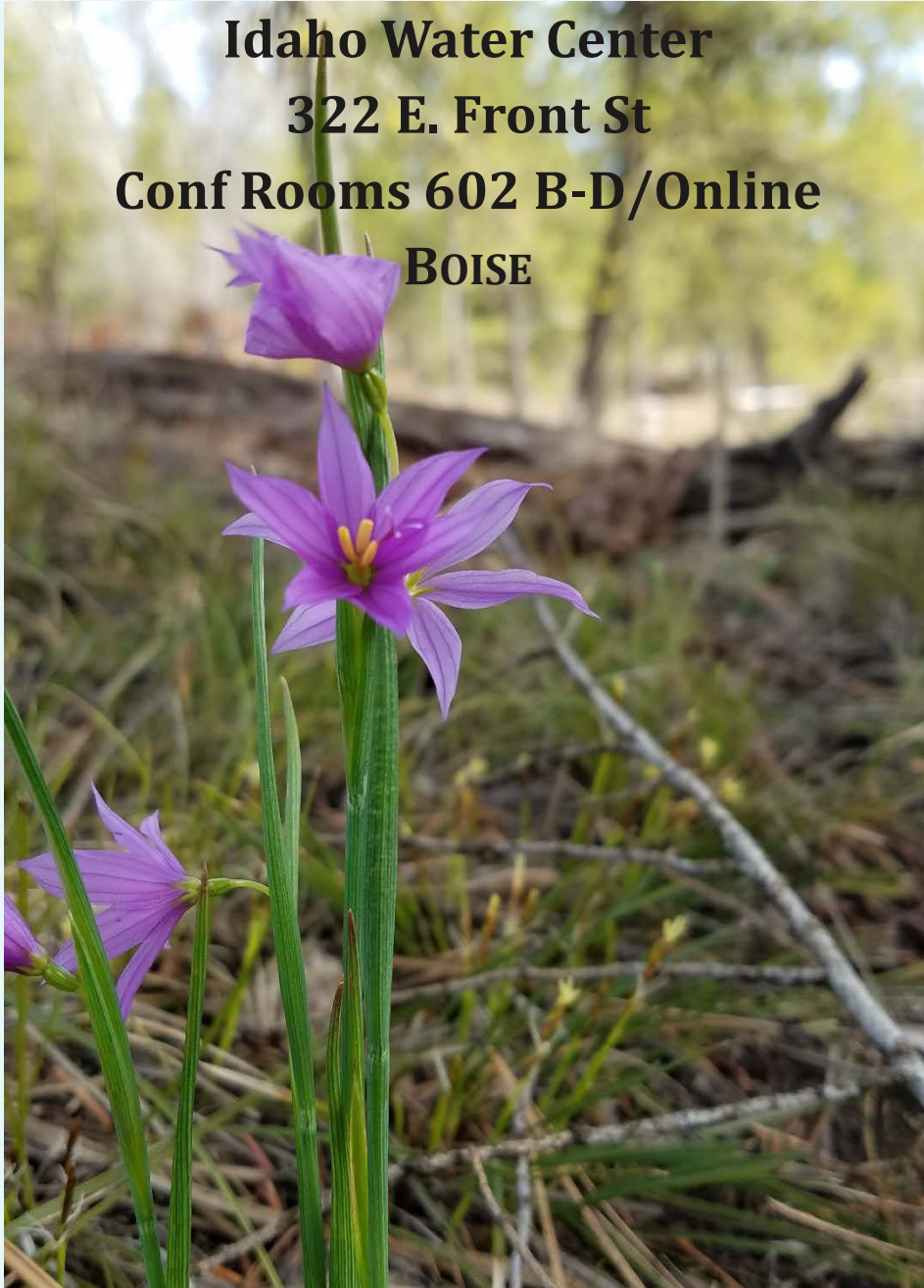


IDAHO WATER RESOURCE BOARD MEETING NO. 4-22

March 31- April 1, 2022

**Idaho Water Center
322 E. Front St
Conf Rooms 602 B-D/Online
BOISE**



Media



AGENDA

IDAHO WATER RESOURCE BOARD

Board Meeting No. 4-22

WORK SESSION

Thursday, March 31, 2022

8:30 a.m. (MT)

Water Center

Conference Rooms 602 B, C & D / Zoom Online

322 E. Front St.

BOISE

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 Members & the Public may participate via Zoom

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

Dial in Option: 1(253) 215-8782 Meeting ID: 873 0717 9912 Passcode: 852339

1. Roll Call
2. IDWR Budget Update
3. Anderson Ranch Dam Raise Update
4. MHAFB Water Resilience Project Update
5. Upper Snake Rental Pool Procedures
6. Public Lands Foundation/BLM National Award
7. Grandview/Bruneau Groundwater Management Area
8. Flows at Murphy Gaging Station Update
9. Water Supply Outlook Update
10. Administrative Rules Update
11. ESPA Recharge Program Update
12. Non-Action Items for Discussion
13. 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 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/

LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 769

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT, AND IMPLEMENTATION FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2023; PROVIDING REQUIREMENTS FOR USE OF MONEYS FOR WATER PROJECTS; PROVIDING REQUIREMENTS FOR ELIGIBLE WATER PROJECTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Water Resources the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|-------------------------------------|---------------------------|----------------------------------|--------------------------|---|----------------|
| I. MANAGEMENT AND SUPPORT SERVICES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$855,300 | \$871,000 | | | \$1,726,300 |
| Indirect Cost Recovery | | | | | |
| Fund | 376,800 | 195,600 | \$6,000 | | 578,400 |
| Water Administration | | | | | |
| Fund | | 22,100 | | | 22,100 |
| Miscellaneous Revenue | | | | | |
| Fund | <u>0</u> | <u>171,200</u> | <u>0</u> | | <u>171,200</u> |
| TOTAL | \$1,232,100 | \$1,259,900 | \$6,000 | | \$2,498,000 |

| | FOR | FOR | FOR | FOR | |
|--------------------------------------|----------------|----------------|----------|---------------|------------------|
| | PERSONNEL | OPERATING | CAPITAL | TRUSTEE AND | |
| | COSTS | EXPENDITURES | OUTLAY | BENEFIT | TOTAL |
| | | | | PAYMENTS | |
| II. PLANNING AND TECHNICAL SERVICES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$3,627,100 | \$637,300 | \$15,000 | \$6,908,500 | \$11,187,900 |
| Indirect Cost Recovery | | | | | |
| Fund | | 69,400 | | | 69,400 |
| Aquifer Planning and Management | | | | | |
| Fund | 1,081,000 | 453,800 | | | 1,534,800 |
| Miscellaneous Revenue | | | | | |
| Fund | | 164,500 | | | 164,500 |
| ARPA State Fiscal Recovery | | | | | |
| Fund | | | 15,000 | 100,000,000 | 100,015,000 |
| Federal Grant | | | | | |
| Fund | <u>329,400</u> | <u>832,700</u> | <u>0</u> | <u>0</u> | <u>1,162,100</u> |
| TOTAL | \$5,037,500 | \$2,157,700 | \$30,000 | \$106,908,500 | \$114,133,700 |
| III. WATER MANAGEMENT: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$6,231,700 | \$2,155,800 | \$70,000 | | \$8,457,500 |
| Indirect Cost Recovery | | | | | |
| Fund | | 72,500 | | | 72,500 |
| Water Administration | | | | | |
| Fund | 1,486,300 | 233,000 | | | 1,719,300 |
| Miscellaneous Revenue | | | | | |
| Fund | 981,200 | 307,200 | | | 1,288,400 |
| ARPA State Fiscal Recovery | | | | | |
| Fund | | | 15,000 | | 15,000 |
| Federal Grant | | | | | |
| Fund | <u>270,500</u> | <u>341,900</u> | <u>0</u> | | <u>612,400</u> |
| TOTAL | \$8,969,700 | \$3,110,400 | \$85,000 | | \$12,165,100 |
| IV. NORTHERN IDAHO ADJUDICATION: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$346,800 | \$187,300 | | | \$534,100 |

| | FOR | FOR | FOR | FOR | |
|-----------------------------------|--------------|---------------|-----------|---------------|---------------|
| | PERSONNEL | OPERATING | CAPITAL | TRUSTEE AND | |
| | COSTS | EXPENDITURES | OUTLAY | BENEFIT | TOTAL |
| | | | | PAYMENTS | |
| Northern Idaho Adjudication | | | | | |
| Fund | <u>0</u> | <u>38,000</u> | | | <u>38,000</u> |
| TOTAL | \$346,800 | \$225,300 | | | \$572,100 |
| V. BEAR RIVER BASIN ADJUDICATION: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$425,000 | \$140,400 | \$50,000 | | \$615,400 |
| GRAND TOTAL | \$16,011,100 | \$6,893,700 | \$171,000 | \$106,908,500 | \$129,984,300 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred sixty-eight (168.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER FOR AQUIFER MONITORING. There is hereby appropriated to the Department of Water Resources and the Office of the State Controller shall transfer \$716,000 from the Revolving Development Fund to the Aquifer Planning and Management Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023, to be used for aquifer monitoring, measurement, and modeling.

SECTION 4. CASH TRANSFER FOR AQUIFER MANAGEMENT. Of the amount appropriated to the Department of Water Resources in Section 1 of this act for the Planning and Technical Services Program from the General Fund, the Office of the State Controller shall transfer \$5,000,000 to the Secondary Aquifer Planning, Management, and Implementation Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023, to be used for aquifer recharge and management.

SECTION 5. CASH TRANSFER FOR THE FLOOD MANAGEMENT PROGRAM. Of the amount appropriated to the Department of Water Resources in Section 1 of this act for the Planning and Technical Services Program from the General Fund, the Office of the State Controller shall transfer \$1,000,000 to the Water Management Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023, to be used for hydrologic data collection, monitoring and modeling, flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects. These moneys shall be administered by the Idaho Water

1 Resource Board through a competitive, matching grant process that priori-
2 tizes projects based on the public benefits they provide.

3 SECTION 6. CASH TRANSFER FOR LARGE WATER PROJECTS. There is hereby ap-
4 propriated to the Department of Water Resources and the Office of the State
5 Controller shall transfer \$75,000,000 from the General Fund to the Water
6 Management Fund on July 1, 2022, or as soon thereafter as practicable for
7 the period July 1, 2022, through June 30, 2023, to be used for large water
8 projects such as the Anderson Ranch Dam capacity increase, Mountain Home Air
9 Force Base water supply project, and recharge projects in the Upper Snake
10 River Valley.

11 SECTION 7. USE OF MONEYS FOR WATER PROJECTS. Of the moneys provided in
12 Section 6 of this act for water projects, funding shall be used for expendi-
13 tures, loans, or grants for water projects, including studies, to address
14 water sustainability, rehabilitate or improve aging water infrastructure,
15 or support flood management. No more than one-third of these moneys shall be
16 used for grants. The Idaho Water Resource Board shall develop criteria, tak-
17 ing into account the public's input for the expenditures of money for grants,
18 which shall be competitive, matching grants that prioritize projects based
19 on the public benefits they provide. Considerations of public benefits
20 should include the protection of existing water rights, the uses identified
21 in Section 42-1760(2)(d), Idaho Code, which include consideration of the
22 value of existing hydropower to the state's economy, providing water for
23 future development, and addressing aging water storage and delivery infra-
24 structure for projects that provide environmental, safety, or recreational
25 benefits. For any project receiving grants issued pursuant to the crite-
26 ria developed under this section, the \$50,000 grant limitation of Section
27 42-1760(2)(b), Idaho Code, shall not apply.

28 SECTION 8. WATER PROJECTS ELIGIBLE FOR FUNDING FROM THE AMERICAN RESCUE
29 PLAN ACT (ARPA). It is the intent of the Legislature to provide approximately
30 \$250,000,000 of American Rescue Plan Act (ARPA) funding to support projects
31 managed by the Idaho Water Resource Board. Moneys shall be appropriated from
32 the ARPA State Fiscal Recovery Fund for this purpose. Projects may include:

33 (a) The continued identification, study, construction, or enlargement
34 of managed aquifer recharge sites above Milner Dam in accordance with
35 Section 42-1760(2)(c) and (d), Idaho Code, that, based on scientific
36 data and technical analysis, addresses the restoration of the Eastern
37 Snake Plain Aquifer;

38 (b) The enlargement of Anderson Ranch Reservoir, located on the South
39 Fork of the Boise River;

40 (c) Construction of water delivery and treatment systems for Mountain
41 Home Air Force Base, provided that the Idaho Water Resource Board shall
42 have the authority to transfer ownership of the state-constructed pump
43 station and pipeline to the base at no cost upon completion, and pro-
44 vided further that, notwithstanding the transfer of the pump station
45 and pipeline, the Snake River water rights for the project shall remain
46 in the board's ownership; and

1 (d) The design, planning, construction, and implementation of other
2 ARPA-eligible water resource management programs, plans, and projects
3 approved by the board.

4 SECTION 9. An emergency existing therefor, which emergency is hereby
5 declared to exist, this act shall be in full force and effect on and after
6 July 1, 2022.

STATEMENT OF PURPOSE

RS29781 / H0769

This is the FY 2023 original appropriation bill for the Department of Water Resources. It appropriates a total of \$129,984,300 and caps the number of authorized full-time equivalent positions at 168.00. For benefit costs, the bill increases the appropriated amount for health insurance by \$850 to \$12,500 per eligible full time FTP, includes a one-year holiday of unemployment insurance, and adjusts workers' compensation amounts. The bill also provides funding for permanent employees for the equivalent of a 3% salary structure shift and provides \$1.25 per hour per eligible employee to be distributed based on merit for change in employee compensation. The bill funds 16 line items, which provide additional funds for aquifer measuring and monitoring, a regional office bureau chief, phase 2 of the Bear River Adjudication, a water resource agent, project managers to aid the Water Resource Board, a hydrology project manager, a hydrologist, a financial technician, a Water Supply Bank agent, a Water Allocation Bureau engineer, a ground water protection agent, a bureau chief in the Technical Services Program, a staff member to aid in the Stream Channel Protection Program, Microsoft 365 licenses, a transfer from the General Fund for large water projects, and federal funding for water projects statewide.

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

FISCAL NOTE

| | FTP | Gen | Ded | Fed | Total |
|--|--------|--------------|-----------|-------------|--------------|
| FY 2022 Original Appropriation | 154.00 | 20,564,800 | 5,355,000 | 1,737,100 | 27,656,900 |
| FY 2022 Total Appropriation | 154.00 | 20,564,800 | 5,355,000 | 1,737,100 | 27,656,900 |
| Removal of Onetime Expenditures | 0.00 | (100,900) | 0 | 0 | (100,900) |
| FY 2023 Base | 153.00 | 20,463,900 | 5,355,000 | 1,737,100 | 27,556,000 |
| Personnel Benefit Costs | 0.00 | 58,800 | 22,100 | 3,500 | 84,400 |
| Inflationary Adjustments | 0.00 | 44,500 | 2,200 | 0 | 46,700 |
| Replacement Items | 0.00 | 27,500 | 0 | 0 | 27,500 |
| Statewide Cost Allocation | 0.00 | (93,300) | (1,500) | 0 | (94,800) |
| Change in Employee Compensation | 0.00 | 586,600 | 214,300 | 33,900 | 834,800 |
| FY 2023 Program Maintenance | 153.00 | 21,088,000 | 5,592,100 | 1,774,500 | 28,454,600 |
| 1. Aquifer Measuring and Monitoring | 0.00 | 0 | 716,000 | 0 | 716,000 |
| 2. Regional Office Bureau Chief | 1.00 | 119,100 | 0 | 3,000 | 122,100 |
| 3. Bear River Adjudication Phase 2 | 3.00 | 344,000 | 0 | 0 | 344,000 |
| 4. Water Resource Agent | 1.00 | 95,800 | 0 | 3,000 | 98,800 |
| 5. Water Board Project Managers | 2.00 | 207,400 | 0 | 6,000 | 213,400 |
| 6. Hydrology Project Manager | 1.00 | 103,700 | 0 | 3,000 | 106,700 |
| 7. Hydrologist Position | 1.00 | 95,800 | 0 | 3,000 | 98,800 |
| 8. Financial Technician Position | 1.00 | 0 | 63,500 | 0 | 63,500 |
| 9. Water Supply Bank Agent | 1.00 | 80,100 | 3,000 | 3,000 | 86,100 |
| 10. Water Allocation Bureau Engineer | 1.00 | 116,500 | 0 | 3,000 | 119,500 |
| 11. Ground Water Protection Agent | 1.00 | 0 | 0 | 0 | 0 |
| 12. Technical Services Bureau Chief | 1.00 | 119,100 | 0 | 3,000 | 122,100 |
| 13. Stream Channel Protection FTP | 1.00 | 114,600 | 0 | 3,000 | 117,600 |
| 14. Microsoft O365 Licenses | 0.00 | 37,100 | 0 | 0 | 37,100 |
| 15. Large Water Projects Transfer | 0.00 | 75,000,000 | 0 | 0 | 75,000,000 |
| 51. Water Infrastructure Projects | 0.00 | 0 | 0 | 100,000,000 | 100,000,000 |
| Revenue Adjustments and Cash Transfers | 0.00 | (75,000,000) | (716,000) | 0 | (75,716,000) |
| FY 2023 Total | 168.00 | 22,521,200 | 5,658,600 | 101,804,500 | 129,984,300 |
| Chg from FY 2022 Orig Approp | 14.00 | 1,956,400 | 303,600 | 100,067,400 | 102,327,400 |
| % Chg from FY 2022 Orig Approp. | 9.1% | 9.5% | 5.7% | 5,760.6% | 370.0% |

Contact:

Rob J Sepich
Budget and Policy Analysis
(208) 334-4742

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

2022 Legislation

HOUSE BILL 769

The status of each bill, resolution, proclamation, and memorial is updated when the offices of the Secretary of the Senate and the Chief Clerk of the House publish the un-official daily journals and should not be deemed official. The official bill actions are located in the final journal, which are maintained by the offices of the Secretary of the Senate and the Chief Clerk of the House. **The daily journals are published at the end of each legislative day.**

Full Bill Information

Individual Links:

Bill Text

Statement of Purpose / Fiscal Note

Legislative Co-sponsors

H0769

by APPROPRIATIONS COMMITTEE

APPROPRIATIONS – DEPARTMENT OF WATER RESOURCES – Relates to the appropriation to the Department of Water Resources for fiscal year 2023.

03/11 Introduced, read first time, referred to JRA for Printing

03/14 Reported Printed; Filed for Second Reading

03/15 Read second time; Filed for Third Reading

Rules Suspended: Ayes 69 Nays 0 Abs/Excd 1, read in full as required –

PASSED - 59-10-1

AYES – Adams, Addis, Amador, Andrus, Armstrong, Barbieri, Berch, Blanksma, Boyle, Bundy, Burns, Cannon, Chaney, Chew, Clow, Crane, Ehardt, Erickson, Furniss, Galloway, Gannon, Gestrin, Gibbs, Green, Harris, Hartgen, Holtzclaw, Horman, Kauffman, Kerby, Lickley, Manwaring, Marshall, Mathias, McCann, McCrostie, Mendive, Mitchell, Monks, Moyle, Nash, Nate, Necochea, Okuniewicz, Palmer, Rubel, Ruchti, Shepherd, Skaug, Syme, Toone, Troy, Vander Woude, Weber, Wood, Yamamoto, Young, Youngblood, Mr. Speaker

NAYS – Christensen, Dixon, Ferch, Giddings, Hanks, Kingsley, Moon, Nichols, Scott, Wisniewski

Absent – DeMordaunt

Floor Sponsor - Bundy

Title apvd - to Senate

03/16 Received from the House passed; filed for first reading

Introduced, read first time; referred to: Finance

Reported out of Committee with Do Pass Recommendation; Filed for second reading

03/17 Read second time; filed for Third Reading

03/21 Read third time in full – **PASSED - 31-2-2**

AYES – Agenbroad, Anthon, Blair(Johnson), Burgoyne, Burtenshaw, Cook, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Lakey, Lee, Lent, Lodge, Martin, Nye, Patrick, Rice, Ricks, Riggs, Semmelroth, Souza, Thayn, VanOrden(Bair), Vick, Ward-Engelking, Winder, Wintrow, Woodward

NAYS – Bayer, Zito

Absent and excused – Nelson, Stennett

Floor Sponsor - Crabtree

Title apvd - to House

03/22 Returned from Senate Passed; to JRA for Enrolling

Reported Enrolled; Signed by Speaker; Transmitted to Senate

Received from the House enrolled/signed by Speaker

Signed by President; returned to House

03/23 Returned Signed by the President; Ordered Transmitted to Governor

Delivered to Governor at 9:20 a.m. on March 23, 2022

Memorandum



To: Idaho Water Resource Board
From: Remington Buyer, Cynthia Bridge Clark
Date: March 21, 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.

Current Activities

- The 2022 Idaho Legislature approved legislation related to the IWRB's water right application for the additional storage anticipated through the dam raise. House Bill (HB) 584 finds that the IWRB's water right application for permit no. 63-34753 is made in good faith and not for speculative purposes and, therefore, satisfies some criteria set forth in Idaho Code § 42-203A. The legislation addresses certain issues that have arisen with IDWR's evaluation of water right applications for large storage projects. At the time of this memorandum, HB 584 had been passed by the Idaho legislature and sent to the Governor for approval.
- House Bill 769, IDWR's Fiscal Year 2023 appropriation, includes \$250 million of American Rescue Plan Act funds. A portion of the funding is expected to be used to finance the non-federal cost of the Anderson Ranch Dam Raise project. At the time of this memorandum, HB 769 had been passed by the Idaho legislature and sent to the Governor for approval.
- IWRB staff continues to coordinate closely with Reclamation to track progress and provide support where appropriate. This includes use of the Boise River water right accounting model as it may pertain to Reclamation's hydrologic analysis and the IWRB's water right application. IWRB staff will provide support for the Rim projects by coordinating with stakeholders as needed. Staff is also tracking post-feasibility study design work in anticipation of an update to the spillway design, potential reservoir elevation restriction and mitigation during construction, and updated project costs in fall 2022.

Reclamation will provide an update on project activities at the March 31, 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 March 16, 2022)
- 2022 Idaho Legislature House Bill 584



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 March 31, 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's Columbia-Pacific Northwest Regional Drill Crew and geologist in coordination with the Technical Service Center (TSC) completed concrete core and rebar sampling of the existing spillway.
- TSC's lab completed testing of concrete core and rebar samples.
- TSC performing pre-design activities including data collection / coordination, scoping for summer 2022 geotechnical field investigations, and on-site survey work.
- TSC beginning to conduct proposed detour route pre-design analysis, data collection, and stakeholder coordination.
- Reclamation's Regional resources are currently planning and coordinating reservoir rim projects activities.

Ongoing project activities include:

- Reclamation’s TSC continuing spillway overlay feasibility design activities.
- Reclamation’s TSC staff continuing further hydrologic analysis—reservoir frequency analysis.
- 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.

Sincerely,

Chris Keith
Project Manager

STATEMENT OF PURPOSE

RS29420 / H0584

The legislature has provided funds to the Idaho Water Resource Board to complete a raise of Anderson Ranch dam to add additional storage capacity to Anderson Ranch Reservoir. The Board has filed water right application 63-34753 with the Idaho Department of Water Resources for this Anderson Ranch Dam raise project. The Director of the Department of Water Resources evaluates each water right application under certain criteria set out in I.C. § 42-203A(5)(a)-(g). This legislation declares that the Board's water right application 63-34753 satisfies certain of these criteria. It declares that the application is made in good faith and not for delay or speculative purposes, is in the local public interest, is consistent with the conservation of water resources in the state of Idaho and will not adversely affect the local economy of the Boise River watershed. The legislation declares that the Director of IDWR is not required to make findings related to these criteria. This legislation is being proposed to address certain issues that have arisen with how the Director of IDWR evaluates water right applications for large storage projects and will allow the Board to focus on other issues related to the project other than establishing these criteria in the water right process.

FISCAL NOTE

This legislation will have no negative impact on the state's General Fund or any dedicated fund.

Contact:

Representative Megan Blanksma
(208) 332-1000
Paul Arrington
Idaho Water Users Association
(208) 404-9436

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 584

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO ANDERSON RANCH DAM; PROVIDING LEGISLATIVE INTENT REGARDING THE
ANDERSON DAM RAISE PROJECT; AND DECLARING AN EMERGENCY AND PROVIDING AN
EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. The Legislature has provided funds to
the Water Resource Board to complete a raise of Anderson Ranch Dam to add an
additional 29,000 acre-feet of storage for this facility and finds, for pur-
poses of Section 42-203A(5), Idaho Code, that the board's application for a
water right for this Anderson Ranch raise project is made in good faith and
not for delay or speculative purposes, is in the local public interest as de-
fined in Section 42-202B, Idaho Code, is consistent with the conservation of
water resources in the State of Idaho, and will not adversely affect the lo-
cal economy of the Boise River watershed. The director of the Department of
Water Resources is not required to make findings related to these criteria
when evaluating the board's water right application.

SECTION 2. An emergency existing therefor, which emergency is hereby
declared to exist, this act shall be in full force and effect on and after
July 1, 2022.

Memorandum

To: Idaho Water Resource Board
From: Mike Morrison
Date: March 15, 2022
Re: Mountain Home Air Force Base Water Resilience Project



REQUIRED ACTION: No action is required.

Project Update

Since January's Board meeting, Staff has continued to work with the USAF to articulate the scope of work that will be performed by the Board, and to clearly delineate the respective responsibilities of the Board and Air Force. Staff will be seeking an Owner's Advisor to provide assistance developing the documents needed to select a designer, construction contractor(s), and other professional services needed to deliver the project on or before June 1, 2025. Since January's Board meeting, the project team has:

- Met with the Air Force at MHAFB to discuss water delivery, security, and SCADA requirements.
- Conducted an inspection, with MHAFB Engineering staff, of the proposed point of diversion at CJ Strike Reservoir, the proposed pipeline alignment, and the proposed point of delivery at MHAFB.
- Reviewed the Air Force's gift requirements and identified conditions that the Board will need to meet before the Air Force will accept the pump station and pipeline from the Board.
- Drafted the terms of an agreement outlining the scope of work to be performed by the Board and the conditions that must be met before the Board commits significant effort or funding.
- Reviewed easements and rights-of-way along the proposed pipeline alignment and identified any changes that will need to be addressed before we can break ground.
- Engaged a contractor, OAC Inc., to assist the Board in developing the documentation necessary to obtain professional design and construction management services.
- Completed an assessment of the water rights that the Board has obtained for this project; however, a full analysis won't be completed until the Air Force provides us with its water delivery requirements.
- Requested that Idaho Power conduct an assessment of existing transmission level facilities to determine their adequacy for this project.

Project Status: Staff is currently awaiting the Air Force's water delivery and SCADA requirements. Meanwhile, Staff continues to develop the documentation needed to obtain professional design and construction management services.

WATER DISTRICT 1

2022 RENTAL POOL PROCEDURES

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- ❖ **Supplemental Pool Form** for spaceholder **to supply storage to Supplemental Pool**

2021
WATER DISTRICT 1
RENTAL POOL PROCEDURES

PROCEDURE 1.0 LEGAL AUTHORITY

- 1.1 These procedures have been adopted by the Water District 1 Committee of Nine pursuant to Idaho Code § 42-1765.
- 1.2 These procedures shall not be interpreted to limit the authority of the Idaho Department of Water Resources, the Idaho Water Resource Board, or the Watermaster of Water District 1 in discharging their duties as prescribed by statute or rule.
- 1.3 These procedures shall be interpreted consistent with Idaho Code, rules promulgated by the Idaho Water Resource Board, relevant provisions of spaceholder contracts with the United States, and the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement.
- 1.4 The operation of the rental pool shall in no way recognize any obligation to maintain flows below Milner or to assure minimum stream flows at the United States Geological Survey (USGS) gaging station on the Snake River near Murphy.
- 1.5 These procedures shall not be interpreted in any manner that is inconsistent with or would adversely impact or effect the rights of the Shoshone-Bannock Tribes as set out in the Fort Hall Agreement, the Blackfoot River Equitable Adjustment Settlement Agreement, and the 2015 Settlement Agreement between the Tribes and the Committee of Nine.

PROCEDURE 2.0 DEFINITIONS

- 2.1 **Accounting Year:** the Water District 1 accounting year that begins on December 1 and ends on November 30.
- 2.2 **Acre-foot:** a volume of water sufficient to cover one acre of land one foot deep and is equal to 43,560 cubic feet.
- 2.3 **Administrative Fee:** a fee per acre-foot assessed on the total quantity of storage set forth in any rental or lease application, disbursed to the District at the end of the irrigation season.
- 2.4 **Allocation:** the amount of stored water, including carryover that has accrued to a spaceholder's storage space on the date of allocation that is available for the spaceholder's use in the same accounting year.
- 2.5 **Applicant:** a person who files with the Watermaster an application, accompanied by the required fees, to rent or lease storage through the rental pool.
- 2.6 **Assignment:** storage provided by an assignor from the current year's storage allocation for rental through the assignment pool pursuant to Procedure 10.
- 2.7 **Assignment Pool:** storage made available to the Committee through assignor contributions for subsequent rental pursuant to Procedure 10.
- 2.8 **Assignor:** a participant who assigns storage to the assignment pool pursuant to Procedure 10 and subject to Procedure 7.5.
- 2.9 **Board:** the Idaho Water Resource Board (IWRB).

- 2.10 **Board Surcharge:** a surcharge equal to ten percent (10%) of the rental price or lease price assessed on the total quantity of storage set forth in any rental or lease application, disbursed to the Board at the end of the irrigation season.
- 2.11 **Bureau:** the United States Bureau of Reclamation (USBR).
- 2.12 **Committee:** the Committee of Nine, which is the advisory committee selected by the members of Water District 1 at their annual meeting and appointed as the local committee by the Board pursuant to Idaho Code § 42-1765.
- 2.13 **Common Pool:** storage made available to the Committee through participant contributions for subsequent rental pursuant to Procedure 5.
- 2.14 **Date of Allocation:** the date determined each year by the Watermaster on which the maximum accrual to reservoir spaceholders occurs.
- 2.15 **Date of Publication:** the date on which the Watermaster publishes on the District website the storage allocation for the current accounting year.
- 2.16 **Department:** the Idaho Department of Water Resources (IDWR).
- 2.17 **District:** The District is comprised of the Snake River and tributaries with Basins 01, 21, 22, 23, and 25 points of diversion.
- 2.18 **Impact Fund:** a fund maintained by the Watermaster for the mitigation of computed impacts to participants pursuant to 2021 rental pool procedures.
- 2.19 **Extraordinary Circumstances Pool:** Storage made available to the Committee through participant consignments for subsequent rental pursuant to Procedure 11.
- 2.20 **Infrastructure Fund:** a fund maintained by the Watermaster for the purposes outlined in Procedure 4.5.
- 2.21 **Lease:** a written agreement entered into between a lessor and lessee to lease storage through the rental pool pursuant to Procedure 6.
- 2.22 **Lease Price:** a price per acre-foot negotiated between a lessor and lessee as set forth in a lease agreement.
- 2.23 **Lessee:** a person who leases storage from a participant under a lease.
- 2.24 **Lessor:** a participant who leases storage to a person under a lease pursuant to Procedure 6 and subject to Procedure 7.5.
- 2.25 **Milner:** Milner Dam on the Snake River.
- 2.26 **Milner Spill:** water in excess to the amount that is captured in the reservoir system flowing past Milner Dam that is not storage being delivered under Idaho Power's American Falls storage water right or other storage that is otherwise authorized pursuant to these rules.
- 2.27 **Net Price:** the average price per acre-foot of all rentals from the common pool or assignment pool, including flow augmentation.
- 2.28 **Net Proceeds:** the net price times the number of acre-feet rented from the common pool or assignment pool.

- 2.29 **Participant:** a spaceholder who contributes storage to the common pool pursuant to Procedure 5.2.
- 2.30 **Participant Contributions:** storage made available to the common pool by participants, with computed impacts accounted from next year's reservoir fill, which forms the supply for large rentals, small rentals, and flow augmentation pursuant to Table 1, subject to the limitations in Procedure 5.2.
- 2.31 **Person:** an individual, corporation, partnership, irrigation district, canal company, political subdivision, or governmental agency.
- 2.32 **Rent:** the rental of storage from the common pool, supplemental pool, or assignment pool.
- 2.33 **Rental Pool:** the processes established by these procedures for the rental and/or lease of storage, mitigation of computed impacts to spaceholders, and disposition of revenues.
- 2.34 **Rental Pool Subcommittee:** a subcommittee composed of the Watermaster (advisor), a designated representative from the Bureau (advisor), and three or more members or alternates of the Committee who have been appointed by the chairman of the Committee.
- 2.35 **Rental Price:** the price per acre-foot of storage rented from the common pool, supplemental pool, or assignment pool, as set forth in Procedures 5.4, 8.0, and 10.7, excluding the administrative fee and Board surcharge.
- 2.36 **Renter:** a person who rents storage from the common pool, supplemental pool, or assignment pool.
- 2.37 **Reservoir System:** refers to American Falls, Grassy Lake, Henrys Lake, Island Park, Jackson Lake, Lake Walcott, Milner Pool, Palisades, and Ririe.
- 2.38 **Space:** the active capacity of a reservoir measured in acre-feet.
- 2.39 **Spaceholder:** the holder of the contractual right to the water stored in the space of a storage facility within the Reservoir System.
- 2.40 **Storage:** the portion of the available space that contains stored water.
- 2.41 **Supplemental Pool:** storage made available to the Committee through participant consignments for subsequent rental pursuant to Procedure 8.
- 2.42 **Watermaster:** the watermaster of Water District 1.
- 2.43 **Water Supply Forecast:** the forecasted unregulated runoff for April 1 to September 30 at the Heise USGS gaging station, referred to in Table 1.

PROCEDURE 3.0 PURPOSES

- 3.1 The primary purpose of the rental pool is to provide supplemental irrigation water to spaceholders for the irrigation of District land with an existing primary irrigation water right and to maintain a rental pool with sufficient incentives such that spaceholders supply, on a voluntary basis, an adequate quantity of storage for rental or lease pursuant to procedures established by the Committee. These procedures are intended to: a) assure that participants have priority over non-participating spaceholders and non-spaceholders in renting storage through the rental pool; b) assure that non-participating spaceholders are not impacted; and c) rentals occurring through the assignment pool and supplemental pool do not impact other spaceholders .
- 3.2 To maintain adequate controls, priorities, and safeguards to insure that existing water rights are not injured and that a spaceholder's allocation is not impacted without his or her consent. To financially compensate an impacted participating spaceholder in the common pool as determined by the procedures developed by the District.
- 3.3 To provide storage water at no cost under Procedure 5.0 for the benefit of the Tribes consistent with the terms of the Blackfoot River Equitable Adjustment Settlement Agreement and the 2015 Settlement Agreement. Discussions are ongoing to identify the party responsible for mitigating impacts to the Tribes. Nothing in these Procedures should be construed as an admission of liability by Water District 1 or the Committee of Nine.
- 3.4 To prevent further declines in the Eastern Snake Plain Aquifer and tributary spring flows and reach gains, and to ensure new consumptive uses within the District do not further impact the storage supply and the primary purpose of the rental pool as described in Procedure 3.1, the following shall apply:
 - 3.4.101 A moratorium on all private leases, assignment and common pool rentals that deliver water to new lands or mitigate for diversion of water on new lands, except when:
 - (a) a water right was legally delivered to the lands from any source prior to 2019; or
 - (b) contracted storage water was delivered by the District prior to 2019 for mitigation for the use of water on new lands; or
 - (c) rented storage water was delivered to the lands from the District within the last 5 years.The moratorium also prohibits rentals for delivery to lands or providing mitigation for lands where a water right or storage use was transferred off said lands, inside or outside the District.
 - 3.4.102 The following exceptions apply to the above moratorium:
 - (a) Small rentals under Procedure 5.2.104;
 - (b) Domestic, commercial, municipal, and industrial uses authorized pursuant to a decreed or licensed storage water right and spaceholder contract; and
 - (c) Land that subsequent to the adoption of Procedure 3.4, is authorized for irrigation purposes under a water organization project's owned water right and other provisions of state law.
 - 3.4.103 All private lessees or rental pool applicants shall certify that the respective private lease or rental pool application complies with the requirements set forth above. Lessees and Applicants that have had prior leases or rentals approved prior to 2019 that would otherwise be prohibited by this rule may present such information to the Watermaster and Committee to show why such lease or application should be approved. Further, the Watermaster and any spaceholder may raise any issues derived from this moratorium in regards to any private lease or rental application which shall be resolved by the Committee.

PROCEDURE 4.0 MANAGEMENT

- 4.1 **Manager.** The Watermaster shall serve as the manager of the rental pool and shall administer the rental pool consistent with these procedures, which include, but are not limited to:
- (a) Determining impacts pursuant to Procedure 7;
 - (b) Calculating payments to participating spaceholders as prescribed by Procedures 5.2 and 7.3;
 - (c) Accepting storage into the common pool, assignment pool, and executing rental agreements on behalf of the Committee;
 - (d) Disbursing and investing rental pool monies with the advice and consent of the Rental Pool Subcommittee; and
 - (e) Taking such additional actions as may be directed by the Committee.
- 4.2 **Rental Pool Subcommittee.** The Rental Pool Subcommittee shall exercise the following general responsibilities:
- (a) Review these procedures and, as appropriate, make recommendations to the Committee for needed changes;
 - (b) Review reports from the Watermaster regarding rental applications, storage assignments to the assignment pool, and leases of storage through private leases;
 - (c) Advise the Committee regarding rental pool activities;
 - (d) Develop recommendations for annual common pool storage supplies and rental rates;
 - (e) Assist the Watermaster in resolving disputes that may arise from the diversion of excess storage; and
 - (f) Assume such additional responsibilities as may be assigned by the Committee.
- 4.3 **Applications**
- 4.3.101 Applications to rent or lease storage through the rental pool shall be made each year upon forms approved by the Watermaster and shall include:
- (a) The amount of storage sought to be rented or leased;
 - (b) The purpose(s) for which the storage will be put to beneficial use;
 - (c) The lease price (for private leases);
 - (d) To the extent practicable at the time of filing the application, the point of diversion identified by legal description and common name; and a description of the place of use; and
 - (e) Certification that the rental or lease is not subject to moratorium under Procedure 3.4 above.
- 4.3.102 *Application Acceptance.* Applications are not deemed accepted until received by the Watermaster together with the appropriate fees required under Procedures 5.4 and 10.7 (rentals) or 6.4 (leases).
- 4.3.103 *Application Approval.* An application accepted under Procedure 4.3.102 shall be approved after the Watermaster has determined that the application is in compliance with these procedures and sufficient storage will be available from the common pool, assignment pool, and/or lessor to provide the quantity requested in the application. Upon approval of the application, the Watermaster shall send notice to the renter/lessor/lessee and entity owning the point of diversion designated in the application of such approval and allocation of storage; provided, however, no allocation of storage shall be made until the applicant designates the point of diversion and place of use of the rented and/or leased storage in the application or pursuant to Procedure 4.3.106.
- 4.3.104 *Timeframe for having Rental Application Accepted to Preserve Rental Priority.* Applications to rent storage will not be accepted until April 5 of the year in which the storage will be used. Applications must be accepted by the Watermaster within 15 days following the date of publication to preserve the applicant's priority under Procedure 5.3.101.

- 4.3.105 *Deadline for Accepting Applications to Rent or Lease Storage.* All applications to rent or lease storage must be accepted by the Watermaster pursuant to Procedure 4.3.102 on or before November 30. Applications accepted after November 30 will be accounted for from storage supplies in the following calendar year, unless an exception is granted by the Rental Pool Subcommittee.
- 4.3.106 *Deadline to Designate Point of Diversion and Place of Use.* If the point of diversion and/or place of use of the rented and/or leased storage was not previously designated in the application, the renter and/or lessee must make such designation in writing to the Watermaster on or before November 30 of the same year, unless an extension is granted by the Rental Pool Subcommittee. Failure to comply with this provision shall cause any unused storage to automatically revert back to the common pool, assignment pool, and/or lessor, respectively.
- 4.3.107 *Deadline to Use Rental or Lease Storage.* Approved applications pursuant to Procedure 4.3 or water leased through a private lease, must be used and diverted on or before November 30 of the same year.
- 4.3.108 *Reporting Requirements for Leases and Assignments to Points of Diversion on Sources Not Regulated by the Water District #1 Watermaster.* To keep Water District #1 assessments, administrative fees, and regulation costs to a minimum, approved rental leases and assignments to points of diversion on sources not regulated by Water District #1 (e.g. Portneuf River, Wood River, Silver Creek, etc.) must have their daily cfs or acre-feet of rental diversions measured by the watermaster of the water district containing the points of diversion receiving the rental storage and then reported by the watermaster of that district to the Water District #1 Watermaster by November 30 of the year storage is rented. Daily diversion reports from individual renters in water districts other than Water District #1 will not be accepted by the Water District #1 Watermaster. Failure of the watermasters in other districts to report to the Water District #1 Watermaster the daily rental storage deliveries within their district by November 30 will result in the rental pool storage not being delivered in the Water District #1 final water right accounting. No refunds for rental prices or fees will be issued to lessors, lessees, or renters when daily deliveries are not reported by the watermaster responsible for the regulation of the points of diversion or re-diversion on the source rental storage is being injected or exchanged with sources from Water District #1.

4.4 **Rental Pool Account**

- 4.4.101 All monies submitted by applicants shall be deposited in an interest-bearing account known as the “Rental Pool Account” and maintained by the Watermaster on behalf of the Committee. Monies in the Rental Pool Account will be disbursed to participants, the District, and the Board in the proportions set forth in these -Procedures. Rental Pool Funds shall be considered public funds for investment purposes and subject to the Public Depository Law, Chapter 1, Title 57, Idaho Code.
- 4.4.102 Monies deposited in the Rental Pool Account are non-refundable to the extent the rental and/or lease application is approved pursuant to Procedure 4.3.103, regardless of whether the storage is used.

4.5 **Infrastructure Fund**

- 4.5.101 Monies in the Infrastructure Fund may only be used to fund District costs of projects relating to improvements to the District’s distribution, monitoring, and gaging facilities,

and other District projects designed to assist in the adjudication, which includes the cost of Blackfoot River Equitable Adjustment Settlement Water, if any is required, conservation, or efficient distribution of water.

- 4.5.102 Disbursements from the Infrastructure Fund are subject to two-thirds (2/3) Committee approval.
- 4.5.103 Monies in the Infrastructure Fund may be carried over from year to year.
- 4.6 **Diversions not Regulated by the District.** Water District #1 and/or its spaceholders will not accept responsibility or liability for any interference to natural flow or storage deliveries that result from rentals or leases to diversions within other water districts.

PROCEDURE 5.0 COMMON POOL

- 5.1 **Scope.** The common pool consists of storage made available to the Committee through participant contributions. Participants make all of their storage available to the common pool pursuant to the terms of Procedure 5.2, with computed impacts accounted from next year's reservoir fill.
- 5.2 **Participant Contributions**
 - 5.2.101 *Participants.* Any spaceholder may, upon submitting written notice to the Watermaster prior to April 7 of the current year elect to contribute storage to the current year's common pool rentals to be deducted from the spaceholders subsequent year's storage allocation when excess water does not spill past Milner in the subsequent year. Any spaceholder making such election shall be deemed a "participant" for the current year and every year thereafter until the spaceholder provides written notice to the Watermaster prior to April 7 of the year common pool rentals are purchased, rescinding its participation. Participants choosing to rescind their participation by the April 7 deadline shall receive their proportional share of the previous year's common pool proceeds after having their current year's storage allocation reduced to supply those previous year's common pool rentals but shall cease receiving reductions to their future years' storage allocations to supply common pool rentals and cease receiving common pool rental payments in future years following the rescindment. Upon election from a previous non-participant to begin participation, the new participant is eligible for all the benefits of a participant set forth in these procedures, excluding monetary payment associated with common pool rentals purchased in the year prior to participation election. If after April 7 less than seventy-five percent (75%) of the contracted storage space is committed to the common pool by participants, the Committee may revise the rental pool procedures as necessary prior to April 21.
 - 5.2.102 *Non-Participants.* Spaceholders who are not participants shall not be entitled to supply storage to, or rent storage from the common pool. Notwithstanding this restriction, the Bureau may rent flow augmentation water from the common pool in the amounts identified in Procedure 5.2.105.
 - 5.2.103 *Large Rentals.* The common pool will make available from participant contributions 50,000 acre-feet of storage for rentals, subject to the priorities and limitations set forth in Procedure 5. If the request for rentals under the first priority in procedure 5.3.101 exceeds 50,000 acre-feet, the amount shall be increased to meet the amount requested under the first priority, not to exceed 100,000 acre-feet.
 - 5.2.104 *Small Rentals.* The common pool will make available from participant contributions 5,000 acre-feet for rentals of 100 acre-feet or less per point of diversion for diversions regulated by the Water District #1 Watermaster, subject to the priorities and limitations set forth in Rule 5. Rentals from the small pool shall only be considered for approval

following submittal of written consent from the operator of the delivery system. The Committee may approve on a case-by-case basis the additional rental of storage under this provision to exceed the 100 acre-feet limitation. The 100 acre-feet limitation per point of diversion does not apply if the rental is supplied pursuant to Procedure 5.2.103.

- 5.2.105 *Flow Augmentation.* The amount of storage, from participant contributions to the common pool, available for rental for flow augmentation shall be determined by Table 1 shown in the Appendix of these procedures.
- 5.2.106 *Shoshone-Bannock Tribes.* The Tribes shall be treated as non-participants unless written notice is provided by the Tribes under Procedure 5.2.101.
- (a) *Blackfoot River Equitable Adjustment Settlement Agreement Water.* Storage water not to exceed 20,000 acre-feet shall be made available in accordance with the terms of the Blackfoot River Equitable Adjustment Settlement Agreement. The source and funding of the storage water shall be determined by the Committee at its June meeting. Administrative fees shall be paid by Water District 1.
- (b) *2015 Settlement Agreement.* Storage water not to exceed 10,000 acre-feet (except with the approval of the Committee of Nine) shall be made available in accordance with the terms of the 2015 Settlement Agreement from the current year's Common Pool prior to providing any rental under the priorities of Procedure 5.3.101. Administrative fees shall be paid by Water District 1. Discussions are ongoing to identify the party responsible for mitigating impacts to the Tribes. Nothing in these Procedures should be construed as an admission of liability by Water District 1 or the Committee of Nine.
- 5.2.107 *Supply Sources.* Common pool storage shall be deducted proportionally from all participants' storage allocations in the year following when the storage was used. If Milner Spill occurs between years, no deduction is necessary.
- 5.2.108 *Participant Payments.* Monies collected through the rental of the participant contribution portion of the common pool, including flow augmentation, shall be disbursed based on the amount each participant is reduced pursuant to Procedure 5.2.107. In years where no reduction is necessary due to Milner Spill, all monies collected shall be disbursed proportionally based on participant space. Payments will be made to participants within two weeks of the date of publication.

5.3 **Priorities for Renting Storage**

- 5.3.101 *Priorities.* Storage rented from the common pool shall be pursuant to the following priorities:
- (a) *First Priority.* Rentals by participants whose storage is reduced pursuant to Procedure 5.2.107, not to exceed the amount of the reduction.
- (b) *Second Priority.* Rentals by participants for their spaceholder contracted purposes up to the amount of their unfilled space.
- (c) *Third Priority.* Rentals by participants for any purposes above Milner in excess of their unfilled space. . Rental under this third priority shall not result in increasing the renter's carryover at the end of the irrigation year. No refunds will be issued for rental approved under this third priority pursuant to Procedure 4.3.103.
- 5.3.102 *Priority for Late Applications.* Applications received after the deadline set forth in Procedure 4.3.104 will be deemed last in priority and will be filled in the order they are received, only after all timely applications have been filled.

- 5.3.103 *Distribution Within Priority Classes.* If rental supplies are not sufficient to satisfy all of the timely applications within a priority class (those received within 15 days of the date of publication), the available rental supplies will be distributed to the applicants within that priority class on a pro-rata basis.
- 5.3.104 *Priority for Small Rentals.* Small rentals made pursuant to Procedure 5.2.104 are not subject to the priorities set forth in Procedure 5.3.101 and will be approved in the same order in which the rental applications are received by the Watermaster, so long as the total amount of all such applications does not exceed 5,000 acre-feet.
- 5.3.105 *Priority for Flow Augmentation.* Rentals for flow augmentation are not subject to the priorities set forth in Procedure 5.3.101 and shall be determined pursuant to Procedure 5.2.105, Procedure 10.6, and Procedure 11.

5.4 **Rental Prices**

- 5.4.101 *Tier 1:* If the storage system fills, the rental price for purposes above Milner shall be \$7.00 per acre-foot.
- 5.4.102 *Tier 2:* If the storage system does not fill but storage is provided for flow augmentation pursuant to Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$17.00 per acre-foot.
- 5.4.103 *Tier 3:* If the storage system does not fill and no flow augmentation water is provided pursuant to Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$25.00 per acre-foot.
- 5.4.104 *Determination of Tier 1, 2 or 3 Rental Price:* Unless the storage system has filled, the Watermaster shall designate on or before April 5 either Tier 2 or Tier 3 as the rental price for above-Milner rentals. If at any time during the same accounting year, the storage system should subsequently fill, the Watermaster shall designate Tier 1 as the rental price for above-Milner rentals and refund any excess rental fees within 30 days after the date of publication.
- 5.4.105 *Tier 4:* The rental price for storage rented from for flow augmentation shall be \$17.00 per acre-foot.
- 5.4.106 *Fees & Surcharges.* There shall be added to the rental price for all rentals the Board surcharge and administrative fee, resulting in the following summed amounts charged for common pool rentals for the various tiers described in Procedures 5.4.101 through 5.4.105:
- (a) Tier 1: $\$7.00 + \$0.70 + \$1.30 = \9.00
 - (b) Tier 2: $\$17.00 + \$1.70 + \$1.30 = \20.00
 - (c) Tier 3: $\$25.00 + \$2.50 + \$1.30 = \28.80
 - (d) Tier 4: $\$17.00 + \$1.70 + \$1.30 = \20.00
- 5.4.107 *Storage System Fill.* For purposes of Procedure 5.4 only, the storage system is considered full when all storage rights are filled in Jackson Lake, Palisades (except for powerhead), American Falls, and Island Park

- 5.5 **Limitations.** A participant cannot rent water from the Common Pool if the participant is replacing storage space or water which has been evacuated due to an assignment to or private lease through the Water District 1 Rental Pool, unless an exception is granted by the Committee.

PROCEURE 6.0 PRIVATE LEASES

- 6.1 **General.** All leases must be transacted through the rental pool. Only participants may lease storage to a Lessee subject to the provisions of these rules, and non-participating spaceholders may not lease storage from participants.
- 6.2 **Purposes.** Storage may be leased through the rental pool only for beneficial use purposes above Milner. A participant may not lease storage to a lessee and rent storage from the common pool in the same accounting year unless an exception is granted by the Rental Pool Subcommittee.
- 6.3 **Payment to Lessor.** The lessor shall receive one-hundred percent (100%) of the lease price.
- 6.4 **Fees & Surcharges.** There shall be added to the lease price the administrative fee and the Board surcharge.
- 6.5 **Non-Applicability to Common Pool.** Storage leased pursuant to this procedure does not count against the participant contribution volumes set forth in Procedure 5.2.
- 6.6 **Recharge.** All storage used for the purpose of recharge must be transacted through the rental pool. Unless storage is rented pursuant to Procedures 5.0 or 10.0, storage used for recharge, whether diverted by the storage spaceholder or another person, will be treated as a lease of storage.
- 6.7 **Idaho Water Resource Board (IWRB) Storage.** Notwithstanding the limitations set forth in Procedures 6.1 and 6.2, the IWRB may lease its existing storage (up to 5,000 acre-feet) to Idaho Power and have it released past Milner for the purpose of mitigating minimum flows at Murphy. The administrative fee must be paid by the IWRB for any storage used for such purpose.
- 6.8 **Lease of Storage from Bureau Uncontracted Space.** Notwithstanding the limitations set forth in Procedures 6.1 and 6.2, the Bureau may lease storage from its uncontracted space for flow augmentation as identified in Appendix III of the – Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.
- 6.9 **Lease of Storage from Bureau Powerhead Space.** Notwithstanding the limitations set forth in Procedures 6.1 and 6.2, the Bureau may lease storage from its powerhead space for flow augmentation as identified in III.C.7 of the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.

PROCEDURE 7.0 IMPACTS

- 7.1 **Determination.** In any year in which the storage rights in the reservoir system do not fill, the Watermaster will determine the actual computed impacts to spaceholders, if any, associated with the prior year's rentals and leases. In making this determination, the Watermaster will use a procedure which identifies the following:
- (a) What each computed reservoir fill would have been had the previous year's rentals and leases not taken place;
 - (b) The storage space from which rented or leased storage was actually supplied for the previous year's rental or lease; and
 - (c) The amount of storage each spaceholder's current allocation was reduced by the previous year's rental or lease activities.
- 7.2 **Milner Spill.** There are no computed impacts resulting from the previous and current year's rentals or leases used prior to Milner spill ceasing when the use of those rentals or leases result in reducing the spill from the reservoir system prior to the current year's Date of Allocation, as determined by the Watermaster.
- 7.3 **Impacts to Spaceholders resulting from all leases, assignments, supplemental pool, extraordinary circumstances pool, and common pool rentals.** To avoid impacts to spaceholders caused by rental pool storage provided under Procedures 5., 6, 8, 9.3, 10, and 11 in years when storage is not spilled past Milner, the supplying spaceholder's storage allocation shall be reduced to ensure all other reservoir space receives a 100% fill to its storage allocation ahead of allocations to space evacuated to supply previous year leases, assignments, and rentals. If the amount of storage in the reservoir system exceeds the amount necessary to allocate 100% fill to space that wasn't evacuated to supply leases, assignments, and rentals but is insufficient to allocate 100% fill to all system spaceholders, allocations to lessors', assignors', and other space shall occur in the following priorities:
- (a) Storage supplied under Procedure 5.2.107. This reallocation will only occur in the year following the supply of storage.
 - (b) Assigned rental under Procedure 10.0, extraordinary circumstances rental under Procedure 11.0, private leases above Milner under Procedure 6.0, and IWRB storage used for mitigating minimum flows at Murphy under Procedure 6.7. This reallocation will only occur in the year following the lease of storage.
 - (c) Bureau uncontracted storage under Procedure 6.8 until the lessor's affected space fills.
 - (d) Supplemental Pool leases under Procedure 8.0 until the lessor's affected space refills.
 - (e) Bureau Powerhead storage under Procedure 6.9 shall be the last space to refill after all other space in reservoirs in Water District 1 until the lessor's affected space fills as identified in III.C.7.c. of the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement.

PROCEDURE 8.0. SUPPLEMENTAL POOL

- 8.1 **Purpose.** To provide a voluntary mechanism for the lease of storage water to a participant below Milner for hydropower generation within the state of Idaho when storage water supplies, as a result of hydrologic, climate and other conditions, are sufficient to satisfy above Milner uses and Water District 01 commitments for flow augmentation. A supplemental pool shall be created in order to mitigate for computed impacts associated with leases below Milner, consistent with the Idaho Water Resource Board's policy to establish an effective water marketing system consistent with state law and assuring the protection of existing water rights while accommodating the purchase, lease or conveyance of water for use at Idaho Power's hydroelectric facilities, including below Milner Dam.
- 8.2 **Annual Authorization.** In order to provide the opportunity to lease water to generate funding of aging infrastructure projects without impacting individual spaceholder fill, storage may be leased through the Supplemental Pool for the purposes described herein. However, no storage may be leased through the supplemental pool until the Committee on or after April 1 of each year authorizes use of the pool and the Committee is satisfied that the goals and terms of the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement are met to provide sufficient flow augmentation supplies for the year or that storage to be released past Milner will count toward flow augmentation.
- (a) Mitigation Inc. shall have the right to lease up to the first 10,000 ac-ft of supplemental pool storage under Procedure 8.0, as approved annually by the Committee. Mitigation Inc. shall provide to the Committee a report summarizing the expenditure of revenue from the annual lease(s) by December 31, 2023. If the Committee determines that the preference granted Mitigation Inc. is no longer justified, the Committee may terminate said preference. The preference granted Mitigation Inc. pursuant to this Procedure shall sunset on December 31, 2029. The 10,000 ac-ft preference shall only be applied once per year.
- (b) Additional leases of storage in excess of the amount provided in Procedure 8.2(a) may be authorized annually by the Committee pursuant to Procedure 8.0. Mitigation Inc. shall be permitted to supply a pro-rata share of any additional amount made available to the supplemental pool exceeding the initial 10,000 ac-ft in Procedure 8.2(a). If Mitigation Inc. does not supply storage pursuant to Procedure 8.2(a), Mitigation Inc. shall be permitted to supply a pro-rata share of its storage to the supplemental pool along with other spaceholders supplying storage to the supplemental pool.
- 8.3 **Quantity and Price Determinations.**
- 8.3.101 The maximum quantity of storage authorized to be leased through the supplemental pool shall be determined annually by the Committee taking into account the advice and recommendation of the Rental Pool Subcommittee, together with current and forecasted hydrological conditions and estimated demand on the rental pool for above Milner uses.
- 8.3.102 *Price Determination.* The Committee shall authorize the leasing of water, including price pursuant to Rule Procedure 8 after taking into account spaceholder needs and current market conditions for power generation. There shall be added to the rental price the board surcharge and a \$1.50 per acre-foot administrative fee associated with the development and implementation of the supplemental pool, assessed on the total quantity of storage set forth in any lease application approved or conditionally approved under Procedure 8.4.
- 8.3.103 *Subsequent Quantity and Price Determinations.* If within the same accounting year, the Committee subsequently determines based on the criteria set forth in Procedure 8.3.101 that additional opportunities exist for utilizing the use of water within Idaho through the supplemental pool consistent with Procedure 8.1, it shall designate such additional

maximum quantity authorized to be leased through the supplemental pool and identify a separate lease price for such additional quantity pursuant to Procedure 8.3.102.

8.4 Application to Lease Storage from the Supplemental Pool.

- 8.4.101 Applications to lease storage from the supplemental pool for hydropower purposes shall be made upon forms approved by the Watermaster and shall include:
- (a) The amount of storage sought to be rented;
 - (b) The rental price with associated fees as identified by the Committee under Procedure 8.3.102; and
 - (c) The deadline for the Applicant to receive delivery of water through the Supplemental Pool.
- 8.4.102 *Application Acceptance.* Applications are not deemed accepted until received by the Watermaster together with the appropriate fees required under Procedure 8.4.101.
- 8.4.103 *Application Approval.* An application accepted under Procedure 8.4.102 shall be approved after the Watermaster has determined that the application is in compliance with these procedures and sufficient storage will be available from the supplemental pool to provide the quantity requested in the application; provided, however, if the date of publication has not yet occurred, approval of the application shall be conditioned on the ability of spaceholders who have contracted to rent storage through the supplemental pool to have a sufficient storage allocation during the accounting year to satisfy their contracts approved under Procedure 8.5.104. Upon approval or conditional approval of the application, the fees collected from the applicant shall be non-refundable to the extent of the total quantity of storage approved or conditionally approved in supplemental pool lease contract(s) under Procedure 8.5.104. The Watermaster shall provide notice of such approval.
- 8.4.104 *Deadline for Accepting Applications.* All applications to rent storage from the supplemental pool must be accepted by the Watermaster pursuant to Procedure 8.4.102 not later than November 30 in order for the storage identified in such applications to be accounted for as having been diverted as of November 30 of the same year. Applications accepted after November 30 will be accounted for from storage supplies in the following calendar year, unless an exception is granted by the Rental Pool Subcommittee.

8.5 Supplemental Pool Supply.

- 8.5.101 *Notice to Spaceholders of Opportunity to Consign Storage through the Supplemental Pool.* The Watermaster shall provide notice of the supplemental pool on the Water District 1 website, which shall include the following information:
- (a) The maximum quantity of storage authorized to be rented through the supplemental pool;
 - (b) The rental process, including price and deadlines as authorized by the Committee;
 - (c) Instructions for spaceholders interested in consigning storage through the supplemental pool, including instructions for executing a standardized supplemental pool rental contract; and
 - (d) The deadline, as set by the Committee, for the Watermaster to receive supplemental pool rental contracts from spaceholders interested in consigning storage through the supplemental pool.
- 8.5.102 *Supplemental Pool Rental Contracts.* Spaceholders interested in consigning storage through the supplemental pool shall execute a standardized supplemental pool rental contract, which shall be provided by the Watermaster and include provisions for the following:

- (a) Limit eligibility to consign storage through the supplemental pool only to spaceholders who qualify as participants under Procedure 2.29;
- (b) The quantity sought to be consigned by the spaceholder may be any amount, except that the total amount of storage consigned pursuant to Procedure 8 may not exceed either the maximum quantity set by the Committee under Procedure 8.3.101 or 10% of the spaceholder's total reservoir system space, unless an exception is approved by the Rental Pool Subcommittee;
- (c) The 10% limitation described in 8.5.102(b) does not apply to the first 10,000 ac-ft supplied by Mitigation Inc. under Procedure 8.2(a);
- (d) The quantity actually consigned by the spaceholder may be reduced depending upon the number of spaceholders who elect to consign storage through the supplemental pool as provided in Procedure 8.5.103;
- (e) That, in the event the spaceholder elects to sign a standard pool rental contract before the date of publication, the spaceholder assumes the risk that its storage allocation may be less than the spaceholder anticipated; and
- (f) Notice to the spaceholder that if the spaceholder's consignment through the supplemental pool causes computed impacts, the mitigation required under Procedure 8.7 will result in an amount of the spaceholder's space, not to exceed the quantity of storage consigned by the spaceholder, being assigned a junior priority which may not fill for multiple consecutive years, an accounting commonly referred to as "last to fill."

8.5.103 *Distribution of Storage to the Supplemental Pool.* If, following the deadline for receipt of executed supplemental pool rental contracts, the Watermaster determines that the total quantity of storage sought to be consigned through the supplemental pool exceeds the quantity limitation established under Procedure 8.3, then the Watermaster shall reduce the quantity of each supplemental pool rental contract to a pro rata share based on the amount of storage sought to be consigned by each spaceholder. The Watermaster shall amend the supplemental pool rental contract(s) to reflect any reduced quantity required by this provision.

8.5.104 *Rental Contract Approval.* Following receipt of a supplemental pool rental contract, the Watermaster shall determine whether the contract is in compliance with these procedures, and, if so, shall approve the same; provided, however, if the date of publication has not yet occurred, approval of the contract shall be conditioned on the spaceholder having a sufficient storage allocation during the accounting year to satisfy the contract.

8.6 **Notice of Contract Approval and Payment to Consignors.** The consignors shall receive one-hundred percent (100%) of the lease price apportioned according to the quantity of storage each spaceholder consigned through the supplemental pool. The Watermaster shall notify spaceholder(s) who submitted supplemental pool rental contracts of the approved amount and distribute the funds to the lessors within 30 days following approval or conditional approval of an application under Procedure 8.4.103 and rental contract approved under Procedure 8.5.104.

8.7 **November 1 Carryover Unaffected.** For purposes of determining the amount of storage available for flow augmentation under Procedure 5.2.105, storage leased through the supplemental pool shall not affect the November 1 carryover quantity on Table 1.

PROCEDURE 9.0 STORAGE ALLOCATED TO PALISADES WATER USERS, INC. (PWUI)

- 9.1 **Background and Purpose.** PWUI is an entity originally organized at the specific request of the Bureau to group, under one entity, all individual water users who applied for an allocation of Palisades Reservoir storage because Reclamation's policy at that time was that it would not enter into repayment contracts with individual water users. PWUI does not own natural flow water rights, has no designated service area, and does not own a water delivery system. Instead, PWUI shareholders call for delivery of water allocated to their shares through their own delivery systems or the systems of other irrigation entities and have historically been able to change the location of PWUI storage deliveries upon simple notification to the District. The shares do not describe specific property where storage allocated to such shares are used. One share of PWUI stock is equivalent to one acre-foot of PWUI space in Palisades Reservoir, and allocations of water to PWUI shareholders are made upon that basis. The provisions of Procedure 9.0 are included herein to clarify, between PWUI and the District, how to properly categorize the delivery of PWUI storage to various points of delivery.
- 9.2 **Delivery of PWUI Storage Water.** Storage allocated to PWUI shares shall not be considered a private lease under Procedure 7.5 in the following circumstances:
- 9.2.101 The delivery of storage to an irrigation delivery system where the PWUI shareholder has an ownership interest or leasehold interest in property capable of receiving delivery of water through such system.
 - 9.2.102 The delivery of storage allocated to a PWUI shareholder which is assigned to another PWUI shareholder for an amount up to the assignee's unfilled PWUI allocation for the Accounting Year.
 - 9.2.103 The delivery of storage allocated to PWUI's treasury stock provided to a PWUI shareholder.
- 9.3 **Private Leases of PWUI Storage Water.** Storage allocated to PWUI shares shall be considered a private lease under Procedure 7.5 and subject to impacts under Procedure 7.5 in the following circumstances:
- 9.3.101 The delivery of storage allocated to PWUI's treasury stock provided to a non-PWUI shareholder for any purpose.
 - 9.3.102 The delivery of storage allocated to a PWUI shareholder which is assigned to another PWUI shareholder for an amount more than the assignee's unfilled PWUI allocation for the Accounting Year.
 - 9.3.103 The delivery of storage allocated to a PWUI shareholder provided to a non-PWUI shareholder for any purpose.
 - 9.3.104 The delivery of storage to a PWUI shareholder which is used for recharge.
- 9.4 **Applicability of Procedure 5.5 To PWUI Storage.**
- 9.4.101 Procedure 5.5 shall apply to private leases of PWUI storage described in Procedure 9.3.101.
 - 9.4.102 Subject to Procedure 9.4.103, the Committee hereby grants PWUI an exception from the provisions of Procedure 5.5 such that PWUI shall not be prohibited from leasing water from the Common Pool because of private leases by PWUI shareholders under Procedures 9.3.102 through 9.3.104.
 - 9.4.103 Water leased from the Common Pool by PWUI under Procedure 9.4.102 shall not be allocated to or used by PWUI shareholders who engage in private leases described under Procedures 9.3.102 through 9.3.104.
- 9.5 **Allocation of Impacts to PWUI.** The allocation of impacts described in Procedure 7.5 of these procedures for private leases described under Procedure 9.3 shall be made to PWUI as the spaceholder. PWUI shall thereafter internally allocate the impacts to the individual PWUI shareholders who participate in private leases described under Procedures 9.3.102 through 9.3.104.

- 9.6 **Information Provided to District.** PWUI shall provide sufficient information to the District to allow the District to verify PWUI's characterization of the assignment of PWUI storage under Procedure 9.0.
- 9.7 **Assignment of PWUI Shares to Canal Headings.** PWUI shareholders shall assign its shares to the canal heading where such PWUI shareholder is most likely to request delivery of storage. Water District 1 shall only account for the delivery of PWUI storage when (1) notified by the PWUI shareholder that such shareholder is taking delivery of storage through a canal; or (2) the manager of a canal reports the delivery of PWUI storage to Water District 1.

PROCEDURE 10.0 ASSIGNMENT POOL

- 10.1 **Purpose.** To provide a voluntary mechanism for participating spaceholders to assign a portion of their storage allocation to be made available for flow augmentation rentals below Milner and also to be made available for other rentals diverted above Milner, including storage rental conveyance and/or exchanges of storage from Water District #1 to other water district diversions that are not regulated by the Water District #1 Watermaster.
- 10.2 **Assignors.** Any participant may assign storage. An assignment of storage shall be made in writing on forms approved by the Watermaster.
- 10.3 **Limitations.** A participant may not assign storage and rent storage from the common pool in the same accounting year unless an exception is granted by the Rental Pool Subcommittee. Non-participating spaceholders may not rent storage from the assignment pool.
- 10.4 **Distribution of Assigned Storage.**
- 10.4.101 *Dates of assignment.* Storage assigned by participants on or before June 1 shall be rented on a pro-rata basis until all such storage assigned by June 1 has been purchased. Storage assigned from June 2 through November 30 shall be rented to purchasers after all storage assigned by June 1 has been rented and shall be distributed in the order assignments are received by the District. For example, all storage assignments received on June 2 shall be rented in their entirety before storage assigned on June 3, and all storage assignments received on June 3 will be rented in their entirety before storage assignments received on June 4, and so on.
- 10.4.102 *Payment to Assignors.* Each participant assigning storage on or before June 1 shall be paid a pro-rata share of all net proceeds for assignment pool rental until 100% of the storage assigned on or before June 1 has been rented. Each participant assigning storage after June 1 shall receive 100% of the net price for any of their assigned storage rented.

10.4.103 *Rental Approval and Priority.* Applications to purchase assigned storage may be submitted at any time after April 5 but will not be approved until beginning June 2. If total applications exceed total assignments on June 1, applications will be approved according to the following priorities:

(a) *First Priority.* Rental for flow augmentation pursuant to Procedure 10.6.

(b) *Second Priority.* Water users that have purchased rental or leased storage from the Water District #1 Rental Pool for purposes above Milner in years prior to 2019.

(c) *Third Priority.* All other applicants to purchase assigned storage diverted for purposes above Milner.

If the assignment supply is insufficient to satisfy all purchase applications in a priority, applications in that priority shall be approved in the order they were received on or before June 1. Applications to purchase assigned storage received after June 1 will be approved in the order received after all purchase applications received on or before June 1 have been satisfied and remaining assigned storage is available to satisfy purchase applications received after June 1.

10.4.104 *Assignor Payments and Return of Unrented Assignment Storage.* Assignors will be paid the total amount of rental prices collected for assignment rentals. Any unrented assigned storage will be returned to assignors' carryover at the end of the year.

10.4.105 *Timing of Payments.* Payments will be made to assignors in December of the year in which proceeds were collected.

10.5 **Applications to Purchase Assigned Storage for Uses above Milner.** Applications to rent storage from the assignment pool shall be made in writing on forms approved by the Watermaster.

10.6 **Rental Supplied for Flow Augmentation.** If the storage supplied from Table 1 for flow augmentation is insufficient to meet the needs described in the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement, the Committee has approved providing extraordinary circumstances rental under Procedure 11.0, and the supply for the extraordinary circumstances pool is insufficient to provide the entire request from the Bureau, any remaining requested amount not supplied by the extraordinary circumstances pool shall come from the available assignment pool supply according to the priorities described in Procedure 10.4.103.

10.7 **Rental Prices for Assigned Storage**

10.7.101 *Tier 5.* If the storage system fills, the rental price for purposes above Milner shall be \$35.00 per acre-foot.

10.7.102 *Tier 6.* If the storage system does not fill but storage is provided for flow augmentation pursuant to Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$45.00 per acre-foot.

10.7.103 *Tier 7.* If the storage system does not fill and no flow augmentation water is provided pursuant to Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$55.00 per acre-foot.

10.7.104 *Determination of Tier 5, 6, or 7 Rental Price:* Unless the storage system has filled, the Watermaster shall designate on or before April 5 either Tier 6 or Tier 7 as the rental price for above-Milner rentals. If at any time during the same accounting year, the storage system should subsequently fill, the Watermaster shall designate Tier 5 as the rental price

for above-Milner rentals and refund any excess rental fees within 30 days after the date of publication.

10.7.105 *Tier 8:* The rental price for storage rented for flow augmentation shall be \$17.00 per acre-foot.

10.7.106 *Fees & Surcharges.* There shall be added to the rental price for all rentals the Board surcharge and administrative fee, resulting in the following summed amounts charged for assignment pool rentals for the various tiers described in Procedures 10.7.101 through 10.7.105:

(a) Tier 5: $\$35.00 + \$3.50 + \$1.30 = \39.80

(b) Tier 6: $\$45.00 + \$4.50 + \$1.30 = \50.80

(c) Tier 7: $\$55.00 + \$5.50 + \$1.30 = \61.80

(d) Tier 8: $\$17.00 + \$1.70 + \$1.30 = \20.00

10.8 **Application Approval and Deliveries to Diversions in Water Districts other than Water District #1.** Applications submitted with the appropriate forms, rental prices, fees, and surcharges for purchasing assignment pool storage shall be approved according to Procedure 10.4.103 as assignment pool storage becomes available. However, application approval does not guarantee delivery and/or exchange of assignment pool storage to diversions that are not measured or regulated by Water District #1 unless the daily diversion of rental storage is reported by the Watermasters of those districts to the Water District #1 Watermaster to facilitate the proper accounting of storage rental exchanges and deliveries to water districts outside of Water District #1.

10.9 **Rental Refunds.** Funds collected for approved rental applications will not be refunded regardless of whether or not the rental storage was used by the assignee. Applications that were not approved, or a written request to withdraw the application prior to its approval is received by the district from the applicant, shall have their application monies refunded in December of the year in which the proceeds are collected.

PROCEDURE 11.0 EXTRAORDINARY CIRCUMSTANCES POOL

11.1 **Purpose.** To provide flow augmentation rentals in excess of the amount provided in Procedure 5.2.105, upon a request by the Bureau for additional Water District 1 rentals consistent with the terms of the 2004 Snake River Agreement and these Procedures to further flow augmentation reliability as modeled in the 2007 Biological Assessment, the Committee shall consider making available a greater amount of storage rental if it determines on or before July 1 that extraordinary circumstances justify an additional amount of storage be made available for flow augmentation and existing uses (legal and equitable title to storage rights) are protected consistent with the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement. The Bureau and Committee will also consider on years when Milner spill occurs, the preservation of Uncontracted and Powerhead storage for use in subsequent years; provided, the Bureau exercises sole discretion over whether to use storage in its Uncontracted and Powerhead space for flow augmentation, so long as such use is consistent with the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement and applicable law.

- 11.2 **Quantity.** The maximum quantity of storage authorized to be leased through the extraordinary circumstances pool shall be determined annually by the Committee taking into account the advice and recommendation of the Rental Pool Subcommittee, together with current and forecasted hydrological conditions and estimated demand on the rental pool for above Milner uses.
- 11.3 **Price, Fees, & Surcharges.** The rental price for storage rented for flow augmentation shall be \$17.00 per acre-foot plus a \$1.70 Board surcharge plus a \$1.30 administrative fee, resulting in a total \$20.00 per acre-foot charge.
- 11.4 **Extraordinary Circumstance Pool Supply.**
- 11.4.101 *Notice to Spaceholders of Opportunity to Consign Storage through the Extraordinary Circumstance Pool.* The Watermaster shall provide notice of the extraordinary circumstance pool on the Water District 1 website, which shall include the following information:
- (a) The maximum quantity of storage authorized to be rented through the extraordinary circumstance pool;
 - (b) The rental supply deadline as authorized by the Committee;
 - (c) Instructions for spaceholders interested in consigning storage through the extraordinary circumstance pool, including instructions for executing a standardized circumstance pool rental contract; and
 - (d) The deadline, as set by the Committee, for the Watermaster to receive extraordinary circumstance pool rental contracts from spaceholders interested in consigning storage through the extraordinary circumstance pool.
- 11.4.102 *Extraordinary Circumstance Rental Contracts.* Spaceholders interested in consigning storage through the extraordinary circumstance pool shall execute a standardized extraordinary circumstance pool rental contract, which shall be provided by the Watermaster and include provisions for the following:
- (a) Limit eligibility to consign storage through the extraordinary circumstance pool only to spaceholders who qualify as participants under Procedure 2.28;
 - (b) The quantity sought to be consigned by the spaceholder may be any amount, except that the total amount of storage consigned pursuant to Procedure 11 may not exceed either the maximum quantity set by the Committee under Procedure 11.2 or 10% of the spaceholder's total reservoir system space, unless an exception is approved by the Rental Pool Subcommittee;
 - (d) The quantity actually consigned by the spaceholder may be reduced depending upon the number of spaceholders who elect to consign storage through the extraordinary circumstance pool as provided in Procedure 11.4.103;
 - (e) That, in the event the spaceholder elects to sign a standard pool rental contract before the date of publication, the spaceholder assumes the risk that its storage allocation may be less than the spaceholder anticipated; and
 - (f) Notice to the spaceholder that if the spaceholder's consignment through the extraordinary circumstance pool causes computed impacts, the mitigation required under Procedure 7 will result in an amount of the spaceholder's space, not to exceed the quantity of storage consigned by the spaceholder, being assigned a junior priority, an accounting commonly referred to as "last to fill."
- 11.4.103 *Distribution of Storage to the Extraordinary Circumstance Pool.* If, following the deadline for receipt of executed extraordinary circumstance pool rental contracts, the Watermaster determines that the total quantity of storage sought to be consigned through the extraordinary circumstance pool exceeds the quantity limitation established under Procedure 11.2, then the Watermaster shall reduce the quantity of each extraordinary circumstance pool rental contract to a pro rata share based on the amount of storage sought to be consigned by each spaceholder. The Watermaster shall amend the

extraordinary circumstance pool rental contract(s) to reflect any reduced quantity required by this provision.

- 11.4.104 *Rental Contract Approval.* Following receipt of an extraordinary circumstance pool rental contract, the Watermaster shall determine whether the contract is in compliance with these procedures, and, if so, shall approve the same; provided, however, if the date of publication has not yet occurred, approval of the contract shall be conditioned on the spaceholder having a sufficient storage allocation during the accounting year to satisfy the contract.
- 11.5 **Notice of Contract Approval and Payment to Consignors.** The consignors shall receive the lease price apportioned according to the quantity of storage each spaceholder consigned through the extraordinary circumstance pool. The Watermaster shall notify spaceholder(s) who submitted extraordinary circumstance pool rental contracts of the approved amount and distribute the funds to the lessors within 30 days following approval or conditional approval of a request under Procedure 11.1 and rental contract approved under Procedure 11.4.104.
- 11.6 **Using Extraordinary Circumstances Pool Supply for Flow Augmentation Ahead of Assignment Pool Supply.** If the amount supplied by participants to the extraordinary circumstance pool exceeds the amount requested by the Bureau for extraordinary circumstances rental, all extraordinary circumstances rental shall be supplied through the extraordinary circumstances pool. If the amount supplied by participants to the extraordinary circumstance pool is less than the amount requested by the Bureau for extraordinary circumstances rental, the extraordinary circumstance rental shall be first supplied by the extraordinary circumstance pool and any remaining amount of extraordinary circumstance rental shall be supplied from the amount available to flow augmentation in the assignment pool pursuant to Procedure 10.0

Memorandum

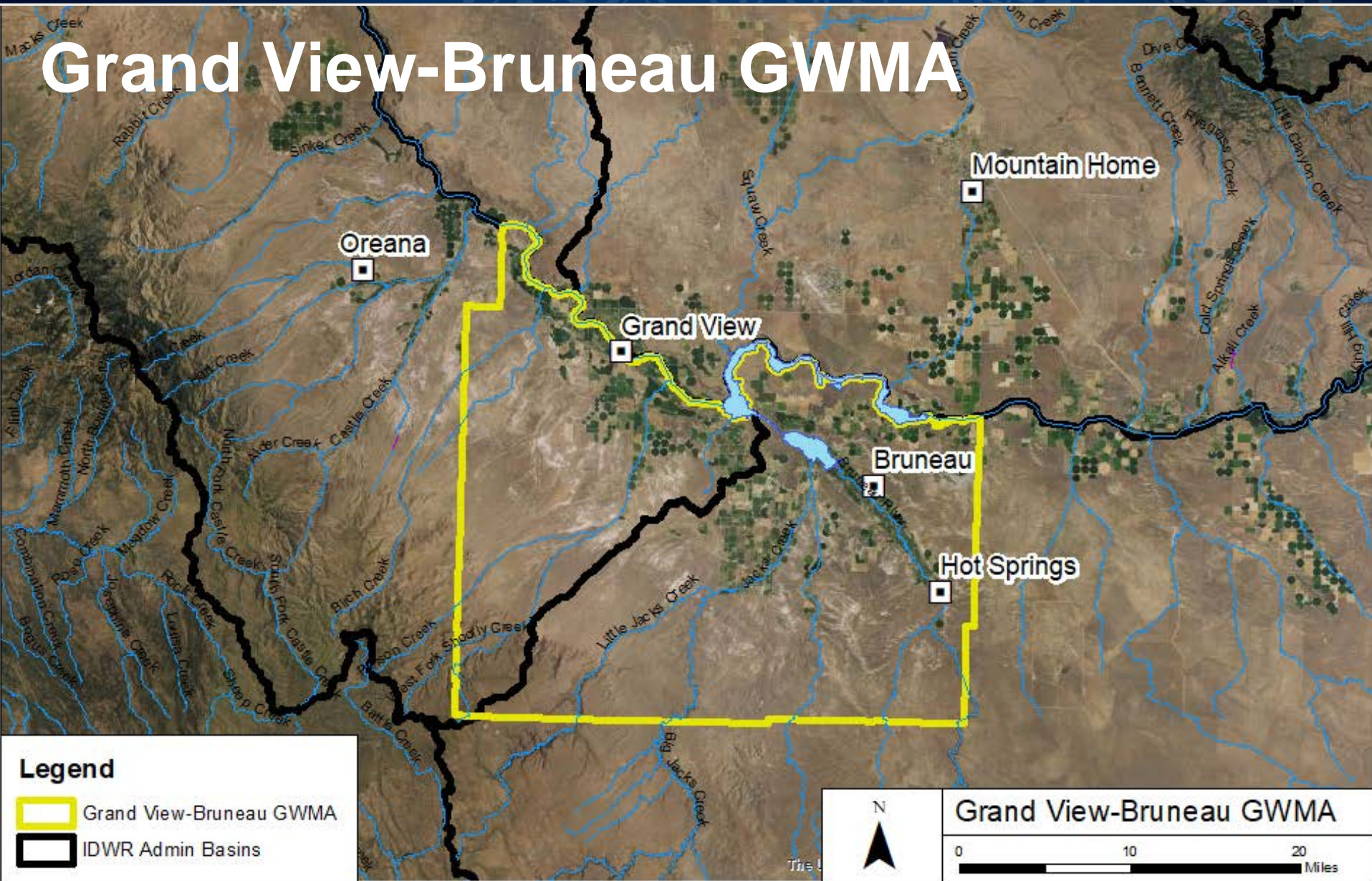


To: Idaho Water Resource Board (IWRB)
From: Brian Patton, Planning & Projects Bureau
Date: March 23, 2022
Re: Grandview/Bruneau Groundwater Management Area

ACTION: No action is expected.

Rob Whitney of IDWR will provide an update on the Grandview/Bruneau Groundwater Management Area.

Grand View-Bruneau GWMA



Grand View-Bruneau GWMA

- Established on October 29, 1982
 - In response to increased and projected increases in groundwater withdrawals and declining spring flows from the geothermal aquifer system
- Groundwater levels have been declining 0.7' to 0.8' per year.
 - Monitoring as far back as 1950's

GBGWMA Advisory Committee

- Formed in 2021, 11 members of the local community volunteered to participate on Advisory Committee
- Several open public meetings have been held
- Cooperative effort to develop Management Plan for the GWMA

Management Plan Goals

- Protect existing groundwater rights
- Expand/improve groundwater monitoring program
- Evaluate potential recharge sites
- Organize groundwater users in the GWMA to help address management issues at local level
- Promote conservation of groundwater resources
- Develop groundwater model
- **Inventory, identify, and prioritize leaking (flowing) LTG wells in need of repair, replacement, abandonment**

Leaking Flowing Artesian Wells





Memorandum

To: Idaho Water Resource Board (IWRB)
From: Brian Patton, Planning & Projects Bureau
Date: March 23, 2022
Re: Flows at Murphy Gaging Station Update



ACTION: No action is expected.

Ethan Geisler of IDWR will provide an update on the flows at Murphy Gaging Station.

Snake River nr Murphy & AADF Flow Update

Presented by Ethan Geisler

March 31, 2022



Background

- 1984 Swan Falls Settlement Agreement initiated the SRBA and the SRBA established the minimum streamflow
 - Protects Idaho Power's hydropower production water rights
 - Protects IWRB's minimum streamflow water rights: 02-201, 02-223, and 02-224
- Minimum Streamflow at Murphy Gage
 - 5,600 cfs from November 1 to March 31 (non-irrigation season)
 - 3,900 cfs from April 1 to October 31 (irrigation season)
- 1984 Agreement specifies "actual flow conditions"
 - factor out Idaho Power reservoir operations and Idaho Power leased, acquired, or owned releases

- Methodology for the calculation was agreed to by stakeholders in 2014
 - Outlines protocol for reporting average daily flows at the Snake River nr Murphy, Idaho gage.
- Adjusted Average Daily Flow (AADF) calculation

AADF at Murphy =

Measured flow at Murphy gage

+ Δ Storage Swan Falls Reservoir

+ Δ Storage CJ Strike Reservoir

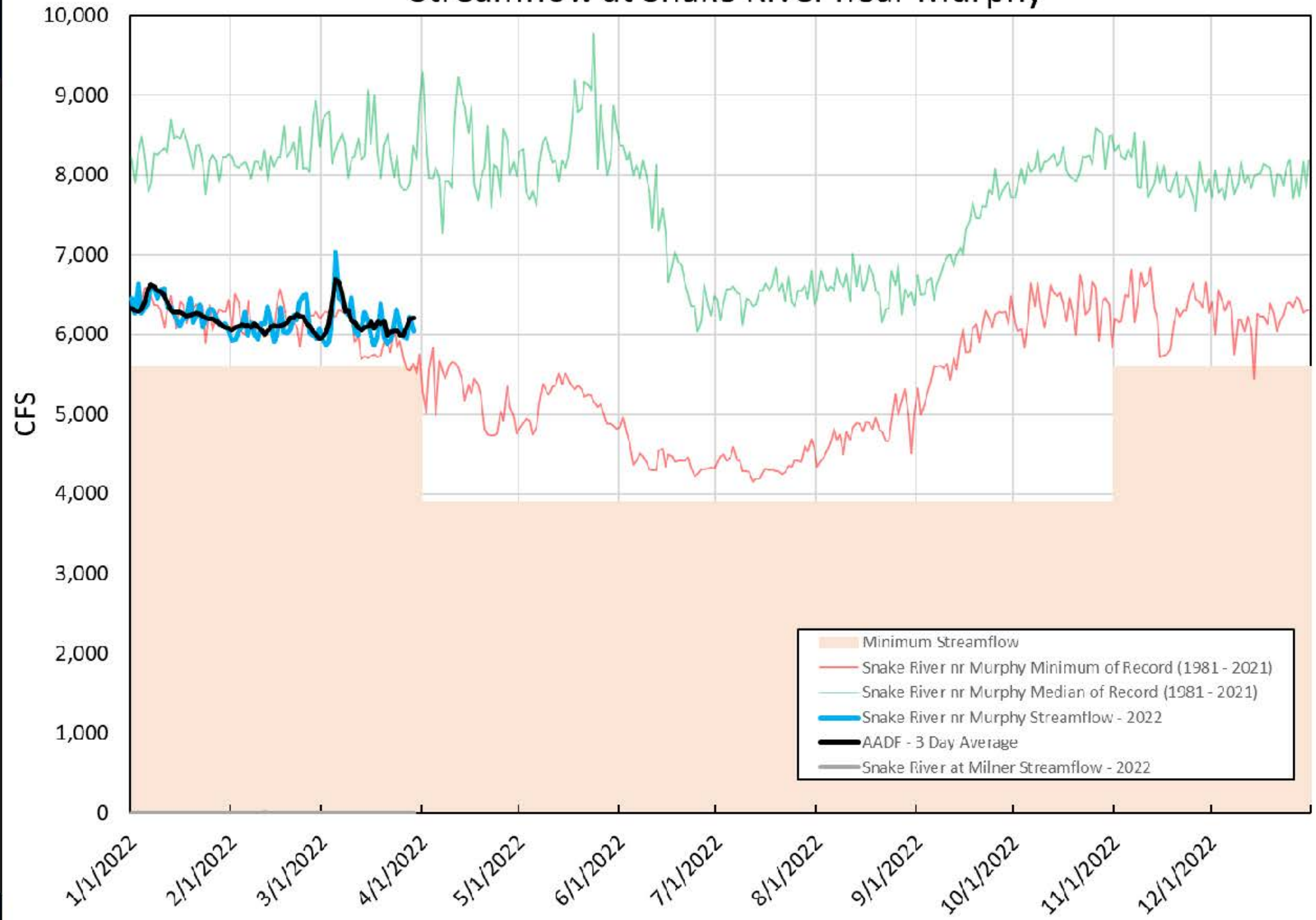
+ Δ Storage Bliss Reservoir

+ Δ Storage Lower Salmon Falls Reservoir

 - Milner flows are removed if the flow is Idaho Power storage water
- 3 Day Average - AADF



Streamflow at Snake River near Murphy



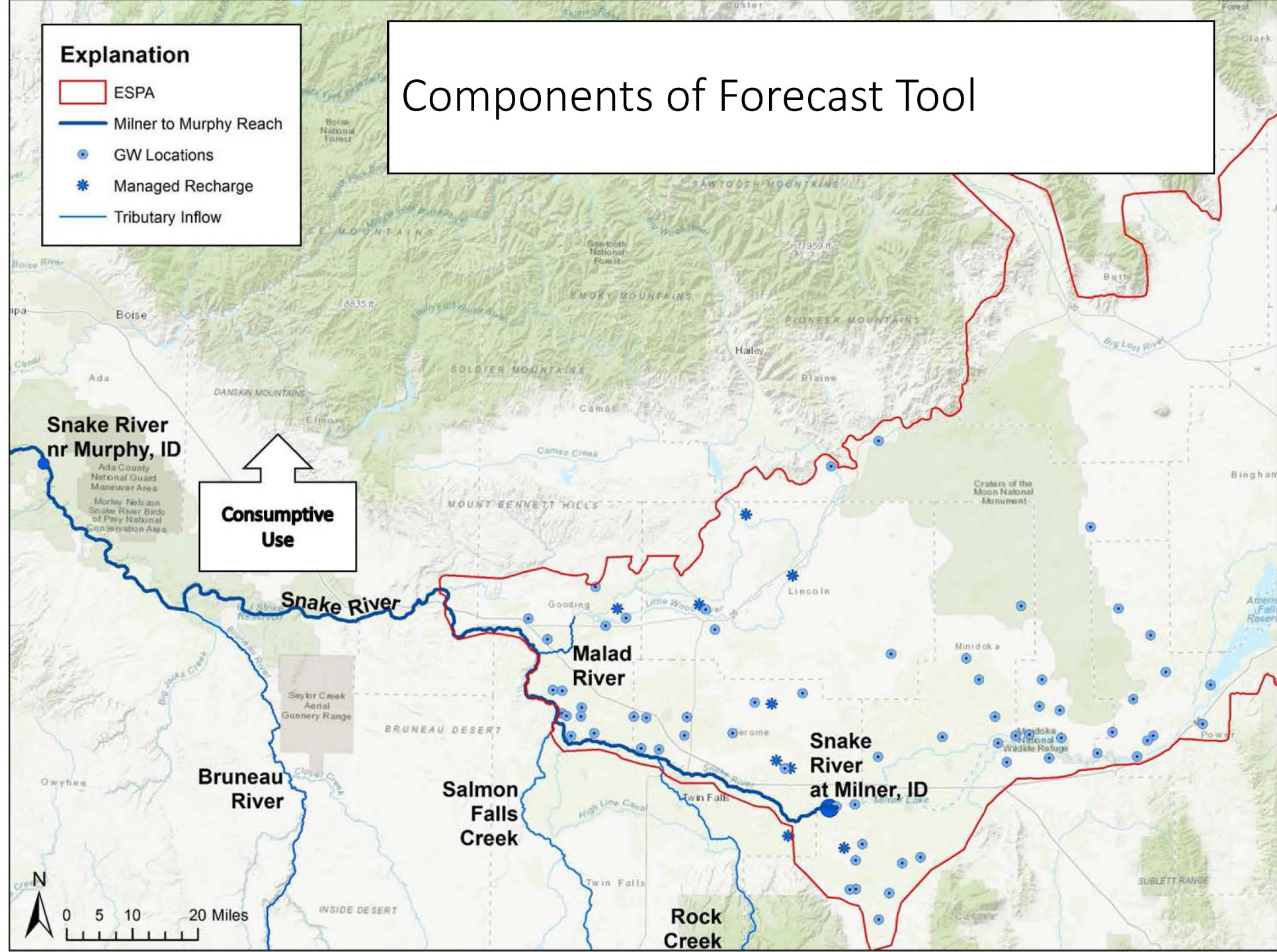
Swan Falls Forecast Tool

- Spreadsheet-based tool developed by CH2M Hill (Jacobs Engineering) in cooperation with IDWR and stakeholders
- Tool is used to forecast the reach gain for the Milner to Murphy reach during the low flow period in the summer
 - June through August
 - ESPA discharge is the main contributor to the reach during this time of year
- January and May forecasts – run twice a year
- Forecast Tool Components
 - Aquifer Discharge
 - Groundwater Levels
 - Tributary inflows
 - Return Flows
 - Consumptive Use
 - Managed Recharge

Components of Forecast Tool

Explanation

- ESPA
- Milner to Murphy Reach
- GW Locations
- Managed Recharge
- Tributary Inflow



Consumptive
Use

Snake River
nr Murphy, ID

Snake River

Malad
River

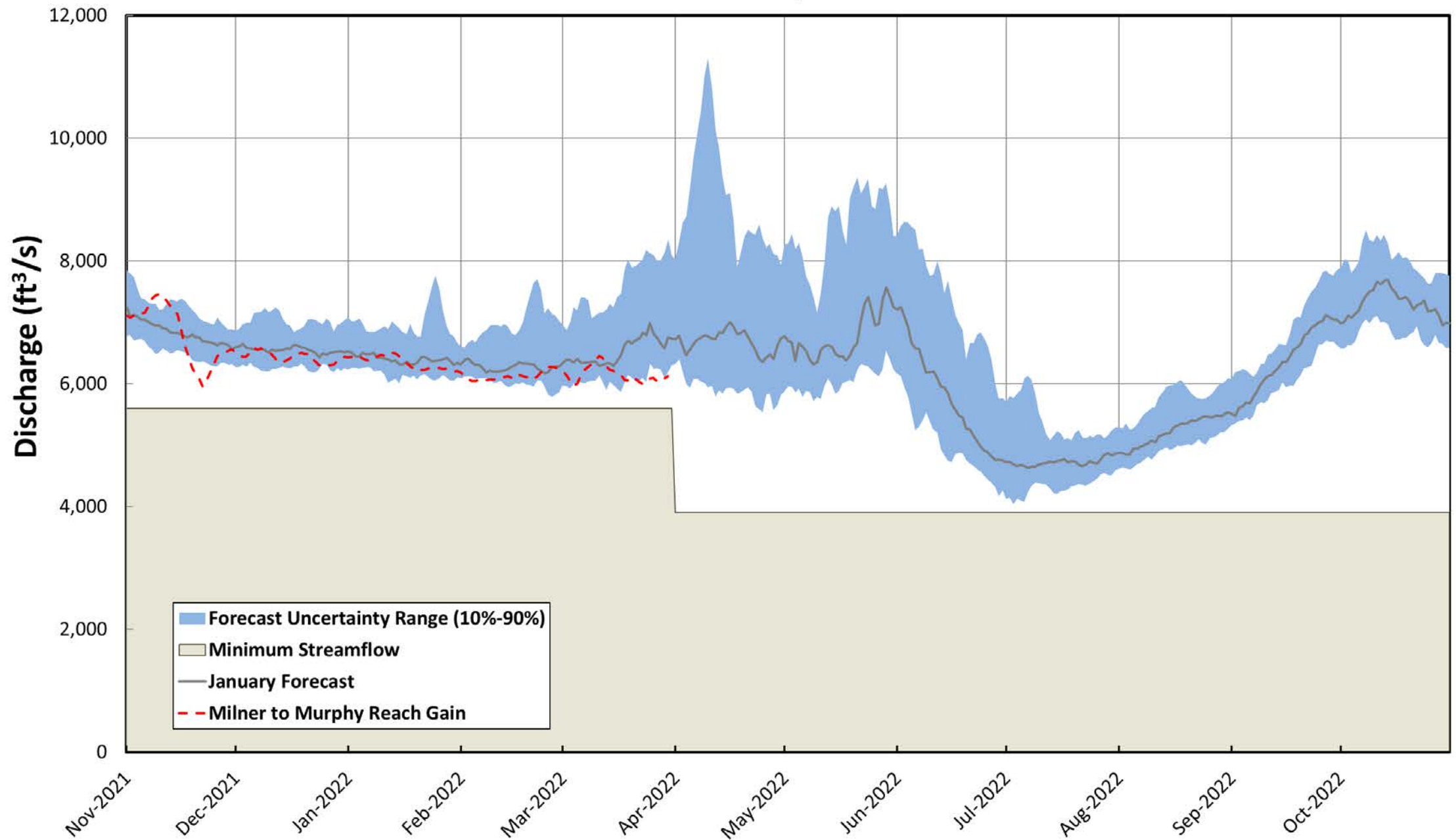
Bruneau
River

Salmon
Falls
Creek

Snake
River
at Milner, ID

Rock
Creek

2022 January Forecast



Memorandum

To: Idaho Water Resource Board (IWRB)
From: Brian Patton, Planning & Projects Bureau
Date: March 23, 2022
Re: Water Supply Outlook



ACTION: No action is expected.

David Hoekema of IDWR will provide an update on the Water Supply Outlook.



Idaho Water Supply Update

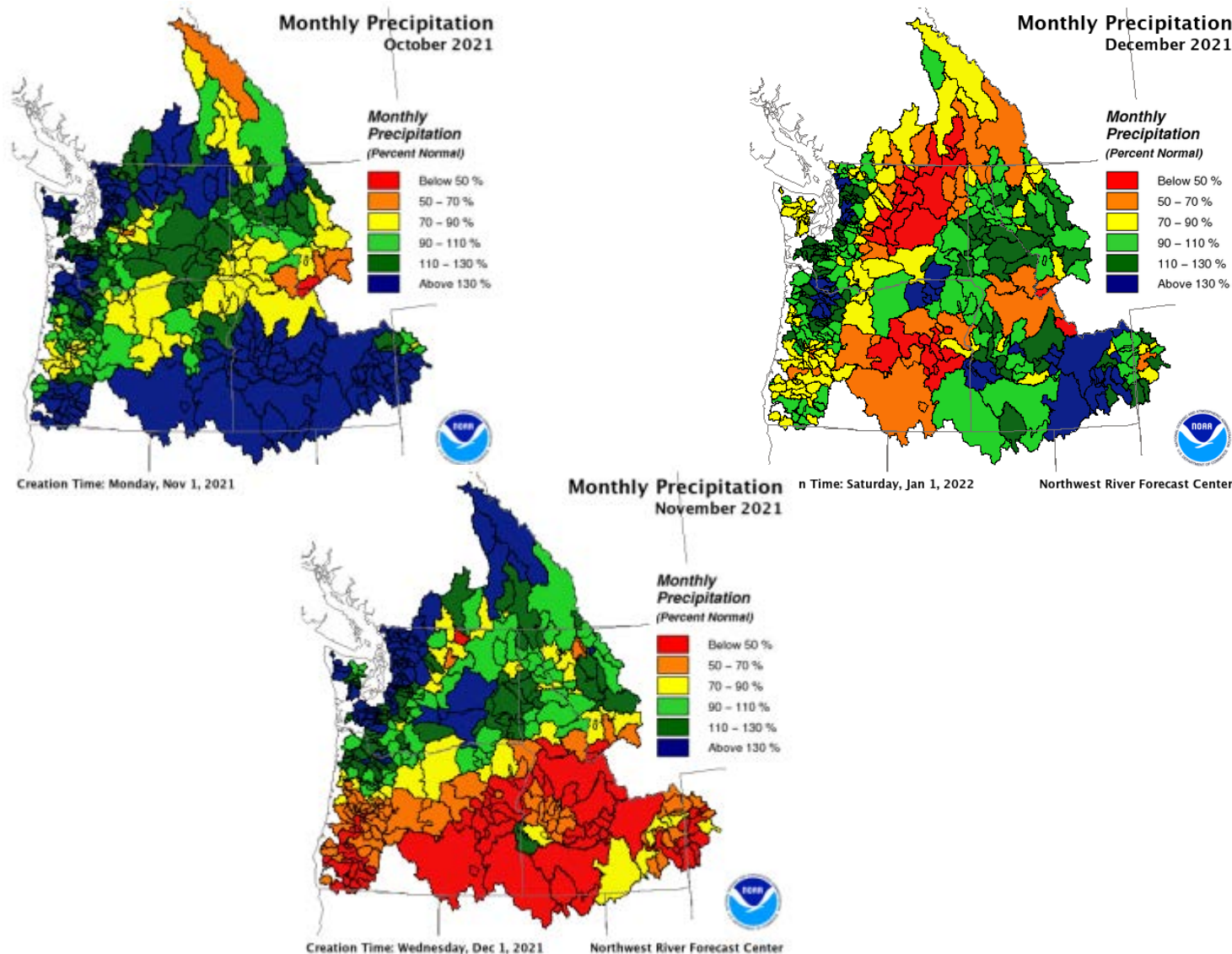
for Idaho Water Resource Board

David Hoekema

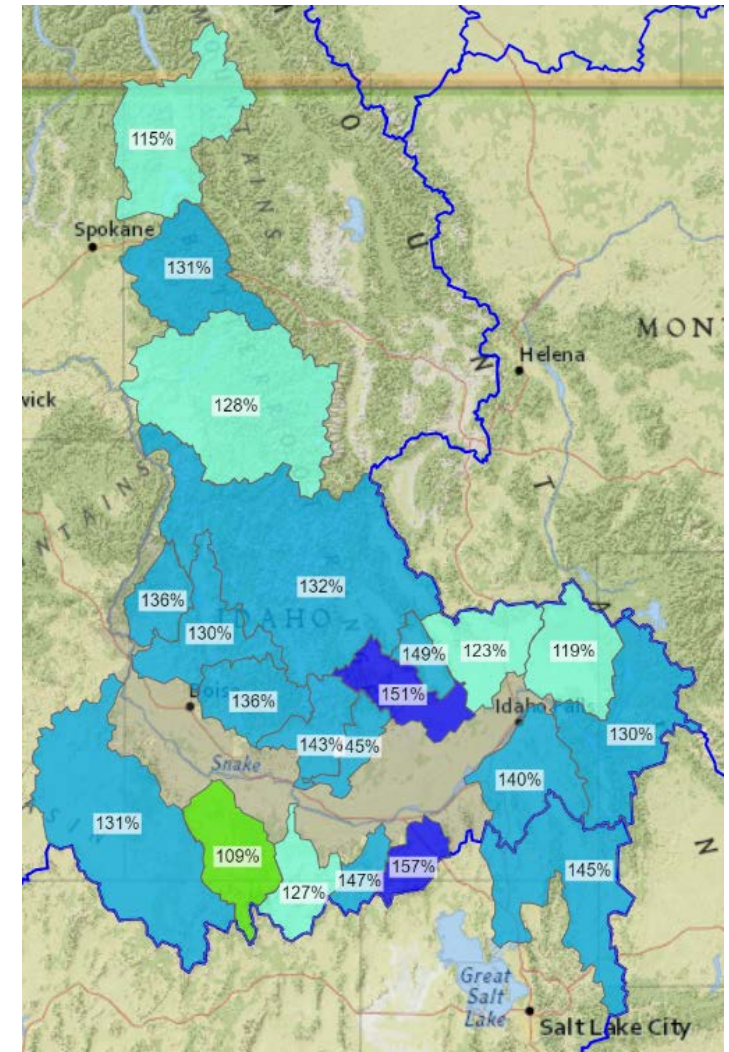
March 31, 2022



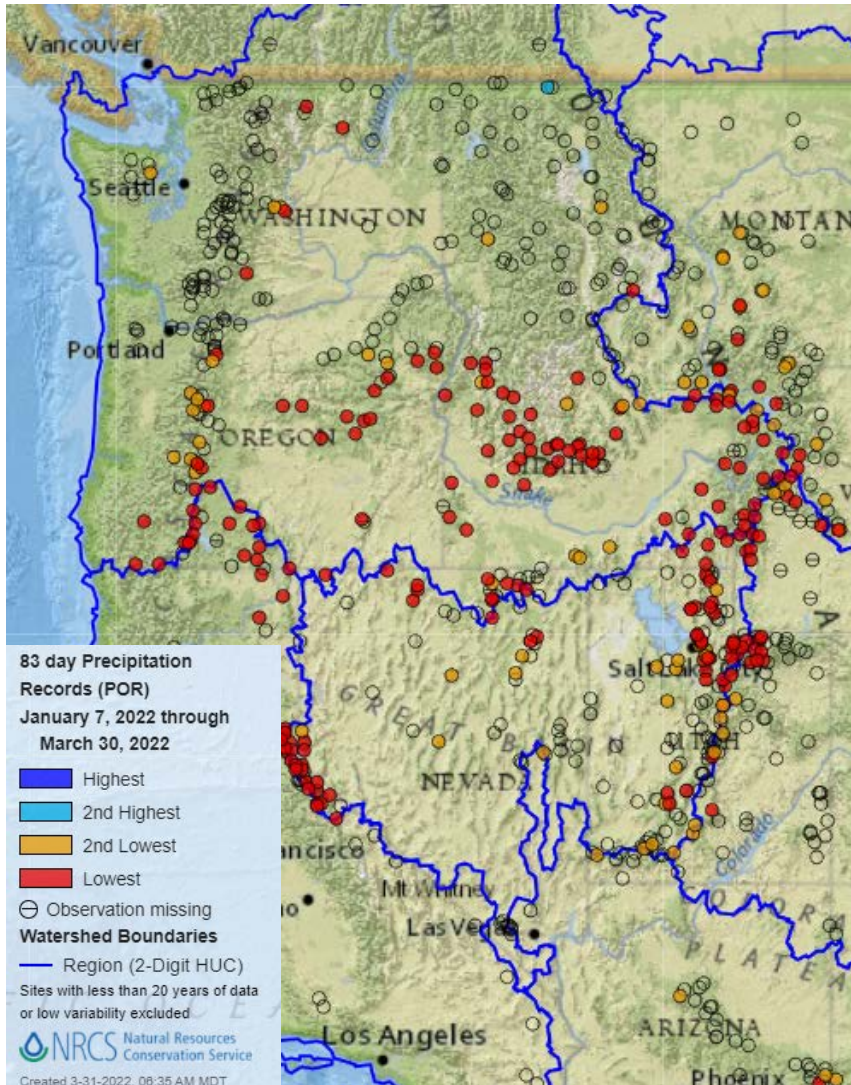
A Perfect Fall & Early Winter Season & then...



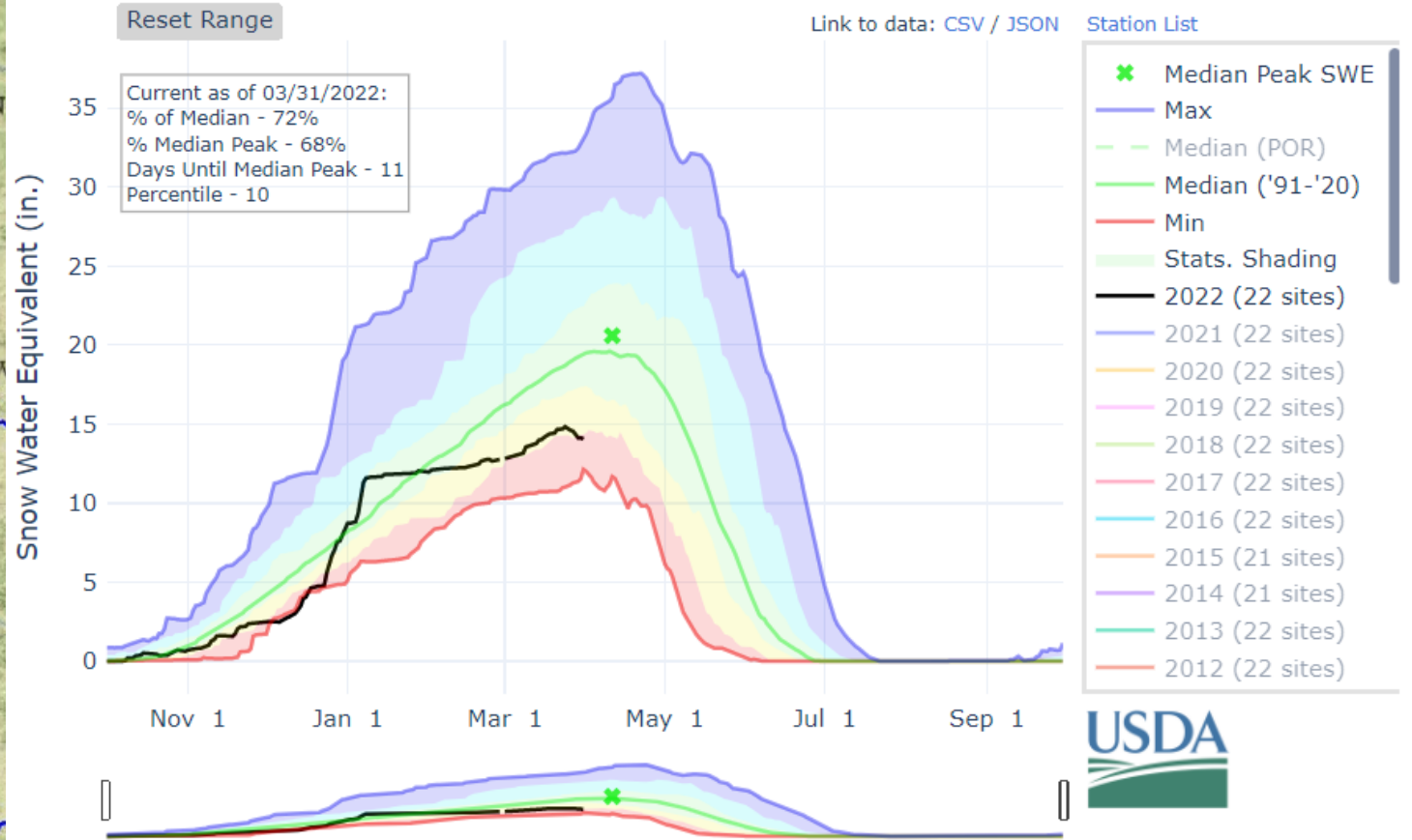
SWE January 7th



A Long Dry Spell



SNOW WATER EQUIVALENT IN SNAKE RIVER ABOVE HEISE

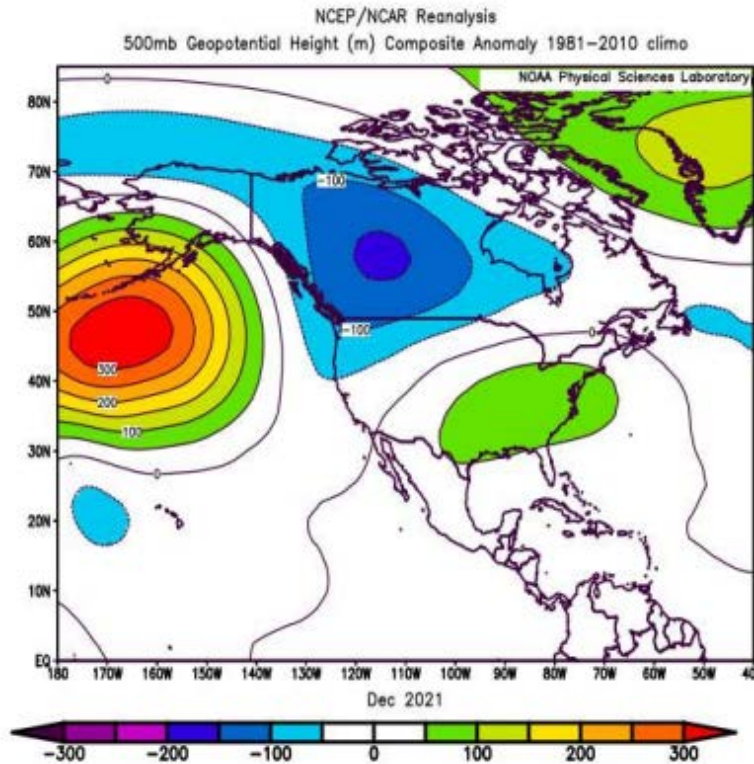


Statistical shading breaks at 10th, 30th, 50th, 70th, and 90th Percentiles
For more information visit: [30-Year Hydroclimatic Normals](#)

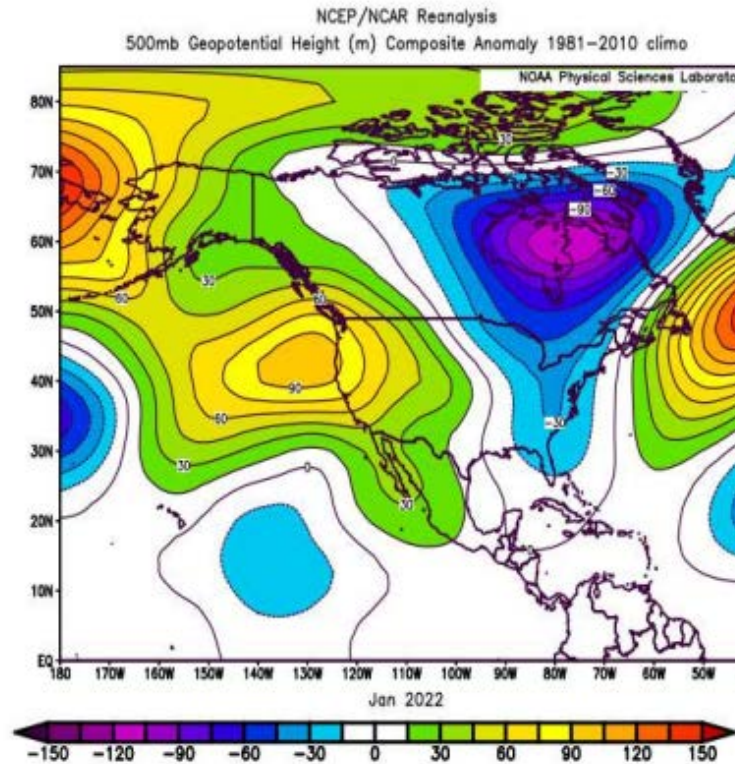
Feedback

Monthly Geopotential Heights

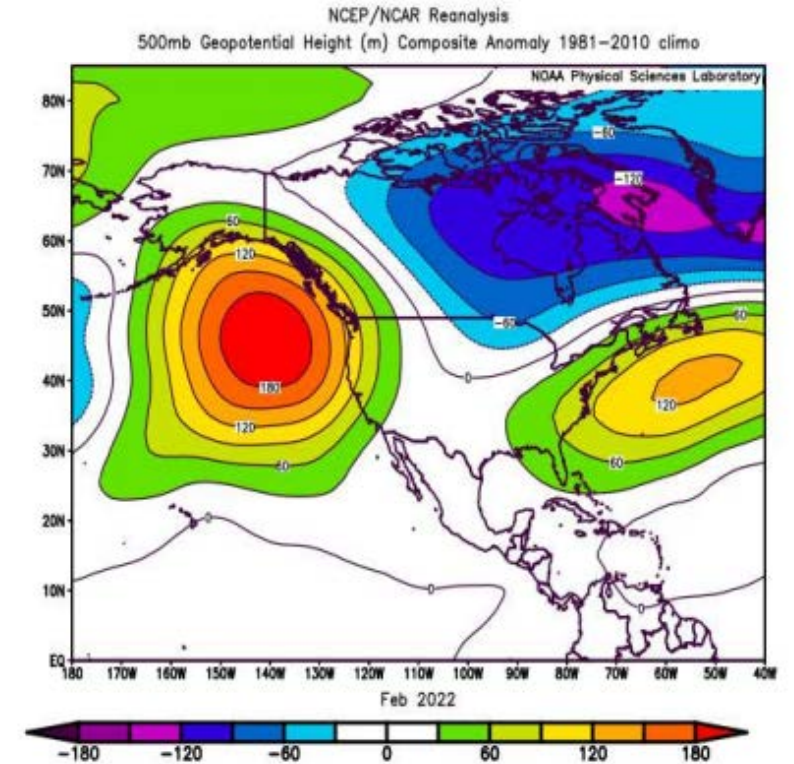
December



January



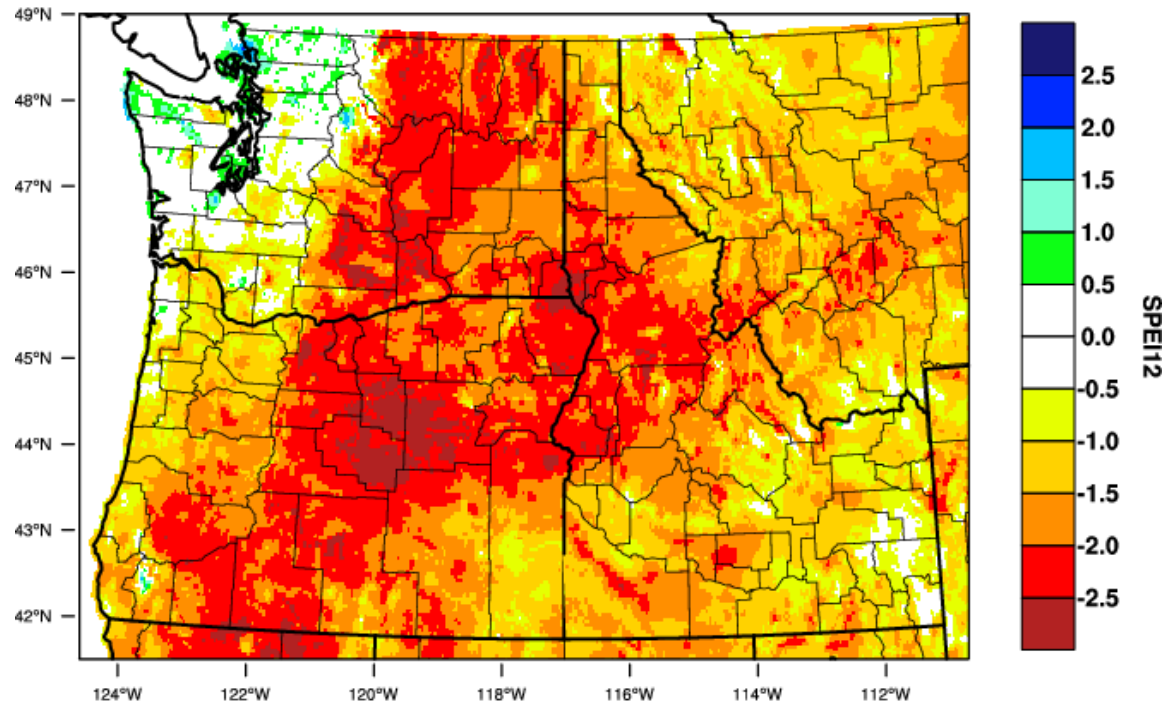
February



Drought

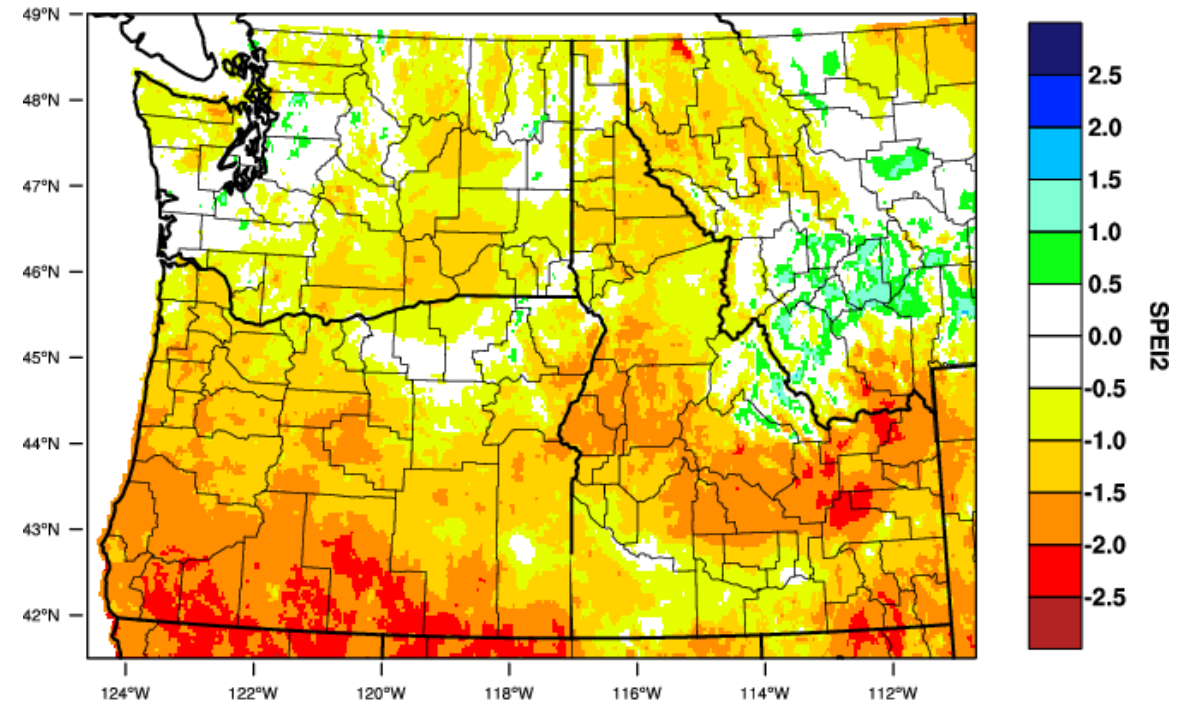
Standardized Precipitation & Evapotranspiration Index

Pacific Northwest - 12 month SPEI
February 2022



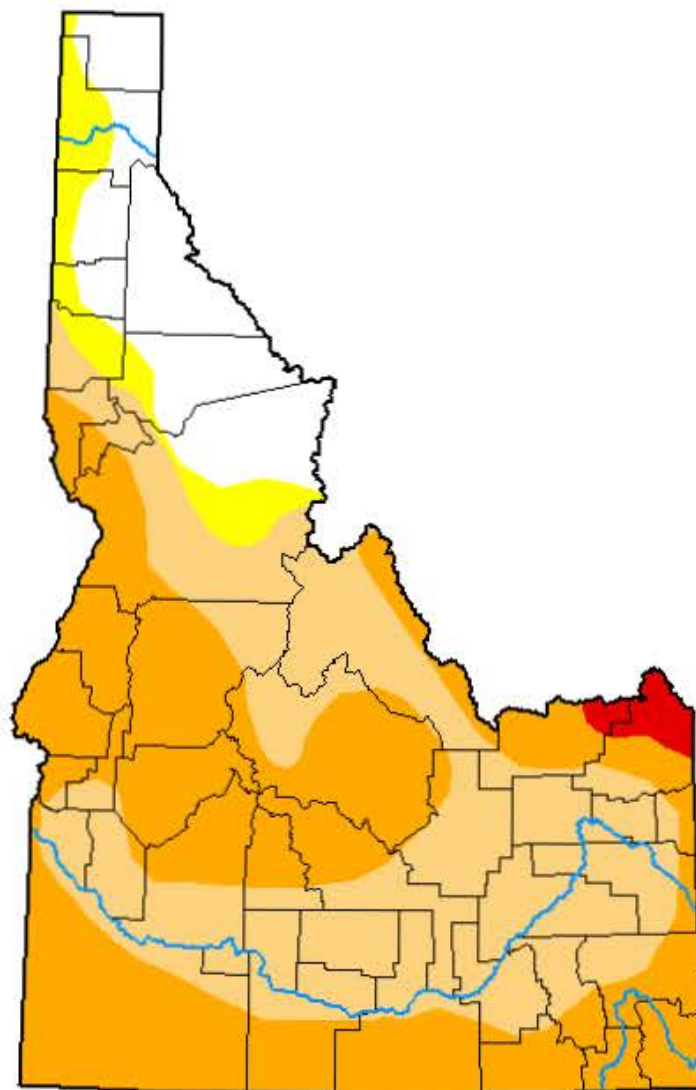
WestWide Drought Tracker - U Idaho/WRCC Data Source - PRISM (Prelim), created 5 MAR 2022

Pacific Northwest - 2 month SPEI
February 2022



WestWide Drought Tracker - U Idaho/WRCC Data Source - PRISM (Prelim), created 5 MAR 2022

U.S. Drought Monitor Idaho



March 29, 2022

(Released Thursday, Mar. 31, 2022)

Valid 8 a.m. EDT

Drought Conditions (Percent Area)

| | None | D0-D4 | D1-D4 | D2-D4 | D3-D4 | D4 |
|---|-------|--------|--------|-------|-------|-------|
| Current | 12.83 | 87.17 | 82.39 | 44.89 | 1.24 | 0.00 |
| Last Week 03-22-2022 | 12.83 | 87.17 | 82.29 | 44.89 | 1.24 | 0.00 |
| 3 Months Ago 12-28-2021 | 0.00 | 100.00 | 92.69 | 63.58 | 6.91 | 0.00 |
| Start of Calendar Year 01-04-2022 | 0.00 | 100.00 | 88.51 | 41.09 | 3.78 | 0.00 |
| Start of Water Year 09-28-2021 | 0.00 | 100.00 | 100.00 | 91.10 | 62.80 | 23.62 |
| One Year Ago 03-30-2021 | 37.51 | 62.49 | 23.09 | 4.19 | 0.85 | 0.00 |

Intensity:

| | |
|---------------------|------------------------|
| None | D2 Severe Drought |
| D0 Abnormally Dry | D3 Extreme Drought |
| D1 Moderate Drought | D4 Exceptional Drought |

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

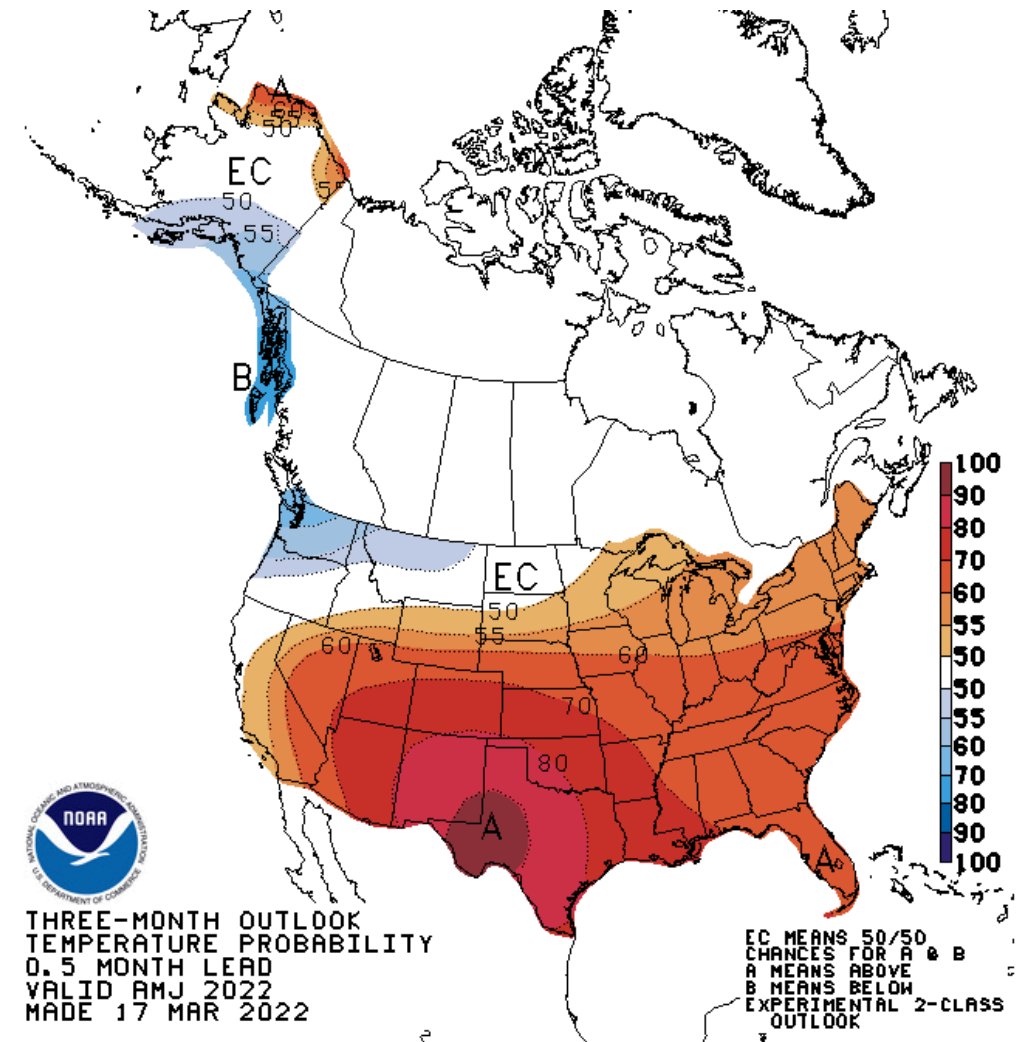
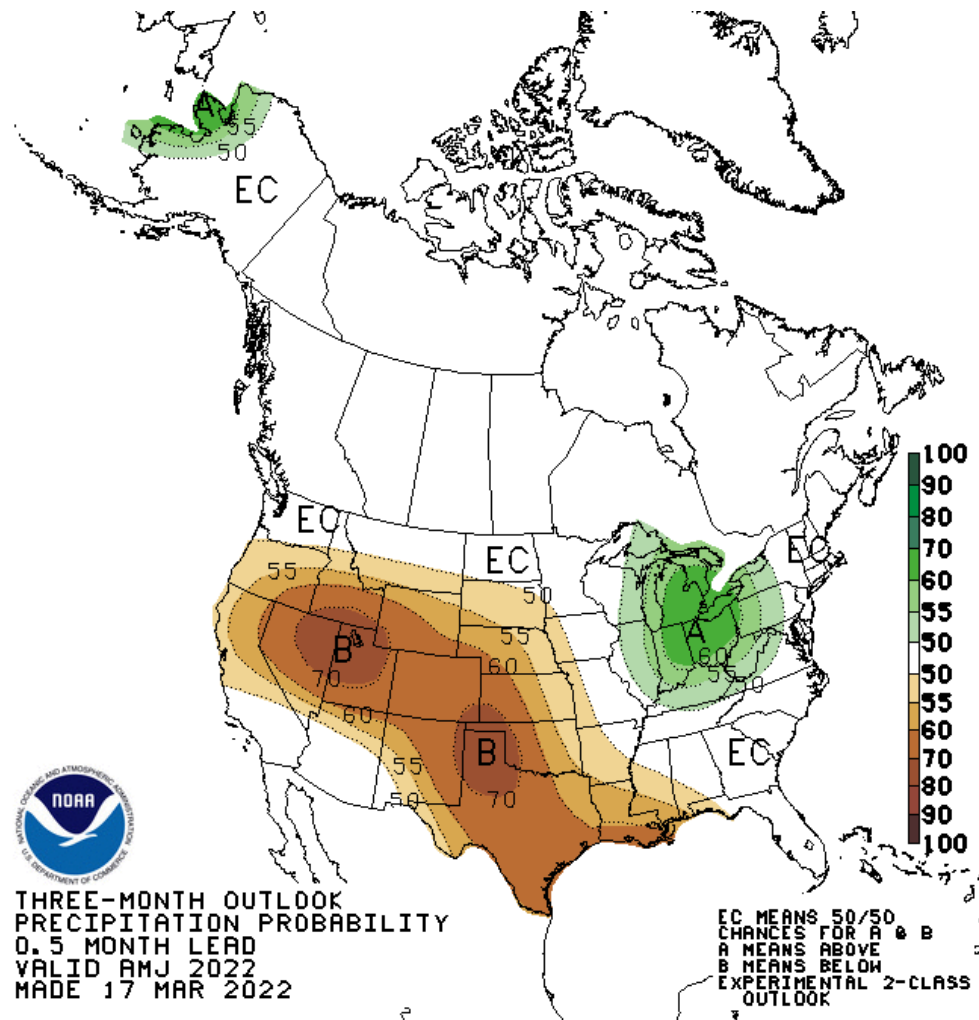
Author:

Deborah Bathke
National Drought Mitigation Center



droughtmonitor.unl.edu

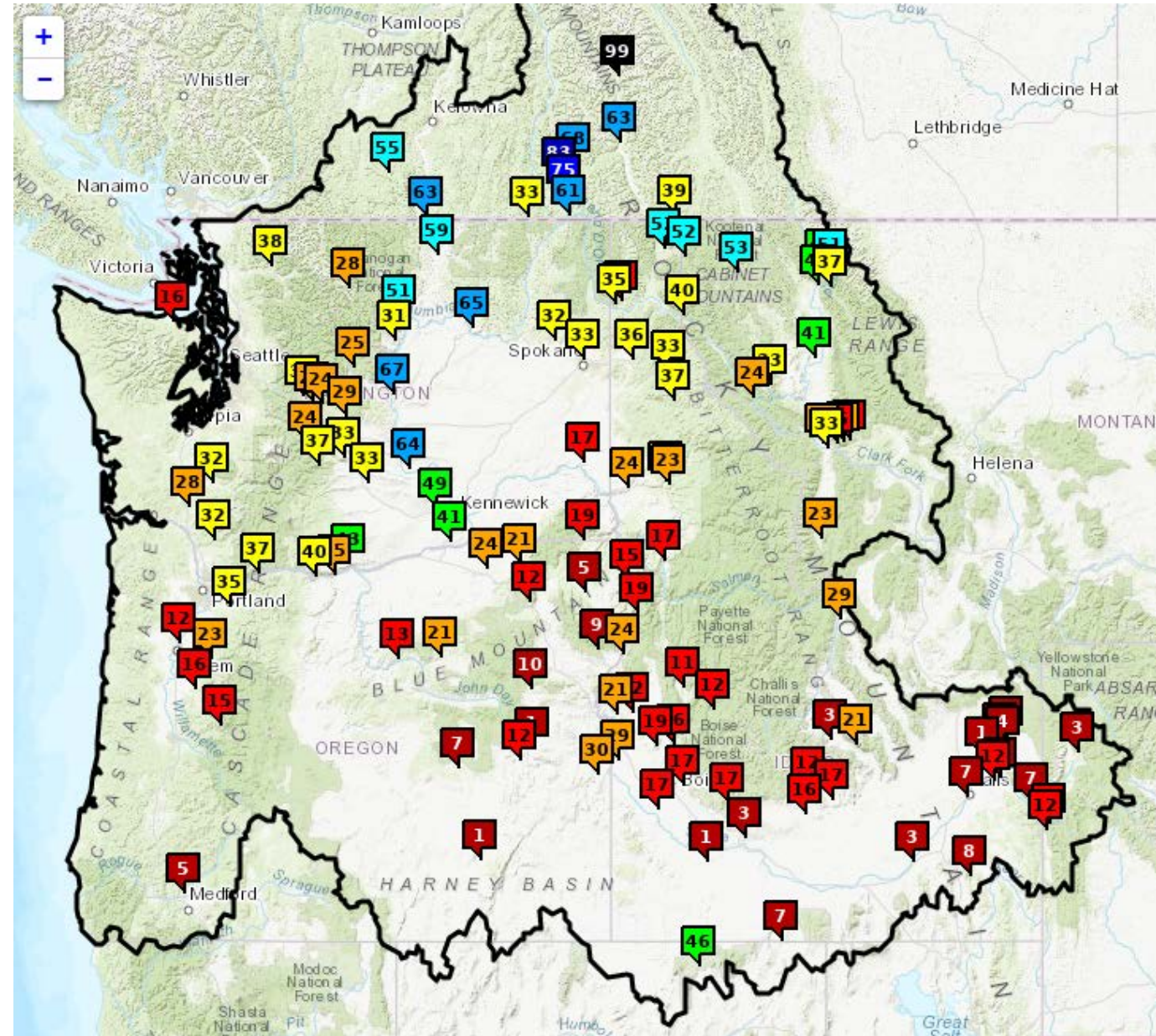
Wet Spring (April-June, Probably Not)



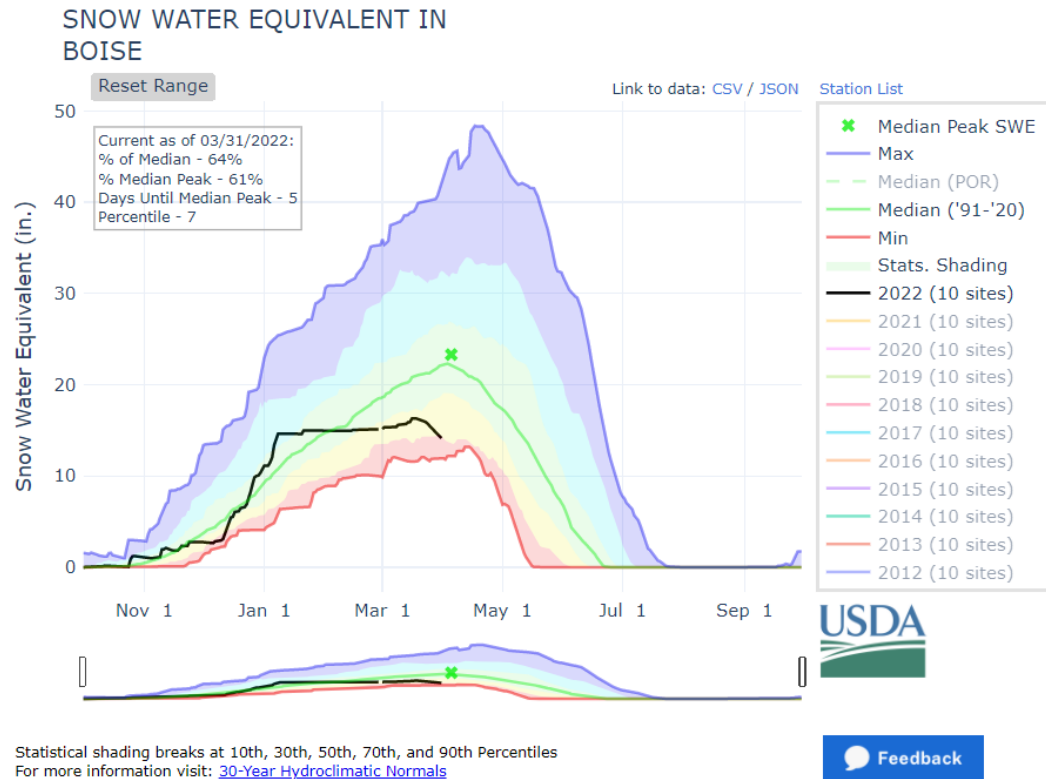
Hydrologic Drought

Forecasts indicate:

- **Exceptional** to **Extreme** Drought on the Henry's Fork & Bruneau
- **Severe** Drought on the Snake River at Heise
- **Moderate** Drought in the Central Mountains
- **Dryer than Normal** in many other locations



Hydrologic Drought

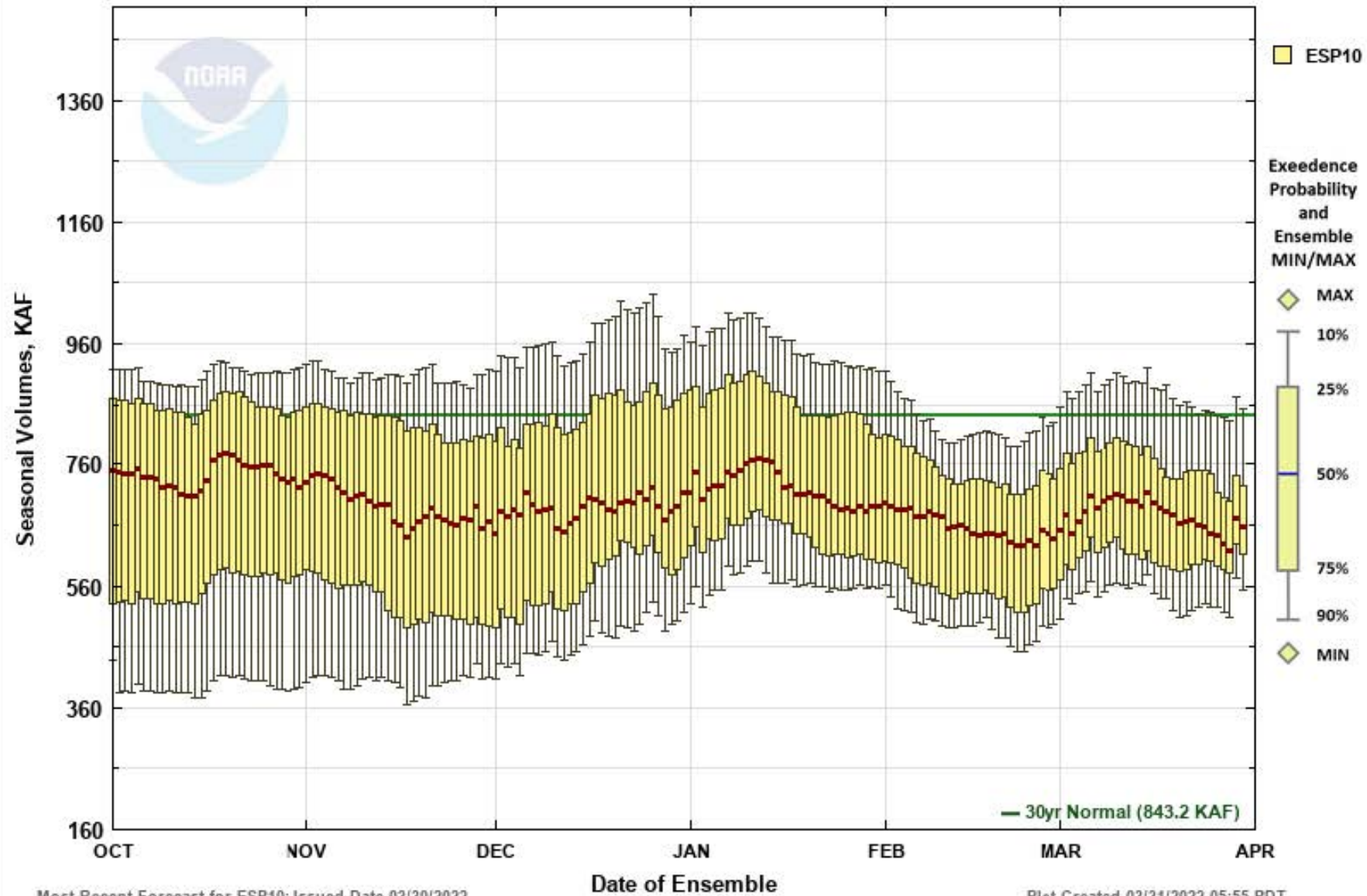


| Basin | SWE Percent of Peak | Peak Snowpack in 2022 | Typical Date of Peak | Early Runoff | NWRFC Forecast |
|-----------------|---------------------------|-----------------------------|----------------------------|-----------------|-------------------|
| | % median | date | date | days | percentile |
| Kootenai | 100 | 24-Mar | 8-Apr | 15 | 51 |
| Pend Oreille | 91 | 24-Mar | 11-Apr | 18 | 28 |
| Priest Lake | 94 | 23-Mar | 17-Apr | 25 | 17 |
| Spokane | 86 | 23-Mar | 5-Apr | 13 | 33 |
| Clearwater | 86 | 23-Mar | 9-Apr | 17 | 25 |
| Salmon | 75 | 24-Mar | 10-Apr | 17 | 17 |
| Weiser | 72 | 16-Mar | 28-Mar | 12 | 12 |
| Payette | 69 | 21-Mar | 5-Apr | 15 | 17 |
| Boise | 70 | 21-Mar | 5-Apr | 15 | 17 |
| Big Wood | 79 | 20-Mar | 30-Mar | 10 | 16 |
| Little Wood | 82 | 20-Mar | 30-Mar | 10 | 20 |
| Big Lost | 82 | 23-Mar | 6-Apr | 14 | 28 |
| Little Lost | 84 | | | | |
| Henrys Fork | 69 | 23-Mar | 12-Apr | 20 | 1 |
| Snake abv Heise | 72 | 24-Mar | 11-Apr | 18 | 8 |
| Willow | 77 | 26-Mar | 28-Mar | 2 | 14 |
| Blackfoot | 86 | 24-Mar | 31-Mar | 7 | |
| Portneuf | 68 | 22-Mar | 27-Mar | 5 | 11 |
| Raft | 85 | 24-Mar | 8-Apr | 15 | |
| Goose Creek | 88 | 23-Mar | 1-Apr | 9 | |
| Salmon Falls | 85 | 24-Mar | 4-Apr | 11 | 13 |
| Bruneau | 70 | 23-Mar | 31-Mar | 8 | 4 |
| Owyhee | 66 | 16-Mar | 19-Mar | 3 | 30 |
| Average | 80 | 3/22 | 4/4 | 13 | 19 |

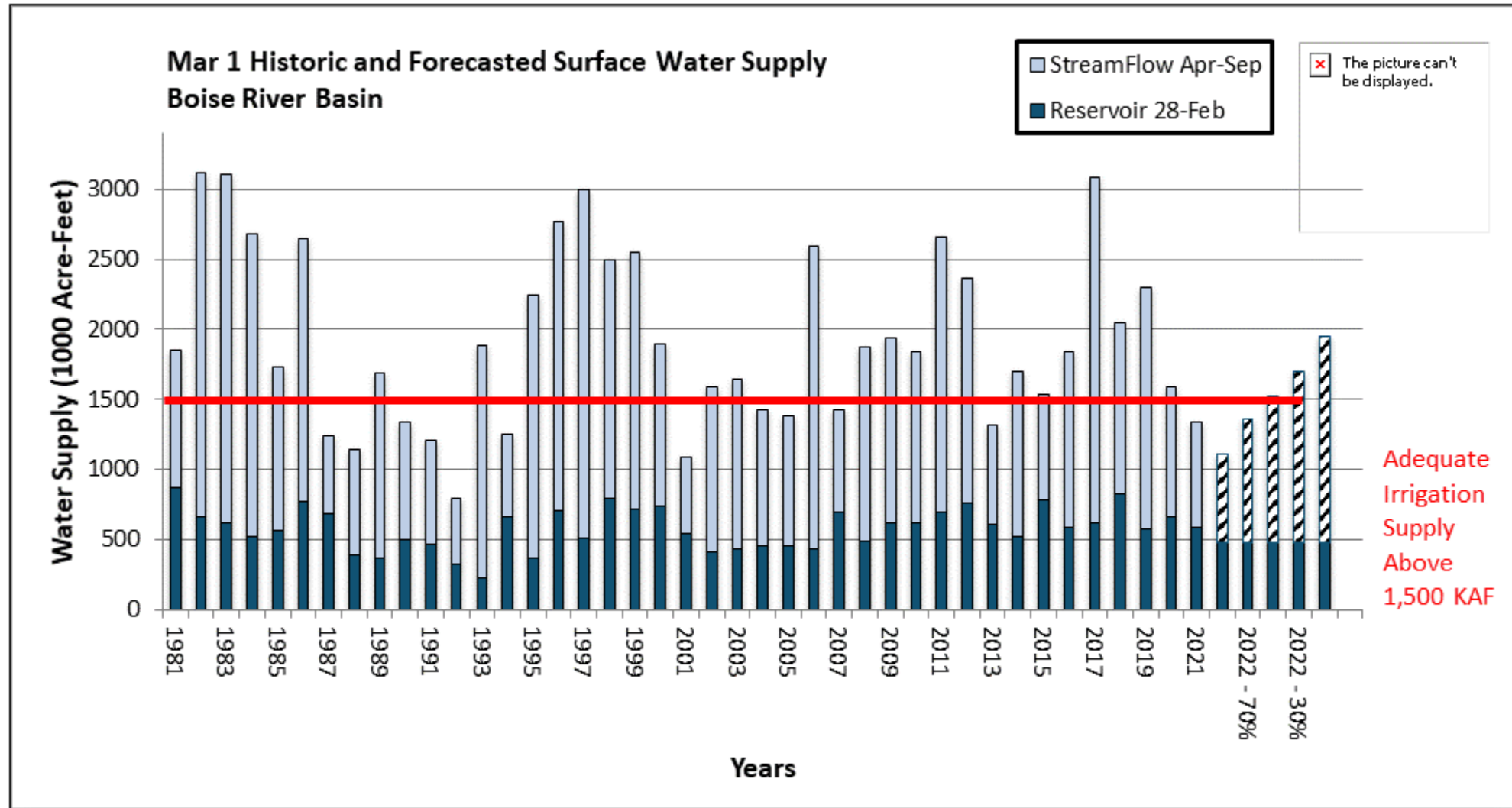
Water Supply Forecasts

PRIEST - NEAR PRIEST RIVER

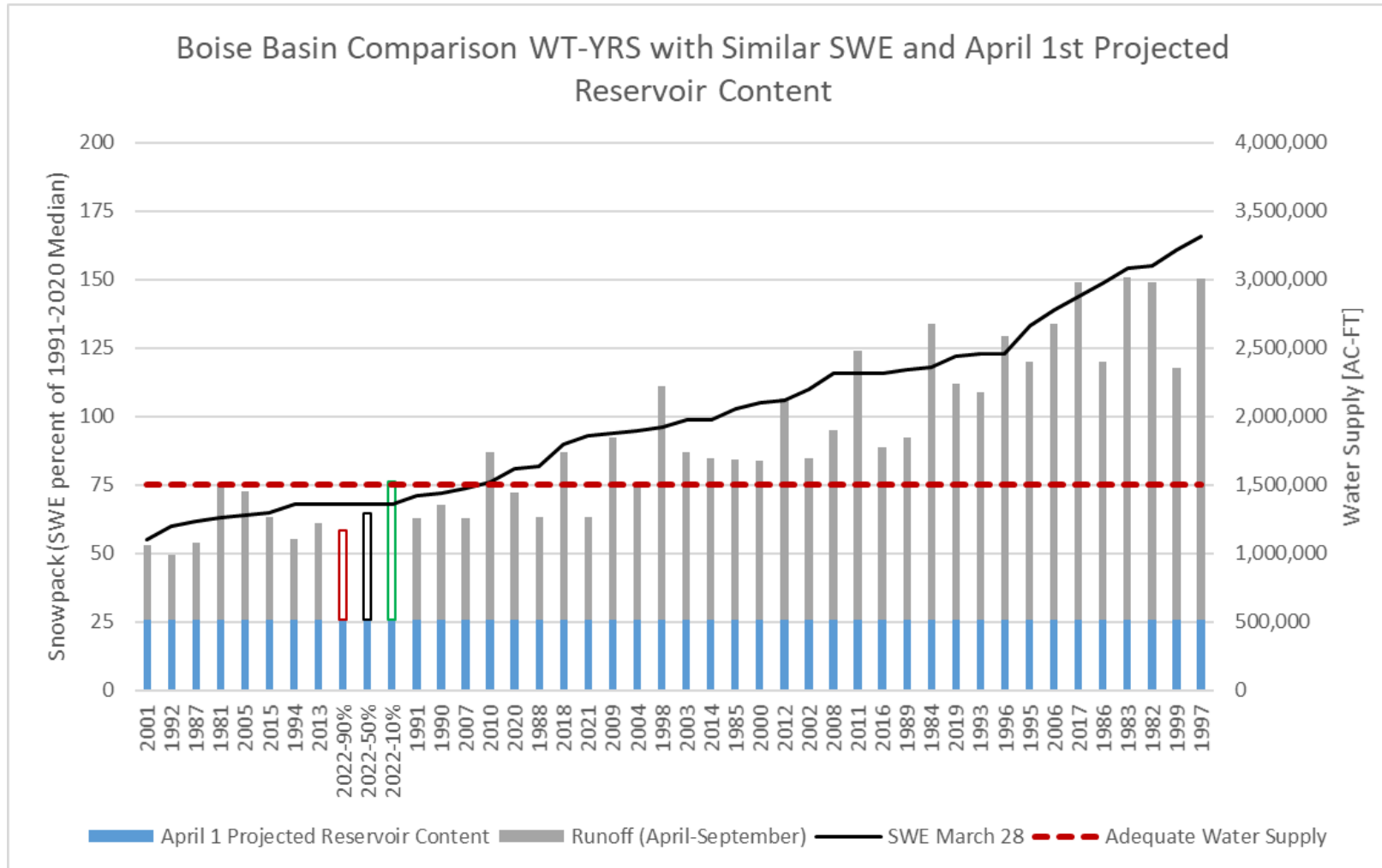
Period APR to SEP -- Water Year 2022



Boise Basin (774,000 ac-ft NWRFC)



Boise Basin

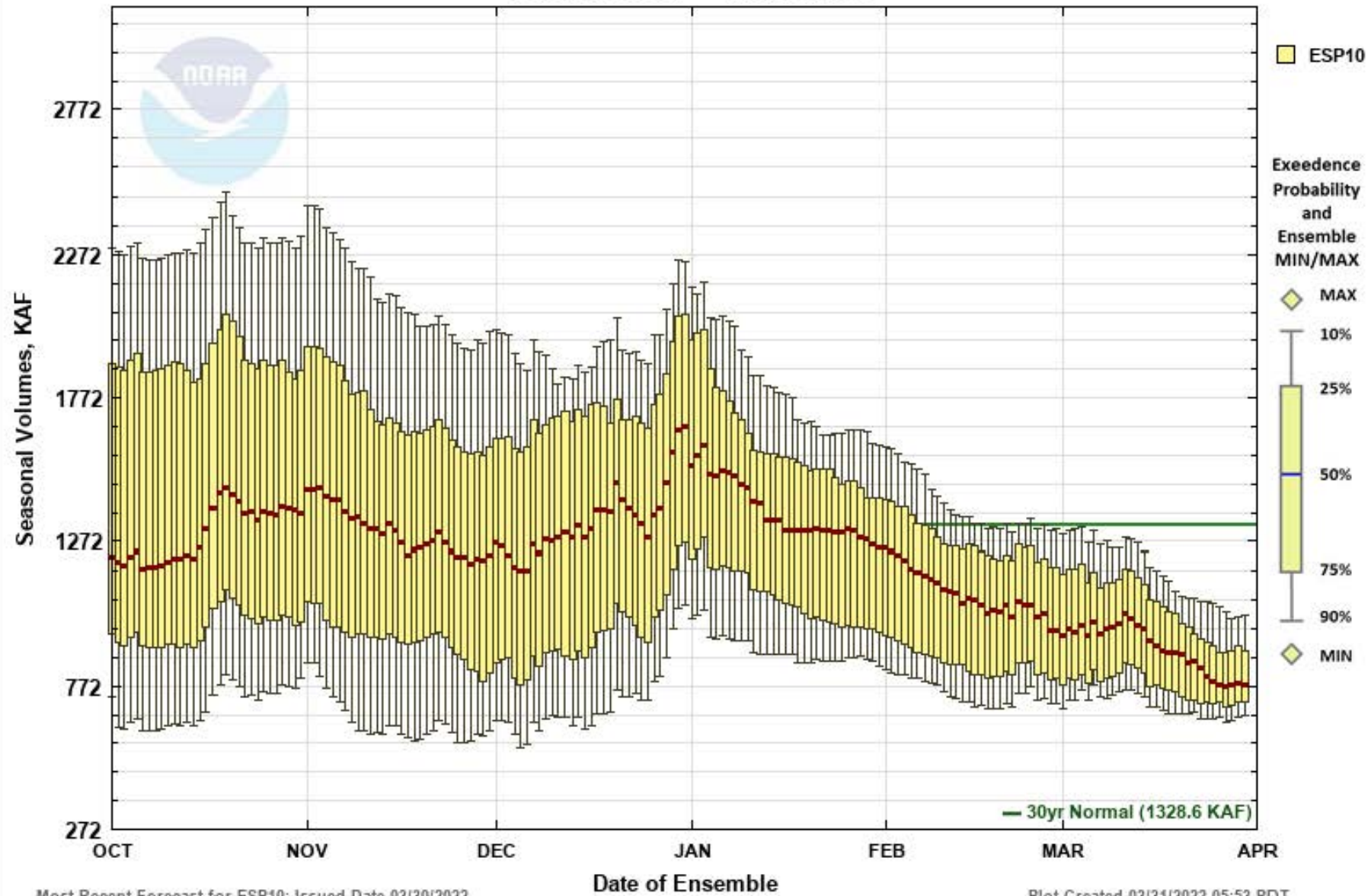


Last Year 745,000 ac-ft

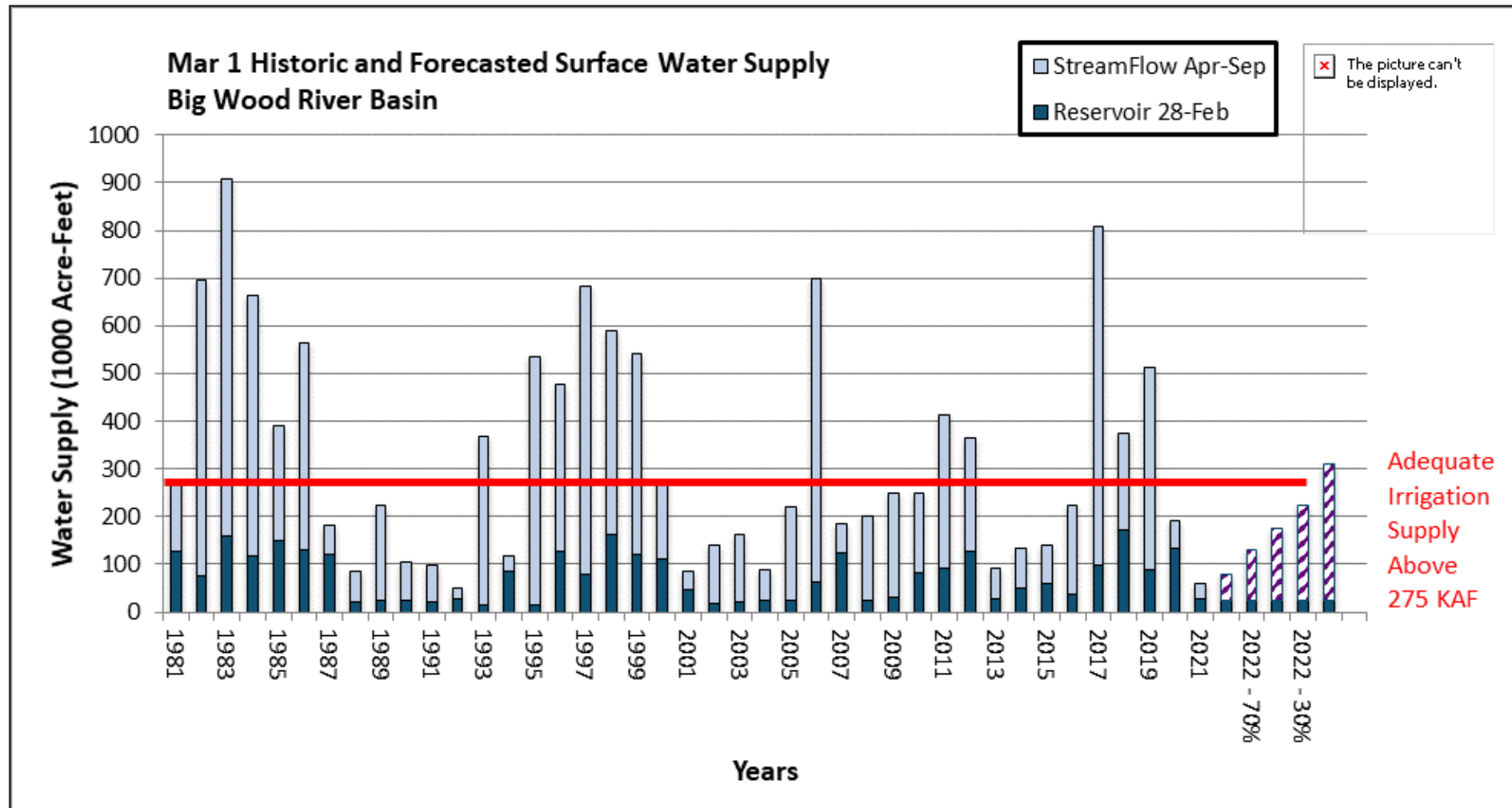
Water Supply Forecasts

BOISE - LUCKY PEAK DAM

Period APR to SEP -- Water Year 2022

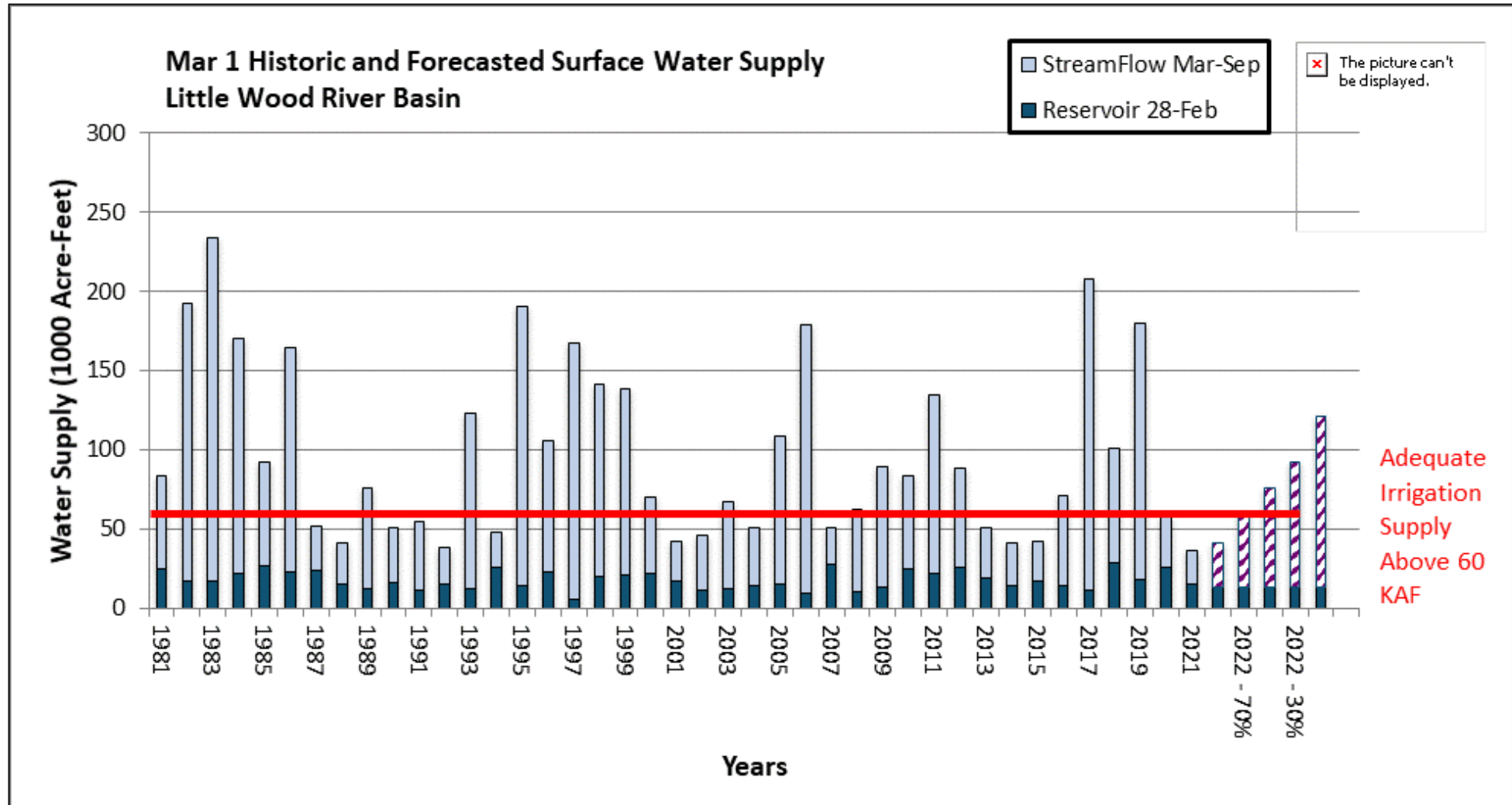


Big Wood Basin (70,200 ac-ft NWRFC)



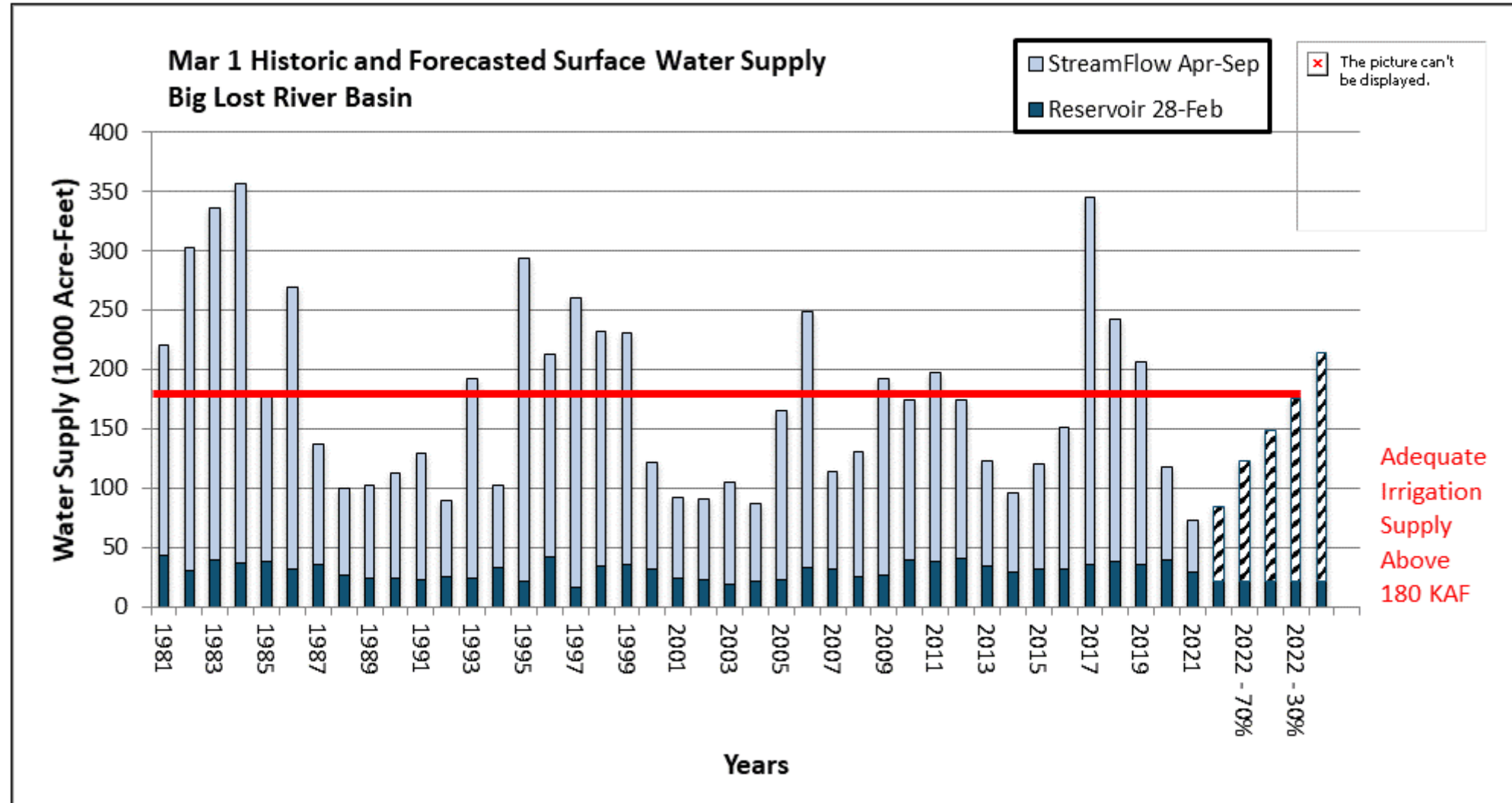
Last Year 32,100 ac-ft

Little Wood Basin (29,400 ac-ft NWRFC)



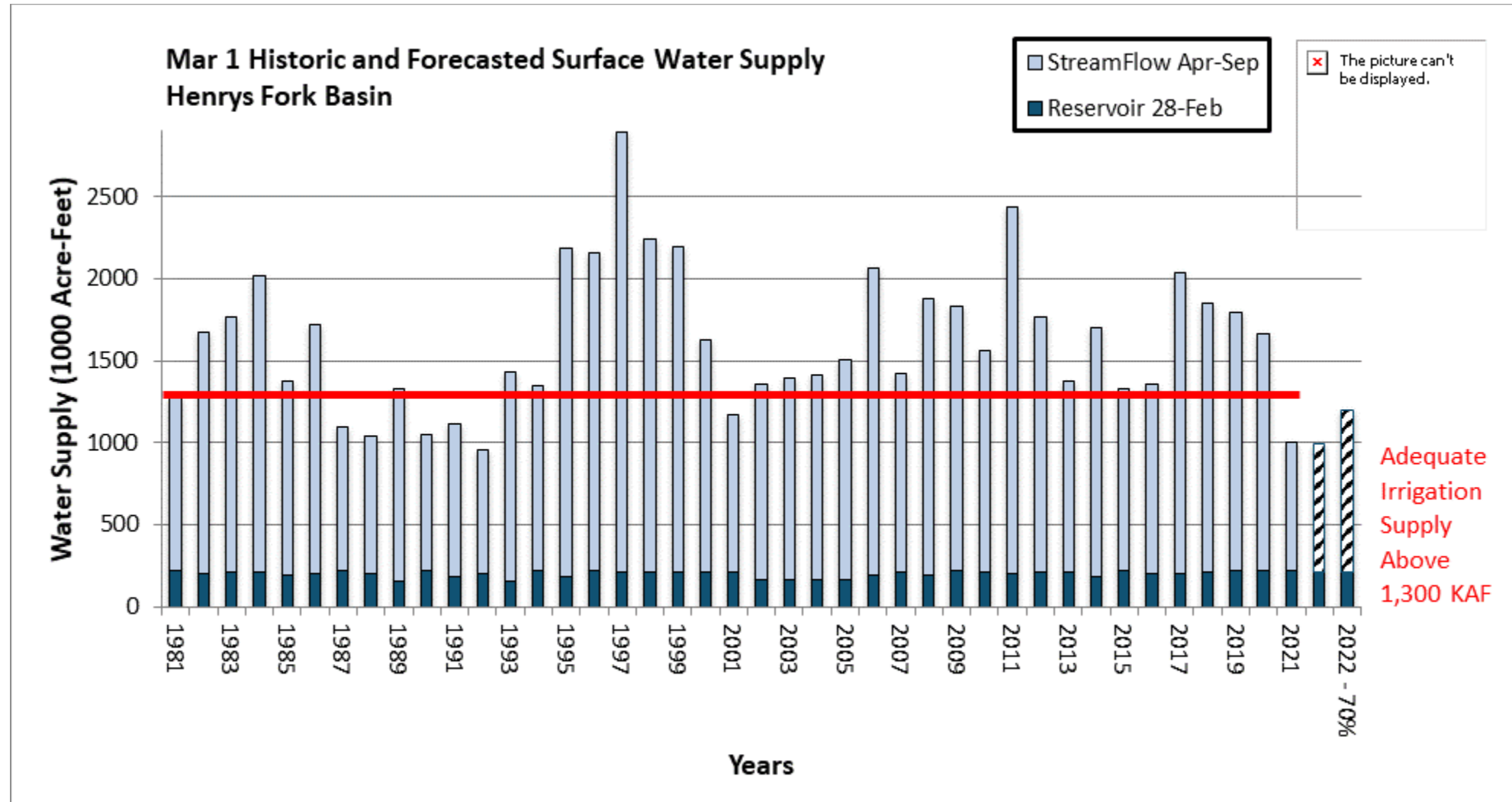
Last Year 21,400 ac-ft

Big Lost Basin (81,000 ac-ft NWRFC)

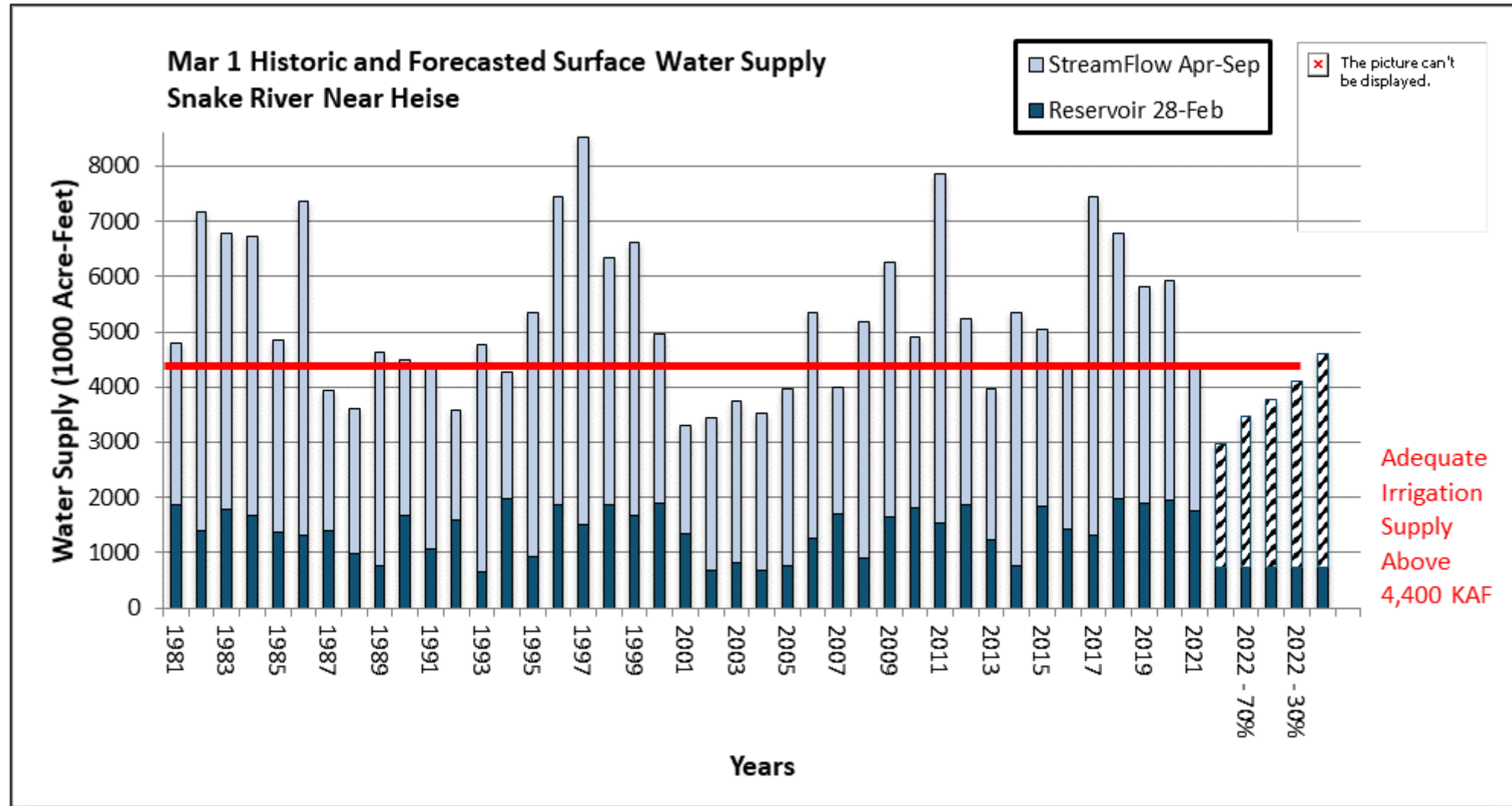


Last Year 43,700 ac-ft

Henrys Fork Basin

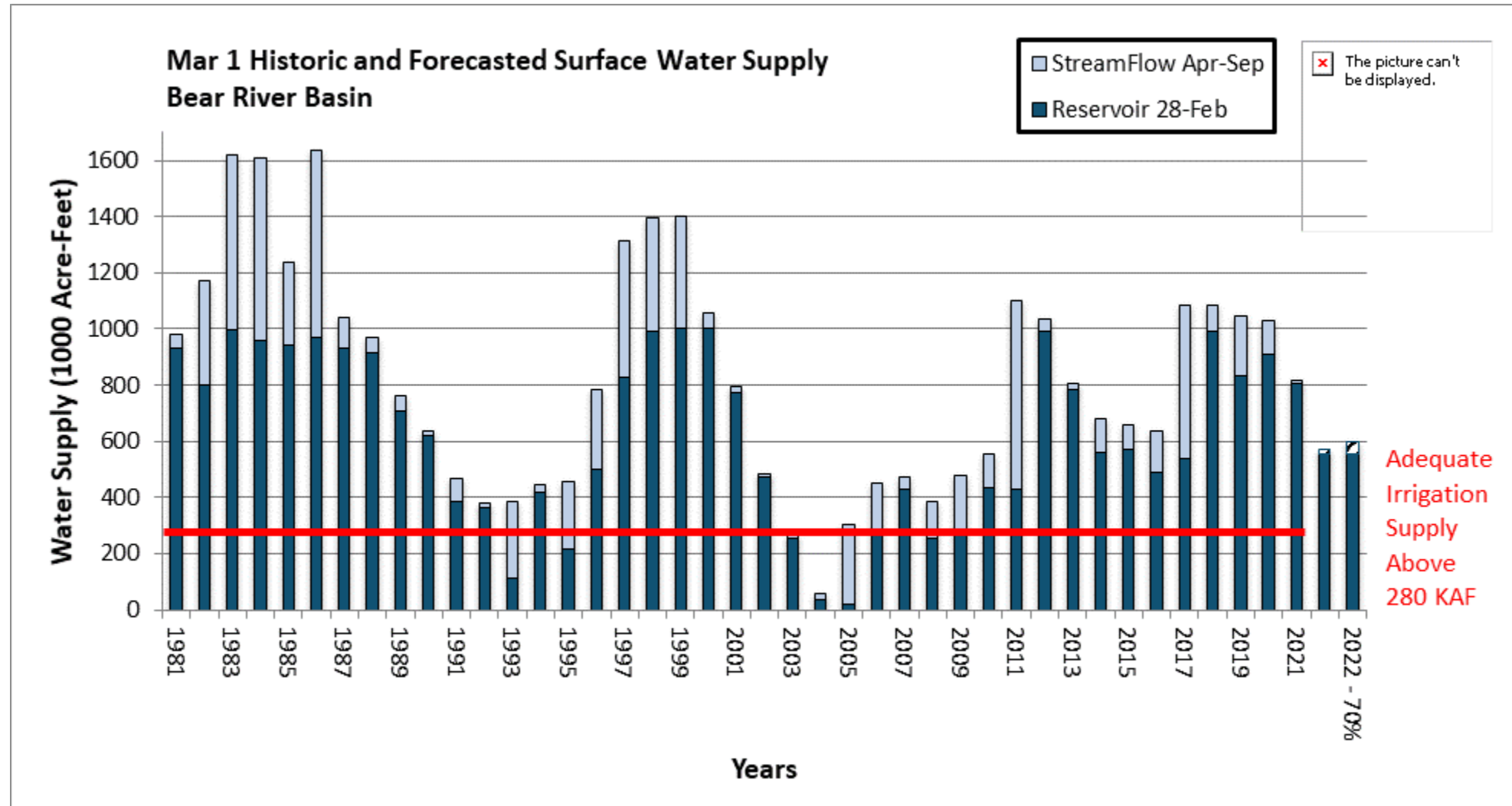


Snake Basin (2,411,000 ac-ft NWRFC)

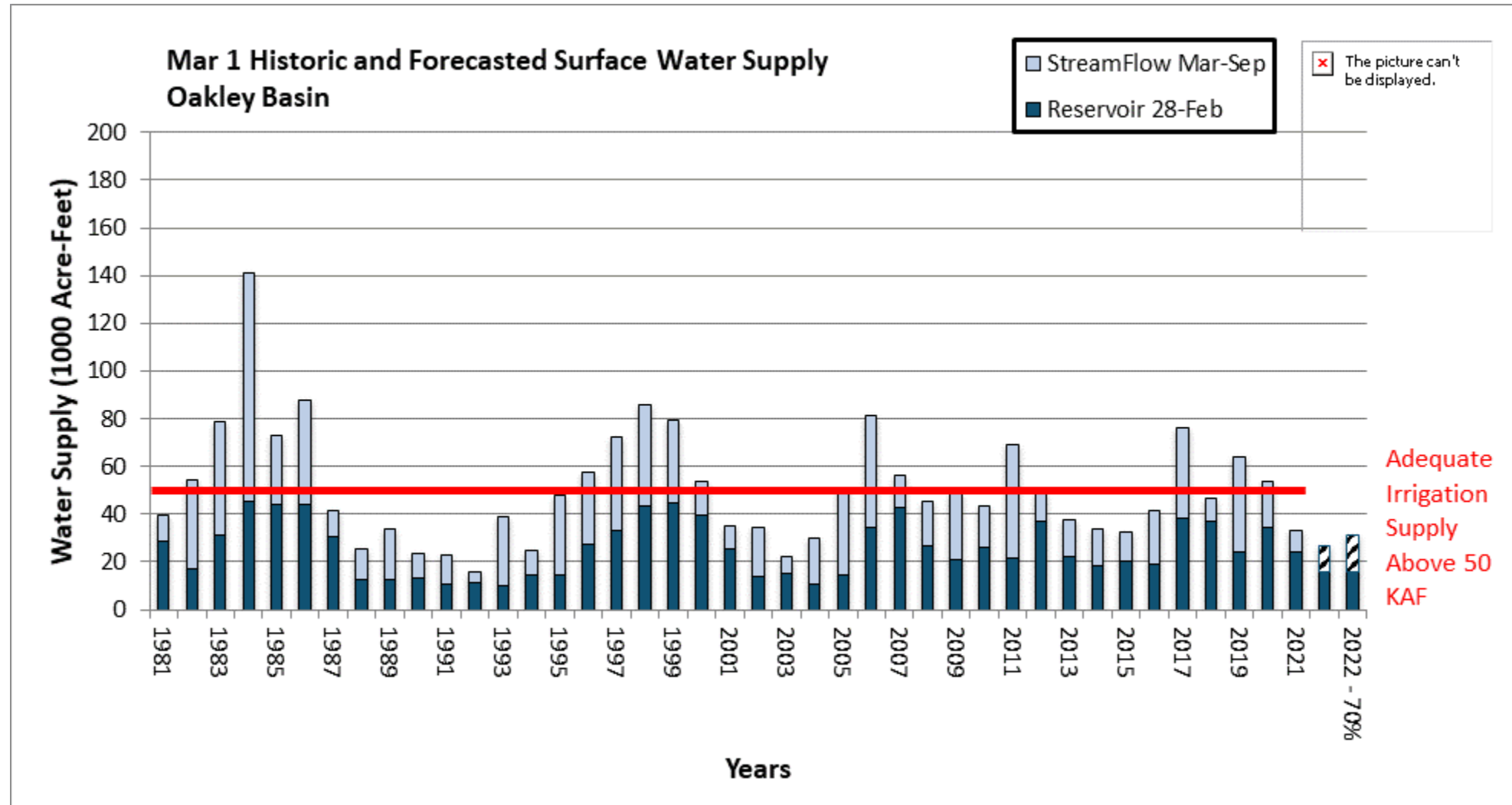


Last Year 2,619,000 ac-ft

Bear Lake

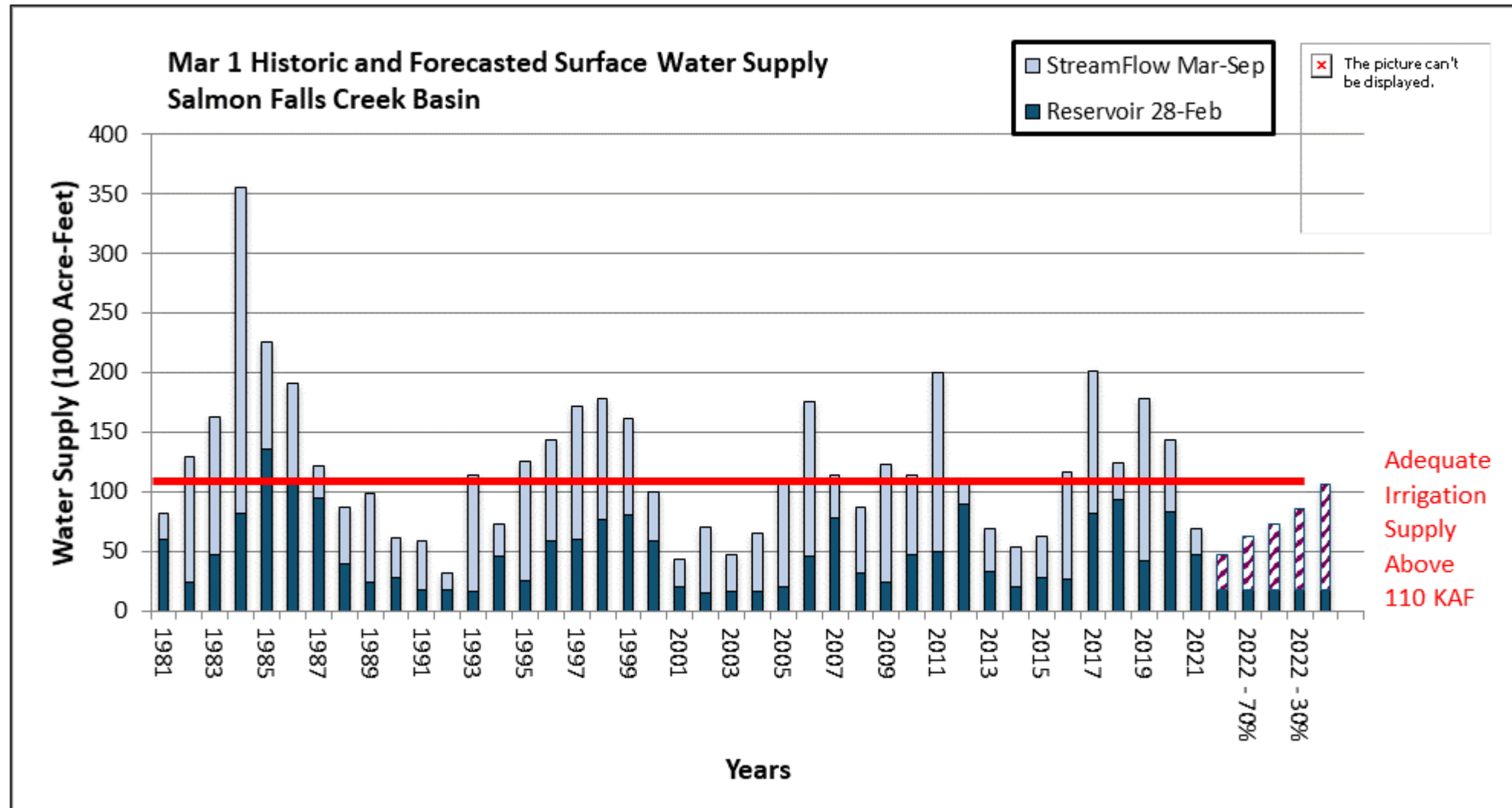


Oakley Canal Company



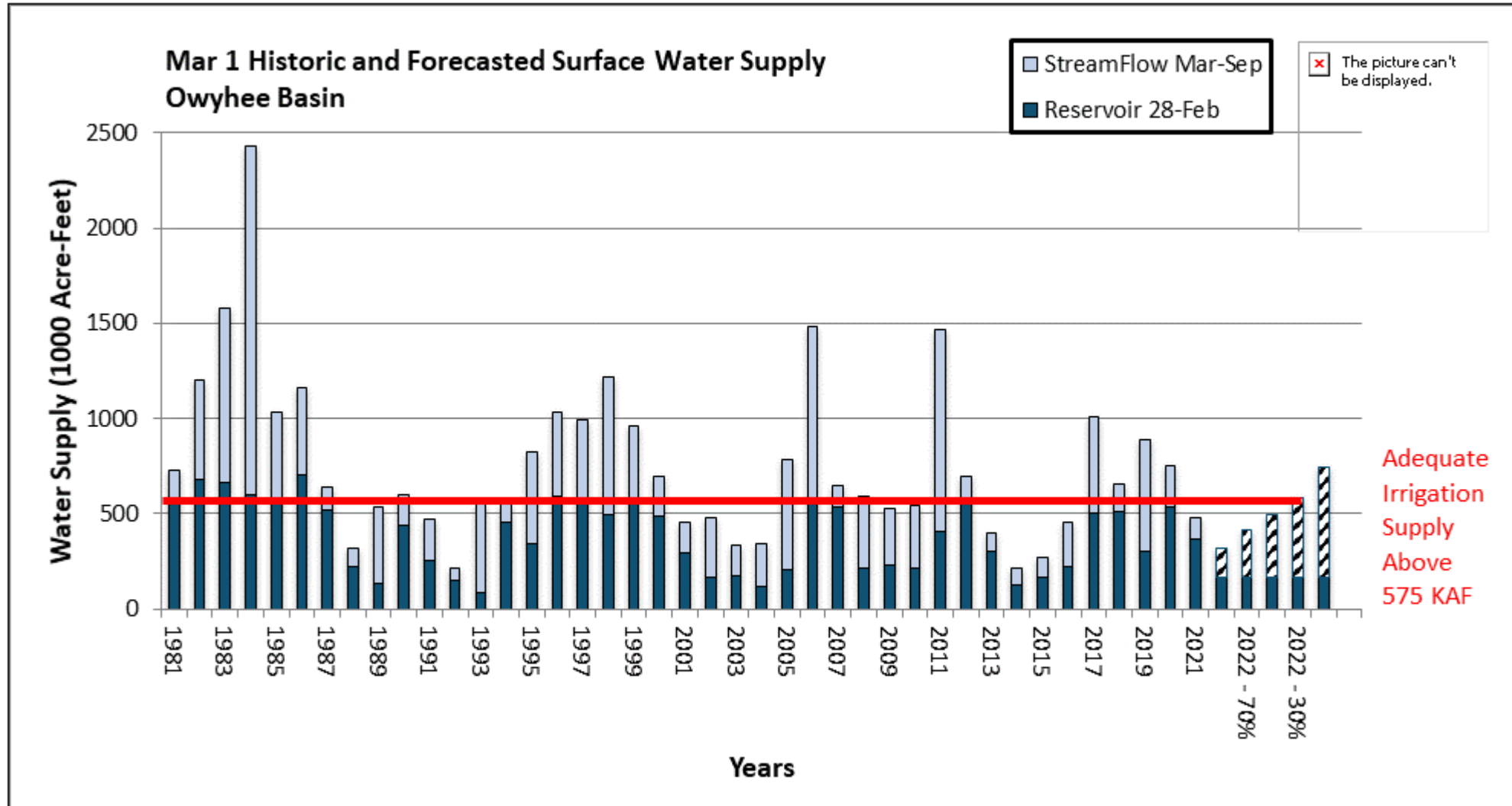
Last Year 8,900 ac-ft

Salmon River Canal Company (22,200 ac-ft NWRFC)



Last Year 21,800 ac-ft

Owyhee Basin (169,000 ac-ft NWRFC)



Last Year 166,000 ac-ft

Conclusions

- Idaho will experience another year of drought
- With early runoff and light precipitation storage use will start early
- Water shortages expected in every basin (even Payette)
- Potential to be the worst on record (temperature dependent)
- Likely that most of southern Idaho will remain in severe drought
- We are nearly certain of drought intensification
 - Owyhee
 - Bruneau
 - Snake River & Henry's Fork



Contact:

David Hoekema

david.hoekema@idwr.idaho.gov

(714) 697-3203

Photo credit: Idaho Fish and Game

Memorandum

To: Idaho Water Resource Board (IWRB)
From: Brian Patton, Planning & Projects Bureau
Date: March 23, 2022
Re: Administrative Rules



ACTION: No action is expected.

Deputy Director Mat Weaver will provide an update on Administrative Rules.

Memorandum

To: Idaho Water Resource Board
From: Wesley Hipke
Date: March 18, 2022
Re: ESPA Managed Recharge Program Status Report



REQUIRED ACTION: No action is required.

I. IWRB Managed Recharge Summary

IWRB Natural Flow Managed Recharge

IWRB recharge has been steady since the start of this season on October 20th, 2021. A summary of recharge activities is provided in Table 1. The US Bureau of Reclamation's releases from Minidoka Dam have been averaging 411 cfs at the time of this report. Last year at this time the average releases from Minidoka Dam over the recharge season were 533 cfs. Over this time period the estimates of reach gains between Minidoka Dam and the Milner Pool have fluctuated between 50 to 100 cfs. Overall, compared to previous recharge seasons there has been less water available for recharge.

Due to the colder weather the Lower Valley canals are planning to start diverting water in preparation for the irrigation season around April 1. It is expected that the IWRB recharge season will end at that time. It is unlikely that there will be excess water related to the spring runoff for recharge considering the reservoir system is currently at 52% of capacity.

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 | 148 | 612 | 472 | 138,546 |

* As of March 16, 2022 – 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 eight 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

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

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



IWRB Managed Recharge Program

IWRB Work Session

Wesley Hipke

Water Projects Section Supervisor

March 31, 2022

Total Natural Flow Water Recharged 153,208 af

IWRB Recharge - Oct 20 to Mar 28

Diversion Rate

Median: 445 cfs

Max: 573 cfs

AFRD2

16,083 AF

NSCC

112,209 AF

Twin Falls

TFCC

9,658 AF

SWID

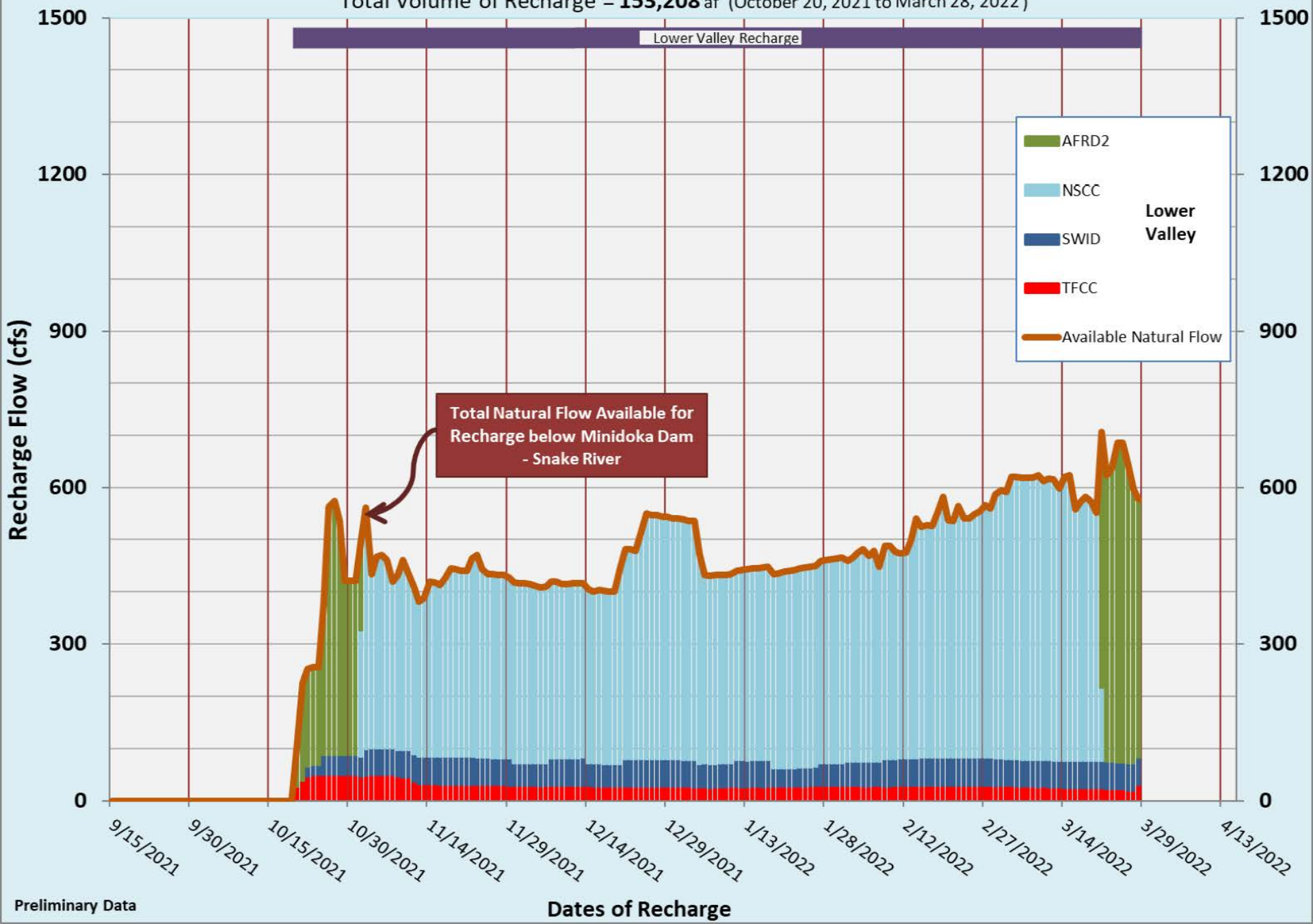
15,257 AF



0 5 10 Miles

IWRB Natural Flow Recharge - 2021/2022 Season

Total Volume of Recharge = **153,208** af (October 20, 2021 to March 28, 2022)



IWRB Recharge 2021/2022 - Summary

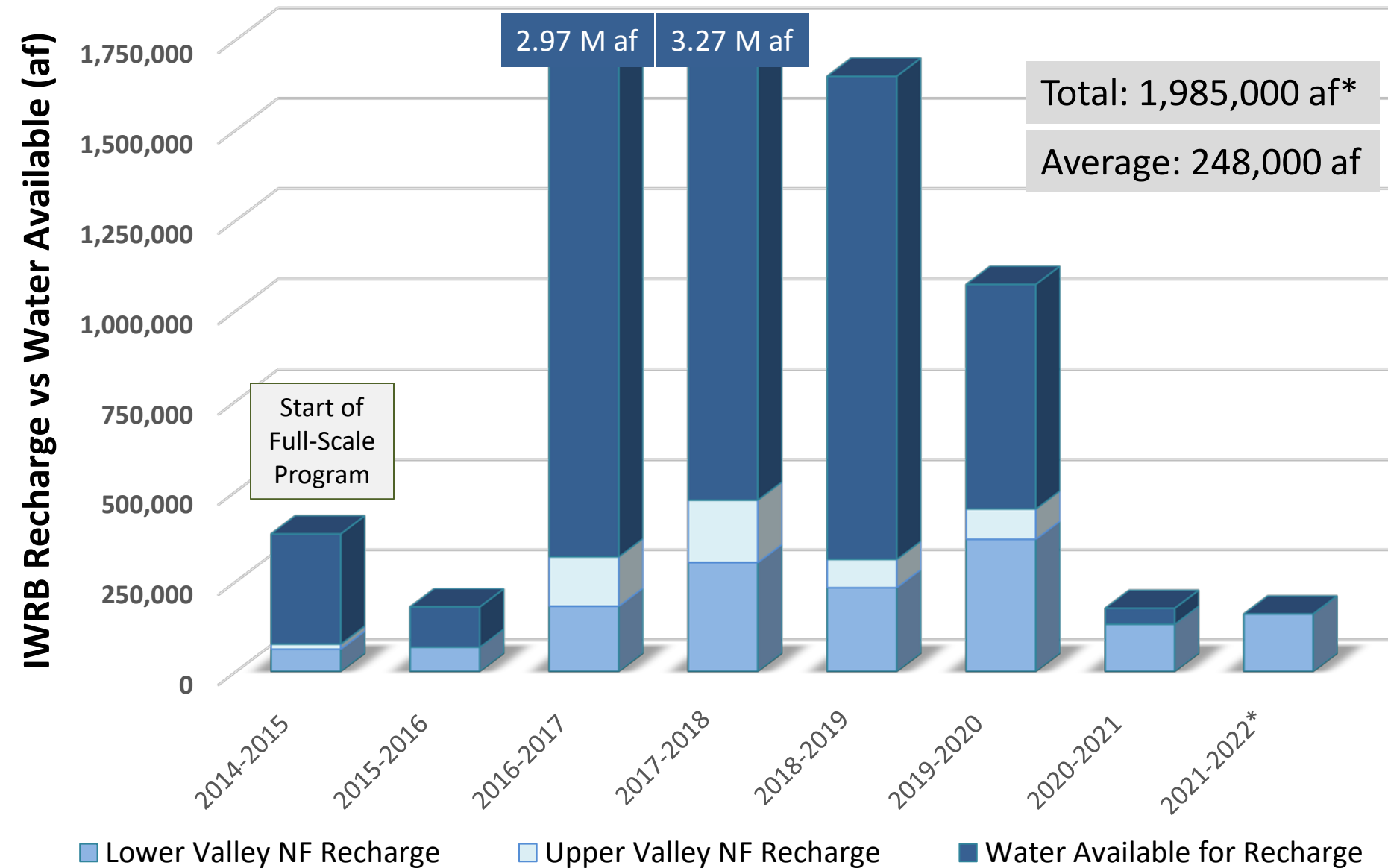
Preliminary Results

- Total est. Recharge 158,000 af
- Number of days 166
- Diversions:
 - Average 480 cfs
 - Maximum 690 cfs

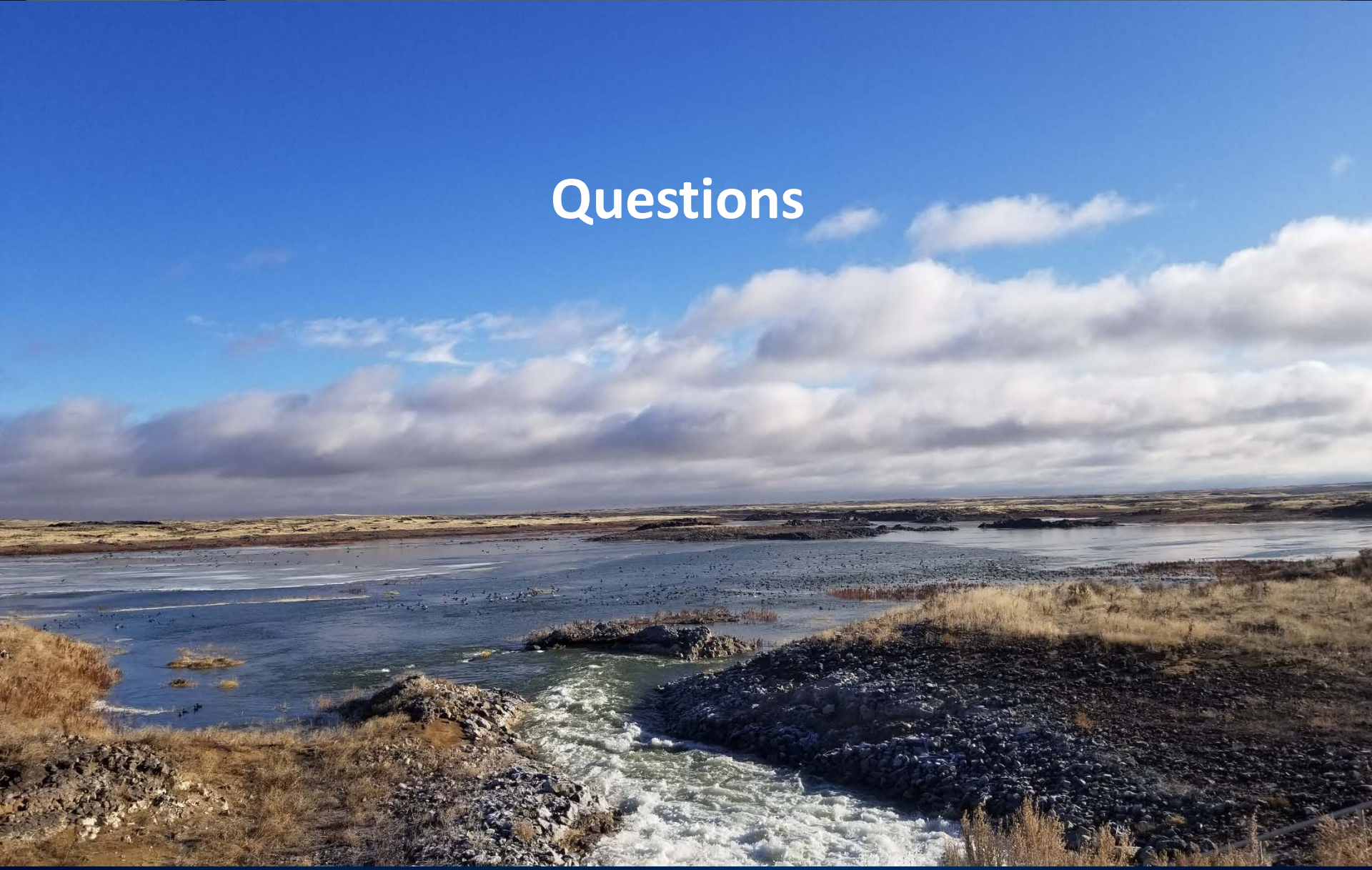


IWRB Natural Flow (NF) Recharge

Snake River Water Available for Recharge vs. Water Recharged



Questions





AGENDA

IDAHO WATER RESOURCE BOARD

Board Meeting No. 4-22

Friday, April 1, 2022

Executive Session 8:00 a.m. (MT)

Open Meeting 9:00 a.m. (MT)

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

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: 868 1688 8654 Passcode: 406180

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: Mediation update regarding Coeur d'Alene Tribe water right claims and mediation update regarding United States' motion to adjudicate deferred de minimis water rights. Closed to the public; no actions taken during executive session.
3. Agenda & Approval of Minutes 1-22, 2-22, and 3-22*
4. Public Comment
5. Financial Report
6. Water Transactions*
7. Priest Lake Water Management Project Update*
8. Upper Snake Rental Pool Procedures*
9. Treasure Valley Drain Monitoring*
10. Big Lost Aquifer Groundwater Model*
11. Basin 37 Settlement CIEF Petition*
12. Legislation of Interest
13. Director's Report
14. Non-Action Items for Discussion
15. 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 or by phone at (208) 287-4800.



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
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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

MINUTES MEETING NO. 1-22

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

January 21, 2022

At 8:00 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
Jo Ann Cole-Hansen, Secretary
Albert Barker
Dale Van Stone
Dean Stevenson
Brian Olmstead

Board Members Present Online

Roger Chase, Vice-Chairman
Pete Van Der Meulen

Staff Members Present

| | |
|--|---------------------------------|
| Gary Spackman, Director | Brian Patton, Executive Officer |
| Cynthia Bridge Clark, Water Projects Manager | |
| Neeley Miller | Wesley Hipke |
| Mathew Weaver | Kala Golden |
| Remington Buyer | Jennifer Strange |
| Tim Luke | Garrick Baxter |
| Mike Morrison | |

Staff Members Present Online

| | |
|---------------|----------------|
| Kara Ferguson | Amy Cassel |
| Shelley Keen | Janet Garrett |
| Paul Thomas | Sascha Marston |
| Glyn Roberts | Steve Stuebner |

John Loffredo
Meghan Carter
Mary Condon

Ethan Geisler
Dennis Owsley
Meghan Carter

Guests Present

Ann Vonde
Lanie Paquin
Kresta Davis
Mark Limbaugh
Carl Ellsworth

Michael Orr
James Whittaker
John Simpson
Norm Semanko
Brad Carlson

Guests Present Online

Terry Scanlan
Rachel Cohen
John Lawson
Emily Jones
Robert Newbry
Lowell Cerise
Representative Dorothy Moon
Clive Strong
Bob Turner
Daniel Bertram
Bud Corbus

Pat McMahon
Robin Lufkin
Paul Arrington
Darrell Early
Bert Stevenson
Douglas Jones
Ashlynn Goody
Kyle Radek
Chris Keith
Braden Jensen

An item was added to the executive session related to water right application 63-34753. Mr. Van Stone moved to amend the agenda. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried.

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. And Idaho Code § 74-206(1) subsection (d) to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code. 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. Mr. Michael Orr discussed WR Application 74-16187. Ms. Ann Vonde discussed Big and Little Wood Recharge Water Right Applications and ARDR WR Application 63-34753.

Ms. Cole-Hansen moved to resolve out of executive session at 9:12 AM. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

Agenda Item No. 3: Agenda and Approval of Minutes 15-21 and 16-21

Chairman Raybould asked if the minutes for 15-21 and 16-21 had been viewed. There was some discussion by Mr. Barker about language related to agenda item number 7 from the 15-21 minutes. It was decided that the minutes accurately reflected the topic.

Mr. Stevenson moved to accept the minutes. Mr. Van Stone seconded. Voice vote. All ayes. Motion carried.

Agenda Item No. 4: Public Comment

There were no comments from the public.

Agenda Item No. 5: WR Application 74-16187

Mr. Michael Orr of the Attorney General's office provided a resolution for the board to consider. The resolution contained a negotiated stipulation to resolve the judiciary review litigation over the application and send it back to IDWR where the parties would ask that a permit with certain conditions and elements be issued. The resolution would authorize Chairman Raybould to execute the stipulation on behalf of the Board.

Mr. Van Stone moved to accept the stipulation as provided in the resolution. Ms. Cole-Hansen seconded. Voice vote. All ayes. Motion carried.

Agenda Item No. 6: Lemhi Basin Settlement

Mr. Clive Strong provided a very detailed presentation on the 22-page comprehensive settlement agreement of the Lemhi Basin water users. There was some discussion about next steps for the basin upon approval of the agreement. Mr. Strong stated that there would be no action taken on this settlement at the meeting. Chairman Raybould asked if there were any folks from the public who would like to discuss the issue. Mr. James Whittaker made some statements. Mr. Carl Ellsworth also made comments on the settlement. Mr. Lowell Cerise provided brief comments which further supported Mr. Ellsworth's comments.

Agenda Item No. 7: Financial Report

Mr. Miller provided the Board's financial report. The accounts as of December 31, 2021, were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$20,921,490 and 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, and anticipated loanable funds available next one year \$20,348,298; and Water Management Account: committed/earmarked but not disbursed \$71,021,372, and uncommitted balance \$169,563. Total committed/earmarked but not disbursed \$111,287,997; total loan principal outstanding \$17,232,581; and total uncommitted balance \$24,117,210.

Agenda Item No. 8: Federal Affairs Update by Mark Limbaugh

Mr. Mark Limbaugh of The Ferguson Group provided a report on federal affairs. He discussed infrastructure funding, additional FY 2022 federal funding, Bureau of Reclamation funding, and 2022 federal legislative and funding priorities. There were some questions from the board.

Agenda Item No. 9: Allocation of Funds

Mr. Patton discussed the actions that the Finance Committee had recommended on January 14, 2022. The first recommendation was to adopt threshold criteria for adding projects to the Regional Water Sustainability Projects Priority List. The criteria are defined as: "A project that helps achieve water supply sustainability on a regional, basin-wide, or state-wide basis." Secondly, the committee recommended an initial ARPA fund allocation as follows: Anderson Ranch Reservoir Enlargement, \$90 million; Mountain Home AFB Water

Project, \$30 million; and ESPA Recharge Infrastructure, \$75 million. A resolution containing both recommendations was presented to the board.

Mr. Chase moved to adopt the resolution. Ms. Cole-Hansen 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. 10: Anderson Ranch Dam Raise Update

Ms. Bridge Clark provided brief recap on the Anderson Ranch Dam Raise. She introduced Ms. Lanie Paquin of Bureau of Reclamation who provided updates on the project. There was some discussion about the process for applying for a water right on the reservoir. The board directed staff to pursue more targeted language for legislation to be drafted in that matter.

No action on this item.

Agenda Item No. 11: Cloverdale Ridge Water Corporation Loan

Ms. Kala Golden introduced a loan request by Cloverdale Ridge Water Corporation. Mr. John Lawson, the corporation secretary and Tyler Dibble, the vice president were both on the Zoom call for any questions. The resolution presented would approve a loan not to exceed \$56,615 from the Revolving Development account at 2.6% interest with a 15-year repayment term. The loan would improve the efficiency of the system and reduce operational costs.

Ms. Cole-Hansen moved to adopt the resolution at 2.6% interest rate. 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.

Agenda Item No. 12: Mountain Home Aquifer

Mr. Neeley Miller provided a briefing on the background for a resolution to authorize funds in the amount of \$700,000 from the Board's Second Aquifer Planning, Management, and Implementation Fund for the completion of the Mountain Home Hydrologic Investigation. The investigation would be completed over four years and include the following: develop a water budget and hydrogeologic framework and perform water level synoptic measurements through the USGS; and drill new monitoring wells and improve the existing monitoring network through contracted work managed by IDWR staff. Mountain Home Commissioner, Bud Corbus was on the Zoom call. He expressed appreciation for the investigation.

Mr. Chase moved to adopt the resolution. Mr. Van Stone 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. 13: MHAFB Water Resilience Project Update

Mr. Mike Morrison updated the board on the Mountain Home Air Force Base Water Resilience Project. He stated the project is in its initial planning stages, with The Air Force and Board staff holding regular discussions to determine overall parameters and specifications. The Board anticipates receiving the Air Force's water delivery requirements, SCADA requirements, and security requirements in February 2022.

There was some discussion about another pipeline going to Mountain Home. Ms. Bridge Clark stated that more information could be provided at the next meeting, but that it would likely require a second right of way.

Agenda Item No. 14: Priest Lake Update

Mr. Neeley Miller provided an update on the Priest Lake Management Project. Work was completed for the breakwater on schedule and on budget. The outlet dam portion required additional time and negotiations. Staff will be participating in a dispute resolution process on behalf of the board for cost items of disagreement. Some photos of the project were shared.

Agenda Item No. 15: ESPA Recharge Program Update

Mr. Wesley Hipke presented an update on the ESPA Recharge Program efforts. Total natural flow water recharged was at 79,854-acre feet. He mentioned the ESPA Recharge capacity investigations and the upper valley small projects. An Aquifer Stabilization Committee meeting was planned for February where information would be shared. Ms. Cole-Hansen asked about the priorities for site projects.

Agenda Item No. 16: Basin 37 Settlement Agreement

Mr. Tim Luke discussed term sheets for the Big Wood River Ground Water Management Area Advisory Committee and the settlement agreement. Term sheet items included baseline mitigation actions, additional mitigation actions in dry years, and term and adaptive groundwater management planning measures. Mr. Stevenson expressed appreciation to Mr. Luke and Mr. Keen on their work on this agreement.

Agenda Item No. 17: Administrative Rules Update

Mr. Mat Weaver provided a brief update on administrative rules.

Agenda Item No. 18: Potential Legislation of Interest

Mr. Garrick Baxter updated two pieces of legislation.

Agenda Item No. 19: Director's Report

Director Gary Spackman reported on a statewide tour with legislators and select board members to discuss the proposed IDWR budget and expressed appreciation for the assistance. He also discussed petitions filed by the Federal Government to adjudicate all domestic and stockwater claims in the Snake River Basin Adjudication area. There was some discussion among board members. Darrell Early of the AG's office stated they are researching the petition and the issues from that.

Agenda Item No. 20: Non-Action Items for Discussion

Mr. Olmstead expressed appreciation for the Chairman's report at the IWUA.

Agenda Item No. 21: Next Meeting & Adjourn

Mr. Patton stated the next scheduled meetings would be March 31 and April 1, 2022 in Boise and via an online platform. Mr. Stevenson moved to adjourn. Mr. Olmstead seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 12:34 p.m.

Respectfully submitted this 1st day of April 2022.

Jo Ann Cole-Hansen, *Secretary*

Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Adopted a motion to amend the agenda.
2. Approved meeting minutes 15-21 and 16-21.
3. Adopted a resolution to accept agreement for WR permit application 74-16187 stipulations.
4. Adopted a resolution to accept the Finance Committee's recommendations.
5. Adopted a resolution to approve a loan for Cloverdale Ridge Water Corporation.
6. Adopted a resolution to authorize funding for the Mountain Home Hydrologic Investigation.



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

MINUTES MEETING NO. 2-22

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

February 24, 2022

At 10:00 a.m. Chairman Raybould called the meeting to order. All members were present.

Agenda Item No. 1: Roll Call

Board Members Present

Brian Olmstead

Board Members Online

Jeff Raybould, Chairman

Roger Chase, Vice-Chairman

Jo Ann Cole-Hansen, Secretary

Albert Barker- joined after the Big/Little Wood Exec. Session Topic

Dale Van Stone

Dean Stevenson

Pete Van Der Meulen

Staff Members Present

Brian Patton, Executive Officer

Cynthia Bridge Clark, Water Projects Manager

Mathew Weaver, Deputy Director

Jennifer Strange

Mary Condon

Staff Members Present Online

Neeley Miller

Wesley Hipke

Steve Stuebner

Amy Cassel

Remington Buyer

Guests Present
James Whittaker

Guests Present Online
Ann Vonde, AG's Office
Clive Strong
Tom Curet
Lowell Cerise
Carl Lufkin
Ashlynn Goody
Robert Turner
Braden Jensen
William Stoddart

Michael Orr, AG's Office
Norman Semanko
Carl Ellsworth
Jay Barlogi
Tom Bassista
John Murdock
John Simpson
Devin Stoker
Scott King

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.

At 10:05 a.m. Mr. Olmstead moved to resolve into executive session. Mr. Chase seconded. Roll call vote: Mr. Barker, absent; 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. Ms. Ann Vonde of the Attorney General's Office discussed Big and Little Wood Recharge Applications. Mr. Barker joined after this topic. Ms. Vonde also discussed the Lemhi Settlement topic.

At 11:10 a.m. Mr. Olmstead moved to resolve out of executive session. Mr. Van Der Meulen seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

Agenda Item No. 3: Lemhi Basin Settlement

Mr. Clive Strong summarized the key points of the settlement agreement. The voluntary agreement provides a pathway for the following: resolves the pending applications in the Mill Creek, Big Timber, Eight Mile, and Eighteen Mile areas; allows users to perfect a protectable right in high flow water in the Lemhi Basin subject to certain terms and conditions; addresses fish habitat needs; and provides a program for addressing water supply issues in the Lemhi Basin. He stated that the agreement had signatures of those who wished to be a party to it. Mr. Strong discussed some edits requested by IDWR for the proposed legislation.

Chairman Raybould asked if there were any public comments related to the settlement. Mr. James Whittaker had some comments. Mr. Carl Ellsworth commented on the settlement. Mr. Tom Curet from Idaho Fish and Game spoke positively about the agreement. Deputy Director Mat Weaver shared appreciation for the work done on the settlement and mentioned next steps.

Mr. Patton discussed the actions of the resolution.

Mr. Olmstead moved to adopt the resolution to approve the Lemhi Comprehensive Settlement Agreement. 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.

Agenda Item No. 4: Big & Little Wood Recharge Applications

Ms. Vonde stated that a completed agreement would come before the board within a few weeks. There was no action.

Agenda Item No. 5: Administrative Rules

Deputy Director Mat Weaver provided an update on the Board's Administrative Rules. He discussed the reasoning for the resolution before them.

Mr. Barker moved to adopt the resolution to conditionally adopt the Board's current pending administrative fee rules as temporary rules. Ms. Cole-Hansen 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.

Mr. Weaver updated on the ZBR Rulemaking analysis of Water Supply Bank Rules and the Geothermal Resources Rules. Mr. Barker asked about the need for board member participation at the public meetings.

Agenda Item No. 6: Non-Action Items for Discussion

There were no other items.

Agenda Item No. 7: Next Meeting and Adjourn

Mr. Chase moved to adjourn. Ms. Cole-Hansen seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at noon.

Respectfully submitted this 1st day of April 2022.

Jo Ann Cole-Hansen, *Secretary*

Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Adopted a resolution to approve the Lemhi Comprehensive Settlement Agreement.
2. Adopted a resolution to conditionally adopt the Board's current pending administrative fee rules as temporary rules.



IDAHO WATER RESOURCE BOARD

Brad Little
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Albert Barker
Boise
District 2

Dean Stevenson
Paul
District 3

Peter Van Der Meulen
Hailey
At Large

Brian Olmstead
Twin Falls
At Large

MINUTES MEETING NO. 3-22

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

March 4, 2022

At 2:00 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
Pete Van Der Meulen

Staff Members Present

Brian Patton, Executive Officer
Jennifer Strange
Cynthia Bridge Clark, Water Projects Manager

Staff Members Present Online

Wes Hipke
Steve Stuebner

Guests Present

Ann Vonde, AG's Office

Guests Present Online

Darrell Early
Michael Orr
Fred Price

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.

At 2:02 p.m. 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, absent; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. The motion passed. Ms. Ann Vonde of the Attorney General's Office discussed the following topics: Big and Little Wood Recharge Applications. Mr. Barker recused himself from the discussion that included the Upper Snake recharge permits.

At 2:32 p.m. Ms. Cole-Hansen moved to resolve out of executive session. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

Agenda Item No. 3: Big & Little Wood Recharge Applications

Ms. Vonde presented a brief overview of a joint stipulation and motion for withdrawal of protests with protestant United States Bureau of Land Management. Mr. Stevenson made the following comment regarding conditions on the stipulation:

There are some conditions in the stipulation requiring the IWRB to provide notice to the BLM of certain events that are not standard conditions. While the Water Resource Board will agree to the terms of this stipulation, the Water Resource Board recognizes that IDWR has the ultimate authority to determine which conditions are placed on the water right. IDWR may have its own perspective on inclusion of those nonstandard conditions. And the Board would defer to the IDWR who has discretion on whether to include those conditions on the water right. It's not the Board's intention to impose unreasonable administrative burdens on the IDWR through these conditions.

Mr. Stevenson moved to agree to the terms as laid out in the joint stipulation with BLM and authorize Ann Vonde to sign the joint stipulation on behalf of the board. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, absent; 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

Chairman Raybould mentioned that JFAC approved the Department's budget on Wednesday. Mr. Stevenson asked about the Swan Falls minimums. Mr. Patton stated the flows are setting new record lows. Hydrology has been watching the numbers and will reduce recharge through Mr. Hipke if needed.

Agenda Item No. 5: Next Meeting and Adjourn

Mr. Stevenson moved to adjourn. Mr. Chase seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 2:50 p.m.

Respectfully submitted this 1st day of April 2022.

Jo Ann Cole-Hansen, *Secretary*

Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Moved to agree to the terms in a joint stipulation with BLM.

Memorandum

To: Idaho Water Resource Board
From: Neeley Miller, Planning & Projects Bureau
Date: March 21, 2022
Re: Financial Status Report



As of **February 28, 2022** the IWRB's available and committed balances are as follows:

Secondary Aquifer Fund:

| | |
|---------------------------------------|--------------|
| Committed/earmarked but not disbursed | \$20,116,342 |
| Uncommitted Balance | \$8,285,497 |

Revolving Development Account:

| | |
|--|--------------|
| Committed/earmarked but not disbursed | \$20,393,579 |
| Loan principal outstanding | \$16,770,495 |
| Uncommitted Balance | \$16,741,943 |
| Anticipated loanable funds available next 1 year | \$20,241,943 |

Water Management Account

| | |
|---------------------------------------|--------------|
| Committed/earmarked but not disbursed | \$71,053,984 |
| Uncommitted Balance | \$170,292 |

| | |
|--|----------------------|
| Total committed/earmarked but not disbursed | \$111,563,905 |
| Total loan principal outstanding | \$16,770,495 |
| Total uncommitted balance | \$25,197,732 |

- 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 February 28, 2022

SECONDARY AQUIFER PLANNING, MANAGEMENT, & IMPLEMENTATION FUND

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

FY 2022 Revenue

| | |
|---|---------------------|
| Interest Earned State Treasury..... | 50,010.14 |
| HB547 - State Recharge & Aquifer Stabilization (SRAS)..... | 2,792,583.60 |
| SB1190, Section 4 - Water Sustainability..... | 5,000,000.00 |
| Department of Energy Grant (\$928K) ESPA - 29871..... | 479,300.00 |
| Department of Energy Grant (\$1.14M) Big Lost - 29872..... | 440,900.00 |
| Department of Energy Grant (\$832K) Raft River - 29874..... | |
| TOTAL FY 2022 REVENUE..... | 8,762,793.74 |

FY 2022 Expenditures

| | |
|---|-----------------------|
| SRAS Equipment & Supplies - FY 22..... | (39,974.68) |
| SRAS Conveyance Costs - FY 22..... | (457,617.62) |
| SRAS Site Monitoring - FY 22..... | (135,374.81) |
| SRAS Regional Monitoring - FY 22..... | (75,797.02) |
| Butte & Market Lake Canal Company (CON01462)..... | (26,806.00) |
| Connect Engineering (CON01458)..... | (9,685.00) |
| Egin Bench Canals Inc (CON01425)..... | (30,472.81) |
| Enterprize Canal Company (CON01575)..... | (45,821.25) |
| Quadrant Consulting Inc (CON01514, Large Upper Valley Study)..... | (41,577.79) |
| Quadrant Consulting Inc (CON01527, MP31 Embankment Construction Oversight)..... | (1,242.93) |
| The Ferguson Group (FY 2022 Budget)..... | (64,133.26) |
| Steve Stuebner (FY 2022 Budget) - Media Services..... | (16,385.65) |
| Clive Strong (CON01470, CON01555)..... | (45,918.88) |
| Parsons, Behle, and Latimer (CON01479)..... | (24,169.22) |
| Misc Costs for IWRB and staff, flowmeters..... | (61,467.02) |
| WS Hydrology Monitoring - FY 22..... | (98,632.16) |
| USGS - 6605 (Treasure Valley Modeling) | (113,621.53) |
| USGS - 22YEJFAMCZ11664 (Big Lost)..... | (9,525.00) |
| University of Idaho (CON01285, Modeling)..... | (19,063.62) |
| University of Idaho (CON01424, CON01427, CON01520, Raft River)..... | (93,750.00) |
| Boise State University (CON01503)..... | (37,087.56) |
| Department of Energy Grant expenditures (ESPA costs) 29871..... | (522,764.83) |
| Department of Energy Grant expenditures (Big Lost costs) 29872..... | (314,113.19) |
| Department of Energy Grant expenditures (Raft River costs) 29874..... | (29.70) |
| Boise State University - Cloudseeding (29860) (CON01394)..... | (5,679.10) |
| Cryotoolbox LLC (CON01583)..... | (17,500.00) |
| UCAR - Cloudseeding (CON01550)..... | (41,244.44) |
| UCAR - Cloudseeding (CON01554)..... | (102,258.29) |
| TOTAL FY 2022 EXPENDITURES..... | (2,451,713.36) |

FY 2022 Cash Balance..... 28,401,838.97

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 |

STATEWIDE STUDIES & PROJECTS

OTHER STATEWIDE STUDIES & PROJECTS

| | | | | | | |
|---|-------------------|-------------------|-------------------|---------------------|---------------------|------------------|
| 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 |
| Total Statewide Studies & Projects | 300,000.00 | 100,000.00 | 400,000.00 | (227,984.03) | (112,515.97) | 59,500.00 |

| | | | | | | | |
|--|---------------------|---------------------|---------------------|-----------------------|---------------------|-------------------|--------------------|
| TOTAL COMMITTED FUNDS THRU FY 2018..... | 1,910,000.00 | 1,080,000.00 | 2,990,000.00 | (2,074,730.55) | (112,515.97) | 802,753.48 | Adjustments |
|--|---------------------|---------------------|---------------------|-----------------------|---------------------|-------------------|--------------------|

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

| FY 2021 BUDGET | Budget (as approved - May 2020) | Amendments | Budget (as amended) | Obligated | Expenditures | Carry forward | Committed |
|--|--|-------------------|--------------------------------|---------------------|-----------------------|----------------------|---------------------|
| ESPA Managed Recharge Operations | | | | | | | |
| Conveyance Cost..... | 3,500,000.00 | | 3,500,000.00 | 3,500,000.00 | (1,506,704.60) | | 1,993,295.40 |
| Total ESPA Managed Recharge Operations..... | 3,500,000.00 | 0.00 | 3,500,000.00 | 3,500,000.00 | (1,506,704.60) | 0.00 | 1,993,295.40 |
| ESPA Managed Recharge Infrastructure | | | | | | | |
| Enterprize 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 |
| Total ESPA Managed Recharge Infrastructure..... | 2,000,000.00 | 320,000.00 | 2,320,000.00 | 2,320,000.00 | (164,360.99) | 0.00 | 2,155,639.01 |

| | | | | | | | |
|--|---------------------|-------------------|---------------------|---------------------|-----------------------|-------------|---------------------|
| Managed Recharge Investigations | | | | | | | |
| Large Upper Valley Project..... | 300,000.00 | | 300,000.00 | 300,000.00 | (87,282.79) | | 212,717.21 |
| Cloudseeding - BSU CON01394..... | | 20,409.00 | 20,409.00 | 20,409.00 | (20,328.74) | | 80.26 |
| Total Managed Recharge Investigations..... | 300,000.00 | 20,409.00 | 320,409.00 | 320,409.00 | (107,611.53) | 0.00 | 212,797.47 |
| ESPA Hydrologic Monitoring | | | | | | | |
| Hydrologic Monitoring (DOE - Year 3 of 3 = \$928K)..... | 308,000.00 | | 308,000.00 | 308,000.00 | (308,000.00) | | (0.00) |
| ESPA Hydrologic Monitoring..... | 308,000.00 | 0.00 | 308,000.00 | 308,000.00 | (308,000.00) | 0.00 | (0.00) |
| TREASURE VALLEY | | | | | | | |
| Treasure Valley Modeling Year 5 of 5 (USGS 6605)..... | 500,000.00 | | 500,000.00 | 500,000.00 | (41,381.72) | | 458,618.28 |
| TREASURE VALLEY TOTAL..... | 500,000.00 | 0.00 | 500,000.00 | 500,000.00 | (41,381.72) | 0.00 | 458,618.28 |
| RAFT RIVER | | | | | | | |
| Raft River Hydrologic Characterization..... | 100,000.00 | 375,000.00 | 475,000.00 | 475,000.00 | (129,198.01) | | 345,801.99 |
| Hydrologic Monitoring (DOE - Year 1 of 3 = \$832K)..... | 277,000.00 | | 277,000.00 | 277,000.00 | (99.83) | | 276,900.17 |
| RAFT RIVER TOTAL..... | 377,000.00 | 375,000.00 | 752,000.00 | 752,000.00 | (129,297.84) | 0.00 | 622,702.16 |
| BIG LOST | | | | | | | |
| Hydrologic Monitoring (DOE - Year 3 of 3 = \$1.14M)..... | 380,000.00 | | 380,000.00 | 380,000.00 | (347,805.09) | | 32,194.91 |
| BIG LOST TOTAL..... | 380,000.00 | 0.00 | 380,000.00 | 380,000.00 | (347,805.09) | 0.00 | 32,194.91 |
| LEMHI BASIN | | | | | | | |
| Lemhi Basin SCR 137..... | 200,000.00 | | 200,000.00 | 200,000.00 | (249,351.90) | | (49,351.90) |
| LEMHI BASIN TOTAL..... | 200,000.00 | 0.00 | 200,000.00 | 200,000.00 | (249,351.90) | 0.00 | (49,351.90) |
| COOPERATIVE CLOUD SEEDING PROGRAM | | | | | | | |
| Program Development Activities..... | 500,000.00 | | 500,000.00 | 500,000.00 | | | 500,000.00 |
| COOPERATIVE CLOUD SEEDING PROGRAM TOTAL..... | 500,000.00 | 0.00 | 500,000.00 | 500,000.00 | 0.00 | 0.00 | 500,000.00 |
| STATE-WIDE | | | | | | | |
| Statewide Surface Water & Aquifer Monitoring..... | 850,000.00 | | 850,000.00 | 850,000.00 | (572,519.50) | | 277,480.50 |
| STATE-WIDE TOTAL..... | 850,000.00 | 0.00 | 850,000.00 | 850,000.00 | (572,519.50) | 0.00 | 277,480.50 |
| TOTAL FY 2021 BUDGETED FUNDS..... | 8,915,000.00 | 715,409.00 | 9,630,409.00 | 9,630,409.00 | (3,427,033.17) | 0.00 | 6,203,375.83 |

| FY 2022 BUDGET | Budget (as approved - May 2022) | Amendments | Budget (as amended) | Obligated | Expenditures | Carry forward | Committed |
|--|--|-------------------|--------------------------------|---------------------|---------------------|----------------------|---------------------|
| ESPA Managed Recharge Operations | | | | | | | |
| Equipment & Supplies..... | 190,000.00 | | 190,000.00 | 190,000.00 | (39,974.68) | | 150,025.32 |
| Conveyance Cost..... | 3,500,000.00 | | 3,500,000.00 | 3,500,000.00 | (457,617.62) | | 3,042,382.38 |
| Recharge Monitoring..... | 520,000.00 | | 520,000.00 | 520,000.00 | (135,374.81) | | 384,625.19 |
| Regional Monitoring..... | 225,000.00 | | 225,000.00 | 225,000.00 | (75,797.02) | | 149,202.98 |
| Total ESPA Managed Recharge Operations..... | 4,435,000.00 | 0.00 | 4,435,000.00 | 4,435,000.00 | (708,764.13) | 0.00 | 3,726,235.87 |
| ESPA Managed Recharge Infrastructure | | | | | | | |
| 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 |
| Total ESPA Managed Recharge Infrastructure..... | 2,750,000.00 | 0.00 | 2,750,000.00 | 2,750,000.00 | 0.00 | 0.00 | 2,750,000.00 |

Managed Recharge Investigations

| | | | | | | |
|---|---------------------|-------------|---------------------|---------------------|--------------------|-------------------|
| Large Upper Valley Project..... | 500,000.00 | | 500,000.00 | 500,000.00 | | 500,000.00 |
| Enterprize Canal Company (CON01575)..... | | | | 70,000.00 | (45,821.25) | 24,178.75 |
| Reserved for additional investigations and engineering..... | 500,000.00 | | 500,000.00 | 430,000.00 | | 430,000.00 |
| Total Managed Recharge Investigations..... | 1,000,000.00 | 0.00 | 1,000,000.00 | 1,000,000.00 | (45,821.25) | 954,178.75 |

COOPERATIVE CLOUD SEEDING PROGRAM**Operations & Maintenance**

| | | | | | | |
|---|------------|--|------------|------------|--|------------|
| 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 |

Capital

| | | | | | | |
|---|-----------|--|-----------|-----------|--|-----------|
| Weather Instrumentation - Year 1 of 5, Total \$200,000..... | 10,000.00 | | 10,000.00 | 10,000.00 | | 10,000.00 |
|---|-----------|--|-----------|-----------|--|-----------|

Modeling

| | | | | | | |
|--|------------|--|------------|------------|--|------------|
| 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 |

Research & Development

| | | | | | | |
|--|------------|--|------------|------------|--------------|------------|
| Pgm Expansion - New Basin Feasibility Studies..... | 500,000.00 | | 500,000.00 | 500,000.00 | (143,502.73) | 356,497.27 |
| Technology - SWEadar Project..... | 35,000.00 | | 35,000.00 | 35,000.00 | (17,500.00) | 17,500.00 |

| | | | | | | |
|---|---------------------|-------------|---------------------|---------------------|---------------------|---------------------|
| COOPERATIVE CLOUD SEEDING PROGRAM TOTAL..... | 2,538,000.00 | 0.00 | 2,538,000.00 | 2,538,000.00 | (161,002.73) | 2,376,997.27 |
|---|---------------------|-------------|---------------------|---------------------|---------------------|---------------------|

TREASURE VALLEY

| | | | | | | |
|---|-------------------|-------------|-------------------|-------------------|-------------|-------------------|
| Monitoring in Support of Treasure Valley Model..... | 125,000.00 | | 125,000.00 | 125,000.00 | | 125,000.00 |
| TREASURE VALLEY TOTAL..... | 125,000.00 | 0.00 | 125,000.00 | 125,000.00 | 0.00 | 125,000.00 |

RAFT RIVER

| | | | | | | |
|---|------------|--|------------|------------|------|------------|
| 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 |

| | | | | | | |
|------------------------------|-------------------|-------------|-------------------|-------------------|-------------|-------------------|
| RAFT RIVER TOTAL..... | 502,000.00 | 0.00 | 502,000.00 | 502,000.00 | 0.00 | 502,000.00 |
|------------------------------|-------------------|-------------|-------------------|-------------------|-------------|-------------------|

BIG LOST

| | | | | | | |
|---|------------|--|------------|------------|------------|------------|
| USGS/IGS Support - JFA 29850..... | 75,000.00 | | 75,000.00 | 75,000.00 | (9,525.00) | 65,475.00 |
| Big Lost Stream Gages (one year funding)..... | 100,000.00 | | 100,000.00 | 100,000.00 | | 100,000.00 |

| | | | | | | |
|----------------------------|-------------------|-------------|-------------------|-------------------|-------------------|-------------------|
| BIG LOST TOTAL..... | 175,000.00 | 0.00 | 175,000.00 | 175,000.00 | (9,525.00) | 165,475.00 |
|----------------------------|-------------------|-------------|-------------------|-------------------|-------------------|-------------------|

PALOUSE BASIN

| | | | | | | |
|---|-------------------|-------------|-------------------|-------------------|-------------|-------------------|
| Water Supply Alternatives Next Steps..... | 250,000.00 | | 250,000.00 | 250,000.00 | | 250,000.00 |
| PALOUSE BASIN TOTAL..... | 250,000.00 | 0.00 | 250,000.00 | 250,000.00 | 0.00 | 250,000.00 |

BEAR RIVER BASIN

| | | | | | | |
|--|-------------------|-------------|-------------------|-------------------|-------------|-------------------|
| Tri-State Water Sustainability Initiative..... | 250,000.00 | | 250,000.00 | 250,000.00 | | 250,000.00 |
| BEAR RIVER BASIN TOTAL..... | 250,000.00 | 0.00 | 250,000.00 | 250,000.00 | 0.00 | 250,000.00 |

LEWISTON

| | | | | | | |
|---|-------------------|-------------|-------------------|-------------------|-------------|-------------------|
| Future Water Sustainability Projects..... | 250,000.00 | | 250,000.00 | 250,000.00 | | 250,000.00 |
| LEWISTON TOTAL..... | 250,000.00 | 0.00 | 250,000.00 | 250,000.00 | 0.00 | 250,000.00 |

MOUNTAIN HOME/ELMORE COUNTY

| | | | | | | |
|---|-------------------|-------------|-------------------|-------------------|-------------|-------------------|
| Mtn Home/Elmore County Water Sustainability Projects..... | 700,000.00 | | 700,000.00 | 700,000.00 | | 700,000.00 |
| MOUNTAIN HOME/ELMORE COUNTY TOTAL..... | 700,000.00 | 0.00 | 700,000.00 | 700,000.00 | 0.00 | 700,000.00 |

LEMHI BASIN

| | | | | | | |
|--|-------------------|-------------|-------------------|-------------------|-------------|-------------------|
| Support of Water Sustainability Initiatives..... | 500,000.00 | | 500,000.00 | 500,000.00 | | 500,000.00 |
| LEMHI BASIN TOTAL..... | 500,000.00 | 0.00 | 500,000.00 | 500,000.00 | 0.00 | 500,000.00 |

STATEWIDE

| | | | | | | | |
|--|--------------------------|-----------------|--------------------------|--------------------------|---------------------------|-----------------|--------------------------|
| Administrative expenses (public information, staff training, etc)..... | 85,000.00 | | 85,000.00 | 85,000.00 | (77,852.67) | | 7,147.33 |
| Professional Assistance for securing Federal Funding..... | 100,000.00 | | 100,000.00 | 100,000.00 | (64,133.26) | | 35,866.74 |
| Statewide Surface Water & Aquifer Monitoring..... | 300,000.00 | | 300,000.00 | 300,000.00 | (135,719.72) | | 164,280.28 |
| STATEWIDE TOTAL..... | 485,000.00 | 0.00 | 485,000.00 | 485,000.00 | (277,705.65) | 0.00 | 207,294.35 |
| Unspecified Projects in Other Areas or Carry-over..... | 1,417,000.00 | | 1,417,000.00 | 1,417,000.00 | | | 1,417,000.00 |
| TOTAL FY 2022 BUDGETED FUNDS..... | 15,377,000.00 | 0.00 | 15,377,000.00 | 15,377,000.00 | (1,202,818.76) | 0.00 | 14,174,181.24 |

Sources and Applications of Funds
as of February 28, 2022
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..... | \$13,623,084.44 |
| Interest Earned State Treasury (Transferred)..... | \$2,386,015.05 |
| Water Supply Bank Receipts..... | \$9,244,222.28 |
| 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..... | (\$22,300.00) |
| 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) |
| Mountain Home AFB Water Sustainability Project (29514) | |
| Legislative Appropriation 2014, HB 479 Sec 1 and 2..... | \$4,000,000.00 |
| JR Simplot - WR Purchase..... | (\$2,500,000.00) |
| LeMoyne Appraisal LLC..... | (\$10,500.00) |
| IWRB WSB Lease Application..... | (\$750.00) |
| Integrated Delivery Solutions - Mark Alpert..... | (\$34,459.18) |
| Brown & Caldwell - Owner's Advisor..... | (\$1,218,298.11) |
| SPF Engineering - WR Transfer..... | (\$118,715.75) |
| Skinner-Fawcett - Bond Counsel..... | (\$31,602.41) |
| Pillsbury, Winthrop, & Shaw - DBO Counsel..... | (\$79,839.30) |
| Project Costs (mailings, travel, teleconference calls)..... | (\$1,769.91) |
| Publishing Costs..... | (\$1,648.16) |
| Water District 02 Assessments..... | (\$2,417.18) |
| Balance for Mountain Home AFB Water Sustainability Project..... | \$0.00 |
| Galloway Dam & Reservoir Project (29517) | |
| Legislative Appropriation 2014, HB 479 Sec 1 and 2..... | \$2,000,000.00 |
| Galloway Dam & Reservoir Project Costs (HB 479)..... | (\$124,649.52) |
| Balance Galloway Dam & Reservoir Project..... | \$1,875,350.48 |
| Boise River (Arrowrock Enlargement) Feasibility Study (29518) | |
| 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) |
| Balance Boise River (Arrowrock Enlargement) Feasibility Study (HB479)..... | \$0.00 |
| Island Park Enlargement (29520) | |
| 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) |
| Balance Island Park Enlargement (HB 479)..... | \$855,830.00 |
| Water Supply Bank Computer Infrastructure (29519) | |
| Legislative Appropriation 2014, HB 479 Sec 1 and 2..... | \$500,000.00 |
| Water Supply Bank Computer Infrastructure Costs (HB 479)..... | (\$497,350.75) |
| Balance Water Supply Bank Computer Infrastructure (HB 479)..... | \$2,649.25 |
| Cash Balance of Legislative Appropriation 2014, HB 479 Sec 1 and 2..... | \$2,733,829.73 |
| Ririe Reservoir Flood Control | |
| Rule Curve Modification..... | \$1,470,000.00 |
| Cash Balance Ririe Reservoir Flood Control Project..... | \$1,470,000.00 |
| Minidoka Dam Enlargement/Teton Dam Replacement Studies (29510) | |
| 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) |
| Balance for Minidoka Dam Enlargement/Teton Dam Replacement Studies..... | \$570,539.82 |
| Priest Lake Water Management Project (29521) | |
| 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..... | \$174,527.94 |

| | | |
|--|-------------------------|-----------------------|
| Total Priest Lake Water Management Project Revenue..... | | \$1,404,972.94 |
| Contract Expenditures - Mott MacDonald (CON01426)..... | (\$638,162.35) | |
| Dam Operator Contracts..... | (\$20,688.18) | |
| Misc Expenditures..... | (\$8,292.91) | |
| Total Priest Lake Water Management Project Expenditures..... | (\$667,143.44) | |
| Cash Balance Priest Lake Water Management Project..... | | \$737,829.50 |
| Committed Funds | | |
| Dam Operator Contracts (CON01445, CON01453, CON01454)..... | \$0.00 | |
| Dam Operator Contracts (CON01541, CON01542)..... | \$33,390.02 | |
| Mott MacDonald Contract (CON01426)..... | \$0.00 | |
| TOTAL COMMITTED FUNDS..... | \$33,390.02 | |
| Uncommitted Priest Lake Water Management Project Balance..... | | \$704,439.48 |
| Priest Lake Construction Project (29522) | | |
| Transfer to Priest Lake Construction Project..... | \$4,169,135.50 | |
| Contribution from Uncommitted Funds..... | \$830,864.50 | |
| Local Contribution..... | \$0.00 | |
| Total Priest Lake Construction Project Revenue..... | | \$5,000,000.00 |
| Mott MacDonald Expenditures (CON01484)..... | (\$769,830.90) | |
| Strider Construction - Outlet Dam Expenditures (CON01480)..... | (\$1,155,378.53) | |
| Strider Construction - Thorofare Expenditures (CON01481)..... | (\$2,052,265.86) | |
| Builder's Risk Insurance..... | (\$8,015.00) | |
| IDL Mineral Lease..... | (\$2,160.00) | |
| Total Priest Lake Construction Project Expenditures..... | (\$3,987,650.29) | |
| Cash Balance Priest Lake Construction Project..... | | \$1,012,349.71 |
| Committed Funds | | |
| Mott MacDonald Contract (CON01484)..... | \$230,929.10 | |
| Strider Construction - Outlet Dam (CON01480)..... | \$445,730.47 | |
| Strider Construction - Thorofare (CON01481)..... | \$0.00 | |
| Construction Contingency..... | \$335,690.14 | |
| TOTAL COMMITTED FUNDS..... | \$1,012,349.71 | |
| Uncommitted Priest Lake Construction Project Balance..... | | \$0.00 |

| | | |
|---|---------------------|--------------------------|
| Bell Rapids Water Rights Sub-Account | | |
| 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..... | \$47,160.00 | |
| Interest Earned State Treasury..... | \$698,613.04 | |
| Total Bell Rapids Water Rights Sub-Account Revenue..... | | \$51,833,868.05 |
| 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) | |
| Total Bell Rapids Water Rights Sub-Account Expenditures..... | | (\$51,344,324.17) |
| Cash Balance Bell Rapids Water Rights Sub-Account..... | | \$489,543.88 |
| Committed Funds | | |
| Ongoing Bell Rapids Finance Costs (trustee fees, WD02)..... | \$442,383.88 | |
| TOTAL COMMITTED FUNDS..... | \$442,383.88 | |
| Uncommitted Bell Rapids Water Rights Sub-Account Balance..... | | \$47,160.00 |
| Pristine Springs Project Sub-Account | | |
| Rental Payments to be Transferred to Secondary Aquifer Fund..... | \$961,675.10 | |
| Loan Interest..... | \$2,958,793.54 | |
| Loan Principal from Magic Valley & North Snake GWD..... | \$6,936,859.52 | |
| Total Pristine Springs Project Revenue to be Transferred..... | | \$10,857,328.16 |
| 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) | |
| Total Pristine Springs Project Sub-Account Transfers..... | | (\$10,141,300.00) |
| Cash Balance Pristine Springs Sub-Account..... | | \$716,028.16 |
| Pristine Springs Committed Funds | | |
| Loan Payments to be transferred to 0129..... | \$0.00 | |
| TOTAL COMMITTED FUNDS..... | \$0.00 | |
| Loans Outstanding for Purchase of PS Water Rights | | |
| Loan to North Snake & Magic Valley GWD..... | \$10,000,000.00 | |
| Payments from North Snake & Magic Valley GWD..... | (\$6,936,859.52) | |
| Total Loans Outstanding..... | \$3,063,140.48 | |
| Uncommitted Pristine Springs Sub-Account..... | | \$716,028.16 |
| Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account | | |
| Pristine Springs Hydropower and Rental Revenues..... | \$271,672.34 | |
| Interest Earned State Treasury..... | \$573.11 | |
| Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account Revenue..... | | \$272,245.45 |
| 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) | |
| Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account Expenditures..... | | (\$123,500.00) |
| Cash Balance Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account..... | | \$148,745.45 |
| Committed Funds | | |
| Spokane River Forum..... | \$0.00 | |
| TOTAL COMMITTED FUNDS..... | \$0.00 | |
| Uncommitted Rathdrum Prairie CAMP & TV CAMP Sub-Account..... | | \$148,745.45 |
| Upper Salmon/CBWTP Sub-Account | | |
| 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..... | \$373,153.35 | |
| Upper Salmon/CBWTP Sub-Account Revenue..... | | \$7,333,804.54 |
| 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) | |
| Upper Salmon/CBWTP Sub-Account Expenditures..... | | (\$3,729,342.98) |
| Cash Balance CBWTP Sub-Account..... | | \$3,604,461.56 |
| 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 | |

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|--|----------------------|--------------------------|
| 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 | |
| Uncommitted CBWTP Sub-Account Balance..... | | (\$658,533.42) |
| Water Supply Bank Sub-Account | | |
| Interest Earned State Treasury..... | \$35,988.09 | |
| Payments received from renters..... | \$5,690,154.23 | |
| Payments made to owners..... | (\$5,212,037.78) | |
| Cash Balance Water Supply Bank Sub-Account..... | | \$514,104.54 |
| Committed Funds: | | |
| Owners Share..... | \$478,116.45 | |
| Total Committed Funds..... | \$478,116.45 | |
| Uncommitted Water Supply Bank Sub-Account Balance..... | | \$35,988.09 |
| Eastern Snake Plain Sub-Account | | |
| Legislative Appropriation 2005, HB392..... | \$7,200,000.00 | |
| Legislative Appropriation 2005, HB392, CREP Program..... | \$3,000,000.00 | |
| Interest Earned State Treasury..... | \$2,082,485.11 | |
| 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 | |
| Eastern Snake Plain Sub-Account Revenue..... | | \$13,836,867.58 |
| Installment payments to Bell Rapids Irr Co..... | (\$3,375,180.00) | |
| Interest Credit due to Bureau of Reclamation (Part of Fourth Installment) .. | (\$19,860.45) | |
| Pristine Springs Project Costs..... | (\$6,863.91) | |
| Palisades (FMC) Storage Costs..... | (\$3,526,359.11) | |
| W-Canal Project Costs..... | (\$326,834.11) | |
| Additional recharge projects preliminary development..... | (\$7,919.75) | |
| Transfer to Bell Rapids Sub Account..... | (\$341,759.55) | |
| Transfer to Pristine Springs Sub Account..... | (\$1,000,000.00) | |
| Transfer to Priest Lake Sub-Account (2018 HB 677, Sec 6)..... | (\$2,419,580.50) | |
| Eastern Snake Plain Sub-Account Expenditures..... | | (\$12,139,774.00) |
| Cash Balance Eastern Snake Plain Sub-Account..... | | \$1,697,093.58 |
| 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 | |
| Eastern Snake Plain Sub-Account Balance after Commitments..... | | \$914,024.99 |
| 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 | |
| Uncommitted Eastern Snake Plain Sub-Account Balance..... | | \$869,580.65 |
| Dworshak Hydropower Project | | |
| Power Sales & Other..... | \$13,916,898.73 | |
| Interest Earned State Treasury..... | \$941,873.02 | |
| Total Dworshak Project Revenue..... | | \$14,858,771.75 |
| 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..... | \$3,392,581.99 | |
| Powerplant Repairs..... | \$180,409.72 | |
| Bond payoff..... | \$391,863.11 | |
| Capital Improvements..... | \$318,366.79 | |
| FERC Payments..... | \$137,345.54 | |
| Total Dworshak Project Expenditures..... | | (\$5,109,659.96) |
| Cash Balance Dworshak Hydropower Project..... | | \$9,749,111.79 |
| Dworshak Project Committed Funds | | |
| Emergency Repair/Future Replacement Fund..... | \$5,769,524.73 | |
| FERC Fee Payment Fund..... | \$0.00 | |
| Total Dworshak Project Committed Funds..... | \$5,769,524.73 | |
| Uncommitted Dworshak Hydropower Project Sub-Account Balance..... | | 3,979,587.06 |
| TOTAL..... | | \$31,378,826.05 |
| Loans Outstanding: | | |
| | Amount Loaned | Principal Balance |
| 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 (Infrastructure replacement)..... | \$200,000.00 | \$65,139.96 |
| 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 |
| Cloverdale Ridge Water Corporation (Irrigation infrastructure)..... | \$56,615.00 | \$23,824.25 |
| 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 | \$123,746.70 | |
| 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 | \$1,466,889.98 | |
| 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 | |
| TOTAL LOANS OUTSTANDING..... | | | \$13,662,910.47 |
| Loans and Other Funding Obligations: | | | |
| Reserved for Future Loans..... | | \$0.00 | |
| Bennington Irrigation Company..... | | \$82,815.18 | |
| Cloverdale Ridge Water Corporation..... | | \$32,790.75 | |
| King Hill Water Corporation (Irrigation infrastructure replacement)..... | | \$1,500,000.00 | |
| North Fremont Canal Company..... | | \$500,000.00 | |
| Point Springs Grazing Association..... | | \$17,335.53 | |
| South Valley Ground Water District..... | | \$0.00 | |
| TOTAL LOANS AND OTHER FUNDING OBLIGATIONS..... | | | \$2,132,941.46 |
| Uncommitted Funds..... | | | \$15,582,974.12 |
| TOTAL..... | | | \$31,378,826.05 |

(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 February 28, 2022
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..... | | \$123,991.01 | |
| 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) | |
| CASH BALANCE | | | \$120,760.23 |
| Large Projects Program Sub-Account | | | |
| 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..... | \$694,049.58 | | |
| Total Revenue for Large Projects Program Sub-Account..... | | | \$70,694,049.58 |
| Municipal Capital Markets Group Inc (CON01518)..... | | (\$8,102.50) | |
| DOI-BOR Agreement..... | | (\$1,223,944.00) | |
| Total Expenditures for Flood Management Program Sub-Account..... | | | (\$1,232,046.50) |
| Cash Balance for Large Projects Program Sub-Account..... | | | \$69,462,003.08 |
| Water Quality Collection Program Sub-Account | | | |
| 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..... | \$5,539.65 | | |
| Total Revenue for Water Quality Collection Program Sub-Account..... | | | \$605,539.65 |
| DOI-USGS Agreement FY 2020 - Mid-Snake River..... | | (\$200,000.00) | |
| DOI-USGS Agreement FY 2021 - Mid-Snake River..... | | (\$200,000.00) | |
| Total Expenditures for Water Quality Collection Program Sub-Account..... | | | (\$400,000.00) |
| Cash Balance for Water Quality Collection Program Sub-Account..... | | | \$205,539.65 |
| Flood Management Program Sub-Account | | | |
| 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..... | \$33,341.91 | | |
| Total Revenue for Flood Management Program Sub-Account..... | | | \$3,433,341.91 |
| 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) | |
| Total Expenditures for Flood Management Program Sub-Account..... | | | (\$1,997,369.42) |
| Cash Balance for Flood Management Program Sub-Account..... | | | \$1,435,972.49 |
| TOTAL..... | | | \$71,224,275.45 |

Flood Management Grant Program

| | Grant Amount | Expenditures | Remaining Balance |
|--|-------------------|----------------------|-------------------|
| Flood Management Program grants - Year 1 (HB712, Sec 1, 2018) | | | |
| <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 & Mulchay Gravel Removal).....</i> | <i>38,808.00</i> | <i>(35,250.77)</i> | <i>3,557.23</i> |
| <i>Clearwater Soil & 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 & 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 & 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> |
| Total Committed Balance for Year 1..... | 901,677.56 | (901,677.56) | 0.00 |
| Flood Management Program grants - Year 2 (HB285, Sec 3, 2019) | | | |
| <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 & Water Conservation District (CON01399).....</i> | <i>190,492.37</i> | <i>(190,490.18)</i> | <i>2.19</i> |
| <i>Clearwater Soil & 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> |
| Total Committed Balance for Year 2..... | 624,251.34 | (624,251.34) | 0.00 |
| Flood Management Program grants - Year 3 (HB646, Sec 5, 2020) | | | |
| <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 & Water Conservation District - Sill Creek (CON01488).....</i> | <i>10,960.28</i> | <i>(10,960.28)</i> | <i>0.00</i> |
| <i>Idaho Soil & Water Conservation District - Lower Cottonwood Creek (CON01489).....</i> | <i>27,935.20</i> | | <i>27,935.20</i> |
| <i>Idaho Soil & 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 & 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 & 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> |
| Total Committed Balance for Year 3..... | 860,945.38 | (444,421.24) | 416,524.14 |
| Flood Management Program grants - Year 4 (SB1190, Sec 5, 2021) | | | |
| <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 & 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 & 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 & Water Conservation District - Heywood Bridge Project (CON01569).....</i> | <i>37,475.00</i> | | <i>37,475.00</i> |
| <i>Clearwater Soil & 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 & Water Conservation District - Tiede Road Flood Project (CON01571).....</i> | <i>71,910.00</i> | | <i>71,910.00</i> |
| <i>Idaho Soil & 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> |
| Total Committed Balance for Year 4..... | 980,936.00 | (27,019.28) | 953,916.72 |
| Committed for Flood Management Grants..... | \$3,367,810.28 | (\$1,997,369.42) | \$1,370,440.86 |
| Other Funding Obligations | | | |
| <i>ESPA Settlement Water Rentals (HB 843, 2004).....</i> | | <i>\$16,000.00</i> | |
| <i>Large Water Projects Program.....</i> | | <i>\$69,462,003.08</i> | |
| <i>Water Quality Collection Program.....</i> | | <i>\$205,539.65</i> | |
| Committed for Other Funding Obligations..... | | \$69,683,542.73 | |
| <i>Uncommitted Funds.....</i> | | | <i>\$170,291.86</i> |
| TOTAL COMMITTED FUNDS BALANCE..... | | | \$71,053,983.59 |

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

Memorandum

To: Idaho Water Resource Board
From: Amy Cassel
Date: March 15, 2022
Re: Water Transaction Program – Lemhi at L-6 Agreements – Annual Subordination and Drought Response Contingency Fund



REQUIRED ACTION: Consideration of the attached funding resolutions to authorize payment for Lower Lemhi agreements to maintain the minimum stream flow at the Lemhi L-6 diversion. These resolutions were recommended by the Streamflow Enhancement and Minimum Streamflow Committee on March 14, 2022.

Background:

The Lemhi River Basin is an important basin for the spawning, migration and rearing of Chinook salmon, summer steelhead, westslope cutthroat trout, and bull trout. During the irrigation season, low flows at the Lemhi River L-6 diversion, which is located approximately seven river miles upstream from the confluence with the Salmon River, can cause migration barriers for out-migrating juvenile Chinook salmon and in-migrating adult Chinook salmon and steelhead (see map below). In April 2001, the Idaho Legislature passed HB 358 which authorized the IWRB to appropriate a Minimum Stream Flow (MSF) water right in the reach below the L-6 diversion. The protected flow is 35 cfs 80% of the time between March 15 and June 30, and 25 cfs 100 percent of the time between March 15 and November 15 each year.

For the past 15 years, the IWRB has been working to meet the 25-35 cfs target through both annual and permanent agreements. These agreements allow water users to irrigate their full irrigated acreage unless the IWRB's minimum stream flow water right is not being met. When flows cannot be met naturally, the contracted water users agree to restrict the delivery of their water right. As identified below, a total of 33.54 cfs is currently protected through permanent or short-term agreements:

| | |
|---|------------------|
| Flow Target: | 35 cfs |
| Currently protected: | |
| Permanent Subordination Agreements | 16.83 cfs |
| 2019-2022 Annual Subordination Agreements | 14.29 cfs |
| City of Salmon Transfer and Mitigation | 2.42 cfs |
| Total Protected | 33.54 cfs |

2022 Annual Agreement Opportunity:

In order to maintain current flow targets, Board staff proposes the renewal of one annual subordination agreement for 2022 with Lowell and Mary Cerise. Water Right Nos. 74-318B and 74-318C total 6.00 cfs, and the Cerise's are interested in subordinating a portion of those rights totaling 3.00 cfs. This amount would not change the total amount of annually subordinated water at L-6 as listed in the table above, just maintaining the status quo.

The cost of the annual subordination transaction is \$90.00 per cfs per day of subordination with a contract max of 100 days. Total price for the transaction is as follows:

| Water Right Nos. | CFS | Payment \$90 per cfs per day (100-day max) | TOTAL |
|------------------|------|---|-------------|
| 74-318B, 74-318C | 3.00 | \$270.00 | \$27,000.00 |

Funding for the transaction will come from the Idaho Fish Accord Water Transactions Fund.

Drought Response Contingency Fund

In 2021, the Lemhi River basin experienced some of the lowest flows in recorded history. The combination of early season irrigation withdrawal, lack of precipitation, and higher than normal temperatures resulted in a very early start for contracted water to meet the MSF at L-6. Both the annual and permanent agreements have a contract maximum of 100 days of restricted delivery. Due to the persistent drought conditions, low base flows, and high demand for diverted water in spring 2021, it was evident that additional days were likely needed to provide fish passage at L-6.

In 2021, Board staff received commitments from three water users willing to participate beyond their 100 days maximum, contributing approximately 15.6 cfs to the 25 cfs target flow at L-6. Two of the water users hold permanent subordination agreements and agreed to a payment of the current annual rate – \$90.00 per cfs per day – for each day they restricted their delivery beyond the 100 days maximum, up to an additional 30 days. The third water user agreed to an additional 30 days under their annual subordination agreement of 100 days. These additional agreements were critical to maintaining passage flows in the Lower Lemhi in 2021.

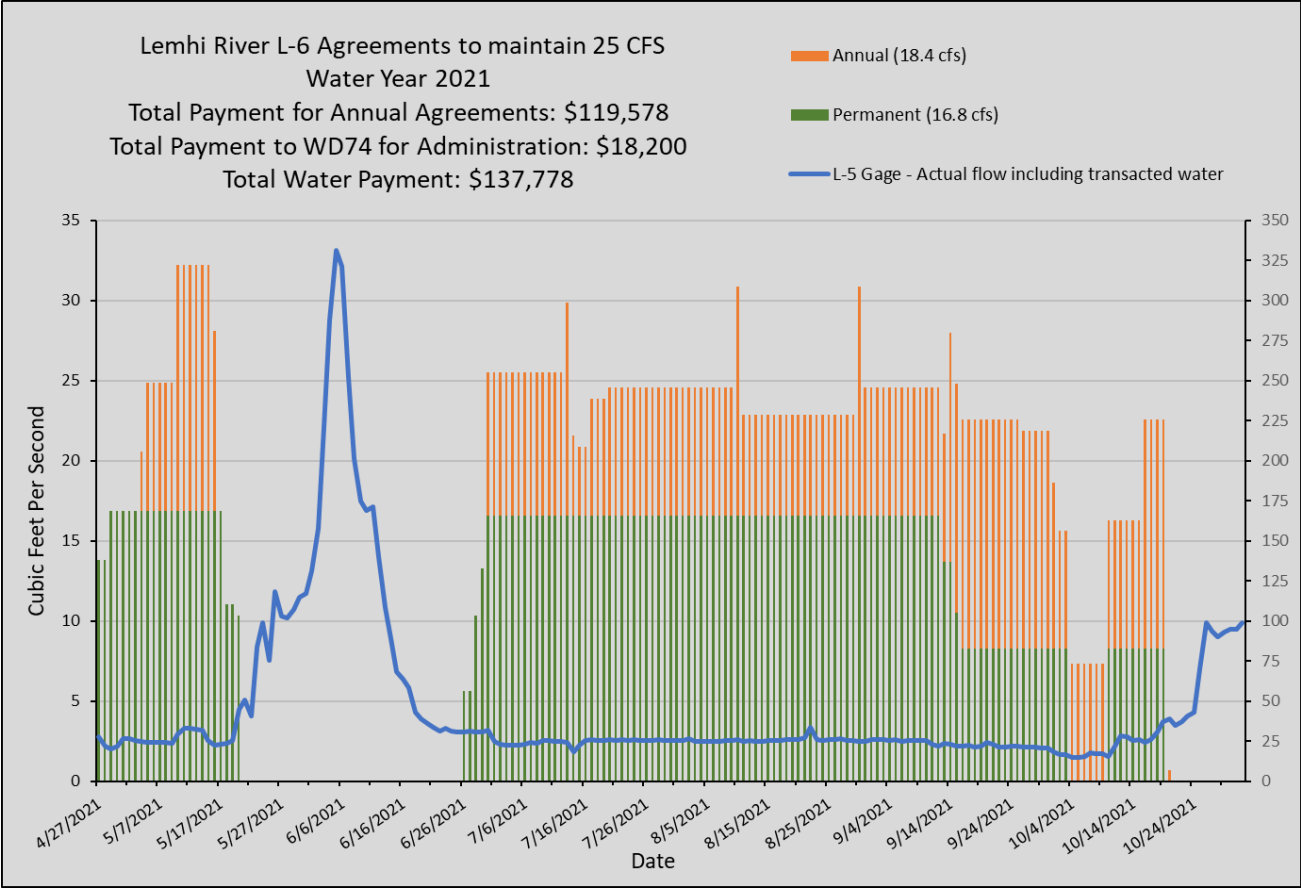
Taking the long-term view that 2021 was not a one-off year and considering that Lemhi Basin SNOTEL sites are currently reading below average snowpack levels, Board staff would like to work with CBWTP to secure a drought contingency fund that will provide the flexibility to enter into additional annual agreements that are time-sensitive and necessary to maintain passage flows at L-6. CBWTP's Technical Advisory Committee (TAC) will review this proposal in April 2022 and if this proposal is approved, a fund of approximately \$200,000 will be available for the next five years (2023 – 2027) to secure additional agreements as needed and in a timely manner if drought conditions persist.

Funding for this transaction will come from the Idaho Fish Accord Water Transaction Fund.

Attachments:

1. Attachment 1 – Lemhi at L-6 Map
2. Attachment 2 – Total Water Payments for L-6 MSF in 2021
3. Resolutions





BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE
LOWER LEMHI 2022 WATER RIGHT
SUBORDINATION AGREEMENT

RESOLUTION TO MAKE A FUNDING
COMMITMENT

1 WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Lemhi River Basin is
2 limited by low flow in the Lower Lemhi River; and
3

4 WHEREAS, it is in the interest of the State of Idaho to permanently reconnect the Lower
5 Lemhi River to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout; and
6

7 WHEREAS, the State of Idaho committed to maintaining flows of 25 cfs to 35 cfs at the L-
8 6 Diversion on the Lower Lemhi River in the Lemhi Framework which was developed as part of
9 the 2004 Snake River Water Rights Agreement; and
10

11 WHEREAS, the Lemhi Framework carries forward target goals which were included in
12 earlier conservation agreements developed and approved by local water users, and state and
13 federal agencies; and
14

15 WHEREAS, through enacting Idaho Code 42-1506 and 42-1765A, the Idaho Legislature
16 directed the Idaho Water Resource Board (Board) to establish a minimum streamflow water right
17 of 35 cfs in the Lower Lemhi River to be met through water right rentals or other appropriate
18 methods under state law; and WHEREAS, the Board has the authority to enter into agreements
19 to improve flow for anadromous and resident fish; and
20

21 WHEREAS, the Board is authorized to expend Bonneville Power Administration funds for
22 flow restoration through the Columbia Basin Water Transaction Program and the Bonneville Fish
23 Accord Water Transaction Fund; and
24

25 WHEREAS, the Board promotes water transactions that maintain the local agricultural
26 economy by retaining irrigated agriculture; and
27

28 WHEREAS, Board staff has developed an additional one-year subordination agreement,
29 also known as a Lemhi Subordination Agreement, with a local water user to improve stream flow
30 for anadromous and resident fish; and
31

32 WHEREAS, the water user has agreed to limit up to (3) cfs of his total diversion under
33 Water Right Nos. 74-318B and 74-318C during times of low flow; and
34

35 WHEREAS, the water user will continue to irrigate his full place of use when flows exceed
36 the flow targets; and
37

38 WHEREAS, the Lemhi Subordination Agreement is in the public interest and in compliance
39 with the State Water Plan; and
40

41 WHEREAS, funding is available through the Idaho MOA/Fish Accord Water Transaction
42 Program to fund the cost of said agreement in 2022; and
43

44 NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter into
45 an agreement for 2022 with a Lower Lemhi River irrigator to not divert up to three (3) cfs out of
46 the Lemhi River, for an amount not to exceed twenty-seven thousand dollars (\$27,000); and
47

48 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
49 that the Board receives the requested funding from the Bonneville Power Administration through
50 the Idaho MOA/Fish Accord Water Transaction Program in an amount up to twenty-seven
51 thousand dollars (\$27,000).

DATED this 1st day of April 2022.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST _____
JO ANN COLE-HANSEN, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE
LOWER LEMHI WATER RIGHT
SUBORDINATION AGREEMENTS

RESOLUTION TO MAKE A FUNDING
COMMITMENT

1 WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Lemhi River Basin is
2 limited by low flow in the Lower Lemhi River; and

3
4 WHEREAS, it is in the interest of the State of Idaho to permanently reconnect the Lower
5 Lemhi River to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout; and

6
7 WHEREAS, the State of Idaho committed to maintaining flows of 25 cfs to 35 cfs at the L-
8 6 Diversion on the Lower Lemhi River in the Lemhi Framework which was developed as part of
9 the 2004 Snake River Water Rights Agreement; and

10
11 WHEREAS, the Lemhi Framework carries forward target goals which were included in
12 earlier conservation agreements developed and approved by local water users, and state and
13 federal agencies; and

14
15 WHEREAS, through enacting Idaho Code 42-1506 and 42-1765A, the Idaho Legislature
16 directed the Idaho Water Resource Board (Board) to establish a minimum streamflow water right
17 of 35 cfs in the Lower Lemhi River to be met through water right rentals or other appropriate
18 methods under state law; and WHEREAS, the Board has the authority to enter into agreements
19 to improve flow for anadromous and resident fish; and

20
21 WHEREAS, the Board is authorized to expend Bonneville Power Administration funds for
22 flow restoration through the Columbia Basin Water Transaction Program and the Bonneville Fish
23 Accord Water Transaction Fund; and

24
25 WHEREAS, the Board promotes water transactions that maintain the local agricultural
26 economy by retaining irrigated agriculture; and

27
28 WHEREAS, Board staff has developed short-term subordination agreements, also known
29 as the Lemhi Subordination Agreements (agreements) with local water users to improve stream
30 flow for anadromous and resident fish; and

31
32 WHEREAS, for all agreements, the water users have agreed to limit their diversions during
33 times of low flow for a maximum of 100 days; and

35 WHEREAS, the 2021 irrigation season experienced extremely low flows and exceptional
36 drought conditions in the Lemhi River Basin; therefore, Resolution No. 23-2021 was adopted by
37 the Board to authorize the Chairman to enter into additional agreements with local water users
38 that compensated them for subordination of their water rights beyond the 100-day contract
39 maximum; and
40

41 WHEREAS, drought response annual agreements with local water users may be necessary
42 in future drought years in order to secure additional water beyond the 100 days maximum and
43 prevent impassable low flows or dewatering conditions in the Lower Lemhi River; and
44

45 WHEREAS, diversion restrictions are necessary to maintain the 25 - 35 cfs target minimum
46 flow at the L-6 Diversion; and
47

48 WHEREAS, funding is available through the Idaho MOA/Fish Accord Water Transaction
49 Program to fund the cost of said agreements; and
50

51 NOW THEREFORE BE IT RESOLVED that, in order to meet the 35 cfs target flow from March
52 15 through June 30, and 25 cfs target flow from July 1 through November 15, the Board
53 authorizes the Chairman to enter into drought response annual agreements with Lower Lemhi
54 River irrigators to not divert out of the Lemhi River when the total days of subordinated water
55 will exceed the contract maximum of 100 days.
56

57 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
58 that the Board receives the requested funding from the Bonneville Power Administration through
59 the Idaho MOA/Fish Accord Water Transaction Program and the Columbia Basin Water
60 Transaction Program.

DATED this 1st day of April 2022.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST _____
JO ANN COLE-HANSEN, Secretary

MEMORANDUM

To: IWRB Streamflow Enhancement and Minimum Streamflow Committee

From: Sarah Lien, Friends of the Teton River

Date: March 15, 2022

Re: Teton River Basin – Canyon Creek 3-year Water Transaction



Required Action: Consideration of the attached funding resolution to authorize payment of a three-year water transaction on Canyon Creek. This resolution was recommended by the Streamflow Enhancement and Minimum Streamflow Committee on March 14, 2022.

Transaction Summary:

Canyon Creek is a tributary to the Teton River and is one of the few Yellowstone cutthroat trout (YCT) strongholds with an intact fluvial spawning run. Canyon Creek Canal Company (CCCC) operates a large unlined canal system located ~10.25 miles upstream from the mouth of Canyon Creek. During this three-year project, CCCC will close the canal and enter into a water management agreement whereby its water rights will be diverted at four downstream points of diversion. The transaction will increase flow between the months of April 15 - July 31 by as much as 70 cfs, with benefits of the transaction decreasing as base flow decreases and irrigation demand increases during the summer.

Transaction Overview:

Canyon Creek is a wild and remote tributary to the Teton River Canyon, with its headwaters and the majority of its 45 stream miles lying within the Caribou-Targhee National Forest. Among the prioritized tributaries in the Teton River Watershed, Canyon Creek ranks at the top due to its valuable high-elevation habitat, historic productivity, importance as a YCT spawning tributary, lack of hybridization, and the ability to comprehensively address limiting factors in the drainage. Significantly, it is one of the few YCT strongholds with an intact fluvial spawning run (Schrader 2002; Mabey 2009) in the Teton River Watershed and within the Greater Yellowstone Ecosystem. As a result, FTR and partners IDFG, USFS, US Fish and Wildlife Service, the Idaho Governor's Office of Species Conservation, National Forest Foundation, Western Native Trout Initiative, and Bureau of Reclamation, have made Canyon Creek a high-priority stream for watershed restoration.

FTR has been working to address limiting factors on Canyon Creek for nearly a decade. From 2010 to 2015 FTR worked to address several conservation goals, including passage, connectivity, habitat, and function. Specifically, through a series of stream restoration projects, fish passage was re-established at three locations serving to reopen 35 miles of upstream habitat to fish and rehabilitate and stabilize 1,400 feet of eroding bank/altered habitat that existed in a 2.5 mile reach, between the completed fish passage projects and pristine spawning reaches that lie within the National Forest upstream. Having addressed fish passage, habitat, and stream function constraints, FTR sought to work on restoring flow and addressing fish entrainment issues.

CCCC operates a large unlined canal system located ~10.25 miles upstream from the mouth of Canyon Creek. Historically, 70 cfs of water was diverted into the canal to provide water for over 10,000 acres of high value farm ground. Since the mid-1970's, in addition to the unlined canal, the water rights owned by CCCC have been diverted at four other locations. Three of these points of diversion are located on Canyon Creek, one located ~7.75 miles upstream of from the mouth and two located ~6.75 miles upstream from the mouth. The final point of diversion is located on the Teton River near the historic Teton Dam. See, attached map.

In 2019 FTR and CCCC began working together to identify a water management strategy that would improve flow in Canyon Creek and address the fish entrainment issues associated with the canal. In 2020 and 2021 FTR and the CCCC implemented a 2-year pilot project, under which CCCC agreed to close the canal and, instead, divert water at the other points of diversion associated with its water rights. The pilot transaction was quite successful, serving to prevent fish from being entrained in the canal and significantly increasing the quantity of water in Canyon Creek during portions of the irrigation season.

Throughout the 2-year pilot project FTR collected flow, fisheries, and diversion data, and, together, FTR and CCCC have used that information to develop a long-term flow restoration strategy. The strategy involves increasing diversion capacity at four points of diversion located on the Teton River, thereby allowing the majority, if not all, of the CCCC water rights to be diverted out of the Teton River. This will restore ecologically significant flow to Canyon Creek for the benefit of Yellowstone cutthroat trout and improve water availability and reliability for CCCC shareholders. To fund the infrastructure improvements at three of the Teton River points of diversion, FTR and CCCC applied for a Bureau of Reclamation WaterSMART grant in the fall of 2021 which, if awarded, will fund 75% of the infrastructure costs (total cost at time of grant submission was ~\$3.5 million), with construction expected to occur between 2022-2024. The fourth Teton River point of diversion will be addressed in a second phase of work. Determining what changes need to be made to the fourth diversion will be determined in 2022 and driven by two factors: (1) analysis of Canyon Creek flow/temperature model data; and (2) analysis of fisheries needs in Canyon Creek, particularly in the lower reach between July 15-September 15. FTR and CCCC will then apply for grant funding in 2022 or 2023 to support the identified infrastructure needs for the fourth point of diversion, with hopes of commencing construction in 2024. See, attached, the Bureau of Reclamation WaterSMART project map and project summary for a more detailed explanation.

To bridge the gap until the infrastructure improvements are funded and completed, FTR proposes continuation of the short-term agreement with CCCC for an additional three-year term. During the three-year term, CCCC will keep the unlined canal closed and enter into a water management agreement, just as it did during the 2-year pilot. This will: (1) address the entrainment issues associated with the canal system; and (2) increase the quantity of water in Canyon Creek between April 15 - July 31st. The CCCC water rights will instead be diverted at downstream points of diversion. CCCC has unanimously voted to support this three-year strategy and has developed an approach for distribution of transaction funding which is equitable among its shareholders.

Transaction Costs:

Two hundred eighty-five dollars (\$285,000) is available through the Columbia Basin Water Transaction Program to support this three-year transaction. The cost of this transaction aims to compensate CCCC members for increased pumping costs associated with closing the unlined canal through the project period, thereby requiring water to be pumped (rather than gravity fed) from the other points of diversion. Throughout the project period all shareholders will experience increased pumping costs,

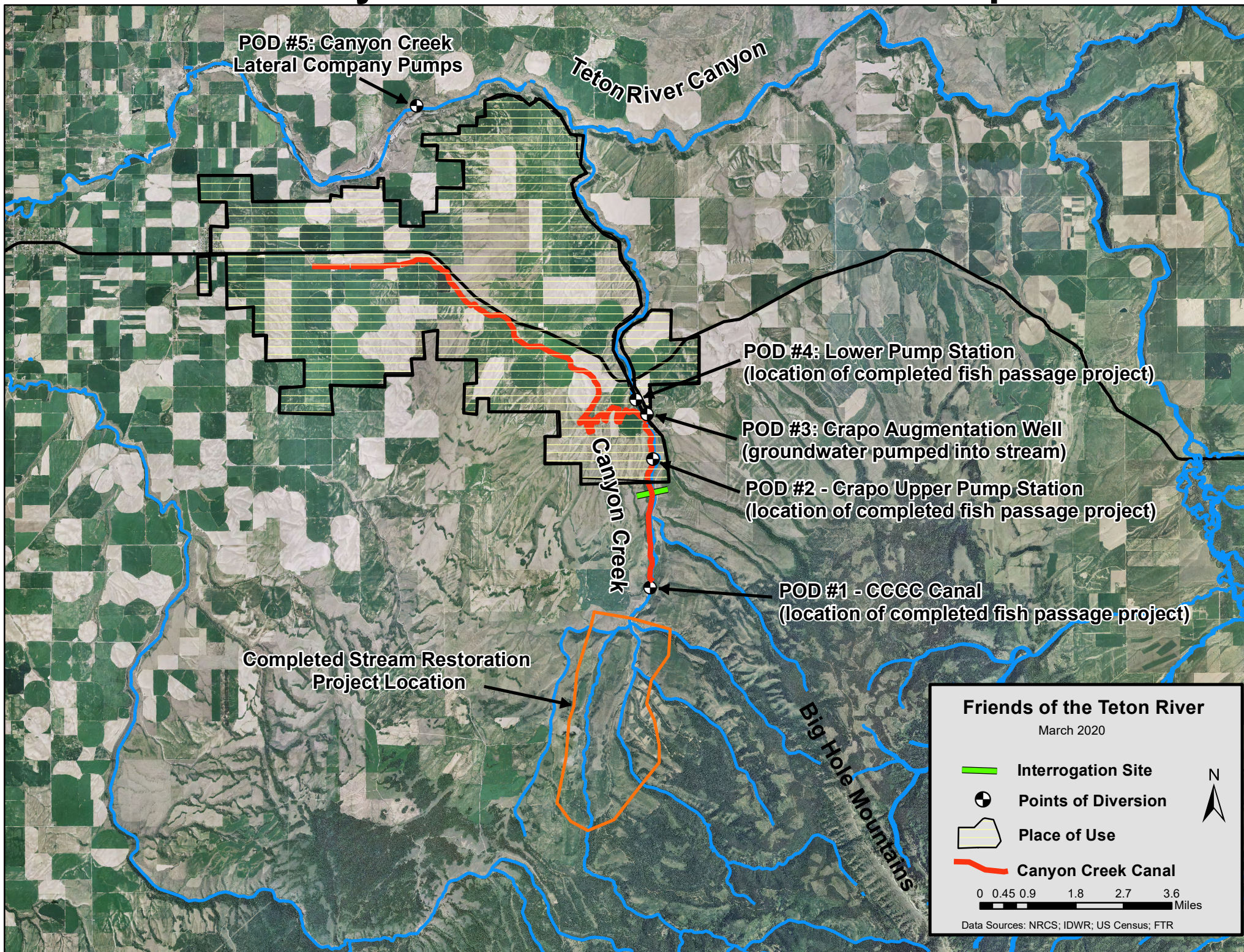
some greater than others due to the location and lift associated with each point of diversion. As such, each year of the project a payment in the amount of ninety-five thousand dollars (\$95,000) will be paid to CCCC, to be divided equitably among the shareholders.

The transaction has been reviewed by the Columbia Basin Water Transaction Program's Technical Advisory Committee (TAC) and funding to support the transaction has been authorized.

Attachments:

1. Attachment 1 – Map of Canyon Creek Transaction
2. Resolution

Canyon Creek Flow Restoration Map



BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE
CANYON CREEK WATER
TRANSACTION AGREEMENT

RESOLUTION TO MAKE A FUNDING
COMMITMENT

1 WHEREAS, Canyon Creek, tributary to the Teton River provides quality habitat for fluvial
2 and resident Yellowstone cutthroat trout, but is flow limited at certain times of the year; and
3

4 WHEREAS, it is in the interest of the State of Idaho to increase stream flow in the Teton
5 River and its tributaries, including Canyon Creek, to encourage the recovery of Yellowstone
6 cutthroat trout, which are managed as an Idaho Species of Greatest Conservation Need; and
7

8 WHEREAS, the Idaho Water Resource Board (IWRB) has the authority to enter into water
9 right agreements and undertake water projects; and
10

11 WHEREAS, the IWRB is authorized to expend Bonneville Power Administration funds for
12 flow restoration through the Columbia Basin Water Transaction Program and the Bonneville Fish
13 Accord Water Transaction Fund; and
14

15 WHEREAS, the IWRB promotes water transactions that maintain the local agricultural
16 economy by retaining irrigated agriculture; and
17

18 WHEREAS, Idaho Water Resource Board staff has developed a three-year agreement not
19 to divert (agreement) to improve flow conditions for Yellowstone cutthroat trout in Canyon
20 Creek; and
21

22 WHEREAS, a proposal in the amount of \$285,000.00 has been submitted to the Columbia
23 Basin Water Transaction Program to be used to fund the agreement; and
24

25 WHEREAS, staff anticipates the funds being placed into the IWRB's Revolving
26 Development Account for annual payment to support the agreement; and
27

28 WHEREAS, the agreement not to divert is in the public interest and in compliance with
29 the State Water Plan.
30

31 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into a
32 three-year agreement not to divert for the purpose of improving flow in Canyon Creek, tributary
33 to the Teton River, using an amount not to exceed \$285,000.
34

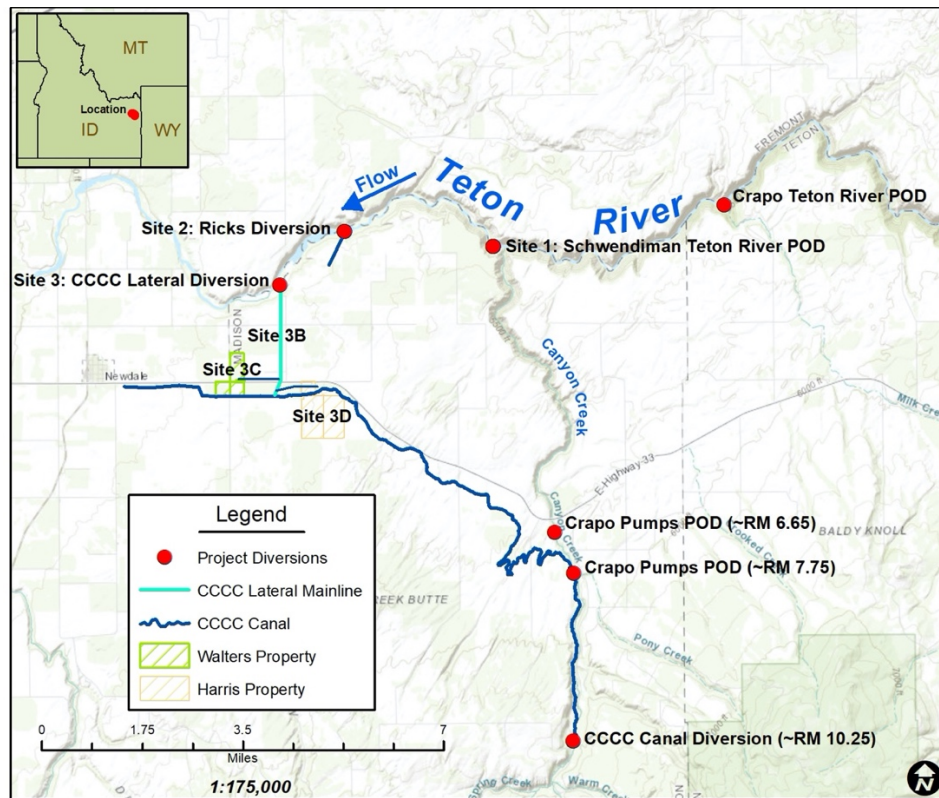
35 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
36 that the IWRB receives the requested funding from the Columbia Basin Water Transaction
37 Program in the amount of \$285,000.

DATED this 1st day of April 2022.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST _____
JO ANN COLE-HANSEN, Secretary

Bureau of Reclamation WaterSMART Project Map and Project Summary



If the Bureau of Reclamation WaterSMART grant is awarded, infrastructure improvements will be made to three irrigation diversion systems including: (1) Site 1 – Schwendiman Irrigation System; (2) Site 2 – Ricks Irrigation System; and (3) Site 3 - Canyon Creek Lateral Irrigation System. The location of each site is depicted in the map, above. The changes will address the specific capacity constraints unique to each system which, once addressed, will allow for 10 of the 11 CCCC shareholders to divert their CCCC shares (in addition to their other water rights) at their Teton River points of diversion. Implementation of the project will allow the CCCC Canal Diversion, located on Canyon Creek, to be closed, addressing the entrainment issues associated with this diversion and restoring flow to Canyon Creek and portions of the Teton River.

A second phase of work will address the needs of the 11th, and final, CCCC shareholder. This shareholder diverts water from the three CCCC points of diversion located on Canyon Creek and is, therefore, an integral part of fully restoring flow to Canyon Creek at the times and in the quantities needed to benefit native YCT. The details of this second phase of work will be defined in early 2022. The shareholder owns and operates a point of diversion on the Teton River (Crapo Teton River POD), and thus FTR and the CCCC expect that this phase of work will address capacity constraints at this point of diversion, enabling at least a portion of the shareholder's CCCC water shares to be diverted at that location instead of diverting the water from Canyon Creek. However, that project is still being developed and will occur at a future date.

Memorandum



To: Idaho Water Resource Board (IWRB)
From: Neeley Miller, Planning & Projects Bureau
Date: March 22, 2022
Re: Priest Lake Water Management Project Update

ACTION: Consider resolution to authorize an additional season of construction

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 cost 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.

Strider resumed construction at the site in the fall of 2021. In December Strider indicated it had encountered piping that resulted in water flowing under the existing outlet dam during construction. Strider, IWRB staff and Mott MacDonald conducted onsite investigations, hydraulic modeling, and engineering analyses through March 2022 in order to ascertain the extent of the problem and develop a plan for mitigating its impact to construction activities and the integrity of the outlet dam. Due to anticipated spring runoff the construction work cannot resume until fall 2022.

Staff has prepared for your consideration a resolution to amend the Priest Lake outlet dam construction contract to extend construction to a third year.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE PRIEST LAKE WATER
MANAGEMENT PROJECT CONTSTRUCTION

RESOLUTION TO AMEND THE PRIEST LAKE
OUTLET DAM CONSTRUCTION CONTRACT
TO EXTEND CONSTRUCTION TO A THIRD
YEAR

1 WHEREAS, the State of Idaho owns the Priest Lake outlet dam which was constructed in 1950
2 and reconstructed in 1978 as an outlet control structure to maintain lake levels in the Priest Lake in
3 accordance with Idaho Code §70-507; and
4

5 WHEREAS, as a result of drought conditions in northern Idaho in 2015 and 2016, it was difficult
6 to maintain required lake pool levels and downstream minimum flows in the Priest River during the
7 recreational season; and,
8

9 WHEREAS, in 2016 the Idaho Water Resource Board (IWRB) authorized the expenditure of funds
10 from the Revolving Development Account to complete the Priest Lake Water Management Study to
11 evaluate strategies to meet long-term water management objectives for the Priest Lake and Priest River
12 system; and
13

14 WHEREAS, bids were opened in July 2020 and Strider Construction Co., Inc. (Strider) provided
15 the low bid for the construction of the outlet dam portion of the Priest Lake Water Management
16 Project; and
17

18 WHEREAS, in August 2020, the IWRB authorized the expenditure of funds from the Revolving
19 Development Account for the construction of the outlet dam portion and executing necessary contracts;
20 and
21

22 WHEREAS, on August 20, 2020, the IWRB executed a contract with Strider for outlet dam
23 construction, which requires Strider substantially complete construction by April 1, 2021; and
24

25 WHEREAS, in February 2021, Strider, indicated it had encountered conditions not anticipated
26 below the outlet dam and believed it may take a second season to complete the construction; and
27

28 WHEREAS, Strider resumed construction at the outlet dam in fall 2021; and
29

30 WHEREAS, in Dec 2021, Strider, indicated it had encountered piping that resulted in water
31 flowing under the existing outlet dam during construction; and
32

33 WHEREAS, Strider, IWRB staff and Mott MacDonald conducted onsite investigations, hydraulic
34 modeling, and engineering analyses through March 2022 in order to ascertain the extent of the problem
35 and develop a plan for mitigating its impact to construction activities and the integrity of the outlet dam;
36 and

37
38 WHEREAS, due to anticipated spring runoff the construction work cannot resume until fall 2022;
39 and
40

41 NOW, THEREFORE, BE IT FURTHER RESOLVED that the IWRB authorizes an extension of the
42 Contract Date to April 15, 2023; and
43

44 NOW, THEREFORE, BE IT FURTHER RESOLVED that the IWRB authorizes the Chairman, or his
45 designee, to negotiate the terms of the Contract Date extension but does not authorize the Chairman,
46 or his designee, to agree to any changes in Contract Price without further resolution of the IWRB.
47

48 NOW, THEREFORE, BE IT FURTHER RESOLVED that a condition of the contract extension date is
49 the contractor shall make the outlet dam operation for the 2023 Priest Lake Management season; and
50

51 NOW, THEREFORE, BE IT FURTHER RESOLVED that the extension of the substantial completion
52 date does not constitute agreement on the part of the IWRB regarding any change of conditions.

Dated this 1st Day of April 2022.

Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST _____
Jo Ann Cole-Hansen, Secretary

Memorandum



To: Idaho Water Resource Board (IWRB)
From: Brian Patton, Planning & Projects Bureau
Date: March 23, 2022
Re: Upper Snake Rental Pool Procedures

ACTION: Action may be requested.

IDWR staff will discuss potential action for adopting rental pool procedures.

Memorandum

To: Idaho Water Resource Board
From: Mary Condon, Water Supply Bank Coordinator
Date: March 31st, 2022
Re: Amended Procedures for the Upper Snake River Rental Pool



REQUIRED ACTION: The Board may by resolution approve of amended rental pool procedures.

The Advisory Committee for Water District 1, also known as the Committee of Nine, is the IWRB-appointed local committee authorized to facilitate leases and rentals of storage water in the Upper Snake River Rental Pool. On March 1st, 2022, the Committee of Nine adopted amended rental pool procedures for 2022. Pursuant to Water Supply Bank rules (IDAPA 37.02.03.40.05), the Board may approve of the 2022 amended procedures.

Attachment(s): 1. Amended Rental Pool Procedures for 2021 (Redlined Version);
2. Review Memo – Upper Snake River Rental Pool Procedures 2021 Procedures;
3. IWRB Resolution – In the Matter of Approving Amended Procedures for the Upper Snake River Rental Pool for 2021.

Option #3

Draft

WATER DISTRICT 1

2022 **RENTAL POOL PROCEDURES**

1/19/2022

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2021
WATER DISTRICT 1
RENTAL POOL PROCEDURES

PROCEDURE 1.0 LEGAL AUTHORITY

- 1.1 These procedures have been adopted by the Water District 1 Committee of Nine pursuant to Idaho Code § 42-1765.
- 1.2 These procedures shall not be interpreted to limit the authority of the Idaho Department of Water Resources, the Idaho Water Resource Board, or the Watermaster of Water District 1 in discharging their duties as prescribed by statute or rule.
- 1.3 These procedures shall be interpreted consistent with Idaho Code, rules promulgated by the Idaho Water Resource Board, relevant provisions of spaceholder contracts with the United States, and the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement.
- 1.4 The operation of the rental pool shall in no way recognize any obligation to maintain flows below Milner or to assure minimum stream flows at the United States Geological Survey (USGS) gaging station on the Snake River near Murphy.
- 1.5 These procedures shall not be interpreted in any manner that is inconsistent with or would adversely impact or effect the rights of the Shoshone-Bannock Tribes as set out in the Fort Hall Agreement, the Blackfoot River Equitable Adjustment Settlement Agreement, and the 2015 Settlement Agreement between the Tribes and the Committee of Nine.

PROCEDURE 2.0 DEFINITIONS

- 2.1 **Accounting Year:** the Water District 1 accounting year that begins on ~~November~~ December 1 and ends on ~~October 31~~ November 30.
- 2.2 **Acre-foot:** a volume of water sufficient to cover one acre of land one foot deep and is equal to 43,560 cubic feet.
- 2.3 **Administrative Fee:** a fee per acre-foot assessed on the total quantity of storage set forth in any rental or lease application, disbursed to the District at the end of the irrigation season.
- 2.4 **Allocation:** the amount of stored water, including carryover that has accrued to a spaceholder's storage space on the date of allocation that is available for the spaceholder's use in the same accounting year.
- 2.5 **Applicant:** a person who files with the Watermaster an application, accompanied by the required fees, to rent or lease storage through the rental pool.
- 2.6 **Assignment:** storage provided by an assignor from the current year's storage allocation for rental through the assignment pool pursuant to Procedure 10.
- 2.7 **Assignment Pool:** storage made available to the Committee through assignor contributions for subsequent rental pursuant to Procedure 10.
- 2.8 **Assignor:** a participant who assigns storage to the assignment pool pursuant to Procedure 10 and subject to Procedure 7.5.
- 2.9 **Board:** the Idaho Water Resource Board (IWRB).

- 2.10 **Board Surcharge:** a surcharge equal to ten percent (10%) of the rental price or lease price assessed on the total quantity of storage set forth in any rental or lease application, disbursed to the Board at the end of the irrigation season.
- 2.11 **Bureau:** the United States Bureau of Reclamation (USBR).
- 2.12 **Committee:** the Committee of Nine, which is the advisory committee selected by the members of Water District 1 at their annual meeting and appointed as the local committee by the Board pursuant to Idaho Code § 42-1765.
- 2.13 **Common Pool:** storage made available to the Committee through participant contributions for subsequent rental pursuant to Procedure 5.
- 2.14 **Date of Allocation:** the date determined each year by the Watermaster on which the maximum accrual to reservoir spaceholders occurs.
- 2.15 **Date of Publication:** the date on which the Watermaster publishes on the District website the storage allocation for the current accounting year.
- 2.16 **Department:** the Idaho Department of Water Resources (IDWR).
- 2.17 **District:** The District is comprised of the Snake River and tributaries with Basins 01, 21, 22, 23, and 25 points of diversion.
- 2.18 ~~**Impact Fund:** a fund maintained by the Watermaster for the mitigation of computed impacts to participants pursuant to Procedure 7.3.~~ **Extraordinary Circumstances Pool:** Storage made available to the Committee through participant consignments for subsequent rental pursuant to Procedure 11.
- 2.19 **Infrastructure Fund:** a fund maintained by the Watermaster for the purposes outlined in Procedure 4.5.
- 2.20 **Lease:** a written agreement entered into between a lessor and lessee to lease storage through the rental pool pursuant to Procedure 6.
- 2.21 **Lease Price:** a price per acre-foot negotiated between a lessor and lessee as set forth in a lease agreement.
- 2.22 **Lessee:** a person who leases storage from a participant under a lease.
- 2.23 **Lessor:** a participant who leases storage to a person under a lease pursuant to Procedure 6 and subject to Procedure 7.5.
- 2.24 **Milner:** Milner Dam on the Snake River.
- 2.25 **Milner Spill:** water in excess to the amount that is captured in the reservoir system flowing past Milner Dam that is not storage being delivered under Idaho Power's American Falls storage water right or other storage that is otherwise authorized pursuant to these rules.
- 2.26 **Net Price:** the average price per acre-foot of all rentals from the common pool or assignment pool, including flow augmentation.
- 2.27 **Net Proceeds:** the net price times the number of acre-feet rented from the common pool or assignment pool.

- 2.28 **Participant:** a spaceholder who contributes storage to the common pool pursuant to Procedure 5.2.
- 2.29 **Participant Contributions:** storage made available to the common pool by participants, with computed impacts accounted from next year's reservoir fill, which forms the supply for large rentals, small rentals, and flow augmentation pursuant to Table 1, subject to the limitations in Procedure 5.2.
- 2.30 **Person:** an individual, corporation, partnership, irrigation district, canal company, political subdivision, or governmental agency.
- 2.31 **Rent:** the rental of storage from the common pool, supplemental pool, or assignment pool.
- 2.32 **Rental Pool:** the processes established by these procedures for the rental and/or lease of storage, mitigation of computed impacts to spaceholders, and disposition of revenues.
- 2.33 **Rental Pool Subcommittee:** a subcommittee composed of the Watermaster (advisor), a designated representative from the Bureau (advisor), and three or more members or alternates of the Committee who have been appointed by the chairman of the Committee.
- 2.34 **Rental Price:** the price per acre-foot of storage rented from the common pool, supplemental pool, or assignment pool, as set forth in Procedures 5.4, 8.0, and 10.7, excluding the administrative fee and Board surcharge.
- 2.35 **Renter:** a person who rents storage from the common pool, supplemental pool, or assignment pool.
- 2.36 **Reservoir System:** refers to American Falls, Grassy Lake, Henrys Lake, Island Park, Jackson Lake, Lake Walcott, Milner Pool, Palisades, and Ririe.
- 2.37 **Space:** the active capacity of a reservoir measured in acre-feet.
- 2.38 **Spaceholder:** the holder of the contractual right to the water stored in the space of a storage facility within the Reservoir System.
- 2.39 **Storage:** the portion of the available space that contains stored water.
- 2.40 **Supplemental Pool:** storage made available to the Committee through participant consignments for subsequent rental pursuant to Procedure 8.
- 2.41 **Watermaster:** the watermaster of Water District 1.
- 2.42 **Water Supply Forecast:** the forecasted unregulated runoff for April 1 to September 30 at the Heise USGS gaging station, referred to in Table 1.

PROCEDURE 3.0 **PURPOSES**

- 3.1 The primary purpose of the rental pool is to provide supplemental irrigation water to spaceholders for the irrigation of District land with an existing primary irrigation water right and to maintain a rental pool with sufficient incentives such that spaceholders supply, on a voluntary basis, an adequate quantity of storage for rental or lease pursuant to procedures established by the Committee. These procedures are intended to: a) assure that participants have priority over non-participating spaceholders and non-spaceholders in renting storage through the rental pool; b) assure that non-participating spaceholders are not impacted; and c) rentals occurring through the assignment pool and supplemental pool do not impact other spaceholders .
- 3.2 To maintain adequate controls, priorities, and safeguards to insure that existing water rights are not injured and that a spaceholder's allocation is not impacted without his or her consent. To financially compensate an impacted participating spaceholder in the common pool as determined by the procedures developed by the District.
- 3.3 To provide storage water at no cost under Procedure 5.0 for the benefit of the Tribes consistent with the terms of the Blackfoot River Equitable Adjustment Settlement Agreement and the 2015 Settlement Agreement. Discussions are ongoing to identify the party responsible for mitigating impacts to the Tribes. Nothing in these Procedures should be construed as an admission of liability by Water District 1 or the Committee of Nine.
- 3.4 To prevent further declines in the Eastern Snake Plain Aquifer and tributary spring flows and reach gains, and to ensure new consumptive uses within the District do not further impact the storage supply and the primary purpose of the rental pool as described in Procedure 3.1, the following shall apply:
 - 3.4.101 A moratorium on all private leases, assignment and common pool rentals that deliver water to new lands or mitigate for diversion of water on new lands, except when:
 - (a) a water right was legally delivered to the lands from any source prior to 2019; or
 - (b) contracted storage water was delivered by the District prior to 2019 for mitigation for the use of water on new lands; or
 - (c) rented storage water was delivered to the lands from the District within the last 5 years.The moratorium also prohibits rentals for delivery to lands or providing mitigation for lands where a water right or storage use was transferred off said lands, inside or outside the District.
 - 3.4.102 The following exceptions apply to the above moratorium:
 - (a) Small rentals under Procedure 5.2.104;
 - (b) Domestic, commercial, municipal, and industrial uses authorized pursuant to a decreed or licensed storage water right and spaceholder contract; and
 - (c) Land that subsequent to the adoption of Procedure 3.4, is authorized for irrigation purposes under a water organization project's owned water right and other provisions of state law.
 - 3.4.103 All private lessees or rental pool applicants shall certify that the respective private lease or rental pool application complies with the requirements set forth above. Lessees and Applicants that have had prior leases or rentals approved prior to 2019 that would otherwise be prohibited by this rule may present such information to the Watermaster and Committee to show why such lease or application should be approved. Further, the Watermaster and any spaceholder may raise any issues derived from this moratorium in regards to any private lease or rental application which shall be resolved by the Committee.

PROCEDURE 4.0 MANAGEMENT

- 4.1 **Manager.** The Watermaster shall serve as the manager of the rental pool and shall administer the rental pool consistent with these procedures, which include, but are not limited to:
- (a) Determining impacts pursuant to Procedure 7;
 - (b) Calculating payments to participating spaceholders as prescribed by Procedures 5.2 and 7.3;
 - (c) Accepting storage into the common pool, assignment pool, and executing rental agreements on behalf of the Committee;
 - (d) Disbursing and investing rental pool monies with the advice and consent of the Rental Pool Subcommittee; and
 - (e) Taking such additional actions as may be directed by the Committee.
- 4.2 **Rental Pool Subcommittee.** The Rental Pool Subcommittee shall exercise the following general responsibilities:
- (a) Review these procedures and, as appropriate, make recommendations to the Committee for needed changes;
 - (b) Review reports from the Watermaster regarding rental applications, storage assignments to the assignment pool, and leases of storage through private leases;
 - (c) Advise the Committee regarding rental pool activities;
 - (d) Develop recommendations for annual common pool storage supplies and rental rates;
 - (e) Assist the Watermaster in resolving disputes that may arise from the diversion of excess storage; and
 - (f) Assume such additional responsibilities as may be assigned by the Committee.
- 4.3 **Applications**
- 4.3.101 Applications to rent or lease storage through the rental pool shall be made each year upon forms approved by the Watermaster and shall include:
- (a) The amount of storage sought to be rented or leased;
 - (b) The purpose(s) for which the storage will be put to beneficial use;
 - (c) The lease price (for private leases);
 - (d) To the extent practicable at the time of filing the application, the point of diversion identified by legal description and common name; and a description of the place of use; and
 - (e) Certification that the rental or lease is not subject to moratorium under Procedure 3.4 above.
- 4.3.102 *Application Acceptance.* Applications are not deemed accepted until received by the Watermaster together with the appropriate fees required under Procedures 5.4 and 10.7 (rentals) or 6.4 (leases).
- 4.3.103 *Application Approval.* An application accepted under Procedure 4.3.102 shall be approved after the Watermaster has determined that the application is in compliance with these procedures and sufficient storage will be available from the common pool, assignment pool, and/or lessor to provide the quantity requested in the application. Upon approval of the application, the Watermaster shall send notice to the renter/lessor/lessee and entity owning the point of diversion designated in the application of such approval and allocation of storage; provided, however, no allocation of storage shall be made until the applicant designates the point of diversion and place of use of the rented and/or leased storage in the application or pursuant to Procedure 4.3.106.
- 4.3.104 *Timeframe for having Rental Application Accepted to Preserve Rental Priority.* Applications to rent storage will not be accepted until April 5 of the year in which the storage will be used. Applications must be accepted by the Watermaster within 15 days following the date of publication to preserve the applicant's priority under Procedure 5.3.101.

- 4.3.105 *Deadline for Accepting Applications to Rent or Lease Storage.* All applications to rent or lease storage must be accepted by the Watermaster pursuant to Procedure 4.3.102 on or before November 30 ~~in order for the storage identified in such applications to be accounted for as having been diverted prior to October 31 of the same year.~~ Applications accepted after November 30 will be accounted for from storage supplies in the following calendar year, unless an exception is granted by the Rental Pool Subcommittee.
- 4.3.106 *Deadline to Designate Point of Diversion and Place of Use.* If the point of diversion and/or place of use of the rented and/or leased storage was not previously designated in the application, the renter and/or lessee must make such designation in writing to the Watermaster on or before November 30 of the same year, unless an extension is granted by the Rental Pool Subcommittee. Failure to comply with this provision shall cause any unused storage to automatically revert back to the common pool, assignment pool, and/or lessor, respectively.
- 4.3.107 *Deadline to Use Rental or Lease Storage.* Approved applications pursuant to Procedure 4.3 or water leased through a private lease, must be used and diverted on or before November 30 of the same year.
- 4.3.108 *Reporting Requirements for Leases and Assignments to Points of Diversion on Sources Not Regulated by the Water District #1 Watermaster.* To keep Water District #1 assessments, administrative fees, and regulation costs to a minimum, approved rental leases and assignments to points of diversion on sources not regulated by Water District #1 (e.g. Portneuf River, Wood River, Silver Creek, etc.) must have their daily cfs or acre-feet of rental diversions measured by the watermaster of the water district containing the points of diversion receiving the rental storage and then reported by the watermaster of that district to the Water District #1 Watermaster by November 30 of the year storage is rented. Daily diversion reports from individual renters in water districts other than Water District #1 will not be accepted by the Water District #1 Watermaster. Failure of the watermasters in other districts to report to the Water District #1 Watermaster the daily rental storage deliveries within their district by November 30 will result in the rental pool storage not being delivered in the Water District #1 final water right accounting. No refunds for rental prices or fees will be issued to lessors, lessees, or renters when daily deliveries are not reported by the watermaster responsible for the regulation of the points of diversion or re-diversion on the source rental storage is being injected or exchanged with sources from Water District #1.

4.4 **Rental Pool Account**

- 4.4.101 All monies submitted by applicants shall be deposited in an interest-bearing account known as the "Rental Pool Account" and maintained by the Watermaster on behalf of the Committee. Monies in the Rental Pool Account will be disbursed to participants, the District, and the Board, ~~the Impact Fund, and the Infrastructure Fund~~ in the proportions set forth in these Rules Procedures. ~~Accrued interest to the Rental Pool Account shall be used to maintain the Impact Fund.~~ Rental Pool Funds shall be considered public funds for investment purposes and subject to the Public Depository Law, Chapter 1, Title 57, Idaho Code.
- 4.4.102 Monies deposited in the Rental Pool Account are non-refundable to the extent the rental and/or lease application is approved pursuant to Procedure 4.3.103, regardless of whether the storage is used.

4.5 **Infrastructure Fund**

4.5.101 Monies in the Infrastructure Fund may only be used to fund District costs of projects relating to improvements to the District's distribution, monitoring, and gaging facilities, and other District projects designed to assist in the adjudication, which includes the cost of Blackfoot River Equitable Adjustment Settlement Water, if any is required, conservation, or efficient distribution of water.

4.5.102 Disbursements from the Infrastructure Fund are subject to two-thirds (2/3) Committee approval.

4.5.103 Monies in the Infrastructure Fund may be carried over from year to year.

4.6 **Diversions not Regulated by the District.** Water District #1 and/or its spaceholders will not accept responsibility or liability for any interference to natural flow or storage deliveries that result from rentals or leases to diversions within other water districts.

PROCEDURE 5.0 COMMON POOL

5.1 **Scope.** The common pool consists of storage made available to the Committee through participant contributions. Participants make all of their storage available to the common pool pursuant to the terms of Procedure 5.2, with computed impacts accounted from next year's reservoir fill.

5.2 **Participant Contributions**

5.2.101 *Participants.* Any spaceholder may, upon submitting written notice to the Watermaster prior to March 15 of the current year elect to contribute storage to the common pool for the current year. Any spaceholder making such election shall be deemed a "participant" for the current year and every year thereafter until the spaceholder provides written notice to the Watermaster prior to March 15 of the year rescinding its participation. Upon election to participate, a spaceholder is eligible for all the benefits of a participant set forth in these procedures, excluding monetary payment for rentals or computed impacts associated with rentals from the prior year. If after March 15 less than seventy-five percent (75%) of the contracted storage space is committed to the common pool by participants, the Committee shall revise the rental pool procedures as necessary prior to April 1.

5.2.102 *Non-Participants.* Spaceholders who are not participants shall not be entitled to supply storage to, or rent storage from the common pool. Notwithstanding this restriction, the Bureau may rent flow augmentation water from the common pool in the amounts identified in Procedure 5.2.105.

5.2.103 *Large Rentals.* The common pool will make available from participant contributions 50,000 acre-feet of storage for rentals, subject to the priorities and limitations set forth in Procedure 5.

5.2.104 *Small Rentals.* The common pool will make available from participant contributions 5,000 acre-feet for rentals of 100 acre-feet or less per point of diversion for diversions regulated by the Water District #1 Watermaster, subject to the priorities and limitations set forth in Rule 5. Rentals from the small pool shall only be considered for approval following submittal of written consent from the operator of the delivery system. The Committee may approve on a case-by-case basis the additional rental of storage under this provision to exceed the 100 acre-feet limitation. The 100 acre-feet limitation per point of diversion does not apply if the rental is supplied pursuant to Procedure 5.2.103.

5.2.105 *Flow Augmentation*

(a) *Table 1.* The amount of storage, from participant contributions to the common pool, available for rental for flow augmentation shall be determined by Table 1 shown in the Appendix of these procedures.

~~(b) *Extraordinary Circumstances (Additional Flow Augmentation).* Upon a request by the Bureau for additional Water District 1 rentals consistent with the terms of the 2004 Snake River Agreement and these Procedures to further flow augmentation reliability as modeled in the 2007 Biological Assessment, the Committee shall consider making available a greater amount of storage rental if it determines on or before July 1 that extraordinary circumstances justify an additional amount of storage be made available for flow augmentation and existing uses (legal and equitable title to storage rights) are protected consistent with the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement. The Bureau and Committee will also consider on years when Milner spill occurs, the preservation of Uncontracted and Powerhead storage for use in subsequent years; provided, the Bureau exercises sole discretion over whether to use storage in its Uncontracted and Powerhead space for flow augmentation, so long as such use is consistent with the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement and applicable law.~~

5.2.106 *Shoshone-Bannock Tribes.* The Tribes shall be treated as non-participants unless written notice is provided by the Tribes under Procedure 5.2.101.

(a) *Blackfoot River Equitable Adjustment Settlement Agreement Water.* Storage water not to exceed 20,000 acre-feet shall be made available in accordance with the terms of the Blackfoot River Equitable Adjustment Settlement Agreement. The source and funding of the storage water shall be determined by the Committee at its June meeting. Administrative fees shall be paid by Water District 1.

(b) *2015 Settlement Agreement.* Storage water not to exceed 10,000 acre-feet (except with the approval of the Committee of Nine) shall be made available in accordance with the terms of the 2015 Settlement Agreement from the current year's Common Pool prior to providing any rental under the priorities of Procedure 5.3.101. Administrative fees shall be paid by Water District 1. Discussions are ongoing to identify the party responsible for mitigating impacts to the Tribes. Nothing in these Procedures should be construed as an admission of liability by Water District 1 or the Committee of Nine.

5.2.107 ~~*Additional Quantities Supply Sources.* In the event rental requests from participants impacted from the prior year's rentals exceed 50,000 acre-feet the maximum amount of storage that will be available through the common pool will be equivalent to the amount necessary to meet the demand of those shown to have been impacted from the prior year's rentals. Common pool storage shall be deducted proportionally from all participants' storage allocations in the year following when the storage was used. If Milner Spill occurs between years, no deduction is necessary.~~

5.2.108 *Participant Payments.* Monies collected through the rental of the participant contribution portion of the common pool, including flow augmentation, shall be disbursed ~~as follows:~~based on the amount each participant is reduced pursuant to Procedure 5.2.107. In years where no reduction is necessary due to Milner Spill, all monies collected shall be disbursed proportionally based on participant space. Payments will be made to participants within two weeks of the date of publication.

~~(a) seventy percent (70%) of the Net Proceeds disbursed to participants; and~~

~~(b) thirty percent (30%) of the Net Proceeds disbursed to the Impact Fund.~~

~~5.2.109 *Participant Payment Formula.* Participants will receive payment for storage rented from the participant contribution portion of the common pool pursuant to the following payment formulas:~~

~~1st Installment = $(R \times SP/TSP) / 2$~~

~~2nd Installment = $(R \times ST/TST) / 2$~~

~~R = 70% of net proceeds~~

~~SP = Space of participants~~

~~ST = Storage of participants based on the preliminary storage allocation for the following year~~

~~TSP = Total participating space in system~~

~~TST = Total participating storage in system based on the preliminary storage allocation for the following year~~

~~If a specific reservoir's allocation has been reduced as a result of flood control operations, the ST and TST values in the above formula for those reservoir spaceholders will reflect the values that otherwise would have occurred without any reductions for flood control.~~

~~5.2.110 *Timing of Payments.* Payments to participants will be made in two installments. The first installment will be paid to participants in December of the year in which the proceeds were collected. The second installment will be paid to participants within two weeks of the date of publication for the following irrigation season.~~

5.3 **Priorities for Renting Storage**

5.3.101 *Priorities.* Storage rented from the common pool shall be pursuant to the following priorities:

(a) *First Priority.* Rentals by participants whose storage is ~~determined to have been impacted by the prior year's rental from the common pool not to exceed the amount of the computed impact reduced pursuant to Procedure 5.2.107, not to exceed the amount of the reduction.~~

(b) *Second Priority.* Rentals by participants for their spaceholder contracted purposes up to the amount of their unfilled space.

(c) *Third Priority.* Rentals by participants for any purposes above Milner in excess of their unfilled space. Applications for such rentals will be reviewed by the Committee and may be approved on a case-by-case basis.

5.3.102 *Priority for Late Applications.* Applications received after the deadline set forth in Procedure 4.3.104 will be deemed last in priority and will be filled in the order they are received, only after all timely applications have been filled.

5.3.103 *Distribution Within Priority Classes.* If rental supplies are not sufficient to satisfy all of the timely applications within a priority class (those received within 15 days of the date

of publication), the available rental supplies will be distributed to the applicants within that priority class on a pro-rata basis.

5.3.104 *Priority for Small Rentals.* Small rentals made pursuant to Procedure 5.2.104 are not subject to the priorities set forth in Procedure 5.3.101 and will be approved in the same order in which the rental applications are received by the Watermaster, so long as the total amount of all such applications does not exceed 5,000 acre-feet.

5.3.105 *Priority for Flow Augmentation.* Rentals for flow augmentation are not subject to the priorities set forth in Procedure 5.3.101 and shall be determined pursuant to Procedure 5.2.105 and Procedure 10.6.

5.4 **Rental Prices**

5.4.101 *Tier 1:* If the storage system fills, the rental price for purposes above Milner shall be \$7.00 per acre-foot.

5.4.102 *Tier 2:* If the storage system does not fill but storage is provided for flow augmentation pursuant to Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$17.00 per acre-foot.

5.4.103 *Tier 3:* If the storage system does not fill and no flow augmentation water is provided pursuant to Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$25.00 per acre-foot.

5.4.104 *Determination of Tier 1, 2 or 3 Rental Price:* Unless the storage system has filled, the Watermaster shall designate on or before April 5 either Tier 2 or Tier 3 as the rental price for above-Milner rentals. If at any time during the same accounting year, the storage system should subsequently fill, the Watermaster shall designate Tier 1 as the rental price for above-Milner rentals and refund any excess rental fees within 30 days after the date of publication.

5.4.105 *Tier 4:* The rental price for storage rented from for flow augmentation shall be \$17.00 per acre-foot.

5.4.106 *Fees & Surcharges.* There shall be added to the rental price for all rentals the Board surcharge and administrative fee, resulting in the following summed amounts charged for common pool rentals for the various tiers described in Procedures 5.4.101 through 5.4.105:

- (a) Tier 1: $\$7.00 + \$0.70 + \$1.30 = \9.00
- (b) Tier 2: $\$17.00 + \$1.70 + \$1.30 = \20.00
- (c) Tier 3: $\$25.00 + \$2.50 + \$1.30 = \28.80
- (d) Tier 4: $\$17.00 + \$1.70 + \$1.30 = \20.00

~~5.4.107 *Impacted Spaceholder Price Adjustment:* If payments to impacted spaceholders per acre-foot of impact, pursuant to Procedure 7.3.101, are less than the rental price being charged for the current year in either Tier 2 or Tier 3, the rental price for impacted spaceholders choosing to use their impact payments to rent common pool storage to mitigate the impact to their current year's storage allocation shall be equal to the amount that was paid per acre foot of impact. The Board Surcharge and Administration fee shall be paid by the impacted spaceholder in addition to the adjusted rental price.~~

5.4.108 *Storage System Fill.* For purposes of Procedure 5.4 only, the storage system is considered full when all storage rights are filled in Jackson Lake, Palisades (except for powerhead), American Falls, and Island Park

- 5.5 **Limitations.** A participant cannot rent water from the Common Pool if the participant is replacing storage space or water which has been evacuated due to an assignment to or private lease through the Water District 1 Rental Pool, unless an exception is granted by the Committee. ([Additional exceptions needed?](#))

PROCEURE 6.0 PRIVATE LEASES

- 6.1 **General.** All leases must be transacted through the rental pool. Only participants may lease storage to a Lessee subject to the provisions of these rules, and non-participating spaceholders may not lease storage from participants.
- 6.2 **Purposes.** Storage may be leased through the rental pool only for beneficial use purposes above Milner. A participant may not lease storage to a lessee and rent storage from the common pool in the same accounting year unless an exception is granted by the Rental Pool Subcommittee. ([Additional exceptions needed?](#))
- 6.3 **Payment to Lessor.** The lessor shall receive one-hundred percent (100%) of the lease price.
- 6.4 **Fees & Surcharges.** There shall be added to the lease price the administrative fee and the Board surcharge.
- 6.5 **Non-Applicability to Common Pool.** Storage leased pursuant to this procedure does not count against the participant contribution volumes set forth in Procedure 5.2.
- 6.6 **Recharge.** All storage used for the purpose of recharge must be transacted through the rental pool. Unless storage is rented pursuant to Procedures 5.0 or 10.0, storage used for recharge, whether diverted by the storage spaceholder or another person, will be treated as a lease of storage.
- 6.7 **Idaho Water Resource Board (IWRB) Storage.** Notwithstanding the limitations set forth in Procedures 6.1 and 6.2, the IWRB may lease its existing storage (up to 5,000 acre-feet) to Idaho Power and have it released past Milner for the purpose of mitigating minimum flows at Murphy. The administrative fee must be paid by the IWRB for any storage used for such purpose.
- 6.8 **Lease of Storage from Bureau Uncontracted Space.** Notwithstanding the limitations set forth in Procedures 6.1 and 6.2, the Bureau may lease storage from its uncontracted space for flow augmentation as identified in Appendix III of the – Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.
- 6.9 **Lease of Storage from Bureau Powerhead Space.** Notwithstanding the limitations set forth in Procedures 6.1 and 6.2, the Bureau may lease storage from its powerhead space for flow augmentation as identified in III.C.7 of the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.

PROCEDURE 7.0 IMPACTS

- 7.1 **Determination.** In any year in which the storage rights in the reservoir system do not fill, the Watermaster will determine the actual computed impacts to spaceholders, if any, associated with the prior year's rentals and leases. In making this determination, the Watermaster will use a procedure which identifies the following:
- (a) What each computed reservoir fill would have been had the previous year's rentals and leases not taken place;
 - (b) The storage space from which rented or leased storage was actually supplied for the previous year's rental or lease; and
 - (c) The amount of storage each spaceholder's current allocation was reduced by the previous year's rental or lease activities.
- 7.2 **Milner Spill.** There are no computed impacts resulting from the previous and current year's rentals or leases used prior to Milner spill ceasing when the use of those rentals or leases result in reducing the spill from the reservoir system prior to the current year's Date of Allocation, as determined by the Watermaster.

~~7.3 — Impacts to Participants due to Rentals from the Common Pool~~

~~7.3.101 — **Impact Payment.** Participants whose storage allocation has a computed impact from the prior year's rental of storage from the common pool will receive payment from the Impact Fund equal to the lesser value of the two following formulas:~~

~~————— Impact Payment = [(Isp*RP) — Impact Fee Payment] or [½ IF*(Isp/Ispt)]~~

~~————— Isp = Participant's computed impacted space in acre feet~~

~~————— RP = Rental Price~~

~~————— IF = Impact Fund~~

~~————— Ispt = Total of all Participants' computed impacted space in acre feet~~

~~7.3.102 — **Timing of Payment.** Impact payments, which will be based on preliminary data, will be made to participants on or before July 15.~~

~~7.4 — Impacts to Non-Participants due to Rentals from the Common Pool~~ If the prior year's rental of storage from the common pool caused computed impacts to non-participants as determined by the Watermaster, the current year's Common Pool shall be reduced to supply such impacts to non-participants (at no cost to non-participants) prior to providing any rental under the priorities of Procedure 5.3.101.

- 7.5 **Impacts to Spaceholders** ~~due to~~resulting from all other leases, ~~and~~ assignments, ~~and~~ Supplemental pool, extraordinary circumstances pool, and Common Pool Rentals. To avoid impacts to spaceholders ~~pursuant to leases caused by rental pool storage provided~~ under Procedures ~~5.35, 2.107,~~ 6, 8, 9.3, ~~and 10.0,~~ and 11 in years when storage is not spilled past Milner, ~~a lessor's and assignor's~~ the supplying spaceholder's storage allocation shall be reduced to ensure all ~~non-lesser and non-assignor spaceholders~~ other reservoir space receives a 100% fill to ~~their~~ its storage allocations ahead of allocations to space evacuated to supply previous year leases, ~~and~~ assignments, and other rentals. If the amount of storage in the reservoir system exceeds the amount necessary to allocate 100% fill to ~~non-lesser and non-assignor~~ space that wasn't evacuated to supply leases, assignments, and rentals but is insufficient to allocate 100% fill to all system spaceholders, allocations to lessors' ~~and~~ and assignors', and other space shall occur in the following priorities:

(a) Storage supplied under Procedure 5.2.107. This reallocation will only occur in the year following the supply of storage.

(a)(b) Assigned rental under Procedure 10.0, extraordinary circumstances rental under Procedure 11.0, private leases above Milner under Procedure 6.0, and IWRB storage used for

mitigating minimum flows at Murphy under Procedure 6.7. This reallocation will only occur in the year following the lease of storage.

~~(b)~~(c) Bureau uncontracted storage under Procedure 6.8 until the lessor's affected space fills.

~~(e)~~(d) Supplemental Pool leases under Procedure 8.0 until the lessor's affected space refills.

~~(d)~~(e) Bureau Powerhead storage under Procedure 6.9 shall be the last space to refill after all other space in reservoirs in Water District 1 until the lessor's affected space fills as identified in III.C.7.c. of the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement.

PROCEDURE 8.0. SUPPLEMENTAL POOL

8.1 **Purpose.** To provide a voluntary mechanism for the lease of storage water to a participant below Milner for hydropower generation within the state of Idaho when storage water supplies, as a result of hydrologic, climate and other conditions, are sufficient to satisfy above Milner uses and Water District 01 commitments for flow augmentation. A supplemental pool shall be created in order to mitigate for computed impacts associated with leases below Milner, consistent with the Idaho Water Resource Board's policy to establish an effective water marketing system consistent with state law and assuring the protection of existing water rights while accommodating the purchase, lease or conveyance of water for use at Idaho Power's hydroelectric facilities, including below Milner Dam.

8.2 **Annual Authorization.** In order to provide the opportunity to lease water to generate funding of aging infrastructure projects without impacting individual spaceholder fill, storage may be leased through the Supplemental Pool for the purposes described herein. However, no storage may be leased through the supplemental pool until the Committee on or after April 1 of each year authorizes use of the pool and the Committee is satisfied that the goals and terms of the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement are met to provide sufficient flow augmentation supplies for the year or that storage to be released past Milner will count toward flow augmentation.

(a) If a Supplemental Pool is authorized, the Bureau may submit a request within the deadline set in Procedure 8.4.101 to have a portion, or all, of the authorized water delivered to them for flow augmentation purchased by the Bureau at the price indicated in the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement. The initial applicant to the Supplemental Pool shall pay all remaining costs, including fees, to meet the total authorized price determined in Procedure 8.3.102.

~~(a)~~(b) Mitigation Inc. shall have the right to lease up to the first 10,000 ac-ft of supplemental pool storage under Procedure 8.0, as approved annually by the Committee. Mitigation Inc. shall provide to the Committee a report summarizing the expenditure of revenue from the annual lease(s) by December 31, 2023. If the Committee determines that the preference granted Mitigation Inc. is no longer justified, the Committee may terminate said preference. The preference granted Mitigation Inc. pursuant to this Procedure shall sunset on December 31, 2029. The 10,000 ac-ft preference shall only be applied once per year.

~~(a)~~(c) Additional leases of storage in excess of the amount provided in Procedure 8.2(a) may be authorized annually by the Committee pursuant to Procedure 8.0. Mitigation Inc. shall be permitted to supply a pro-rata share of any additional amount made available to the supplemental pool exceeding the initial 10,000 ac-ft in Procedure 8.2(a). If Mitigation Inc. does not supply storage pursuant to Procedure 8.2(a), Mitigation Inc. shall be permitted to supply a pro-rata share of its storage to the supplemental pool along with other spaceholders supplying storage to the supplemental pool.

8.3 **Quantity and Price Determinations.**

8.3.101 The maximum quantity of storage authorized to be leased through the supplemental pool shall be determined annually by the Committee taking into account the advice and recommendation of the Rental Pool Subcommittee, together with current and forecasted hydrological conditions and estimated demand on the rental pool for above Milner uses.

8.3.102 *Price Determination.* The Committee shall authorize the leasing of water, including price pursuant to Rule Procedure 8 after taking into account spaceholder needs and current market conditions for power generation. There shall be added to the rental price the board surcharge and a \$1.50 per acre-foot administrative fee associated with the development and implementation of the supplemental pool, assessed on the total quantity of storage set forth in any lease application approved or conditionally approved under Procedure 8.4.

8.3.103 *Subsequent Quantity and Price Determinations.* If within the same accounting year, the Committee subsequently determines based on the criteria set forth in Procedure 8.3.101 that additional opportunities exist for utilizing the use of water within Idaho through the supplemental pool consistent with Procedure 8.1, it shall designate such additional maximum quantity authorized to be leased through the supplemental pool and identify a separate lease price for such additional quantity pursuant to Procedure 8.3.102.

8.4 **Application to Lease Storage from the Supplemental Pool.**

8.4.101 Applications to lease storage from the supplemental pool for hydropower purposes shall be made upon forms approved by the Watermaster and shall include:

- (a) The amount of storage sought to be rented;
- (b) The rental price with associated fees as identified by the Committee under Procedure 8.3.102; and
- (c) The deadline for the Applicant to receive delivery of water through the Supplemental Pool.

8.4.102 *Application Acceptance.* Applications are not deemed accepted until received by the Watermaster together with the appropriate fees required under Procedure 8.4.101.

8.4.103 *Application Approval.* An application accepted under Procedure 8.4.102 shall be approved after the Watermaster has determined that the application is in compliance with these procedures and sufficient storage will be available from the supplemental pool to provide the quantity requested in the application; provided, however, if the date of publication has not yet occurred, approval of the application shall be conditioned on the ability of spaceholders who have contracted to rent storage through the supplemental pool to have a sufficient storage allocation during the accounting year to satisfy their contracts approved under Procedure 8.5.104. Upon approval or conditional approval of the application, the fees collected from the applicant shall be non-refundable to the extent of the total quantity of storage approved or conditionally approved in supplemental pool lease contract(s) under Procedure 8.5.104. The Watermaster shall provide notice of such approval.

8.4.104 *Deadline for Accepting Applications.* All applications to rent storage from the supplemental pool must be accepted by the Watermaster pursuant to Procedure 8.4.102

not later than ~~October 31~~November 30 in order for the storage identified in such applications to be accounted for as having been diverted as of ~~October 31~~November 30 of the same year. Applications accepted after ~~October 31~~November 30 will be accounted for from storage supplies in the following calendar year, unless an exception is granted by the Rental Pool Subcommittee.

8.5 **Supplemental Pool Supply.**

8.5.101 *Notice to Spaceholders of Opportunity to Consign Storage through the Supplemental Pool.* The Watermaster shall provide notice of the supplemental pool on the Water District 1 website, which shall include the following information:

- (a) The maximum quantity of storage authorized to be rented through the supplemental pool;
- (b) The rental process, including price and deadlines as authorized by the Committee;
- (c) Instructions for spaceholders interested in consigning storage through the supplemental pool, including instructions for executing a standardized supplemental pool rental contract; and
- (d) The deadline, as set by the Committee, for the Watermaster to receive supplemental pool rental contracts from spaceholders interested in consigning storage through the supplemental pool.

8.5.102 *Supplemental Pool Rental Contracts.* Spaceholders interested in consigning storage through the supplemental pool shall execute a standardized supplemental pool rental contract, which shall be provided by the Watermaster and include provisions for the following:

- (a) Limit eligibility to consign storage through the supplemental pool only to spaceholders who qualify as participants under Procedure 2.2~~87~~;
- (b) The quantity sought to be consigned by the spaceholder may be any amount, except that the total amount of storage consigned pursuant to Procedure 8 may not exceed either the maximum quantity set by the Committee under Procedure 8.3.101 or 10% of the spaceholder's total reservoir system space, unless an exception is approved by the Rental Pool Subcommittee;
- (c) The 10% limitation described in 8.5.102(b) does not apply to the first 10,000 ac-ft supplied by Mitigation Inc. under Procedure 8.2(a);
- (d) The quantity actually consigned by the spaceholder may be reduced depending upon the number of spaceholders who elect to consign storage through the supplemental pool as provided in Procedure 8.5.103;
- (e) That, in the event the spaceholder elects to sign a standard pool rental contract before the date of publication, the spaceholder assumes the risk that its storage allocation may be less than the spaceholder anticipated; and
- (f) Notice to the spaceholder that if the spaceholder's consignment through the supplemental pool causes computed impacts, the mitigation required under Procedure 8.7 will result in an amount of the spaceholder's space, not to exceed the quantity of storage consigned by the spaceholder, being assigned a junior priority which may not fill for multiple consecutive years, an accounting commonly referred to as "last to fill."

8.5.103 *Distribution of Storage to the Supplemental Pool.* If, following the deadline for receipt of executed supplemental pool rental contracts, the Watermaster determines that the total quantity of storage sought to be consigned through the supplemental pool exceeds the quantity limitation established under Procedure 8.3, then the Watermaster shall reduce the quantity of each supplemental pool rental contract to a pro rata share based on the amount of storage sought to be consigned by each spaceholder. The Watermaster shall

amend the supplemental pool rental contract(s) to reflect any reduced quantity required by this provision.

- 8.5.104 *Rental Contract Approval.* Following receipt of a supplemental pool rental contract, the Watermaster shall determine whether the contract is in compliance with these procedures, and, if so, shall approve the same; provided, however, if the date of publication has not yet occurred, approval of the contract shall be conditioned on the spaceholder having a sufficient storage allocation during the accounting year to satisfy the contract.
- 8.6 **Notice of Contract Approval and Payment to Consignors.** The consignors shall receive one-hundred percent (100%) of the lease price apportioned according to the quantity of storage each spaceholder consigned through the supplemental pool. The Watermaster shall notify spaceholder(s) who submitted supplemental pool rental contracts of the approved amount and distribute the funds to the lessors within 30 days following approval or conditional approval of an application under Procedure 8.4.103 and rental contract approved under Procedure 8.5.104.
- 8.7 **November 1 Carryover Unaffected.** For purposes of determining the amount of storage available for flow augmentation under Procedure 5.2.105(a), storage leased through the supplemental pool shall not affect the November 1 carryover quantity on Table 1.

PROCEDURE 9.0 STORAGE ALLOCATED TO PALISADES WATER USERS, INC. (PWUI)

- 9.1 **Background and Purpose.** PWUI is an entity originally organized at the specific request of the Bureau to group, under one entity, all individual water users who applied for an allocation of Palisades Reservoir storage because Reclamation's policy at that time was that it would not enter into repayment contracts with individual water users. PWUI does not own natural flow water rights, has no designated service area, and does not own a water delivery system. Instead, PWUI shareholders call for delivery of water allocated to their shares through their own delivery systems or the systems of other irrigation entities and have historically been able to change the location of PWUI storage deliveries upon simple notification to the District. The shares do not describe specific property where storage allocated to such shares are used. One share of PWUI stock is equivalent to one acre-foot of PWUI space in Palisades Reservoir, and allocations of water to PWUI shareholders are made upon that basis. The provisions of Procedure 9.0 are included herein to clarify, between PWUI and the District, how to properly categorize the delivery of PWUI storage to various points of delivery.
- 9.2 **Delivery of PWUI Storage Water.** Storage allocated to PWUI shares shall not be considered a private lease under Procedure 7.5 in the following circumstances:
- 9.2.101 The delivery of storage to an irrigation delivery system where the PWUI shareholder has an ownership interest or leasehold interest in property capable of receiving delivery of water through such system.
- 9.2.102 The delivery of storage allocated to a PWUI shareholder which is assigned to another PWUI shareholder for an amount up to the assignee's unfilled PWUI allocation for the Accounting Year.
- 9.2.103 The delivery of storage allocated to PWUI's treasury stock provided to a PWUI shareholder.

- 9.3 **Private Leases of PWUI Storage Water.** Storage allocated to PWUI shares shall be considered a private lease under Procedure 7.5 and subject to impacts under Procedure 7.5 in the following circumstances:
- 9.3.101 The delivery of storage allocated to PWUI's treasury stock provided to a non-PWUI shareholder for any purpose.
 - 9.3.102 The delivery of storage allocated to a PWUI shareholder which is assigned to another PWUI shareholder for an amount more than the assignee's unfilled PWUI allocation for the Accounting Year.
 - 9.3.103 The delivery of storage allocated to a PWUI shareholder provided to a non-PWUI shareholder for any purpose.
 - 9.3.104 The delivery of storage to a PWUI shareholder which is used for recharge.
- 9.4 **Applicability of Procedure 5.5 To PWUI Storage.**
- 9.4.101 Procedure 5.5 shall apply to private leases of PWUI storage described in Procedure 9.3.101.
 - 9.4.102 Subject to Procedure 9.4.103, the Committee hereby grants PWUI an exception from the provisions of Procedure 5.5 such that PWUI shall not be prohibited from leasing water from the Common Pool because of private leases by PWUI shareholders under Procedures 9.3.102 through 9.3.104.
 - 9.4.103 Water leased from the Common Pool by PWUI under Procedure 9.4.102 shall not be allocated to or used by PWUI shareholders who engage in private leases described under Procedures 9.3.102 through 9.3.104.
- 9.5 **Allocation of Impacts to PWUI.** The allocation of impacts described in Procedure 7.5 of these procedures for private leases described under Procedure 9.3 shall be made to PWUI as the spaceholder. PWUI shall thereafter internally allocate the impacts to the individual PWUI shareholders who participate in private leases described under Procedures 9.3.102 through 9.3.104.
- 9.6 **Information Provided to District.** PWUI shall provide sufficient information to the District to allow the District to verify PWUI's characterization of the assignment of PWUI storage under Procedure 9.0.
- 9.7 **Assignment of PWUI Shares to Canal Headings.** PWUI shareholders shall assign its shares to the canal heading where such PWUI shareholder is most likely to request delivery of storage. Water District 1 shall only account for the delivery of PWUI storage when (1) notified by the PWUI shareholder that such shareholder is taking delivery of storage through a canal; or (2) the manager of a canal reports the delivery of PWUI storage to Water District 1.

PROCEDURE 10.0 ASSIGNMENT POOL

10.1 **Purpose.** To provide a voluntary mechanism for participating spaceholders to assign a portion of their storage allocation to be made available for flow augmentation rentals below Milner and also to be made available for other rentals diverted above Milner, including storage rental conveyance and/or exchanges of storage from Water District #1 to other water district diversions that are not regulated by the Water District #1 Watermaster.

10.2 **Assignors.** Any participant may assign storage. An assignment of storage shall be made in writing on forms approved by the Watermaster.

10.3 **Limitations.** A participant may not assign storage and rent storage from the common pool in the same accounting year unless an exception is granted by the Rental Pool Subcommittee. Non-participating spaceholders may not rent storage from the assignment pool. (Additonal exceptions needed?)

10.4 **Distribution of Assigned Storage.**

10.4.101 *Dates of assignment.* Storage assigned by participants on or before June 1 shall be rented on a pro-rata basis until all such storage assigned by June 1 has been purchased. Storage assigned from June 2 through November 30 shall be rented to purchasers after all storage assigned by June 1 has been rented and shall be distributed in the order assignments are received by the District. For example, all storage assignments received on June 2 shall be rented in their entirety before storage assigned on June 3, and all storage assignments received on June 3 will be rented in their entirety before storage assignments received on June 4, and so on.

10.4.102 *Payment to Assignors.* Each participant assigning storage on or before June 1 shall be paid a pro-rata share of all net proceeds for assignment pool rental until 100% of the storage assigned on or before June 1 has been rented. Each participant assigning storage after June 1 shall receive 100% of the net price for any of their assigned storage rented.

10.4.103 *Rental Approval and Priority.* Applications to purchase assigned storage may be submitted at any time after April 5 but will not be approved until beginning June 2. If total applications exceed total assignments on June 1, applications will be approved according to the following priorities:

(a) *First Priority.* Rental for flow augmentation pursuant to Procedure 10.6.

(b) Second Priority. Rentals by participants for any purposes above Milner.

(b) ~~Second~~ Third *Priority.* Water users that have purchased rental or leased storage from the Water District #1 Rental Pool for purposes above Milner in years prior to 2019.

(c) ~~Third~~ Fourth *Priority.* All other applicants to purchase assigned storage diverted for purposes above Milner.

If the assignment supply is insufficient to satisfy all purchase applications in a priority, applications in that priority shall be approved in the order they were received on or before June 1. Applications to purchase assigned storage received after June 1 will be approved in the order received after all purchase applications received on or before June 1 have been satisfied and remaining assigned storage is available to satisfy purchase applications received after June 1.

10.4.104 *Assignor Payments and Return of Unrented Assignment Storage.* Assignors will be paid the total amount of rental prices collected for assignment rentals. Any unrented assigned storage will be returned to assignors' carryover at the end of the year.

10.4.105 *Timing of Payments.* Payments will be made to assignors in December of the year in which proceeds were collected.

- 10.5 **Applications to Purchase Assigned Storage for Uses above Milner.** Applications to rent storage from the assignment pool shall be made in writing on forms approved by the Watermaster.
- 10.6 **Rental Supplied for Flow Augmentation.** If the storage supplied from Table 1 for flow augmentation is insufficient to meet the needs described in the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement, ~~and~~ the Committee has approved providing extraordinary circumstances rental under Procedure ~~5.2.105(b)~~ 11.0, ~~and~~ the supply for the extraordinary circumstances pool is insufficient to provide the entire request from the Bureau, any remaining requested amount not supplied by the extraordinary circumstances pool rental shall come from the available assignment pool supply according to the priorities described in Procedure 10.4.103 ~~ahead of any remaining amount of extraordinary circumstances rental supplied from the common pool.~~
- 10.7 **Rental Prices for Assigned Storage**
- 10.7.101 *Tier 5.* If the storage system fills, the rental price for purposes above Milner shall be \$35.00 per acre-foot.
- 10.7.102 *Tier 6.* If the storage system does not fill but storage is provided for flow augmentation pursuant to Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$45.00 per acre-foot.
- 10.7.103 *Tier 7.* If the storage system does not fill and no flow augmentation water is provided pursuant to Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$55.00 per acre-foot.
- 10.7.104 *Determination of Tier 5, 6, or 7 Rental Price:* Unless the storage system has filled, the Watermaster shall designate on or before April 5 either Tier 6 or Tier 7 as the rental price for above-Milner rentals. If at any time during the same accounting year, the storage system should subsequently fill, the Watermaster shall designate Tier 5 as the rental price for above-Milner rentals and refund any excess rental fees within 30 days after the date of publication.
- 10.7.105 *Tier 8:* The rental price for storage rented for flow augmentation shall be \$17.00 per acre-foot.
- 10.7.106 *Fees & Surcharges.* There shall be added to the rental price for all rentals the Board surcharge and administrative fee, resulting in the following summed amounts charged for assignment pool rentals for the various tiers described in Procedures 10.7.101 through 10.7.105:
- (a) Tier 5: $\$35.00 + \$3.50 + \$1.30 = \39.80
 - (b) Tier 6: $\$45.00 + \$4.50 + \$1.30 = \50.80
 - (c) Tier 7: $\$55.00 + \$5.50 + \$1.30 = \61.80
 - (d) Tier 8: $\$17.00 + \$1.70 + \$1.30 = \20.00
- 10.8 **Application Approval and Deliveries to Diversions in Water Districts other than Water District #1.** Applications submitted with the appropriate forms, rental prices, fees, and surcharges for purchasing assignment pool storage shall be approved according to Procedure 10.4.103 as assignment pool storage becomes available. However, application approval does not guarantee delivery and/or exchange of assignment pool storage to diversions that are not measured or regulated by Water District #1 unless the daily diversion of rental storage is reported by the Watermasters of those districts to the Water District #1 Watermaster to facilitate the proper

accounting of storage rental exchanges and deliveries to water districts outside of Water District #1.

- 10.9 **Rental Refunds.** Funds collected for approved rental applications will not be refunded regardless of whether or not the rental storage was used by the assignee. Applications that were not approved, or a written request to withdraw the application prior to its approval is received by the district from the applicant, shall have their application monies refunded in December of the year in which the proceeds are collected.

PROCEDURE 11.0 EXTRAORDINARY CIRCUMSTANCES POOL-

- 11.1 **Purpose.** To provide flow augmentation rentals in excess of the amount provided in Procedure 5.2.105, upon a request by the Bureau for additional Water District 1 rentals consistent with the terms of the 2004 Snake River Agreement and these Procedures to further flow augmentation reliability as modeled in the 2007 Biological Assessment, the Committee shall consider making available a greater amount of storage rental if it determines on or before July 1 that extraordinary circumstances justify an additional amount of storage be made available for flow augmentation and existing uses (legal and equitable title to storage rights) are protected consistent with the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement. The Bureau and Committee will also consider on years when Milner spill occurs, the preservation of Uncontracted and Powerhead storage for use in subsequent years; provided, the Bureau exercises sole discretion over whether to use storage in its Uncontracted and Powerhead space for flow augmentation, so long as such use is consistent with the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement and applicable law.
- 11.2 **Quantity.** The maximum quantity of storage authorized to be leased through the extraordinary circumstances pool shall be determined annually by the Committee taking into account the advice and recommendation of the Rental Pool Subcommittee, together with current and forecasted hydrological conditions and estimated demand on the rental pool for above Milner uses.
- 11.3 **Price, Fees, & Surcharges.** The rental price for storage rented for flow augmentation shall be \$17.00 per acre-foot plus a \$1.70 Board surcharge plus a \$1.30 administrative fee, resulting in a total \$20.00 per acre-foot charge.
- 11.4 **Extraordinary Circumstance Pool Supply.**
- 11.4.101 Notice to Spaceholders of Opportunity to Consign Storage through the Extraordinary Circumstance Pool. The Watermaster shall provide notice of the extraordinary circumstance pool on the Water District 1 website, which shall include the following information:
- (a) The maximum quantity of storage authorized to be rented through the extraordinary circumstance pool;
 - (b) The rental supply deadline as authorized by the Committee;
 - (c) Instructions for spaceholders interested in consigning storage through the extraordinary circumstance pool, including instructions for executing a standardized circumstance pool rental contract; and

- (d) The deadline, as set by the Committee, for the Watermaster to receive extraordinary circumstance pool rental contracts from spaceholders interested in consigning storage through the extraordinary circumstance pool.

11.4.102 *Extraordinary Circumstance Rental Contracts.* Spaceholders interested in consigning storage through the extraordinary circumstance pool shall execute a standardized extraordinary circumstance pool rental contract, which shall be provided by the Watermaster and include provisions for the following:

- (a) Limit eligibility to consign storage through the extraordinary circumstance pool only to spaceholders who qualify as participants under Procedure 2.28;
- (b) The quantity sought to be consigned by the spaceholder may be any amount, except that the total amount of storage consigned pursuant to Procedure 11 may not exceed either the maximum quantity set by the Committee under Procedure 11.2 or 10% of the spaceholder's total reservoir system space, unless an exception is approved by the Rental Pool Subcommittee;
- (d) The quantity actually consigned by the spaceholder may be reduced depending upon the number of spaceholders who elect to consign storage through the extraordinary circumstance pool as provided in Procedure 11.4.103;
- (e) That, in the event the spaceholder elects to sign a standard pool rental contract before the date of publication, the spaceholder assumes the risk that its storage allocation may be less than the spaceholder anticipated; and
- (f) Notice to the spaceholder that if the spaceholder's consignment through the extraordinary circumstance pool causes computed impacts, the mitigation required under Procedure 7 will result in an amount of the spaceholder's space, not to exceed the quantity of storage consigned by the spaceholder, being assigned a junior priority, an accounting commonly referred to as "last to fill."

11.4.103 *Distribution of Storage to the Extraordinary Circumstance Pool.* If, following the deadline for receipt of executed extraordinary circumstance pool rental contracts, the Watermaster determines that the total quantity of storage sought to be consigned through the extraordinary circumstance pool exceeds the quantity limitation established under Procedure 11.2, then the Watermaster shall reduce the quantity of each extraordinary circumstance pool rental contract to a pro rata share based on the amount of storage sought to be consigned by each spaceholder. The Watermaster shall amend the extraordinary circumstance pool rental contract(s) to reflect any reduced quantity required by this provision.

11.4.104 *Rental Contract Approval.* Following receipt of an extraordinary circumstance pool rental contract, the Watermaster shall determine whether the contract is in compliance with these procedures, and, if so, shall approve the same; provided, however, if the date of publication has not yet occurred, approval of the contract shall be conditioned on the spaceholder having a sufficient storage allocation during the accounting year to satisfy the contract.

11.5 **Notice of Contract Approval and Payment to Consignors.** The consignors shall receive the lease price apportioned according to the quantity of storage each spaceholder consigned through the extraordinary circumstance pool. The Watermaster shall notify spaceholder(s) who submitted extraordinary circumstance pool rental contracts of the approved amount and distribute the funds to the lessors within 30 days following approval or conditional approval of a request under Procedure 11.1 and rental contract approved under Procedure 11.4.104.

11.6 **Using Extraordinary Circumstances Pool Supply for Flow Augmentation Ahead of Assignment Pool Supply.** If the amount supplied by participants to the extraordinary circumstance pool exceeds the amount requested by the Bureau for extraordinary circumstances rental, all extraordinary circumstances rental shall be supplied through the extraordinary circumstances pool. If the amount supplied by participants to the extraordinary circumstance pool is less than the

amount requested by the Bureau for extraordinary circumstances rental, the extraordinary circumstance rental shall be first supplied by the extraordinary circumstance pool and any remaining amount of extraordinary circumstance rental shall be supplied from the amount available to flow augmentation in the assignment pool pursuant to Procedure 10.0

From: Mary Condon
To: Idaho Water Resource Board (IWRB)
Re: Amendments to the Upper Snake River Rental Pool Procedures for 2022
Date: March 28th, 2022

The Water District 1 Advisory Committee (also known as the Committee of Nine, Co9) is the Idaho Water Resource Board (IWRB) appointed local committee for the Upper Snake River Rental Pool, and it is authorized to facilitate the lease and rental of stored water in Upper Snake River reservoirs, per state laws and rules specific to the Water Supply Bank.¹ Rental pool committees may adopt rental pool procedures to govern rental pool operations. Rental pool procedures must be approved by the IWRB.

The Co9 met on March 1st, 2022, concurrent with the Water District 1 annual meeting, to discuss approving changes to the rental pool procedures for 2022. This memo is a summary of the rental pool procedures for 2022 which were approved by the Co9 at their March 1st meeting.

This memo is divided into two sections to address:

- 1) a comparison of the Rental Pool Procedures and the Water Supply Bank Rules; and
- 2) specific comments about the amended procedures for 2022.

A Comparison of Rental Pool Procedures and Water Supply Bank Rules

Water Supply Bank rules require that rental pool procedures adopted by local committees should provide for twelve rental pool elements.² Included below are the twelve required rental pool elements and references to Upper Snake River Rental Pool procedural text that pertain to the twelve rental pool elements.

Rule 40.1.a - Determination of priority among competing applicants to lease stored water to the rental pool and to rent stored water from the rental pool

Sections 3.1 and 3.2 of the amended procedures (“purposes”) articulate intended priorities and constraints for lease and rental applications, while sections 4.3 (“applications”) and 10.4.103 (“rental approval and priority” [of storage assignments]) outline when and how different rental pool applications should be submitted. Section 5.3 (“priorities for renting storage”) provides details on how competing rental applications should be prioritized.

Rule 40.1.b - Determination of the reimbursement schedule for those leasing stored water into the rental pool Section 5.2.108 (“Participant Payments”) pertain to lessor payments for the rental of stored water from all leases and defined pools in a given year, while section 8.6 (“notice of contract approval and payment to consignors”) provides that water users who lease (‘consign’) stored water to the supplemental pool shall receive compensation within thirty days of execution of a supplemental pool contract. Section 10.4.102 (“payment to assignors”) provides details on how payments for rentals of assigned storage should be distributed.

Rule 40.1.c - Determination of the rental price charge to those renting stored water from the rental pool The means of determining the rental price is somewhat complicated, as the procedures allow for different dollar per acre-foot (\$/af) “rental prices” for rentals from different pools within the rental pool.

¹ Idaho Code, sections 42-1761 through 42-1765, and IDAPA Rules 37.02.03

² Water Supply Bank Rules 40.1.a through 40.1.k and Rule 40.2

Sections 5.4 prescribes that common pool rental prices should either be \$7/af, \$17/af or \$25/af, contingent on the fill of the reservoir system in a given year. Section 6.3 specifies that a lessor will receive 100% of whatever is agreed to between a lessor and renter for a private lease-rental through the rental pool. Section 8.3.102 allows for the rental pool local committee to establish an undefined rental price for supplemental pool rentals, while sections 10.7.101 ~ 10.7.105 define that assignment pool rentals shall be \$17/af, \$35/af, \$45/af or \$55/af, contingent on the fill of reservoir system. New Procedure 11.0 Extraordinary Circumstance Pool, adds section 11.2 which states the rental price shall be \$17/af.

Rule 40.1.d - Determination of the administrative charge to be assessed by the local committee

Section 2.3 defines that an administrative fee will be levied on all rentals, for distribution to Water District 1, however it does not define what the administrative fee should be. Section 5.4.106 specifies that an administrative fee will be \$1.30/af for common pool rentals. Section 6.4 specifies that an administrative fee shall be levied on all private lease/rentals of storage water, however the administrative fee is not described; presumably the administrative fee for private lease-rentals is also \$1.30/af. For rentals from the supplemental pool, section 8.3.102 states that the administrative fee shall be \$1.50/af. Section 10.7.106 specifies that for rentals from the assignment pool, the administrative fee is \$1.30/af. New Procedure 11.0 Extraordinary Circumstances Pool, also adds section 11.3 which states that the administrative fee shall be \$1.30/af.

Rule 40.1.e - Allocation of stored water leased to the bank but not rented

Section 4.3.106 ("deadline to designate point of diversion or place of use") may address rule 40.1.e, by acknowledging that unused storage may "revert back to the common pool and/or lessor, respectively."

Rule 40.1.f - Notification of the Department and the watermaster of any rentals where stored water will be moved from the place of use authorized by the permit, license, or decree establishing the stored water right

Section 4.3.101 ("applications") provides a mechanism by which the local committee can make a determination as to whether a proposed rental will move storage water beyond the place of use authorized on the permit, license or decree establishing the stored water right. Although the procedures are silent with respect to a written requirement that the local committee notify the Department and watermaster of rentals contemplated by rule 40.1.f, the fact that the procedures recognize the Watermaster of Water District 1 as the manager of the rental pool, and the fact that the watermaster is typically also an employee of the Department of Water Resources, and the fact that watermasters are authorized by the Director of IDWR to perform duties for water districts, functionally allows for rule 40.1.f to be satisfied.

Moreover, the places of use authorized to be irrigated with storage water from Upper Snake River reservoir system includes lands in Madison, Minidoka, Bannock, Bingham, Bonneville, Cassia, Elmore, Fremont, Gooding, Jefferson, Jerome, Lincoln, Minidoka, Power, Teton and Twin Falls counties. As such, rentals of stored water for irrigation don't typically move from their authorized places of use.

Rule 40.1.g - Submittal of applications to rent water from the rental pool for more than five (5) years to the Board for review and approval as a condition of approval by the local committee

The proposed procedures are silent regarding the need to submit rentals for more than five years to the IWRB for approval. However, because rental pool local committee appointments are only for five year durations, rentals cannot effectively be approved for more than five years.

Rule 40.1.h - Prevention of injury to other water rights

Section 3.2 ("purposes") acknowledges that the procedures should "*maintain adequate controls, priorities, and safeguards to insure [sic] that existing water rights are not injured...*" however the procedures thereafter are silent on how this policy is to be interpreted and realized. Previous comments requested from Water

District 1 staff on this topic indicated injury is not necessarily considered to be likely through a rental, and only “impacts” (which are not necessarily considered equivalent to injury) should be considered and accounted for.

Rule 40.1.i - Protection of the local public interest, except for applications submitted pursuant to the interim authority provided by Section 42-1763A, Idaho Code (Section 42-1763B, Idaho Code)

The proposed procedures make no mention of the words “local public interest.” Previous comments from Water District 1 staff have been interpreted to suggest the content of section 3.0 (“purposes”) and section 5.3 (“priorities”) may be sufficient to protect local public interests.

Rule 40.1.j - Consistency with the conservation of water resources within the state of Idaho, except for applications submitted pursuant to the interim authority provided by Section 42-1763A, Idaho Code

There is no mention of the conservation of water resources within the procedures.

Rule 40.1.j - Management of rental pool funds as public funds pursuant to the Public Depository Law, Chapter 1, Title 57, Idaho Code

Rental pool procedure section 4.4.101 (“rental pool account”) acknowledges that rental pool funds are subject to Idaho’s public depository laws.

Rule 40.2 – Local committee procedures shall provide that a surcharge of ten percent (10%) of the rental fee charged per acre foot of stored water rented from the rental pool shall be assessed and credited to the...Board...

Section 2.10 of the procedures (“Board Surcharge”) provides that *“a surcharge equal to ten percent (10%) of the rental price or lease price assessed on the total quantity of storage set forth in any rental or lease application, [shall be] disbursed to the Board at the end of the irrigation season”*.

Rental Pool Procedure Comments

The following summarizes additional aspects of the amended Upper Snake River Rental Pool procedures that are relevant for consideration by the Idaho Water Resource Board:

The addition of new, defined rental pool, called the Extraordinary Circumstances Pool. The supply for the Extraordinary Circumstances rental was moved from previously being supplied by the Common Pool (Procedure 5.2.105(b)) to currently being supplied by the newly created Extraordinary Circumstances Pool (Procedure 11.0). New Procedure 11.0, sections 11.1 through 11.6 allows participants to choose whether they do or do not provide for storage for the pool, and defines lease and rental requirements, rental fees and admin fees associated with the rental pool, approval and payments, as well as use of the pool ahead of the Assignment Pool supply.

Additionally, sections 5.2.107 & 5.2.108 were modified, and sections 5.2.109 and 5.2.110 completely. Changes to 5.2.107 through 5.2.110 was to change how participant allocations were “impacted” by supplying storage from the Common Pool for purposes listed in 5.2.102 through 5.2.106. Under the previous procedures when excess storage was not spilled past Milner, the “impacts” to participant storage allocations was disproportionate. The new procedures ensure that all participant storage allocations are impacted by an identical percentage reduction. Because the reductions will be identical amongst all participants and the precise percentage of reduction cannot be computed until the Day of Allocation, the portion of the rental payment under the “1st Installment” cannot be sent prior to the Day of Allocation. Therefore, the reference to installment of payments (previously described in old procedures 5.2.108 through 5.2.110) was eliminated and a new single payment is described in the new language added to 5.2.108.

Procedure 5.2.101 says that spaceholders have until April 7th to “opt out” from participating in the rental pool procedures. If less than 75% of the reservoir system space remains “opted in” after the April 7th deadline, the Committee will need to revise the procedures as necessary to maintain the 75% or greater threshold.

It would only take a few large canals to “opt out” to fall below the 75% threshold, and several space holders are still undecided. If less than 75% of the space remains “opted in” to the new procedures following the deadline, the only option available to the Committee would be to revert back to the previous 2021 procedures to which more than 75% of the space has previously “opted in”.

The following summary is still requested for consideration by the Water Resource Board, as it has been summarized in previous review submissions on the Upper Snake River Rental Pool procedures:

A moratorium on all private leases, assignment or common pool rentals that deliver water to “new” lands
Section 3.4 of the procedures prescribe an indefinite *“moratorium on all private leases and rentals that deliver supplemental irrigation storage water to land that does not have a primary irrigation water right...”*. The stated purpose of the moratorium is to *“prevent further declines in the Eastern Snake Plain Aquifer...and to ensure new consumptive uses...do not further impact the storage supply”* of the rental pool.

Because the moratorium language of section 3.4 seeks to prohibit the approval of rentals of storage water for new irrigation uses, it is inconsistent with the mandate of the Water Supply Bank, which requires that the Bank provide a source of adequate water supplies to benefit new water uses.

In recognition that the real outcomes of the moratorium may not accomplish the stated objectives of the action, and that there may be other ways to authorize a denial of rentals of storage water to “new” lands without implementing a moratorium, the IWRB might consider continued engagement with the Co9, to assist them in crafting alternative provisions into future iterations of the rental pool procedures.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF APPROVAL OF AMENDED
RENTAL POOL PROCEDURES FOR THE UPPER
SNAKE RIVER RENTAL POOL

RESOLUTION TO APPROVE AMENDED RENTAL
POOL PROCEDURES FOR 2022

1 WHEREAS, section 42-1765, Idaho Code and subsections of IDAPA 37.02.030.40, Water
2 Supply Bank Rule 40, authorizes the Idaho Water Resource Board to appoint local committees to
3 facilitate the lease and rental of stored water within rental pools; and
4

5 WHEREAS, the Water District 01 Advisory Committee is the local committee appointed by
6 the Idaho Water Resource Board to facilitate the lease and rental of stored water within the
7 Upper Snake River Rental Pool; and
8

9 WHEREAS, the Water District 01 Advisory Committee has adopted amended procedures
10 for the calendar year 2022, pursuant to which they intend to facilitate the lease and rental of
11 rental pool stored water; and
12

13 WHEREAS, the Director of the Department of Water Resources has reviewed the local
14 committee procedures and has recommended that the Idaho Water Resource Board approve the
15 2022 rental pool procedures; and
16

17 NOW, THEREFORE BE IT RESOLVED that the Water District 1 2022 Rental Pool Procedures
18 are approved by the Idaho Water Resource Board
19

20 NOW, THEREFORE BE IT RESOLVED that if, pursuant to Rule 5.2.101 of the Water District
21 01 2022 Rental Pool Procedures, additional amendments or changes to the rental pool
22 procedures are needed, such changes will be subject to additional review and recommendation
23 by the Director of IDWR and approval by the Idaho Water Resource Board.

DATED this 1st day of April 2022.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST _____
JO ANN COLE-HANSEN, Secretary

Memorandum

To: Idaho Water Resource Board (IWRB)
From: Sean Vincent
Date: March 22, 2022
Re: Treasure Valley Drain Gaging



I will present a resolution is to provide funding to the USGS to continue monitoring 10 real-time agricultural drain gages plus three miscellaneous measurement sites in the lower Treasure Valley. As described during my presentation to the Aquifer Stabilization Committee on February 11, 2022, aquifer discharge into agricultural drains is the single largest outflow term in the water budget for the Treasure Valley aquifer system and drain monitoring data will be needed for recalibration of the Treasure Valley groundwater flow model in the future. The money for this activity was included as a line item in the FY2022 budget so this resolution is to authorize expenditure of those previously earmarked funds.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE TREASURE VALLEY
GROUNDWATER FLOW MODEL

RESOLUTION TO AUTHORIZE FUNDING
FOR OPERATION AND MAINTENANCE OF
AGRICULTURAL DRAINS IN THE LOWER
TREASURE VALLEY

1 WHEREAS, in 2016, the Idaho Water Resource Board (IWRB) commissioned the U.S. Geological
2 Survey to establish and operate 10 real-time drain gaging sites plus three miscellaneous measurement
3 sites to support development of the Treasure Valley Ground Water Flow Model; and
4

5 WHEREAS, agricultural drains in the lower Treasure Valley are collectively the largest aquifer
6 outflow from the Treasure Valley aquifer system; and
7

8 WHEREAS, the period of funding for the model development project has ended and additional
9 funding is now needed to maintain the Treasure Valley drain monitoring network; and
10

11 WHEREAS, the IDWR modeling team supports ongoing collection of drain flow and other
12 hydrologic monitoring data to allow for recalibration of the Treasure Valley Groundwater Flow Model in
13 the future; and
14

15 WHEREAS, money for ongoing drain monitoring was included as a line item in the IWRB's
16 FY2022 Secondary Aquifer Planning, Management, and Implementation Fund budget; and
17

18 NOW, THEREFORE, BE IT RESOLVED that the IWRB authorizes funds in the amount of \$125,000 from
19 the IWRB's Second Aquifer Planning, Management, and Implementation Fund for the operation of
20 maintenance of agricultural drain monitoring stations in the lower Treasure Valley.

Dated this 1st day of April 2022

Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST _____
Jo Ann Cole-Hansen, Secretary

Memorandum

To: Idaho Water Resource Board (IWRB)

From: Sean Vincent

Date: March 22, 2022

Re: Groundwater Flow Model Development for the Big Lost River Valley



I will present a resolution to authorize funding to have the USGS develop a groundwater flow model for the Big Lost River Valley. As described in my presentation to the Aquifer Stabilization Committee on February 11, 2022, the model will incorporate findings of recent studies by the USGS, IGS, and IDWR to characterize the water resources of the valley. The USGS estimates that the modeling project will take approximately three years to complete and the cost to the State of Idaho is \$480,000. The USGS plans to begin work upon completion of the Treasure Valley groundwater flow model development project.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE BIG LOST RIVER
GROUNDWATER FLOW MODEL

RESOLUTION TO AUTHORIZE FUNDING
FOR DEVELOPMENT OF A
GROUNDWATER FLOW MODEL

1 WHEREAS, in February 2022, IDWR conducted a statistical analysis of water level data from wells
2 in the Big Lost River Valley. The analysis indicates a statistically significant average water level decline of
3 0.38 ft/yr for the period 1970 to 2020; and
4

5 WHEREAS, the observed water level declines have increased losses from the Big Lost River; and
6

7 WHEREAS, the Big Lost River and the hydraulically connected aquifer system are both important
8 sources of water for irrigated agriculture, which is important to the local economy; and
9

10 WHEREAS, in response to concerns about the adequacy of the surface and groundwater supplies
11 in the Big Lost River basin, a petition to the IDWR Director to designate a Critical Ground Water Area
12 was submitted by the Butte County Commissioner in September 2016, and signed by over 200 water
13 users; and
14

15 WHEREAS, in May 2017 a second petition was submitted by the Chairman of the Big Lost River
16 Ground Water District to instead designate a ground water management area in the Big Lost River basin;
17 and
18

19 WHEREAS, in June 2017 both pending petitions were withdrawn, and the petitioners agreed to
20 cooperate in developing a ground water management plan for approval by the IDWR Director; and
21

22 WHEREAS, a groundwater flow model would be useful to quantify the hydrologic water impacts
23 of water management alternatives for development of a ground water management plan for the Big
24 Lost River basin; and
25

26 WHEREAS, from 2018 to 2022, IDWR conducted a project to characterize the surface and
27 groundwater hydrology of the Big Lost River Basin. IDWR partnered with the Idaho Geological Survey
28 (IGS) and the United States Geological Survey (USGS); and
29

30 WHEREAS, the above-referenced project provides a foundation for groundwater flow model
31 development; and
32

33 WHEREAS, the United States Geological Survey partnered with IDWR on the above-referenced
34 hydrologic characterization project and previously collaborated with IDWR on groundwater flow model
35 development projects for the Spokane Valley-Rathdrum Prairie, Wood River Valley, and Treasure Valley
36 aquifer systems; and
37

38 WHEREAS, with input from IDWR, the USGS developed a scope of work and cost estimate to
39 develop a groundwater flow model for the Big Lost River basin aquifer system; and

Resolution No. _____

40 WHEREAS, the proposed groundwater flow model development would be completed by the USGS
41 with oversight from IDWR over a three year-period at a cost of \$480,000; and
42

43
44 NOW, THEREFORE, BE IT RESOLVED that the IWRB authorizes funds in the amount of \$480,000 from
45 the IWRB's Second Aquifer Planning, Management, and Implementation Fund for development of a numerical
46 groundwater flow model of the Big Lost River basin aquifer system.

Dated this 1st day of April 2022

Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST _____
Jo Ann Cole-Hansen, Secretary

March 18,2022

Jeff Raybold, Chairman
Idaho Water Resource Board
322 East Front Street
Suite 648
Boise, Idaho 83702

RE: Petition to Match Contributions to the Conservation, Infrastructure and Efficiency Fund—Big Wood River Ground Water Management Area

Dear Members of the Idaho Water Resource Board,

As you are aware, the Big Wood River Ground Water Management Area (BWRGWMA) Advisory Committee has been working since late 2020 to address the water supply challenges in Water District 37. The committee writes today to ask for your financial support in addressing some of those challenges.

The BWRGWMA Advisory Committee (Advisory Committee) has been working with the help of the Idaho Department of Water Resources to develop a three-year term sheet that will form the basis of a Ground Water Management Plan for Basin 37. The term sheet has been signed by all parties and the Management Plan has been reviewed by the Advisory Committee and is pending final approval by Director Spackman. A copy of the Management Plan is attached to this request.

One of the elements of the Plan is the Conservation, Infrastructure and Efficiency Fund (CIEF). The primary purpose of the CIEF is to underwrite projects that will improve the efficiency of water delivery throughout the watershed, a common interest among water users across the water district. The CIEF will also fund some storage water purchases. Applicants seeking funding from the CIEF will be expected to pursue funding from non-CIEF sources as appropriate, to further leverage any IWRB contributions. The cities, Sun Valley Co., Sun Valley Water and Sewer and other non-irrigation ground water users will contribute \$10/acre foot of ground water pumped to the fund annually based on a five-year rolling average. Camas Prairie ground water users will contribute \$10,000 each year.

The CIEF will be governed by a committee which will include an equal number of ground water and surface water users as well as a representative from the Idaho Water Resource Board. The CIEF committee will report contributions, expenditures, and committee decisions to the Advisory Committee and the IWRB. CIEF funds will be held and administered by the Wood River Resource Conservation and Development Council (WRRCDC) which currently serves as custodian of the funds contributed by local entities towards Idaho Power's cloud seeding program in the Wood River watershed.

We respectfully petition the Idaho Water Resource Board to match the contributions made by water users each year to the CIEF in an amount not to exceed \$200,000.

Thank you for your consideration of our request and for your support of our efforts.

Signatures of the representatives of the parties are attached to this letter.

BIG WOOD CANAL COMPANY

Carl Pendleton

Date

Board Chair, Big Wood Canal Co

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

Cooper Brossy 3-16-22

Cooper Brossy

Date

Representative, BWLWWUA

GALENA GROUND WATER DISTRICT

A handwritten signature in blue ink, appearing to read 'Pat McMahon', is written over a horizontal line.

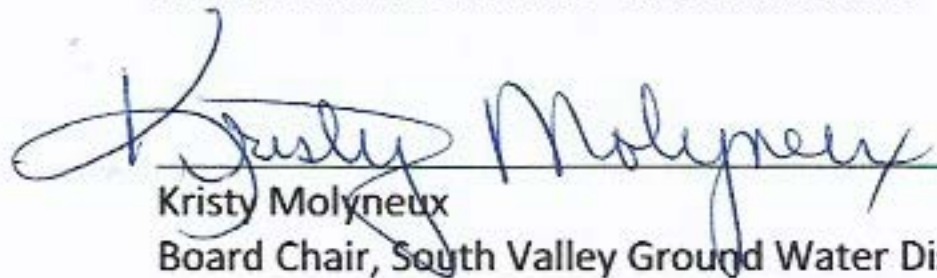
3/17/22

Pat McMahon

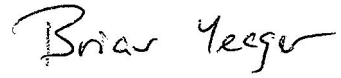
Date

Board Chair, Galena Ground Water District

SOUTH VALLEY GROUND WATER DISTRICT

 3-16-2022
Kristy Molyneux Date
Board Chair, South Valley Ground Water District

CITY OF HAILEY



03/21/2022

Date

Brian Yeager, Public Works Director

Print Name and Title

SUN VALLEY COMPANY



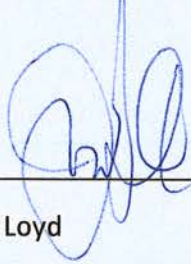
03/21/2022

Corey Allen

Date

Sun Valley Co. Representative

SUN VALLEY WATER AND SEWER DISTRICT



Jim Loyd

3/2/2022

Date

Chair, Sun Valley Water & Sewer District

WATER DISTRICT 37B GROUND WATER ASSOCIATION

William Simon 3/19/22
William "Bill" Simon Date
Representative

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE BIG WOOD RIVER
GROUND WATER MANAGEMENT AREA
MANAGEMENT PLAN – CONSERVATION,
INFRASTRUCTURE, AND EFFECIENCY FUND

RESOLUTION TO MAKE A FUNDING
COMMITMENT

1 WHEREAS, on June 18, 1991 the Director of the Department of Water Resources (Director)
2 designated the Big Wood River Ground Water Management Area (BWRGWMA); and
3

4 WHEREAS, The BWRGWMA includes that portion of the Big Wood River drainage upstream from
5 Magic Reservoir, including the Camas Prairie aquifer system, and also includes the upper Silver Creek
6 drainage in the vicinity of Picabo; and
7

8 WHEREAS, the surface and ground waters of the Big Wood River drainage are interconnected such
9 that diversion of ground water from wells can deplete the surface water flow in streams and rivers. New
10 ground water uses can also deplete available supplies for other users and affect basin underflow which
11 presently accumulates in the Magic Reservoir; and
12

13 WHEREAS, the primary management strategy after the 1991 designation of the BWRGWMA was
14 to restrict the approval of new groundwater appropriations in the BWRGWMA unless the applicant
15 mitigated for depletions that would injure senior surface and groundwater rights; and
16

17 WHEREAS, while the management strategy limited the development of new groundwater
18 appropriations in the BWRGWMA, water users remained concerned about the impacts of groundwater
19 diversions on both groundwater and surface water sources in the Wood River Basin. Work to resolve the
20 concerns largely paused during the Snake River Basin Adjudication. As the SRBA ended for non-de minimis
21 water rights, the desire for conjunctive administration of surface and groundwater rights by priority came
22 into focus in much of the SRBA area. In the Wood River Basin, the Idaho Department of Water Resources
23 (IDWR) and the Idaho Water Resource Board (IWRB) responded by cooperating with the water users and
24 with other agencies to increase ability to manage water resources in the basin; and
25

26 WHEREAS, in 2010 together with the U.S. Geological Survey (USGS), IDWR began a program to
27 expand the existing hydrologic monitoring network in the Wood River Valley with the installation of four
28 stream gages in the Wood River Valley, and
29

30 WHEREAS, in 2011, IDWR issued an order creating the Upper Wood Rivers Water Measurement
31 District and requiring groundwater users to install measuring devices prior to the 2014 irrigation season,
32 and
33

34 WHEREAS, in 2012, in cooperation with the USGS and with funding from the IWRB, IDWR began
35 work on development and calibration of a numerical groundwater-flow model for the Wood River Valley,
36 including Silver Creek and the Bellevue Triangle area; and

37
38 WHEREAS, in 2013 IDWR issued an order combining water districts for the Big Wood River, the
39 Little Wood River, and Silver Creek into Water District 37 ("WD37"); adding groundwater rights from the
40 Upper Big Wood River valley above Magic Reservoir and from the Silver Creek drainage to WD37; and
41 abolishing the Upper Wood Rivers Water Measurement District, and
42

43 WHEREAS, in 2016 ground water users within the Wood River valley formed the South Valley
44 Ground Water District and the Galena Ground Water District, and
45

46 WHEREAS, in 2016 the USGS published a final report documenting version 1.0 of the Wood River
47 Valley Groundwater Flow Model; and
48

49 WHEREAS, in 2019 IDWR published a final report documenting recalibrated version 1.1 of the
50 Wood River Groundwater-Flow Model; and
51

52 WHEREAS, in 2015 and 2017, water delivery calls were filed pursuant to IDWR's Conjunctive
53 Management Rules, which were dismissed on procedural issues and lack of standing; and
54

55 WHEREAS, in October 2020, the Director of the Department of Water Resources formed an
56 Advisory Committee to draft a new management plan for the BWRGWMA in response to proposals for a
57 conjunctive use management plan for the BWRGWMA; and
58

59 WHEREAS, on May 4, 2021, in response to severe drought conditions causing water supply
60 shortages in the Wood River Basin, the Director initiated administrative proceedings for the Wood River
61 Basin. On June 28, 2021, the Director issued an order curtailing junior groundwater rights in the Bellevue
62 Triangle area of the BWRGWMA to increase the supply of water to senior water right holders in the Silver
63 Creek and Little Wood River drainages. On July 8, 2021, the Director approved the groundwater users'
64 mitigation plan and stayed the curtailment order. Prior to submitting the mitigation plan, the parties to
65 the administrative proceedings signed a settlement document that included a commitment to work with
66 the Advisory Committee to submit a proposed groundwater management plan for the BWRGWMA to the
67 Director by December 1, 2021.
68

69 WHEREAS, by January 2022 the Advisory Committee negotiated the elements of the Big Wood
70 River Ground Water Management Area Advisory Committee Groundwater Management Plan Term Sheet
71 ("Term Sheet") describing various management and mitigation actions intended to "inform the
72 development of a groundwater management plan pursuant to Idaho Code § 42-233b, support the delivery
73 of water to senior surface water rights, support stream health, and improve and maintain aquifer health;"
74 and
75

76 WHEREAS, the Term Sheet was used to create the draft Big Wood River Ground Water
77 Management Area Management Plan, which has been submitted to the Director for review and approval;
78 and
79

80 WHEREAS, the draft Big Wood River Ground Water Management Area Management Plan contains
81 certain management actions, including ground water use reduction, funding for the cooperative cloud
82 seeding program in the Wood River Basin, Snake River storage water delivery, and establishment of a

83 Conservation, Infrastructure, and Efficiency Fund; and

84
85 WHEREAS, the Conservation, Infrastructure, and Efficiency Fund (CIEF) will be used for
86 infrastructure improvements and other permanent measures that improve the efficiency of delivering
87 senior water rights, protect groundwater levels, increase surface water flows, and for purchasing storage
88 water. Ground water users will contribute to the CIEF as specified in the draft BWRGWMA Management
89 Plan; and

90
91 WHEREAS, the Advisory Committee is requesting that the IWRB would match the amounts
92 provided by the ground water users into the CEIF, on a dollar-for-dollar basis, up to a maximum of
93 \$200,000 annually; and

94
95 WHEREAS, a committee will be established by the Advisory Committee to select projects on which
96 to use the CIEF funds, and the IWRB will have a representative on that committee to be appointed by the
97 IWRB Chair; and

98
99 WHEREAS, providing matching funds for CIEF-funded projects is consistent with the purpose of
100 the IWRB's Secondary Aquifer Planning, Management, and Implementation Fund.

101
102 NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes a commitment of funds not to
103 exceed \$200,000 annually from the Secondary Aquifer Planning, Management, and Implementation Fund,
104 for the next three years, on a dollar-for-dollar match for those funds provided by the ground water users
105 to the CIEF.

106
107 NOW, THEREFORE BE IT FURTHER RESOLVED that is commitment of funds is subject to the
108 Director's approval of the Big Wood River Ground Water Management Area Management Plan.

109
110 NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee,
111 to execute the necessary agreements or contracts for the purpose of this resolution.

112
113 NOW, THEREFORE BE IT FURTHER RESOLVED that after three years, the progress under the Big
114 Wood River Ground Water Management Area Management Plan, including progress made with CIEF-
115 funded projects, shall be reviewed, and if found satisfactory the IWRB may elect to extend its commitment
116 made under this resolution.

DATED this First day of April 2022.

JEFF RAYBOULD, Chairman

Resolution No. _____

Page 3

Idaho Water Resource Board

ATTEST _____
JO ANN COLE-HANSEN, Secretary

Resolution No. _____

March 18, 2022

Jeff Raybould, Chairman, Idaho Water Resources Board
Gary Spackman, Director, Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Petition for Camas Prairie Aquifer Study - Big Wood River Ground Water Management Area

Dear Gentlemen,

The Big Wood River Ground Water Management Area (BWRGWMA) Advisory Committee members represent the following "Parties" who are signatories to the BWRGWMA Term Sheet Agreement ("Term Sheet"): Big Wood and Little Wood Water Users Association, Big Wood Canal Company, South Valley Ground Water District, Galena Ground Water District, Sun Valley Company, Sun Valley Water and Sewer District, City of Bellevue, City of Hailey, City of Ketchum, and Water District 37B Ground Water Association.


A primary purpose of the Term Sheet is to "inform the development of a groundwater management plan pursuant to Idaho Code § 42-233b." The Parties agreed that "the management actions and terms described" in the Term Sheet "shall be included in a Draft BWRGWMA Groundwater Management Plan ("Management Plan") that shall be presented to the Director of IDWR." The Term Sheet Parties are currently working with the BWRGWMA Advisory Committee and IDWR to finalize the draft Management Plan.

The BWRGWMA includes separate aquifer systems in the Wood River Valley and Camas Prairie. Beginning in 2004, the United States Geological Survey ("USGS") partnered with IDWR, local governments, and other entities to complete a series of hydrologic studies in the Wood River Valley, culminating in the completion of a groundwater-flow model for the Wood River aquifer system in 2016. In contrast, the USGS has not undertaken a comprehensive study of the surface and groundwater resources of Camas Prairie since the 1970s, and no ground-water flow model has been developed for the area.

Item 4. C. of the Term Sheet states that "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." Consistent with this item of the Term Sheet, the Parties hereby petition the IWRB and IDWR to fund and complete an aquifer study for the Camas Prairie. If the IWRB and IDWR initiate and fund a Camas Prairie aquifer study, the Parties encourage formation of a Technical Advisory Committee that accommodates input and data gathered by local area groundwater users, including the WD37B Groundwater Association.

Signatures to this petition by representatives of the Parties are attached herein.

BIG WOOD CANAL COMPANY

 3/16/22

Carl Pendleton

Date

Board Chair, Big Wood Canal Co

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

Cooper Brossy

3-16-22

Cooper Brossy

Date

Representative, BWLWWUA

GALENA GROUND WATER DISTRICT

A handwritten signature in blue ink, appearing to read 'Pat McMahon', written over a horizontal line.

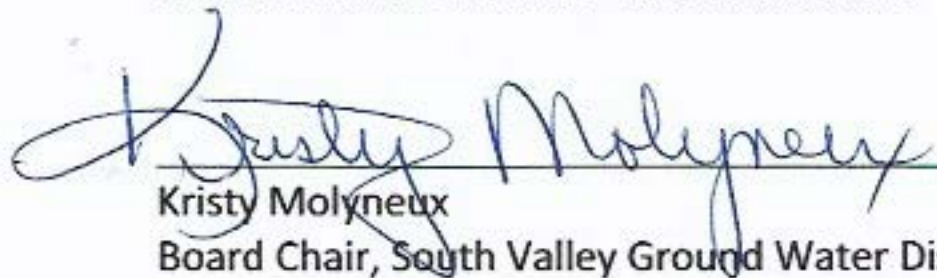
3/17/22

Pat McMahon

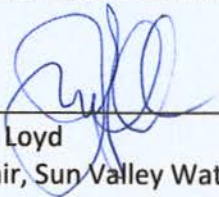
Date

Board Chair, Galena Ground Water District

SOUTH VALLEY GROUND WATER DISTRICT

 3-16-2022
Kristy Molyneux Date
Board Chair, South Valley Ground Water District

SUN VALLEY WATER AND SEWER DISTRICT



Jim Loyd
Chair, Sun Valley Water & Sewer District

3/27/2012
Date

WATER DISTRICT 37B GROUND WATER ASSOCIATION

William Simon 3/19/22

William "Bill" Simon

Date

Representative

Memorandum



To: Idaho Water Resource Board (IWRB)
From: Brian Patton, Planning & Projects Bureau
Date: March 23, 2022
Re: Legislation of Interest

ACTION: No action is expected.

Garrick Baxter of the Attorney General's Office will provide an update on legislation of interest.



LEGISLATIVE UPDATE

2022 Regular Session

66th Idaho Legislature

Updated April 8, 2022

| Bill | TITLE | STATEMENT OF PURPOSE/SUMMARY | STATUS |
|-----------------------|--|---|---|
| H0467 | Revolving Loan Act | This bill modifies I.C. 42-1756 to broaden the type of security the IWRB may accept for a loan from the Revolving Development Account. | <ul style="list-style-type: none">• Passed House (67-1-2)• Passed Senate (34-0-1)• Signed by Governor• Effective: 7/1/2022 |
| H0584 | Anderson Ranch Dam Raise Project Act | This legislation declares that the IWRB's water right application related to the Anderson Ranch dam raise (63-34753) is made in good faith and not for delay or speculative purposes, is in the local public interest, is consistent with Idaho water resources conservation, and will not adversely affect the local economy of the Boise River watershed. It declares that the Director is not required to make findings related to these criteria when the Director evaluates the application pursuant to § 42-203A. | <ul style="list-style-type: none">• Passed House (61-7-2)• Passed Senate (35-0-0)• Signed by Governor• Effective: 7/1/2022 |
| H0749 | Lemhi River Basin Comprehensive Settlement Agreement Act | This bill authorizes the filing of stream flow maintenance applications on selected streams in the Lemhi Basin. Additionally, the bill authorizes and directs the IWRB to appropriate minimum stream flow water right in trust for Idahoans on the Lemhi River at McFarland Campground, Big Timber Creek, Bohannon Creek, Canyon Creek, and Hayden Creek. | <ul style="list-style-type: none">• Passed House (69-0-1)• Passed Senate (35-0-0)• Signed by Governor• Effective: 7/1/2022 |
| H0769 | Water Resources FY 2023 Budget Act | The bill provides funding for permanent employees for the equivalent of a 3% salary structure shift and provides \$1.25 per hour per eligible employee to be distributed based on merit. The bill provides additional funds for aquifer measuring and monitoring, a regional office bureau chief, phase 2 of the Bear River Adjudication, a water resource agent, project managers to aid the IWRB, a hydrology project manager, a hydrologist, a financial | <ul style="list-style-type: none">• Passed House (59-10-1)• Passed Senate (31-2-2)• Signed by Governor• Effective: 7/1/2022 |



LEGISLATIVE UPDATE

2022 Regular Session

66th Idaho Legislature

Updated April 8, 2022

| Bill | TITLE | STATEMENT OF PURPOSE/SUMMARY | STATUS |
|------------------------|--|--|---|
| | | technician, a Water Supply Bank agent, a Water Allocation Bureau engineer, a ground water protection agent, a bureau chief in the Technical Services Program, a staff member to aid in the Stream Channel Protection Program, Microsoft 365 licenses, a transfer from the General Fund for large water projects, and federal funding for water projects statewide. | |
| SCR123 | Agency Pending Fee Rules Resolution | This concurrent resolution approves the pending fee rules adopted by the Department of Water Resources and Board during the 2022 legislative session. | <ul style="list-style-type: none"> • Senate Adopted (voice vote) • House Adopted (65-2-3) • Signed by Senate President • Signed by Speaker of the House • Delivered to the Secretary of State on 03/23/22 |
| S1313 | Administration of Northern Idaho Lake and Dam Storage Water Rights Act | This bill adds language to § 67-4304 to include that the Director of IDWR and the watermaster must administer all decreed storage water rights in Priest, Pend d'Oreille, and Coeur d'Alene Lakes, and the associated dams "to the elevations described in said water rights." | <ul style="list-style-type: none"> • Bill died in Senate Resources & Environment Committee |
| H608 | Revision of Stockwater Forfeiture Procedure Under § 42-222 | This bill provides deadlines and a detailed procedure for the Director of IDWR, the Attorney General, and District Courts to follow when determining whether or not a stockwater right has been lost in accordance with § 42-222. | <ul style="list-style-type: none"> • Passed House (67-0-3) • Passed Senate (34-0-1) • Signed by Governor • Effective: 3/24/2022 |
| H0629 | Independent Office of | This bill establishes an independent Office of Administrative Hearing to conduct all contested case proceeding from all non-excluded agencies. This bill | <ul style="list-style-type: none"> • Passed House (41-25-4) • Passed Senate (31-3-1) • Signed by Governor |



LEGISLATIVE UPDATE

2022 Regular Session

66th Idaho Legislature

Updated April 8, 2022

| Bill | TITLE | STATEMENT OF PURPOSE/SUMMARY | STATUS |
|-----------------------|---|---|---|
| | Administrative Hearings Act | includes § 67-5280(3)—"The office of administrative hearings shall not hear and shall not have authority over or oversight of any action by the department of water resources or the water resource board." (emphasis added). | Effective: 7/1/2022 |
| H0748 | Conveyance of Water Rights and Entitlements Act | This bill codifies common law related to appurtenant water rights and entitlements. This legislation adds § 55-616, which states that all appurtenant water rights and entitlements to receive water from an irrigation district, city irrigation system, or canal company, and membership in a ground water district are conveyed when property changes hands unless expressly retained by the seller. | <ul style="list-style-type: none"> • Passed House (66-0-4) • Passed Senate (35-0-0) • Signed by Governor • Effective: 7/1/2022 |
| S1276 | Reduction of Irrigation and Canal Co. Public Notice Time Requirements | This bill allows newspaper advertisement for 2 weeks instead of 4 to meet the notice requirement when an irrigation or canal company would like to change their articles or bylaws. | <ul style="list-style-type: none"> • Passed Senate (33-0-2) • Passed House (62-0-8) • Signed by Governor • Effective: 7/1/2022 |
| S1277 | Revision of Irrigation District Voter Qualifications | This bill limits voters in irrigation district elections to only those persons who are subject to assessment and entitled to receive water in said irrigation district, instead of all persons who live within the greater irrigation district boundary. | <ul style="list-style-type: none"> • Passed Senate (29-0-6) • Passed House (62-0-8) • Signed by Governor • Effective: 7/1/2022 |