECIFIED DATE TO THE CAPTURE AND RETENTION OF WATER IN EXISTING ON-STREAM STORAGE RESERVOIRS DURING AND FOLLOWING FLOOD CONTROL OPERATIONS UNTIL THE DATE OF ALLOCATION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 1, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-115, Idaho Code, and to read as follows:

42-115. STORAGE. To ensure that new or proposed projects to store more than one thousand (1,000) acre feet of surface water do not interfere with the storage of water in existing on-stream storage reservoirs operated for storage and flood control purposes, the director of the department of water resources shall subordinate permits and licenses for projects to store more than one thousand (1,000) acre feet of surface water issued after the effective date of this section to the capture and retention of water in existing on-stream storage reservoirs during and following flood control operations until the date of allocation.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

**DRAFT**

DRKAG217

2

WATER - Adds to existing law to provide that the Director of the Department of Water Resources shall subordinate permits and licenses for certain projects issued after a specified date to the capture and retention of water in existing on-stream storage reservoirs during and following flood control operations until the date of allocation.



# ATTACHMENT B

**STIPULATION ATTACHMENT B – MOTION TO DECREE REFILL  
ENACTMENT VERSION**

LAWRENCE G. WASDEN  
Attorney General  
DARRELL G. EARLY  
Deputy Attorney General  
Chief, Natural Resources Division  
MICHAEL C. ORR (ISB # 6720)  
Deputy Attorney General  
Natural Resources Division  
700 West State Street  
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(208) 334-2400

*Attorneys for the State of Idaho*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	<b>MOTION TO DECREE</b>
	)	<b>WATER RIGHT NO. 63-33734A</b>
Case No. 39576	)	
_____	)	

**MOTION**

The State of Idaho (“State”), by and through its attorneys of record, pursuant to Administrative Order 1, the Idaho Rules of Civil Procedure, and the “Stipulation” appended hereto as **Exhibit 1** (“Stipulation”), hereby moves this Court for an order issuing a partial decree for water right no. 63-33734A in the form attached hereto as **Exhibit 2**.

***STIPULATION ATTACHMENT B – MOTION TO DECREE REFILL  
ENACTMENT VERSION***

**DISCUSSION**

The parties to SRBA subcase nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738, and the parties to the appeals and cross-appeals currently pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017, have entered into a Stipulation for the purpose of facilitating and expediting resolution of disputes that have arisen in various judicial and administrative proceedings pertaining to issues of the “fill” and/or “refill” of the storage water rights for the on-stream reservoirs in IDWR Administrative Basin 63 (Boise River Basin), including but not limited to: the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017; the administrative and judicial proceedings underlying these same appeals and cross-appeals; and Snake River Basin Adjudication (“SRBA”) subcase nos. 00-91017, 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738. *See Exhibit 1.*

The parties have agreed to seek issuance in the SRBA of partial decrees for water right nos. 63-33734A and water right no. 63-33734B of the forms proposed by this motion and the concurrently filed motion to decree water right no. 63-33734B.<sup>1</sup> The parties have also agreed to seek orders decreeing as disallowed water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738.

Under the Stipulation, the form of the proposed partial decree for water right no.

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<sup>1</sup> Pursuant to the Stipulation, the State is also filing on this date: (1) a motion for an order issuing a partial decree for water right no. 63-33734B and decreeing as disallowed water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738; and (2) a motion to alter or amend the partial decrees for water right nos. 63-303, 63-3613, 63-3614, and 63-3618.

***STIPULATION ATTACHMENT B – MOTION TO DECREE REFILL  
ENACTMENT VERSION***

63-33734A to be submitted to this Court depended on whether certain legislation was enacted during the 2019 Regular Legislative Session. *See Exhibit 1.* That legislation has been enacted, and the State therefore moves this Court for an order issuing a partial decree for water right no. 63-33734A of the form appended hereto as **Exhibit 2.**

If this Court issues partial decrees for water right nos. 63-33734A and 63-33734B that are materially consistent with the forms of proposed partial decrees appended to the motions filed by the State pursuant to the Stipulation, the parties have agreed to jointly move the Idaho Supreme Court for dismissal of the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017, with instructions to this Court to vacate the orders that are the subject of the appeals and cross-appeals. If this Court does not issue partial decrees materially consistent with the partial decrees proposed by the State pursuant to the Stipulation, the parties have agreed the appeals and cross-appeals will proceed to oral argument on the first available date after November 30, 2019. *See Exhibit 1.*<sup>2</sup>

For this reason, time is of the essence and the State therefore requests expeditious consideration of this motion, so that it can be noticed, any potential objections resolved, and a partial decree issued, no later than November 30, 2019. *See Exhibit 1.* Because this motion is related to the concurrently-filed motions required by the Stipulation,<sup>3</sup> all of

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<sup>2</sup> The Idaho Supreme Court has granted motions to suspend the appeals and reschedule oral argument on the appeals and cross-appeals for the first available setting after November 30, 2019.

<sup>3</sup> *See supra* note 1.

***STIPULATION ATTACHMENT B – MOTION TO DECREE REFILL  
ENACTMENT VERSION***

the motions should be noticed and considered together. It is for this reason that the motions are being filed in the “main” SRBA case (case no. 39576) rather than in individual subcases only.

**CONCLUSION**

For the reasons discussed herein and in the Stipulation appended hereto under **Exhibit 1**, the State respectfully requests that this Court enter an order issuing a partial decree for water right no. 63-33734A of the form appended hereto as **Exhibit 2**.

[SIGNATURE BLOCK & CERTIFICATE OF SERVICE]

*STIPULATION ATTACHMENT B – MOTION TO DECREE REFILL  
ENACTMENT VERSION*

# **Exhibit 1**

(Copy of “Stipulation” and Attachments)

***STIPULATION ATTACHMENT B – MOTION TO DECREE REFILL  
ENACTMENT VERSION***

# **Exhibit 2**

(Form of Partial Decree for “Enactment Version” of Water Right No. 63-33734A)



## "Exhibit 2" to "Attachment B"

06/20/2018

### IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-33734A

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
BUREAU OF RECLAMATION  
REGIONAL DIRECTOR PN CODE-3100  
1150 N CURTIS RD STE 100  
BOISE ID 83706-1234

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3,672,732.00 AFY

Water rights nos. 63-33734A, 63-303, 63-3613, 63-3614, 63-3618, and 63-33734B, are limited to the total combined annual diversion volume necessary to allocate a total of 1,044,011 acre-feet of storage water per year to the consumers or users of the storage water.

PRIORITY DATE: 9/30/1965

This water right is subordinate to all water rights established pursuant to Idaho law for uses within the IDWR Administrative Basin 63, except water rights to store more than 1,000 acre feet of surface water permitted or licensed after April 15, 2019. This water right shall not be administered as subordinate to water rights permitted or licensed for managed ground water recharge after April 15, 2019 or any water rights for the storage or use of water for power purposes.

POINT OF  
DIVERSION:

T02N R03E S11 SENE Lot 7 Within ADA County

PURPOSE AND  
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	3,672,732.00 AFY
MUNICIPAL/INDUSTRIAL STORAGE	01/01 12/31	3,672,732.00 AFY
STREAMFLOW MAINTENANCE STORAGE	01/01 12/31	3,672,732.00 AFY

Water accruing to this water right supplements water accrued under water right nos. 63-303, 63-3613, 63-3614, and 63-3618. Water physically stored in any Boise River Reservoir under this water right on the day of allocation will be allocated for storage end uses as provided in the contracts entered into between the United States and federal contractors referenced in paragraph 2 below as if it had accrued under water right nos. 63-303, 63-3613, 63-3614, and 63-3618.

PLACE OF USE: Place of use is on those lands identified under water right nos. 63-303, 63-3613, 63-3614, and 63-3618.

Water accruing under this right may be stored in Lucky Peak, Arrowrock, or Anderson Ranch Reservoirs, so long as the water is tributary to that reservoir, when determined by the United States and the Water District 63 Watermaster as supervised by the Director of the Department of Water Resources that such storage will maximize the storage of water in the three reservoirs.

#### OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

1. The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or

percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

2. The allocation of storage to federal contractors and the location of that storage, including carryover storage, in Arrowrock, Anderson Ranch, and Lucky Peak Reservoirs shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors; provided, however, in the event flood control operations result in irrigation entities with contracts for space in Arrowrock, Anderson Ranch, and Lucky Peak Reservoirs, having less storage than they would otherwise, then the first 60,000 acre-feet of any shortfalls caused by flood control operations will come from uncontracted space in Lucky Peak Reservoir used for streamflow maintenance purposes. The Water District 63 Watermaster (as supervised by the Director of the Department of Water Resources) shall distribute stored water in accordance with the allocation instructions from the United States Bureau of Reclamation.
3. The storage rights in Lucky Peak Reservoir, which consist of water right nos. 63-3618, and 63-33734A, and 63-33734B, are subject to the flood evacuation provisions which supplement irrigation storage contracts held in Anderson Ranch and Arrowrock Reservoirs as defined by supplemental contracts with the Bureau of Reclamation. This acknowledgement relieves the right holder from seeking a temporary change in purpose of use to meet these obligations.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as determined by the Court upon entry of a final unified decree as it may be amended. Section 42-1412(6), Idaho Code.
5. The exercise and administration of this water right is subject to the terms and conditions of the Stipulation effective XX/XX, 2018, which is incorporated herein by reference.
6. The annual time period for accruing natural flow to the on-stream reservoir storage water rights in IDWR Administrative Basin 63 will be determined by the Watermaster as supervised by the Director of the Department of Water Resources; provided however, the annual time period will begin (1) day after the day of allocation and when there is no natural flow available to water rights junior in priority to January 12, 1911, and (2) before natural flow has again become available to water rights junior in priority to January 12, 1911, or on November 1, whichever is earlier.
7. Nothing in this water right shall change the legal effect of the condition on certain water rights expressly limiting those water rights to diverting water when the Boise River is on flood release below Lucky Peak.
8. This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended.

# ATTACHMENT C

**STIPULATION ATTACHMENT C – MOTION TO DECREE REFILL  
NON-ENACTMENT VERSION**

LAWRENCE G. WASDEN  
Attorney General  
DARRELL G. EARLY  
Deputy Attorney General  
Chief, Natural Resources Division  
MICHAEL C. ORR (ISB # 6720)  
Deputy Attorney General  
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Boise, ID 83720-0010  
(208) 334-2400

*Attorneys for the State of Idaho*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	<b>MOTION TO DECREE</b>
	)	<b>WATER RIGHT NO. 63-33734A</b>
Case No. 39576	)	
_____	)	

**MOTION**

The State of Idaho (“State”), by and through its attorneys of record, pursuant to Administrative Order 1, the Idaho Rules of Civil Procedure, and the “Stipulation” appended hereto as **Exhibit 1** (“Stipulation”), hereby moves this Court for an order issuing a partial decree for water right no. 63-33734A in the form attached hereto as **Exhibit 2**.

***STIPULATION ATTACHMENT C – MOTION TO DECREE REFILL  
NON-ENACTMENT VERSION***

**DISCUSSION**

The parties to SRBA subcase nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738, and the parties to the appeals and cross-appeals currently pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017, have entered into a Stipulation for the purpose of facilitating and expediting resolution of disputes that have arisen in various judicial and administrative proceedings pertaining to issues of the “fill” and/or “refill” of the storage water rights for the on-stream reservoirs in IDWR Administrative Basin 63 (Boise River Basin), including but not limited to: the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017; the administrative and judicial proceedings underlying these same appeals and cross-appeals; and Snake River Basin Adjudication (“SRBA”) subcase nos. 00-91017, 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738. *See Exhibit 1.*

The parties have agreed to seek issuance in the SRBA of partial decrees for water right nos. 63-33734A and water right no. 63-33734B of the forms proposed by this motion and the concurrently filed motion to decree water right no. 63-33734B.<sup>1</sup> The parties have also agreed to seek orders decreeing as disallowed water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738.

Under the Stipulation, the form of the proposed partial decree for water right no.

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<sup>1</sup> Pursuant to the Stipulation, the State is also filing on this date: (1) a motion for an order issuing a partial decree for water right no. 63-33734B and decreeing as disallowed water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738; and (2) a motion to alter or amend the partial decrees for water right nos. 63-303, 63-3613, 63-3614, and 63-3618.

***STIPULATION ATTACHMENT C – MOTION TO DECREE REFILL  
NON-ENACTMENT VERSION***

63-33734A to be submitted to this Court depended on whether certain legislation was enacted during the 2019 Regular Legislative Session. *See Exhibit 1.* That legislation has not been enacted, and the State therefore moves this Court for an order issuing a partial decree for water right no. 63-33734A of the form appended hereto as **Exhibit 2**.

If this Court issues a partial decree for water right no. 63-33734A that is materially consistent with the proposed partial decree appended hereto as **Exhibit 2**, and also issues a partial decree for water right no. 63-33734B that is materially consistent with the form of proposed partial decree appended to the motion to decree water right no. 63-33734B, the parties have agreed to jointly move the Idaho Supreme Court for dismissal of the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017, with instructions to this Court to vacate the orders that are the subject of the appeals and cross-appeals. If this Court does not issue partial decrees materially consistent with the partial decrees proposed by the State pursuant to the Stipulation, the parties have agreed the appeals and cross-appeals will proceed to oral argument on the first available date after November 30, 2019. *See Exhibit 1.*<sup>2</sup>

For this reason, time is of the essence and the State therefore requests expeditious consideration of this motion, so that it can be noticed, any potential objections resolved, and a partial decree issued, no later than November 30, 2019. *See Exhibit 1.* Because

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<sup>2</sup> The Idaho Supreme Court has granted motions to suspend the appeals and reschedule oral argument on the appeals and cross-appeals for the first available setting after November 30, 2019.

***STIPULATION ATTACHMENT C – MOTION TO DECREE REFILL  
NON-ENACTMENT VERSION***

this motion is related to the concurrently-filed motions required by the Stipulation,<sup>3</sup> all of the motions should be noticed and considered together. It is for this reason that the motions are being filed in the “main” SRBA case (case no. 39576) rather than in individual subcases only.

**CONCLUSION**

For the reasons discussed herein and in the Stipulation appended hereto under **Exhibit 1**, the State respectfully requests that this Court enter an order issuing a partial decree for water right no. 63-33734A of the form appended hereto as **Exhibit 2**.

[SIGNATURE BLOCK & CERTIFICATE OF SERVICE]

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<sup>3</sup> See *supra* note 1.

*STIPULATION ATTACHMENT C – MOTION TO DECREE REFILL  
NON-ENACTMENT VERSION*

# **Exhibit 1**

(Copy of “Stipulation” and Attachments)



***STIPULATION ATTACHMENT C – MOTION TO DECREE REFILL  
NON-ENACTMENT VERSION***

# **Exhibit 2**

(Form of Partial Decree for “Non-Enactment” Version of Water Right No. 63-33734A)

## "Exhibit 2" to "Attachment C"

06/20/2018

### IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-33734A

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
BUREAU OF RECLAMATION  
REGIONAL DIRECTOR PN CODE-3100  
1150 N CURTIS RD STE 100  
BOISE ID 83706-1234

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3,672,732.00 AFY

Water rights nos. 63-33734A, 63-303, 63-3613, 63-3614, 63-3618, and 63-33734B, are limited to the total combined annual diversion volume necessary to allocate a total of 1,044,011 acre-feet of storage water per year to the consumers or users of the storage water.

PRIORITY DATE: 9/30/1965

This water right is subordinate to all water rights established pursuant to Idaho law for uses within the IDWR Administrative Basin 63. This water right shall not be administered as subordinate to water rights permitted or licensed for managed ground water recharge after April 15, 2019 or any water rights for the storage or use of water for power purposes.

POINT OF  
DIVERSION: T02N R03E S11 SENE Lot 7 Within ADA County

PURPOSE AND  
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	3,672,732.00 AFY
MUNICIPAL/INDUSTRIAL STORAGE	01/01 12/31	3,672,732.00 AFY
STREAMFLOW MAINTENANCE STORAGE	01/01 12/31	3,672,732.00 AFY

Water accruing to this water right supplements water accrued under water right nos. 63-303, 63-3613, 63-3614, and 63-3618. Water physically stored in any Boise River Reservoir under this water right on the day of allocation will be allocated for storage end uses as provided in the contracts entered into between the United States and federal contractors referenced in paragraph 2 below as if it had accrued under water right nos. 63-303, 63-3613, 63-3614, and 63-3618.

PLACE OF USE: Place of use is on those lands identified under water right nos. 63-303, 63-3613, 63-3614, and 63-3618.

Water accruing under this right may be stored in Lucky Peak, Arrowrock, or Anderson Ranch Reservoirs, so long as the water is tributary to that reservoir, when determined by the United States and the Water District 63 Watermaster as supervised by the Director of the Department of Water Resources that such storage will maximize the storage of water in the three reservoirs.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

1. The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of

the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

2. The allocation of storage to federal contractors and the location of that storage, including carryover storage, in Arrowrock, Anderson Ranch, or Lucky Peak Reservoirs shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors; provided, however, in the event flood control operations result in irrigation entities with contracts for space in Arrowrock, Anderson Ranch, or Lucky Peak Reservoirs, having less storage than they would otherwise, then the first 60,000 acre-feet of any shortfalls caused by flood control operations will come from uncontracted space in Lucky Peak Reservoir used for streamflow maintenance purposes. The Water District 63 Watermaster (as supervised by the Director of the Department of Water Resources) shall distribute stored water in accordance with the allocation instructions from the United States Bureau of Reclamation.
3. The storage rights in Lucky Peak Reservoir, which consist of water right nos. 63-3618, and 63-33734A, and 63-33734B, are subject to the flood evacuation provisions which supplement irrigation storage contracts held in Anderson Ranch and Arrowrock Reservoirs as defined by supplemental contracts with the Bureau of Reclamation. This acknowledgement relieves the right holder from seeking a temporary change in purpose of use to meet these obligations.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as determined by the Court upon entry of a final unified decree as it may be amended. Section 42-1412(6), Idaho Code.
5. The exercise and administration of this water right is subject to the terms and conditions of the Stipulation effective XX/XX, 2018, which is incorporated herein by reference.
6. The annual time period for accruing natural flow to the on-stream reservoir storage water rights in IDWR Administrative Basin 63 will be determined by the Watermaster as supervised by the Director of the Department of Water Resources; provided however, the annual time period will begin (1) day after the day of allocation and when there is no natural flow available to water rights junior in priority to January 12, 1911, and (2) before natural flow has again become available to water rights junior in priority to January 12, 1911, or on November 1, whichever is earlier.
7. Nothing in this water right shall change the legal effect of the condition on certain water rights expressly limiting those water rights to diverting water when the Boise River is on flood release below Lucky Peak.
8. This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended.

# ATTACHMENT D

**STIPULATION ATTACHMENT D – MOTION TO DECREE REFILL2**

LAWRENCE G. WASDEN  
Attorney General  
DARRELL G. EARLY  
Deputy Attorney General  
Chief, Natural Resources Division  
MICHAEL C. ORR (ISB # 6720)  
Deputy Attorney General  
Natural Resources Division  
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Joe R. Williams Building  
2<sup>nd</sup> Floor  
P.O. Box 83720  
Boise, ID 83720-0010  
(208) 334-2400

*Attorneys for the State of Idaho*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	
	)	<b>MOTION TO DECREE</b>
	)	<b>WATER RIGHT NO. 63-33734B and</b>
Case No. 39576	)	<b>DISALLOW WATER RIGHT CLAIM NOS.</b>
	)	<b>63-33732, 63-33733, 63-33734, 63-33737,</b>
	)	<b>AND 63-33738</b>
_____	)	

**MOTION**

The State of Idaho ("State"), by and through its attorneys of record, pursuant to Administrative Order 1, the Idaho Rules of Civil Procedure, and the "Stipulation" appended hereto as **Exhibit 1** ("Stipulation"), hereby moves this Court for: (1) an order rescinding this Court's order committing to the Special Master water right claim nos. 63-

***STIPULATION ATTACHMENT D – MOTION TO DECREE REFILL<sup>2</sup>***

33732, 63-33733, 63-33734, 63-33737, and 63-33738<sup>1</sup>; (2) an order issuing a partial decree for water right no. 63-33734B in the form attached hereto as **Exhibit 2**; and (3) orders decreeing as disallowed water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738.

**DISCUSSION**

The parties to SRBA subcase nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738, and the parties to the appeals and cross-appeals currently pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017, have entered into a Stipulation for the purpose of facilitating and expediting resolution of disputes that have arisen in various judicial and administrative proceedings pertaining to issues of the “fill” and/or “refill” of the storage water rights for the on-stream reservoirs in IDWR Administrative Basin 63 (Boise River Basin), including but not limited to: the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017; the administrative and judicial proceedings underlying these same appeals and cross-appeals; and Snake River Basin Adjudication (“SRBA”) subcase nos. 00-91017, 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738. *See Exhibit 1.*

The parties have agreed to seek issuance in the SRBA of partial decrees for water right nos. 63-33734A and water right no. 63-33734B of the forms proposed by this

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<sup>1</sup> *Memorandum Decision and Order on Challenge and Order of Recommitment to Special Master, Subcase Nos. 63-33732 (consolidated subcase no. 63-33737), 63-33733 (consolidated subcase no. 63-33738), and 63-33734 (Sep. 1, 2016).*

***STIPULATION ATTACHMENT D – MOTION TO DECREE REFILL2***

motion and the concurrently filed motion to decree water right no. 63-33734A.<sup>2</sup> The parties have also agreed to seek orders decreeing as disallowed water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738. *See Exhibit 1.*

If this Court issues partial decrees for water right nos. 63-33734A and 63-33734B that are materially consistent with the forms of proposed partial decrees appended to the motions filed by the State pursuant to the Stipulation, the parties have agreed to jointly move the Idaho Supreme Court for dismissal of the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017, with instructions to this Court to vacate the orders that are the subject of the appeals and cross-appeals. If this Court does not issue partial decrees materially consistent with the partial decrees proposed by the State pursuant to the Stipulation, the parties have agreed the appeals and cross-appeals will proceed to oral argument on the first available date after November 30, 2019. *See Exhibit 1.*<sup>3</sup>

For this reason, time is of the essence and the State therefore requests expeditious consideration of this motion, so that it can be noticed, any potential objections resolved, and a partial decree issued, no later than November 30, 2019. *See Exhibit 1.* Because this motion is related to the concurrently-filed motions required by the Stipulation,<sup>4</sup> all of

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<sup>2</sup> Pursuant to the Stipulation, the State is also filing on this date: (1) a motion for an order issuing a partial decree for water right no. 63-33734A; and (2) a motion to alter or amend the partial decrees for water right nos. 63-303, 63-3613, 63-3614, and 63-3618.

<sup>3</sup> The Idaho Supreme Court has granted motions to suspend the appeals and reschedule oral argument on the appeals and cross-appeals for the first available setting after November 30, 2019.

<sup>4</sup> *See supra* note 2.

***STIPULATION ATTACHMENT D – MOTION TO DECREE REFILL2***

the motions should be noticed and considered together. It is for this reason that the motions are being filed in the “main” SRBA case (case no. 39576) rather than in individual subcases only.

**CONCLUSION**

For the reasons discussed herein and in the Stipulation appended hereto under **Exhibit 1**, the State respectfully requests that this Court enter orders: (1) rescinding this Court’s order recommitting to the Special Master water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738; (2) issuing a partial decree for water right no. 63-33734B of the form appended hereto as **Exhibit 2**; and (3) decreeing as disallowed water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738.

[SIGNATURE BLOCK & CERTIFICATE OF SERVICE]



# **Exhibit 1**

(Copy of “Stipulation” and Attachments)

# **Exhibit 2**

(Form of Partial Decree for Water Right No. 63-33734B)

## "Exhibit 2" to "Attachment D"

06/20/2018

### IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-33734B

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
BUREAU OF RECLAMATION  
REGIONAL DIRECTOR PN CODE-3100  
1150 N CURTIS RD STE 100  
BOISE ID 83706-1234

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 587,056.00 AFY

Water rights nos. 63-33734B, 63-303, 63-3613, 63-3614, 63-3618, and 63-33734A are limited to the total combined annual diversion volume necessary to allocate a total of 1,044,011 acre-feet of storage water per year to the consumers or users of the storage water.

This water right may be exercised only to replace water released for flood control purposes, as determined by the Water District 63 watermaster, supervised by the director of the Department of Water Resources. In determining the timing, duration, and magnitude of flood control releases for the purpose of administering this water right and distributing natural flow in accordance with state law, the watermaster as supervised by the Director will consider, but will not be bound by, the November 20, 1953, "Memorandum of Agreement Between the Department of the Army and the Department of the Interior for Flood Control Operation of Boise River Reservoirs, Idaho" (hereinafter "MOA") and the 1985 "Memorandum of Understanding for Confirmation, Ratification, and Adoption of the Water Control Manual-Boise River Reservoirs, Boise, Idaho" (hereinafter "Manual"). The watermaster as supervised by the Director may also consider, but will not be bound by, the United States' determinations of the purposes for which water is being released from Lucky Peak Dam. The watermaster as supervised by the Director may also consider any other information the Director deems relevant.

The watermaster's determinations, as supervised by the director, of the timing, duration, and magnitude of flood control releases shall not affect or bind the United States' determinations, authority, or discretion under federal law for purposes of operating its reservoirs for flood control purposes in accordance with the 1946 Flood Control Act, 60 Stat 641, as amended or supplemented, and the MOA and Manual as they may be revised pursuant to the forgoing law.

Water will not accrue towards the satisfaction of this water right until the United States of America, acting through the Bureau of Reclamation, has notified the Water District 63 watermaster of the calendar date on which it intends to store water pursuant to this water right. Following initial notification, the United States can provide notification directing the Water District 63 Watermaster to stop and start the accrual of water pursuant to this water right, until the water right has been satisfied. All notifications must be made in writing. Each notification must identify the specific calendar date on which administrative action should occur. The identified calendar date cannot predate the date of written notification.

PRIORITY DATE: 03/16/1973

POINT OF  
DIVERSION: T02N R03E S11 SENE Lot 7 Within ADA County

PURPOSE AND  
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 07/31	587,056.00 AFY

MUNCICIPAL/INDUSTRIAL STORAGE                      01/01   07/31                      587,056.00 AFY

STREAMFLOW MAINTENANCE                      01/01   07/31                      587,056.00 AFY  
STORAGE

Water accruing to this water right supplements water accrued under water right nos. 63-303, 63-3613, 63-3614, 63-3618. Water physically stored in any Boise River Reservoir under this water right on the day of allocation will be allocated for storage end uses as provided in contracts entered into between the United States and federal contractors referenced in paragraph 2 below as if it had accrued under water right nos. 63-303, 63-3613, 63-3614, and 63-3618.

PLACE OF USE:                      Place of use is on those lands identified under water right nos. 63-303, 63-3613, and 63-3614, and 63-3618.

Water accruing under this right may be stored in Lucky Peak, Arrowrock, or Anderson Ranch Reservoirs, so long as the water is tributary to that reservoir, when determined by the United States and the Water District 63 Watermaster as supervised by the Director of the Department of Water Resources that such storage will maximize the storage of water in the three reservoirs.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

1. The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.
2. The allocation of storage to federal contractors and the location of that storage, including carryover storage, in Arrowrock, Anderson Ranch, and Lucky Peak Reservoirs shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors; provided, however, in the event flood control operations result in irrigation entities with contracts for space in Arrowrock, Anderson Ranch, and Lucky Peak Reservoirs, having less storage than they would otherwise, then the first 60,000 acre-feet of any shortfalls caused by flood control operations will come from uncontracted space in Lucky Peak Reservoir used for streamflow maintenance purposes. The Water District 63 Watermaster (as supervised by the Director of the Department of Water Resources) shall distribute stored water in accordance with the allocation instructions from the United States Bureau of Reclamation.
3. The storage rights in Lucky Peak Reservoir, which consist of water right nos. 63-3618, and 63-33734A, and 63-33734B, are subject to the flood evacuation provisions which supplement irrigation storage contracts held in Anderson Ranch and Arrowrock Reservoirs as defined by supplemental contracts with the Bureau of Reclamation. This acknowledgement relieves the right holder from seeking a temporary change in purpose of use to meet these obligations.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as determined by the Court upon entry of the final unified decree as it may be amended. Section 42-1412(6), Idaho Code.
5. This water right is subordinate to the following water rights:
  - a. All surface water rights within IDWR Administrative Basin 63 with a priority date earlier than May 1, 2014, with a decreed or licensed diversion rate of less than 0.1 CFS;
  - b. All water rights listed on attachment A.
6. The exercise and administration of this water right is subject to the terms and conditions of the Stipulation effective XX/XX, 2018, which is incorporated herein by reference.
7. The annual time period for accruing natural flow to the on-stream reservoir storage water rights in IDWR Administrative Basin 63 will be determined by the Watermaster as supervised by the Director of the Department of Water Resources; provided however, the annual time period will begin (1) day after the day of allocation and when there is no natural flow available to water rights junior in priority to January 12, 1911, and (2)

before natural flow has again become available to water rights junior in priority to January 12, 1911, or on November 1, whichever is earlier.

8. Nothing in this water right shall change the legal effect of the condition on certain water rights expressly limiting those water rights to diverting water when the Boise River is on flood release below Lucky Peak.
9. This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended.

## Exhibit A

## Subordination Summary - Surface Water Rights - 4/22/18

Row #	WRN	Priority	Right ID	Diversion
1	63-7866	9/12/1973	557848	0.48
2	63-31290A	4/1/1974	572177	0.52
3	63-8004	7/1/1974	556833	0.20
4	63-19543	1/20/1975	554371	0.14
5	63-8199	8/29/1975	557220	0.12
6	63-8380	10/26/1976	556166	0.20
7	63-8393	12/9/1976	556140	0.20
8	63-8647	4/1/1977	555114	0.11
9	63-8960	6/16/1977	556141	0.18
10	63-9433	8/11/1980	556057	0.76
11	63-9438	9/8/1980	56983	0.11
12	63-9642	11/6/1980	577389	0.44
13	63-9688	2/17/1981	557569	0.15
14	63-9684	2/27/1981	557573	0.53
15	63-9699	3/31/1981	556171	0.40
16	63-9683	4/14/1981	557574	0.20
17	63-9942	7/16/1982	557481	0.20
18	63-9982	2/3/1983	57523	0.20
19	63-10111	7/20/1983	57650	0.30
20	63-10254	7/19/1984	57789	0.19
21	63-10279	4/6/1985	556078	0.13
22	63-10324	9/17/1985	657871	0.36
23	63-10325	9/17/1985	657870	0.36
24	63-9750	8/10/1987	556120	1.00
25	63-10560	11/18/1987	16211	0.96
26	63-10776	3/6/1989	89991	0.20
27	63-7226	3/14/1989	54740	0.17
28	63-11619	12/31/1991	59098	0.18
29	63-12567	8/13/1999	547801	0.20
30	63-32016	12/6/2004	592234	1.76
31	63-11439	2/22/1991	667738	1.00
32	63-12055	9/8/1993	36385	24.80
33	63-12399	6/6/1997	672197	3.40
34	63-12420	6/6/1997	671689	5.00
35	63-31409	11/16/2001	559840	20.00
36	63-9346	2/19/1980	638003	0.50
37	63-9944	8/11/1982	600805	1.00
38	63-32537	11/15/1986	607915	0.56
39	63-10810	6/12/1989	15042	4.10
40	63-12113	4/25/1994	613711	0.12
41	63-33905	1/30/2014	671170	0.40
				71.83

## Exhibit A

## Subordination Summary - Ground Water Rights - 4/21/18

Row #	WRN	Priority	Right ID	Diversion
1	63-7754	3/20/1973	55284	0.04
2	63-4284	4/15/1973	53350	0.04
3	63-7792	5/8/1973	55323	0.04
4	63-7794	5/17/1973	553394	0.04
5	63-4766	6/1/1973	53855	0.04
6	63-15335	6/15/1973	377273	0.02
7	63-15406	6/15/1973	377553	0.04
8	63-19090	6/15/1973	373130	0.04
9	63-7824	7/10/1973	55355	0.04
10	63-7822	7/12/1973	55353	0.04
11	63-7826	7/13/1973	378714	0.04
12	63-7835	7/19/1973	372954	0.04
13	63-15123	7/20/1973	378844	0.04
14	63-7807	8/3/1973	555963	0.04
15	63-4563	8/20/1973	53630	0.04
16	63-4571	8/22/1973	53638	0.04
17	63-7781	8/29/1973	557020	0.44
18	63-19423	9/4/1973	373296	0.04
19	63-7856	9/4/1973	55386	0.04
20	63-15129	10/15/1973	378848	0.04
21	63-7901	12/5/1973	55436	0.02
22	63-15069	12/31/1973	376355	0.04
23	63-15421	12/31/1973	377560	0.04
24	63-7943	3/1/1974	55477	0.04
25	63-30441	5/1/1974	145925	0.06
26	63-18966	5/10/1974	379529	0.04
27	63-15279	5/24/1974	377260	0.04
28	63-19269	6/1/1974	344556	0.04
29	63-19270	6/1/1974	344557	0.04
30	63-15431	7/1/1974	368155	0.06
31	63-19052	8/9/1974	553368	0.02
32	63-19053	8/9/1974	406969	0.02
33	63-19054	8/9/1974	406970	0.02
34	63-19614	8/15/1974	373377	0.04
35	63-24097	8/15/1974	141904	0.04
36	63-19896	1/1/1975	379678	0.04
37	63-8067	1/6/1975	660521	5.49
38	63-19484	5/14/1975	373325	0.02
39	63-19142	5/30/1975	373160	0.04
40	63-19333	5/30/1975	406386	0.04
41	63-15420	6/1/1975	377559	0.04
42	63-15303	7/1/1975	319522	0.04
43	63-29396	7/1/1975	406986	0.04

## Exhibit A

## Subodination Summary - Ground Water Rights - 4/21/18

Row #	WRN	Priority	Right ID	Diversion
44	63-19462	9/1/1975	373314	0.04
45	63-8204	9/7/1975	378726	0.04
46	63-30487	9/16/1975	193220	0.04
47	63-15177	9/26/1975	379891	0.04
48	63-8224	10/20/1975	55760	0.04
49	63-8237	12/4/1975	406437	0.04
50	63-30404	12/31/1975	368271	0.04
51	63-24106	3/6/1976	406312	0.04
52	63-19720	5/1/1976	379590	0.04
53	63-19159	5/24/1976	553853	0.04
54	63-19630	5/29/1976	373385	0.04
55	63-30347	6/1/1976	406329	0.04
56	63-30349	6/1/1976	406331	0.04
57	63-30352	6/1/1976	406333	0.04
58	63-8317	6/1/1976	557570	0.13
59	63-18965	6/8/1976	379528	0.04
60	63-30436	6/15/1976	391930	0.03
61	63-15109	7/1/1976	378832	0.04
62	63-15141	7/1/1976	378857	0.04
63	63-15363	7/1/1976	377539	0.04
64	63-22114	7/1/1976	370819	0.04
65	63-4667	7/1/1976	53749	0.04
66	63-15138	7/10/1976	378854	0.04
67	63-19451	8/6/1976	406300	0.04
68	63-19429	9/10/1976	373297	0.04
69	63-4559	10/30/1976	400345	0.04
70	63-15203	2/1/1977	377233	0.04
71	63-8500	2/25/1977	552831	0.04
72	63-15114	3/1/1977	378835	0.04
73	63-16361	3/2/1977	377449	0.02
74	63-8714	3/11/1977	372956	0.04
75	63-8643	4/1/1977	556062	0.22
76	63-8678	4/7/1977	56217	0.04
77	63-8691	4/20/1977	56230	0.03
78	63-15061	6/1/1977	378800	0.01
79	63-18331	6/1/1977	379453	0.04
80	63-8961	6/13/1977	372958	0.02
81	63-8957	6/15/1977	378736	0.02
82	63-15160	7/1/1977	378869	0.04
83	63-15284	7/1/1977	377261	0.04
84	63-8976	7/11/1977	557482	0.08
85	63-15413	7/15/1977	376356	0.04
86	63-30217	7/20/1977	370830	0.04



## Exhibit A

## Subordination Summary - Ground Water Rights - 4/21/18

Row #	WRN	Priority	Right ID	Diversion
87	63-15081	8/1/1977	378815	0.06
88	63-16175	8/15/1977	377373	0.06
89	63-15128	8/20/1977	376090	0.04
90	63-15189	9/1/1977	377225	0.04
91	63-15118	9/15/1977	378839	0.02
92	63-19694	9/30/1977	379578	0.09
93	63-15066	10/1/1977	378805	0.04
94	63-27142	10/1/1977	141937	0.04
95	63-32439	10/15/1977	604957	0.01
96	63-15403	10/20/1977	377551	0.04
97	63-15404	10/20/1977	377552	0.04
98	63-9061	10/24/1977	552783	0.04
99	63-26301	11/15/1977	406316	0.04
100	63-26830	11/15/1977	406320	0.04
101	63-19306	11/29/1977	406297	0.04
102	63-28349	12/31/1977	376105	0.04
103	63-28504	12/31/1977	126810	0.04
104	63-15147	2/1/1978	378862	0.04
105	63-31106	3/1/1978	568537	0.04
106	63-30216	3/30/1978	368218	0.04
107	63-15068	5/24/1978	378807	0.04
108	63-15119	5/31/1978	378840	0.04
109	63-15102	6/1/1978	396957	0.02
110	63-19229	6/1/1978	373206	0.04
111	63-25728	6/1/1978	406313	0.04
112	63-27063	6/10/1978	145365	0.08
113	63-15394	6/15/1978	376098	0.02
114	63-15314	6/22/1978	377269	0.04
115	63-19160	7/9/1978	553854	0.04
116	63-19063	7/25/1978	406971	0.04
117	63-19440	7/27/1978	373302	0.05
118	63-15096	7/31/1978	378822	0.04
119	63-16034	7/31/1978	377307	0.04
120	63-19232	8/1/1978	373209	0.04
121	63-9169	8/3/1978	378738	0.04
122	63-23396	8/7/1978	141668	0.02
123	63-30439	8/30/1978	396163	0.04
124	63-15104	9/1/1978	378828	0.04
125	63-30150	10/1/1978	368213	0.06
126	63-9189	10/18/1978	404613	0.01
127	63-15146	11/6/1978	378861	0.04
128	63-8384	11/15/1978	556068	0.18
129	63-30363	12/21/1978	368236	0.04

## Exhibit A

## Subodination Summary - Ground Water Rights - 4/21/18

Row #	WRN	Priority	Right ID	Diversion
130	63-9217	3/7/1979	552860	0.06
131	63-26644	4/15/1979	406319	0.03
132	63-9226	4/16/1979	404615	0.02
133	63-9227	4/16/1979	404616	0.02
134	63-9228	4/16/1979	404617	0.01
135	63-24108	5/3/1979	411185	0.03
136	63-9240	5/23/1979	378742	0.04
137	63-15107	5/29/1979	378830	0.04
138	63-24078	6/12/1979	141897	0.04
139	63-9256	6/22/1979	56798	0.04
140	63-20316	6/30/1979	406415	0.04
141	63-15230	7/1/1979	377243	0.04
142	63-15574	7/1/1979	396959	0.04
143	63-22161	7/1/1979	406308	0.04
144	63-15429	8/1/1979	377562	0.04
145	63-9273	8/6/1979	404618	0.01
146	63-15315	8/16/1979	377270	0.04
147	63-15060	9/14/1979	378799	0.04
148	63-15090	9/15/1979	376088	0.02
149	63-30444	9/17/1979	145443	0.04
150	63-30306	11/1/1979	370831	0.01
151	63-15217	4/1/1980	401352	0.06
152	63-24043	4/8/1980	141886	0.04
153	63-9381	5/19/1980	378746	0.04
154	63-15218	5/20/1980	396958	0.03
155	63-15210	6/1/1980	319515	0.04
156	63-15359	6/1/1980	377538	0.04
157	63-15648	6/1/1980	137945	0.04
158	63-18482	6/1/1980	379471	0.02
159	63-19194	6/1/1980	373184	0.05
160	63-15201	6/5/1980	377231	0.04
161	63-9394	6/10/1980	552824	0.08
162	63-9402	6/12/1980	556045	0.04
163	63-15245	7/1/1980	377249	0.02
164	63-19775	7/1/1980	379617	0.04
165	63-22269	7/1/1980	406975	0.04
166	63-15121	7/10/1980	378842	0.04
167	63-9425	7/29/1980	404620	0.02
168	63-15248	7/30/1980	377250	0.04
169	63-15029	8/7/1980	376085	0.04
170	63-30215	8/26/1980	370826	0.03
171	63-19433	9/24/1980	406298	0.04
172	63-15277	10/1/1980	377259	0.04

## Exhibit A

## Subodination Summary - Ground Water Rights - 4/21/18

Row #	WRN	Priority	Right ID	Diversion
173	63-15288	10/1/1980	377264	0.04
174	63-15808	10/14/1980	372971	0.04
175	63-9651	12/5/1980	553422	0.08
176	63-15619	12/31/1980	376100	0.04
177	63-31457	1/1/1981	558779	0.03
178	63-26144	1/22/1981	406980	0.04
179	63-30329	1/22/1981	406328	0.04
180	63-27340	3/25/1981	139901	0.04
181	63-15135	5/15/1981	376091	0.04
182	63-15932	5/19/1981	406293	0.08
183	63-28747	6/1/1981	368200	0.04
184	63-15228	6/4/1981	377241	0.02
185	63-15354	7/1/1981	377537	0.04
186	63-19491	7/5/1981	373328	0.06
187	63-26175	7/15/1981	406982	0.06
188	63-29959	7/31/1981	376107	0.04
189	63-19705	8/25/1981	379584	0.04
190	63-19076	9/2/1981	373128	0.04
191	63-9821	9/28/1981	378754	0.03
192	63-22836	10/1/1981	160025	0.04
193	63-9748	10/12/1981	556173	0.07
194	63-17396	11/4/1981	379050	0.04
195	63-9900	4/30/1982	552864	0.06
196	63-15287	5/20/1982	377263	0.04
197	63-15072	5/31/1982	376086	0.04
198	63-15105	6/1/1982	378829	0.04
199	63-18484	6/1/1982	376102	0.04
200	63-19477	6/1/1982	406269	0.04
201	63-9924	6/22/1982	57465	0.04
202	63-18964	7/6/1982	379527	0.04
203	63-15034	7/14/1982	406438	0.04
204	63-19268	8/20/1982	406344	0.02
205	63-32240	1/1/1983	604376	0.06
206	63-9974	1/20/1983	560226	0.04
207	63-19455	3/15/1983	373308	0.04
208	63-10011	3/29/1983	372963	0.08
209	63-10045	5/18/1983	372964	0.02
210	63-19449	5/20/1983	550845	0.04
211	63-15510	5/30/1983	376099	0.04
212	63-10068	6/9/1983	404630	0.04
213	63-10080	6/9/1983	404631	0.01
214	63-10135	6/9/1983	404632	0.02
215	63-10148	6/9/1983	404633	0.01

## Exhibit A

## Subodination Summary - Ground Water Rights - 4/21/18

Row #	WRN	Priority	Right ID	Diversion
216	63-25957	6/13/1983	368190	0.04
217	63-10089	6/15/1983	57629	0.08
218	63-10083	6/21/1983	553418	0.05
219	63-10087	6/21/1983	556089	0.04
220	63-10082	6/22/1983	57622	0.04
221	63-10192A	6/22/1983	378767	0.04
222	63-10192B	6/22/1983	557578	0.02
223	63-10092	6/23/1983	378763	0.04
224	63-15468	6/25/1983	377566	0.04
225	63-33445	6/28/1983	637243	0.12
226	63-33446	6/28/1983	637244	0.08
227	63-15095	7/1/1983	378821	0.07
228	63-28936	7/21/1983	368202	0.02
229	63-30445	10/10/1983	373846	0.02
230	63-30272	1/1/1984	368234	0.04
231	63-26374	4/30/1984	406318	0.04
232	63-15145	5/17/1984	378860	0.01
233	63-15286	6/1/1984	377262	0.04
234	63-15113	7/1/1984	378834	0.04
235	63-15298	7/1/1984	319128	0.04
236	63-19029	7/1/1984	406295	0.03
237	63-15140	8/5/1984	378856	0.04
238	63-15202	8/20/1984	377232	0.04
239	63-19191	10/2/1984	406296	0.04
240	63-19834	10/23/1984	379644	0.04
241	63-30255	1/1/1985	368232	0.04
242	63-15142	4/30/1985	378858	0.04
243	63-19458	6/1/1985	373310	0.04
244	63-18967	6/15/1985	379530	0.04
245	63-30470	6/30/1985	556467	0.04
246	63-19617	8/1/1985	373378	0.04
247	63-10318	8/9/1985	547746	0.45
248	63-19257	9/1/1985	411084	0.04
249	63-19271	9/15/1985	373226	0.04
250	63-15036	9/23/1985	372968	0.02
251	63-31531	9/25/1985	561550	0.02
252	63-15263	10/16/1985	377257	0.04
253	63-10332	10/25/1985	404634	0.02
254	63-15033	1/1/1986	372967	0.02
255	63-29748	3/31/1986	376106	0.04
256	63-15149	5/5/1986	378864	0.04
257	63-30391	5/10/1986	406988	0.08
258	63-15179	5/31/1986	377222	0.04

## Exhibit A

## Subodination Summary - Ground Water Rights - 4/21/18

Row #	WRN	Priority	Right ID	Diversion
259	63-15790	6/1/1986	376848	0.04
260	63-19741	6/16/1986	379604	0.02
261	63-18858	6/27/1986	379512	0.04
262	63-18969	8/6/1986	144413	0.04
263	63-30442	8/6/1986	396219	0.04
264	63-15633	11/1/1986	380085	0.02
265	63-10457	3/24/1987	552894	0.18
266	63-30440	5/11/1987	145921	0.04
267	63-15007	6/1/1987	372965	0.02
268	63-19732	6/1/1987	406305	0.04
269	63-10506	6/16/1987	557478	0.04
270	63-26364	6/19/1987	406317	0.04
271	63-15064	7/1/1987	378803	0.03
272	63-19653	8/17/1987	379553	0.07
273	63-27344	8/19/1987	344373	0.04
274	63-10529	8/24/1987	58066	0.04
275	63-15378	9/10/1987	319558	0.09
276	63-31228	9/10/1987	570110	0.13
277	63-17402	11/12/1987	378589	0.04
278	63-15152	11/17/1987	319378	0.04
279	63-10559	11/18/1987	58094	0.06
280	63-31474	5/31/1988	559221	0.02
281	63-10641	6/17/1988	411503	0.01
282	63-15222	8/1/1988	319114	0.03
283	63-16033	10/7/1988	376101	0.04
284	63-27069	10/8/1988	376103	0.04
285	63-30332	12/1/1988	376109	0.04
286	63-10771	2/23/1989	58289	0.11
287	63-19708	4/1/1989	406303	0.04
288	63-19709	4/1/1989	406304	0.04
289	63-10787	5/1/1989	58305	0.04
290	63-10796	5/12/1989	556013	0.07
291	63-10800	5/19/1989	58317	0.04
292	63-10797	5/23/1989	101360	0.08
293	63-26300	6/26/1989	406983	0.03
294	63-19728	9/1/1989	379598	0.04
295	63-11013	9/27/1989	555411	0.03
296	63-9171	10/6/1989	56709	0.22
297	63-11070	10/16/1989	550744	0.13
298	63-11078	11/14/1989	98741	0.06
299	63-11083	11/24/1989	58572	0.04
300	63-11079	11/29/1989	58569	0.04
301	63-11080	11/29/1989	58570	0.02

## Exhibit A

## Subodination Summary - Ground Water Rights - 4/21/18

Row #	WRN	Priority	Right ID	Diversion
302	63-11061	12/5/1989	101743	0.04
303	63-11513	3/14/1991	594903	9.68
304	63-11514	5/10/1991	594912	9.68
305	63-30359	7/26/1991	406487	0.07
306	63-29419	8/19/1991	406321	0.06
307	63-11596	10/9/1991	17450	0.04
308	63-11637	2/5/1992	7803	0.05
309	63-10802	4/21/1992	103333	0.38
310	63-31468	6/11/1992	559146	0.02
311	63-30341	6/29/1992	406483	0.07
312	63-11936	9/21/1992	97295	0.04
313	63-11957	9/29/1992	102074	0.02
314	63-11943	10/15/1992	4346	0.15
315	63-11958	10/16/1992	102077	0.04
316	63-29443	6/1/1993	368203	0.04
317	63-12041	7/31/1993	671226	0.09
318	63-30086	8/14/1993	368210	0.04
319	63-12059	9/28/1993	103377	0.12
320	63-30371	6/23/1994	376110	0.01
321	63-12128	7/27/1994	103145	0.04
322	63-12146	9/20/1994	611488	0.04
323	63-12153	11/10/1994	620453	0.40
324	63-32239	11/14/1994	604375	0.06
325	63-30190	12/5/1994	370823	0.06
326	63-30365	6/3/1995	368237	0.04
327	63-30364	9/7/1995	369762	0.04
328	63-12317	2/6/1996	663368	0.10
329	63-30369	3/14/1996	368239	0.04
330	63-31285	4/8/1996	557504	0.04
331	63-30370	4/10/1996	369763	0.04
332	63-12350	8/1/1996	103326	0.04
333	63-33044	9/15/1996	621257	0.04
334	63-30421	10/13/1996	406337	0.04
335	63-12537	7/7/1999	630730	0.14
336	63-12558	12/9/1999	551761	0.03
337	63-12608	11/27/2000	658112	0.11
338	63-31218	3/23/2001	556578	0.14
339	63-31311	8/27/2001	559183	0.04
340	63-31503	5/28/2002	657845	0.04
341	63-12507	8/2/2004	110175	0.08
342	63-32180	3/3/2005	596264	0.15
343	63-32393	3/2/2006	627706	0.04
344	63-32945	11/27/2007	630788	0.12

Exhibit A

Subordination Summary - Ground Water Rights - 4/21/18

Row #	WRN	Priority	Right ID	Diversion
345	63-33933	9/25/2008	671262	0.02
346	63-33321	12/21/2009	649729	0.06
347	63-33379	5/17/2010	639436	0.04
348	63-33532	6/13/2011	651391	0.09
349	63-33677	7/30/2012	669655	0.04
350	63-33800	6/26/2013	671975	0.04
351	63-33888	1/3/2014	671931	0.67
				42.65

# ATTACHMENT E



***STIPULATION ATTACHMENT E – MOTION TO RESET ORAL ARGUMENT***

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**IN THE SUPREME COURT OF THE STATE OF IDAHO**

IN THE MATTER OF ACCOUNTING FOR  
DISTRIBUTION OF WATER TO THE  
FEDERAL ON-STREAM RESERVOIRS IN  
WATER DISTRICT 63 BEFORE THE  
IDAHO DEPARTMENT OF WATER  
RESOURCES.

BALLENTYNE DITCH COMPANY; BOISE  
VALLEY IRRIGATION DITCH  
COMPANY; CANYON COUNTY WATER  
COMPANY; EUREKA WATER  
COMPANY; FARMERS' CO-OPERATIVE  
DITCH COMPANY; MIDDLETON MILL  
DITCH COMPANY; MIDDLETON  
IRRIGATION ASSOCIATION, INC.;  
NAMPA & MERIDIAN IRRIGATION  
DISTRICT; NEW DRY CREEK DITCH  
COMPANY; PIONEER DITCH COMPANY;  
PIONEER IRRIGATION DISTRICT;  
SETTLERS IRRIGATION DISTRICT;

Supreme Court Docket No. 44746-2017  
(*separate motion necessary for each appeal*)

**JOINT MOTION TO SUSPEND APPEAL  
AND RESET ORAL ARGUMENT**

***STIPULATION ATTACHMENT E – MOTION TO RESET ORAL ARGUMENT***

SOUTH BOISE WATER COMPANY; and  
THURMAN MILL DITCH COMPANY,

*Respondents,*

vs.

BOISE PROJECT BOARD OF CONTROL,  
and NEW YORK IRRIGATION DISTRICT,

*Respondents,*

vs.

THE IDAHO DEPARTMENT OF WATER  
RESOURCES and GARY SPACKMAN, in  
his capacity as the Director of the Idaho  
Department of Water Resources,

*Appellants,*

and

SUEZ WATER IDAHO, INC.,

*Respondent.*

The parties to the above-captioned appeal hereby jointly move this Court, pursuant to Rule 13.2 of the Idaho Appellate Rules, to suspend this appeal and reset oral argument to the first setting available after November 30, 2019. As discussed below, there is good cause for granting this relief because the parties have agreed to a settlement that if implemented in accordance with the terms of the parties' settlement stipulation would render this appeal moot, and the parties would jointly move for dismissal of this appeal. Otherwise the appeal would proceed to oral argument on the first date available after November 30, 2019.

**Statement in Support of Motion to Suspend Appeal**

***STIPULATION ATTACHMENT E – MOTION TO RESET ORAL ARGUMENT***

The parties to the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017 have entered into a stipulation for the purpose of facilitating and expediting resolution of disputes that have arisen in various judicial and administrative proceedings pertaining to issues of the “fill” and/or “refill” of the storage water rights for the on-stream reservoirs in IDWR Administrative Basin 63 (Boise River Basin), including but not limited to: the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017; the administrative and judicial proceedings underlying these same appeals and cross-appeals; and Snake River Basin Adjudication (“SRBA”) subcase nos. 00-91017, 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738.

The parties have agreed to seek issuance in the SRBA of partial decrees and orders to implement the proposed settlement, and the form of one of the proposed partial decrees to be submitted to the SRBA Court depends on whether certain legislation is enacted during the 2019 Regular Legislative Session. If the SRBA district court issues partial decrees materially consistent with the proposed partial decrees the parties have agreed to submit to the SRBA district court, the parties have agreed to jointly move this Court for dismissal of the appeals and cross-appeals with instructions to the District Court to vacate the orders that are the subject of the appeals and cross-appeals. If the SRBA district court does not issue partial decrees materially consistent with the partial decrees to be submitted to the SRBA district court, the parties have agreed the appeals and cross-appeals will proceed to oral argument on the first date available after November 30, 2019.

The settlement contemplated by the parties’ stipulation thus depends in part on whether

***STIPULATION ATTACHMENT E – MOTION TO RESET ORAL ARGUMENT***

on whether certain legislation is enacted during the 2019 Regular Legislative Session. The parties therefore request that the appeals and cross-appeals be suspended and oral argument rescheduled for the first available setting after November 2019. If the settlement is successfully implemented in accordance with the terms of the parties' stipulation, the appeals and cross-appeals would be rendered moot and the parties would jointly move for dismissal of the appeals and cross-appeals. If the settlement is not successfully implemented in accordance with the terms of the stipulation, the appeals and cross-appeals would proceed to oral argument on the first available date after November 30, 2019.

For these reasons, the parties respectfully submit there is good cause to grant this motion, and respectfully request that this Court suspend this appeal and reschedule oral argument for the first setting available after November 30, 2019.

Respectfully submitted this \_\_\_\_\_ day of June, 2018.

[SIGNATURE BLOCK AND CERTIFICATE OF SERVICE]

# ATTACHMENT F

**STIPULATION ATTACHMENT F –  
MOTION TO ALTER OR AMEND EXISTING PARTIAL DECREES**

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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	
	)	<b>MOTION TO ALTER OR AMEND</b>
	)	<b>PARTIAL DECREES FOR WATER</b>
Case No. 39576	)	<b>RIGHT NOS. 63-303, 63-3613, 63-3614,</b>
	)	<b>and 63-3618</b>
_____	)	

**MOTION**

The State of Idaho (“State”), by and through its attorneys of record, pursuant to Administrative Order 1 and Rule 60(b)(6) of the Idaho Rules of Civil Procedure, and the “Stipulation” appended hereto as **Exhibit 1**, hereby moves this Court to alter or amend the partial decrees for water right nos. 63-303, 63-3613, 63-3614, and 63-3618 for the limited purpose of including two “remarks” that are necessary for efficient administration of the

***STIPULATION ATTACHMENT F –  
MOTION TO ALTER OR AMEND EXISTING PARTIAL DECREES***

water rights under a proposed settlement of ongoing disputes over the “fill” and/or “refill” of the storage water rights for on-stream reservoirs in Administrative Basin 63. Specifically, this motion requests that two remarks be added to the partial decrees for water right nos. 63-303, 63-3613, 63-3614, and 63-3618, as follows:

- a. In the “Quantity” element, the following combined volume limit remark:  
  
“Water rights nos. 63-303, 63-3613, 63-3614, 63-3618, 63-33734A, and 63-33734B, are limited to the total combined annual diversion volume necessary to allocate a total of 1,044,011 acre-feet of storage water per year to the consumers or users of the storage water”;
- b. In the “Other Provisions” element, the following remark addressing “reset”:  
  
“The annual time period for accruing natural flow to the on-stream reservoir storage water rights in IDWR Administrative Basin 63 will be determined by the Watermaster as supervised by the Director of the Department of Water Resources; provided, however, the annual time period will begin (1) after the day of allocation and when there is no natural flow available to water rights junior in priority to January 12, 1911, and (2) before natural flow has again become available to water rights junior in priority to January 12, 1911, or on November 1, whichever is earlier.”

**DISCUSSION**

Rule 60(b)(6) of the Idaho Rules of Civil Procedure authorizes this Court to alter or amend a partial decree for “any other reason that justifies relief.” I.R.C.P. 60(b)(6). This provision is applicable to this motion because addition of the above-described remarks to the partial decrees for water right nos. 63-303, 63-3613, 63-3614, and 63-3618 is a

***STIPULATION ATTACHMENT F –  
MOTION TO ALTER OR AMEND EXISTING PARTIAL DECREES***

limited amendment and necessary for efficient administration of the water rights under the proposed settlement of the ongoing disputes over the “fill” and/or “refill” of the storage water rights for on-stream reservoirs in Administrative Basin 63.

As this Court is aware, disputes over the “fill” and/or “refill” of the storage water rights for on-stream reservoirs in Administrative Basin 63 arose in SRBA subcase no. 00-91017 and remain at issue in SRBA subcase nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738. Disputes over the “fill” and/or “refill” of the storage water rights for on-stream reservoirs in Administrative Basin 63 also arose in the administrative and judicial review proceedings that were the subject of Twin Falls County Case No. CV-WA-2015-21376 (Consolidated Ada County Case No. CV-WA-2015-21391). The same disputes have arisen in the subsequent appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017. *See Exhibit 1.*

These disputes present difficult and often contentious questions. The parties to the above-referenced SRBA proceedings and Idaho Supreme Court appeals and cross-appeals have been attempting for years to resolve these difficult matters through negotiations. In 2018 the parties entered into a Stipulation for the purpose of facilitating and expediting resolution of the above-referenced disputes pertaining to issues of the “fill” and/or “refill” of the storage water rights for the on-stream reservoirs in the Boise River Basin. *See Exhibit 1.*

Under the Stipulation, the parties agreed to seek issuance in the SRBA of partial decrees for water right nos. 63-33734A and water right no. 63-33734B of the forms



***STIPULATION ATTACHMENT F –  
MOTION TO ALTER OR AMEND EXISTING PARTIAL DECREES***

proposed by the concurrently filed motions to decree those water rights.<sup>1</sup> The parties also agreed to seek orders decreeing as disallowed water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738. The parties also agreed to seek orders adding the above-described remarks to the existing partial decrees for water right nos. 63-303, 63-3613, 63-3614, and 3618.

This motion is one of the motions required by the Stipulation. Full and final resolution of SRBA subcase nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738 requires issuance of partial decrees of the form proposed in the concurrently-filed motions to decree water right nos. 63-33734A and 63-33734B. The proposed forms of the partial decrees for water right nos. 63-33734A and 63-33734B include remarks in the “Purpose and Period of Use” element stating that “[w]ater accruing to this water right supplements water accrued under water right nos. 63-303, 63-3613, 63-3614, and 63-3618.” The proposed partial decrees also include the combined volume limit and “reset” remarks set forth above. *See Exhibit 1.*

In light of these remarks in the proposed partial decrees, it is necessary for the efficient administration of water rights nos. 63-303, 63-3613, 63-3614, and 63-3618 that their partial decrees be amended for the limited purpose of including the same combined volume limit and “reset” remarks set forth in the proposed partial decrees for water right nos. 63-33734A and 63-33734B. If the proposed partial decrees for water right nos. 63-

---

<sup>1</sup> Pursuant to the Stipulation, the State is also filing on this date: (1) a motion for an order issuing a partial decree for water right no. 63-33734A; and (2) a motion for an order issuing a partial decree for water right no. 63-33734B and decreeing as disallowed water right claim nos. 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738.

***STIPULATION ATTACHMENT F –  
MOTION TO ALTER OR AMEND EXISTING PARTIAL DECREES***

33734A and 63-33734B are issued, but the existing partial decrees are not amended to include the same the same combined volume limit and “reset” remarks, there is a risk of future ambiguity, confusion, and dispute regarding the relationship between the two groups of water rights and how they are to be administered.

This would be contrary to the objective of promoting the efficient administration of water and water rights. Idaho Code §§ 42-111(2)(j), 42-1412(6). It would also defeat the purpose of the Stipulation to fully and finally resolve long-running disputes over the “fill” and/or “refill” of the storage water rights for on-stream reservoirs in Administrative Basin 63. Given these considerations, and the fact that all the other SRBA disputes over the “fill” and/or “refill” of the storage water rights for on-stream reservoirs have been resolved, the limited relief requested by this motion is authorized under Rule 60(b)(6).

**CONCLUSION**

For the reasons discussed herein, in the Stipulation appended hereto, and in the concurrently-filed motions to decree water right nos. water right nos. 63-33734A and 63-33734B, the State respectfully requests that this Court issue orders amending the partial decrees for water right nos. nos. 63-303, 63-3613, 63-3614, and 63-3618 for the limited purpose of including the combined volume limit and “reset” remarks set forth above.

This motion is related to the concurrently-filed motions to decree water right nos. water right nos. 63-33734A and 63-33734B, and should be noticed and considered in conjunction with those motions. The State therefore requests expeditious consideration of this motion, so that it can be noticed, any potential objections resolved, no later than November 30, 2019.

***STIPULATION ATTACHMENT F –  
MOTION TO ALTER OR AMEND EXISTING PARTIAL DECREES***

[SIGNATURE BLOCK & CERTIFICATE OF SERVICE]

# ATTACHMENT G

***STIPULATION ATTACHMENT G – MOTION TO DISMISS APPEALS***

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**IN THE SUPREME COURT OF THE STATE OF IDAHO**

IN THE MATTER OF ACCOUNTING FOR  
DISTRIBUTION OF WATER TO THE  
FEDERAL ON-STREAM RESERVOIRS IN  
WATER DISTRICT 63 BEFORE THE  
IDAHO DEPARTMENT OF WATER  
RESOURCES.

BALLENTYNE DITCH COMPANY; BOISE  
VALLEY IRRIGATION DITCH  
COMPANY; CANYON COUNTY WATER  
COMPANY; EUREKA WATER  
COMPANY; FARMERS' CO-OPERATIVE  
DITCH COMPANY; MIDDLETON MILL  
DITCH COMPANY; MIDDLETON  
IRRIGATION ASSOCIATION, INC.;  
NAMPA & MERIDIAN IRRIGATION  
DISTRICT; NEW DRY CREEK DITCH  
COMPANY; PIONEER DITCH COMPANY;  
PIONEER IRRIGATION DISTRICT;  
SETTLERS IRRIGATION DISTRICT;

Supreme Court Docket No. 44746-2017  
(*separate motion necessary for each appeal*)

**JOINT MOTION TO DISMISS APPEAL**

***STIPULATION ATTACHMENT G – MOTION TO DISMISS APPEALS***

SOUTH BOISE WATER COMPANY; and  
THURMAN MILL DITCH COMPANY,

*Respondents,*

vs.

BOISE PROJECT BOARD OF CONTROL,  
and NEW YORK IRRIGATION DISTRICT,

*Respondents,*

vs.

THE IDAHO DEPARTMENT OF WATER  
RESOURCES and GARY SPACKMAN, in  
his capacity as the Director of the Idaho  
Department of Water Resources,

*Appellants,*

and

SUEZ WATER IDAHO, INC.,

*Respondent.*

The parties to the above-captioned appeal hereby jointly move this Court, pursuant to Rule 32(b) and Rule 33 of the Idaho Appellate Rules, to dismiss this appeal with prejudice, with all parties to bear their own costs and fees, and with instructions to the District Court to vacate its *Memorandum Decision and Order* (Sep. 1, 2016) and *Order Denying Rehearing* (Nov. 14, 2016) entered in the case underlying this appeal, Twin County Case No. CV-WA-2015-21376 (Consolidated Ada County Case No. CV-WA-2015-21391). As discussed below, the parties' stipulated settlement of their disputes over the "fill" and/or "refill" of the storage water rights for on-stream reservoirs in Administrative Basin 63 requires, among other things, dismissal of this

***STIPULATION ATTACHMENT G – MOTION TO DISMISS APPEALS***

appeal and the related appeals and cross-appeals, and vacatur of the District Court’s orders. The parties’ “Stipulation” and its “Attachments” are appended hereto as **Exhibit 1**.

As discussed in the parties’ June 2018 motion to suspend this appeal and reschedule oral argument for the first available date after November 30, 2019, the parties to the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017 entered into a Stipulation for the purpose of facilitating and expediting resolution of disputes that have arisen in various judicial and administrative proceedings pertaining to issues of the “fill” and/or “refill” of the storage water rights for the on-stream reservoirs in IDWR Administrative Basin 63 (Boise River Basin).<sup>1</sup> See **Exhibit 1**.

The parties agreed to seek issuance in the SRBA of partial decrees and orders to implement the proposed settlement, and to seek dismissal of these appeals and cross-appeals with instructions to the District Court to vacate the orders that are the subject of the appeals and cross-appeals if the proposed partial decrees and orders were issued. The SRBA district court has issued the partial decrees and order proposed by the Stipulation.

The parties to this appeal therefore jointly move this Court to dismiss this appeal with prejudice, with each party to bear its own costs and fees, and with instructions to the District Court to vacate its *Memorandum Decision and Order* (Sep. 1, 2016) and *Order Denying Rehearing* (Nov. 14, 2016,) entered in the case underlying this appeal, Twin County Case No.

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<sup>1</sup> Including but not limited to the disputes arising in the appeals and cross-appeals pending under Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017; the administrative and judicial proceedings underlying these same appeals and cross-appeals; and Snake River Basin Adjudication (“SRBA”) subcase nos. 00-91017, 63-33732, 63-33733, 63-33734, 63-33737, and 63-33738.

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[SIGNATURE BLOCK AND CERTIFICATE OF SERVICE]



*STIPULATION ATTACHMENT G – MOTION TO DISMISS APPEALS*

# **Exhibit 1**

(Copy of “Stipulation” and Attachments)