

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF PRISTINE SPRINGS

RESOLUTION TO APPROVE
PURCHASE AND SALE
AGREEMENT

WHEREAS, in 2008 the Idaho Water Resource Board (IWRB) purchased the Pristine Springs aquaculture facility in partnership with the City of Twin Falls and the Magic Valley and North Snake Ground Water Districts; and

WHEREAS, the City and Ground Water Districts received water supplies, while the IWRB retained the residual assets; and

WHEREAS, the IWRB placed water right no. 36-2603C, with a place of use at Pristine Springs, into The Pristine Springs Trust for Water Right No. 36-2603C for the benefit of the Ground Water Districts, the City and the IWRB; and

WHEREAS, the College of Southern Idaho (CSI) has had an interest in Pristine Springs, in part due to their desire to acquire the artesian geothermal well on the property; and

WHEREAS, on December 12, 2016, CSI sent a Letter of Intent Regarding Purchase of Pristine Springs property and Associated Assets (Letter of Intent) to the IWRB; and

WHEREAS, on December 23, 2016, the IWRB executed the Letter of Intent; and

WHEREAS, the 2016 Idaho legislature included intent language in Senate Bill 1402 stating "It is the intent of the Legislature that the Idaho Water Resource Board sell the Pristine Springs property for the appraised value and that the proceeds be deposited to the General Fund;" and

WHEREAS, the appraised value of the Pristine Springs property is \$2.4 million.

NOW THEREFORE BE IT RESOLVED the Idaho Water Resource Board
Hereby authorizes the Chairman or his designee to execute a Purchase and Sale Agreement for Pristine Springs for the appraised value of the Property.

NOW THEREFORE BE IT FURTHER RESOLVED that the Idaho Water Resource Board hereby authorizes the Chairman or his designee to execute an Amendment to The Pristine Springs Trust for Water Right No. 36-2063C to replace the Idaho Water Resource Board as a beneficiary with the Current Legal Owner of the Pristine Springs property.

Adopted this 24th day of March, 2017.



ROGER CHASE, Chairman
Idaho Water Resource Board

ATTEST:



VINCE ALBERDI, Secretary

Attachment No. 1, Meeting No. 3-17
Idaho Water Resource Board

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF STREAM CHANNEL)
ALTERATION PERMIT NOS.)
S82-20058, S82-20059, AND S82-20060)
_____)

RESOLUTION

WHEREAS, by Resolution dated September 16, 2016, the Idaho Water Resource Board ("Board") appointed James Cefalo as the hearing officer in the above-captioned proceedings; and

WHEREAS, on February 8, 2017, the hearing officer issued recommended orders in the above-captioned proceedings, copies of which are attached hereto as **Attachment A**; and

WHEREAS, the parties had fourteen days from the service date of the recommended orders to file petitions for reconsideration with the hearing officer pursuant to the Board's Rules of Procedure (*see* IDAPA 37.01.01.720.02.a); and

WHEREAS, the parties had fourteen days from the service date of the recommended orders to take exceptions to the recommended orders with the Board (*see* IDAPA 37.01.01.720.02.b); and

WHEREAS, no petitions for reconsideration or exceptions were filed; and

WHEREAS, in accordance with Rule 720.02.a of the Board's Rules of Procedure, a recommended order will only become final after action of the Board; and

NOW THEREFORE BE IT RESOLVED, in accordance with the Board's Rule of Procedure 720, the Board hereby adopts the recommended order issued by the hearing officer in the above-captioned proceeding in its entirety; and

NOW THEREFORE BE IT FURTHER RESOLVED, in accordance with the Board's Rule of Procedure 740, this Resolution shall be considered a final order of the Board.

Adopted this 24 day of March 2017.



ROGER CHASE, Chairman
Idaho Water Resource Board

ATTEST:



VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF STREAM CHANNEL)
ALTERATION PERMIT NO. S82-20057 IN)
THE NAME OF RONALD C. MILLER)** **RESOLUTION**

WHEREAS, by Resolution dated September 16, 2016, the Idaho Water Resource Board ("Board") appointed James Cefalo as the hearing officer in the above-captioned proceeding; and

WHEREAS, on February 8, 2017, the hearing officer issued a recommended order affirming issuance of stream channel alteration permit no. S82-20057 to the applicant in the above-captioned proceeding ("Miller"), a copy of which is attached hereto as **Attachment A**; and

WHEREAS, Miller had fourteen days from the service date of the recommended order to file exceptions to the recommended order with the Board (*see* IDAPA 37.01.01.720.02.b); and

WHEREAS, Miller sent the Board a letter on February 21, 2017, constituting exceptions to the recommended order ("Exceptions"), a copy of which is attached hereto as **Attachment B**; and

WHEREAS, the Exceptions request the Board: 1) condition future stream channel alteration permits based upon certain "data," 2) "[r]emove the limit on the number of permits available," 3) eliminate condition no. 8 from permit no. S82-20057, 4) establish a dredging season different from that specified in the comprehensive basin plan for the South Fork Clearwater River ("SFCR Plan"); 5) determine whether Idaho Fish and Game and Idaho Department of Environmental Quality were consulted as required by Idaho Code § 42-3804, and 6) determine whether "a Watershed Advisory Committee" is in place for the "South Fork Basin as required by statute" that was "consulted about the new dredging permit application;" and

WHEREAS, this proceeding is not the proper place for Miller to challenge future stream channel alteration permits; and

WHEREAS, Miller does not have standing to challenge the fifteen permit limit because he successfully obtained permit no. S82-20057; and

WHEREAS, condition no. 8 should not be removed from permit no. S82-20057 because the condition was developed in consultation with other state and federal agencies and is consistent with the express intent of Idaho's Stream Channel Protection Act; and

WHEREAS, Miller must raise any challenge to limitations imposed on permit no. S82-20057 by the SFCR Plan through the process set forth in Article 15, section 7 of the Idaho Constitution and Idaho Code § 42-1734B; and

WHEREAS, the record in the above-captioned proceeding reflects that Idaho Fish and Game and Idaho Department of Environmental Quality were consulted regarding conditions included on permit no. S82-20057; and

WHEREAS, Miller fails to cite to a statutory requirement for consultation with "a Watershed Advisory Committee" regarding permit no. S82-20057; and

WHEREAS, in accordance with Rule 720.02.a of the Board's Rules of Procedure, a recommended order will only become final after action of the Board; and

NOW THEREFORE BE IT RESOLVED, the Exceptions are denied; and

NOW THEREFORE BE IT FURTHER RESOLVED, in accordance with the Board's Rule of Procedure 720, the Board hereby adopts the recommended order issued by the hearing officer in the above-captioned proceeding in its entirety; and

NOW THEREFORE BE IT FURTHER RESOLVED, in accordance with the Board's Rule of Procedure 740, this Resolution shall be considered a final order of the Board.

Adopted this 24 day of March 2017.



ROGER CHASE, Chairman
Idaho Water Resource Board



ATTEST: _____
VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF ANNUAL)
EVALUATIONS OF WATER SUPPLY)
BANK RENTALS OF GROUND WATER)
WITHIN THE EASTERN SNAKE PLANE)
AQUIFER GROUND WATER)
MANAGEMENT AREA)

A RESOLUTION

WHEREAS, pursuant to Idaho Code 42-1762, the Idaho Water Resource Board ("Board") is charged with adopting rules and regulations governing the management, control, delivery and use and distribution of water to and from the Water Supply Bank, and

WHEREAS, the Board is committed to the sustainability of the Eastern Snake Plane Aquifer (ESPA) ground water resource, and

WHEREAS, the Director of IDWR has designated a ground water management area (GWMA) for the ESPA; and

WHEREAS, the Board acknowledges that it may be appropriate to modify the terms for Water Supply Bank ESPA GWMA ground water rental agreements that are inconsistent with the ESPA GWMA plan;

NOW THEREFORE BE IT RESOLVED that the Board directs the Water Supply Bank to approve rentals of ground water within the boundaries of the ESPA GWMA, contingent upon the right of the Board to reconsider annually whether ESPA GWMA rentals should remain authorized for any remaining years of a rental agreement;

NOW THEREFORE BE IT FURTHER RESOLVED that the Water Supply Bank shall maintain a list of all ground water rentals within the ESPA GWMA and shall report to the Board annually on or before the final Board meeting of the calendar year, so that the Board may take action to revoke rental authorizations and cancel rental agreements for any remaining years of a rental agreement, prior to December 31 of the calendar year, for any ESPA GWMA rental that is inconsistent with the terms or objectives of the ESPA GWMA plan.

Dated this 24 day of March, 2017.



ROGER W. CHASE
Idaho Water Resource Board Chairman

Attest: _____

VINCE ALBERDI
Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF GROUND WATER)
CONSERVATION GRANTS)
_____)

A RESOLUTION FOR APPROVING
FUNDING FOR THE CITY OF HAILEY
WATER CONSERVATION REBATE
PROGRAM

WHEREAS, House Bill 547 passed and approved by the 2014 legislature allocated \$5 million annually from the Cigarette Tax to the Idaho Water Resource Board ("IWRB") for statewide aquifer stabilization; and

WHEREAS, many aquifer across Idaho are declining and have existing or potential conjunctive administration water use conflicts, including the Eastern Snake Plain Aquifer, the Wood River Aquifer, the Mountain Home Aquifer, the Treasure Valley Aquifer, the Palouse Basin Aquifer, the Rathdrum Prairie Aquifer and others; and

WHEREAS, on March 20, 2015 the IWRB Water Resource Planning Committee met and recommended the IWRB Finance Committee include funds for the creation of a ground water conservation grant in their recommended Fiscal Year 2016 budget; and

WHEREAS, the budget resolution adopted on May 22, 2015 by the IWRB required the IWRB to develop a criteria for the award of ground water conservation grants prior to any grants being awarded; and

WHEREAS, on September 18, 2015 the IWRB adopted by resolution a criteria for the award of ground water conservation grants for Fiscal Year 2016.

WHEREAS, on May 6, 2016 the IWRB Finance Committee met and recommended a Fiscal Year 2017 budget that included \$200,000 for ground water conservation grants; and

WHEREAS, on May 20, 2016 the IWRB adopted by resolution a budget for Fiscal Year 2017 authorizing the use of continuously appropriated Secondary Aquifer Planning and Management and Implementation Fund for ground water conservation grants; and

WHEREAS, on January 22, 2016, the IWRB approved an \$18,000 ground water conservation grant to implement a water conservation rebate program; and

WHEREAS, the City of Hailey submitted a ground water conservation grant application in December 2016 that proposes to continue the current water conservation rebate program for two years, 2017 and 2018, and is requesting \$40,000 from the IWRB to match other funding support for the project; and

WHEREAS, the City will use City funding and in-kind services, \$35,000, and the IWRB ground water conservation grant funding, \$40,000, as matching funds for a \$75,000 U.S. Bureau of Reclamation WaterSMART Grant in which the City applied for in January, 2017; and

WHEREAS, if the City is not awarded the U.S. Bureau of Reclamation WaterSMART Grant, the City will reduce the funding request from the IWRB to \$18,000 and the City and the Wood River Land Trust will provide the required additional matching funding and in-kind services of \$36,000; and

WHEREAS, the City of Hailey's ground water grant application meets the criteria established by the IWRB on September 18, 2015; and

NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures for the following project up to the identified amount from the Secondary Aquifer Planning and Management and Implementation Fund:

- 1) Up to \$40,000, upon approval of the U.S. Bureau of Reclamation WaterSMART Grant, to the City of Hailey to provide qualified applicants rebates for removing turf and replacing with no or low water demand materials, or
- 2) Up to \$18,000 if the City is not awarded the U.S. Bureau of Reclamation WaterSMART Grant, with matching funding and in-kind services from the City and Wood River Land Trust.

BE IT FURTHER RESOLVED that approval of this expenditure is contingent on the IWRB and the grant recipients entering into a cost reimbursement agreement.

DATED this 24th day of March 2017.



ROGER CHASE, Chairman

Idaho Water Resource Board

ATTEST 

VINCE ALBERDI, Secretary

Idaho Water Resource Board

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE MOUNTAIN)	A RESOLUTION TO APPROVE
HOME AIR FORCE BASE)	FUNDS AND PROVIDE
WATER SUPPLY PROJECT)	SIGNATORY AUTHORITY

WHEREAS, the Idaho Water Resource Board (“Board”) is a constitutional agency of the State of Idaho and empowered by Idaho Code §42-1734 to acquire, purchase, lease or exchange land, rights, water rights, easements, franchises and other property deemed necessary or proper for construction, operation and maintenance of water projects, and

WHEREAS, the Mountain Home Air Force Base (“Base”), as well as surrounding agricultural wells and municipal wells, draw their supply from the Mountain Home Aquifer;

WHEREAS, the Idaho Department of Water Resources (“IDWR”) estimates that the rate of withdrawal from the Mountain Home Aquifer exceeds the rate of natural recharge to the aquifer and due to declining ground water levels, IDWR established the Cinder Cone Butte Critical Ground Water Area in 1981 and the Mountain Home Ground Water Management Area in 1982; and

WHEREAS, the State of Idaho recognizes the economic value of the Base to the local and state economy and supports the United States military in achieving its national security functions; and

WHEREAS, the State of Idaho intends to coordinate with the Military to develop a long-term sustainable water supply to support the Base and its mission; and

WHEREAS, House Bill 479 passed and approved by the 2014 Idaho legislature allocated \$4 million in one-time funds for acquisition of senior priority Snake River water rights to supply the Mountain Home Air Force Base (MHAFB); and

WHEREAS, on July 25, 2014, the Board purchased senior Snake River water right nos. 2-10300A, 2-10330B and 225/240ths of 2-10472 for the purpose of obtaining a water supply for the Base; and

WHEREAS, the Board funded a technical planning report that was completed in May of 2016 outlining design criteria, planning costs, and potential project delivery alternatives for a pumping station, pipeline, and water treatment facilities; and

WHEREAS, staff has solicited the services for an Owner’s Advisor to assist the Board with: the procurement of a design-builder to construct the project, prepare the facility plan report, select treatment technology for the water treatment facility, observance of the design-builder, and commissioning of the water treatment facility; and

WHEREAS, Bond Counsel is being procured for the purposes of preparing the revenue bonds for the project this calendar year; and

WHEREAS, consultant services are required to transfer the Snake River water rights from their agricultural use to DCMI purposes, change the season of use, and to change the point of diversion

WHEREAS, such services will not exceed the \$6.2 Million over the project development period through the commissioning of the project.

WHEREAS, such expenditures for the Owner's Advisor shall be negotiated for each phase of work at six month increments for the first year and annual increments after the first year. Each phase of work will have a negotiated cost for time and materials not to exceed without prior authorization for the services rendered in that phase. Changes in services or costs will require a project change form that will identify the changes in services and costs resulting from a change in the project scope. The project change form shall be effective upon approval from the Chairman or his designee.

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes the expenditure of \$1.2 Million, not to exceed actual costs, from the Revolving Development Account to assist staff and the Board with the planning and development steps to prepare the required planning and technical documents to procure a design builder; and

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes the expenditure of \$1.0 Million, not to exceed actual costs, from the Secondary Aquifer Planning and Management Implementation Fund to assist staff and the Board with the planning and development steps for the Owner's Advisor to prepare the required planning and technical documents to procure a design builder in advance of the sale of revenue bonds which are projected to sell at the beginning of CY 2018; and

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes the expenditure of \$4.0 Million, not to exceed actual costs, for the Owner's Advisor to complete their services from the planning and development phase through the commissioning of the project from the revenue bonds which are projected to sell at the beginning of CY 2018; and

NOW, THEREFORE BE IT RESOLVED that the IWRB intends to recover all funds from the Revolving Development Account and the Secondary Aquifer Planning and Management Implementation Fund associated with the services of the Owner's Advisor, Bond Counsel, and consultant services to transfer the Snake River water right upon the sale of the revenue bonds; and

NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee to execute the necessary agreements or contracts to seek consultation from an Owner's Advisor, from Bond Counsel, and services for a water right transfer.

DATED this 24th day of March, 2017.


ROGER CHASE, Chairman
Idaho Water Resource Board

ATTEST:



VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE PROPOSED)
WATERSMART GRANT APPLICATION)
TO USBOR TO SUPPORT EXPANSION)
OF WATER MARKETING STRATEGIES)
AND OPPORTUNITIES IN IDAHO)

A RESOLUTION

WHEREAS, water marketing in Idaho may involve changes in water right ownership, new water right permit applications, water exchanges, water right transfers, temporary water right applications, water supply bank leases or rentals, and other administrative processes associated with the management of water rights in Idaho, and

WHEREAS, changes in workflow processes within a single water right administrative program can significantly impact workflow processes within other water right administrative programs, inclusive of where process improvements within a single program can provide spill-over benefits and process improvements within other programs, and

WHEREAS, strategies and opportunities to improve water marketing in Idaho generally can be realized through increased coordination between and enhancements to workflow processes within the different water right administrative programs that collectively comprise the water marketing framework in Idaho, and

WHEREAS, the water supply bank is a key part of Idaho's water marketing framework, and workflow process enhancements that improve water marketing strategies and opportunities within the water supply bank can contribute to increased workflow efficiencies and improved water marketing strategies and opportunities within other water right programs, and

WHEREAS, pursuant to Idaho Code 42-1761, it is the duty of the Idaho Water Resource Board (Board) to operate the water supply bank, and,

WHEREAS, the Board supports efforts by Idaho Department of Water Resources (Department) staff to engage water supply bank stakeholders to collaboratively study, develop and implement strategies and projects to increase workflow efficiencies and improve water marketing opportunities within Idaho, and,


WHEREAS, the US Bureau of Reclamation (USBOR) has announced a WaterSMART water marketing strategy grant funding opportunity for fiscal year 2017, to support development and expansion of water marketing strategies and water marketing opportunities in western states, and

WHEREAS, the costs associated with the time contributed by Departmental staff and water supply bank stakeholders to study, develop and implement strategies and projects to increase workflow efficiencies and improve water marketing opportunities within the water supply bank can be considered an in-kind match to WaterSMART grant funding from USBOR, and

WHEREAS, WaterSMART grant funding received from USBOR can be utilized to contract for meeting facilitation, strategic planning, business analysis and software architecting services, which will augment the capacity of Departmental staff and water supply bank stakeholders to study, develop and implement strategies and projects to increase workflow efficiencies and improve water marketing opportunities within Idaho,

NOW THEREFORE BE IT RESOLVED that Board authorizes application to the United States Bureau of Reclamation for a WaterSMART grant, so that Departmental staff and water supply bank stakeholders may contract for professional services that support and contribute to the study, development and implementation of strategies and projects that can increase workflow efficiencies and improve water marketing opportunities within the state of Idaho.

Dated this 24 day of March, 2017.



ROGER W. CHASE
Idaho Water Resource Board Chairman

Attest:



VINCE ALBERDI
Secretary