

# IDAHO WATER RESOURCE BOARD MEETING NO. 1-22

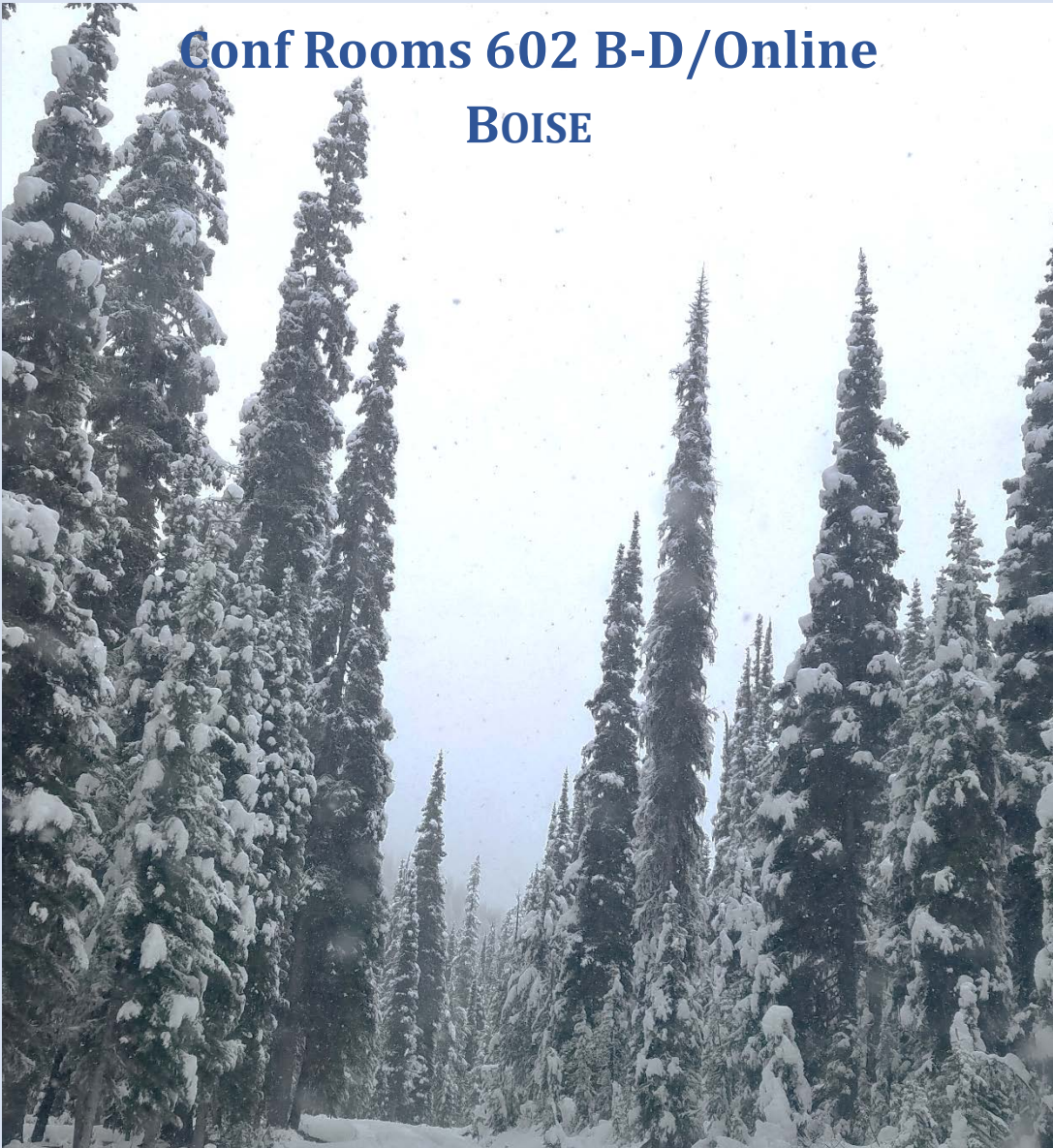
January 21, 2022

Idaho Water Center

322 E. Front St

Conf Rooms 602 B-D/Online

BOISE



## Media



# Amended AGENDA

## IDAHO WATER RESOURCE BOARD

**Brad Little**  
Governor

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

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

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

**Dale Van Stone**  
Hope  
District 1

**Albert Barker**  
Boise  
District 2

**Dean Stevenson**  
Paul  
District 3

**Peter Van Der Meulen**  
Hailey  
At Large

**Brian Olmstead**  
Twin Falls  
At Large

**Board Meeting No. 1-22**  
**Friday, January 21, 2022**  
**Executive Session 8:00 a.m. (MT)**  
**Open Meeting 9:00 a.m. (MT)**

Water Center  
Conference Rooms 602 B, C & D / Zoom Online  
322 E. Front St.  
BOISE

**Board Members & the Public may participate via Zoom**

[Click here to join our Zoom Meeting](#)

Dial in Option: 1(253) 215-8782 Meeting ID: 829 9048 4264 Passcode: 562176

1. Roll Call
2. Executive Session: Board will meet pursuant to Idaho Code § 74-206(1) subsection (f) to communicate with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Topics: WR Application 74-16187, Big & Little Wood Recharge Applications, and Transfer Application 84902. And Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code. Topic: Water Right Application 63-34753. Closed to the public; no actions taken during executive session.
3. Agenda & Approval of Minutes 15-21 and 16-21\*
4. Public Comment
5. WR Application 74-16187\*
6. Lemhi Basin Settlement\*
7. Financial Report
8. Federal Affairs Update by Mark Limbaugh
9. Allocation of Funds\*
10. Anderson Ranch Dam Raise Update\*
11. Cloverdale Ridge Water Corporation Loan\*
12. Mountain Home Aquifer\*
13. MHAFFB Water Resilience Project Update
14. Priest Lake Update
15. ESPA Recharge Program Update
16. Basin 37 Settlement Agreement
17. Administrative Rules Update
18. Potential Legislation of Interest
19. Director's Report
20. Non-Action Items for Discussion
21. 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. **Americans with Disabilities:** If you require special accommodations to attend, participate in, or understand the meeting, please make advance arrangements by contacting Department staff by email [jennifer.strange@idwr.idaho.gov](mailto:jennifer.strange@idwr.idaho.gov) or by phone at (208) 287-4800.

**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/)**



# IDAHO WATER RESOURCE BOARD

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Twin Falls  
At Large

## MINUTES MEETING NO. 15-21

The Water Center  
Conference Rooms 602 B-D / Zoom Online  
322 E. Front St  
BOISE

November 18, 2021  
**Work Session**

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

Chairman Raybould called the work session meeting to order at 8:06 a.m. in Boise, Idaho. Board members present were Al Barker, Roger Chase, Jo Ann Cole-Hansen, Brian Olmstead, Dean Stevenson, Dale Van Stone, and Chairman Raybould; online was Pete Van Der Meulen. IDWR staff members present were: Brian Patton, Gary Spackman, Cynthia Bridge Clark, Neeley Miller, Mathew Weaver, Wesley Hipke, Meghan Carter, Nick Miller, Cooper Fritz, Kala Golden, Randy Broesch, Steve Stuebner, and Jennifer Strange; and online was Amy Cassel, Emily Skoro, Mike Morrison, Remington Buyer, John Loffredo, and Sean Vincent.

Guests present were: Ann Vonde, Clive Strong, Norm Semanko, Scott Pugrud, Kresta Davis, John Simpson, Terry Scanlan, Al Hofer, Shondi Lott, and Dylan Lawrence; and online were Sam Eaton, John Hafen, John Roldan, Brian Bellah, Shaun Parkinson, Ashlynn Goody, Bud Corbus, Chris Keith, Emily Her, Kira Finkler, Kurt Newbry, Kyle Radek, Lanie Paquin, Robert Turner, Robin Lee-Beusan, James Whittaker, and TJ Budge.

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

Board met pursuant to Idaho Code § 74-206(1) subsection (f) to communicate with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The executive session was closed to the public.

Ms. Cole-Hansen moved to resolve into executive session at 8:07 AM. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed. Ms. Meghan Carter discussed Priest Lake; Mr. Michael Orr discussed

WR Application 74-16187; and Ms. Ann Vonde discussed Recharge Water Right Applications.

Ms. Cole-Hansen moved to resolve out of executive session at 9:34 AM. Mr. Barker seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

### **Agenda Item No. 3: Lemhi Basin Settlement Working Group Update**

Mr. Clive Strong reported a couple of updates on the Lemhi Basin Settlement Working Group. He stated that there had been meetings in Leadore and Salmon. He also discussed a framework document and expected a final proposal to conclude at the next meeting.

### **Agenda Item No. 4: Anderson Ranch Dam Raise Update**

Ms. Cynthia Bridge Clark provided a brief history on the steps that had been taken for a negotiated contract with the Bureau of Reclamation. Ms. Meghan Carter discussed contract specifics and highlighted the funding advancement process. She further discussed a resolution for the board to consider. Ms. Lanie Paquin of BOR stated they were on track to meet the December 16<sup>th</sup> deadline.

### **Agenda Item No. 5: Administrative Rules Update**

Mr. Mathew Weaver provided background and information related to two resolutions for consideration. One resolution addressed IDAPA 37.01.01 Rules of Procedure, Docket No. 37-0101-2101 (New Chapter, Fee Rule) and IDAPA 37.03.07 Stream Channel Alteration Rules, Docket No. 37-0307-2101 (New Chapter, Fee Rule). The other resolution addressed Omnibus Pending Non-Fee Rules, Docket No. 37-0000-2100 and Omnibus Pending Fee Rules, Docket No. 37-0000-2100F. Next steps would be all the board's pending rules will be published in December 2021. The Idaho Legislature should consider the pending rules during its 2022 Legislative Session. IDWR staff and board members would present the pending rules to the legislature and fully engage in their review process. DFM will likely issue subsequent guidance regarding the legislative presentation process. There was a question about available comments from the public. Mr. Weaver stated all comments had been published to the website.

### **Agenda Item No. 6: Priest Lake Water Management Project Update**

Mr. Neeley Miller provided an update on the project at Priest Lake. He stated the outlet dam work resumed in November 2021. Next steps included in spring 2022, a contract with MM to develop an Asset Management and O&M Plan for the outlet dam and in spring/summer 2022 develop an outlet dam operations plan.

Mr. Norm Semanko requested to address the board on issues at Priest Lake. He stated there would be a town hall meeting in Priest Lake relating to F&G's siphon proposal. He also stated that Fish and Game had placed a pause on the issue.

### **Agenda Item No. 7: Elmore County Water Supply Issues**

Representatives from Elmore County provided an update regarding South Fork Boise River and Snake River Projects. Mr. Terry Scanlan discussed the South Fork Boise Project proposal of diverting water from Anderson Ranch Reservoir to Little Camas Reservoir; and then conveying by gravity through Mountain Home Irrigation District to Mountain Home. There was some discussion. Mr. Scanlan recapped the Snake River Project, which would be a parallel pipeline to the IWRB's MHAFB pipeline, though the Elmore County pipeline would continue to the City of Mountain Home. Mr. Dylan Lawrence discussed the permitting status and the right of way status for the projects. Mr. Bud Corbus discussed funding options for the projects. Mr. Al Hofer thanked the board for the opportunity to discuss the water issues in Elmore



County. Mr. Barker asked if there was a cost analysis for the projects. Mr. Scanlan provided some details on the estimated costs.

#### **Agenda Item No. 8: Loan Program**

- a. **Point Springs Grazing Association Loan Modification:** Ms. Kala Golden stated the Finance Committee previously discussed and recommended a loan modification increase of \$10,000 for Point Springs Grazing Association. She provided a briefing on the proposal.
- b. **Program Interest Rate Proposal:** In October the Finance Committee recommended the Board consider modifications to the Program's interest rate, incentives for projects that address aging infrastructure, and general loan contract conditions. Ms. Golden provided a general summary of the recommendations and provided a draft resolution for consideration. There was discussion about the difficulty for canal companies, irrigation districts, and such to get loans through more traditional routes.
- c. **King Hill Irrigation District Loan Application:** Ms. Golden summarized King Hill Irrigation District's loan request not to exceed \$1,500,000 at 2.6 % interest with a 15-year repayment term for a project to install new pipelines and replace aging canal system infrastructure.
- d. **Blaine County Canal Company Loan Application:** BCCC requested a \$250,000 loan for a project to replace its diversion structure and convert a section of its open canals to closed pipe. Ms. Golden stated that they are a qualified applicant, and the proposed project is consistent with the goals of the Board as identified within the Idaho State Water.
- e. **Lakeview Estates Subdivision HOA Loan Application:** Ms. Golden introduced a new loan request from Lakeview Estates Subdivision HOA in the amount of \$65,000 for a project to develop a new Water Master Plan for its water supply system. Ms. Cole-Hansen suggested that DEQ grants may help with the project. Ms. Golden stated the DEQ funding would not meet the timeline.

The board took a break for lunch from noon until 12:35 p.m.

#### **Agenda Item No. 9: Cloud Seeding Program**

Ms. Golden said the Board authorized a total of \$950,000 for one-third of the total operations and maintenance costs for the Collaborative Cloud Seeding Program in the FY22 Secondary Aquifer Planning, Management, and Implementation Fund budget. The Collaborative Program includes cloud seeding in the Boise, Wood River and Upper Snake River basins. The amount budgeted for the 2021-2022 cloud seeding season was based on estimated costs provided by Idaho Power Company (IPC) at the time budget was approved in May 2021. Costs have since been refined and include costs associated with administration of the High-Performance Computer (HPC) which were previously included under model development activities rather than O&M expenses. Staff recommends increasing the authorized O&M budget for the Collaborative Program \$70,000, for a total of \$1.02M to cover anticipated O&M costs for the 2021-2022 season.

In FY21, the Board authorized expenditure of \$417,000 as a one-time contribution towards program shortages for costs associated with the operations and maintenance of the Collaborative Program. The Board agreed to pay an additional 16% of O&M costs per basin to offset the shortage in the water user's contribution. This percentage was based on historic water user payments and applied as an offset according to the basin with the lowest percentage contribution. In its FY22 Secondary Fund Budget, the Board authorized expenditure of up to \$500,000 for the same purpose. Due to the increase in O&M costs, the percent contributed by the Board will increase to 18% if the water user contributions remain

the same, increasing the Board commitment to \$533,000. If the Board limits the shortage contribution to \$500,000, the water user payments from each basin may need to increase.

The Board budgeted \$35,000 in the FY22 Secondary Fund Budget to partially fund development of new weather instrumentation devices to collect snowpack and snow water equivalent data in areas not captured by existing SNOTEL sites. The devices, called SWEdars, are being developed by Boise State University's Dr. HP Marshall and will effectively serve as a scaled down SNOTEL site, having a comparatively small footprint and significantly lower cost. The SWEdars can also be upgraded to include soil moisture meters and are intended to provide a cost effective, low impact option for collecting data in a broad range of areas.

One resolution that encompassed all three budget items was provided for the Board's consideration.

**Agenda Item No. 10: Regional Manager's Report**

Mr. Nick Miller provided a report on the Western Regional office. Many processes at that office were on the increase including permits, transfers and well drilling construction.

**Agenda Item No. 11: Non-Action Items for Discussion**

Mr. Barker mentioned details of a case before the 9<sup>th</sup> Circuit Court.

**Agenda Item No. 12: Adjourn**

Mr. Van Stone moved to adjourn the work session. Mr. Barker seconded. Voice vote. All ayes. The meeting adjourned 1:45 PM.

November 19, 2021  
**Board Meeting No. 15-21**

At 8:07 a.m. (MT) Chairman Raybould called the meeting to order. All members were present.

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

*Board Members Present*

Jeff Raybould, Chairman  
Roger Chase, Vice-Chairman  
Jo Ann Cole-Hansen, Secretary  
Albert Barker  
Dale Van Stone  
Dean Stevenson  
Brian Olmstead  
*Board Members Present Online*  
Pete Van Der Meulen

*Staff Members Present*

Gary Spackman, Director  
Cynthia Bridge Clark, Water Projects Manager  
Steve Stuebner  
Emily Skoro  
Garrick Baxter

Brian Patton, Executive Officer  
Neeley Miller  
Cooper Fritz  
Jennifer Strange  
Meghan Carter

Wesley Hipke

*Staff Members Present Online*

John Loffredo  
Kala Golden  
Remington Buyer  
Sascha Marston

Mary Condon  
Megan Jenkins  
Aaron Golart  
Sean Vincent

*Guests Present*

Ann Vonde  
Michael Fuss  
Kresta Davis  
Shaun Parkinson

Scott Pugrud  
John Williams  
Steven Williams  
Jim Wrigley

*Guests Present Online*

Douglas Jones  
Ashlynn Goody  
Chris Keith  
Emily Her  
Mark Zirschky  
John Hafen  
Aaron Romrell  
Paul Arrington  
Hans Peter-Marshall  
Marie Kellner

Amber O'Neal  
Bob Turner  
Dylan Lawrence  
Lanie Paquin  
John Simpson  
Brian Bellah  
Norm Semanko  
John Stevenson  
Janet Pancheri

**Agenda Item No. 2: Agenda and Approval of Minutes 12-21, 13-21, and 14-21**

Chairman Raybould asked if the minutes had been reviewed and if there were any edits needed. Mr. Stevenson moved to approve the minutes and agenda. Ms. Cole-Hansen seconded. Voice vote. All ayes. The motion carried.

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

Chairman Raybould asked if there were any public comments.

Bob Turner, executive director for IGWA discussed the impact that water supply bank transactions have on groundwater districts.

John Williams provided an update on operations at Bonneville Power Administration. He discussed infrastructure development funding, treasury payments, coal generation concerns, and lawsuits.

**Agenda Item No. 4: Financial Report**

Mr. Miller provided the Board's financial report. The accounts as of October 31, 2021 were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$21,522,780 and uncommitted balance \$5,176,471; Revolving Development Account: committed/earmarked but not disbursed \$17,867,940, loan principal outstanding \$17,554,212, uncommitted balance \$16,004,082, and anticipated loanable funds available next one year \$19,504,082; and Water Management Account: committed/earmarked but not disbursed \$72,489,784, and uncommitted balance \$8,743. Total committed/earmarked but not

disbursed \$111,880,505; total loan principal outstanding \$17,554,212; and total uncommitted balance \$21,189,296.

Mr. Patton discussed ARPA funds for Idaho and the potential for water projects.

#### **Agenda Item No. 5: Anderson Ranch Dam Raise**

Ms. Bridge Clark discussed the actions for a resolution in the matter of Boise River Basin Feasibility Study and Anderson Ranch Dam Raise. The resolution would authorize its chairman to execute the Contract attached; authorize expenditure of up to \$8.4M to cover non-contract post-authorization costs; and require notification upon completion of the analysis of impact to existing spaceholder's storage accounts during construction.

Mr. Van Stone moved to adopt the resolution. Mr. Olmstead seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

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

Mr. Miller stated the Finance Committee met in October to discuss the Flood Management Grant Criteria, and that the updated criteria reflected the recommendations from the committee. There was some discussion about points given to new applicants.

Mr. Barker moved to adopt the program criteria with the discussed amendment. Mr. Chase seconded. Voice vote. All ayes. The motion carried.

#### **Agenda Item No. 7: Loan Program**

- a. **Point Springs Grazing Association Loan Modification:** Ms. Kala Golden provided a brief overview on a resolution before the board. The resolution would authorize increasing the existing loan.

Ms. Cole-Hansen moved to adopt the resolution. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

- b. **Program Interest Rate Proposal:** Ms. Golden provided several details on a resolution to adjust the Board's loan program interest rates and conditions.

Mr. Van Stone moved to adopt the resolution. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

- c. **King Hill Irrigation District Loan Application:** Ms. Golden discussed a resolution to approve a loan not to exceed \$1,500,000 at 2.6% interest with a 15-year repayment term. Chairman Raybould called on Mr. Hafen of King Hill Irrigation for comments. Mr. Hafen discussed the steps of the projects.



Mr. Barker moved to adopt the resolution. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

d. **Blaine County Canal Company Loan Application**: Ms. Golden discussed a loan request not to exceed \$250,000 at 2.6% for 15 years for the Blaine County Canal Company.

Mr. Barker moved to accept the resolution. Mr. Chase seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

- e. **Lakeview Estates Subdivision HOA Loan Application**: Ms. Golden briefly discussed the details of a resolution to provide a loan not to exceed \$65,000 at 3.25% interest with a 15-year repayment term. Mr. Bellah spoke on behalf of Lakeview Estates.

Mr. Van Stone moved to adopt the resolution. Mr. Olmstead seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

#### **Agenda Item No. 8: Cloud Seeding Program**

Ms. Kala Golden discussed the details of a resolution to increase O&M; make a one-time contribution of funding to help offset program shortages; and costs for the final year development of SWEdar devices.

Mr. Barker moved to adopt the resolution. Mr. Chase seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

#### **Agenda Item No. 9: Appointment of Hearing Officer for Stream Channel Alteration Permit**

Ms. Meghan Carter provided the details of a resolution to appoint a hearing officer for a stream channel alteration permit.

Mr. Van Stone moved to adopt a resolution to appoint a hearing officer. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

#### **Agenda Item No. 10: Big and Little Wood Recharge Applications**

Ms. Ann Vonde discussed water right applications 37-23110 and 37-23111 protest settlements. Settlement with the Big Wood Canal company would be captured in a resolution to assist with the maximum storage of water in Magic Reservoir. The Board will work with Big Wood Canal Company to ensure that recharging water in the ESPA under the Board's managed recharge program does not interfere with physical fill of Magic Reservoir. Another condition would be that we may not call for water that can otherwise be stored in Magic Reservoir under valid storage water rights, held by the Big Wood Canal company.

Mr. Chase moved to adopt the resolution. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Mr. Van Stone moved to approve the conditions of the water right as discussed. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Ms. Vonde stated the City of Hailey, City of Bellevue, and Sun Valley Company requested that the Board appoint individuals to depose on related topics. Chairman Raybould stated that he and Mr. Patton would be the representatives for the board.

Mr. Barker moved to appoint representatives of the board. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Ms. Vonde discussed the details of a resolution that would reduce the quantity of water under the water right applications.

Mr. Olmstead moved to adopt a resolution to reduce 37-23110 to 500 cfs and reduce 37-23111 to 650 cfs. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

#### **Agenda Item No. 11: Administrative Rules**

Mr. Garrick Baxter provided two resolutions for the board's consideration. One related to the board's zero-based regulation negotiated rulemaking of IDAPA 37.03.07 stream channel alteration rules and 37.01.01 rules of procedure. The other related to the board's omnibus rulemaking and would adopt and publish pending omnibus fee and non-fee rules.

Mr. Barker moved to approve both resolutions. Mr. Van Stone seconded. Voice vote. All ayes. The motion carried.

#### **Agenda Item No. 12: Potential Legislation of Interest**

Mr. Garrick Baxter discussed two pieces of potential legislation. One related to the loan program and the types of securities that could be taken for loans. It had support from IWUA. The other was related to I.C. § 42-1734(6) and an exception that the board would not be required to pay any fees required by the laws of the state for its appropriations. There was some discussion on this topic.

#### **Agenda Item No. 13: Office Space Update**

Ms. Meghan Carter discussed the details of a resolution to approve an amendment to the operating agreement payment schedule.

Mr. Jim Wrigley provided information on the history of the situation and on what would occur upon the final payments.

Mr. Chase moved to adopt the resolution. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

#### **Agenda Item No. 14: Director's Report**

Director Gary Spackman discussed stockwater uses and several amendments that have been made related to grazing permits; federal government challenges on two adjudications and deferment; and budget discussion for the Department.

#### **Agenda Item No. 15: 2022 Board Meeting Dates Adopted**

Mr. Patton stated that the dates for the 2022 meetings were available to adopt. There were two options for the March dates. Chairman Raybould recommended that March 31-April 1 would be the March dates.

Mr. Barker moved to adopt the dates for 2022. Mr. Van Stone seconded. Voice vote. All ayes. The motion carried.

**Agenda Item No. 16: Non-Action Items for Discussion**

Ms. Cole-Hansen asked if the travel trips had been considered. Mr. Patton stated there had been some suggestions. Mr. Olmstead asked Emily Skoro, who was in the audience, if there were any updates on the Priest Lake outlet dam structure, as she had recently been there. Mr. Patton stated that the board would be moving ahead to tablet technology for board materials.

**Agenda Item No. 17: Next Meeting and Adjourn**

Mr. Patton stated the next scheduled meeting would be January 21, 2022 in Boise and via an online platform. Mr. Van Stone moved to adjourn. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 11:10 a.m.

Respectfully submitted this 21<sup>st</sup> day of January 2022.

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Jo Ann Cole-Hansen, *Secretary*

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Jennifer Strange, *Administrative Assistant II*

**Board Actions:**

1. Approved meeting minutes 12-21, 13-21, and 14-21.
2. Adopted a resolution to commit funds and provide signatory authority to contract with Bureau of Reclamation for the Anderson Ranch Dam Raise Project.
3. Adopted a resolution to accept Flood Management Grant criteria.
4. Adopted a resolution to accept a loan modification for Point Springs Grazing Association.
5. Adopted a resolution to authorize adjustment to loan interest rates and conditions.

6. Adopted a resolution to authorize loan funding for King Hill Irrigation District.
7. Adopted a resolution to authorize loan funding for Blaine County Canal Company.
8. Adopted a resolution to authorize loan funding for Lakeview Estates Subdivision HOA.
9. Adopted a resolution to approve funds for the Cloud Seeding Program.
10. Adopted a resolution to appoint a hearing officer.
11. Adopted a resolution regarding the capture of water in Magic Reservoir and board's ESPA Managed Recharge Program.
12. Approved conditions of a settlement.
13. Appointed representatives for a hearing.
14. Adopted a resolution regarding the amendment of water right applications 37-23110 and 37-23111.
15. Adopted two resolutions related to Administrative Rules.
16. Adopted a resolution in the matter of the Idaho Water Center Operating Agreement.
17. Adopted meeting dates for 2022.





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## MINUTES MEETING NO. 16-21

Idaho Water Center  
Conference Room 602 C & D / Zoom Online  
322 E. Front St  
BOISE, ID

December 13, 2021

At 1:30 p.m. Chairman Raybould called the meeting to order. All members were present.

### Agenda Item No. 1: Roll Call

#### *Board Members Online*

Jeff Raybould, Chairman  
Roger Chase, Vice-Chairman  
Jo Ann Cole-Hansen, Secretary  
Albert Barker  
Dale Van Stone  
Dean Stevenson  
Brian Olmstead  
Pete Van Der Meulen

#### *Staff Members Present*

Brian Patton, Executive Officer  
Jennifer Strange

#### *Staff Members Present Online*

Neeley Miller  
Wesley Hipke  
Cynthia Bridge Clark

#### *Guests Present Online*

Chris Bromley	Ashlynn Goody
John Simpson	Kresta Davis
Mike Lawrence	Ann Vonde

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

Board met pursuant to Idaho Code § 74-206(1) subsection (f) to communicate with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The executive session was closed to the public.

Ms. Cole-Hansen moved to resolve into executive session. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed. Ms. Ann Vonde discussed Recharge Water Right Applications 37-2110 and 37-2111.

Ms. Cole-Hansen moved to resolve out of executive session at 2:07 PM. Mr. Chase seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

## **Agenda Item No. 3: Big and Little Wood Recharge Applications**

Ms. Ann Vonde read conditions related to 37-23111 for settlement with City of Hailey, City of Bellevue, and Sun Valley Company. City of Hailey conditions were: "This right may not call for water that could be used by the City of Hailey under valid mitigation and/or recharge water rights held by said entity, not to exceed 3360 AFY, with priority dates no later than 12/31/20626." City of Bellevue conditions were: "This right may not call for water that could be used by the City of Bellevue under valid mitigation and/or recharge water rights held by said entity, not to exceed 1,150 AFY, with priority dates no later than 12/31/2026." The Sun Valley Company conditions were: "This right may not call for water that could be used by Sun Valley Company under valid water rights for commercial snowmaking purposes held by said entity, not to exceed 200 AFY, with priority dates no later than 12/31/2026. And this right may not call for water that could be used by Sun Valley Company under valid mitigation and/or recharge water rights held by said entity, not to exceed 450 AFY, with priority dates no later than 12/31/2026."

Mr. Olmstead moved to adopt the conditions. Mr. Van Der Meulen seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Ms. Vonde read conditions to settle a protest with Idaho Power Company. The conditions read: "This right is for the use of trust water, and it is subject to review 5 years after its initial approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water. And when the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3, 900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.03."

Further, IPC is requesting additional language be adopted as follows: "The parties further agree that any water diverted and put to beneficial use under the Applications will count toward the IWRB's Managed Recharge Program's recharge goals set forth in the 2009 ESPA Comprehensive Aquifer Management Plan. The IWRB further agrees to work cooperatively with IPC in the coordination and consideration of the respective interests of the State of Idaho and IPC with regard to managed recharge so as to further their mutual interests and to honor the commitments made under the Swan Falls Agreement, the 2009 Swan Falls Reaffirmation Agreement, Senate Concurrent Resolution 136, and the 2009 ESPA CAMP. The parties recognize the IWRB's Water Supply Management Committee provides a forum for discussing the public policy interests between the IWRB's recharge, hydropower, and other water uses in the basin

including defining recharge targets, goals, and other commitments made under the Swan Falls Agreement, the 2009 Swan Falls Reaffirmation Agreement, Senate Concurrent Resolution 136, and the 2009 ESPA CAMP. Further the parties recognize their respective needs in defining these conditions moving forward.”

Mr. Olmstead moved to adopt the conditions with IPC. Mr. Stevenson seconded. Roll call vote: Mr. Barker, abstained—he wanted the record to reflect that he did not participate in the executive session discussion related to IPC; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. The motion passed.

**Agenda Item No. 4: Non-Action Items for Discussion**

There were none.

**Agenda Item No. 5: Next Meeting and Adjourn**

Mr. Patton stated that our January meeting would be abbreviated due to the IWUA Convention. Mr. Van Der Meulen moved to adjourn. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 2:30 p.m.

Respectfully submitted this 21<sup>st</sup> day of January 2022.

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Jo Ann Cole-Hansen, *Secretary*

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Jennifer Strange, *Administrative Assistant II*

**Board Actions:**

1. Adopted a motion to approve conditions for the City of Hailey, City of Bellevue, and Sun Valley Company.
2. Adopted a motion to approve conditions for IPC.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF APPLICATION FOR PERMIT  
NO. 74-16187 IN THE NAME OF KURT W. BIRD  
AND JANET E. BIRD

RESOLUTION AUTHORIZING EXECUTION OF  
STIPULATION RE PERMIT 74-16187

1 WHEREAS, a number of applications for permits to divert water from various tributaries of the  
2 Lemhi River for irrigation and other purposes were filed with the Idaho Department of Water Resources  
3 ("IDWR") in October of 2018; and  
4

5 WHEREAS, the group of applications filed in October 2018 included application for permit no. 74-  
6 16187 under the name of Kurt W. Bird and Janet E. Bird ("Bird"), and sought a permit to divert water from  
7 Big Timber Creek for irrigation purposes; and  
8

9 WHEREAS, protests to application for permit no. 74-16187 and the other applications were filed  
10 by the Idaho Water Resource Board ("Board"), the Idaho Department of Fish and Game ("IDFG"), and  
11 certain other parties; and  
12

13 WHEREAS, the applications and the protests raised questions relating to the use of so-called "high  
14 flow" waters in the Lemhi River Basin, and to efforts to recover certain fish species that have been listed  
15 under the Endangered Species Act ("ESA"); and  
16

17 WHEREAS, IDWR issued an order conditionally approving application for permit no. 74-16187  
18 following an administrative hearing on the application and the protests thereto, and the Board and IDFG  
19 sought judicial review of IDWR's order in the district court; and  
20

21 WHEREAS, in light of the complexity and significance of the issues raised by the Lemhi River Basin  
22 applications, the Idaho Legislature adopted Senate Concurrent Resolution No. 137, a copy of which is  
23 attached hereto as **Attachment A**, that directed the Board, with technical support from IDWR, to work  
24 expeditiously with local water users in the Lemhi River Basin to develop a comprehensive settlement that  
25 resolves current tensions and conflicts that are the result of competing water demands in the Lemhi River  
26 Basin; and  
27

28 WHEREAS, in conjunction with the efforts to develop a comprehensive settlement for the Lemhi  
29 River Basin, the Board, IDFG, and Bird agreed to explore the possibility of resolving the judicial review  
30 litigation through mediated settlement negotiations; and  
31

32 WHEREAS, in light of progress made in the mediated settlement negotiations, the Board, IDFG,  
33 and Bird agreed, after all briefs had been submitted in the judicial review litigation, to postpone the  
34 judicial review hearing while the mediated negotiations continued; and  
35

36 WHEREAS, the mediated settlement negotiations have resulted in a STIPULATION RE PERMIT 74-  
37 16187 ("Stipulation"), a copy of which is attached hereto as **Attachment B**, that calls for dismissal of the



judicial review litigation with a remand to IDWR so the parties can request issuance of a permit with certain agreed-upon elements and conditions; and

WHEREAS, the stipulation also includes provisions setting forth the parties' agreements regarding (1) Bird's future "Stream Flow Maintenance" water right for Big Timber Creek, and (2) the Board's future minimum stream flow water right for Big Timber Creek; and

WHEREAS, IDFG and Bird have verbally accepted the Stipulation, and Board staff considers the Stipulation to be a reasonable and equitable resolution of the issues raised in the administrative and judicial proceedings regarding application for permit no. 74-16187; and

WHEREAS, after reviewing the Stipulation and consulting with Board staff and legal counsel, the Board agrees the Stipulation is a reasonable and equitable resolution of the issues raised in the administrative and judicial proceedings regarding application for permit no. 74-16187;

NOW, THEREFORE BE IT RESOLVED that the Board authorizes its chairman to execute, on behalf of the Board, the STIPULATION RE PERMIT 74-16187.

DATED this 21<sup>st</sup> day of January, 2022.

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JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
JO ANN COLE-HANSEN, Secretary

# **ATTACHMENT A**

IWRB Resolution Authorizing Execution of STIPULATION RE PERMIT 74-16187

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 137

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE IDAHO WATER RESOURCE BOARD TO WORK EXPEDITIOUSLY WITH LOCAL WATER USERS TO DEVELOP A COMPREHENSIVE SETTLEMENT THAT RESOLVES CURRENT TENSIONS AND CONFLICTS THAT ARE THE RESULT OF COMPETING WATER SUPPLY DEMANDS IN THE LEMHI RIVER BASIN AND THAT THE COMPREHENSIVE SETTLEMENT, TO THE BEST OF THE ABILITIES OF THE PARTICIPATING PARTIES AND IN THE SPIRIT OF COMPROMISE AND RESOLUTION, IS CONSISTENT WITH PAST PRACTICES, FUTURE NEEDS, AND IDAHO LAW.

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

WHEREAS, Lemhi irrigators have diverted natural flow in the Lemhi River Basin in excess of their decreed rights for their shared benefit during the spring runoff in late May or June when flows exceed the amount of water required to satisfy all existing water rights for almost as long as there has been irrigation in the Lemhi River Basin; and

WHEREAS, the 1982 Lemhi Basin Decree memorialized the high-flow practice in a general provision that allowed irrigators whose rights were decreed in the Lemhi Adjudication to continue to divert "so called 'high waters' or 'flood waters' in addition to the quantified rights as described in the recommended decree of water rights"; and

WHEREAS, the 1982 Lemhi Basin Decree defined high water or flood water as the diversion of "natural flow of water over and above the amount required to fulfill (1) existing quantified rights as shown in the decree of water rights and (2) any future rights that may be established pursuant to statutory procedures of the State of Idaho"; and

WHEREAS, Lemhi irrigators sought to decree the high-flow practice through the filing of claims in the Snake River Basin Adjudication (SRBA); and

WHEREAS, the Lemhi water users' claims were denied by the SRBA District Court as a result of objections to the claims by the United States, the Nez Perce Tribe, and conservation groups; and

WHEREAS, the SRBA District Court reaffirmed the Lemhi Basin Decree high-flow general provision through the inclusion of the Basin 74 General Provision in the SRBA Final Unified Decree; and

WHEREAS, since the early 1990s, Lemhi irrigators have led an effort to protect and enhance salmon runs in the Lemhi River Basin, including but not limited to providing passage flows for salmon, screening diversion works, and implementing habitat improvement projects; and

WHEREAS, the National Marine Fisheries Services (NOAA Fisheries), in the spring of 2000, threatened to bring an enforcement action under the Endangered Species Act (ESA) against Lemhi irrigators for dewatering of the Lemhi River at the L-6 diversion; and

1 WHEREAS, the 2001 Idaho Legislature enacted Section 42-1506, Idaho  
2 Code, at the request of the Lemhi River Basin irrigators, which authorized  
3 the Idaho Water Resource Board to appropriate a minimum stream flow in the  
4 lower reach of the Lemhi River to provide fish passage and protect Lemhi wa-  
5 ter users from ESA enforcement actions; and

6 WHEREAS, the Lemhi minimum stream flow is sustained, in part, through  
7 the Lemhi water bank and voluntary agreements not to divert when the minimum  
8 stream flow is not being met; and

9 WHEREAS, the biological and business goals of the Lemhi irrigators  
10 are to conserve, restore, and enhance sufficient habitat to sustain viable  
11 fish populations in the Lemhi River Basin while protecting private property  
12 rights and preserving and enhancing the farming and ranching lifestyle and  
13 economy of the Lemhi River Basin; and

14 WHEREAS, in the absence of storage reservoirs in the Lemhi River Basin,  
15 the high-flow practice helps to achieve the Lemhi irrigators' stated biolog-  
16 ical and business goals by extending the water supply for irrigators and en-  
17 hancing the natural flow of the Lemhi River during the dry summer months; and

18 WHEREAS, consistent with the Lemhi irrigators' biological and business  
19 goals, 15 cubic feet per second (cfs) of the 35 cfs of the Lemhi minimum in-  
20 stream flow water right diversion rate is subordinated to high water or flood  
21 water authorized under the Lemhi Basin Decree; and

22 WHEREAS, a consequence of the SRBA District Court not decreeing the  
23 Lemhi irrigators' high-flow claims is that the high-flow practice does not  
24 have an established priority date and therefore is not protected from junior  
25 water rights diverting and diminishing the water supply available for future  
26 high-flow diversions; and

27 WHEREAS, without protection for the Lemhi high-flow practice,  
28 high-flow water supplies historically available to the irrigators could be  
29 reduced, maintenance of the Lemhi minimum stream flow could be compromised,  
30 and Lemhi water users could face an increased risk of ESA enforcement ac-  
31 tions; and

32 WHEREAS, the SRBA decreed the U.S. Forest Service federal reserved wa-  
33 ter rights 75-13316 and 77-11941 on the main stem Salmon River in the SRBA;  
34 and

35 WHEREAS, the quantity of the U.S. Forest Service's Salmon River re-  
36 served water rights would have precluded most future development in the  
37 Salmon River Basin, the Forest Service agreed to subordinate its water  
38 rights to up to "150 cfs (including not more than 5,000 acres of irriga-  
39 tion...) when the mean daily discharge at the Shoup gage is [less than] 1,280  
40 cfs" and "an additional diversion of 225 cfs (including up to an additional  
41 10,000 acres of irrigation...) when the mean daily discharge at the Shoup  
42 gage is [greater than or equal to] 1,280 cfs"; and

43 WHEREAS, since the decree of the Lemhi minimum stream flow water right  
44 and the Salmon River federal reserved water rights, certain irrigators in  
45 the Lemhi River Basin have or are in the process of perfecting water rights in  
46 the Lemhi River Basin; and

47 WHEREAS, the SRBA Final Unified Decree establishes that 27 tributaries  
48 to the Lemhi River "shall be administered separately from all other water  
49 rights in [the Lemhi] Basin ... in accordance with the prior appropriation  
50 doctrine as established by Idaho law"; and



1 WHEREAS, the SRBA District Court held the separate streams general pro-  
2 vision does not preclude the U.S. Forest Service from making a delivery call  
3 under its Salmon River federal reserved water rights; and

4 WHEREAS, new applications to appropriate water on tributary streams  
5 have led to numerous protests by downstream Lemhi water users, conservation  
6 groups, and state agencies; and

7 WHEREAS, the Idaho Department of Water Resources has recently condi-  
8 tioned certain protested water right permit applications in the Lemhi River  
9 Basin limiting the diversion of water authorized by the permits to times  
10 when stream flows at specified locations within the Lemhi River Basin exceed  
11 certain minimum flow rates, and these conditioned stream flow diversion  
12 limitations are separate and apart from the Lemhi minimum stream flow water  
13 right; and

14 WHEREAS, the State of Idaho must harmonize its competing duties to pro-  
15 tect existing water rights, to safeguard the provisions of the Forest Ser-  
16 vice settlement, to allocate additional water rights, to conserve, restore,  
17 and enhance sufficient habitat to sustain viable fish populations, and to  
18 enhance the farming and ranching lifestyle and the economy of the Lemhi River  
19 Basin; and

20 WHEREAS, the above described legal developments have created legal un-  
21 certainty for all water users in the Lemhi River Basin; and

22 WHEREAS, the Legislature finds it is in the public interest for affected  
23 stakeholders to work collaboratively to develop a comprehensive solution  
24 that achieves the Lemhi irrigators' biological and business goals of con-  
25 serving, restoring, and enhancing sufficient habitat to sustain viable  
26 fish populations in the Lemhi River Basin while protecting private property  
27 rights and preserving and enhancing the farming and ranching lifestyle and  
28 economy of the Lemhi River Basin; and

29 WHEREAS, Section 42-1734, Idaho Code, provides authority to the Idaho  
30 Water Resource Board to cooperate in water studies, planning, and research;  
31 and

32 WHEREAS, the Idaho Legislature established the Aquifer Planning and  
33 Management Fund to provide moneys for "monitoring, measurement and com-  
34 prehensive plan development as well as for personnel costs, operating  
35 expenditures and capital outlay associated with the statewide comprehensive  
36 aquifer planning and management effort."

37 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular  
38 Session of the Sixty-fifth Idaho Legislature, the Senate and the House of  
39 Representatives concurring therein, that we direct the Idaho Water Resource  
40 Board, with technical support from the Idaho Department of Water Resources,  
41 to work expeditiously with local water users to develop a comprehensive  
42 settlement that resolves current tensions and conflict that are the result  
43 of competing water supply demands in the Lemhi River Basin and that the com-  
44 prehensive settlement, to the best of the abilities of the participating  
45 parties and in the spirit of compromise and resolution, is consistent with  
46 past practices, future needs, and Idaho law.

47 BE IT FURTHER RESOLVED that the Idaho Water Resource Board report to the  
48 First Regular Session of the Sixty-sixth Idaho Legislature on the implemen-  
49 tation of this resolution.

# **ATTACHMENT B**

IWRB Resolution Authorizing Execution of STIPULATION RE PERMIT 74-16187

## **STIPULATION RE PERMIT 74-16187**

This Stipulation is entered into by Kurt W. Bird and Janet E. Bird (“Bird”), the Idaho Water Resource Board (“IWRB”), and the Idaho Department of Fish and Game (“IDFG”) (collectively, the “Parties”), to resolve litigation over Bird’s application for a permit to appropriate the public waters of the State of Idaho, identification number 74-16187 (“Application”), and protests to the Application (“Protests”) filed by IWRB and IDFG.

### **RECITALS**

WHEREAS, the Application was filed with the Idaho Department of Water Resources (“IDWR”) on or about October 12, 2018, and the Protests were filed on or about January 17, 2019; and

WHEREAS, IDWR held an administrative hearing on the Application and the Protests on August 28 and August 29, 2019; and

WHEREAS, the hearing officer issued a preliminary order approving the Application with certain conditions on January 9, 2020, and an amended preliminary order approving the Application with certain conditions on February 6, 2020; and

WHEREAS, the Director of IDWR issued a final order approving the Application with certain conditions on May 21, 2020; and

WHEREAS, IWRB and IDFG filed a petition for judicial review of the final order on June 22, 2020; and

WHEREAS, the judicial review proceeding was stayed at the Parties’ request after briefs were submitted but before the hearing was held, while the Parties attempted to negotiate a settlement of the litigation; and

WHEREAS, the Parties have reached agreement regarding approval of the Application with certain conditions, dismissal of the judicial review proceeding, and certain related matters, and the Parties now desire to memorialize the terms of the agreement.

### **AGREEMENT**

NOW, THEREFORE, the Parties stipulate and agree as follows:

I. The Application should be approved with the following elements and conditions:

Current Owner: Kurt W. Bird or Janet E. Bird

Priority Date: October 12, 2018

Source: Big Timber Creek tributary to Lemhi River

Beneficial Use: Irrigation

Season of Use: March 15 – July 31

Diversion Rate: 6.40 cfs

Point of Diversion: NWNW, Section 20, T15N, R26E (Home Ditch)

Place of Use: 320 acres

SWSE, SESE, Section 8, T15N, R26E

SW1/4, Section 9, T15N, R26E

NENE, NWNE, Section 17, T15N, R26E

Conditions of Approval:

1. Subject to all prior rights.
2. Proof of Application of water to beneficial use shall be submitted on or before the date established by the Director.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of approval, this water right is within State Water Districts 170 and 74W.
4. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measurement devices at the authorized point(s) of diversion and in accordance with Department specifications or shall obtain an approved variance from the Department to employ an alternative method to determine and record the amount of water diverted.
5. Prior to diversion of water under this right, the right holder shall install and maintain a locking controlling works, subject to the approval of the Department, in manner that will provide suitable control of the diversion.
6. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
7. This right does not grant any right-of-way or easement across the land of another.
8. This right is only available when flow at the Big Timber Gage 13304050, located at Latitude 44°41'19.65", Longitude 113°22'13.46", Lemhi County (BT Gage) is at least 18 cfs. Any flows present as a result of the Idaho Water Resource Board's

water transactions program will be included (“counted”) in determining whether the 18 cfs flow requirement is satisfied.

9. The right holder shall cease diversion under this right if the flow of Big Timber Creek is less than 18 cfs at the BT Gage. Any flows present as a result of the Idaho Water Resource Board’s water transactions program will be included (“counted”) in determining whether the 18 cfs flow requirement is satisfied.
10. This right benefits from the subordination described in Paragraph 10(b)(6)(A)(ii) of water rights 75-13316 and 77-11941 and may only be diverted when the mean daily discharge at the Salmon River Shoup gage is greater than or equal to 1,280 cfs.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
12. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930, 74-15931 and 74-16187 when combined shall not exceed a total diversion rate of 52.77 cfs.
13. This right fully satisfies any and all claims of right or authorization to divert “high flow” water, as that term is defined in the Basin 74 “General Provisions” decreed in the Snake River Basin Adjudication, for use within the place of use for this right. This limitation applies to all acres within the place of use for this right, including any acres that are also covered by other water rights.
14. Bird will allow IDFG to install and maintain fish screens on Bird’s diversions, including execution of an access agreement for such purposes, and will not protest IDFG applications for fish propagation water rights required for operation of the fish screens. Bird will cooperate with IDFG to consolidate Bird’s diversions where feasible.
15. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

- II. The Parties will jointly move the court presiding over the pending judicial review litigation for an order requesting that the case be remanded back to IDWR for consideration of the settlement set forth in this stipulation.
- III. If the court grants the joint motion to remand the case back to IDWR, the Parties will jointly move the Director of IDWR to:
  - a. Approve the Application with the elements and conditions set forth above in paragraph I;
  - b. Issue instructions to the watermasters for Water Districts 170 and 74W regarding administration of the elements and conditions of the Application.
- IV. After the Application has been approved and permit 74-16187 has been issued, Bird will file a transfer application with IDWR to remove from the place of use for permit 74-16187 the approximately 22.2 acres of lands covered by existing water rights. The IWRB and IDFG will not protest or oppose the transfer application.
- V. IWRB and IDFG will not oppose a future application by Bird to appropriate “high flow” water he currently diverts from Big Timber Creek under the SRBA High Flow General Provisions for Basin 74, provided that a copy of this stipulation is filed with the application, and that the application:
  - a. Proposes a purpose of use of “stream flow maintenance,” or a substantially similar purpose;
  - b. Proposes March 15 to November 15 as the season or period of use;
  - c. States that the proposed use of water is ancillary to existing uses authorized by water rights 74-32, 74-34, 74-1801, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930, and 74-15931 (“Base Rights”);
  - d. States that the proposed use of the water is limited to the authorized places of use for the Base Rights;
  - e. Seeks a diversion rate no greater than that necessary to fill the current (July 2021) physical capacity of the diversion works and ditches that convey water to the authorized places of use for the Base Rights;

- f. States that the proposed use of water is in full satisfaction of, and supersedes, any existing or future claim by Bird of a right to divert “high flow” from Big Timber Creek under the Basin 74 High Flow General Provision decreed in the Snake River Basin Adjudication for use on the place of use of the Base Rights;
- g. States that water may be diverted under the right only when the flow is 18 cfs or greater from March 15 to July 31, and 10 cfs or greater from August 1 to November 15 as measured at the BT Gage, and that any flows present as a result of the Idaho Water Resource Board’s water transactions program will be included (“counted”) in determining whether the 18 cfs and 10 cfs flow requirements are satisfied; and
- h. States that water may not be diverted under this right for three (3) consecutive days in each of two (2) years during every five (5) year period (“bypass flow”). The five-year period will be “rolling” to provide adequate habitat for salmon and steelhead cohorts. In the event bypass flows are provided in two consecutive years, then there will not be a requirement to not divert in the following 3 years. The Idaho Department of Fish and Game and Bird will jointly determine the years in which this condition applies and the dates in those years during which diversions will not be allowed and will provide this information to the Water District 74W watermaster in joint written instructions. Weekly runoff forecasts will be monitored and used to select the dates for the bypass flow, which shall be timed to occur, as near as possible, to the peak of high flow between May 21st to July 6th. Notwithstanding the foregoing, any natural runoff occurrence that meets or exceeds 420 cfs for three consecutive days as measured at the McFarland Gage shall be counted towards satisfaction of the two in five -year condition. This condition may be adjusted at the time of licensing to conform to: any analogous condition required by a comprehensive settlement of “high flow” issues in the Lemhi Basin, if one has been reached; or any modifications to this condition to which the Idaho Department of Fish and Game and Bird have agreed.

- i. States that water diverted under this right will not receive the benefit of Wild and Scenic subordination.
  - j. This right will be subordinated to other Big Timber stream flow maintenance water rights, except for those held by David Udy and Jerry Foster.
- VI. If Bird files an application consistent with the requirements set forth above in paragraph V, IWRB and IDFG may file protests for the sole and exclusive purpose of monitoring the proceedings and ensuring that any permit or license issued pursuant to such an application conforms to the requirements of paragraph V. IWRB and IDFG will not oppose an application that conforms to the requirements of paragraph V, or seek any conditions in addition to those required by paragraph V. IWRB and IDFG retain their rights to protest and oppose any future application(s) by Bird to appropriate water from Big Timber Creek that do not conform to the requirements set forth above in paragraph V.
- VII. Bird will not oppose an application by the IWRB under chapter 15, Title 42, of the Idaho Code to appropriate a minimum stream flow for Big Timber Creek, provided that a copy of this stipulation is filed with the application, and that the application:
  - a. Proposes a diversion rate of 18 cfs from March 15 to July 31, and 10 cfs from August 1 to March 14, as measured at the BT Gage.
  - b. Is either filed later in time than Bird's application for a streamflow maintenance water right, or is expressly subordinated to any future application by Bird for a stream flow maintenance water right that satisfies the requirements set forth above in paragraph V; and
  - c. States that any flows present as a result of the Idaho Water Resource Board's water transactions program will be included ("counted") in determining whether the 18 cfs and 10 cfs flow requirements are satisfied.
- VIII. If the IWRB files an application consistent with the requirements set forth above in paragraph VII, Bird may file a protest for the sole and exclusive purpose of monitoring the proceedings and ensuring that any permit or license issued pursuant to such an application conforms to the requirements of paragraph VII.



Bird will not oppose an application that conforms to the requirements of paragraph VII, or seek any conditions in addition to those required by paragraph VII. Bird retains his right to protest and oppose any future application(s) for minimum stream flows on Big Timber Creek that do not conform to the requirements set forth above in paragraph VII.

- IX. The Parties have entered into this stipulation to settle their disagreements regarding the Application and the Protests, and to resolve the pending litigation. This stipulation represents a compromise between the Parties regarding their disagreements over the issues and subjects addressed herein, and sets forth the entire agreement between the Parties related to these matters. Except as specifically provided in this stipulation, nothing in this stipulation waives the rights, positions, or arguments of the Parties as to any issue of fact or law. This stipulation may not be used or held against any of the Parties other than to show the terms of their agreement on the issues and subjects expressly addressed and resolved herein.
- X. The parties agree that the terms and provisions of this Stipulation embody their mutual intent and that such terms and conditions are not to be construed more liberally in favor of, or more strictly against, any party.
- XI. The provisions of this Stipulation are not severable. If any provision of this Stipulation is found to be unlawful and of no effect and/or the Idaho Department of Water Resources fails to approve the stipulation, then the parties hereto shall resume negotiations to revise such unlawful provision.
- XII. This Stipulation shall be voidable by any party if the Idaho Department of Water Resources fails to approve the Stipulation as submitted.
- XIII. This Stipulation shall bind and inure to the benefit of the respective successors of the parties.
- XIV. This Stipulation may be executed in counterparts, each of which shall be an original, but all of which, taken together, shall constitute one and the same agreement.
- XV. Each of the undersigned represent that they are authority to execute this Stipulation.

XVI. This Stipulation shall become effective and binding on the Parties upon execution by all the signatories.

\_\_\_\_\_  
Jeff Reybould  
Chairman  
Idaho Water Resource Board

Dated: \_\_\_\_\_

\_\_\_\_\_  
Ed Schriever  
Director  
Idaho Department of Fish and Game

Dated: \_\_\_\_\_

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Kurt W. Bird

Dated: \_\_\_\_\_

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Janet E. Bird

Dated: \_\_\_\_\_

**LEMHI RIVER BASIN COMPREHENSIVE SETTLEMENT AGREEMENT  
BETWEEN THE IDAHO WATER RESOURCE BOARD, IDAHO DEPARTMENT  
OF FISH AND GAME, IDAHO OFFICE OF SPECIES CONSERVATION  
AND VARIOUS LEMHI BASIN WATER USERS**

**INTRODUCTION**

This Settlement Agreement (“Agreement”) memorializes the undersigned Parties’ comprehensive settlement of the Lemhi high flow issues as directed by Idaho Senate Concurrent Resolution 137, 2020 Idaho Sess. Laws at 1028-30 (“SCR 137”), and Idaho House Concurrent Resolution 21, 2021 Idaho Sess. Laws at 1169.

**SETTLEMENT AGREEMENT**

**I. Goals of the Parties**

1. The recognized biological and business goals of the Parties are to “conserve, restore, and enhance sufficient habitat to sustain viable fish populations within the Lemhi River Basin while protecting private property rights and preserving and enhancing the farming and ranching lifestyle and economy of the Lemhi River Basin.” SCR 137.
2. The undersigned state agencies desire to work with Lemhi water users to protect existing private water rights and to promote economic development in the Lemhi River Basin.
3. The undersigned Lemhi water users desire to work with the undersigned state agencies to implement flow, passage, and screening projects to enhance listed salmon, bull trout and steelhead in accordance with this Agreement.
4. The Parties recognize and agree that all actions in this Agreement will be done in conformance with Idaho water law.

**II. Resolution of State and Private Protests to Pending Water Right Applications.**

1. **Withdrawal of Protests to Pending Applications.** To promote economic development in the Lemhi River Basin the undersigned state agencies and private water users agree to withdraw their protests to the following water right applications of parties to this Settlement Agreement (“Agreement”) subject to the following terms and conditions.
2. **Big Timber Applications**
  - a. **Permit 74-16187** (Kurt Bird) is subject to the terms and conditions set forth in the Stipulation between the parties to the contested case dated \_\_\_\_\_:

- b. **Application 74-16205** (David Udy) will be subject to the following conditions:
1. 18 c.f.s bypass flow at the Big Timber Creek Gage, 13304050, located at Latitude 44°41'19.65", Longitude 113°22'13.46", Lemhi County (BT Gage). All flow at the BT Gage, including Idaho Water Resource Board (IWRB) Water Transaction Flows, counts toward satisfaction of the bypass flow.
  2. Season of Use: 3/15 to 7/31.
  3. If applicable, include Permissible Place of Use (PPU) and other flexibility options.
  4. No right to divert water available under Little Timber Basin stream flow maintenance right or the Snake River Basin Adjudication 74 High Flow General Provision (Basin 74 High Flow General Provision) for use on 74-16205 Place of Use (POU).
  5. Right will benefit from the subordination described in Paragraph 10(b)(6)(A)(ii) of water rights 75-13316 and 77-11941 but may only be diverted when the mean daily discharge at the Salmon River Shoup gage is greater than or equal to 1,280 c.f.s.
- c. **David Udy stream flow maintenance application** will be subject to the following conditions:
1. Application will be based on the historic high flow use ancillary to irrigation water rights decreed in the Snake River Basin Adjudication ("Base Right(s)").
  2. Right will be limited to the place of use of the Base Right(s) and cannot be transferred to other places of use independent of the Base Right(s).
  3. Season of use will be 3/15 to 11/15.
  4. Right may be exercised only when the flow in Big Timber is 18 c.f.s or greater from March 15<sup>th</sup> to July 31<sup>st</sup> and 10 c.f.s or greater from August 1<sup>st</sup> to November 15<sup>th</sup> at the BT Gage . All flow at the BT Gage, including IWRB Water Transaction Flows, counts toward satisfaction of the bypass flow.
  5. Right will be subject to the conditions described in Section III below.
  6. Right, as well as the stream flow maintenance water rights of Kurt Bird and Jerry Foster, shall have a priority date one day later than all other Big Timber and Little Timber stream flow maintenance water rights.
  7. Right will not receive benefit of Wild and Scenic subordination.
  8. Right will be in full satisfaction of, and supersede, any existing or future claim by Udy of a right to divert "high flow" from Big Timber and Little Timber Creek under the Basin 74 High

Flow General Provision for use on the place of use of the Base Right(s).

9. No right to divert water available under Little Timber Basin stream flow maintenance right or Basin 74 High Flow General Provision for use on 74-16205 POU.

d. **Application 74-16186** (Jerry Foster) will be subject to the following conditions:

1. 18 c.f.s bypass flow at the BT Gage. All flow at the BT Gage, including IWRB Water Transaction Flows, counts toward satisfaction of the bypass flow.
2. Season of Use: 3/15 to 7/31.
3. If applicable, include PPU and other flexibility options.
4. No right to divert water available under Big Timber Basin stream flow maintenance right or Basin 74 High Flow General Provision for use on 74-16186 POU.
5. Right will benefit from the subordination described in Paragraph 10(b)(6)(A)(ii) of water rights 75-13316 and 77-11941 but may only be diverted when the mean daily discharge at the Salmon River Shoup gage is greater than or equal to 1,280 c.f.s.

e. **Jerry Foster stream flow maintenance application** will be subject to the following conditions:

1. Application will be based on the historic high flow use ancillary to Base Right(s).
2. Right will be limited to the place of use of the Base Right(s) and cannot be transferred to other places of use independent of the Base Right(s).
3. Season of use will be 3/15 to 11/15.
4. Right may be exercised only when the flow in Big Timber is 18 c.f.s or greater from March 15<sup>th</sup> to July 31<sup>st</sup> and 10 c.f.s or greater from August 1<sup>st</sup> to November 15<sup>th</sup> at the BT Gage. All flow at the BT Gage, including IWRB Water Transaction Flows, counts toward satisfaction of the bypass flow.
5. Right will be subject to the conditions described in Section III. below.
6. Right, as well as the stream flow maintenance water rights of David Udy and Kurt Bird, shall have a priority date one day later than all other Big Timber and Little Timber stream flow maintenance water rights.
7. Right will not receive benefit of Wild and Scenic subordination
8. Right will be in full satisfaction of, and supersede, any existing or future claim by Foster of a right to divert “high flow” from Big Timber and Little Timber Creek under the Basin 74 High

Flow General Provision for use on the place of use of the Base Right(s).

9. No right to divert water under Big Timber Basin stream flow maintenance right or Basin 74 High Flow General Provision for use on 74-16186 POU.

f. **Other Big Timber Stream Flow Maintenance Applications** will be subject to the following conditions:

1. Applications for other water users will be based on the historic high flow use ancillary to Base Right(s).
3. Rights will be limited to the place of use of the Base Right(s) and cannot be transferred to other places of use independent of the Base Right(s).
4. Season of use will be 3/15 to 11/15.
5. Rights may be exercised only when the flow in Big Timber is 18 c.f.s or greater from March 15<sup>th</sup> to July 31<sup>st</sup> and 10 c.f.s or greater from August 1<sup>st</sup> to November 15<sup>th</sup> at the BT Gage. All flow at the BT Gage, including IWRB Water Transaction Flows, counts toward satisfaction of the bypass flow.
6. Rights will be subject to conditions described in Section III below.
7. Rights will not receive benefit of Wild and Scenic subordination.
8. Right will be in full satisfaction of, and supersede, any existing or future claims of a right to divert “high flow” from Big Timber and Little Timber Creeks under the Basin 74 High Flow General Provision for use on the place of use of the Base Rights.

- f. Applicants agrees to allow Idaho Fish and Game to install and maintain fish screens on all their Big Timber Creek diversions.
- g. Applicants will not protest Idaho Fish and Game applications for fish propagation flows required for operation of the fish screens.
- h. Applicants will cooperate with Idaho Fish and Game to consolidate diversions were feasible.
- i. Parties to this Agreement will not oppose IWRB application for a minimum streamflow water right on Big Timber of 18 c.f.s from March 15<sup>th</sup> to July 31<sup>st</sup> and 10 c.f.s from August 1<sup>st</sup> to November 15<sup>th</sup>.
- j. The application will be junior to all applications pending with the Idaho Department of Water Resources. IWRB Water Transaction Flows will count toward satisfaction of the minimum flow.

### 3. **Big Eightmile Applications**

- a. **Application 74-16196** (Steven Johnson) will be subject to the following conditions:

1. 5 c.f.s bypass flow measured at Big Eightmile Lower gage at Lee Creek Road in the NE1/4NE1/4, Section 28, T16N, R25E, B.M., Lemhi County (Big Eightmile Lower Gage). All flow at the Lee Creek Gage, including IWRB Water Transaction Flows count toward satisfaction of the bypass flow.
  2. Season of Use: 3/15 to 07/31.
  3. If applicable, include PPU and other flexibility options.
  4. No right to divert water available under Big Eightmile Basin stream flow maintenance right or Basin 74 High Flow General Provision for use on 74-16196 POU.
  5. Right will benefit from the subordination described in Paragraph 10(b)(6)(A)(ii) of water rights 75-13316 and 77-11941 but may only be diverted when the mean daily discharge at the Salmon River Shoup gage is greater than or equal to 1,280 c.f.s.
- b. **Steven Johnson Big Eightmile stream flow maintenance applications** will be subject to the following conditions:
1. Application will be based on the historic high flow use ancillary to Base Right(s).
  2. Right will be limited to the place of use of the Base Right(s) and cannot be transferred to other places of use independent of the Base Right(s).
  3. Season of use will be 3/15 to 11/15.
  4. Right may be exercised only when the flow in Big Eightmile is 5 c.f.s or greater as measured at Big Eightmile Lower Gage. All flow at the Big Eightmile Lower Gage, including IWRB water transaction flows, counts toward satisfaction of the bypass flow.
  5. Right will be subject to conditions described in Section III below.
  6. Right will not receive benefit of Wild and Scenic subordination.
  7. Right, as well as the stream flow maintenance water right(s) of Kent Bird, shall have a priority date one day later than all other Big Eightmile stream flow maintenance rights.
  8. Right will be in full satisfaction of, and supersede, any existing or future claim by Johnson of a right to divert “high flow” from Big Eightmile under the Basin 74 High Flow General Provision for use on the place of use of Base Right(s).
  9. No right to divert water under Big Eightmile Basin stream flow maintenance right or Basin 74 High Flow General Provision for use on 74-16196 POU.
- c. **Application 74-16204** (Kent Bird) will be subject to the following



conditions:

1. 5 c.f.s bypass flow measured at the Big Eightmile Lower Gage. All flow at the Big Eightmile Lower Gage, including IWRB Water Transaction Flows, counts toward satisfaction of the bypass flow.
2. Season of Use: 3/15 to 7/31.
3. If applicable, include PPU and other flexibility options.
4. No right to divert water available under Big Eightmile Basin stream flow maintenance right or Basin 74 High Flow General Provision for use on 74-16204 POU.
6. Right will benefit from the subordination described in Paragraph 10(b)(6)(A)(ii) of water rights 75-13316 and 77-11941 but may only be diverted when the mean daily discharge at the Salmon River Shoup gage is greater than or equal to 1,280 c.f.s.

d. **Kent Bird Big Eightmile stream flow maintenance applications**

will be subject to the following conditions:

1. Application will be based on the historic high flow use ancillary to Base Right(s).
2. Right will be limited to the place of use of the Base Right(s) and cannot be transferred to other places of use independent of the Base Right(s).
3. Season of use will be 3/15 to 07/31.
4. Right may be exercised only when the flow in Big Eightmile Lower Gage is 5 c.f.s or greater. All flow at the Big Eightmile Lower Gage, including IWRB Water Transaction Flows, counts toward satisfaction of the bypass flow.
5. Rights will be subject to the conditions described in Section III below.
6. Right will not receive benefit of Wild and Scenic subordination.
7. Right as well as the stream flow maintenance water right(s) of Steven Johnson, shall have a priority date one day later than Big Eightmile stream flow maintenance water rights.
8. Right will be in full satisfaction of, and supersede, any existing or future claim by Bird of a right to divert “high flow” from Big Eightmile under the Basin 74 High Flow General Provision for use on the place of use of the Base Right(s).
9. No right to divert water under Big Eightmile Basin stream flow maintenance right or Basin 74 High Flow General Provision for use on 74-16204 POU.

e. **Other Big Eightmile Lemhi Basin Stream Flow Maintenance**

**Applications** will be subject to the following conditions:

1. Applications for other water users will be based on the historic high flow use ancillary to Base Right(s).
2. Rights will be limited to the place of use of the Base Rights and cannot be transferred to other places of use independent of the Base Right.
3. Season of use will be 3/15 to 11/15.
4. Rights may be exercised only when the flow in Big Eightmile is 5 c.f.s or greater as measured at Big Eightmile Lower Gage. All flow, including IWRB Water Transaction Flows, counts toward satisfaction of the bypass flow.
5. Rights will be subject to the conditions described in Section III below.
6. Rights will not receive benefit of Wild and Scenic subordination.
7. Rights will be in full satisfaction of, and supersede, any existing or future claim of a right to divert “high flow” from Big Eightmile under the Basin 74 High Flow General Provision for use on the place of use of the Base Rights.

#### **4. Mill Creek Applications**

- a. **Application 74-16194 (Steven Johnson)** will be subject to the following conditions:
  1. Irrigation application for 2.08 c.f.s will be dropped.
  2. Season of Use for recharge: 01/01 to 12/31.
  3. No right to divert water available under Mill Creek Basin stream flow maintenance right or Basin 74 High Flow General Provision for use on 74-16194 POU.
  4. Right does not benefit from the Wild and Scenic River subordination.
- b. **Application 74-16195 (Steven Johnson)** will be withdrawn.
- c. **Steven Johnson Mill Creek stream flow maintenance application** will be subject to the following conditions:
  1. Application will be based on the historic high flow use ancillary to Base Right(s).
  2. Right will be limited to the place of use of the Base Right(s) and cannot be transferred to other places of use independent of the Base Right(s).
  3. Season of use will be 3/15 to 11/15.
  4. Right will be subject to the conditions described in Section III below.
  5. Right will not receive benefit of Wild and Scenic subordination.

6. Right will have a priority date one day later than other Mill Creek stream flow maintenance applications.
  7. Right will be in full satisfaction of, and supersede, any existing or future claim of a right by Steven Johnson to divert “high flow” from Mill Creek under the Basin 74 High Flow General Provision for use on the place of use of the Base Right(s).
- d. **Other Mill Creek stream flow maintenance applications** will be subject to the following conditions:
1. Applications for other water users will be based on the historic high flow use ancillary to Base Right(s).
  2. Rights will be limited to the place of use of the Base Rights and cannot be transferred to other places of use independent of the Base Rights.
  3. Season of use will be 3/15 to 11/15.
  4. Rights will be subject to the conditions described in Section III below.
  5. Rights will not receive benefit of Wild and Scenic subordination.
  6. Rights will be in full satisfaction of, and supersede, any existing or future claim of a right to divert “high flow” from Mill Creek under the Basin 74 High Flow General Provision for use on the place of use of the Base Rights.
5. **Nonconsumptive fish propagation flow applications.** Parties will not protest nonconsumptive fish propagation flow water right applications 74-16224, 74-16225, 74-16227 and Transfer No. 83870.
6. **Separate Streams Administration.** The above listed water rights that divert from streams listed in the SRBA Basin 74 Separate Stream General Provision “shall be administered separately from all other water rights in Basin 74 in accordance with the prior appropriation doctrine as established by Idaho Law, except as required by the Wild and Scenic Rivers Stipulation and Joint Motion for Order Approving Stipulation and Entry of Partial Decrees dated September 1, 2003 and as required by conditions included in stream flow maintenance water rights acquired pursuant to this Agreement.
7. **IDWR Authority Not Affected.** Nothing herein is intended to nor shall affect IDWR’s authority with respect to its review and approval of the pending applications listed above. In the event IDWR fails to approve the applications as set forth above the Parties shall meet and determine whether such disapproval requires renegotiation, modification, or termination of the Agreement.

### III. **Lemhi Basin Stream Flow Maintenance Applications**

1. **Lemhi Basin Stream Flow Maintenance Applications.** To protect private property rights and to preserve the historic farming and ranching lifestyle and the economy of the Lemhi River Basin, the Parties agree to support legislation set forth in Attachment A that provides for the filing of Lemhi Basin stream flow maintenance applications. The applications will be ancillary to and may only be used on the place of use of base rights entitled to divert high flow under the Basin 74 High Flow General Provision. The diversion rate is limited to the historic use of high flow.
2. **Distribution of Lemhi Basin Stream Flow Maintenance Water Rights.**
  - a. When Lemhi Basin stream flow maintenance water rights are in priority, the water supply legally available to such rights shall be distributed proportionately among water users diverting from a common source, except as otherwise provided in Section III.2.b. below.
  - b. Water users whose lands are within the Lemhi Irrigation District and who are authorized to divert and use water under a stream flow maintenance water right held by the Lemhi Irrigation District shall establish a process for sharing water available under the stream flow maintenance water right.
3. **Owner of Lemhi Basin Stream Flow Maintenance Water Rights.** Irrigation water right holders entitled to divert water under the SRBA High Flow General Provision may either file an application in their own name or have the Lemhi Irrigation District file applications on their behalf; provided, however, all Lemhi Basin stream flow maintenance applications on Big Timber, Eightmile, Lee and Mill Creeks shall be filed only in the name of the water users. While applications filed by the Lemhi Irrigation District will show the Lemhi Irrigation District in the Name and Address section of the water right, the right shall include a condition stating that as a matter of Idaho constitutional and statutory law title to the use of the water under the right is held by those water users whose lands are authorized to be irrigated with water rights decreed in the Snake River Basin Adjudication.
4. **McFarland Campground Minimum Stream Flow Application.** The parties to this Agreement agree to support the legislation set forth in Attachment A authorizing the IWRB to appropriate a minimum stream flow at McFarland Campground located on the Lemhi River in the NWSE of Section 14, Township 17 North, Range 24 East, Boise Meridian in the amount of 420 c.f.s; provided, however, this right may not call against water rights with points of diversion from streams administered as separate streams pursuant to the SRBA Basin 74 General Provision approved by the SRBA District Court on January 2, 2006, except as to stream flow maintenance water rights appropriated pursuant to proposed section 42-251, Idaho Code. The elements of this water right shall include the following:

- A) This water right may be exercised only two years out of every five years. The five-year period shall be a rolling period.
  - B) The exercise of the right shall be limited to a duration of three days, during the March 15th to July 6<sup>th</sup> period of use. The three-day period shall be timed to occur as near as possible to the peak of Lemhi runoff.
- 5. **McFarland Campground Minimum Stream Flow Condition.** As a condition of obtaining a stream flow maintenance water right, an applicant for a stream flow maintenance water right agrees to inclusion of a condition on the applicant's stream flow maintenance water right requiring the applicant to cease diversions under the right when the McFarland Campground minimum stream flow water right is in priority.
  - 6. **Waiver of Use of High Flow Under General Provision.** Each Lemhi Basin stream flow maintenance water right shall contain a condition stating that the right is in full satisfaction of all rights of the holder under Basin 74 High Flow General Provision to the use of high flow on the place of use of the Base Rights.
  - 7. **Satisfaction of Local Public Interest.** The McFarland Campground minimum stream flow is in satisfaction of the local public interest requirement of Idaho Code 42-203A(5)(e) as it pertains to processing of Lemhi Basin stream flow maintenance water applications provided for by this Agreement.
  - 8. **Priority of Existing Rights.** The McFarland Campground minimum stream flow water right provided for in this Section shall be junior to all previously decreed, licensed, or permitted water rights and all water right applications on file with the Idaho Department of Water Resources with a priority earlier than the McFarland Campground priority date; provided however, stream flow maintenance water rights acquired pursuant to this Agreement shall be subject to the condition in Section III.5. above requiring the applicants to cease diversions under their stream flow maintenance water rights when the McFarland Campground minimum stream flow water right is exercised.
  - 9. **Agreement to Not Protest Applications.** Parties to this Agreement agree to not protest stream flow maintenance applications filed with the Idaho Water Resource Department pursuant to this Agreement provided the elements of the application are consistent with the historic use of high flow on the place of use of the base rights under the Basin 74 High Flow General Provision.
  - 10. **Good Faith.** Parties agree to cooperate in good faith in the filing and perfection of stream flow maintenance water rights.
  - 11. **Stream Flow Maintenance Applications Do Not Create a Precedent.** The Lemhi Basin stream flow maintenance applications provided for in this Agreement are based upon the historic practice recognized by the Basin 74 High Flow General Provision, and therefore, are not intended to nor shall be

construed as establishing a precedent for issuance of any future water rights in the State of Idaho.

#### IV. **Additional Minimum Stream Flow Applications.**

1. **Minimum Stream Flow Legislation.** The Parties to this Agreement agree to support the legislation set forth in Attachment A authorizing the IWRB to file applications for permit for minimum stream flow water rights on the following creeks:

<b>STREAM</b>	<b>QUANTITY</b>	<b>Period of Use</b>	<b>GAGE</b>	<b>CONDITIONS</b>
Big Timber	18 c.f.s 10c.f.s	3/15 to 7/31 8/1 to 3/14	Big Timber Gage 13304050, located at Latitude 44°41'19.65", Longitude 113°22'13.46", Lemhi County.	IWRB Water Transaction flows count toward satisfaction of minimum flow. (Current amount is 7.2 c.f.s.)
Bohannon	13 c.f.s 8.5 c.f.s	3/15 to 7/31 8/1 to 3/14	Lower Bohannon Gage, 28 21N23E SENE	IWRB Water Transaction flows count toward satisfaction of minimum flow. (Current amount is 8.58 c.f.s.).
Canyon	16 c.f.s 4 c.f.s	3/15 to 7/31 8/1 to 3/14	Canyon Creek, 28 16N26E NWNE	IWRB Water Transaction flows count toward satisfaction of minimum flow. (Current amount is 4 c.f.s.)
Hayden	60 c.f.s 13 c.f.s	3/15 to 7/31 8/1 to	21 18N24E SWSW	

		3/14		
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2. **Local Public Interest.** These minimum stream flow water right applications for permit are in satisfaction of the local public interest requirement of Idaho Code 42-203A(5)(e) as it pertains to processing of existing and future water right applications on Big Timber, Bohannon, Canyon and Hayden Creeks.
3. **Priority of Existing Rights.** The minimum stream flow water rights provided for in this Section shall be junior to all previously decreed, licensed, or permitted water rights. The minimum stream flows shall also be junior to all pending water right applications and stream flow maintenance rights acquired pursuant to this Agreement.

#### V. **Lemhi Basin Water Supply Program**

1. **Recharge.** To enhance the farming and ranching lifestyle and economy of the Lemhi River Basin, the IWRB will commission a managed recharge feasibility study to evaluate the costs and benefits of managed recharge as a long-term water management tool in the Lemhi River Basin and determine if a program can be carried out. The study will assess the volume of water available for recharge and the potential areas within the Lemhi Basin suitable for managed recharge and it will develop preliminary cost estimates for implementing managed recharge.
  - a. As part of the managed recharge feasibility study, the IWRB will identify two pilot recharge projects. The Parties agree to not protest recharge water right applications for the pilot projects and to cooperate in obtain access to lands for development of the pilot projects.
  - b. Recharge applications for permit shall be subject to the same conditions applied to the streamflow maintenance water rights set forth in this Agreement.
2. **Cloud Seeding and Water Storage Feasibility Study.** The IWRB will commission a feasibility study to evaluate whether cloudseeding and water storage projects are potential long-term water management strategies in the Lemhi River Basin.

#### VI. **Miscellaneous Provisions**

1. **Fish Screens.** The Parties to this Agreement holding irrigation water rights on Big Timber Creek agree to grant access to Idaho Fish and Game to install and maintain fish screens on their irrigation diversions at no cost to landowners. Idaho Department of Fish and Game may install fish screens on other diversions in the Lemhi Basin as determined by mutual agreement of the

landowners and the Department. Parties to this Agreement agree to cooperate with IDFG to consolidate their diversions where possible.

2. **Fish Propagation Water Right Applications.** The Parties to this Agreement agree to not protest water right applications by the Idaho Department of Fish and Game for nonconsumptive fish propagation flows required for operation of fish screens.
3. **Notice of Water Transactions.** The IWRB will establish and maintain a list of persons and entities interested in receiving notifications of IWRB meetings or its committees in which water transaction projects will be proposed or discussed. Persons or entities interested in receiving such notifications must provide their names and email addresses to IWRB staff. IWRB staff will send to each person or entity on the list an email with a copy of the final agenda and a link to the IWRB briefing book for each IWRB or committee meeting, as soon as practicable after the agenda is finalized. This paragraph does not restrict or expand any rights that interested persons or entities have under Idaho law to submit comments, testimony, or exhibits to the IWRB or one of its committees regarding a water transaction project or proposal; and the failure to receive an email or a copy of a meeting agenda shall not be a basis for challenging any decision or action of the IWRB or one of its committees regarding a water transaction project or proposal.

#### VII. **Steering and Technical Committees.**

1. **Steering Committee.** The Parties to this Agreement agree to establish a Steering Committee to oversee implementation of the Agreement. The Steering Committee shall consist of two (2) representatives of the Lemhi Irrigation District, two (2) representatives of the Upper Lemhi Basin Water Users, one (1) representative of the Idaho Department of Fish and Game, one (1) representative of the Office of Species Conservation, and one (1) representative of the IWRB. The Basin 74 water master or an IDWR employee shall serve as an ex officio member of the Steering Committee. Water user representatives shall be parties to this Agreement.
2. The Steering Committee shall operate on a consensus basis.

#### VIII. **Administration**

1. **Distribution of Water Rights.** Distribution of water rights by water district watermasters shall be under supervision of the Director of IDWR consistent with Idaho Code Title 42 Chapter 6. In accordance with the provisions of this Agreement, local water district watermasters are expected to distribute water in accordance with the seasons of use established by water rights within local water districts, including water rights and applications for permit identified in this Agreement.



2. **Funding for Water Districts.** The water users of local water districts shall be responsible for adopting sufficient budgets to allow watermasters to distribute water rights during all periods when water rights within the water district are entitled to divert and when water is being diverted pursuant to the Basin 74 High Flow General Provision, including water rights and applications for permit identified in this Agreement . The Director of IDWR may give specific direction to watermasters regarding the delivery of water during high flow periods or other times of the year as necessary in accordance with Idaho Code §§ 42-602 and 42-607.
3. **Computerized Accounting System.** IDWR will work with the water districts to develop and maintain a computerized accounting system for the Lemhi Basin. IDWR will provide the technical and programming resources to develop computerized accounting resources. The Parties agree the watermasters will use the computerized accounting system for priority administration of water rights.
4. **Water Master Instructions.** The Parties will jointly request the Director of the Idaho Department of Water Resources to issue such water master instructions as necessary for the implementation of this Agreement.

#### XI. **General Conditions**

1. **Parties:** In addition to the Parties listed below, other persons may become parties to this Agreement by signing the form in Attachment B acknowledging they accept and agree to be bound by all terms and conditions set forth herein.
2. **Additional Applications.** Applications 74-16188, 74-16190, 74-16185, 74-16191, 74-16192, 74-16193, and 74-16189 may be added to Section I of this Agreement under the same terms and conditions as the other applications listed in Section I provided the holders of the applications agree to be bound by all other terms and conditions of this Agreement.
3. **Binding on Successors.** This Agreement shall be recorded in the official real property records of Lemhi County, Idaho, shall run with the properties described in the water rights that are the subject of this Agreement and shall be binding upon and inure to the benefit of the owners thereof.
4. **Amendment.** This Agreement may be amended only by an instrument in writing.
5. **No Waiver.** The failure to enforce or perform any provision set forth in this Agreement shall not be deemed a waiver of any such right.
6. **Entire Agreement.** Except to the extent otherwise provided herein, this Agreement constitutes the entire agreement between the Parties. No other agreements have been made modifying, adding to, or changing the terms hereof.

This Agreement may not be abrogated, modified, rescinded, or amended in whole or in part without the consent of all signatories to the Agreement, in writing and executed by each of them. No purported modifications or amendments, including, without limitation, any oral agreement, course of conduct or absence of a response to a unilateral communication, shall be binding on any Party.

7. **Governing Law.** This Agreement shall be governed by the laws of State of Idaho.
8. **Interpretation.** The Parties agree that the terms and provisions of this Agreement embody their mutual intent and that such terms and conditions are not to be construed more liberally in favor of, or more strictly against, any Party.
9. **Authority of Parties.** Each of the Parties represent to the other that the person or persons executing this Agreement on behalf of such Party has the full right, power, and authority to enter and execute this Agreement on such Party's behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Agreement.
10. **Good Faith and Fair Dealing; Reasonableness.** The Parties agree to act reasonably and in accordance with the principles of good faith and fair dealing in the performance of this Agreement. Unless expressly provided otherwise in this Agreement, (i) wherever the Agreement requires the consent, approval, or similar action by a Party, such consent, approval, or similar action shall be in writing and not be unreasonably withheld, conditioned, delayed or denied, and (ii) wherever this Agreement gives a Party a right to determine, require, specify, or take similar action with respect to matters, such determination, requirement, specification, or similar action shall be reasonable.
11. **Cooperation.** The Parties agree to reasonably cooperate with each other in the implementation and performance of this Agreement. Such duty to cooperate shall not require a Party to act in a manner inconsistent with its rights under this Agreement.
12. **Counterparts.** This Agreement may be executed in counterparts, which when taken together shall constitute one and the same Agreement.
13. **Date of Agreement.** The date of this Agreement shall be the last date of the signatures below.
14. **Effective date.** This Agreement shall become effective after the Idaho Legislature enacts the legislation in Attachment A.

## SIGNATURES

\_\_\_\_\_  
Lemhi Irrigation District

DATED:\_\_\_\_\_

\_\_\_\_\_  
Kurt Bird

DATED:\_\_\_\_\_

\_\_\_\_\_  
Steven Johnson

DATED:\_\_\_\_\_

\_\_\_\_\_  
Carl Ellsworth

DATED:\_\_\_\_\_

\_\_\_\_\_  
Carl Lufkin

DATED:\_\_\_\_\_

\_\_\_\_\_  
Lowell Cerise

DATED:\_\_\_\_\_

\_\_\_\_\_  
RJ Smith

DATED:\_\_\_\_\_

\_\_\_\_\_  
David Udy

DATED:\_\_\_\_\_

\_\_\_\_\_  
Idaho Water Resource Board

DATED:\_\_\_\_\_

\_\_\_\_\_  
Idaho Department of Fish and Game

DATED:\_\_\_\_\_

\_\_\_\_\_  
Office of Species Conservation

DATED:\_\_\_\_\_

## **ATTACHMENT A**

### **STATEMENT OF PURPOSE**

RS \_\_\_\_\_

In 2020, the Idaho Legislature adopted Senate Concurrent Resolution 137 (SCR 137). SCR 137 directed “the Idaho Water Resource Board, with technical support from the Idaho Department of Water Resources, to work expeditiously with local water users to develop a comprehensive settlement that resolves current tensions and conflict that are the result of competing water supply demands in the Lemhi River Basin and that the comprehensive settlement, to the best of the abilities of the participating parties and in the spirit of compromise and resolution, is consistent with past practices, future needs, and Idaho law. SCR 137 further directed the Idaho Water Resource Board to report to the First Regular Session of the Sixty-sixth Idaho Legislature on the implementation of this resolution.

In 2020, the Idaho Water Resource Board retained two mediators to facilitate discussions with the affected interests. On \_\_\_\_\_, 2021, the affected water users and state agencies entered into the Lemhi Basin Comprehensive Settlement Agreement. As part of the Settlement Agreement, the participating parties agreed to seek enactment of this proposed legislation to provide for the filing of Lemhi Basin stream flow maintenance applications and minimum stream flow applications on selected tributary streams. The participating parties jointly request the Idaho Legislature approve this legislation.

### **FISCAL NOTE**

The Idaho Water Resource Board will incur costs for the filing of the minimum stream flow water rights. Applicants for Lemhi Basin stream flow maintenance water rights will pay applications fees that will reimburse the Department of Water Resources for costs of advertising and processing the applications.

### **Contact:**

Representative \_\_\_\_\_

## SECTION 1

### 42-251 APPROPRIATION OF UNAPPROPRIATED FLOWS FOR LEMHI BASIN STREAM FLOW MAINTENANCE – LEGISLATIVE FINDINGS OF FACT CONCERNING HISTORIC USE OF HIGH FLOWS IN THE LEMHI RIVER BASIN AND NEED FOR PROTECTION AND EFFECTIVE MANAGEMENT OF SUCH USE.

(1) LEGISLATIVE FINDINGS: (a) In the absence of storage reservoirs in the Lemhi Basin, the diversion of “high water or flood water” onto irrigated land in the spring developed as a way of holding water underground within the basin, which would later contribute to the flows in the Lemhi River and its tributaries.

(b) The 1982 Lemhi Basin Decree recognized the practice of diverting “high water or flood water” onto irrigated lands. It defined “high water or flood water” as “natural flow of water over and above the amount required to fulfill (1) existing quantified rights as shown in the decree of water rights and (2) any future rights that may be established pursuant to statutory procedures of the State of Idaho.” *Proposed Findings of Water Rights, In the Matter of the General Determination of the Rights to the Use of the Surface Waters and Tributaries from Whatever Source of the Lemhi River Drainage Basin, Civil No. 4948, Feb. 16, 1982*, at 3, paragraph n. The Lemhi Decree included a conclusion of law stating the practice “of diverting so called ‘high waters or flood waters’ in addition to the quantified rights as described in the recommended decree of water rights (and future rights that may be established pursuant to statutory procedures) [is] allowed provided: (a) the waters so diverted are applied to beneficial use. (b) the existing quantified rights (including future appropriations of water) are first satisfied.”

(c) Based on the conclusions of law in the Lemhi Decree, many Lemhi Basin irrigators filed claims in the Snake River Basin Adjudication (SRBA) seeking water rights for their historic “high water or flood water” practice.

(d) On January 3, 2012, the SRBA Court affirmed the *Special Master’s Report and Recommendation* finding that “Idaho case law precludes the high flow claimants from seeking to establish high flow water rights in the SRBA as a matter of law.” *Memorandum Decision and Order on Challenge* at 11, Subcase Nos. 74-15051, In re SRBA Case No. 39576. Although the SRBA Court disallowed the high flow claims, it reaffirmed the Lemhi Decree conclusion of law regarding “high water or flood water” use through its Partial Decree pursuant to I.R.C.P. 54(b) of the Basin 74 High Flow General Provision (Basin 74 General Provision). Basin 74 General Provision provides: “The following general provision shall govern the use of ‘High Flow’ surface water for irrigation use within the Lemhi Basin: The practice of diverting high flows in the Lemhi Basin, in addition to diverting decreed and future water rights that may be established pursuant to statutory procedures of the State of Idaho, is allowed provide (a) the waters so diverted are applied to beneficial use. (b) existing decreed rights and future appropriations of water are first satisfied.”

(e) Since the early 1990s Lemhi irrigators, with the assistance of state agencies, have led an effort to protect and enhance salmon runs in the Lemhi River Basin, including but not limited to providing passage flows for salmon, screening diversion works and implementing habitat improvement projects.

(f) The long-term goal of the Lemhi irrigators is to conserve, restore, and enhance sufficient habitat to sustain viable fish populations in the Lemhi River Basin while protecting private property rights and preserving and enhancing the farming and ranching lifestyle and

economy of the Lemhi River Basin.

(g) In 2001, the Idaho Legislature enacted Idaho Code § 42-1506 at the request of the Lemhi Basin irrigators. This statute authorized the Idaho Water Resource Board to appropriate a minimum stream flow in the lower reach of the Lemhi River for the purpose of providing fish passage and for protection of Lemhi water users from enforcement actions under the Endangered Species Act.

(h) Use of high flows under the Basin 74 General Provision is not a protected property interest under Idaho law. Because of the SRBA Court's disallowal of the "high water or flood water" claims a conflict has developed between irrigators who rely on the use of high flows under the Basin 74 High Flow General Provision and persons desiring to appropriate high flow for new uses.

(h) The legislature finds 1) that the use of Lemhi River Basin high flow for holding water underground to augment the natural flow of the Lemhi River during the summer is a beneficial use of water; and 2) that it is in the public interest to protect through the appropriation process the entitlements to divert and use high flows under the Lemhi Basin 74 High Flow General Provision for efficient administration of such uses and to aid in the proper planning for future development of the water resources of the Lemhi River Basin.

(2) STREAM FLOW MAINTENANCE APPLICATIONS. Lemhi irrigators who hold irrigation water rights decreed in the Snake River Basin Adjudication, and claim authority to divert and use Lemhi Basin high flows for stream flow maintenance pursuant to the Basin 74 High Flow General Provision may file an application for permit with the department of water resources to convert such use into a protectable water right not to exceed the extent of actual historic beneficial use on or before July 1, 2024. The application shall be upon forms provided by the department. The department shall process the application as provided in section 42-203A, Idaho Code.

(3) PROOF OF BENEFICIAL USE. The department may consider as part of its beneficial use examination for licensing of an application under this section an applicant's past historic use of high flows pursuant to the Basin 74 General Provision.

(4) COMPREHENSIVE SETTLEMENT. All applications filed under this section shall be subject to the terms and conditions of the Lemhi Basin Comprehensive Settlement dated \_\_\_\_\_.

(5) NOTICE — HOW GIVEN — REQUIREMENTS. To ensure all persons claiming authority to divert or withdraw and use water under the Basin 74 General Provision are notified of the provisions of this section, the department of water resources is directed to give notice of the provisions of this section as follows:

(a) by regular mail upon all persons who currently own an irrigation water right decreed in the Snake River Basin Adjudication a notice in writing of the existence of this section;

(b) by publishing a notice in writing in a prominent and conspicuous place in at least one (1) newspaper of general circulation in Lemhi County, for at least one day a month for three (3) consecutive months;

(c) by posting a written notice, with the cooperation of the Lemhi County commission, in a prominent and conspicuous location in the Lemhi County courthouse;

(d) by providing sufficient number of copies of the notice and declaration to the Lemhi County treasurer for enclosure with each mailing of one (1) or more statements of taxes due issued in 2023; and

(e) by such other means the director of the department in his discretion determines will carry out the purposes of this section.

## SECTION 2

42-1506A. LEMHI RIVER — MCFARLAND CAMPGROUND MINIMUM STREAM FLOW APPROPRIATION. (1) The water resource board is hereby authorized and directed to appropriate and hold in trust for the people of the state of Idaho a minimum stream flow water right in a designated reach of the Lemhi River in accordance with the provisions of this section. The minimum stream flow appropriation shall be in the amount of 420 c.f.s at McFarland Campground located on the Lemhi River in the NWSE of Section 14, Township 17 North, Range 24 East, Boise Meridian; provided, however, this right may not call against water rights with points of diversion from streams administered as separate streams pursuant to the SRBA Basin 74 General Provision approved by the SRBA District Court on January 2, 2006, except as to stream flow maintenance water rights appropriated pursuant to section 42-251, Idaho Code. The elements of this water right shall include the following:

- C) This water right may be exercised only two years out of every five years. The five-year period shall be a rolling period.
- D) The exercise of the right shall be limited to a duration of three days, during the March 15th to July 6<sup>th</sup> period of use. The three-day period shall be timed to occur as near as possible to the peak of Lemhi runoff.

(2) The water resource board shall appropriate the minimum stream flow water right authorized under this section in accordance with the provisions of section [42-1503](#), Idaho Code. In acting upon the application for permit, the director of the department of water resources need not determine that the appropriation is capable of being maintained based upon records of existing stream flows because it is anticipated that the water right will be maintained through conditions on water rights acquired pursuant to 42-251, Idaho Code.

(3) Upon the board's filing of an application for permit to appropriate water as directed by this section, the director of the department of water resources is authorized and directed, on an interim basis pending final action on the application for permit, to distribute water under the filing in accordance with the doctrine of prior appropriation using a priority date as of the filing of the application for permit.

## SECTION 3.

42-1506B. BIG TIMBER, BOHANNAN, CANYON, AND HAYDEN — MINIMUM STREAM FLOW APPROPRIATIONS. (1) The water resource board is hereby authorized and directed to appropriate and hold in trust for the people of the state of Idaho minimum stream flow water rights for Big Timber, Bohannon, Canyon, and Hayden creeks in accordance with the provisions of this section.

(a) The minimum stream flow for Big Timber Creek shall be 18 c.f.s from March 15 to July 31 and 10 c.f.s from August 1 to March 14 from the headwaters of Big Timber Creek in Section 30, Township 14 North, Range 25 East, Boise Meridian to its confluence with the Lemhi River in the southeast quarter of Section 20, Township 16 North, Range 26 East, Boise Meridian.

(b) The minimum stream flow appropriation for Bohannon Creek shall be 13 c.f.s from March 15 to July 31 and 8.5 c.f.s from August 1 to March 14 from the headwaters of

Bohannon Creek in the northwest quarter of Section 19, Township 22 North, Range 24 East, Boise Meridian to its confluence with the Lemhi River in the northwest quarter of Section 33, Township 21 North, Range 23 East, Boise Meridian.

(c) The minimum stream flow for Canyon Creek shall be 16 c.f.s from March 15 to July 31 and 4 c.f.s from August 1 to March 14 from the headwaters of Canyon Creek in Government Lot 5, Section 18, Township 17 North, Range 27 East, Boise Meridian to its confluence with the Lemhi River in the northwest quarter of Section 28, Township 16 North, Range 26 East, Boise Meridian.

(d) The minimum stream flow for Hayden Creek shall be 60 c.f.s from March 15 to July 31 and 13 c.f.s from August 1 to March 14 from the headwaters of Hayden Creek in Section 14, Township 16 North, Range 22 East, Boise Meridian to its confluence with the Lemhi River in the southwest quarter, Section 21, Township 18 North, Range 24 East, Boise Meridian.

(2) In acting upon the applications for permit, the director of the department of water resources need not determine that the appropriation is capable of being maintained based upon records of existing stream flows because it is anticipated the water rights will be maintained through voluntary agreements between the IWRB and Basin 74 water users in accordance with Idaho law.

(3) The minimum stream flows provided for in this Section shall be junior to all previously decreed, licensed, or permitted water rights. The minimum stream flows shall also be junior to all pending water right applications.

(4) Upon the board's filing of applications for permit to appropriate water as directed by this section, the director of the department of water resources is authorized and directed, on an interim basis pending final action on the applications for permit, to distribute water under the filings in accordance with the doctrine of prior appropriation using a priority date as of the filing of the application for permit.

(5) These minimum stream flow applications for permit are in satisfaction of the local public interest requirement of Idaho Code 42-203A(5)(e) as it pertains to processing of existing and future water right applications on Big Timber, Bohannon, Canyon and Hayden Creeks.



ATTACHMENT B

AGREEMENT TO BECOME A PARTY TO LEMHI RIVER BASIN  
COMPREHENSIVE SETTLEMENT AGREEMENT  
BETWEEN THE IDAHO WATER RESOURCE BOARD, IDAHO DEPARTMENT  
OF FISH AND GAME, IDAHO OFFICE OF SPECIES CONSERVATION  
AND VARIOUS LEMHI BASIN WATER USERS

INDIVIDUAL

I \_\_\_\_\_ am the owner of Lemhi Irrigation Water Right(s) no. \_\_\_\_\_, and I have reviewed the ***Lemhi Basin Comprehensive Settlement Agreement between the Idaho Water Resource Board, Idaho Department of Fish and Game, Idaho Office of Species Conservation*** (“Agreement”) dated \_\_\_\_\_, and that I desire to become a party to the Agreement and by signing this form agree to be bound by all terms and conditions of the Agreement.

\_\_\_\_\_ Dated: \_\_\_\_\_

\_\_\_\_\_  
Print Name

CORPORATION, PARTNERSHIP, TRUST OR OTHER LEGAL ENTITY

I \_\_\_\_\_ am the agent/officer of \_\_\_\_\_ the owner of Lemhi Irrigation Water Right(s) no. \_\_\_\_\_. I represent that the owner has reviewed the ***Lemhi Basin Comprehensive Settlement Agreement between the Idaho Water Resource Board, Idaho Department of Fish and Game, Idaho Office of Species Conservation*** (“Agreement”) dated \_\_\_\_\_, and it has granted me the full right power, and authority to sign this form binding the owner to all terms and conditions of the Agreement on its behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this consent to be bound by the Agreement.

\_\_\_\_\_ Dated: \_\_\_\_\_

\_\_\_\_\_  
Officer/Agent

\_\_\_\_\_  
Print Name and Title

# Memorandum



To: Idaho Water Resource Board  
From: Neeley Miller, Planning & Projects Bureau  
Date: January 10, 2022  
Re: Financial Status Report

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As of **December 31, 2021** the IWRB's available and committed balances are as follows:

**Secondary Aquifer Fund:**

Committed/earmarked but not disbursed	\$20,921,490
Uncommitted Balance	\$7,099,349

**Revolving Development Account:**

Committed/earmarked but not disbursed	\$19,345,135
Loan principal outstanding	\$17,232,581
Uncommitted Balance	\$16,848,298
Anticipated loanable funds available next 1 year	\$20,348,298

**Water Management Account**

Committed/earmarked but not disbursed	\$71,021,372
Uncommitted Balance	\$169,563

<b>Total committed/earmarked but not disbursed</b>	<b>\$111,287,997</b>
<b>Total loan principal outstanding</b>	<b>\$17,232,581</b>
<b>Total uncommitted balance</b>	<b>\$24,117,210</b>

- The committed/earmarked balance in the Water Management Account includes the \$20M legislative appropriation per HB 285 (FY 2019) for the Anderson Reservoir Enlargement and/or Mountain Home Air Force Base Water Supply Project.
- The Water Management also includes \$50M for large infrastructure projects per Senate Bill 1121 (FY 2021) for the Anderson Ranch enlargement, Mountain Air Force Base Water Supply Project, ESPA Managed Aquifer Recharge Program, other projects identified by the IWRB.

Idaho Water Resource Board  
Budget and Committed Funds  
as of December 31, 2021

SECONDARY AQUIFER PLANNING, MANAGEMENT, & IMPLEMENTATION FUND

FYE 2021 Cash Balance..... 22,090,758.59

**FY 2022 Revenue**

Interest Earned State Treasury.....	37,147.78
HB547 - State Recharge & Aquifer Stabilization (SRAS).....	1,646,998.26
SB1190, Section 4 - Water Sustainability.....	5,000,000.00
Department of Energy Grant (\$928K) ESPA - 29871.....	608,500.00
Department of Energy Grant (\$1.14M) Big Lost - 29872.....	284,000.00
Department of Energy Grant (\$832K) Raft River - 29874.....	

**TOTAL FY 2022 REVENUE..... 7,576,646.04**

**FY 2022 Expenditures**

SRAS Equipment & Supplies - FY 22.....	(39,569.06)
SRAS Conveyance Costs - FY 22.....	(51,281.00)
SRAS Site Monitoring - FY 22.....	(127,444.82)
SRAS Regional Monitoring - FY 22.....	(73,981.14)
Butte & Market Lake Canal Company (CON01462).....	(26,806.00)
Connect Engineering (CON01458).....	(9,685.00)
Egin Bench Canals Inc (CON01425).....	(30,472.81)
Quadrant Consulting Inc (CON01514, Large Upper Valley Study).....	(31,876.54)
Quadrant Consulting Inc (CON01527, MP31 Embankment Construction Oversight).....	(1,242.93)
The Ferguson Group (FY 2022 Budget).....	(48,108.63)
Steve Stuebner (FY 2022 Budget) - Media Services.....	(14,173.15)
Clive Strong (CON01470, CON01555).....	(37,268.88)
Parsons, Behle, and Latimer (CON01479).....	(21,789.22)
Misc Costs for IWRB and staff, flowmeters.....	(61,380.84)
WS Hydrology Monitoring - FY 22.....	(92,885.19)
USGS - 6605 (Treasure Valley Modeling).....	(34,197.18)
University of Idaho (CON01285, Modeling).....	(19,063.62)
University of Idaho (CON01424, CON01520, Raft River).....	(62,500.00)
Boise State University (CON01503).....	(37,087.56)
Department of Energy Grant expenditures (ESPA costs) 29871.....	(651,240.30)
Department of Energy Grant expenditures (Big Lost costs) 29872.....	(163,142.71)
Department of Energy Grant expenditures (Raft River costs) 29874.....	(29.70)
Boise State University - Cloudseeding (29860) (CON01394).....	(5,679.10)
UCAR - Cloudseeding (CON01550).....	(795.73)
UCAR - Cloudseeding (CON01554).....	(4,864.16)

**TOTAL FY 2022 EXPENDITURES..... (1,646,565.27)**

FY 2022 Cash Balance..... 28,020,839.36

**COMMITTED FUNDS THRU FY 2018**

	Budget	Amended	Obligated	Expenditures	Carry forward	Committed
Mountain Home Air Force Base (PCA 29800).....	1,000,000.00	900,000.00	1,900,000.00	(1,197,691.65)		702,308.35
Remaining Initial Funds.....	1,000,000.00	900,000.00	1,900,000.00	(1,197,691.65)	0.00	702,308.35

**ESPA Managed Recharge Infrastructure**

Butte Market Lake Recharge Well (CON01462).....	110,000.00		110,000.00	(110,000.00)		0.00
Egin Lakes Recharge Project, Phase II (CON01225).....	500,000.00	80,000.00	580,000.00	(539,054.87)		40,945.13

Total ESPA Managed Recharge Infrastructure.....	610,000.00	80,000.00	690,000.00	(649,054.87)	0.00	40,945.13	
<b>STATEWIDE STUDIES &amp; PROJECTS</b>							
<b>OTHER STATEWIDE STUDIES &amp; PROJECTS</b>							
Ground water conservation grants in priority aquifers (CON01205 & CON01223)....	200,000.00		200,000.00	(77,984.03)	(112,515.97)	9,500.00	
NRCS Snow Survey contribution USDA (CON01177).....	100,000.00	100,000.00	200,000.00	(150,000.00)		50,000.00	
<b>Total Statewide Studies &amp; Projects</b>	<b>300,000.00</b>	<b>100,000.00</b>	<b>400,000.00</b>	<b>(227,984.03)</b>	<b>(112,515.97)</b>	<b>59,500.00</b>	
<b>TOTAL COMMITTED FUNDS THRU FY 2018.....</b>	<b>1,910,000.00</b>	<b>1,080,000.00</b>	<b>2,990,000.00</b>	<b>(2,074,730.55)</b>	<b>(112,515.97)</b>	<b>802,753.48</b>	<b>Adjustments</b>

<b>FY 2020 BUDGET</b>	<b>Budget (as approved - May 2019)</b>	<b>Amendments</b>	<b>Budget (as amended)</b>	<b>Obligated</b>	<b>Expenditures</b>	<b>Carry forward</b>	<b>Committed</b>
<b>ESPA Managed Recharge Infrastructure</b>							
Twin Falls Canal Company - Injection Wells.....	550,000.00		550,000.00	550,000.00		(372,000.00)	178,000.00
<b>Total ESPA Managed Recharge Infrastructure.....</b>	<b>550,000.00</b>	<b>0.00</b>	<b>550,000.00</b>	<b>550,000.00</b>	<b>0.00</b>	<b>(372,000.00)</b>	<b>178,000.00</b>
<b>Managed Recharge Investigations</b>							
Swan Highway Project Design (Connect Eng - CON01458)		100,000.00	100,000.00	100,000.00	(63,794.50)		36,205.50
<b>Total Managed Recharge Investigations.....</b>	<b>0.00</b>	<b>100,000.00</b>	<b>100,000.00</b>	<b>100,000.00</b>	<b>(63,794.50)</b>	<b>0.00</b>	<b>36,205.50</b>
<b>ESPA Hydrologic Monitoring</b>							
Hydrologic Monitoring (DOE - Year 2 of 3 = \$928K).....	310,000.00		310,000.00	310,000.00	(310,000.00)		0.00
<b>ESPA Hydrologic Monitoring .....</b>	<b>310,000.00</b>	<b>0.00</b>	<b>310,000.00</b>	<b>310,000.00</b>	<b>(310,000.00)</b>	<b>0.00</b>	<b>0.00</b>
<b>TREASURE VALLEY</b>							
Boise River Storage Studies.....		920,000.00	920,000.00	920,000.00	(795,000.00)		125,000.00
<b>TREASURE VALLEY TOTAL.....</b>	<b>0.00</b>	<b>920,000.00</b>	<b>920,000.00</b>	<b>920,000.00</b>	<b>(795,000.00)</b>	<b>0.00</b>	<b>125,000.00</b>
<b>BIG LOST</b>							
Hydrologic Monitoring (DOE - Year 2 of 3 = \$1.14M).....	380,000.00		380,000.00	380,000.00	(380,000.00)		0.00
<b>BIG LOST TOTAL.....</b>	<b>380,000.00</b>	<b>0.00</b>	<b>380,000.00</b>	<b>380,000.00</b>	<b>(380,000.00)</b>	<b>0.00</b>	<b>0.00</b>
<b>RAFT RIVER BASIN</b>							
Raft River Basin Hydrologic Project (CON01424).....		204,000.00	204,000.00	204,000.00	(203,022.58)		977.42
<b>RAFT RIVER BASIN TOTAL.....</b>	<b>0.00</b>	<b>204,000.00</b>	<b>204,000.00</b>	<b>204,000.00</b>	<b>(203,022.58)</b>	<b>0.00</b>	<b>977.42</b>
<b>TOTAL FY 2020 BUDGETED FUNDS.....</b>	<b>1,240,000.00</b>	<b>1,020,000.00</b>	<b>2,260,000.00</b>	<b>2,260,000.00</b>	<b>(1,548,794.50)</b>	<b>(372,000.00)</b>	<b>339,205.50</b>

<b>FY 2021 BUDGET</b>	<b>Budget (as approved - May 2020)</b>	<b>Amendments</b>	<b>Budget (as amended)</b>	<b>Obligated</b>	<b>Expenditures</b>	<b>Carry forward</b>	<b>Committed</b>
<b>ESPA Managed Recharge Operations</b>							
Conveyance Cost.....	3,500,000.00		3,500,000.00	3,500,000.00	(1,506,704.60)		1,993,295.40
<b>Total ESPA Managed Recharge Operations.....</b>	<b>3,500,000.00</b>	<b>0.00</b>	<b>3,500,000.00</b>	<b>3,500,000.00</b>	<b>(1,506,704.60)</b>	<b>0.00</b>	<b>1,993,295.40</b>
<b>ESPA Managed Recharge Infrastructure</b>							
Enterprise Project.....	2,000,000.00		2,000,000.00	2,000,000.00			2,000,000.00
MP 31 - BLM Road Embankment (CON01527, CON01533).....		320,000.00	320,000.00	320,000.00	(164,360.99)		155,639.01
<b>Total ESPA Managed Recharge Infrastructure.....</b>	<b>2,000,000.00</b>	<b>320,000.00</b>	<b>2,320,000.00</b>	<b>2,320,000.00</b>	<b>(164,360.99)</b>	<b>0.00</b>	<b>2,155,639.01</b>
<b>Managed Recharge Investigations</b>							
Large Upper Valley Project.....	300,000.00		300,000.00	300,000.00	(77,581.54)		222,418.46

Cloudseeding - BSU CON01394		20,409.00	20,409.00	20,409.00	(20,328.74)		80.26
<b>Total Managed Recharge Investigations.....</b>	<b>300,000.00</b>	<b>20,409.00</b>	<b>320,409.00</b>	<b>320,409.00</b>	<b>(97,910.28)</b>	<b>0.00</b>	<b>222,498.72</b>
<b>ESPA Hydrologic Monitoring</b>							
Hydrologic Monitoring (DOE - Year 3 of 3 = \$928K).....	308,000.00		308,000.00	308,000.00	(436,475.47)		(128,475.47)
<b>ESPA Hydrologic Monitoring .....</b>	<b>308,000.00</b>	<b>0.00</b>	<b>308,000.00</b>	<b>308,000.00</b>	<b>(436,475.47)</b>	<b>0.00</b>	<b>(128,475.47)</b>
<b>TREASURE VALLEY</b>							
Treasure Valley Modeling Year 5 of 5 (USGS 6605).....	500,000.00		500,000.00	500,000.00	(41,381.72)		458,618.28
<b>TREASURE VALLEY TOTAL.....</b>	<b>500,000.00</b>	<b>0.00</b>	<b>500,000.00</b>	<b>500,000.00</b>	<b>(41,381.72)</b>	<b>0.00</b>	<b>458,618.28</b>
<b>RAFT RIVER</b>							
Raft River Hydrologic Characterization.....	100,000.00	375,000.00	475,000.00	475,000.00	(97,948.01)		377,051.99
Hydrologic Monitoring (DOE - Year 1 of 3 = \$832K).....	277,000.00		277,000.00	277,000.00	(99.83)		276,900.17
<b>RAFT RIVER TOTAL.....</b>	<b>377,000.00</b>	<b>375,000.00</b>	<b>752,000.00</b>	<b>752,000.00</b>	<b>(98,047.84)</b>	<b>0.00</b>	<b>653,952.16</b>
<b>BIG LOST</b>							
Hydrologic Monitoring (DOE - Year 3 of 3 = \$1.14M).....	380,000.00		380,000.00	380,000.00	(196,834.61)		183,165.39
<b>BIG LOST TOTAL.....</b>	<b>380,000.00</b>	<b>0.00</b>	<b>380,000.00</b>	<b>380,000.00</b>	<b>(196,834.61)</b>	<b>0.00</b>	<b>183,165.39</b>
<b>LEMHI BASIN</b>							
Lemhi Basin SCR 137.....	200,000.00		200,000.00	200,000.00	(238,321.90)		(38,321.90)
<b>LEMHI BASIN TOTAL.....</b>	<b>200,000.00</b>	<b>0.00</b>	<b>200,000.00</b>	<b>200,000.00</b>	<b>(238,321.90)</b>	<b>0.00</b>	<b>(38,321.90)</b>
<b>COOPERATIVE CLOUD SEEDING PROGRAM</b>							
Program Development Activities .....	500,000.00		500,000.00	500,000.00			500,000.00
<b>COOPERATIVE CLOUD SEEDING PROGRAM TOTAL.....</b>	<b>500,000.00</b>	<b>0.00</b>	<b>500,000.00</b>	<b>500,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>500,000.00</b>
<b>STATE-WIDE</b>							
Statewide Surface Water & Aquifer Monitoring.....	850,000.00		850,000.00	850,000.00	(572,519.50)		277,480.50
<b>STATE-WIDE TOTAL.....</b>	<b>850,000.00</b>	<b>0.00</b>	<b>850,000.00</b>	<b>850,000.00</b>	<b>(572,519.50)</b>	<b>0.00</b>	<b>277,480.50</b>
<b>TOTAL FY 2021 BUDGETED FUNDS.....</b>	<b>8,915,000.00</b>	<b>715,409.00</b>	<b>9,630,409.00</b>	<b>9,630,409.00</b>	<b>(3,352,556.91)</b>	<b>0.00</b>	<b>6,277,852.09</b>

<b>FY 2022 BUDGET</b>	<b>Budget (as approved - May 2022)</b>	<b>Amendments</b>	<b>Budget (as amended)</b>	<b>Obligated</b>	<b>Expenditures</b>	<b>Carry forward</b>	<b>Committed</b>
<b>ESPA Managed Recharge Operations</b>							
Equipment & Supplies.....	190,000.00		190,000.00	190,000.00	(39,569.06)		150,430.94
Conveyance Cost.....	3,500,000.00		3,500,000.00	3,500,000.00	(51,281.00)		3,448,719.00
Recharge Monitoring.....	520,000.00		520,000.00	520,000.00	(127,444.82)		392,555.18
Regional Monitoring.....	225,000.00		225,000.00	225,000.00	(73,981.14)		151,018.86
<b>Total ESPA Managed Recharge Operations.....</b>	<b>4,435,000.00</b>	<b>0.00</b>	<b>4,435,000.00</b>	<b>4,435,000.00</b>	<b>(292,276.02)</b>	<b>0.00</b>	<b>4,142,723.98</b>
<b>ESPA Managed Recharge Infrastructure</b>							
ESPA Upper Valley Sites.....	1,500,000.00		1,500,000.00	1,500,000.00			1,500,000.00
Minidoka Irrigation District RechargeProject.....	300,000.00		300,000.00	300,000.00			300,000.00
Bute Market Lake Recharge Wells.....	250,000.00		250,000.00	250,000.00			250,000.00
Enterprize Project.....	200,000.00		200,000.00	200,000.00			200,000.00
Reserved for Additional Recharge Projects.....	500,000.00		500,000.00	500,000.00			500,000.00
<b>Total ESPA Managed Recharge Infrastructure.....</b>	<b>2,750,000.00</b>	<b>0.00</b>	<b>2,750,000.00</b>	<b>2,750,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2,750,000.00</b>
<b>Managed Recharge Investigations</b>							
Large Upper Valley Project.....	500,000.00		500,000.00	500,000.00			500,000.00

Reserved for additional investigations and engineering.....	500,000.00		500,000.00	500,000.00			500,000.00
<b>Total Managed Recharge Investigations.....</b>	<b>1,000,000.00</b>	<b>0.00</b>	<b>1,000,000.00</b>	<b>1,000,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,000,000.00</b>
<b>COOPERATIVE CLOUD SEEDING PROGRAM</b>							
<b>Operations &amp; Maintenance</b>							
Boise, Wood, Upper Snake - 1/3 Cost Share.....	950,000.00		950,000.00	950,000.00			950,000.00
Boise, Wood, Upper Snake - Program Shortages.....	500,000.00		500,000.00	500,000.00			500,000.00
Bear - Pilot Program.....	300,000.00		300,000.00	300,000.00			300,000.00
<b>Capital</b>							
Weather Instrumentation - Year 1 of 5, Total \$200,000.....	10,000.00		10,000.00	10,000.00			10,000.00
<b>Modeling</b>							
SNOWIE Data Analysis - Year 1 of 3, Total \$600,000.....	200,000.00		200,000.00	200,000.00			200,000.00
HPC Administration.....	43,000.00		43,000.00	43,000.00			43,000.00
<b>Research &amp; Development</b>							
Pgm Expansion - New Basin Feasibility Studies.....	500,000.00		500,000.00	500,000.00			500,000.00
Technology - SWEdar Project.....	35,000.00		35,000.00	35,000.00			35,000.00
<b>COOPERATIVE CLOUD SEEDING PROGRAM TOTAL.....</b>	<b>2,538,000.00</b>	<b>0.00</b>	<b>2,538,000.00</b>	<b>2,538,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2,538,000.00</b>
<b>TREASURE VALLEY</b>							
Monitoring in Support of Treasure Valley Model.....	125,000.00		125,000.00	125,000.00			125,000.00
<b>TREASURE VALLEY TOTAL.....</b>	<b>125,000.00</b>	<b>0.00</b>	<b>125,000.00</b>	<b>125,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>125,000.00</b>
<b>RAFT RIVER</b>							
Raft River Hydrologic Characterization.....	225,000.00		225,000.00	225,000.00	0.00		225,000.00
Hydrologic Monitoring (DOE - Year 1 of 3 = \$832K).....	277,000.00		277,000.00	277,000.00	0.00		277,000.00
<b>RAFT RIVER TOTAL.....</b>	<b>502,000.00</b>	<b>0.00</b>	<b>502,000.00</b>	<b>502,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>502,000.00</b>
<b>BIG LOST</b>							
USGS/IGS Support - JFA 29850.....	75,000.00		75,000.00	75,000.00			75,000.00
Big Lost Stream Gages (one year funding).....	100,000.00		100,000.00	100,000.00			100,000.00
<b>BIG LOST TOTAL.....</b>	<b>175,000.00</b>	<b>0.00</b>	<b>175,000.00</b>	<b>175,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>175,000.00</b>
<b>PALOUSE BASIN</b>							
Water Supply Alternatives Next Steps.....	250,000.00		250,000.00	250,000.00			250,000.00
<b>PALOUSE BASIN TOTAL.....</b>	<b>250,000.00</b>	<b>0.00</b>	<b>250,000.00</b>	<b>250,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>250,000.00</b>
<b>BEAR RIVER BASIN</b>							
Tri-State Water Sustainability Initiative.....	250,000.00		250,000.00	250,000.00			250,000.00
<b>BEAR RIVER BASIN TOTAL.....</b>	<b>250,000.00</b>	<b>0.00</b>	<b>250,000.00</b>	<b>250,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>250,000.00</b>
<b>LEWISTON</b>							
Future Water Sustainability Projects.....	250,000.00		250,000.00	250,000.00			250,000.00
<b>LEWISTON TOTAL.....</b>	<b>250,000.00</b>	<b>0.00</b>	<b>250,000.00</b>	<b>250,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>250,000.00</b>
<b>MOUNTAIN HOME/ELMORE COUNTY</b>							
Mtn Home/Elmore County Water Sustainability Projects.....	700,000.00		700,000.00	700,000.00			700,000.00
<b>MOUNTAIN HOME/ELMORE COUNTY TOTAL.....</b>	<b>700,000.00</b>	<b>0.00</b>	<b>700,000.00</b>	<b>700,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>700,000.00</b>
<b>LEMHI BASIN</b>							
Support of Water Sustainability Initiatives.....	500,000.00		500,000.00	500,000.00			500,000.00
<b>LEMHI BASIN TOTAL.....</b>	<b>500,000.00</b>	<b>0.00</b>	<b>500,000.00</b>	<b>500,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>500,000.00</b>
<b>STATEWIDE</b>							
Administrative expenses (public information, staff training, etc).....	85,000.00		85,000.00	85,000.00	(75,553.99)		9,446.01
Professional Assistance for securing Federal Funding.....	100,000.00		100,000.00	100,000.00	(48,108.63)		51,891.37

Statewide Surface Water & Aquifer Monitoring.....	300,000.00		300,000.00	300,000.00	(129,972.75)		170,027.25
<b>STATEWIDE TOTAL.....</b>	<b>485,000.00</b>	<b>0.00</b>	<b>485,000.00</b>	<b>485,000.00</b>	<b>(253,635.37)</b>	<b>0.00</b>	<b>231,364.63</b>
Unspecified Projects in Other Areas or Carry-over.....	1,417,000.00		1,417,000.00	1,417,000.00			1,417,000.00
<b>TOTAL FY 2022 BUDGETED FUNDS.....</b>	<b>15,377,000.00</b>	<b>0.00</b>	<b>15,377,000.00</b>	<b>15,377,000.00</b>	<b>(545,911.39)</b>	<b>0.00</b>	<b>14,831,088.61</b>

IDAHO WATER RESOURCE BOARD  
Sources and Applications of Funds  
as of December 31, 2021  
REVOLVING DEVELOPMENT ACCOUNT

Original Appropriation (1969).....	\$500,000.00
Legislative Appropriation FY90-91.....	\$250,000.00
Legislative Appropriation FY91-92.....	\$280,700.00
Legislative Appropriation FY93-94.....	\$500,000.00
Legislative Appropriation 2001, SB1239.....	\$200,000.00
Legislative Appropriation 2004, HB843, Sec 12.....	\$500,000.00
Loan Interest.....	\$13,565,645.31
Interest Earned State Treasury (Transferred).....	\$2,377,247.83
Water Supply Bank Receipts.....	\$8,510,838.17
Transferred to/from Water Management Account.....	\$317,253.80
Filing Fee Balance.....	\$47,640.20
Bond Fees.....	\$1,469,601.45
Series 2000 (Caldwell/New York) Pooled Bond Issuers fees.....	\$43,657.93
2012 Ground Water District Bond Issuer fees.....	\$366,000.00
Bond Issuer fees.....	\$21,107.59
Pierce Well Easement.....	\$2,000.00
Transfer from Aqualife Hatchery Sub-Account.....	\$1,117,800.85
Transfer from Pristine Springs Sub-Account.....	\$554,882.10
Legislative Audits.....	(\$49,404.45)
IWRB Bond Program.....	(\$18,600.00)
IWRB Studies and Projects.....	(\$249,067.18)
Arbitrage Calculation Fees.....	(\$14,000.00)
Protest Fees.....	(\$995.00)
Attorney fees for Jughandle LID (Skinner Fawcett).....	(\$3,600.00)
Attorney fees for A&B Irrigation (Skinner Fawcett).....	(\$4,637.50)
Lemhi Basin Protest Costs - (Attorney General's Office).....	(\$32,279.54)
Weiser Galloway Study - US Army Corps of Engineers.....	(\$1,555,450.71)
Boise River Storage Feasibility Study.....	(\$333,000.00)
Geotech Environmental (Transducers).....	(\$6,402.61)
Priest Lake Improvement Study (16-Mar-16).....	(\$917,725.21)
Priest Lake Construction Project Contribution.....	(\$830,864.50)
Treasureton Irrigation Ditch Co.....	(\$5,000.00)
<b>Mountain Home AFB Water Sustainability Project (29514)</b>	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$4,000,000.00
JR Simplot - WR Purchase.....	(\$2,500,000.00)
LeMoyné 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 (29517)</b>	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$2,000,000.00
Galloway Dam & Reservoir Project Costs (HB 479).....	(\$124,649.52)
<b>Balance Galloway Dam &amp; Reservoir Project.....</b>	<b>\$1,875,350.48</b>
<b>Boise River (Arrowrock Enlargement) Feasibility Study (29518)</b>	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$1,500,000.00
Boise River (Arrowrock Enlargement) Feasibility Study Costs (HB479).....	(\$1,500,000.00)
<b>Balance Boise River (Arrowrock Enlargement) Feasibility Study (HB479).....</b>	<b>\$0.00</b>
<b>Island Park Enlargement (29520)</b>	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$2,500,000.00
Island Park Enlargement Costs (HB 479).....	(\$174,170.00)
Transfer to Ririe Reservoir Flood Control (SB1190, Sec 7).....	(\$1,470,000.00)
<b>Balance Island Park Enlargement (HB 479).....</b>	<b>\$855,830.00</b>
<b>Water Supply Bank Computer Infrastructure (29519)</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>Cash Balance of Legislative Appropriation 2014, HB 479 Sec 1 and 2.....</b>	<b>\$2,733,829.73</b>
<b>Ririe Reservoir Flood Control</b>	
Rule Curve Modification.....	\$1,470,000.00
<b>Cash Balance Ririe Reservoir Flood Control Project.....</b>	<b>\$1,470,000.00</b>
<b>Minidoka Dam Enlargement/Teton Dam Replacement Studies (29510)</b>	
Legislative Appropriation 2008, SB1511 Sec 2, Minidoka/Teton Studies.....	\$1,800,000.00
Legislative Appropriation 2008, SB1511 Sec 2, Minidoka Studies Expenditures.....	(\$1,229,460.18)
<b>Balance for Minidoka Dam Enlargement/Teton Dam Replacement Studies.....</b>	<b>\$570,539.82</b>
<b>Priest Lake Water Management Project (29521)</b>	
Legislative Appropriation (2018, HB 677 Sec 5).....	\$2,400,000.00
Legislative Approval (2018, HB 677 Sec 6).....	\$2,419,580.50
Transfer to Priest Lake Construction Project.....	(\$4,169,135.50)
Bonner County Contribution.....	\$160,000.00
Sandpiper Shores Contribution.....	\$10,000.00
Legislative Approval (2020, HB 645 Sec 7).....	\$410,000.00



Interest Earned State Treasury.....	\$173,595.34	
<b>Total Priest Lake Water Management Project Revenue.....</b>		<b>\$1,404,040.34</b>
Contract Expenditures - Mott MacDonald (CON01426).....	(\$638,162.35)	
Dam Operator Contracts.....	(\$18,854.66)	
Misc Expenditures.....	(\$8,229.46)	
<b>Total Priest Lake Water Management Project Expenditures.....</b>		<b>(\$665,246.47)</b>
<b>Cash Balance Priest Lake Water Management Project.....</b>		<b>\$738,793.87</b>
Committed Funds		
Dam Operator Contracts (CON01445, CON01453, CON01454).....	\$0.00	
Dam Operator Contracts (CON01541, CON01542).....	\$35,223.54	
Mott MacDonald Contract (CON01426).....	\$0.00	
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$35,223.54</b>	
<b>Uncommitted Priest Lake Water Management Project Balance.....</b>		<b>\$703,570.33</b>
<b>Priest Lake Construction Project (29522)</b>		
Transfer to Priest Lake Construction Project.....	\$4,169,135.50	
Contribution from Uncommitted Funds.....	\$830,864.50	
Local Contribution.....	\$0.00	
<b>Total Priest Lake Construction Project Revenue.....</b>		<b>\$5,000,000.00</b>
Mott MacDonald Expenditures (CON01484).....	(\$706,124.37)	
Strider Construction - Outlet Dam Expenditures (CON01480).....	(\$782,935.04)	
Strider Construction - Thorofare Expenditures (CON01481).....	(\$2,052,265.86)	
Builder's Risk Insurance.....	(\$8,015.00)	
IDL Mineral Lease.....	(\$2,160.00)	
<b>Total Priest Lake Construction Project Expenditures.....</b>		<b>(\$3,551,500.27)</b>
<b>Cash Balance Priest Lake Construction Project.....</b>		<b>\$1,448,499.73</b>
Committed Funds		
Mott MacDonald Contract (CON01484).....	\$294,635.63	
Strider Construction - Outlet Dam (CON01480).....	\$818,173.96	
Strider Construction - Thorofare (CON01481).....	\$0.00	
Construction Contingency.....	\$335,690.14	
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$1,448,499.73</b>	
<b>Uncommitted Priest Lake Construction Project Balance.....</b>		<b>\$0.00</b>

<b>Bell Rapids Water Rights Sub-Account</b>		
Legislative Appropriation 2005, HB392.....	\$21,300,000.00	
Bureau of Reclamation Payments Received.....	\$29,446,335.46	
Remaining balance in ESPA Sub-Account.....	\$341,759.55	
Water Supply Bank Payments - Owner's Share.....	\$23,580.00	
Interest Earned State Treasury.....	\$698,613.04	
<b>Total Bell Rapids Water Rights Sub-Account Revenue.....</b>		<b>\$51,810,288.05</b>
Bell Rapids Purchase.....	(\$22,041,697.55)	
Transfer to General Fund - P&I.....	(\$22,072,052.06)	
Payment to US Bank for Alternative Financing Note.....	(\$7,118,125.86)	
Payment for Water District 02 Assessments.....	(\$105,708.60)	
Payment for Ongoing Bell Rapids Finance Costs (trustee fees, water bank)	(\$6,740.10)	
<b>Total Bell Rapids Water Rights Sub-Account Expenditures.....</b>		<b>(\$51,344,324.17)</b>
<b>Cash Balance Bell Rapids Water Rights Sub-Account.....</b>		<b>\$465,963.88</b>
Committed Funds		
Ongoing Bell Rapids Finance Costs (trustee fees, WD02).....	\$442,383.88	
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$442,383.88</b>	
<b>Uncommitted Bell Rapids Water Rights Sub-Account Balance.....</b>		<b>\$23,580.00</b>
<b>Pristine Springs Project Sub-Account</b>		
Rental Payments to be Transferred to Secondary Aquifer Fund.....	\$961,675.10	
Loan Interest.....	\$2,949,224.77	
Loan Principal from Magic Valley & North Snake GWD.....	\$6,588,424.77	
<b>Total Pristine Springs Project Revenue to be Transferred.....</b>		<b>\$10,499,324.64</b>
Total Pristine Springs Project Revenue Transferred to 0129-01.....	(\$5,129,300.00)	
Total Pristine Springs Project Revenue Transferred to 0129.....	(\$5,012,000.00)	
<b>Total Pristine Springs Project Sub-Account Transfers.....</b>		<b>(\$10,141,300.00)</b>
<b>Cash Balance Pristine Springs Sub-Account.....</b>		<b>\$358,024.64</b>
Pristine Springs Committed Funds		
Loan Payments to be transferred to 0129.....	\$0.00	
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$0.00</b>	
<b>Loans Outstanding for Purchase of PS Water Rights</b>		
Loan to North Snake & Magic Valley GWD.....	\$10,000,000.00	
Payments from North Snake & Magic Valley GWD.....	(\$6,588,424.77)	
Total Loans Outstanding.....	\$3,411,575.23	
<b>Uncommitted Pristine Springs Sub-Account.....</b>		<b>\$358,024.64</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	
<b>Rathdrum Prairie CAMP &amp; Treasure Valley CAMP Sub-Account Revenue.....</b>		<b>\$272,245.45</b>
Spokane River Forum.....	(\$23,000.00)	
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>Rathdrum Prairie CAMP &amp; Treasure Valley CAMP Sub-Account Expenditures.....</b>		<b>(\$123,500.00)</b>
<b>Cash Balance Rathdrum Prairie CAMP &amp; Treasure Valley CAMP Sub-Account.....</b>		<b>\$148,745.45</b>
Committed Funds		
Spokane River Forum.....	\$0.00	
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$0.00</b>	
<b>Uncommitted Rathdrum Prairie CAMP &amp; TV CAMP Sub-Account.....</b>		<b>\$148,745.45</b>
<b>Upper Salmon/CBWTP Sub-Account</b>		
Water Transaction Projects Payment Advances from CBWTP/accord.....	\$6,752,814.03	
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River.....	\$207,837.16	
Interest Earned State Treasury.....	\$371,472.32	
<b>Upper Salmon/CBWTP Sub-Account Revenue.....</b>		<b>\$7,332,123.51</b>
Transfer to Water Supply Bank.....	(\$113,279.97)	
Change of Ownership.....	(\$600.00)	
Appraisals/Closing Costs.....	(\$13,905.98)	
Payments for Water Acquisition.....	(\$3,601,557.03)	
<b>Upper Salmon/CBWTP Sub-Account Expenditures.....</b>		<b>(\$3,729,342.98)</b>
<b>Cash Balance CBWTP Sub-Account.....</b>		<b>\$3,602,780.53</b>
Committed Funds		
Administration of Non-Diversion Easements on Lemhi River.....	\$133,160.61	
Bar G Farms (Pahsimeroi- Little Mud).....	\$10,852.70	
Bayhorse Creek (Peterson Ranch).....	\$23,799.42	
Badger Creek (OWBP) WSB.....	\$2,389.10	
Beaver Creek (DOT LLP).....	\$98,302.78	
Big Timber Tyler Phase I(Leadore Land Partners).....	\$325,007.97	
Big Timber Tyler Phase II (Leadore Land Partners).....	\$84,182.61	
Bohannon Creek DJ (Barbara Stokes).....	\$776,939.88	
Bohannon Creek BS (Betty Stokes).....	\$382,064.78	
Canyon Creek/Big Timber Creek (Beyeler).....	\$313,841.65	
Carmen Creek (Bill Slavin).....	\$181,643.46	
Carmen Creek (Bruce Slavin).....	\$113,982.70	
Fourth of July Creek (Defiance Investments).....	\$12,115.84	
Iron Creek (Koncz).....	\$126,648.48	
Knapp Creek (Cape Horn Ranch LLC).....	\$14,891.76	
Kenney Creek Source Switch (Gail Andrews).....	\$18,733.48	
Lemhi - Big Springs (Merrill Beyeler).....	\$46,282.72	
Lemhi River & Little Springs Creek Kauer (McFarland Livestock Co).....	\$15,087.34	
Little Springs Creek (Snyder).....	\$201,793.10	
Lower Eighteenmile Creek (Ellsworth Angus Ranch).....	\$1,777.78	
Lower Lemhi Thomas (Robert Thomas).....	\$900.00	
P-9 Bowles (River Valley Ranch).....	\$178,240.05	
P-9 Charlton (Sydney Downton).....	\$11,851.25	
P-9 Downton (Western Sky LLC).....	\$142,015.61	

P-9 Elzinga (Elzinga).....	\$175,661.69	
Patterson-Big Springs PBSC9 (Silver Bit Angus/S Whitworth).....	\$137,783.69	
Pole Creek (Salmon Falls Land).....	\$557,407.12	
Pratt Creek (Mulkey).....	\$72,997.50	
Spring Creek (Richard Beard).....	\$1,562.61	
Spring Creek (Ella Beard).....	\$2,285.76	
Whitefish (Leadore Land Partners).....	\$98,791.54	
Total Committed Funds.....	\$4,262,994.98	
<b>Uncommitted CBWTP Sub-Account Balance.....</b>		<b>(<span style="color: red;">\$660,214.45</span>)</b>
<b>Water Supply Bank Sub-Account</b>		
Interest Earned State Treasury.....	\$35,722.74	
Payments received from renters.....	\$5,649,735.23	
Payments made to owners.....	<span style="color: red;">(\$5,060,017.74)</span>	
<b>Cash Balance Water Supply Bank Sub-Account.....</b>		<b>\$625,440.23</b>
Committed Funds:		
Owners Share.....	\$589,717.49	
Total Committed Funds.....	\$589,717.49	
<b>Uncommitted Water Supply Bank Sub-Account Balance.....</b>		<b>\$35,722.74</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.....	\$2,081,693.23	
Loan Interest.....	\$293,726.85	
Reimbursement from Commerce & Labor W-Canal.....	\$74,709.77	
Reimbursement from MVGWD & NSGWD-Pristine Springs.....	\$1,000,000.00	
Reimbursement from Water District 1 for Recharge.....	\$159,764.73	
Reimbursement from BOR for Palisades Reservoir.....	\$2,381.12	
Black Canyon Exchange Project Revenues.....	\$23,800.00	
<b>Eastern Snake Plain Sub-Account Revenue.....</b>		<b>\$13,836,075.70</b>
Installment payments to Bell Rapids Irr Co.....	<span style="color: red;">(\$3,375,180.00)</span>	
Interest Credit due to Bureau of Reclamation (Part of Fourth Installment) ..	<span style="color: red;">(\$19,860.45)</span>	
Pristine Springs Project Costs.....	<span style="color: red;">(\$6,863.91)</span>	
Palisades (FMC) Storage Costs.....	<span style="color: red;">(\$3,524,612.13)</span>	
W-Canal Project Costs.....	<span style="color: red;">(\$326,834.11)</span>	
Additional recharge projects preliminary development.....	<span style="color: red;">(\$7,919.75)</span>	
Transfer to Bell Rapids Sub Account.....	<span style="color: red;">(\$341,759.55)</span>	
Transfer to Pristine Springs Sub Account.....	<span style="color: red;">(\$1,000,000.00)</span>	
Transfer to Priest Lake Sub-Account (2018 HB 677, Sec 6).....	<span style="color: red;">(\$2,419,580.50)</span>	
<b>Eastern Snake Plain Sub-Account Expenditures.....</b>		<b>(<span style="color: red;">\$12,138,027.02</span>)</b>
<b>Cash Balance Eastern Snake Plain Sub-Account.....</b>		<b>\$1,698,048.68</b>
Loans and Other Commitments		
Commitment - Additional recharge projects preliminary development.....	\$337,594.00	
Commitment - Palisades Storage O&M.....	\$3,221.64	
Commitment - Black Canyon Exchange Project (fund with ongoing revenue).....	\$442,252.95	
Total Loans and Other Commitments.....	\$783,068.59	
<b>Eastern Snake Plain Sub-Account Balance after Commitments.....</b>		<b>\$914,980.09</b>
CREP Loans Outstanding:		
American Falls-Aberdeen GWD (CREP).....	\$24,845.18	
Bonneville Jefferson GWD (CREP).....	\$19,599.16	
Magic Valley GWD (CREP).....	\$0.00	
North Snake GWD (CREP).....	\$0.00	
TOTAL ESP CREP LOANS OUTSTANDING.....	\$44,444.34	
<b>Uncommitted Eastern Snake Plain Sub-Account Balance.....</b>		<b>\$870,535.75</b>
<b>Dworshak Hydropower Project</b>		
Power Sales & Other.....	\$13,702,336.73	
Interest Earned State Treasury.....	\$937,393.86	
<b>Total Dworshak Project Revenue.....</b>		<b>\$14,639,730.59</b>
Transferred to 1st Security Trustee Account.....	\$148,542.63	
Construction not paid through bond issuance.....	\$226,106.83	
First Security Fees.....	\$314,443.35	
Operations & Maintenance.....	\$3,372,321.62	
Powerplant Repairs.....	\$180,409.72	
Bond payoff.....	\$391,863.11	
Capital Improvements.....	\$318,366.79	
FERC Payments.....	\$137,252.80	
<b>Total Dworshak Project Expenditures.....</b>		<b>(<span style="color: red;">\$5,089,306.85</span>)</b>
<b>Cash Balance Dworshak Hydropower Project.....</b>		<b>\$9,550,423.74</b>
Dworshak Project Committed Funds		
Emergency Repair/Future Replacement Fund.....	\$5,705,156.13	
FERC Fee Payment Fund.....	\$0.00	
Total Dworshak Project Committed Funds.....	\$5,705,156.13	
<b>Uncommitted Dworshak Hydropower Project Sub-Account Balance.....</b>		<b>3,845,267.61</b>
<b>TOTAL.....</b>		<b>\$30,448,616.14</b>
<b>Loans Outstanding:</b>	<b>Amount Loaned</b>	<b>Principal Balance</b>
A&B Irrigation District (Pipeline & Pumping Plant, Dec).....	\$3,500,000.00	\$2,528,516.48
A&B Irrigation District (Pipeline & Pumping Plant, Sept).....	\$3,500,000.00	\$2,679,594.10
Bee Line Water Association (Sep 23, 2014; System Improvements).....	\$600,000.00	\$524,115.34
Bennington Irrigation Company.....		\$117,184.82
Canyon County Drainage District No. 2 ( 28-Nov-12; Drain tile pipeline repla	\$35,000.00	\$4,234.10
Clearview Water Company.....	\$50,000.00	\$21,793.07
Consolidated Irrigation Company (July 20, 2012; pipeline project).....	\$500,000.00	\$387,633.36
Dalton Water Association.....	\$1,036,900.00	\$872.76
Evans Water Corporation & HOA.....	\$20,000.00	\$13,215.91
Foothill Ranch Homeowners Association (7-oct-11; well rehab).....	\$150,000.00	\$65,824.99

Goose Lake Reservoir Corp.....	\$320,000.00	\$248,626.52	
Last Chance Canal Company (14-July-2015, diversion dam rebuild).....	\$2,500,000.00	\$1,703,558.51	
Marysville Irrigation Company (9-May-08, Pipeline Project Phase 2).....	\$1,100,000.00	\$131,042.29	
Milner Irrigation District (pipeline replacement).....	\$2,000,000.00	\$1,948,038.05	
North Side Canal Company (Phase 1 - canal rehab project).....	\$1,846,092.61	\$1,545,025.22	
Outlet Water Association (22-Jan-16; new well & improvements).....	\$100,000.00	\$59,170.91	
Pinehurst Water District (23-Jan-15).....	\$100,000.00	\$27,615.17	
Point Springs Grazing Association (July 20, 2012; stock water pipeline).....	\$48,280.00	\$11,911.00	
Point Springs Grazing Association.....	\$47,335.53	\$30,000.00	
Producers Irrigation Company.....	\$102,127.50	\$20,861.08	
South Valley Ground Water District.....	\$150,000.00	\$150,000.00	
St. Johns Irrigating Company (14-July-2015; pipeline project).....	\$1,417,905.22	\$1,117,909.90	
Twin Lakes Canal Company (Winder Lateral Pipeline Project).....	\$500,000.00	\$52,472.29	
Valley County Local Improvement District No. 1/Jughandle HOA (well project).....	\$907,552.00	\$387,346.04	
<b>TOTAL LOANS OUTSTANDING.....</b>			<b>\$13,776,561.91</b>
<b>Loans and Other Funding Obligations:</b>			
Reserved for Future Loans.....		\$0.00	
Bennington Irrigation Company.....		\$82,815.18	
North Fremont Canal Company.....		\$500,000.00	
Point Springs Grazing Association.....		\$17,335.53	
South Valley Ground Water District.....		\$0.00	
<b>TOTAL LOANS AND OTHER FUNDING OBLIGATIONS.....</b>			<b>\$600,150.71</b>
<b>Uncommitted Funds.....</b>			<b>\$16,071,903.52</b>
<b>TOTAL.....</b>			<b>\$30,448,616.14</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 December 31, 2021  
WATER MANAGEMENT ACCOUNT

Original Appropriation (1978).....		\$1,000,000.00	
Transfer funds to General Account 1101(HB 130, 1983).....		(\$500,000.00)	
Legislative Appropriation (6/29/1984).....		\$115,800.00	
Legislative Appropriation (SB1239, 2001).....		\$200,000.00	
Interest Earned.....		\$123,934.48	
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 (HB988, 1994).....		\$75,000.00	
Reverted to General Account 6/30/95, (HB988, 1994).....		(\$35,014.25)	
Legislative Appropriation (SB1260, 1995, Aquifer Recharge, Caribou Dam).....		\$1,000,000.00	
Legislative Appropriation (SB1239, 2001, Sugarloaf Aquifer Recharge Project).....		\$60,000.00	
Reverted to General Fund 1/22/19, (SB1239, 2001, Sugarloaf Aquifer Recharge Project).....		(\$4,046.31)	
Legislative Appropriation (HB 843 Sec 6, 2004, ESPA Settlement Water Rentals).....		\$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	
Lemhi River Water Right Appraisals.....		(\$31,000.00)	
Legislative Audits.....		(\$10,645.45)	
IWRB Appraisal Study (Charles Thompson).....		(\$5,000.00)	
Western States Water Council Annual Dues.....		(\$7,500.00)	
Transfer to/from Revolving Development Account.....		(\$317,253.80)	
Recharge Projects.....		(\$11,426.88)	
Grants Disbursed.....		(\$1,632,755.21)	
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, 2001).....		(\$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>CASH BALANCE</b> .....			<b>\$120,703.70</b>
<b>Large Projects Program Sub-Account</b>			
Legislative Appropriation (HB 285, Sec 1, 2019).....	\$20,000,000.00		
Legislative Appropriation (SB 1121, Sec 1, 2021).....	\$50,000,000.00		
Interest Earned State Treasury.....	\$661,533.93		
<b>Total Revenue for Large Projects Program Sub-Account.....</b>			<b>\$70,661,533.93</b>
Municipal Capital Markets Group Inc (CON01518).....		(\$8,102.50)	
DOI-BOR Agreement.....		(\$1,223,944.00)	
<b>Total Expenditures for Flood Management Program Sub-Account.....</b>			<b>(\$1,232,046.50)</b>
<b>Cash Balance for Large Projects Program Sub-Account.....</b>			<b>\$69,429,487.43</b>
<b>Water Quality Collection Program Sub-Account</b>			
Legislative Appropriation (HB 285, Sec 3, 2019).....	\$200,000.00		
Legislative Appropriation (HB 646, Sec 5, 2020).....	\$200,000.00		
Legislative Appropriation (HB 646, Sec 5, 2021).....	\$200,000.00		
Interest Earned State Treasury.....	\$5,443.44		
<b>Total Revenue for Water Quality Collection Program Sub-Account.....</b>			<b>\$605,443.44</b>
DOI-USGS Agreement FY 2020 - Mid-Snake River.....		(\$200,000.00)	
DOI-USGS Agreement FY 2021 - Mid-Snake River.....		(\$200,000.00)	
<b>Total Expenditures for Water Quality Collection Program Sub-Account.....</b>			<b>(\$400,000.00)</b>
<b>Cash Balance for Water Quality Collection Program Sub-Account.....</b>			<b>\$205,443.44</b>
<b>Flood Management Program Sub-Account</b>			
Legislative Appropriation (HB 712, Sec 1, 2018, Flood Management Program).....	\$1,000,000.00		
Legislative Appropriation (HB 285, Sec 3, 2019, Flood Management Program).....	\$800,000.00		
Legislative Appropriation (HB 646, Sec 5, 2020, Flood Management Program).....	\$800,000.00		
Legislative Appropriation (HB 646, Sec 5, 2021, Flood Management Program).....	\$800,000.00		
Interest Earned State Treasury.....	\$32,669.72		
<b>Total Revenue for Flood Management Program Sub-Account.....</b>			<b>\$3,432,669.72</b>
Grants Disbursed for Leg Approp (HB 712, Sec 1, 2018, Flood Mgmt Pg).....		(\$901,677.56)	
Grants Disbursed for Leg Approp (HB 285, Sec 3, 2019, Flood Mgmt Pg).....		(\$624,251.34)	
Grants Disbursed for Leg Approp (HB 646, Sec 5, 2020, Flood Mgmt Pg).....		(\$444,421.24)	
Grants Disbursed for Leg Approp (HB 646, Sec 5, 2021, Flood Mgmt Pg).....		(\$27,019.28)	
<b>Total Expenditures for Flood Management Program Sub-Account.....</b>			<b>(\$1,997,369.42)</b>
<b>Cash Balance for Flood Management Program Sub-Account.....</b>			<b>\$1,435,300.30</b>
<b>TOTAL.....</b>			<b>\$71,190,934.87</b>
<b>Flood Management Grant Program</b>			
<b>Flood Management Program grants - Year 1 (HB712, Sec 1, 2018)</b>	<b>Grant Amount</b>	<b>Expenditures</b>	<b>Remaining Balance</b>
<i>Flood Control District 9 (CON01303).....</i>	<i>90,000.00</i>	<i>(\$84,851.70)</i>	<i>5,148.30</i>
<i>Blaine County (CON01304).....</i>	<i>121,331.00</i>	<i>(121,331.00)</i>	<i>0.00</i>
<i>Cassia County (CON01305).....</i>	<i>42,336.38</i>	<i>(19,618.16)</i>	<i>22,718.22</i>

<i>Flood Control District 10 (CON01306 - New Dry Creek River Bank).....</i>	<i>78,400.00</i>	<i>(62,156.50)</i>	<i>16,243.50</i>
<i>Flood Control District 10 (CON01307 - Duck Alley Pit Capture).....</i>	<i>153,550.00</i>	<i>(105,470.43)</i>	<i>48,079.57</i>
<i>Flood Control District 10 (CON01308 - Porter &amp; Mulchay Gravel Removal).....</i>	<i>38,808.00</i>	<i>(35,250.77)</i>	<i>3,557.23</i>
<i>Clearwater Soil &amp; Water Conservation Dist (CON01309).....</i>	<i>155,220.00</i>	<i>(155,219.00)</i>	<i>1.00</i>
<i>Flood Control District 10 (CON01310 - Leighton &amp; Wells Gravel Removal).....</i>	<i>22,000.00</i>	<i>(22,000.00)</i>	<i>0.00</i>
<i>Flood Control District 11 (CON01311).....</i>	<i>57,675.00</i>	<i>(55,100.00)</i>	<i>2,575.00</i>
<i>Twin Lakes/Flood Control Dist 17 (CON01312).....</i>	<i>7,750.00</i>	<i>(7,750.00)</i>	<i>0.00</i>
<i>Twin Falls Canal Company (CON01327).....</i>	<i>85,340.00</i>	<i>(85,340.00)</i>	<i>0.00</i>
<i>Nez Perce Soil &amp; Water Conservation Dist (CON01328).....</i>	<i>115,460.00</i>	<i>(115,460.00)</i>	<i>0.00</i>
<i>Riverside Village HOA (CON01329).....</i>	<i>6,025.00</i>	<i>(6,025.00)</i>	<i>0.00</i>
<i>City of Pocatello (CON01330).....</i>	<i>26,105.00</i>	<i>(26,105.00)</i>	<i>0.00</i>
<i>Uncommitted from HB712 Year 1.....</i>	<i>(98,322.82)</i>	<i>0.00</i>	<i>(98,322.82)</i>
<b>Total Committed Balance for Year 1.....</b>	<b>901,677.56</b>	<b>(901,677.56)</b>	<b>0.00</b>
<b>Flood Management Program grants - Year 2 (HB285, Sec 3, 2019)</b>			
<i>City of Boise (CON01396).....</i>	<i>6,371.00</i>	<i>(6,371.00)</i>	<i>0.00</i>
<i>Blaine County (CON01397).....</i>	<i>100,000.00</i>	<i>(96,555.00)</i>	<i>3,445.00</i>
<i>Board of Controls Irrigation (CON01398).....</i>	<i>59,050.00</i>	<i>(57,827.50)</i>	<i>1,222.50</i>
<i>Clearwater Soil &amp; Water Conservation District (CON01399).....</i>	<i>190,492.37</i>	<i>(190,490.18)</i>	<i>2.19</i>
<i>Clearwater Soil &amp; Water Conservation District (CON01400).....</i>	<i>72,727.39</i>	<i>(72,629.03)</i>	<i>98.36</i>
<i>City of Hailey (CON01401).....</i>	<i>50,000.00</i>	<i>(19,841.33)</i>	<i>30,158.67</i>
<i>Flood Control District No. 10 (CON01402).....</i>	<i>160,000.00</i>	<i>(160,000.00)</i>	<i>0.00</i>
<i>Idaho Soil and Water Conservation District (CON01403) - CANCELLED.....</i>	<i>159,436.00</i>		<i>159,436.00</i>
<i>Idaho Soil and Water Conservation District (CON01404).....</i>	<i>21,619.50</i>	<i>(20,537.30)</i>	<i>1,082.20</i>
<i>Blaine County (CON01405) - NOT EXECUTED.....</i>	<i>50,000.00</i>		<i>50,000.00</i>
<i>Uncommitted from HB285 Year 2.....</i>	<i>(245,444.92)</i>	<i>0.00</i>	<i>(245,444.92)</i>
<b>Total Committed Balance for Year 2.....</b>	<b>624,251.34</b>	<b>(624,251.34)</b>	<b>0.00</b>
<b>Flood Management Program grants - Year 3 (HB646, Sec 5, 2020)</b>			
<i>Flood Control District 10 - Boise River North Channel (CON01510).....</i>	<i>47,500.00</i>	<i>(47,500.00)</i>	<i>0.00</i>
<i>Flood Control District 10 - Boise River Canyon Reach 1 (CON01509).....</i>	<i>175,000.00</i>		<i>175,000.00</i>
<i>Idaho Soil &amp; Water Conservation District - Sill Creek (CON01488).....</i>	<i>10,960.28</i>	<i>(10,960.28)</i>	<i>0.00</i>
<i>Idaho Soil &amp; Water Conservation District - Lower Cottonwood Creek (CON01489).....</i>	<i>27,935.20</i>		<i>27,935.20</i>
<i>Idaho Soil &amp; Water Conservation District - Clear Creek (CON01490).....</i>	<i>18,570.60</i>	<i>(11,838.06)</i>	<i>6,732.54</i>
<i>City of Bellevue - Lower Howard Preserve (CON01491).....</i>	<i>57,880.00</i>	<i>(57,880.00)</i>	<i>0.00</i>
<i>Clearwater Soil &amp; Water Conservation District - Louse Creek (CON01492).....</i>	<i>24,687.00</i>	<i>(20,600.00)</i>	<i>4,087.00</i>
<i>Pioneer Irrigation District - Mason Creek (CON01493).....</i>	<i>148,500.00</i>		<i>148,500.00</i>
<i>Raft River Flood Control District 15 - (CON01494).....</i>	<i>80,525.00</i>	<i>(26,255.60)</i>	<i>54,269.40</i>
<i>Lewis Soil Conservation District - Alpine Road (CON01495).....</i>	<i>18,425.30</i>	<i>(18,425.30)</i>	<i>0.00</i>
<i>City of Orofino - Orofino Creek (CON01496).....</i>	<i>200,000.00</i>	<i>(200,000.00)</i>	<i>0.00</i>
<i>Twin Falls Canal Company &amp; City of Twin Falls (CON01497).....</i>	<i>50,962.00</i>	<i>(50,962.00)</i>	<i>0.00</i>
<i>Uncommitted from HB646 Year 3.....</i>	<i>0.00</i>		<i>0.00</i>
<b>Total Committed Balance for Year 3.....</b>	<b>860,945.38</b>	<b>(444,421.24)</b>	<b>416,524.14</b>
<b>Flood Management Program grants - Year 4 (SB1190, Sec 5, 2021)</b>			
<i>North Side Canal Company - Red Bridge Flood Mgmt Storage Pond (CON01564)....</i>	<i>200,000.00</i>		<i>200,000.00</i>
<i>Flood District 9 - Bellevue Side Channel Project (CON01565).....</i>	<i>111,508.00</i>		<i>111,508.00</i>
<i>Nez Perce County &amp; NPSWCD - Streambank Project.....</i>	<i>100,000.00</i>		<i>100,000.00</i>
<i>Flood District 17 - Rathdrum Creek Debris Project (CON01567).....</i>	<i>6,375.00</i>	<i>(6,375.00)</i>	<i>0.00</i>
<i>Adams Soil &amp; Water Conservation District - Grays Creek Project (CON01568).....</i>	<i>17,606.00</i>	<i>(17,227.40)</i>	<i>378.60</i>
<i>Clearwater Soil &amp; Water Conservation District - Heywood Bridge Project (CON01569).....</i>	<i>37,475.00</i>		<i>37,475.00</i>
<i>Clearwater Soil &amp; Water Conservation Dist - Swanson's Loop Project (CON01563).....</i>	<i>200,000.00</i>		<i>200,000.00</i>
<i>Reid Canal Company - Bannock Feeder Project (CON01570).....</i>	<i>200,000.00</i>		<i>200,000.00</i>
<i>Lewis Soil &amp; Water Conservation District - Tiede Road Flood Project (CON01571).....</i>	<i>71,910.00</i>		<i>71,910.00</i>
<i>Idaho Soil &amp; Water Conservation District - Clear Creek Project (CON01572).....</i>	<i>36,062.00</i>	<i>(3,416.88)</i>	<i>32,645.12</i>
<i>Uncommitted from SB1190 Year 4.....</i>	<i>0.00</i>		<i>0.00</i>
<b>Total Committed Balance for Year 4.....</b>	<b>980,936.00</b>	<b>(27,019.28)</b>	<b>953,916.72</b>
<b>Committed for Flood Management Grants.....</b>	<b>\$3,367,810.28</b>	<b>(\$1,997,369.42)</b>	<b>\$1,370,440.86</b>
<b>Other Funding Obligations</b>			
<i>ESPA Settlement Water Rentals (HB 843, 2004).....</i>		<i>\$16,000.00</i>	
<i>Large Water Projects Program.....</i>		<i>\$69,429,487.43</i>	
<i>Water Quality Collection Program.....</i>		<i>\$205,443.44</i>	
<b>Committed for Other Funding Obligations.....</b>			<b>\$69,650,930.87</b>
<i>Uncommitted Funds.....</i>			<i>\$169,563.14</i>
<b>TOTAL COMMITTED FUNDS BALANCE.....</b>			<b>\$71,021,371.73</b>

***Bold and italicized indicates that project is completed and entity has received final payment***

# Memorandum



To: Idaho Water Resource Board (IWRB)  
From: Brian Patton, Planning & Projects Bureau  
Date: January 12, 2022  
Re: Federal Affairs Update

---

**ACTION: No action is expected.**

---

Mark Limbaugh of The Ferguson Group will discuss Federal Affairs of interest to the IWRB.

# **Idaho Water Resource Board Federal Affairs Report**

**January 21, 2022**



- Infrastructure Investment and Jobs Act of 2021 - \$1.2 trillion over 5-years
  - Water Infrastructure Funding Included in the IIJA
    - Bureau of Reclamation - \$8.3 billion
    - Army Corps of Engineers - \$17.06 billion
    - Interior-USFS Wildfire Rehab - \$3.4 billion
    - USDA-NRCS P.L. 566/WRP/EWP - \$918 million
    - Interior-USDOT-Commerce Fish and Wildlife - \$3.1 billion
    - Tribal Settlements and Other Programs - \$3 billion
    - EPA Drinking Water SRF - \$17.3 billion
    - EPA Clean Water SRF - \$19.9 billion

# Additional FY 2022 Federal Funding



- Extending Government Funding and Delivering Emergency Assistance Act (CR)
  - Bureau of Reclamation - \$200 million added drought funding (spending plan announced December 2021)
  - \$35 million reserved for future drought needs
- FY 2022 Appropriations Bills
  - Currently being negotiated in Congress
  - February 18 deadline
  - Disaster supplemental in discussions
- Build Back Better (BBB) Act
  - Currently being negotiated in Senate

- Aging Federal Infrastructure Loans - \$3.2 billion
  - Transferred and Reserved Works Eligible – 100% Loan – 50-Years/T-Rates
  - Rehabilitation of Reclamation Projects Suffering Critical Failure in previous 2-years - \$100 million
  - Rehabilitation of Carey Act Dams built on or after Jan. 1, 1905 - \$100 million
- WIIN Act Storage Projects - \$1.15 billion
  - Small Storage Grants - \$100 million – 25% grant up to \$30M
- WaterSMART Grants - \$400 million
  - Natural Infrastructure - \$100 million – 75% federal cost share
- Water Reuse and Recycling Grants - \$1 billion
  - Large Reuse Projects (>\$500 million total cost) - \$450 million

- Desalination Project Grants - \$250 million
- Authorized Rural Water Projects - \$1 billion
- Dam Safety Projects - \$500 million
- Cooperative Watershed Management - \$100 million – 50-100% federal cost share
- Ecosystem Restoration Grants - \$250 million – 65% federal cost share
- Multi-Benefit Watershed Improvements - \$100 million – 50%-75% federal cost share

- Drought Contingency Plan – Colorado River - \$300 million
- ESA Species Recovery Programs – Colorado River - \$50 million
- Additional New Authorities (No Funding):
  - Provide Technical and Financial Assistance – Aquifer Recharge and Groundwater Storage – 50% federal cost share
  - Use of COVID ARPA Funds for Non-Federal Cost Share of Reclamation Projects
- Reclamation IIJA FY 2022 Spending Plan Announced Last Week
  - \$1.66 billion per year – \$8.3 billion over five years
  - Based on specific projects ready to construct – expected demand for grants

# 2022 Federal Legislative and Funding Priorities



- Finalize planning/design for Anderson Ranch Raise construction
  - WIIN Act funding under IIJA for any potential cost increase
- Grant funding for aquifer recharge/other water projects
  - Small Storage Grant Program
  - Seek appropriations to fund financial assistance under new Reclamation aquifer recharge authority
  - USDA/EPA cost share programs
- Western water legislation – WRDA
  - Potential legislative changes to IIJA
  - New storage funding program to replace/extend WIIN Act

# Questions

Mark Limbaugh  
The Ferguson Group LLC  
1901 Pennsylvania Avenue, NW, Suite 700  
Washington, DC 20006  
(202) 331-8500

[MLimbaugh@tfgnet.com](mailto:MLimbaugh@tfgnet.com)  
[www.thefergusongroup.com](http://www.thefergusongroup.com)

# Memorandum

To: Idaho Water Resource Board (IWRB)  
From: Brian Patton, Planning & Projects Bureau  
Date: January 12, 2022  
Re: Allocation of Funds



---

**ACTION: No action is expected.**

---

The Board will consider a recommendation from the Finance Committee on this issue.



# Memorandum



To: Idaho Water Resource Board

From: Brian Patton

Date: January 20, 2022

Re: Regional Water Sustainability Project Criteria and Priorities For Use of ARPA Funds

**REQUESTED ACTION:** Per recommendation of the IWRB Finance Committee, 1) Consider adopting threshold criteria for adding projects to the Regional Water Sustainability Projects Priority List, and 2) Consider setting priorities for the use of funds ARPA Funds proposed to be appropriated to the IWRB per Governor Little's Budget Recommendation.

- 1) On January 14, 2022, the IWRB Finance Committee met and considered the adopting a threshold criteria for determining whether a proposed water project should be added to the Regional Water Sustainability Projects Priority List that was adopted by the IWRB on July 23, 2021 in Twin Falls. The Committee is recommending the following threshold criteria be adopted by the IWRB:

**"A project that helps achieve water supply sustainability on a regional, basin-wide, or state-wide basis."**

Please note this is not yet a process for adding projects to the priority list, but this is a recommended criteria for whether a project should be included on the list. For the IWRB's consideration, the attached resolution would adopt this criteria.

- 2) Governor Little's proposed "Leading Idaho" budget would appropriate \$100 Million in American Rescue Plan Act (ARPA) funds to the IWRB's Water Management Account for FY2023, and \$50M in each of the following three fiscal years, for a total of \$250 Million. In addition, the proposed budget would appropriate \$75 Million in state general fund surplus to the IWRB as a supplemental in the current fiscal year.

Recall that in prior years, \$70 Million in state general fund has been appropriated to the IWRB's Water Management Account for large water infrastructure, which has been allocated as follows:

- Anderson Ranch Interim Funding \$17.0M
- Mountain Home AFB Water Project 28.0M
- ESPA Recharge Infrastructure- Upper Valley 22.4M
- Bear Lake 2.0M

**TOTAL \$70.0M**

Also recall that certain water projects may be funded with ARPA funds, while some may not be able to be funded with ARPA funds.

On January 14, 2022, the IWRB Finance Committee met and reviewed the allowable uses of ARPA funds for water projects, and reviewed the IWRB's Regional Water Sustainability Projects Priority List. Based on the allowable uses of ARPA funds, the

priority list, and prior legislative direction, the Finance Committee recommended an allocation of ARPA funds as follows:

• Anderson Ranch Reservoir Enlargement	\$90M
• Mountain Home AFB Water Project	\$30M
• ESPA Recharge Infrastructure	<u>\$75M</u>
<b>TOTAL</b>	<b>\$195M</b>

**Please note this allocation is contingent on the legislature appropriating the ARPA funds as proposed by the Governor.** Also please note that this allocation would offset most of the prior \$68M allocated to these three projects. Some funds have and will continue to be used on the Anderson Ranch Enlargement until the ARPA funds become available with the next fiscal year.

The Finance Committee also discussed proposed uses of ARPA funds beyond the three identified projects, and the state general fund dollars, including discussion of assisting aging infrastructure, but left those decisions for a future date.

Attached for your consideration is a resolution that would approve the recommended allocation contingent upon the legislature appropriating ARPA funds as proposed by the Governor.

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE FINANCE COMMITTEE'S  
RECOMMENDATIONS

RESOLUTION TO ADOPT THRESHOLD  
CRITERIA FOR REGIONAL WATER  
SUSTAINABILITY PROJECTS AND ALLOCATE  
ARPA FUNDS CONTEMPLATED IN THE  
GOVERNORS PROPOSED BUDGET

1 WHEREAS, The Water Management Account is created pursuant to Idaho Code 42-1760 and is  
2 administered by the Idaho Water Resource Board (IWRB) for certain purposes; and  
3

4 WHEREAS, through House Bill 285 the 2019 Legislature appropriated \$20 million to the Water  
5 Management Account to be used for the Anderson Ranch Reservoir Enlargement or the Mountain Home  
6 Air Force Base Sustainable Water Project ; and  
7

8 WHEREAS, House Bill 286 passed and approved by the 2021 Idaho legislature made amendments  
9 to Idaho Code 42-1760, including but not limited to, stating that the Anderson Ranch Reservoir  
10 Enlargement, the Mountain Home Air Force Base Sustainable Water project, additional aquifer recharge  
11 infrastructure, and other projects selected by the IWRB may be undertaken with funds in the Water  
12 Management Account; and  
13

14 WHEREAS, through Senate Bill 1121 the 2021 legislature appropriated additional \$50 million to  
15 the Water Management Account; and  
16

17 WHEREAS On March 19, 2021, the IWRB allocated those HB 285 and SB 1121 funds to the Anderson  
18 Ranch Dam Raise, the Mountain Home Air Force Base Sustainable Water Project, Eastern Snake Plain Aquifer  
19 Recharge Infrastructure, and Bear Lake Additional Water Storage, and  
20

21 WHEREAS, Governor Little's Leading Idaho budget recommendation includes \$100 Million in  
22 American Rescue Plan Act (ARPA) funds to be appropriated for IWRB water sustainability projects for Fiscal  
23 year 2023, and \$50 Million in three subsequent years, for a total of \$250 Million in ARPA Funds; and  
24

25 WHEREAS, Governor Little's Leading Idaho budget recommendation also includes \$75 Million in  
26 state General Funds to be appropriated to the Water Management Account as a Fiscal Year 2022  
27 supplemental appropriation; and  
28

29 WHEREAS, on July 23, 2021 the IWRB adopted a Regional Water Sustainability Projects Priority  
30 List, and it is anticipated the Priority List will help the IWRB guide spending for water sustainability projects  
31 from ARPA funds, state general funds, or other applicable sources; and  
32

33 WHEREAS, on January 14, 2022, the IWRB Finance Committee met and considered the adopting a  
34 threshold criteria for determining if a proposed water project should be added to the Regional Water  
35 Sustainability Projects Priority List, and is recommending the following threshold criteria be adopted by  
36 the IWRB: "a project that helps achieve water supply sustainability on a regional, basin-wide, or state-

wide basis,” and

WHEREAS, also on January 14, 2022 the IWRB Finance Committee reviewed the allowable uses of ARPA funds for water projects, and reviewed the Priority List and prior legislative direction, and recommended an initial allocation of ARPA funds as follows:

- Anderson Ranch Reservoir Enlargement \$90 Million
- Mountain Home AFB Water Project \$30 Million
- ESPA Recharge Infrastructure \$75 Million

**TOTAL \$195 Million**

provided that the legislature appropriates ARPA funds to the IWRB as recommended by the Governor.

NOW, THEREFORE BE IT RESOLVED that the IWRB adopts the threshold criteria of “a project that helps achieve water supply sustainability on a regional, basin-wide, or state-wide basis” for inclusion of a project on the Regional Water Sustainability Projects Priority List, provided that the Finance Committee develop a process for periodic consideration of project proposals and updating of the Priority List.

NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB adopts the Finance Committee’s recommendation of an initial ARPA funds allocation of:

- Anderson Ranch Reservoir Enlargement \$90 Million
- Mountain Home AFB Water Project \$30 Million
- ESPA Recharge Infrastructure \$75 Million

**TOTAL \$195 Million**

provided that the legislature appropriates ARPA funds to the IWRB as recommended by the Governor.

NOW THEREFORE BE IT FURTHER RESOLVED that the Finance Committee at a future date will consider the allocation of the remaining ARPA funds and state general funds included in the Governor’s budget, provided the legislature appropriates ARPA funds and general funds to the IWRB as recommended by the Governor, and the Finance Committee will consider the potential re-allocation of Water Management Account funds now dedicated to projects that may be paid for using ARPA funds.

DATED this 20th day of January, 2022.

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JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
JO ANN COLE-HANSEN, Secretary

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

Page 2

# Memorandum



To: Idaho Water Resource Board  
From: Cynthia Bridge Clark  
Date: January 11, 2022  
Re: Anderson Ranch Dam Raise

---

**REQUIRED ACTION:** No action required.

---

The Idaho Water Resource Board (IWRB) partnered with the U.S. Bureau of Reclamation (Reclamation) to complete a feasibility study of new surface water storage options on the Boise River. Reclamation issued the Final Feasibility Study and Draft Environmental Impact Statement (DEIS) in 2020 which recommended a 6-foot raise of the Anderson Ranch Dam (project) and approximately 29,000 acre-feet of new storage space. The recommended plan was deemed feasible by the Secretary of Interior in December 2020 which met required deadline for authorization under the Water Infrastructure Improvements for the Nation Act (WIIN Act). Fiscal Year 2021 Appropriations legislation secured \$12.88 Million in WIIN Act funding as the federal cost share for completion of the Feasibility Study, environmental compliance, and construction.

The WIIN Act also required an agreement between Reclamation and a partner capable of funding the non-federal share of the project costs through construction and initiation of construction or final design activities prior to December 16, 2021. On November 19, 2021, the IWRB passed a resolution authorizing execution of a cost-share agreement (contract) between Reclamation and the IWRB to continue development of the Anderson Ranch Dam Raise through construction. The contract was executed on November 19, 2020 and Reclamation initiated dam raise design activities. The Anderson Ranch Dam Raise project met the December 16, 2021 WIIN Act construction initiation deadline.

Reclamation will provide an update on project activities at the January 21, 2022 IWRB meeting. A briefing letter from Reclamation and copy of its preliminary project development schedule are attached.

## ATTACHMENTS

- Boise River Basin Feasibility Study / Anderson Ranch Dam Raise Status Update Letter from USBOR to IWRB (dated January 10, 2022)
- Preliminary Draft - Anderson Ranch Dam Raise Project Timeline (updated December 13, 2021; posted on Reclamation's Anderson Ranch Dam Raise webpage)  
<https://www.usbr.gov/pn/studies/boisefeasibility/andersonraise/docs/timeline.pdf>



# United States Department of the Interior

## BUREAU OF RECLAMATION

Snake River Area Office

230 Collins Road

Boise, ID 83702-4520



IN REPLY REFER TO:

SRA-1308

2.2.4.21

VIA ELECTRONIC MAIL ONLY

Mr. Jeff Raybould  
Chairman  
Idaho Water Resource Board  
322 East Front Street  
Boise, ID 83702

Ms. Melanie Paquin  
Area Manager  
Snake River Area Office  
230 Collins Road  
Boise, ID 83702

Subject: Boise River Basin Feasibility Study / Anderson Ranch Dam Raise Status Update,  
Boise Project, Idaho

Dear Mr. Raybould and Ms. Paquin:

This status update is being sent in preparation for the Idaho Water Resource Board (IWRB) meeting on January 21, 2022.

The IWRB and the Bureau of Reclamation partnered to complete a feasibility study of new surface water storage opportunities in the Boise River Basin (Study). Authorized under Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, the Study focused on a 6-foot raise of Anderson Ranch Dam in Idaho, to achieve approximately 29,000 acre-feet of new water storage.

### **Current Status**

Recent project activities include:

- Reclamation and IWRB completed formal negotiations of a cost-share agreement (contract) and it was executed November 19, 2021.
- IWRB provided first interval payment of advanced funds.
- Reclamation's Technical Service Center (TSC) initiated dam raise design activities.
- Anderson Ranch Dam Raise project has met the December 16, 2021, WIIN Act requirement.

Ongoing project activities include:

- Reclamation's TSC continuing spillway overlay feasibility design activities.
- Reclamation and IWRB staff coordinating post-feasibility study activities, including on the dam raise and reservoir rim projects.
- Standing monthly oversight team meetings between Reclamation and IWRB staff.

### **Completed Key Milestones**

Nov. 2017 – Jan. 2019	Reclamation completed initial screening of the three potential dam raise alternatives and developed a project management plan.
July 27, 2018	IWRB passed a resolution supporting the narrowed focus of the Study to a raise at Anderson Ranch Dam.
August 28, 2018	Reclamation and IWRB hosted a Legislative Infrastructure Tour to discuss large water infrastructure projects in Idaho with representatives from Idaho's Congressional delegation.
November 8, 2018	Reclamation and IWRB hosted an informational public open house on the Study in Boise, Idaho.
December 3-7, 2018	Reclamation conducted a Value Planning Study with a final Accountability Report received in February 2019.
December 25, 2018	Reclamation awarded an Indefinite Delivery / Indefinite Quality contract for architect and engineering services to Sundance-EA Joint Venture (Consultant) to complete the Study and environmental compliance activities.
April 30, 2019	Consultant submitted land, structure, infrastructure, and real estate impact assessment (Rim Analysis) for Anderson Ranch Reservoir.
June 7, 2019	IWRB filed a water right permit application for the potential additional storage (Water Right No. 63-34753).
June 19, 2019	Reclamation's TSC completed feasibility-level design and cost estimates completed for Anderson Ranch Dam raise.
August 9, 2019	Reclamation published the Notice of Intent for an environmental impact statement (EIS) in the Federal Register.
August 27-29, 2019	Reclamation conducted Public Scoping Open Houses in Pine, Boise, and Mountain Home, Idaho.
February 3-7, 2020	Reclamation completed the Design, Estimate, and Construction review of the feasibility-level designs.
April 6-10, 2020	Reclamation completed the Peer Review of the Water Operations Technical Memorandum.

July 31, 2020	Reclamation released the Draft EIS and Draft Feasibility Report.
October 30, 2020	Reclamation initiated formal Endangered Species Act consultation with National Oceanic and Atmospheric Administration National Marine Fisheries Service and submitted its biological assessment.
December 2020	The Secretary of the Interior determined the Study's recommended plan to be feasible in accordance with the WIIN Act.
December 2020	Reclamation transmitted the Final Feasibility Report to Congress.
December 2020	Fiscal Year 2021 Appropriations legislation secured \$12.88 million in WIIN Act funding for completing the Study, environmental compliance, and construction.
May 2021	Initiated pause in environmental compliance process pending further development of final design.
July / August 2021	Reclamation's Columbia-Pacific Northwest Region requested delegation of authority and received approval from the Commissioner to negotiate, execute, and administer a cost-share agreement pursuant to section 4007 of the WIIN Act with the IWRB.
Sept. / Oct. 2021	Reclamation and IWRB completed cost-share contract negotiation sessions: Sept. 22, Oct. 5, Oct. 19, and Oct. 28.
November 2021	IWRB and Reclamation signed and executed cost-share contract. IWRB provided first interval payment of advanced funds. TSC initiated final design activities.

#### Key Critical Path Milestones

Summer 2022	Complete dam spillway overlay feasibility design
Spring 2023	Complete dam raise 30% Design and Cost Estimate
Winter 2023/2024	Complete environmental compliance
Summer 2024	Complete final design

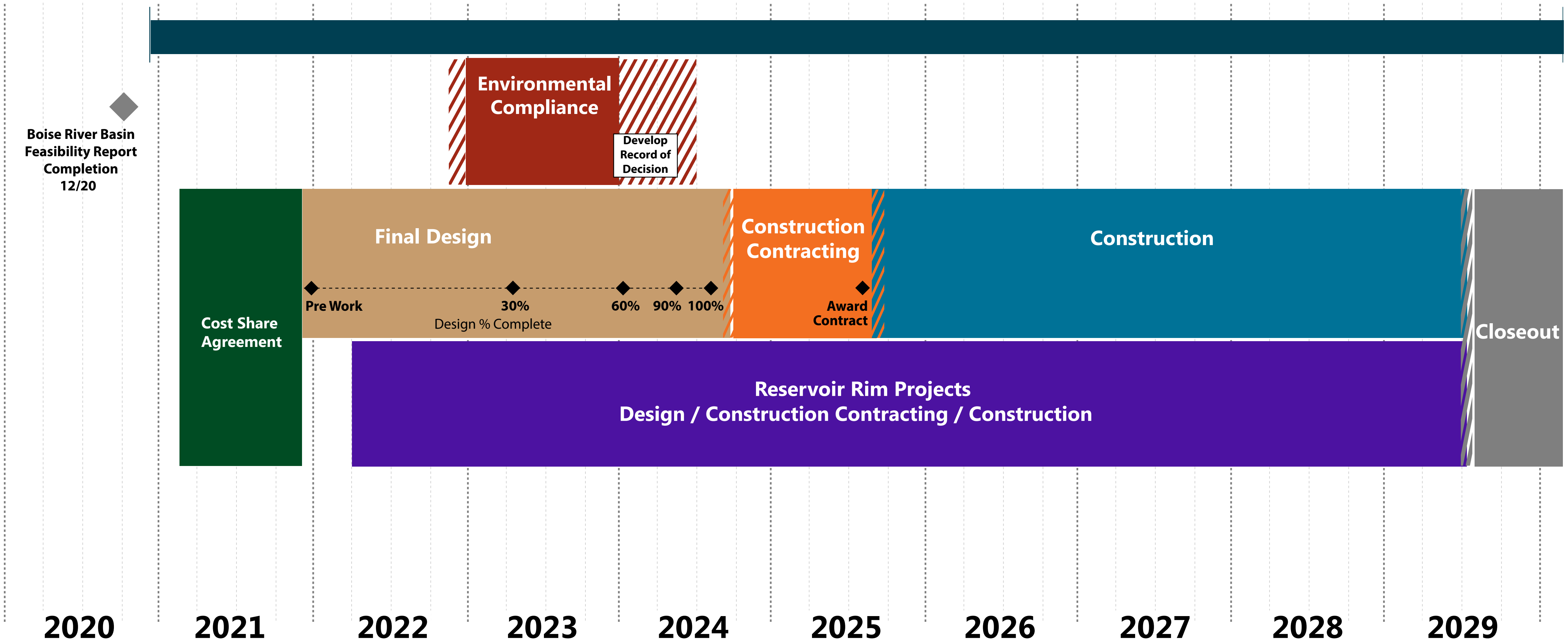
Thank you for this opportunity to provide an update on the Boise River Basin Feasibility Study / Anderson Ranch Dam Raise Project. If you have any questions, please contact me at (208) 378-5360 or via email at [ckeith@usbr.gov](mailto:ckeith@usbr.gov).

Sincerely,

Chris Keith  
Project Manager



# Anderson Ranch Dam Raise Project Timeline\*



\*Time frames subject to change

# MEMO



**To:** Idaho Water Resource Board Finance Committee

**From:** Kala Golden

**Date:** January 6, 2022

**Subject:** Cloverdale Ridge Water Corporation– New Water Project Loan Application

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**REQUESTED ACTION:** Approve loan request of \$56,615

---

## 1.0 INTRODUCTION

The Cloverdale Ridge Water Corporation (Corporation) is requesting a new loan in the amount of \$56,615 from the Idaho Water Resource Board (Board) for a project to replace a pipeline and install new pumps (Project).

## 2.0 BACKGROUND

Located in Ada County, the Corporation provides irrigation water for approximately 320 acres of irrigated land located within the Cloverdale Ridge Estates development near Kuna, Idaho. The project area was initially constructed during the 1960's and 70's as a rural development suited for raising livestock, with parcels ranging from 5 to 20 acres in size. The Corporation's primary water supply is sourced from 2 ground water wells located within the development. It also uses wastewater runoff from an adjacent golf course and sod farm when available. The Corporation's delivery system is comprised of multiple pumps that pump ground water into a 2.5 acre holding pond and then into conveyance lines.

Maintenance of the storage pond and pumping costs to support the current system design have become increasingly inefficient and costly to operate. The Corporation is proposing to eliminate the diversion from its storage pond, pumping directly into a pressurized system, and will need to replace several sections of pipeline and upgrade its pumps. The storage pond will be maintained for purposes of storing wastewater and stormwater runoff.

## 3.0 PRIOR LOANS

In 2009, the Corporation was approved for a Board loan in the amount of \$106,500 for a project to replace above ground aluminum piping with buried PVC, and consolidated a short-term bank loan in the amount of \$75,023 that was used to drill a new well. The Board loan was repaid timely and in full.

## 4.0 PROPOSED PROJECT

Engineering and design support will be provided by SPF Engineering. The proposed project includes upgrading the original 50Hp pump to a 100HP pump with variable frequency drive to provide enough power to lift water to the wellhead and into the pressurized system,

removal of the diversion from the pond, and replacement of necessary sections of pipeline to support the new pressurized system.

## **5.0 BENEFITS**

The Project will provide for a number of efficiencies that will significantly reduce energy consumption and provide water savings by eliminating seepage and evaporative losses realized with the pond diversion.

## **6.0 FINANCIAL ANALYSIS**

The total estimated project costs are roughly \$57,615. The Corporation will contribute \$1,000 and anticipates it will receive an energy savings incentive from Idaho Power Company in the amount of \$13,000. The Company is requesting a Board loan in the amount of \$56,615 to cover Project costs, and will apply the energy savings incentive towards payment of the loan once received.

The District is requesting a 15-year term on the loan, currently holds a reserve fund of approximately \$32,400, and has no other outstanding debt.

The following analysis reflects the Board's current interest rate of 3.25%. The Company's assessments are charged by share, with a total of 3,336 shares. The Corporation's Board of Directors has approved indebtedness in accordance with its bylaws and will increase assessments in 2022 to accommodate the loan payment.

### **Payment Analysis**

<b>Term (Years)</b>	<b>Estimated Annual Payment- Revolving Account Loan</b>	<b>Current Assessments Cost/Share/Year</b>	<b>New Assessments Cost/Acre/Year</b>
15	\$4,828.61	\$21.00	\$22.45

## **6.0 WATER RIGHTS**

<b>WATER RIGHT</b>	<b>SOURCE</b>	<b>Diversion Rate (CFS)</b>	<b>PRIORITY DATE</b>
63-7749	Groundwater	4.000	04/19/1973
63-4410	Wastewater	3.000	06/01/1967

## **7.0 SECURITY**

As collateral for the loan, the Board is authorized to hold a lien against the Corporation's shareholder assessments, water rights, and all Project infrastructure.

## **8.0 ALTERNATIVE CONSIDERATIONS**

The Company considered two alternative options to the proposed Project:

- 1) No Action: this option was unacceptable as the current system design is costly and inefficient. Maintenance of the existing pond requires significant efforts and careful monitoring to ensure storage levels remain adequate to sustain the irrigation supply.
- 2) Lining the pond: this option was not ideal as the lining would be costly, require considerable maintenance over time, and holds a limited lifespan. Implementation of this option would not be feasible within the desired project timeline of early 2022.

## **9.0 CONCLUSION AND RECOMMENDATION**

This loan will be used to make considerable efficiency improvements to the Corporation's water delivery system. Cloverdale Ridge Water Corporation is a qualified applicant with acceptable loan payment history, and the project for which the Corporation has proposed is consistent with the goals of the Board as identified within the Idaho State Water Plan. Staff recommend approval of the loan request, for the total amount of \$56,615.

**Attachments:** CRWC Loan Application

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE CLOVERDALE RIDGE  
WATER CORPORATION LOAN REQUEST

RESOLUTION TO AUTHORIZE LOAN FUNDING  
FOR COSTS RELATED TO INSTALLTION OF A  
NEW PUMP AND

1 WHEREAS, Cloverdale Ridge Water Corporation (Corporation) submitted a loan application to  
2 the Idaho Water Resource Board (IWRB) in the amount of \$56,615.00 to cover costs for a project to  
3 reconfigure its irrigation water supply system (Project); and  
4

5 WHEREAS, the Corporation delivers water for approximately 320 acres of irrigated lands in Ada  
6 County near Kuna, Idaho; and  
7

8 WHEREAS, the Company's delivery system was originally constructed in the 1970's, and involves  
9 pumping ground water from a well into a holding pond for storage and then into convenience lines for  
10 irrigation; and  
11

12 WHEREAS, to improve the efficiency of the system and reduce operational costs, the  
13 Corporation will eliminate the diversion of water from a storage pond and pump directly from its well  
14 into a fully pressurized system, making the necessary upgrades to its pipelines to accommodate the new  
15 system; and  
16

17 WHEREAS, the total estimated cost for the Project is approximately \$57,615; and  
18

19 WHEREAS the Corporation will provide project funding in the amount of \$1000 and has been  
20 approved for a \$13,000 energy savings incentive from Idaho Power Company; and  
21

22 WHEREAS, the Corporation is a qualified applicant, and the proposed Project is eligible for a loan  
23 from the IWRB's Revolving Development Account; and  
24

25 WHEREAS, the proposed Project is in the public interest and is in compliance with the State  
26 Water Plan.  
27

28 NOW THEREFORE BE IT RESOLVED that the IWRB approves a loan not to exceed \$56,615 from  
29 the Revolving Development Account at 3.25% interest with a 15-year repayment term.  
30

31 NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB provides authority to the Chairman  
32 of the IWRB, or his designee, to enter into contracts, to effectuate the loan, on behalf of the IWRB.  
33

34 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution and the approval of the loan are  
35 subject to the following conditions:  
36

- 37 1) The Corporation shall comply with all applicable rules and regulations that apply to the  
38 proposed Project.  
39 2) Prior to the disbursement of any funds, the Corporation will provide acceptable security for  
40 the loan to the IWRB, including but not limited to its water rights, shareholder assessment  
41 income, and the Project infrastructure.  
42 3) The Corporation shall maintain a reserve fund equal to one annual loan payment until the  
43 loan has been satisfied.  
44

DATED this 21<sup>th</sup> day of January 2022.

---

JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
JO ANN COLE-HANSEN, Secretary



## IDAHO WATER RESOURCE BOARD

322 East Front Street, Statehouse Mail

Boise, Idaho 83720

Tel: (208) 287-4800

FAX: (208) 287-6700



### **APPLICATION FOR FINANCIAL ASSISTANCE FOR NON-POTABLE WATER SYSTEM CONSTRUCTION PROJECT**

Answer the following questions and provide the requested material as directed. All pertinent information provided. Additional information may be requested by the Idaho Water Resource Board (IWRB) depending on the scope of the project and amount of funding requested. For larger funding amounts an L.I.D. may be required.

**Incomplete documents will be returned and no further action taken will be taken by IWRB staff. All paperwork must be in twenty eight (28) working days prior to the next bi-monthly Board meeting.**

Board meeting agendas can be found at: <http://www.idwr.idaho.gov/waterboard/>

#### **I. Prepare and attach a "Loan Application Document".**

The Loan Application Document requirements are outlined in the Water Project Loan Program Guidelines. The guidelines can be found at:

<http://www.idwr.idaho.gov/waterboard/Financial%20program/financial.htm>.

You can also obtain a copy by contacting IWRB staff.

#### **II. General Information:**

##### **A. Type of organization: (Check box)**

- ☐ Irrigation District  
☒ Canal/Irrigation Company  
☐ Lateral Association  
☐ Flood Control District  
☐ Homeowners Association

- ☐ Water User's Association  
☐ Municipality  
☐ Reservoir Company  
☐ Other

Explain: \_\_\_\_\_

Cloverdale Ridge Water Corporation

Organization name

1157 N Summerbrook Ave #110

PO Box/Street Address

Meridian, Ada, ID, 83642

City, County, State, Zip Code

David Johnson - President

Name and title of Contact Person

208-703-1355

Contact telephone number

ddjohn551@gmail.com

e-mail address

Project location legal description \_\_\_\_\_

02N01E21SWNE, 02N01E21NENE, 02N01E16SESE, 02N01E16SESW, 02N01E16SESW, 02N01E16SESW, 02N01E16SESW, 02N01E16SWSE

**B. Is your organization registered with the Idaho Secretary of State's office? Yes ☒ No ☐**

C. Purpose of this loan application.

- ☒ New Project  
☒ Rehabilitation or replacement of existing facility  
☐ DEQ requirement  
☐ Other: \_\_\_\_\_

D. Briefly describe the project:

Enclose irrigation system in a closed piping system which will require a new 100 hp pump and new piping.

---

**III. WATER SYSTEM:**

A. Source of water:

- ☐ Stream ☒ Groundwater  
☐ Reservoir ☒ Other

B. Water Right Numbers:

Water Right	Stage	Priority Date	Source	Amount
63-07749	Decree	4/19/1973	Groundwater	4 CFS
63-07749	Partial Decree	01/26/2007		
63-4410	Decree	06/01/1967	Waste Water	3 CFSP
63-4410	Partial Decree	02/16/2007		

**Note:** Stage refers to how the water right was issued. (License, Decree, or Permit)

C. If irrigation/lateral system:

Number of acres served: 320  
Number of shareholders served 3336 shares & ~ 50 resid.  
Water provided annually (acre-feet) 1500.9

D. If flood control system, drainage system, groundwater recharge, or other type of system:

Number of acres within District or service area: N/A  
Number of people within District or service area: N/A

E. If an Association/Municipality the number of residences served by the system:

Number of residences served: N/A  
Number of hookups possible: N/A

---

**IV. USER RATES:**

A. How does your organization charge users rates?

- ☐ Per acre ☐ Per hook up  
☒ Per share ☐ Tax assessment

Explain what a share is: Parcels are 5 A per share. 5A pieces have 50 shares. 10 A pieces have 10 shares, etc

☐ Other, explain \_\_\_\_\_



B. Current rate? \$ 21.00 per share  
(Share, hook-up, month, year, etc.)

C. When was the last rate change? No change since 2015 (month/year)

D. Does your organization measure water use? Yes ☐ No ☒

If yes, explain how: \_\_\_\_\_

E. Does your organization have a regular assessment for a reserve fund? Yes ☒ No ☐

If yes, explain how it is assessed:

The annual budget maintains funds necessary to repair major pipe or pump repairs, \$25K - \$35K.

F. Does your organization have an assessment for some future special need? Yes ☐ No ☒

If yes, explain for what purpose and how it is assessed:

Since our last pump expansion in 2009 we have been able to maintain a reserve account.

---

## **V. PROPOSED METHOD FOR REVENUE FOR REPAYMENT OF LOAN**

**How will you plan to assess for the annual loan payments?**

Check revenue sources below:

☐ Tax Levies

☐ Capital Improvement Reserve Account or Sinking Fund

☒ User Fees and Tap/Hookup Fees

☐ Other (explain) \_\_\_\_\_

Will an increase in assessment be required? Yes ☒ No ☐

When will new assessments start and how long will they last?

Start in 2022 and depending upon shareholder vote we hope to pay back the loan in 5-10 years

---

## **VI. SECUREMENT OF LOAN**

List all land, buildings, waterworks, reserve funds, and equipment with estimated value that will be used as collateral for the loan:

Property

Estimated Value

The Cloverdale Ridge Water Corporation does not own any real property.

Equipment of value are 3 pumps (100 hp, 50 hp, 40, hp)

\$25, 000

---

**For property Securement, attach a legal description of the property being offered along with a map referencing the property.**

---

## **VII. FINANCIAL INFORMATION:**

A. Attach a copy of each of the last 3 year's financial statement. **(Copies must be attached)**

B. Reserve fund (current) as of 11/30/21 = \$32,434.24

C. Cash on hand cash is available from reserve

From: eprintcenter@hp8.us  
Subject: Scanned document from HP ePrint user  
Date: January 3, 2022 at 7:50 PM  
To: jmlcattle@gmail.com

E

This email and attachment are sent on behalf of **jmlcattle@gmail.com**.

If you do not want to receive this email in future, you may contact **jmlcattle@gmail.com** directly or you may consult your email application for spam or junk email filtering options.

Regards,  
HP Team

**D. Outstanding indebtedness:**

To Whom	Annual Payment	Amt. Outstanding	Years Left
No outstanding debt.	\$0.00	\$0.00	0

E. What other sources of funding have been explored to fund the project? (example: NRCS, USDA Rural Development, Banks, Local Government, etc.)

✓ There has been some initial discussion with local banks and may be used as a back up.

---

**VIII. ORGANIZATION APPROVAL:**

Is a vote of the shareholders, members, etc. required for loan acquisition? Yes ☒ No ☐

If yes, a record of the vote must be attached.

\$56,615

Amount of funds requested: \_\_\_\_\_

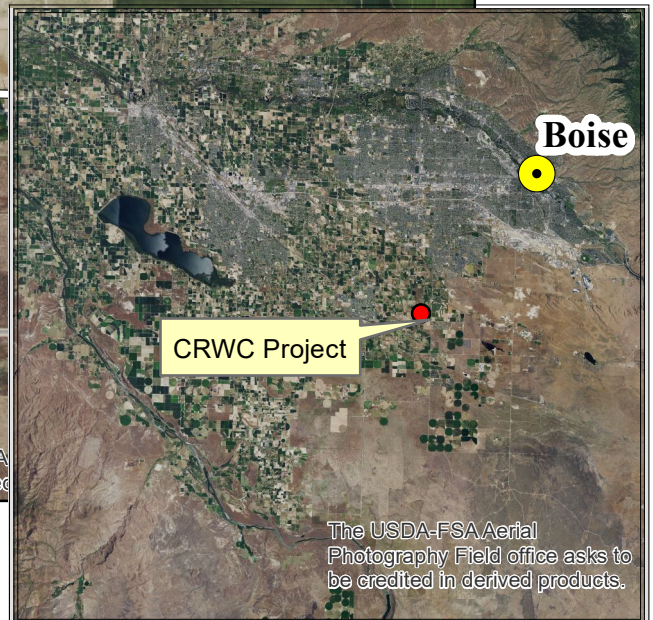
*By signing this document you verify that all information provided is correct and the document is filled out to the best of your ability.*

Authorized signature& date: \_\_\_\_\_




*W. A. D. J. L.* 1/3/22



# Cloverdale Ridge Water Corporation IWRB Loan Request



## Legend

-  Storage Pond
-  CRWC Boundaries
-  Water Right PODs

0 0.05 0.1 0.2 0.3 0.4  
Miles

The USDA-FSA Aerial  
Photography Field office asks to  
be credited in derived products.

The USDA-FSA Aerial  
Photography Field office asks to  
be credited in derived products.



# Memorandum



To: Idaho Water Resource Board (IWRB)  
From: Craig Tesch  
Date: January 21, 2022  
Re: Mountain Home Hydrologic Investigation

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Significant water level declines on the Mountain Home Plateau resulted in the establishment of the Cinder Cone Butte Critical Ground Water Area (CGWA) on May 7, 1981, and the Mountain Home Ground Water Management Area on November 9, 1982. Over the last 40 years, IDWR Hydrology staff have tracked the continuation of these groundwater issues through bi-annual measurement of groundwater levels and development of localized water budgets. The Cinder Cone Butte CGWA continues to see groundwater declines of up to four feet per year.

To further characterize Mountain Home groundwater issues and collect necessary data for future groundwater model development, IDWR is requesting authorization to utilize allocated funds to conduct a comprehensive investigation of the Mountain Home Plateau hydrologic system, ranging from King Hill in the east to the Treasure Valley model boundary in the west. This project will also address the request from Elmore County and SPF Water Engineering presented to the IWRB in May 2021 asking that the newly developed Treasure Valley Groundwater Model be extended to include the Mountain Home Plateau aquifer. While it is uncertain whether a future model would be “stand alone” or extend the Treasure Valley model, this investigation will determine the proper path forward, and it will collect the data necessary to populate a future model.

I will provide a resolution for consideration to authorize funding the Mountain Home Hydrologic Investigation (\$700,000). This action will fund the following project work over the next four years: 1) developing a water budget and hydrogeologic framework, and performing water level synoptic measurements through the USGS, and 2) drilling new monitoring wells and improving the existing monitoring network through contracted work managed by IDWR staff.

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE MOUNTAIN  
HOME PLATEAU

RESOLUTION TO AUTHORIZE FUNDING  
FOR THE MOUNTAIN HOME HYDROLOGIC  
INVESTIGATION

1 WHEREAS, significant water level declines on the Mountain Home Plateau resulted in the  
2 establishment of the Cinder Cone Butte Critical Ground Water Area (CGWA) on May 7, 1981, and the  
3 Mountain Home Ground Water Management Area on November 9, 1982; and  
4

5 WHEREAS, over the last 40 years, IDWR Hydrology staff have tracked the continuation of these  
6 groundwater issues through bi-annual measurement of groundwater levels and development of localized  
7 water budgets; and  
8

9 WHEREAS, the Cinder Cone Butte CGWA continues to see groundwater declines of up to four feet per  
10 year; and  
11

12 WHEREAS, in May 2021 a request was made by Elmore County for the IWRB to begin developing  
13 a groundwater model for the Mountain Home Plateau; and  
14

15 WHEREAS, the Fiscal Year 2022 Budget Resolution for the IWRB's Secondary Aquifer Planning,  
16 Management, and Implementation Fund (Fiscal Year Budget Resolution) included \$700,000 in funds for  
17 Mountain Home/Elmore County Water Sustainability Projects, but required an additional resolution  
18 approval by the IWRB for funds to be utilized; and  
19

20 WHEREAS, IDWR staff is now requesting authorization to utilize budgeted funds to conduct a  
21 comprehensive investigation of the Mountain Home Plateau hydrologic system, ranging from King Hill in the  
22 east to the Treasure Valley model boundary in the west; and  
23

24 WHEREAS, the hydrologic investigation will be completed over four years and include the following:  
25 1) developing a water budget and hydrogeologic framework, and performing water level synoptic  
26 measurements through the USGS and 2) drilling new monitoring wells and improving the existing monitoring  
27 network through contracted work managed by IDWR staff; and  
28

29 NOW, THEREFORE, BE IT RESOLVED that the IWRB authorizes funds in the amount of \$700,000 from  
30 the IWRB's Second Aquifer Planning, Management, and Implementation Fund for the completion for the  
31 Mountain Home Hydrologic Investigation.

Dated this 21<sup>st</sup> day of January 2022

Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
Jo Ann Cole-Hansen, Secretary

# Memorandum

To: Idaho Water Resource Board  
From: Mike Morrison  
Date: January 10, 2022  
Re: Mountain Home Air Force Base Water Resilience Project



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**REQUIRED ACTION:** No action is required.

## Project Update

Project Summary: The Mountain Home Air Force Base Water Resilience Project ("Project") is a collaborative effort between the Idaho Water Resource Board ("IWRB") and the United States Air Force ("Air Force") that will provide water from the Snake River to Mountain Home Air Force Base ("MHAFB"). In May 2021, the IWRB, Governor of Idaho, and the Air Force signed a Memorandum of Understanding under which the IWRB will construct a pumping station and a 14.4 mile pipeline to deliver water from the Snake River to a water treatment plant that will be constructed for the Air Force by the U.S. Army Corps of Engineers.

The IWRB will fund the pumping station and pipeline, and the Air Force will fund the water treatment plant. Once completed, the IWRB will transfer ownership and responsibility for operating the pipeline and pumping facilities to the Air Force; however, the IWRB will retain ownership of the Snake River Water Rights. Current plans call for the IWRB to complete the pumping station and pipeline in time to test and commission the water treatment plant during the summer of 2025.

Project Status: The project is in its initial planning stages, with the Air Force and IWRB Staff holding regular discussions to determine overall parameters and specifications for the Project.

The IWRB anticipates receiving the Air Force's water delivery requirements, SCADA requirements, and security requirements in February, 2022.

## Supplementary Information

Funding: In 2019, the Idaho Legislature appropriated \$20 Million to the Water Management Account to be used by the IWRB for the Project, among others. In 2021, the Idaho Legislature appropriated another \$50 Million to be used for the same purposes. The United States Congress appropriated \$32.8 million for the MHAFB water treatment project in the 2022 National Defense Authorization Act.

Water Rights: In July 2014, the IWRB purchased the necessary water rights from the J.R. Simplot Company. This purchase was conditioned on the IWRB's ability "to divert water under the water rights for the benefit of the MHAFB" on or before January 1, 2021 ("Beneficial Use Deadline"). In the event that the Water Board was unable to meet the Beneficial Use Deadline, Simplot had the option of re-acquiring the water rights from the IWRB unless the IWRB provided written notice of extension prior to January 1, 2021. The Water Board notified Simplot, and the Beneficial Use Deadline has been extended to February 1, 2026.

# Memorandum



To: Idaho Water Resource Board (IWRB)  
From: Neeley Miller, Planning & Projects Bureau  
Date: January 10, 2022  
Re: Priest Lake Water Management Project Update

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**ACTION: No action is requested 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 (and 2019 and 2021) it has been difficult to maintain required lake pool levels and downstream flow in the Priest River during the recreational season.

The Priest Lake Water Management Study was completed in February 2018. The study included the following recommendations:

- Temporarily raising the surface level of Priest Lake up to 6 inches during the recreational season for dry years
- Outlet dam structural and operational improvements
- Replacing the current existing porous breakwater with an impervious breakwater structure and dredging a portion of the Thorofare channel

## Construction

The IWRB authorized the expenditure of funds not to exceed \$5 million from the Revolving Development Account for the construction of the Outlet dam portion and Thorofare portion of the Priest Lake Water Management Project as well as for the construction management and for other costs associated with the project.

In February 2021 Strider indicated it had encountered conditions not anticipated below the outlet dam and indicated that it may take more than one season to complete the construction. As a result, the IWRB passed a resolution on February 18, 2021, authorizing an extension to second season to complete the outlet dam.

Meanwhile work was completed on the newly improved the breakwater on-schedule and on-budget in April 2021.

Over the summer and fall of 2021 MM, Strider, and IWRB staff negotiated items related to Strider's requested additional season one and season two costs above the original contract amount. There were cost items of agreement and disagreement.

In October 2021 the IWRB authorized additional funds to the project budget not to exceed \$450,000 from the Revolving Development Account for this project. Additionally, the IWRB also provided authorization for a



change order not to exceed \$364K (these are the items of agreement). The remaining \$85K will be used as a contingency going forward this season.

For those costs items of disagreement, staff will be participating in the dispute resolution process on behalf of the IWRB. Once the dispute resolution process is complete staff will provide an update to the IWRB.

### **Remaining Schedule**

- November 2021 – Work resumed at the outlet dam.
- Spring 2022 - Contract with MM to develop an Asset Management and O&M Plan for the Outlet Dam.
- Spring/Summer 2022 - Develop an Outlet Dam Operations Plan.













# Memorandum

To: Idaho Water Resource Board  
From: Paul Thomas  
Date: January 8, 2022  
Re: ESPA Managed Recharge Program Status Report



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**REQUIRED ACTION:** No action is required.

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## I. IWRB Managed Recharge Summary

### IWRB Natural Flow Managed Recharge

IWRB recharge has been steady since the start of this season on October 20<sup>th</sup>, 2021. A summary of recharge activities is provided in Table 1. The US Bureau of Reclamation's releases from Minidoka Dam have been averaging 388 cfs at the time of this report. The volume of water available for recharge is a product of outflow from Minidoka Dam plus reach gains between the dam and the Milner Pool. For this recharge season the estimates of reach gains have fluctuated between 50 to 100 cfs. If the USBR maintains current winter-time release rates for the remainder of the recharge season, the volume of water available for recharge is estimated to be between 450 to 500 cfs. Whether there is additional water for managed recharge in the spring is dependent on snowpack and reservoir storage (currently at 35%).

**Table 1.** IWRB Managed Recharge 2020/2021 Summary

Water Source	Area	Start	# Days	Current Rate (cfs)	Median Rate (cfs)	Total Recharged (Acre-feet)*
Snake River	Lower Valley	Oct. 20	75	539	446	66,387

\* As of January 2, 2021 – Reported recharge volumes are preliminary and subject to change.

## II. ESPA Recharge Program Projects and Buildout Activities

The IWRB has expanded the managed recharge capabilities since the start of the full-scale Program in 2014. Over the past seven years the IWRB has added approximately 2,400 cfs of managed recharge capacity, the majority being in the Lower Valley (2,100 cfs). Investigation of cost-effective recharge capacity projects will continue to improve the program's ability to meet the long-term goals, especially during periods of drought. The following tables provide a summary and status of current ESPA recharge capacity projects (Table 2) and Program operations (Table 3).

**Table 2. IWRB ESPA Managed Recharge Capacity/Site Projects**

<b>IWRB Partner</b>	<b>Project Name</b>	<b>Project Type</b>	<b>Status</b>	<b>IWRB Funds</b>	<b>Scheduled Completion</b>	<b>Description / Key Items</b>
TFCC	TFCC Injection Wells	Construction	Active	\$178,000	Fall 2022	<b>Construction of recharge wells</b> <ul style="list-style-type: none"> <li>• TFCC is currently reviewing the project to determine the best path forward.</li> </ul>
IWRB	Upper Valley – Large Scale Recharge Project	Study	Planning	\$99,500	Jan 2022	<b>Potential large scale managed recharge projects</b> <ul style="list-style-type: none"> <li>• Feasibility investigation of 3 potential areas – Nov 2020</li> <li>• High level review of 3 sites w/ delivery corridors, data needs, and potential constraints – Spring-Summer 2021</li> <li>• Collect &amp; analyze data – Summer-Fall 2021</li> <li>• Conceptual designs, cost &amp; permitting requirements – Fall 2021 - Winter 2022</li> </ul>
Enterprize Canal Co.	Willow Creek/Swan Hwy Recharge Site	Cost / Design	Planning	\$70,000	Summer 2022	<b>Evaluation, design, &amp; cost -potential recharge project</b> <ul style="list-style-type: none"> <li>• Complete preliminary design – June 2020 (final cost- \$63,794)</li> <li>• Contracted to assist with final Cost/Design/Bid Docs –Sept. 2021</li> <li>• 90% design – Spring 2021</li> </ul>
IWRB	Upper Valley Small Scale Projects	Feasibility Study	Planning	----	Spring 2022	<b>Evaluation of small-scale projects (~ 50 cfs)</b> <ul style="list-style-type: none"> <li>• Analysis of elevation data, ownership, and potential conveyance routes</li> <li>• Evaluation of proximal hydrogeology</li> <li>• Characterization of basin hydrogeology</li> <li>• Determine ranking for top potential projects</li> </ul>

**Table 3. IWRB ESPA Managed Recharge Program Projects**

Project	Purpose	Stage(s)	Status(s)	IWRB Funds	Scheduled Completion	Description / Key Items
Recharge Program Website	Public Outreach & Data Accessibility	Development	Active	--	Phase 1 - Winter 2022	<b>Development of IWRB Recharge Program Website</b> <ul style="list-style-type: none"> <li>• Development of basic content – Spring/Winter 2020</li> <li>• Complete initial draft of priority topics – Spring 2021</li> <li>• Deployment of high priority topics to public – Winter 2022</li> <li>• Link website to WISKI db – Spring 2022</li> </ul>
Recharge Program Database	Data Storage, Analysis, & Accessibility (website)	Data Preparation & Design	Active	--	Spring 2022	<b>Development of Program Database for Recharge water level, flow, water quality, &amp; dye-testing data</b> <ul style="list-style-type: none"> <li>• Basic training – Kisters-WISKI – Summer 2020</li> <li>• Coordination w/ Hydrology &amp; data prep – Winter 2022</li> <li>• Upload of historic data – Winter 2022</li> <li>• Develop report templates – Spring 2022</li> <li>• Integration with Recharge website – Winter/Spring 2022</li> </ul>
Program Standards & Procedures	Standardizing Processes and IWRB recharge requirements	Development	Active	--	Spring 2022	<b>Development of Program Standards &amp; Procedures</b> <ul style="list-style-type: none"> <li>• Reintroduced key topics Aq. Stabilization committee – Aug 2021</li> <li>• Development of supporting material – Fall 2021/Spring 2022</li> </ul>
Program Analysis	Assist in policy development & demonstration of Program effectiveness	Development & Presentation of Results	Active	--	Ongoing	<b>Development &amp; Update of Analysis for Planning</b> <ul style="list-style-type: none"> <li>• ESPA potential IWRB recharge capacity analysis – Complete/Update as required</li> <li>• Recharge site particle travel time – Summer 2021</li> <li>• ESPA animated water level change map – Update Summer 2021</li> <li>• ESPA Recharge WQ summary/analysis – Winter 2021</li> <li>• ESPA Recharge benefit analysis – Preliminary results - Summer 2021</li> <li>• Incorporate RiverWare Model for ESPA Recharge forecasting and planning – Spring 2022</li> </ul>





# IWRB Managed Recharge Program

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## IWRB Meeting

**Wesley Hipke**

Recharge Program Manager

January 21, 2022



# Total Natural Flow Water Recharged 79,854 af

IWRB Recharge - Oct 20 to Jan 19

## Diversion Rate

Median: 445 cfs  
Max: 573 cfs

AFRD2

7,326 AF

NSCC

58,016 AF

Twin Falls

TFCC

5,990 AF

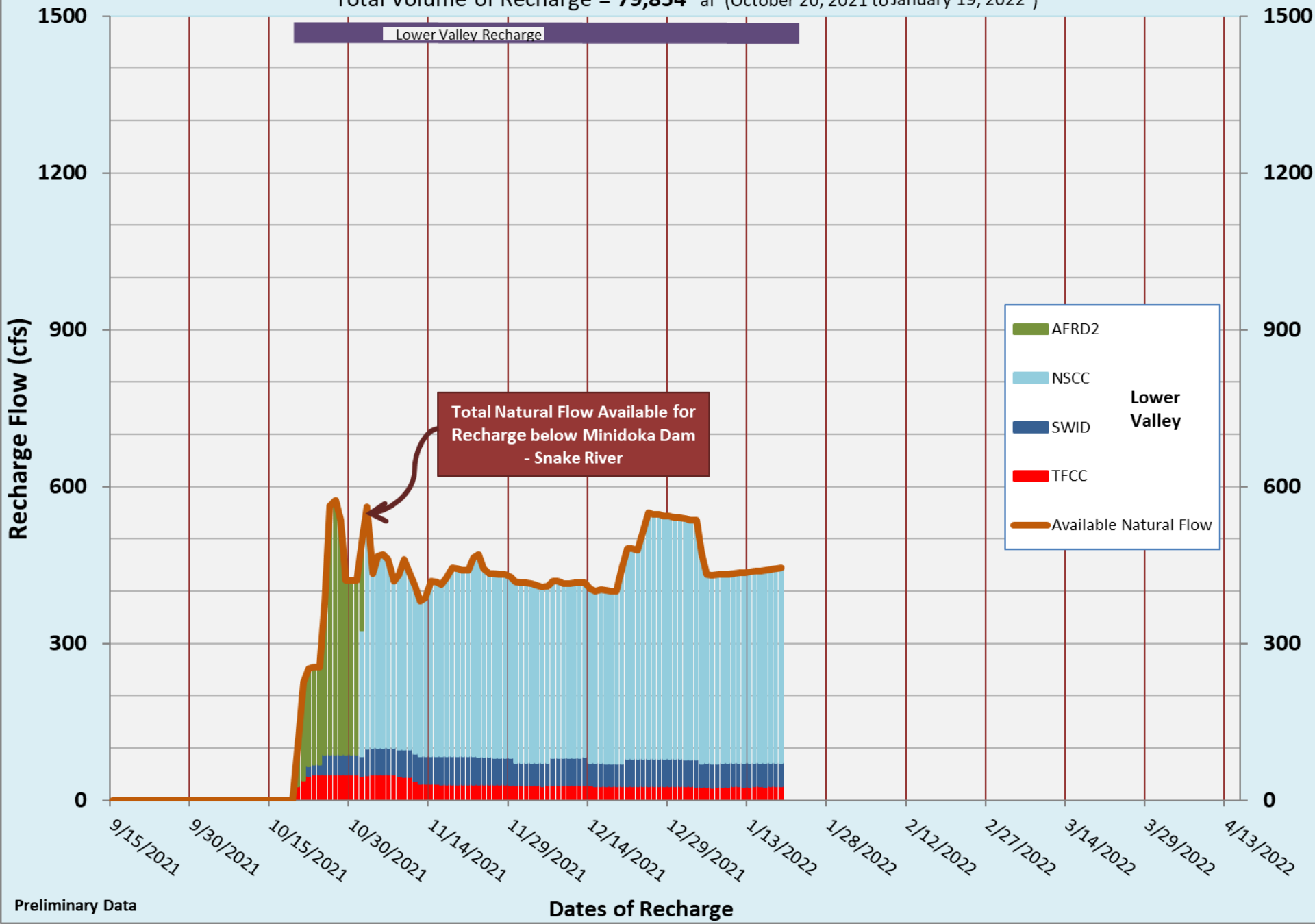
SWID

8,222 AF



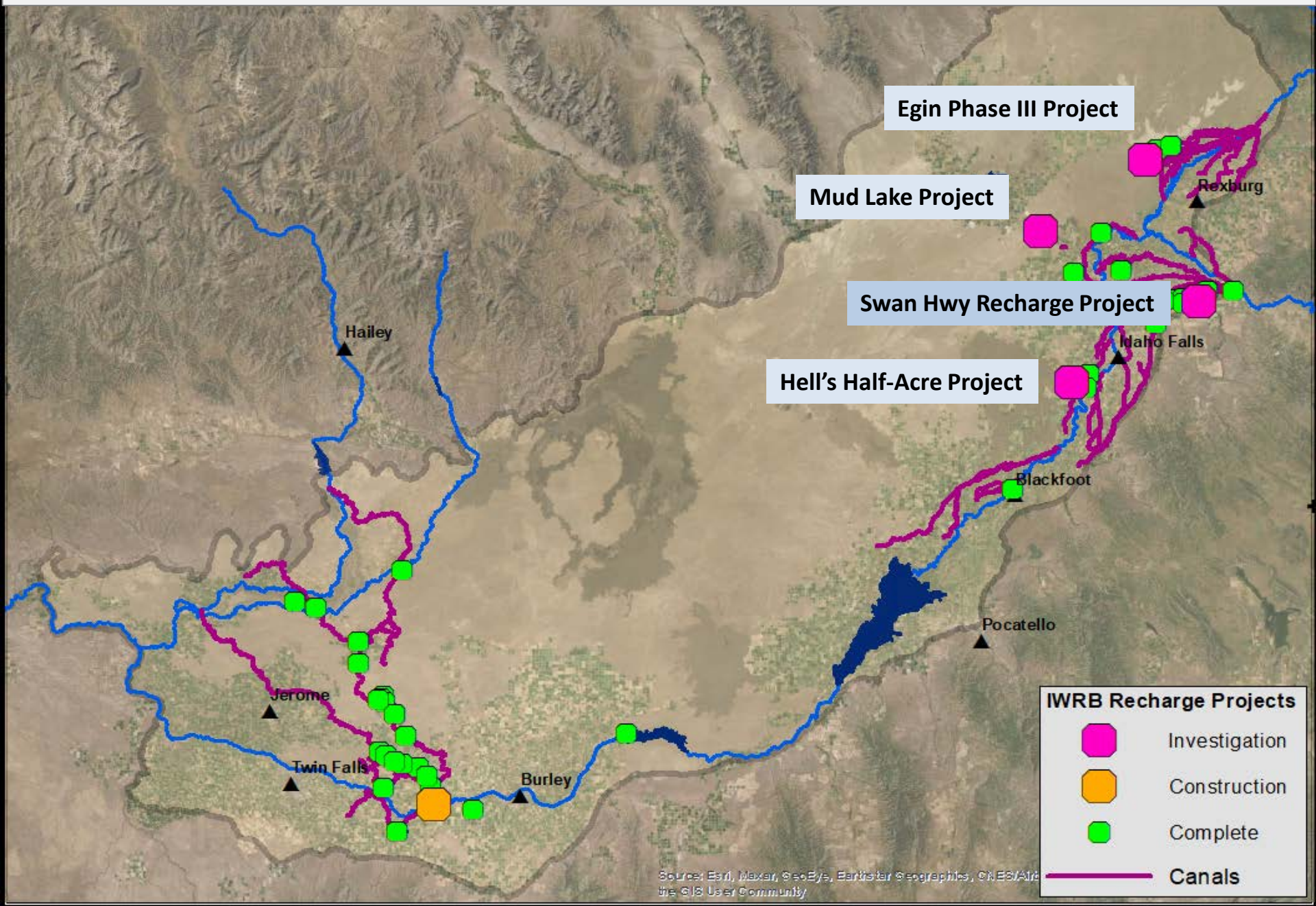
# IWRB Natural Flow Recharge - 2021/2022 Season

Total Volume of Recharge = **79,854** af (October 20, 2021 to January 19, 2022 )





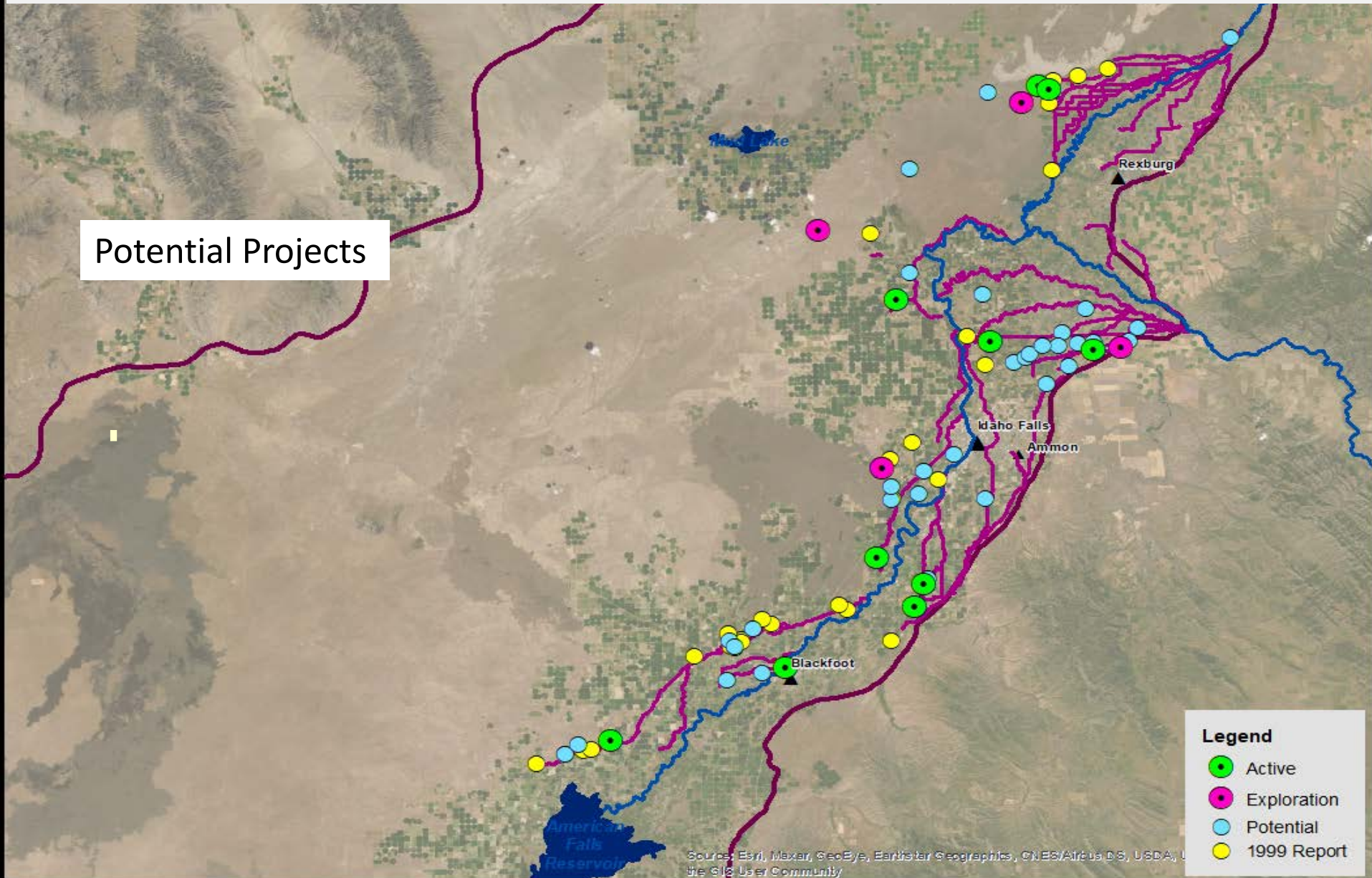
# IWRB ESPA Recharge Capacity Investigations





# Upper Valley Small Projects

Potential Projects





# Questions





**BIG WOOD RIVER GROUND WATER MANAGEMENT AREA ADVISORY COMMITTEE  
GROUNDWATER MANGAMENT PLAN TERM SHEET – 01/18/2022**

**TERM SHEET PARTIES**

The Big Wood River Ground Water Management Area (BWRGWMA) Advisory Committee members represent the following parties who are signatories to this Term Sheet Agreement (Term Sheet): Big Wood and Little Wood Water Users Association (BWLWWUA), Big Wood Canal Company (BWCC), South Valley Ground Water District (SVGWD), Galena Ground Water District (GGWD), Sun Valley Company (SVC), City of Hailey, and Water District 37B Ground Water Association (WD37B GWA). Additional signatories to this agreement include the City of Bellevue, City of Ketchum, and Sun Valley Water and Sewer District (SVWSD). The Cities of Bellevue, Ketchum, and Hailey are collectively referred to in this document as the Cities. SVGWD and GGWD are collectively referred to in this document as the GWDs.

The Cities, SVWSD, SVC, BWLWWUA, and BWCC entered into a separate term sheet (Cities-SVWSD-SVC Term Sheet) attached hereto as Appendix A and incorporated herein by reference. Portions of the Cities-SVWSD-SVC Term Sheet are summarized in the text of this broader Term Sheet. In the event of a conflict between the Cities-SVWSD-SVC Term Sheet and this Term Sheet, the terms of the Cities-SVWSD-SVC Term Sheet shall apply with respect to the parties thereto.

**TERM SHEET PURPOSE**

The Director of Idaho Department of Water Resources (IDWR) may approve a groundwater management area management plan to manage the effects of groundwater withdrawals on the aquifers from which the withdrawals are made and any other hydraulically connected sources of water. *Idaho Code § 42-233b.*

The purposes of the management and mitigation actions described in this Term Sheet are to: inform the development of a groundwater management plan pursuant to Idaho Code § 42-233b, support the delivery of water to senior surface water rights, support stream health, and improve and maintain aquifer health. The BWRGWMA Advisory Committee members agree that the water management actions and terms described herein shall be included in a Draft BWRGWMA Groundwater Management Plan (Management Plan) that shall be presented to the Director of IDWR.

**TERM SHEET ITEMS**

**1. BASELINE MITIGATION ACTIONS**

Groundwater users will accomplish the following actions every year regardless of the water supply conditions in the BWRGWMA.

**A. Fallowed Acres within Ground Water Districts**

A fallowed acre means an acre of land that has been irrigated using valid groundwater rights that will no longer be irrigated from either a groundwater or surface water source. The

GWDs will fallow irrigated acres each year to achieve an annual or baseline level of reduction in groundwater consumptive use. Baseline fallowed acres may have water rights from a groundwater source only, or from both groundwater and surface water sources (mixed sources). Surface water sources may include the Big Wood River and tributaries, Silver Creek and tributaries, or springs tributary to those sources.

The GWDs will fallow acres as follows:

1. At least 1,500 acres/yr. within SVGWD.
2. Up to 500 acres/yr. within GGWD.
  - a. Fallow at least 200 acres starting year one and increase up to 500 acres by year three.
3. Conditions for Fallowed Acres:
  - a. Surface water rights from the Big Wood River and tributaries appurtenant to fallowed acres may be changed from irrigation use to managed aquifer recharge, subject to review and approval by IDWR. Surface water irrigation rights changed to recharge may continue to be diverted to canals or ditches and re-diverted to recharge pits to maintain incidental recharge under the same water rights. Surface water rights must be in priority when used for recharge.
  - b. Surface water rights from Silver Creek and tributaries appurtenant to fallowed acres may be left in the natural stream channel and changed from irrigation use to mitigation by non-use, subject to review and approval by IDWR.
  - c. Location of fallowed acres may change from year to year during the first one to three years. Fallowed acres shall be identified by the end of year three (2024) and stabilized through the Conservation Reserve Enhancement Program (CREP) or other long-term agreement.
  - d. The GWDs shall identify the number and location of acres to be fallowed during each of the first three years, along with identification of appurtenant groundwater and surface water rights, to IDWR by April 25.

## **B. Groundwater Irrigation Season of Use Limits**

1. Groundwater users will not irrigate before May 1 or after September 15.
  - a. Exception: Sept. 30 turn-off for specific circumstances, contingent on use being within individual groundwater user's reduction targets<sup>1</sup>. Examples of specific circumstances may include potato crops, pasture, or landscape nurseries.

---

<sup>1</sup> Individual GWD water users will have assigned irrigation season pumping targets depending on forecasted water supply and recommended consumptive use reductions. For example, a user assigned a reduced seasonal pumping target of 200 AF who pumped only 175 AF by September 15, may pump up to 25 AF by September 30.

### **C. Conservation, Infrastructure and Efficiency Fund (CIEF)**

1. The Cities', SVWSD's, and SVC's contributions to the CIEF are expressed in the Cities-SVSWD-SVC Term Sheet, attached hereto as Appendix A.
2. Each year other non-irrigation groundwater users who participate in the Management Plan shall contribute to the CIEF:
  - a. \$10/AF of groundwater users' withdrawals (using a five-year rolling average of prior annual non-irrigation groundwater diversions).
  - b. Funds will be used primarily for infrastructure improvements and other permanent measures that improve the efficiency of delivering senior water rights, protect groundwater levels, or increase surface water flows, and for purchasing storage water.
3. Each year WD37B GWA shall contribute \$10,000 to the CIEF.
4. CIEF funding decisions shall be approved by the CIEF Committee (CIEF Committee), which shall be comprised of an equal number of surface water right holders and groundwater right holders in Water Districts 37 and 37B who are elected/appointed in accordance with CIEF Committee bylaws, plus one representative of the Idaho Water Resources Board (IWRB).
5. CIEF Funds will be administered/held by the Wood River Resource Conservation and Development Council (WRRCD).
6. The CIEF Committee shall report on the following items to the BWRGWMA Advisory Committee, IDWR, and the IWRB by December 1 of each year: CIEF contributions and expenditures, CIEF Committee decisions, and the results of any actions taken by the CIEF Committee.
7. The CIEF Committee will investigate and engage in potential cost share opportunities as appropriate, including without limitation:
  - a. Potential State and Federal cost share.
  - b. Potential cost share through grants with assistance from NGOs.
  - c. Other cost share partners including water delivery entities, NGOs, etc.

### **D. Snake River Storage Delivery**

Groundwater users will annually acquire and deliver storage water from the Snake River to the BWLWWUA, as set forth below.

Storage water from the Snake River will be delivered via the Milner-Gooding Canal and injected to 1) Little Wood River for re-diversion from the Little Wood River by BWLWWUA members holding senior priority water rights from the Little Wood River, and 2) to laterals within AFRD2 for re-diversion by BWLWWUA members holding senior priority water rights from the Big Wood River.

Delivery may occur during the irrigation season between May 1 and September 30 subject to Water District 01 Snake River storage water allocation procedures and available delivery capacity in the Milner Gooding Canal.



The amount of storage delivery is as follows:

1. Little Wood River
  - a) 1,500 AF/yr. storage delivery (1,755 AF/yr. total with 17% conveyance loss)
    - i. Paid by the GGWD.
    - ii. The GGWD can market unused storage water after September 30.
2. Big Wood River
  - a) 913 AF/yr. storage delivery (1,100 AF/yr. total with 17% conveyance loss)
    - i. Storage water will be acquired by GGWD and paid by the CIEF (see item 1.C.)
    - ii. Unused storage water can be marketed after September 30.
      - a. Proceeds of any unused storage water purchased through the CIEF that is marketed at the end of the irrigation season shall return to the CIEF.
3. Accounting of Storage Water Delivery
  - a) Water District 37 shall report annual storage water deliveries to the BWRGWMA Advisory Committee, IDWR, and IWRB each year by December 1. The report shall show the amount of water delivered to each user and the locations of delivery.

#### **E. Stream Flow Target**

A goal of the Management Plan is to maintain a 32 cfs four-day moving average streamflow target from May 1 through September 30 at Station 10, Little Wood River near Richfield. This flow target is intended to support delivery of senior surface water rights and both stream and aquifer health. Importantly, the target allows for consumptive use of groundwater within the forecasted water supply tiers shown in Table 1, provided that the 32 cfs four-day moving average streamflow target is met. The target may be achieved by implementing actions described in items 1.A and 1.B above, and item 2. below. If the stream flow target is not met, additional consumptive use reductions beyond those identified in Item 2 or other mitigation actions will be required.

Management and mitigation actions to support stream flows may include:

- Fallowing to reduce groundwater consumptive use based on April 1 Hailey KAF
- Partial season self-curtailment of groundwater consumptive use based on April 1 and/or June 1 Hailey KAF
- Partial season self-curtailment based on inadequate stream flows
- Partial or full-season water right transfers to supplement inadequate stream flows
- Partial or full-season non-diversion of in-priority surface water rights to supplement inadequate stream flows

The four-day moving average flow at Station 10 may drop below the 32 cfs target in extremely dry years due to lack of natural water supply and other compounding factors outside the control of the groundwater users. During these dry conditions, maintaining adequate stream flows are critical to prevent damage to the stream and injury to senior water rights. In such years, groundwater users shall apply the mitigation actions described in this Term Sheet to achieve the 32 cfs target flow at Station 10. If application of the mitigation actions does not sustain the target flow, all users agree to cooperate to minimize lasting environmental damage by keeping as much water in the stream as possible.

Occurrences of flows less than 32 cfs at Station 10 after applying the management and mitigation actions described in this Term Sheet will trigger review of the analytic tools that predict allowable consumptive use of groundwater, with potential for modification of the tools and decision thresholds within the Management Plan to ensure more reliable flows in following years.

Actions to consider after each year during the first three-year period to maintain the stream flow target may include:

- Additional early season consumptive use reductions
- Changes in location or timing of partial season consumptive use reductions
- Management changes in use of upstream senior rights for short-term augmentation of flows at station 10.

The GWDs will submit a year-end report to IDWR by December 1 summarizing actions taken to maintain the stream flow target. Water District 37 will annually report surface water and groundwater deliveries as required by law.

## **F. Cloud Seeding**

The Cities, SVWSD, and SVC will annually contribute \$3.60/AF of their respective five-year rolling average of prior annual non-irrigation groundwater diversions to cloud seeding projects undertaken by Idaho Power that directly benefit the Big Wood River Basin. These funds, payable to the WRRCD, will be used only for specific cloud seeding projects approved by the CIEF Committee as discussed in Item 3 of the Cities-SVWSD-SVC Term Sheet, and in consultation with Idaho Power and IDWR.

## **2. ADDITIONAL MITIGATION ACTIONS IN DRY YEARS**

The BWRGWMA Advisory Committee, with support from IDWR, will review the predicted or forecasted flow volume (April-September) for the Big Wood River gage station at Hailey (Hailey) as published by the Natural Resources Conservation Service (NRCS) and the Northwest River

Forecast Center (NWRFC)<sup>2</sup>. If the average of the NRCS and NWRFC forecasted flow volume at Hailey is above 210 KAF, the water supply is deemed adequate, and no additional mitigation actions are necessary. In years where the forecasted flow volume is at or below 210 KAF, the GWDs will take additional management actions in accordance with the recommended forecasted water supply tiers shown in Table 1.

*Table 1: Recommended forecasted water supply tiers and additional management actions*

Irrigation Season Water Supply	Avg. of Apr-Sep Volume Forecasts (KAF)	Recommended Additional GWCU Reduction (AF) Based on April 1 Forecast	Mandatory Additional Storage Water Delivery (AF) Based on June 1 Forecast
Adequate	> 210	-	-
Dry	155 – 210	1,275	650
Very Dry	100 – 155	11,260	1,300
Extremely Dry	< 100	17,016	1,300

<sup>1</sup> Volume shown is limited to amount of delivery. Volume purchased must include additional 17% for conveyance loss (761 AF or 1,521 AF).

Actions taken when the forecast is less than 210 KAF at Hailey include:

#### **A. Groundwater Consumptive Use Reductions within GWDs**

1. Using the Table 1 forecasted water supply tiers as a guide, the GWDs will implement additional, incremental groundwater consumptive use reductions through voluntary cuts in groundwater pumping. The GWCU reductions should be based on the average of NRCS and NWRFC April 1 forecasts at Hailey.
2. The GWDs shall annually report groundwater use reductions, when required, to IDWR by December 1. Reporting should be coordinated with and verified by the Water District 37 watermaster.

#### **B. Additional Snake River Storage Delivery**

1. Additional Snake River storage water, up to 1,300 AF/yr. maximum (1,521 AF/yr. with 17% conveyance loss), shall be delivered to BWLWWUA members holding senior priority water rights from the Little Wood River (water injected to Little Wood River via Milner Gooding Canal and re-diverted from the Little Wood River by individual BWLWWUA members). The additional storage water delivery shall be based on the average of NRCS and NWRFC June 1 forecasts at Hailey<sup>3</sup>.

<sup>2</sup> The BWRGWMA Technical Working Group (TWG) recommends using the mean of the NRCS SWSI and NWRFC published forecasts for decision making in year 1 and until the WRWC model has been finalized. See “Response to Request for Information from the BWRGWMA Advisory Committee – Prepared by the TWG, November 24, 2021.”

<sup>3</sup> On or after June 1, the volume forecast shall be the sum of the mean of the June-September 50% exceedance forecasts and the measured April-May discharge at the Hailey gage. If the sum, for example, is between 155 and 210 KAF, an additional 650 AF of storage water shall be delivered. If the sum is 155 KAF or less, an additional 1,300 AF of storage shall be delivered.

2. The additional Snake River storage water may be paid through the CIEF.
3. The additional Snake River storage water delivery may occur during the irrigation season between June 1 and September 30 subject to Water District 01 Snake River storage water allocation procedures and available delivery capacity in the Milner Gooding Canal.
4. Additional storage water delivery shall be reported to the BWRGWMA Advisory Committee, IDWR and IWRB each year by December 1, consistent with the requirements stated in Item 1.D.3. of this Term Sheet.

### **3. TERM AND ADAPTIVE GROUNDWATER MANAGEMENT PLANNING MEASURES**

- A. This Term Sheet, and the term of the Management Plan if approved by the Director is three (3) years and automatically expires through no further action of the parties on December 31, 2024.
- B. Additional mitigation actions or measures, as determined by the parties, shall be implemented to meet the targets and purposes of the Term Sheet and approved Management Plan.
- C. The parties can discuss and mutually agree upon amendments to an approved Management Plan subject to approval by IDWR. Approved amendments may be implemented from year to year during the three-year term of the Management Plan.
- D. The Term Sheet is the result of compromise among the parties. An approved Management Plan, based in part on this Term Sheet, may be extended or modified by written consent of all the parties and with approval by the Director of IDWR. For example, adjustments to the projected tiered groundwater consumptive use reductions may be possible following the first season of additional data.
- E. This Term Sheet and an approved Management Plan establishes management practices for a three-year period. By assenting to the terms and conditions of this Term Sheet, the parties stipulate that the targets and purposes of this Term Sheet and an approved Management Plan are not binding on any party after the end of the three-year term.
- F. Nothing in this Management Plan shall be considered to moot the pending appeal, as a ruling from the court on appropriate and legally authorized management procedures is important to the Department and all parties for continued management of water rights in Basin37.

#### **4. OTHER ACTIONS**

- A. The parties agree to petition IDWR to issue a moratorium order specific to the BWRGWMA.
- B. The parties agree to support IDWR in initiating a computerized water right accounting program for the Big Wood River and the Little Wood River/Silver Creek systems to quickly compute natural flow and storage water available for delivery during the irrigation season, similar to accounting programs used in other river basins of the state, including for example the Upper Snake River and Boise River Basins.
- C. The parties agree to petition IDWR and the Idaho Water Resources Board (IWRB) to conduct a Camas Prairie aquifer study and to establish a Technical Advisory Committee to advise the development and completion of the study.
- D. The parties agree to petition IDWR to update the Wood River Valley Groundwater Flow Model before the end of the three-year management period so that the updated model can be used to evaluate the current measures.
- E. The parties agree to evaluate a new flow gage at Susie Q Bridge and make recommendations to IDWR based on the evaluation.
- F. The parties agree to petition IDWR and the Idaho Department of Fish and Game to remove beaver dams and relocate beavers on Silver Creek and Little Wood River below Sportsman's Access gage on Silver Creek, and down to Station 10 and Station 54 gages on the Little Wood River.
- G. The parties agree to petition the IWRB for funding contributions to the CIEF.
- H. The parties agree to collaborate with IDWR, the United States Geological Survey, Water Districts 37 and 37B, the Wood River Collaborative, or other entities to share, maintain and improve groundwater and surface water monitoring networks to supply accurate, representative data in support of existing or new hydrologic models or studies, and management of water resources within IDWR Administrative Basin 37.

#### **5. SAFE HARBOR**

A Management Plan, if approved by the Director of IDWR, establishes "safe harbor" from curtailment to participating groundwater users who are parties to this Term Sheet either individually or through a GWD or Association, and who implement their respective obligations as described in an approved Management Plan.

#### **6. NON-PARTICIPANTS**

This Term Sheet and subsequent Management Plan does not mitigate for the groundwater pumping impacts of any groundwater users not participating in the plan and it does not protect non-participant groundwater users from curtailment under any IDWR administrative process.

## 7. PERFORMANCE

All items identified in this Term Sheet shall be included in a final Draft Management Plan that is submitted to the Director of IDWR.

The director, upon determination that the groundwater supply is insufficient to meet the demands of water rights within all or portions of a water management area, shall order those water right holders on a time priority basis, within the area determined by the director, to cease or reduce withdrawal of water until such time as the director determines there is sufficient groundwater. Water right holders participating in the approved groundwater management plan shall not be subject to administration on a time priority basis so long as they are in compliance with the groundwater management plan. *Idaho Code § 42-233b.*

BIG WOOD CANAL COMPANY

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Carl Pendleton

Date

Board Chair, Big Wood Canal Co

BIG WOOD AND LITTLE WOOD WATER USERS' ASSOCIATION (BWLWWUA)

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Cooper Brossy

Date

Representative, BWLWWUA



GALENA GROUND WATER DISTRICT

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Pat McMahon

Date

Board Chair, Galena Ground Water District

SOUTH VALLEY GROUND WATER DISTRICT

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Kristy Molyneux

Date

Board Chair, South Valley Ground Water District

SUN VALLEY COMPANY

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Corey Allen

Date

Sun Valley Co. Representative

## WATER DISTRICT 37B GROUND WATER ASSOCIATION

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William "Bill" Simon

Date

Representative

CITY OF HAILEY

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Date

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Print Name and Title

CITY OF BELLEVUE

---

Date

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Print Name and Title

CITY OF KETCHUM

---

Date

---

Print Name and Title

SUN VALLEY WATER AND SEWER DISTRICT

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Jim Loyd

Date

Chair, Sun Valley Water & Sewer District



**CITIES/SVWSD/SVC TERM SHEET RE:  
BIG WOOD RIVER GWMA MANAGEMENT PLAN**

This term sheet describes participation in a management plan for the Big Wood River Ground Water Management Area (“GMWA”) by the Cities of Bellevue, Hailey, and Ketchum (collectively, the “Cities”), Sun Valley Water & Sewer District (“SVWSD”), and Sun Valley Company (“SVC”) for a term of three years, upon which the plan shall be reevaluated by the parties. For purposes of Paragraph 10 below, the parties (“Parties”) to this term sheet are Cities, SVWSD, SVC, Big Wood Canal Company (“BWCC”), and the Big Wood and Little Wood Waters Users Association (“BWLWWUA”). This term sheet shall be part of a GWMA Management Plan (“GWMA Plan”) for Basin 37 and is not effective unless a GWMA Plan is adopted by the Director of IDWR. The Cities, SVWSD, and SVC do not waive any claims or defenses with respect to their respective water rights or water uses or their potential groundwater pumping impacts on surface waters.

This term sheet addresses the Cities’, SVWSD’s, and SVC’s contributions to the GWMA Plan only for the Cities’ and SVWSD’s municipal water rights and SVC’s commercial water right for snowmaking at River Run. A list of these water rights is included as Attachment 1. The Cities of Hailey and Ketchum are members of the Galena Ground Water District with respect to their irrigation water rights, and their irrigation under those rights would be addressed in any GWMA Plan applicable to Galena Ground Water District. Pursuant to Idaho Code Section 42-233b, the Cities’, SVWSD’s, and SVC’s non-irrigation water rights will not be subject to administration on a time priority basis so long as the Cities, SVWSD, and SVC are in compliance with an approved groundwater management plan.

Aside from naturally occurring low snowpack and low runoff events, surface water diversions and agricultural irrigation groundwater pumping are the largest contributors to streamflow reductions in the Big Wood River, Silver Creek, and the Little Wood River. The Cities’, SVWSD’s, and SVC’s pumping under their respective non-irrigation groundwater rights represents a small fraction of total groundwater pumping in the GWMA according to the Wood River Valley Groundwater Flow Model v. 1.1. These figures are summarized in Table 1 below:

<b>Table 1</b>			
<b>Area/Entity</b>	<b>2016-2021 Average Annual GW Pumping (Acre Feet)</b>	<b>% of GWMA Model Domain</b>	<b>Source</b>
<b>Total GWMA Pumping (1995-2014)</b>			
WRV1.1 Model Area	47,525	--	Irr season GW CU / on-farm efficiency + Nov-Mar pumping
<b>Non-Irrigation Pumping by SVC, Cities, and SVWSD (2016-2020)</b>			
Sun Valley Company	270.82	0.6%	WMIS No. 1000705
City of Bellevue	377.43	0.8%	WMIS Nos. 1000846, 1000847

City of Ketchum	3137.36	6.8%	WMIS Nos. 1000862, 1000863, 1000864, 1000865, 1000901, 1003175
City of Hailey	1606.62	3.4%	WMIS Nos. 1000850, 1000852, 1001308, 1001309, 1001310, 1001311
SVWSD	3101.22	6.5%	WMIS Nos. 1000868, 1000869, 1000870, 1000871, 1000872, 1000873, 1000874, 1000875, 1000883, 1001247, 1001267, 1001268, 1001346
<b>Total</b>	<b>8493.45</b>	<b>17.9%</b>	

After discussions with BWCC and BWLWWUA, there is consensus that there are few opportunities available at this time for the Cities, SVWSD, and SVC to mitigate their groundwater pumping impacts to the Big Wood River. The Cities, SVWSD, and SVC agree that limiting or reducing their groundwater diversions (and consumptive use) should be promoted to the extent practicable. After consultation with BWCC and BWLWWUA, the Cities, SVWSD, and SVC will participate in a GWMA Plan as follows:

1. Starting in 2022, and every year thereafter, by January 31 for the three-year term of the GWMA Plan approved by the Director of IDWR, the Cities, SVWSD, and SVC each will contribute \$10 per acre-foot<sup>1</sup> of their average annual non-irrigation groundwater diversions (based on a 5-year rolling average of prior diversions) to an account known as the Conservation and Infrastructure, Efficiency Fund (“CIEF Fund”), as more broadly described in the GWMA Plan. The monies contributed to the CIEF Fund by the Cities, SVWSD, and SVC ~~shall~~ should be used ~~primarily~~ for infrastructure improvements and other permanent measures and ~~secondarily may be used~~ for purchasing storage water. The first year’s payment shall be based on the pumping volumes described in Table 1, above. Table 1 shall be updated annually to account for a continuing 5-year rolling average of prior diversions. When the Cities, SVWSD, and SVC make their contribution, they shall also provide to the GWMA Advisory Committee and the CIEF Fund Committee a short report detailing the Cities’, SVWSD’s, and SVC’s respective non-irrigation rights and the measured withdrawals associated with those rights for the prior five years in order to explain the financial contribution to the CIEF Fund.
2. Any projects or storage water purchases funded by the monies contributed to the CIEF Fund by the Cities, SVWSD, and SVC, as described above, shall be approved by the CIEF Fund Committee. ~~The CIEF Fund Committee will direct said monies to infrastructure improvements or other permanent measures that improve the efficiency of delivering senior water~~

<sup>1</sup> This \$10 per acre-foot figure is based on a proposal by Carl Pendleton. The Cities, SVWSD, and SVC understand that \$10 per acre foot is the average annual amount Big Wood Canal Company shareholders pay in annual assessments based on reservoir releases.

~~rights, protect groundwater levels, or increase surface water flows, unless the CIEF Fund Committee determines that said funds are needed secondarily to purchase storage water.~~ The CIEF Fund Committee shall be comprised of an equal number of surface water right holders and ground water right holders in the Water District 37 who are elected/appointed in accordance with the bylaws of the CIEF Fund Committee. It is the intention of the Parties that voting members of the CIEF Fund Committee shall only be representatives of ground water users who pay into the CIEF Fund and that non-contributing ground water users and NGOs may be *ex officio* non-voting members.

3. For the three-year term of the GWMA Plan, Cities, SVWSD, and SVC will annually contribute \$3.60 per AF<sup>2</sup> of their respective average annual non-irrigation groundwater diversions (based on a 5-year rolling average of prior diversions) to cloud seeding projects undertaken by Idaho Power that directly benefit the Big Wood River Basin, which funds will be used only for specific cloud seeding projects approved by the Committee (in consultation with Idaho Power and IDWR);
4. Cities', SVWSD's, and SVC's contributions to the CIEF Fund and cloud seeding projects shall be recalculated each year based on the prior 5-year rolling average of non-irrigation groundwater diversions according to WMIS data or other data deemed reliable by the Committee;
5. Cities and SVWSD will continue to implement water conservation measures they deem reasonable and appropriate under their respective circumstances, such as, but not limited to: (i) promoting connection to municipal water systems for uses otherwise authorized under I.C. § 42-111; (ii) adopting tiered rate structures to incentivize less water use; (iii) imposing timing and other restrictions for residential irrigation; (iv) enacting ordinances with maximum lot size and irrigated area targets for new development; and (v) approving development-specific conservation requirements;
6. Cities, SVWSD, and SVC will schedule a meeting with local environmental groups within 60 days of a full GWMA Plan being approved by the Director to investigate potential additional water conservation measures that could be implemented;
7. Cities, SVWSD, and SVC will investigate potential recharge projects to benefit the Big Wood River above Magic Reservoir, which projects may utilize existing water rights held by the Cities, SVWSD, and SVC as well as potential new appropriations of excess Big Wood River flows (i.e.

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<sup>2</sup> This \$3.60 per acre-foot figure is based on information provided by Idaho Power on the average cost per acre-foot of water produced from its cloud seeding program.

flows existing in years that Magic Reservoir fills and/or releases water for flood control);

8. Cities', SVWSD's, and SVC's contributions to the CIEF Fund must be re-evaluated each year by the Committee to ensure that future contributions are necessary for the purposes set forth in paragraph 2 above;
9. Cities, SVWSD, and SVC shall not be required to contribute to the CIEF Fund or cloud seeding projects following the termination of any GWMA Plan these terms are incorporated into;
10. Pursuant to Idaho Code Section 42-233b, Idaho Code Section 42-237a.g., and the *Rules for Conjunctive Management of Surface and Ground Water Resources*, IDAPA 37.03.11, the Parties agree that so long as the Cities, SVWSD, and SVC are in compliance with the measures set forth in this term sheet, the Cities', SVWSD's, and SVC's non-irrigation water rights will not be subject to delivery calls or administration on a time priority basis; and
11. Subsequent to any termination of a GWMA Plan these terms are incorporated into, Cities, SVWSD, and SVC shall proportionally be entitled to seek credit (as determined by IDWR) in the event of water rights administration or delivery calls for every additional acre-foot of water capable of delivery to senior surface water users attributable to cloud seeding they funded or infrastructure improvements or other permanent measures funded by the CIEF Fund. At such time a credit is requested, any party is entitled to contest the credit being awarded with the determination by IDWR in their sole discretion.

The Cities, SVWSD, and SVC shall be subject to the terms set forth above only upon their incorporation into a GWMA Plan approved by the Director of IDWR. No party shall be bound by this term sheet upon its termination on December 31, 2024.

The effective date of this term sheet is January 14<sup>6</sup>, 2022.

*Signatures Of Counsel On Following Page*

Approved as to form and content by counsel for the Parties.

\_\_\_\_\_  
Chris M. Bromley                      Date  
Attorney for Sun Valley Company

\_\_\_\_\_  
J. Evan Robertson                      Date  
Attorney for Sun Valley Water & Sewer Dist.

\_\_\_\_\_  
Michael P. Lawrence                      Date  
Attorney for City of Hailey

\_\_\_\_\_  
Candice M. McHugh                      Date  
Attorney for City of Bellevue

\_\_\_\_\_  
Brian T. O'Bannon                      Date  
Attorney for City of Ketchum

\_\_\_\_\_  
Chase T. Hendricks                      Date  
Attorney for Big Wood &  
Little Wood Water Users Assn.

\_\_\_\_\_  
W. Kent Fletcher                      Date  
Attorney for Big Wood Canal Company





## BWRGWMA Management Plan /Basin 37 Settlement Agreement Update

Presentation to the Idaho Water Resource Board

Boise, Idaho

January 21, 2022

Tim Luke, IDWR



IDAHO DEPARTMENT OF  
**WATER RESOURCES**



## **BACKGROUND: Big Wood River Ground Water Mgmt. Area**

(IDWR briefed IWRB on March 19, 2021)

- IDWR Director appoints Committee in October 2020
- Informational meetings through winter 2021
- Spring 2021: drought & short-term mitigation discussions
- IDWR Basin 37 Administrative Hearing per IC § 42-237 a.g.
  - Groundwater rights curtailed early July 2021
    - Mitigation Plan approved/curtailment stayed July 8, 2021
    - GW users agree to work with SW users on Management Plan & submit to Director by December 1, 2021



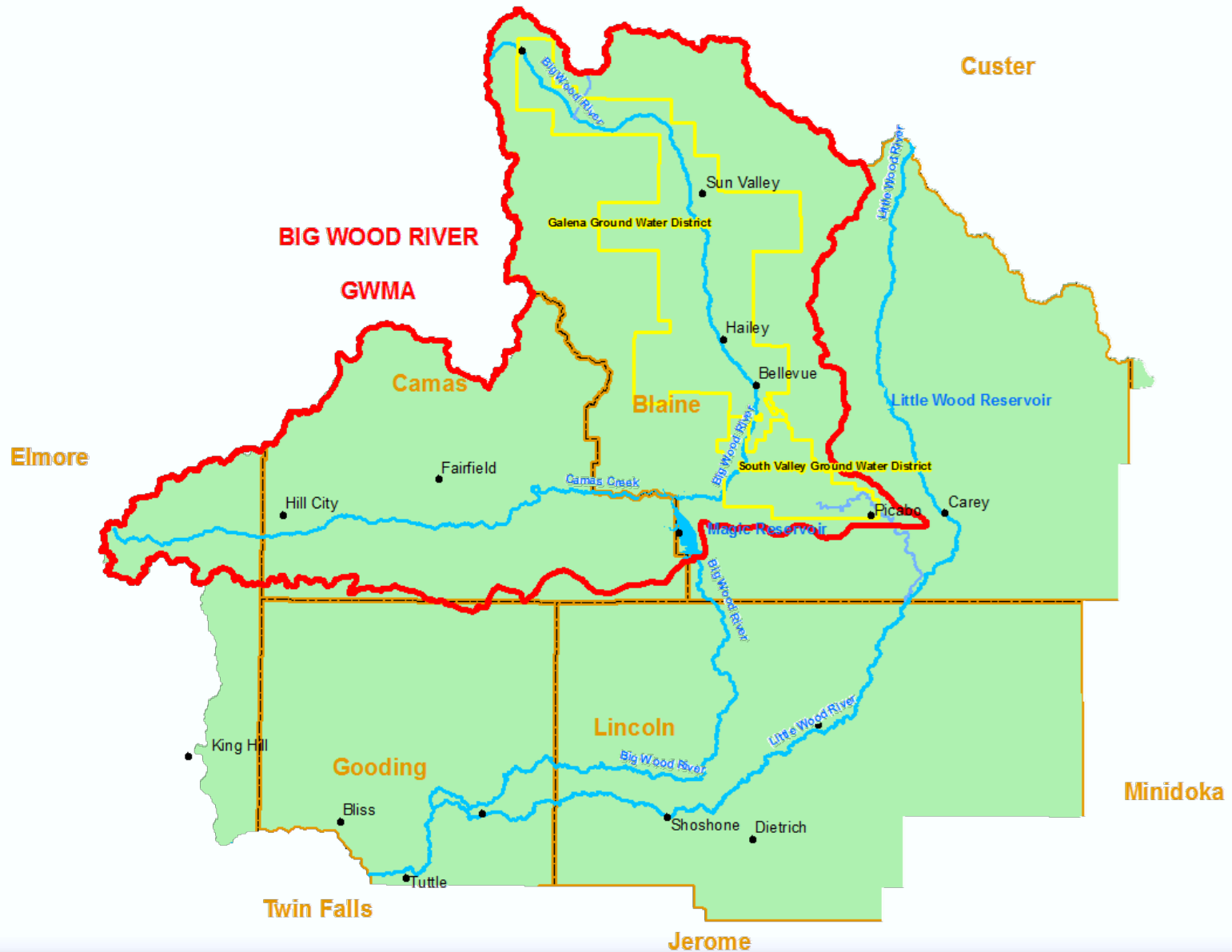
## **BACKGROUND: Big Wood River Ground Water Mgmt. Area**

- Advisory Committee reconvenes August 2021
  - Participation by Brian Olmstead & Dean Stevenson, IWRB
  - Tech Work Group (TWG) formed
- Draft Management Plan Framework developed September 2021
- Management Plan Term Sheet developed November-December 2021
  - Finalized January 18, 2022
  - Primary purpose: Agree on items to be included in draft Mgmt. Plan

## **Term Sheet Parties**

- Big Wood Canal Company (BWCC)
- Big Wood Little Wood Water Users Association (BWLWWUA)
- Galena Ground Water District
- South Valley Ground Water District
- Cities/Non-Irrigators (aka “Cities”)
  - Bellevue, Hailey, Ketchum, Sun Valley Co., Sun Valley Water & Sewer Dist.
- WD 37B Ground Water Association (Camas Prairie GW Users)

Note: Separate Term Sheet Agreement between Cities, BWCC & BWLWWUA incorporated by reference in general Term Sheet



## **Term Sheet Structure for Draft Management Plan**

**Three-year term, starting 2022**

1. Baseline Mitigation Actions\* (annual activities)
2. Additional Mitigation Actions (Dry Years)
3. Adaptive Management Measures
4. Other Actions\*
5. Safe Harbor/Performance

\* IWRB Support/Involvement

## **1. Baseline Actions (annual activities)**

- A. Fallow Irrigated Acres (GWDs)
  - 1,500 acres in SVGWD, up to 500 acres in GGWD
- B. Irrigation Season Limits
  - May 1 – Sept 15; some exceptions
- C. Conservation, Infrastructure & Efficiency Fund (CIEF)
  - Contributions from Cities, non-irrigators & WD37B GWA
  - Matching State Funds (through IWRB)
- D. Snake River Storage Delivery
  - To BWLWWUA senior users on Little Wood & Big Wood Rivers
- E. Stream Flow Target
  - 32 cfs on Little Wood River near Richfield (Station 10)
- F. Cloud Seeding
  - Cities/SVC/SVWSD contribute \$3.60/AF of avg. withdrawals

## **1. Baseline Actions Details**

### Conservation, Infrastructure & Efficiency Fund (CIEF)

#### Source of Funds:

- Approx. \$100K/yr. from Cities & non-irrigators
  - Based on \$10/AF of average withdrawals
- \$10,000/yr. from WD37B GWA (Camas users)
- State match 1:1, or approx. \$100K to \$110K/yr.

#### Governance:

- CIEF Committee (includes IWRB representative)
  - need to develop bylaws
- CIEF Committee decisions reviewed/approved by IWRB
- Funds administered/held by Wood River Resource Conservation & Development Council (WRRCD)

## **1. Baseline Actions Details**

### Snake River Storage

#### Little Wood River

- 1,500 AF/yr. delivery (1,755 AF/yr total w/17% conveyance loss)
  - Acquired and paid by Galena GWD
  - Delivered to L. Wood River senior right holders from BWLWWUA

#### Big Wood River:

- 913 AF/yr. delivery (1,100 AF/yr. total w/17% conveyance loss)
  - Acquired by GGWD, paid by CIEF



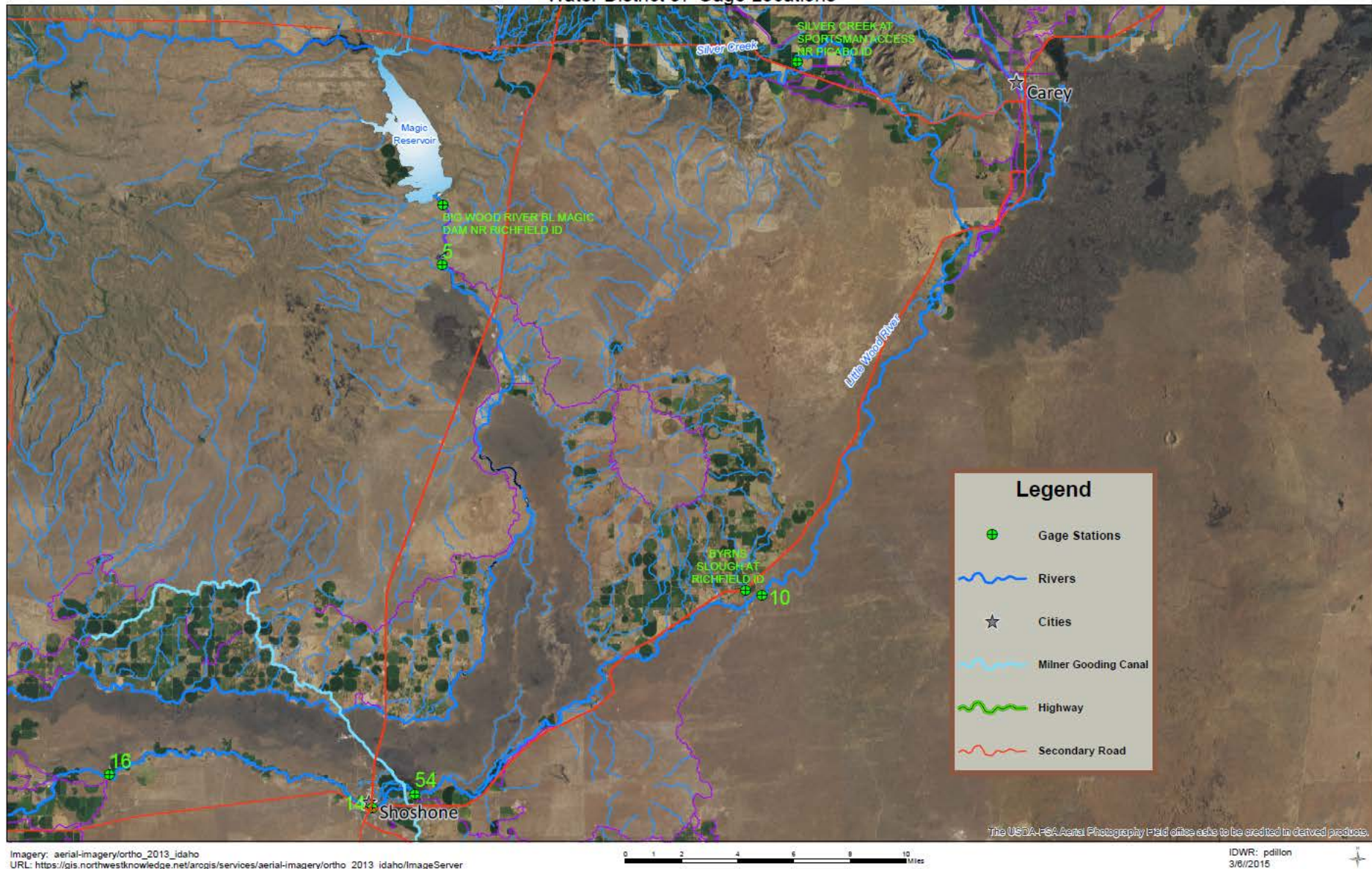
## **1. Baseline Actions Details**

### Stream Flow Target – Little Wood River

32 cfs at Station 10 near Richfield

- May 1 through September 30
- Four-day moving average
- Achieved by:
  - Baseline + dry year management actions
  - Additional management actions
    - Further consumptive use reductions/voluntary curtailments
    - Non-diversion or transfer of surface water rights (in-priority)
- Flow target flexibility & adaptive management

# Water District 37 Gage Locations



## 2. Dry Year Mitigation Actions

Dry Year determination based on April-September forecast flow volume for Big Wood River at Hailey (use NRCS and NWRFC April 1 & June 1 forecasts)

- Dry Year:  $\leq 210$  KAF
- Dry Year Tiers (incremental – see table)
- GW Consumptive Use (GWCU) Reductions based on April 1 forecast
- Additional storage water delivery based on June 1 forecast

Irrigation Season Water Supply	Avg. of Apr-Sep Volume Forecasts (KAF)	Recommended Additional GWCU Reduction (AF) Based on April 1 Forecast	Mandatory Additional Storage Water Delivery (AF) Based on June 1 Forecast
Adequate	> 210	-	-
Dry	155 – 210	1,275	650
Very Dry	100 – 155	11,260	1,300
Extremely Dry	< 100	17,016	1,300

*TWG Recommendations & Assistance*

## 4. Other Actions

### Parties Agree to:

- ☐ Petition IWRB to contribute matching funds to CIEF
- ☐ Petition IWRB to support funding for Camas Prairie aquifer study
- ☐ Support IDWR to initiate computerized water right accounting program
- ☐ Petition IDWR to issue updated BWRGWMA moratorium order
- ☐ Petition IDWR to update WRV Groundwater Model by 12/2024
  - IDWR initiating TAC meeting winter 2022



## 5. Safe Harbor/Performance

- ☐ Safe harbor from curtailment to groundwater users who are parties/participants in Management Plan and who implement respective obligations
  
- ☐ Water right holders participating in the approved groundwater management plan shall not be subject to administration on a time priority basis so long as they are in compliance with the groundwater management plan. *Idaho Code § 42-233b.*

## **Next Steps**

- ☐ Finalize Draft Management Plan (IDWR staff)
  - ☐ Present to Advisory Committee (get consensus)
  - ☐ Committee presents to Director
  - ☐ Director review
- ☐ Public Meeting (late February?)
- ☐ Finalize/Approve Management Plan (early to mid-March?)

# QUESTIONS?





# Memorandum

To: Idaho Water Resource Board (IWRB)  
From: Brian Patton, Planning & Projects Bureau  
Date: January 12, 2022  
Re: Administrative Rules Update



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**ACTION: No action is expected.**

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Deputy Director Mat Weaver will have an update on Administrative Rules as they impact the Department and the Board.

# Memorandum

To: Idaho Water Resource Board (IWRB)  
From: Brian Patton, Planning & Projects Bureau  
Date: January 12, 2022  
Re: Potential Legislation of Interest



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**ACTION: No action is expected.**

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Garrick Baxter will provide updates on potential legislation of interest.