

## **BEFORE THE IDAHO WATER RESOURCE BOARD**

**IN THE MATTER OF THE LOST VALLEY  
RESERVOIR EXPANSION – NORTHERN  
IDAHO GROUND SQUIRREL STUDY**

**RESOLUTION TO APPROVE FUNDS AND  
PROVIDE SIGNATORY AUTHORITY**

WHEREAS, the Idaho State Water Plan recognizes that surface water development will play a role in meeting Idaho's future water needs; it supports assessment and development of new high potential storage facilities, and supports the creation of collaborative partnerships with private entities, concerned stakeholders, local governments, and federal agencies to evaluate, design and construct water storage projects; and

WHEREAS, an enlargement of the Lost Valley Reservoir, located in the Weiser River Basin north of Council, Idaho is identified in the 2012 Idaho State Water Plan as a reservoir site with apparent high potential for development; and

WHEREAS, House Joint memorial No. 8 (HJM 8) passed and approved by the 2008 Idaho Legislature encouraged the Idaho Water Resource Board (IWRB), in coordination with other public and private entities, to initiate and complete the study of additional water storage projects in the state of Idaho and identified potential projects such as the Minidoka Dam enlargement, Teton Dam replacement, Twin Springs Dam, Galloway Dam and Lost Valley Dam; and

WHEREAS, in accordance with HJM 8, the IWRB has initiated or completed studies of all of the above referenced storage projects with the exception of the Lost Valley Dam; and

WHEREAS, House Bill 428 passed and approved by the 2008 Idaho Legislature directed the IWRB to conduct the statewide comprehensive aquifer planning and management effort, including evaluation of additional surface water storage, and House Bill 644, also passed and approved by the 2008 Idaho Legislature, created the Aquifer Planning and Management Fund and provided funds to carry out the statewide comprehensive aquifer planning and management effort; and

WHEREAS, Senate Bill 1176 passed and approved by the 2017 Legislature allocated \$5 million in ongoing General Fund dollars to the IWRB's Secondary Aquifer Planning, Management, and Implementation Fund (Secondary Aquifer Fund) for statewide water sustainability and aquifer stabilization; and

WHEREAS, the Lost Valley Reservoir Company Board (LVRC) is investigating a potential raise of the Lost Valley Dam (project) to increase reservoir capacity to provide approximately 20,000 acre-feet of additional water supply for irrigation by existing shareholders, other water users in the Weiser River Basin, recreation, fish and wildlife, and other purposes based on interest; and

WHEREAS, the LVRC filed a water right application for the additional storage water in 1993, completed initial design and cost estimates for construction of the project, and in 2013, the LVRC began investigating environmental compliance requirements and updating hydrologic analyses; and

WHEREAS, the reservoir is surrounded by U.S. Forest Service property and includes populations of the Northern Idaho Ground Squirrel (NIGS), a federally listed as a Threatened Species under the Endangered Species Act; therefore, various environmental compliance analyses are required to complete

the proposed project; and

WHEREAS, to better understand environmental impacts and potential mitigation requirements for the project, LVRC proposes to complete an evaluation of potential mitigation options for the NIGS as an initial phase of a larger Environmental Impact Statement (EIS); and

WHEREAS, the LVRC submitted a cost share proposal to the IWRB to complete the Lost Valley North Idaho Ground Squirrel Study; based on information compiled by consultants with Idaho Water Engineering and Rio ASE, the total cost of the analysis is estimated to be \$35,000; and

WHEREAS, on May 19, 2017, the IWRB adopted the Secondary Aquifer Fund Fiscal Year 2018 Budget, which included \$100,000 for project development in the Weiser River Basin; and

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures not to exceed \$30,000 from the Secondary Aquifer Fund to be applied to the Lost Valley Reservoir Northern Idaho Ground Squirrel Study provided the LVRC provides the balance of the study funding; and

NOW, THEREFORE BE IT RESOLVED that the LVRC and its consultants will submit a final report and present results of the study, including potential costs of identified mitigation options, to the IWRB upon its completion; and

NOW, THEREFORE BE IT RESOLVED that funding contributed by the IWRB through this resolution does not obligate the IWRB to future funding or funding without an adequate cost share from LVRC for the Lost Valley Reservoir Enlargement Project; and

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes its chairman or designee, Brian Patton, to execute the necessary agreements or contracts with LVRC to complete the Lost Valley Reservoir Northern Idaho Ground Squirrel Study.

DATED this 23rd day of March, 2018.



ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST



VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF MOUNTAIN HOME  
AIR FORCE BASE SUSTAINABLE  
WATER SUPPLY PROJECT

RESOLUTION TO APPROVE FUNDS  
AND PROVIDE 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; and

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 Base; 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 previously authorized expenditure of \$6.365 Million for project development services including the Owner’s Advisor, legal services, and Consultant Services for water right permitting and technical project planning efforts, and

WHEREAS, the funding for project development services is disbursed from the following

accounts: \$1.365 Million from the Revolving Development Account, \$1.0 Million from the Secondary Aquifer Planning Management and Implementation Fund, and the remaining \$4.0 Million would be paid from the revenue bonds; and

WHEREAS, the Board intends to recover all funds for the project development services authorized to date that have been disbursed from the Secondary Aquifer Planning Management and Implementation Fund and Revolving Development Account in the amount of \$2.365 Million; and

WHEREAS, through negotiations with the Base, the Board will receive a Service Charge from the Base upon signing the Utility Service Contract; and

WHEREAS, \$2.365 Million of the Service Charge from the Base will reimburse the Secondary Aquifer Planning Management and Implementation Fund and the Revolving Development Account for previously authorized project development services; and

WHEREAS, gap funding from the Secondary Aquifer Planning Management and Implementation Fund will be necessary to cover the project development costs from March 27, 2018 through the execution of the Utility Service Contract between the Board and the Base; and

WHEREAS, The Board will apply for easement permits from the Idaho Transportation Department, Idaho Department of Lands, Mountain Home Highway District, and the Simplot Corporation to construct the pipeline from the C.J. Strike Reservoir to the Base; and

WHEREAS, the Final Environmental Assessment issued by the U.S. Bureau of Land Management ("BLM") and the Base identify a monetary calculation for enhancements in the amount of \$58,219 to be provided by the Board for the purposes of the 25<sup>th</sup> Anniversary Activities for the Morley Nelson Birds of Prey National Conservation Area;

NOW, THEREFORE BE IT RESOLVED that the Board authorizes the disbursement of up to \$900,000, not to exceed actual costs, from the Secondary Aquifer Planning and Management Implementation Fund to assist staff and the Board with the project the development phase and acquisition of easements; and

NOW, THEREFORE BE IT RESOLVED that \$58,219 of the requested \$900,000 be disbursed from the Secondary Aquifer Planning Management and Implementation Fund to the Birds of Prey Partnership upon the issuance of the Right-of-Way Grant from the BLM. The Birds of Prey Partnership is an established General Non-Profit Corporation in the State of Idaho with a status of good standing and was established on November 5, 2015; and

NOW, THEREFORE BE IT RESOLVED that the Board intends to recover \$2.365 Million from previous authorizations and \$900,000 from this authorization from two sources in whole or in part from: 1. the Service Charge from the Base or 2. The issuance of revenue bonds.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board authorizes its chairman or designee, Brian Patton, Board Executive Officer, to execute the necessary agreements or contracts to continue with project development services and for the project enhancement costs associated with the Final Environmental Assessment.

DATED this 23<sup>rd</sup> day of March, 2018.

  
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ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST:

  
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VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE 2018-2022 HAT  
CREEK WATER TRANSACTION  
CONTRACTS

RESOLUTION TO MAKE A FUNDING  
COMMITMENT

WHEREAS, bull trout and juvenile Chinook salmon habitat in Hat Creek is limited by low flow in the lower reaches of Hat Creek; and

WHEREAS, Hat Creek provides bull trout and juvenile Chinook salmon habitat and the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows; and

WHEREAS, it is in the interest of the State of Idaho to increase flow in Hat Creek to encourage recovery of ESA-listed bull trout and Chinook Salmon; and

WHEREAS, the Idaho Water Resource Board (IWRB) owns a minimum streamflow water right on Hat Creek; and

WHEREAS, Erik Storlie and Tamara Kaiser have agreed to donate a portion of their water rights (water right nos. 75-2137, 75-4199, and 75-4200) to the IWRB for delivery to the Hat Creek minimum stream flow water right; and

WHEREAS, Idaho Department of Water Resources staff has developed a 5-year Lease and Rental Agreement through the Idaho Water Supply Bank (lease and rental) to leave water in Big Hat Creek and Hat Creek to improve stream flow for anadromous and resident fish (Hat Creek Transaction); and

WHEREAS, a proposal for \$2729.50 has been submitted to the Columbia Basin Water Transaction Program to fund the lease and rental of said water rights through the Idaho Water Supply Bank; and

WHEREAS, the Hat Creek transaction 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 rent water right nos. 75-2137, 75-4199, and 75-4200 for the purpose of increasing flows in Big Hat Creek and Hat Creek.

NOW THEREFORE BE IT FURTHER RESOLVED that the Board will pay up to \$500 in lease application fees and \$2229.50 in Water Supply Bank rental fees to facilitate this transaction.

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the

condition that the IWRB receives the requested funding from the Bonneville Power Administration through the Columbia Basin Water Transaction Program in the amount of \$1,391.00.

DATED this 23rd day of March 2018.

  
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ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST:   
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VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE LOWER LEMHI  
2018 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 35cfs 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, though 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, Idaho Department of Water Resources 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; and

WHEREAS, for all agreements, the water users will continue to irrigate their full place of use when flows exceed the flow targets; and

WHEREAS, funding in the amount of \$117,905.00 is available through the Idaho Fish Accord – Idaho Water transactions Fund or the Columbia Basin Water Transaction Program to fund the cost of said agreements; and

WHEREAS, the Lemhi Subordination Agreements are in the public interest and in compliance with the State Water Plan.

NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter one-year agreements with lower Lemhi River irrigators to not divert out of the Lemhi River, using an amount not to exceed \$105,105.00.

NOW THEREFORE BE IT FURTHER RESOLVED that the Board authorizes the Chairman to enter into contract with Water District 74 to administer said agreements and previous subordination easements using an amount not to exceed \$12,800 over a two-year period.

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 Fish Accord – Idaho Water Transactions Fund in an amount up to \$117,905.00.

DATED this 23rd day of March, 2018.

  
ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST:   
VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE 2018-2019  
MEADOW CREEK WATER  
TRANSACTION CONTRACTS

RESOLUTION TO MAKE A FUNDING  
COMMITMENT

WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Upper Salmon River basin is limited by seasonally disconnected tributaries; and

WHEREAS, the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows; and

WHEREAS, the Nez Perce Agreement directed the Idaho Water Resource Board (Board) to establish minimum streamflow water rights on Meadow Creek to be met through water right rentals or acquisitions under state law; and

WHEREAS, Meadow Creek has been identified as high priority streams for flow restoration efforts, to provide high quality habitat for anadromous Chinook salmon and steelhead and resident bull trout, and

WHEREAS, it is in the interest of the State of Idaho to reconnect Meadow Creek to Valley Creek to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout fish; and

WHEREAS, the Idaho Water Resource Board (IWRB) owns a minimum streamflow water right on Meadow Creek; and

WHEREAS, Idaho Department of Water Resources staff has developed a 20-year lease/rental agreement to leave water in Meadow Creek to improve stream flow for anadromous and resident fish; and

WHEREAS, Pat Furey and Dennis Thornock have agreed to donate their water rights to the Board for delivery to the Meadow Creek minimum stream flow; and

WHEREAS, a proposal for \$2,294.95 has been submitted to the Columbia Basin Water Transaction Program to be used to fund the lease and rental of said water rights through the Idaho Water Supply Bank; and

WHEREAS, the Meadow Creek transaction 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 rent water right nos. 71-14, 71-15, 71-17, 71-18, 71-10960, 71-10961, 71-10962, and 71-10963 for the purpose of increasing flows in Meadow Creek.

NOW THEREFORE BE IT FURTHER RESOLVED that the Board will pay up to \$1000 in lease application fees and \$1,294.95 in Water Supply Bank rental fees to facilitate this transaction.

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the IWRB receives the requested funding from the Bonneville Power Administration through the Columbia Basin Water Transaction Program in the amount of \$2,294.95.

DATED this 23rd day of March, 2018.

  
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 2018 MORGAN  
CREEK WATER TRANSACTION  
CONTRACTS

RESOLUTION TO MAKE A FUNDING  
COMMITMENT

WHEREAS, steelhead, bull trout, and juvenile Chinook salmon habitat in Morgan Creek is limited by low flow in the lower reaches of Morgan Creek; and

WHEREAS, Morgan Creek provides steelhead, bull trout, and juvenile Chinook salmon habitat and the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows; and

WHEREAS, it is in the interest of the State of Idaho to reconnect Morgan Creek to encourage recovery of ESA-listed steelhead, bull trout, and Chinook Salmon; and

WHEREAS, Idaho Department of Water Resources staff has developed a series of agreements not to divert water from Morgan Creek at the SMC-2/4 and SMC-1 diversions to improve stream flow for anadromous and resident fish; and

WHEREAS, staff has now negotiated one-year agreements with the Morgan Creek water users not to divert water at the SMC2/4 and SMC 1 diversions; and

WHEREAS, a proposal for \$9,719.19 has been submitted to the Columbia Basin Water Transactions Program to be used to fund said agreements; and

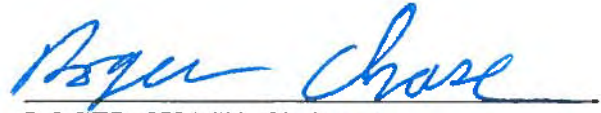
WHEREAS, instead of diverting from Morgan Creek, the water users have agreed to pump from Salmon River sources that are not flow-limited and the funds paid under these agreements will approximate the power expenses incurred, by changing the points of diversion; and

WHEREAS, the Morgan Creek transactions are 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 contracts with Ronald Jones and Donna Hughes, or their successors, for agreements not to divert out of Morgan Creek in an amount not to exceed \$9,719.19.

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the IWRB receives the requested funding from the Bonneville Power Administration through the Columbia Basin Water Transaction Program in the amount of \$9,719.19.

DATED this 23rd day of March 2018.



ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST: 

VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE	)	A RESOLUTION TO MAKE
SPRING CREEK WATER	)	A FUNDING COMMITMENT
DONATION TRANSACTIONS	)	
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WHEREAS, Spring Creek is a tributary to the Teton River that provides quality spawning and rearing habitat for Yellowstone cutthroat trout and other resident fish, but is flow and passage 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 to encourage recovery of Yellowstone cutthroat trout, which are currently designated as an Idaho Species of Greatest Conservation Need; and

WHEREAS, staff has developed a five-year donation agreement with the City of Tetonia to improve stream flow for fish in Spring Creek; and

WHEREAS, staff has developed a five-year donation agreement with Mitchell Smaellie to improve stream flow for fish in Spring Creek; and

WHEREAS, the donated water rights shall be leased into the Board's Idaho Water Supply Bank, to be rented by the Idaho Water Resource Board (IWRB) for the beneficial use of instream flow in the Teton River, for a period of five years; and

WHEREAS, a proposal to fund the City of Tetonia donation in the amount of \$4,900.00 has been submitted to the Columbia Basin Water Transaction Program; and

WHEREAS, a proposal to fund the Smaellie donation in the amount of \$398.00 has been submitted to the Columbia Basin Water Transaction Program; and

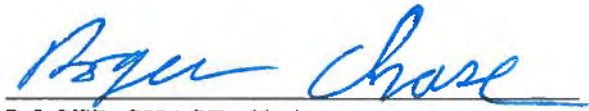
WHEREAS, staff anticipates the funds being placed into the IWRB Revolving Development Account for payment to the Idaho Water Supply Bank; and

WHEREAS, the Spring Creek donation transactions are 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 lease/rental agreements with the City of Tetonia, and/or its successors, and Mitchell Smaellie, and/or his successors, for water rights 22-11579, 22-13536, and 22-00380B for delivery to minimum stream flow 22-7369, using an amount not to exceed \$5,298.00.

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 Program in the amount of \$5,298.00.

DATED this 23rd day of March, 2018.



ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST: 

VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE	)	A RESOLUTION TO MAKE
SPRING CREEK RENTAL WATER	)	A FUNDING COMMITMENT
TRANSACTION AGREEMENT	)	
_____	)	

WHEREAS, Spring Creek is a tributary to the Teton River that provides quality spawning and rearing habitat for Yellowstone cutthroat trout and other resident fish, but is flow and passage 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 to encourage recovery of Yellowstone cutthroat trout, which are currently designated as an Idaho Species of Greatest Conservation Need; and

WHEREAS, staff has developed a five-year lease/rental agreement with Richard LaVere Beard to improve stream flow for fish in Spring Creek; and

WHEREAS, staff has developed a five-year lease/rental agreement with Ella Beard to improve stream flow for fish in Spring Creek; and

WHEREAS, the water rights shall be leased into the Board's Idaho Water Supply Bank, to be rented by the Idaho Water Resource Board (IWRB) for the beneficial use of instream flow in the Teton River, for a period of five years; and

WHEREAS, a proposal in the amount of \$3,019.85 has been submitted to the Columbia Basin Water Transaction Program to be used to fund the Richard LaVere Beard lease/rental agreement; and

WHEREAS, a proposal in the amount of \$4,298.15 has been submitted to the Columbia Basin Water Transaction Program to be used to fund the Ella Beard lease/rental agreement; and

WHEREAS, staff anticipates the funds being placed into the IWRB Revolving Development Account for annual payment to the water right owners and the Idaho Water Supply Bank; and

WHEREAS, the Spring Creek transactions are 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 lease/rental agreements with Richard LaVere Beard, and/or his successors, and Ella Beard, and/or her successors, for water rights 22-00380C and 22-11993 for delivery to minimum stream flow 22-7369, using an amount not to exceed \$7,318.00.

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 Program in the amount of \$7,318.00.

DATED this 23rd day of March, 2018.

  
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ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST:   
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VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE  
BEAR LAKE WATER STORAGE

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A RESOLUTION

WHEREAS, the Bear River flows through the States of Idaho, Wyoming, and Utah. It begins in the Uinta mountain of Utah, meanders back and forth between Utah and Wyoming, before entering Idaho near Montpelier and finally flowing through Idaho to Utah before ending in the Great Salt Lake, and;

WHEREAS, the entire flow of the Bear River is diverted in Idaho at Stewart Dam into Mud Lake and Bear Lake. The water is subsequently returned to the Bear River's natural channel, and;

WHEREAS, the Bear River is subject to an interstate Compact dated February 8, 1980 and codified by Idaho Code 42-3402 ("Bear River Compact"); and

WHEREAS, the Bear River Compact sets forth, among other things, allocation in the Lower Division as between Idaho and Utah for future water development, including ground water, and;

WHEREAS, under the Bear River Compact Idaho has the first right to the remaining water in the Lower Division resulting in an annual depletion of not more than 125,000 acre-feet, and Utah has the second right to the remaining water in the Lower Division resulting in an annual depletion of not more than 225,000 acre-feet, and;

WHEREAS, State Water Policy 5A provides: "Water use and management in the Bear River Basin shall conform to the allocations agreed to in the Bear River Compact.", and;

WHEREAS, State Water Plan Policy 5B provides: "The Idaho Water Resource Board supports enhancing water supplies, increasing water use efficiency, and implementing water supply bank mechanisms to help meet future water needs in the Bear River Basin, and;

WHEREAS, State Water Plan Policy 5B further provides: "[T]he state should move forward with the development of Idaho's depletion allocation as provided for in the Compact.", and;

WHEREAS, pursuant to the designation of the Bear River Ground Water Management Area, a Management Plan for the Bear River Ground Water Management Area was prepared by a committee of local stakeholders and adopted by IDWR in 2003. Among other recommendations, the Management Plan states: "The advisory committee recommended preparation of a comprehensive state water plan for the Bear River Basin in Idaho. A water plan could recommend feasibility studies for new storage facilities and other water supply enhancements. Additional storage could facilitate development of the first 125,000 acre feet of

depletion allowed to Idaho in the Bear River Compact. New storage could be in surface reservoirs or underground as managed aquifer recharge.”, and;

WHEREAS, the Idaho Water Resource Board (“IWRB”) holds a minimum lake level from the bottom of Bear Lake to elevation 5902, and;

WHEREAS, PacifiCorp owns the facilities used to store water in Bear Lake and operates the reservoir portion of Bear Lake between elevations 5902–5923.65 feet, and;

WHEREAS, PacifiCorp entered into the July 2, 2004 Amended and Restated Bear Lake Settlement Agreement with various Idaho and Utah entities regarding irrigation water delivery, and;

WHEREAS, PacifiCorp entered into the April 10, 1995 and April 18, 2000 Operation Agreement with Utah, Wyoming, and Idaho regarding operations of Bear Lake Reservoir, and;

WHEREAS, under normal conditions, Bear Lake operations by PacifiCorp sets a March 31<sup>st</sup> lake level target elevation of 5918 feet, known as the PTE, which is set to maintain space in the lake for flood control during high runoff periods while meeting contract requirements for Bear Lake storage water; and

WHEREAS, there appears to be an opportunity to utilize the space in Bear Lake between elevation 5918 and 5923.65 to store water that is otherwise released from the lake or bypassed past the lake to maintain the March 31 target elevation of 5918; and

WHEREAS, the space in Bear Lake between elevations 5918 and 5923.65 is approximately 400,000 acre-feet; and

WHEREAS, the opportunity to store additional water in Bear Lake would assist both Idaho and Utah interests, and may assist both states with development of their respective compact entitlements; and

WHEREAS, it appears that the State of Utah, acting through its Division of Water Resources, has interest in being a joint applicant along with the Idaho Water Resource Board in any water right filing to store additional water in Bear Lake; and

WHEREAS, achieving the ability to store additional water in Bear Lake may entail some significant challenges, including acquiring or developing downstream flood conveyance capacity in the Gem Valley area, acquiring the ability to utilize inlet and outlet facilities owned by PacifiCorp, re-negotiation of the April 18, 2000 Operations Agreement, and potentially other challenges.

NOW, THEREFORE BE IT RESOLVED that the Idaho Water Resource Board hereby recognizes the importance of developing the 125,000 acre-feet of depletions allocated to the State of Idaho it under the Bear River Compact.

NOW THEREFORE BE IT FURTHER RESOLVED that the Idaho Water Resource Board authorizes the filing of a water right application or applications to store additional water in Bear Lake for multiple purposes. The application(s) may be filed solely by the Board or may be filed jointly with the State of Utah.

DATED this 23rd day of March, 2018.

ATTEST:

  
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ROGER CHASE, Chairman

  
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VINCE ALBERDI, Secretary

## BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE U.S. DEPARTMENT OF )  
ENERGY IDAHO OPERATIONS OFFICE FUNDING TO )  
SUPPORT ESPA RECHARGE AND MODELING ) A RESOLUTION  
EFFORTS )

WHEREAS, Governor Otter directed the Idaho Water Resource Board (IWRB) to develop a water sustainability policy and support water sustainability and aquifer stabilization projects across Idaho to address declining groundwater levels, existing or potential conjunctive administration water use conflicts, alternative water supplies and long-term water management needs; and

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

WHEREAS, the State Water Plan, approved by the 2012 Legislature, recognized that measurement, data collection, quantification and monitoring of Idaho's water supply and use are essential for sound water resource planning, management and administration; and

WHEREAS, the Sustainability Policy Section of the State Water Plan identifies the need to obtain more accurate water supply, water measurement and forecasting information, and a need to disseminate water supply forecast to water users in cooperation with other federal and state agencies; and

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

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

WHEREAS, the Idaho Department of Environmental Quality (IDEQ) may allow a facility that has been found in violation of an environmental regulation to implement supplemental environmental projects (SEP) in lieu of or to reduce a cash penalty; and

WHEREAS, the U.S. Department of Energy Idaho Operations Office (DOE) is undertaking SEPs in connection with the settlement of an enforcement action taken by the IDEQ for alleged violations of the requirements of the Hazardous Waste Management Act; and

WHEREAS, the IWRB previously entered into a contract with DOE in 2017 to implement an SEP to drill ESPA monitoring wells and install a stream gage; and

WHEREAS, at the suggestion of IDEQ, the IWRB in collaboration with Idaho Department of Water Resources proposed a three-year SEP to DOE for the addition of up to 20 new aquifer monitoring wells in the ESPA, and various projects in the Big Lost River basin including installing monitoring wells and stream gages, conducting seepage runs and a mass measurement, and developing a water budget and hydrogeologic framework for a total cost of \$2,190,000; and

NOW THEREFORE BE IT RESOLVED that if DEQ approves this SEP for DOE, the IWRB authorizes the execution of an agreement with DOE for the funding of this SEP; and

NOW THEREFORE BE IT RESOLVED that the IWRB authorizes its chairman or designee, Brian Patton, to execute the necessary agreements or contracts to implement the SEP.

DATED this 23rd day of March, 2018.



ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST

  
VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF GOOSE LAKE  
RESERVOIR COMPANY FUNDING  
REQUEST

RESOLUTION TO AUTHORIZE  
FUNDING TO REPLACE DAM  
SPILLWAY RETAINING WALLS AND  
EMBANKMENT RECONSTRUCTION

WHEREAS, the Goose Lake Reservoir Company (Company) owns, operates, and maintains the Goose Lake Dam to deliver irrigation water to 4,600 acres of land in the northern portion of Meadows Valley, located in Adams County; and

WHEREAS, during the past four years, the Company has spent approximately \$20,000 for dam repairs and improvements; and

WHEREAS, on July 28, 2017, the IWRB approved a loan to the Company for \$20,000 to perform a structural evaluation of the dams spillway retaining walls and embankment; and

WHEREAS, the evaluation concluded that both spillway retaining walls have experienced significant deterioration and are in need of replacement; and

WHEREAS, failure of the spillway retaining walls and embankment may result in safety hazards to campers in a campground adjacent to the dam, costly damage to the dam and lake embankment, and significant economic impacts to the shareholders and residents of Meadows Valley due to considerable water loss from Goose Lake; and

WHEREAS, the Company submitted a loan application to the Idaho Water Resource Board (IWRB) for the amount of \$300,000 to replace the deteriorating Goose Lake Dam spillway retaining walls and reconstruct the associated embankment; and

WHEREAS, the Company will use the loan funds to complete design and construction of the new spillway retaining walls and associated embankment reconstruction; and

WHEREAS, the Company is a qualified applicant and the proposed evaluation qualifies for a loan from the Revolving Development Account; and

WHEREAS, the proposed project is in the public interest and is in compliance with the State Water Plan.

NOW THEREFORE BE IT RESOLVED that the IWRB approves a loan not to exceed \$300,000 from the Revolving Development Account at 4.5% interest with a 20-year repayment term and provides authority to the Chairman of the Idaho Water Resource Board, or his designee, to enter into contracts with the Company on behalf of the IWRB. The 20-year term of the loan will commence in April, 2018, with obligation of funds and payment requirements as outlined in Condition No.3 below.

NOW, THEREFORE BE IT FURTHER RESOLVED, the previously approved \$20,000 loan, including accrued interest, and this new loan of \$300,000 will be consolidated to establish a single annual loan payment; and

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

- 1) The Company shall comply with all applicable rules and regulations that apply to the proposed project.
- 2) The Company will provide acceptable security for the loan to the IWRB including, but not limited to, the Company's water rights and Goose Lake Reservoir Company facilities.
- 3) The Company shall establish a reserve account in an amount equal to one annual payment.

DATED this 23<sup>rd</sup> day of March, 2018.



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 APPROVING                    )  
RENTAL POOL PROCEDURES                    )  
FOR THE WATER DISTRICT NO 01            )  
RENTAL POOL                                    )

A RESOLUTION

WHEREAS, pursuant to Idaho Code 42-1765, the Idaho Water Resource Board may appoint local committees to facilitate the lease, rental and marketing of stored water under rules and regulations adopted by the Board; and

WHEREAS, consistent with Water Supply Bank Rule 40, subsection 05 (IDAPA 37.02.03.40.05), the Board will consider amendments to the approved procedures of an appointed local committee; and

WHEREAS, the water district advisory committee for Water District No. 01 is the local committee appointed by the Board to facilitate the lease, rental and marketing of stored water in the Upper Snake River basin; and

WHEREAS, the advisory committee for Water District No. 1 has adopted proposed changes to the Upper Snake River basin Water District No. 01 rental pool;

NOW THEREFORE BE IT RESOLVED that the Board approves the proposed changes to the Upper Snake River basin rental pool procedures, as proposed and adopted by the advisory committee of Water District No. 01.

Dated this 23<sup>rd</sup> day of March, 2018.



ROGER W. CHASE  
Idaho Water Resource Board Chairman

Attest: 

VINCE ALBERDI  
Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF APPROVING                    )  
RENTAL POOL PROCEDURES                    )  
FOR THE WATER DISTRICT NO 63               )  
RENTAL POOL                                    )

A RESOLUTION

WHEREAS, pursuant to Idaho Code 42-1765, the Idaho Water Resource Board may appoint local committees to facilitate the lease, rental and marketing of stored water under rules and regulations adopted by the Board; and

WHEREAS, consistent with Water Supply Bank Rule 40, subsection 05 (IDAPA 37.02.03.40.05), the Board will consider amendments to the approved procedures of an appointed local committee; and

WHEREAS, the water district advisory committee for Water District No. 63 is the local committee appointed by the Board to facilitate the lease, rental and marketing of stored water in the Boise River basin; and.

WHEREAS, the advisory committee for Water District No. 63 has adopted proposed changes to the Boise River basin Water District No. 63 rental pool;

NOW THEREFORE BE IT RESOLVED that the Board approves the proposed changes to the Boise River basin rental pool procedures, as proposed and adopted by the advisory committee of Water District No. 63.

Dated this 23<sup>rd</sup> day of March, 2018.



ROGER W. CHASE  
Idaho Water Resource Board Chairman

Attest: 

VINCE ALBERDI  
Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF APPROVING       )  
RENTAL POOL PROCEDURES       )  
FOR THE WATER DISTRICT NO 65       )  
RENTAL POOL       )

A RESOLUTION

WHEREAS, pursuant to Idaho Code 42-1765, the Idaho Water Resource Board may appoint local committees to facilitate the lease, rental and marketing of stored water under rules and regulations adopted by the Board; and

WHEREAS, consistent with Water Supply Bank Rule 40, subsection 05 (IDAPA 37.02.03.40.05), the Board will consider amendments to the approved procedures of an appointed local committee; and

WHEREAS, the water district advisory committee for Water District No. 65 is the local committee appointed by the Board to facilitate the lease, rental and marketing of stored water in the Payette River basin; and

WHEREAS, the advisory committee for Water District No. 65 has adopted proposed changes to the Payette River basin Water District No. 65 rental pool;

NOW THEREFORE BE IT RESOLVED that the Board approves the proposed changes to the Payette River basin rental pool procedures, as proposed and adopted by the advisory committee of Water District No. 65.

Dated this 23rd day of March, 2018.



ROGER W. CHASE  
Idaho Water Resource Board Chairman

Attest:



VINCE ALBERDI  
Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF ACQUISITION                    )  
OF ADDITIONAL GROUND WATER                    )       A RESOLUTION  
RECHARGE WATER RIGHTS IN                    )  
THE BIG AND LITTLE WOOD RIVERS               )  
\_\_\_\_\_)

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

WHEREAS, the State of Idaho relies on spring discharges from the ESPA through the Thousand Springs to assist in meeting the minimum streamflow water rights at the Murphy Gage established under the Swan Falls Agreement; and

WHEREAS, during part of 2013 and 2014, flows at the Murphy Gage approached the minimum flows, and in 2015 flows at the Murphy Gage went below minimum flows; and

WHEREAS, the ESPA has also been experiencing conjunctive administration water use conflict over the past two decades that have the potential to significantly impact Idaho's economy; and

WHEREAS, on June 30, 2015 members of the Idaho Ground Water Appropriators entered into an agreement with the Surface Water Coalition whereby the ground water users agreed to reduce their consumptive use from the ESPA by 240,000 acre-feet annually and take other actions; and

WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 138 supporting this agreement; and

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

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

WHEREAS, ground water recharge in the Big and Little Wood basins contributes to the stabilization of the ESPA; and

NOW THEREFORE BE IT RESOLVED the Idaho Water Resource Board hereby authorized staff to prepare and file new water right applications for ground water recharge in the Big and Little Wood Rivers.

NOW THEREFORE BE IT RESOLVED that the IWRB authorize its chairman or designee, Brian Patton, to execute the necessary applications or agreements to file for ground water recharge rights in the Big and Little Wood Rivers.

DATED this 23rd day of March, 2018.



ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST

  
VINCE ALBERDI, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF APPLICATION       )  
FOR STREAM CHANNEL ALTERATION)  
PERMIT NOS. S82-20066 and S82-20067 )

**RESOLUTION**

WHEREAS, on August 2, 2017, the Idaho Department of Water Resources (“IDWR”) denied Joint Application for Permit No. S82-20066 in the name of Gay Richardson (“Richardson”) for suction dredge mining within the Red River, a tributary of the South Fork Clearwater River; and

WHEREAS, on August 2, 2017, IDWR denied Joint Application for Permit No. S82-20067 in the name of John Stickley (“Stickley”) for suction dredge mining within the Red River, a tributary of the South Fork Clearwater River; and

WHEREAS, IDWR received a letter from Richardson on August 15, 2017, requesting a hearing on the denial of Joint Application for Permit No. S82-20066; and

WHEREAS, IDWR received a letter from Stickley on August 27, 2017, requesting a hearing on the denial of Joint Application for Permit No. S82-20067; and

WHEREAS, it is necessary for the Idaho Water Resource Board (“IWRB”) to appoint a hearing officer to preside over the hearings requested by Richardson and Stickley and issue a recommended order or recommended orders in accordance with Idaho Code §§ 67-5243(1)(a) and 67-5248; and

WHEREAS, on September 15, 2017, the IWRB appointed Hon. John M. Melanson as the hearing officer in the above-captioned proceedings;

WHEREAS, on January 19, 2018, Hearing Officer Melanson issued the *Notice of Hearing Officer Resignation; Order Vacating Deadline and Hearing Dates*, resigning as hearing officer due to unforeseen medical issues;

WHEREAS, it is necessary for the IWRB to appoint a new hearing officer to preside over the hearings requested by Richardson and Stickley;

NOW THEREFORE BE IT RESOLVED, the IWRB hereby appoints Nick Miller, Manager, IDWR Western Region, as the hearing officer in the above-captioned proceedings.

Adopted this 23<sup>rd</sup> day of March 2018.

  
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ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST:   
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VINCE ALBERDI, Secretary