BEFORE THE IDAHO WATER RESOURCE BOARD

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

RESOLUTION TO MAKE A FUNDING
COMMITMENT

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

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

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

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

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

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

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

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

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

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

Resolution No. 07-2022
WHEREAS, the Lemhi Subordination Agreement is in the public interest and in compliance with the State Water Plan; and

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

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

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the Board receives the requested funding from the Bonneville Power Administration through the Idaho MOA/Fish Accord Water Transaction Program in an amount up to twenty-seven 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

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

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

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

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

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

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

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

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

WHEREAS, for all agreements, the water users have agreed to limit their diversions during times of low flow for a maximum of 100 days; and
WHEREAS, the 2021 irrigation season experienced extremely low flows and exceptional drought conditions in the Lemhi River Basin; therefore, Resolution No. 23-2021 was adopted by the Board to authorize the Chairman to enter into additional agreements with local water users that compensated them for subordination of their water rights beyond the 100-day contract maximum; and

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

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

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

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

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

DATED this 1st day of April 2022.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST
JO ANN COLE-HANSEN, Secretary

Resolution No. 08-2022
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE
CANYON CREEK WATER
TRANSACTION AGREEMENT

RESOLUTION TO MAKE A FUNDING COMMITMENT

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

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

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

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

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

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

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

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

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

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

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the IWRB receives the requested funding from the Columbia Basin Water Transaction Resolution No. 09-2022
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
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE PRIEST LAKE WATER MANAGEMENT PROJECT CONSTRUCTION

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

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

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

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

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

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

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

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

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

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

WHEREAS, 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; and

Resolution No. 10-2022
WHEREAS, due to anticipated spring runoff the construction work cannot resume until fall 2022; and

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

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

NOW, THEREFORE, BE IT FURTHER RESOLVED that a condition of the contract extension date is the contractor shall make the outlet dam operational for the 2022 Priest Lake Management season; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the extension of the substantial completion 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

Jo Ann Cole-Hansen, Secretary

Resolution No. 10-2022
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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Water District 01 2022 Rental Pool Procedures are approved by the Idaho Water Resource Board

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

DATED this 1st day of April 2022.

JEFF RAYBÓULD, Chairman
Idaho Water Resource Board

ATTEST

JO ANN COLE-HANSEN, Secretary

Resolution No. 11-2022
WHEREAS, in 2016, the Idaho Water Resource Board (IWRB) commissioned the U.S. Geological Survey to establish and operate 10 real-time drain gaging sites plus three miscellaneous measurement sites to support development of the Treasure Valley Ground Water Flow Model; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the IWRB authorizes funds in the amount of $125,000 from the IWRB’s Second Aquifer Planning, Management, and Implementation Fund for the operation of 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

Resolution No. 12-2022
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

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

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

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

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

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

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

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

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

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

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

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

Resolution No. 13-2022
WHEREAS, the proposed groundwater flow model development would be completed by the USGS with oversight from IDWR over a three year-period at a cost of $480,000; and

NOW, THEREFORE, BE IT RESOLVED that the IWRB authorizes funds in the amount of $480,000 from the IWRB’s Second Aquifer Planning, Management, and Implementation Fund for development of a numerical 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

Resolution No. 13-2022
WHEREAS, on June 18, 1991, the Director of the Department of Water Resources (Director) designated the Big Wood River Ground Water Management Area (BWRGWMA); and

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

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

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

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

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

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

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

WHEREAS, in 2013 IDWR issued an order combining water districts for the Big Wood River, the
WHEREAS, in 2016 ground water users within the Wood River valley formed the South Valley Ground Water District and the Galena Ground Water District, and

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

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

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

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

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

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

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

WHEREAS, the draft Big Wood River Ground Water Management Area Management Plan contains certain management actions, including ground water use reduction, funding for the cooperative cloud seeding program in the Wood River Basin, Snake River storage water delivery, and establishment of a Conservation, Infrastructure, and Efficiency Fund; and
WHEREAS, the Conservation, Infrastructure, and Efficiency Fund (CIEF) will be used for infrastructure improvements and other permanent measures that improve the efficiency of delivering senior water rights, protect groundwater levels, increase surface water flows, and for purchasing storage water. Ground water users will contribute to the CIEF as specified in the draft BWRGBWMA Management Plan; and

WHEREAS, the Advisory Committee requests the IWRB match the amounts ground water users contribute to the CIEF, up to a maximum of $200,000 annually; and

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

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

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes a commitment of funds not to exceed $200,000 annually from the Secondary Aquifer Planning, Management, and Implementation Fund, for the next three years, on a two-to-one match in year one and on a dollar-for-dollar match in subsequent years, for those funds the ground water users contribute to the CIEF.

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

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

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

NOW, THEREFORE BE IT FURTHER RESOLVED that after the initial three-year period, an amount at least equal to the IWRB's contribution to the CIEF shall be committed for conservation, infrastructure, and efficiency projects.

DATED this First day of April 2022.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST
JO ANN COLE-HANSEN, Secretary