

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF STATEWIDE WATER  
SUSTAINABILITY AND AQUIFER STABILIZATION,  
AND THE SECONDARY AQUIFER STABILIZATION,  
AND SECONDARY AQUIFER PLANNING,  
MANAGEMENT, AND IMPLEMENTATION FUND  
FISCAL YEAR 2019 BUDGET

A BUDGET RESOLUTION

1 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million  
2 annually through 2019 from the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary  
3 Aquifer Planning, Management, and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer  
4 stabilization; and

5 WHEREAS, House Bill 677 passed and approved by the 2018 Legislature allocated \$5 million in  
6 ongoing General Fund dollars to the IWRB's Secondary Aquifer Fund for statewide water sustainability  
7 and aquifer stabilization; and

8 WHEREAS, restructuring of the loan to the various ground water districts on the Eastern Snake  
9 Plain has resulted in \$4 million being repaid to the Secondary Aquifer Fund; and

10 WHEREAS, the IWRB has the opportunity to utilize up to \$2.068 million provided by the Idaho  
11 National Laboratory for aquifer monitoring in the Eastern Snake Plain Aquifer and the Big Lost Basin  
12 Aquifer over a three-year period; and

13 WHEREAS, un-allocated funds already in the Secondary Aquifer Fund will be carried forward into  
14 the Fiscal Year 2019 budget; and

15 WHEREAS, many aquifers across Idaho are declining or have existing or potential conjunctive  
16 administration water use conflicts, including the Eastern Snake Plain Aquifer, the Mountain Home Aquifer,  
17 the Wood River Valley Aquifer, the Big Lost Aquifer, the Raft River Aquifer, the Malad Valley Aquifer, the  
18 Treasure Valley Aquifer, the Rathdrum Prairie Aquifer, the Palouse Basin Aquifer, the Lewiston Plateau  
19 Aquifer, and others; and

20 WHEREAS, the State of Idaho relies on spring discharge from the Eastern Snake Plain Aquifer  
21 (ESPA) through the Thousand Springs to assist in meeting the minimum streamflow water rights at the  
22 Murphy Gage established under the Swan Falls Agreement; and

23 WHEREAS, the ESPA has been losing approximately 216,000 acre-feet annually from aquifer  
24 storage since the 1950's resulting in declining ground water levels in the aquifer and declining spring flows  
25 from the aquifer; and

26 WHEREAS, during parts of 2013 and 2014 flows at the Murphy Gage approached the minimum  
27 flow, and in 2015 flows at the Murphy Gage went below minimum flows; and

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

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

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

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

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

40 WHEREAS, the ground water use reduction and managed recharge are together designed to  
41 stabilize and then recover the ESPA; and

42 WHEREAS, a recent study commissioned by the IWRB predicts that approximately 160,000 to  
43 283,000 new acre-feet of water supply may be needed to meet the DCMI needs of the growing Treasure  
44 Valley population over the next 50 years; and

45 WHEREAS, in October 2017 the Board approved entering into an agreement with the U.S. Bureau  
46 of Reclamation to complete the Boise River Storage Feasibility Study; and

47 WHEREAS, conjunctive administration water delivery calls have been made in the Big and Little  
48 Wood River Basins against junior-priority upstream ground water uses; and

49 WHEREAS, the Mountain Home aquifer is being over-drafted by about 30,000 acre-feet annually;

50 WHEREAS, the deep aquifer in the Palouse Basin has been declining for decades despite  
51 aggressive conservation measures; and

52 WHEREAS, the Department of Water Resources recently enacted Ground Water Management  
53 Areas in the Malad Valley Aquifer and the Lewiston Plateau Aquifer in response to declining ground water  
54 levels in those aquifers; and

55 WHEREAS, ground water levels in many aquifers are inadequate to sustain a supply of water for  
56 surface and ground water irrigation, hydropower, municipal, industrial, and other uses, the curtailment  
57 of which would cause severe economic harm to Idaho's economy; and

58 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 137  
59 which recognized that stabilizing and enhancing aquifer levels is in the public interest, and directs the  
60 IWRB to take actions in aquifers across the state to stabilize and enhance aquifer levels thereby  
61 maintaining water supply for consumptive and non-consumptive uses and minimizing harm to Idaho's  
62 economy arising from water supply shortages; and

63 WHEREAS, on April 30, 2018 the IWRB Finance Committee met in Boise, Idaho, and recommended  
64 the approval of a Fiscal Year 2019 Budget for the use of available funds in the Secondary Aquifer Fund for  
65 statewide water sustainability and aquifer stabilization purposes; and

66 NOW THEREFORE BE IT RESOLVED that the IWRB adopts the Fiscal Year 2019 Budget for the  
67 continuously-appropriated Secondary Aquifer Planning, Management, and Implementation Fund as  
68 shown in Attachment A to this resolution.

69 BE IT FURTHER RESOLVED that the budget may be adjusted if necessary based on the actual  
70 amount of Cigarette Tax funds received, interest income received, amount received from the Idaho  
71 National laboratory, or the actual amount of carry-over from Fiscal Year 2018.

72 BE IT FURTHER RESOLVED that funds for budgeted ESPA managed recharge infrastructure shall be  
73 approved by the IWRB by resolution for each individual project in excess of \$20,000, detailing the terms  
74 and conditions of approval, and must include conditions maintaining long-term access for recharge by the  
75 IWRB in any facilities owned by others.

76 BE IT FURTHER RESOLVED that expenditures for identified ESPA managed recharge operations,  
77 investigations and engineering for further ESPA managed recharge capacity development may proceed  
78 with no further approvals, however, the IWRB shall be kept apprised of such expenditures.

79 BE IT FURTHER RESOLVED that the Idaho National Laboratory funded monitoring and investigation  
80 work in the Eastern Snake Plain Aquifer and the Big Lost Basin Aquifer may proceed with no further  
81 approvals up to the total amount provided by the Idaho National Laboratory, however, the IWRB shall be  
82 kept apprised of such expenditures.

83 BE IT FURTHER RESOLVED that expenditures for the Treasure Valley Ground Water Model, the  
84 Boise River Storage Feasibility Study, and for Aquifer Monitoring Network Enhancements in Priority  
85 Aquifers, and Assistance with Federal Issues, and Administrative Expenses may proceed with no further  
86 approvals, however, the IWRB shall be kept apprised of such expenditures.

87 BE IT FURTHER RESOLVED that expenditures for the Cooperative Cloud Seeding Program and the  
88 Cloud Seeding Modeling Project may proceed with no further approvals, however, the IWRB shall be kept

89 apprised of such expenditures. Further, it is the IWRB's stated goal that both the state and the water  
90 users financially participate with Idaho Power in the Cooperative Cloud Seeding Program.

91 BE IT FURTHER RESOLVED that all other expenditures from the Secondary Aquifer Fund shall  
92 require an additional approval by the IWRB by resolution.

93 BE IT FURTHER RESOLVED that the IWRB may modify this budget during Fiscal Year 2019 at a  
94 properly noticed meeting of the IWRB.

DATED this 18th day of May, 2018



ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST 

VINCE ALBERDI, Secretary

**ATTACHMENT A – Fiscal Year 2019 Secondary Aquifer Planning, Management, and Implementation Fund Budget**

Carry-Over From FY18	\$	2,898,760
General Fund (HB 677):	\$	5,000,000
HB547 funds - receipt of Cigarette Tax proceeds	\$	5,000,000
IGWA Loan Repayment to the Secondary Fund	\$	4,000,000
DOE-INL SEP Funds (\$2.068 M over 3 years)	\$	690,000
Estimated interest	\$	250,000
<b>TOTAL</b>	<b>\$</b>	<b>17,838,760</b>

**BUDGET TRACKING**

Category	Sub-Category	FY19 Budget
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**ESPA MANAGED RECHARGE**

<b>ESPA Recharge Operations</b>		Conveyance Cost	\$3,500,000
		Equipment & Supplies	\$89,000
		Recharge Monitoring	\$554,550
		Regional Monitoring	\$200,000
		<b>TOTAL</b>	<b>\$4,343,550</b>
<b>ESPA Managed Recharge Infrastructure Projects</b>	<b>Budgeted Projects</b>	North Side Wilson Canyon Site	\$1,750,000
		AFRD2 MP29 Site	\$2,150,000
		AFRD2 MP28 Hydro Plant Tailbay	\$1,000,000
		South Fork and Other Small Upper Valley Sites	\$1,000,000
		A&B Injection Wells	\$550,000
	Reserved for additional recharge infrastructure projects	\$500,000	
	<b>TOTAL</b>	<b>\$6,950,000</b>	
<b>Managed Recharge Investigations</b>	<b>Budgeted Investigations</b>	North Side Recharge Sites	\$200,000
		Large Upper Valley Site(s)	\$200,000
		Big / Little Wood Sites	\$200,000
		Reserved for additional investigations and engineering	\$300,000
		<b>TOTAL</b>	<b>\$900,000</b>
ESPA Hydrologic Monitoring (DOE Funding) (Year 1 of 3 - Total \$928,000)			\$310,000
<b>ESPA MANAGED RECHARGE TOTAL</b>			<b>\$12,503,550</b>

## TREASURE VALLEY

Treasure Valley Aquifer Ground Water Model (Year 3 of 5 - Total \$2.5 M)	\$500,000
Boise River Storage Studies (final payment)	\$1,000,000
Southeast Boise Groundwater Management Area Monitoring	\$100,000
Treasure Valley DCMI Water Conservation Study	\$200,000
<b>TREASURE VALLEY TOTAL</b>	<b>\$1,800,000</b>

## CAMAS PRAIRIE

Ground & Surface Water Monitoring	\$75,000
<b>CAMAS PRAIRIE TOTAL</b>	<b>\$75,000</b>

## BIG LOST TOTAL

Hydrologic Monitoring (DOE Funding) (Year 1 of 3 - Total \$1.14 M)	\$380,000
<b>BIG LOST TOTAL</b>	<b>\$380,000</b>

## PALOUSE BASIN

Water Sustainability Projects	\$100,000
<b>PALOUSE TOTAL</b>	<b>\$100,000</b>

## BEAR RIVER BASIN

Water Sustainability Projects	\$250,000
<b>BEAR RIVER BASIN TOTAL</b>	<b>\$250,000</b>

## STATE-WIDE

Aquifer monitoring network enhancement in priority aquifers	\$200,000
Cooperative Cloud Seeding Program:	
Operations & Maintenance Costs (Board portion is 1/3 per year)	\$800,000
Cloud Seeding Modeling Project (Year 2 of 4 - Total \$1.47 Million)	\$470,000
Operations costs for additional Ground Generators & Upper Snake Aircraft	\$425,000
Administrative expenses (public information, staff training, etc)	\$80,000
Professional Assistance for securing Federal Funding	\$100,000
<b>STATE-WIDE TOTAL</b>	<b>\$2,075,000</b>

<b>RESERVE FOR WORK IN OTHER PRIORITY AREAS OR CARRY-FORWARD INTO FUTURE YEARS</b>	<b>\$ 655,210</b>
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<b>GRAND TOTAL</b>	<b>\$ 17,838,760</b>
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BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE ) A RESOLUTION  
BEAR LAKE WATER STORAGE )

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

5  
6 WHEREAS, the entire flow of the Bear River is diverted in Idaho at Stewart Dam into  
7 Mud Lake and Bear Lake. The water is subsequently returned to the Bear River's natural  
8 channel, and;

9  
10 WHEREAS, the Bear River is subject to an interstate Compact dated February 8, 1980  
11 and codified by Idaho Code 42-3402 ("Bear River Compact"); and

12  
13 WHEREAS, the Bear River Compact sets forth, among other things, allocation in the  
14 Lower Division as between Idaho and Utah for future water development, including ground  
15 water, and;

16  
17 WHEREAS, under the Bear River Compact Idaho has the first right to the remaining  
18 water in the Lower Division resulting in an annual depletion of not more than 125,000 acre-feet,  
19 and Utah has the second right to the remaining water in the Lower Division resulting in an  
20 annual depletion of not more than 225,000 acre-feet, and;

21  
22 WHEREAS, State Water Policy 5A provides: "Water use and management in the Bear  
23 River Basin shall conform to the allocations agreed to in the Bear River Compact.", and;

24  
25 WHEREAS, State Water Plan Policy 5B provides: "The Idaho Water Resource Board  
26 supports enhancing water supplies, increasing water use efficiency, and implementing water  
27 supply bank mechanisms to help meet future water needs in the Bear River Basin, and;

28  
29 WHEREAS, State Water Plan Policy 5B further provides: "[T]he state should move  
30 forward with the development of Idaho's depletion allocation as provided for in the Compact.",  
31 and;

32  
33 WHEREAS, pursuant to the designation of the Bear River Ground Water Management  
34 Area, a Management Plan for the Bear River Ground Water Management Area was prepared by  
35 a committee of local stakeholders and adopted by IDWR in 2003. Among other  
36 recommendations, the Management Plan states: "The advisory committee recommended  
37 preparation of a comprehensive state water plan for the Bear River Basin in Idaho. A water plan  
38 could recommend feasibility studies for new storage facilities and other water supply  
39 enhancements. Additional storage could facilitate development of the first 125,000 acre feet of



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

42  
43 WHEREAS, the Idaho Water Resource Board (“IWRB”) holds a minimum lake level  
44 from the bottom of Bear Lake to elevation 5902, and;

45  
46 WHEREAS, Pacificorp owns the facilities used to store water in Bear Lake and operates  
47 the reservoir portion of Bear Lake between elevations 5902–5923.65 feet, and;

48  
49 WHEREAS, Pacificorp entered into the July 2, 2004 Amended and Restated Bear Lake  
50 Settlement Agreement with various Idaho and Utah entities regarding irrigation water delivery,  
51 and;

52  
53 WHEREAS, Pacificorp entered into the October 5, 1995 and April 18, 2000 Operation  
54 Agreement with Utah, Wyoming, and Idaho regarding operations of Bear Lake Reservoir, and;

55  
56 WHEREAS, under normal conditions, Bear Lake operations by Pacificorp sets a March  
57 31<sup>st</sup> lake level target elevation of 5918 feet, known as the PTE, which is set to maintain space in  
58 the lake for flood control during high runoff periods while meeting contract requirements for Bear  
59 Lake storage water; and

60  
61 WHEREAS, there appears to be an opportunity to utilize the space in Bear Lake between  
62 elevation 5918 and 5923.65 to store water that is otherwise released from the lake or bypassed past  
63 the lake to maintain the March 31 target elevation of 5918; and

64  
65 WHEREAS, the space in Bear Lake between elevations 5918 and 5923.65 is approximately  
66 400,000 acre-feet; and

67  
68 WHEREAS, the opportunity to store additional water in Bear Lake would assist both Idaho  
69 and Utah interests, and may assist both states with development of their respective compact  
70 entitlements; and

71  
72 WHEREAS, it appears that the State of Utah, acting through its Division of Water  
73 Resources, has interest in being a joint applicant along with the Idaho Water Resource Board in  
74 any water right filing to store additional water in Bear Lake; and

75  
76 WHEREAS, achieving the ability to store additional water in Bear Lake may entail some  
77 significant challenges, including acquiring or developing downstream flood conveyance capacity  
78 in the Gem Valley area, acquiring the ability to utilize inlet and outlet facilities owned by  
79 Pacificorp, re-negotiation of the April 18, 2000 Operations Agreement, and potentially other  
80 challenges; and

81  
82 WHEREAS, on March 23, 2018 the IWRB passed a resolution authorizing the filing of a  
83 water right application to store additional water in Bear Lake in cooperation with the State of Utah,  
84 and the water right application was filed the same day; and

86 WHEREAS, there are expenses associated with proceeding with this Bear Lake effort,  
87 including working with Utah on modeling studies, potentially acquiring flood easements in the  
88 Gentile Valley, and others; and

89  
90 NOW, THEREFORE BE IT RESOLVED that the Idaho Water Resource Board hereby  
91 authorized the expenditure of up to \$100,000 from the Revolving Development Account for  
92 participating in modeling studies with the State of Utah which also may entail retaining consultants  
93 to help carry out the work.

94  
95 NOW THEREFORE BE IT FURTHER RESOLVED that because the work to be  
96 performed is still somewhat undefined, all expenditures shall require the direction of the Chairman  
97 of the Idaho Water Resource Board.

DATED this 18<sup>th</sup> day of May, 2018.



\_\_\_\_\_  
ROGER CHASE, Chairman

ATTEST:



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VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF FLOOD MANAGEMENT  
GRANTS

A RESOLUTION TO ADOPT CRITERIA

1           WHEREAS, House Bill 712 passed and approved by the 2018 legislature transferred  
2 \$1,000,000 from the General Fund to the Water Management Fund creating a Flood Management  
3 Grant Program administered by the Idaho Water Resources Board (IWRB) to be used for the purpose  
4 of flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood  
5 prevention projects; and

6           WHEREAS, House Bill 712 allows for the award of grants larger than \$50,000 for the Flood  
7 Management Program, at the discretion of the IWRB; and

8           WHEREAS, House Bill 712 directs the IWRB to require the availability of fifty percent (50%)  
9 matching funds for all projects to be considered under the grant program; and

10           WHEREAS, House Bill 712 directs the IWRB to prioritize projects on a competitive statewide  
11 basis; and

12           WHEREAS, on April 30, 2018 the IWRB Finance Committee discussed criteria and  
13 recommended staff update the criteria for consideration at the May 17 and 18 IWRB meeting; and

14           WHEREAS, the IWRB intends to allocate these funds no later than July 30<sup>th</sup>; and

15           NOW, THEREFORE BE IT RESOLVED that the IWRB adopts the criteria attached hereto in  
16 Attachment A for the award of Flood Management Grants and directs staff to issue a statewide  
17 solicitation for Flood Management projects.

DATED this 18<sup>th</sup> day of May 2018.



\_\_\_\_\_  
ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST



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VINCE ALBERDI, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF APPLICATION )  
FOR STREAM CHANNEL ALTERATION )  
PERMIT NO. S01-20253 )  
\_\_\_\_\_ )

**RESOLUTION**

1 WHEREAS, on February 12, 2018, the Idaho Department of Water Resources (“IDWR”)  
2 received Joint Application for Permits No. S01-20253 (“Application”) filed by David Shackleton  
3 (“Shackleton”) for a stream channel alteration permit to suction dredge mine within Iowa Creek  
4 from July 10, 2018, to August 10, 2018; and  
5

6 WHEREAS, on April 9<sup>th</sup> and 10<sup>th</sup>, 2018, IDWR sent letters to Shackleton denying his  
7 request to operate recreational mining equipment within Iowa Creek from July 10, 2018, to  
8 August 10, 2018; and  
9

10 WHEREAS, Shackleton requested in writing within fifteen days after service of IDWR’s  
11 letters a hearing before the Idaho Water Resource Board (“IWRB”) on IDWR’s denial of  
12 Shackleton’s request to operate recreational mining equipment within Iowa Creek from July 10,  
13 2018, to August 10, 2018; and  
14


15 WHEREAS, it is necessary for the IWRB to appoint a hearing officer to preside over the  
16 hearing requested by Shackleton and issue a recommended order in accordance with Idaho Code  
17 §§ 67-5243(1)(a) and 67-5248;  
18

19 NOW THEREFORE BE IT RESOLVED, the IWRB hereby appoints James Cefalo,  
20 Water Resources Program Manager, IDWR Eastern Region, as the hearing officer in the above-  
21 captioned proceedings.

Adopted this 18<sup>th</sup> day of May 2018.



\_\_\_\_\_  
ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST:   
VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF AMENDING THE STATEWIDE  
WATER SUSTAINABILITY AND AQUIFER  
STABILIZATION, AND THE SECONDARY AQUIFER  
PLANNING, MANAGEMENT, AND IMPLEMENTATION  
FUND FISCAL YEAR 2018 BUDGET

RESOLUTION TO AMEND FISCAL YEAR 2018  
THE SECONDARY AQUIFER PLANNING,  
MANAGEMENT, AND IMPLEMENTATION FUND

1 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates up to \$5 million  
2 annually from the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning,  
3 Management, and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and  
4

5 WHEREAS, Senate Bill 1175 passed and approved by the 2017 Legislature allocated \$5 million in  
6 ongoing General Fund dollars to the IWRB's Secondary Aquifer Fund for statewide water sustainability  
7 and aquifer stabilization; and  
8

9 WHEREAS, the State of Idaho relies on spring discharge from the Eastern Snake Plain Aquifer  
10 (ESPA) through the Thousand Springs to assist in the meeting minimum streamflow water rights at the  
11 Murphy Gage established under Swan Falls Agreement; and  
12

13 WHEREAS, the ESPA has been losing approximately 216,000 acre-feet annually from aquifer  
14 storage since the 1950's resulting in declining groundwater levels in the aquifer and declining spring flows  
15 from the aquifer; and  
16

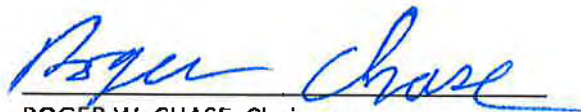
17 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136  
18 directing to IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed  
19 recharge to the ESPA by December 31, 2024; and  
20

21 WHEREAS, on May 19, 2017, the IWRB adopted the Secondary Aquifer Fund Fiscal Year 2018  
22 Budget, which included \$2,500,000 in ESPA Recharge Operations for Conveyance Cost to recharge excess  
23 water in the ESPA; and  
24

25 WHEREAS, the 2017/2018 recharge season started on August 30, 2017 and will have recharged  
26 over 500,000 acre-feet of water by the end of the recharge season;  
27

28 NOW THEREFORE IT BE RESOLVED that the IWRB increases the ESPA Recharge Operations  
29 Conveyance Cost for the Fiscal Year 2018 Budget to \$4,700,000.

DATED this 18th day of May, 2018.



ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST



VINCE ALBERDI, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

**IN THE MATTER OF BIG TIMBER CREEK 2018-  
2037 WATER TRANSACTION CONTRACT**

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

1           WHEREAS, Chinook salmon and steelhead habitat in the Lemhi River basin is limited by seasonally  
2 disconnected tributaries; and

3  
4           WHEREAS, Big Timber Creek provides steelhead and juvenile Chinook salmon habitat and the  
5 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for  
6 improving fish habitat which includes improving or protecting flow conditions to augment stream flows;  
7 and

8  
9           WHEREAS, it is in the interest of the State of Idaho to reconnect Lemhi River tributaries to  
10 encourage recovery of ESA-listed Chinook salmon and steelhead fish; and

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

15  
16           WHEREAS, IWRB staff has developed a twenty-year agreement not to divert water from Big  
17 Timber Creek to maintain an additional 1.38 cfs to increase stream flow for anadromous and resident fish;  
18 and

19  
20           WHEREAS, the water user has changed the point of diversion to pump from the Lemhi River and  
21 the funds paid under the agreement will approximate the power expenses incurred, over a 20-year period,  
22 by changing the points of diversion; and

23  
24           WHEREAS, funds are available from the Bonneville Power Administration through the Idaho Fish  
25 Accord Idaho Water Transaction Fund; and

26  
27           WHEREAS, IWRB staff anticipates the funds being placed into the Idaho Water Resource Board  
28 (IWRB) Revolving Development Account for annual payment to the water right owners; and

29  
30           WHEREAS, the Big Timber Creek transaction is in the public interest and is consistent with the  
31 State Water Plan; and

32  
33           NOW, THEREFORE BE IT RESOLVED that the Board authorizes the Chairman, or his assigns, to enter  
34 into a contract with Leadore Land Partners or subsequent owners for an agreement not to divert out of  
35 Big Timber Creek in the amount of one hundred seventeen thousand, nine hundred thirty-seven dollars  
36 (\$117,937.00).

37  
38           NOW, THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that  
39 the IWRB receives the requested funding from the Bonneville Power Administration through the Idaho

40 Water Transaction Program in the amount of one hundred seventeen thousand, nine hundred thirty-  
41 seven dollars (\$117,937.00).

DATED this 18th day of May, 2018.



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ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST 

\_\_\_\_\_  
VINCE ALBERDI, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

**IN THE MATTER OF BOHANNON CREEK 2018-  
2037 WATER TRANSACTION CONTRACTS**

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

1           WHEREAS, Chinook salmon and steelhead habitat in the Lemhi River basin is limited by low flow  
2 and seasonally disconnected tributaries; and  
3

4           WHEREAS, Bohannon Creek provides steelhead and juvenile Chinook salmon habitat and the  
5 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for  
6 improving fish habitat which includes improving or protecting flow conditions to augment stream flows;  
7 and  
8

9           WHEREAS, it is in the interest of the State of Idaho to reconnect Lemhi River tributaries to  
10 encourage recovery of ESA-listed Chinook salmon and steelhead fish; and  
11

12           WHEREAS, the Idaho Water Resource Board (IWRB) is authorized to expend Bonneville Power  
13 Administration funds for flow restoration through the Columbia Basin Water Transaction Program and the  
14 Idaho Fish Accord Water Transaction Fund; and  
15

16           WHEREAS, the Bohannon Creek-3 diversion can dewater the lower reach of Bohannon Creek and  
17 impair the spawning and rearing of ESA-listed steelhead and Chinook salmon; and  
18

19           WHEREAS, IWRB staff has developed twenty-year agreements not to divert water with two water  
20 users on the Bohannon Creek-3 diversion to maintain full season connectivity and increase stream flow  
21 for anadromous and resident fish; and  
22

23           WHEREAS, the water users have changed their point of diversion to pump from the Lemhi River  
24 and the funds paid under the agreement will approximate the power expenses incurred, over a 20-year  
25 period, by changing the points of diversion; and  
26

27           WHEREAS, funds are available from the Bonneville Power Administration through the Idaho Fish  
28 Accord Idaho Water Transaction Fund and the Columbia Basin Water Transaction Program fund; and  
29

30           WHEREAS, IWRB staff anticipates the funds being placed into the IWRB Revolving Development  
31 Account for annual payment to the water right owners; and  
32

33           WHEREAS, the Bohannon Creek transaction is in the public interest and is consistent with the  
34 State Water Plan; and  
35

36           **NOW, THEREFORE BE IT RESOLVED** that the Board authorizes the Chairman, or his assigns, to  
37 enter into contracts with E. Dale Jolley and Betty W. Stokes and/or their heirs or subsequent owners for  
38 agreements not to divert out of Bohannon Creek in the amount of one million, three hundred seventy  
39 thousand, three hundred seventy dollars (\$1,370,370.00).



40  
41  
42  
43  
44

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 Idaho Water Transaction Program in the amount of one million, three hundred seventy thousand, three hundred seventy dollars (\$1,370,370.00).

DATED this 18th day of May, 2018.



ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST



VINCE ALBERDI, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

**IN THE MATTER OF THE PRIEST LAKE WATER  
MANAGEMENT PROJECT**

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

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

5           WHEREAS, Senate Bill 1261 passed and approved by the 2018 Legislature updated Idaho Code  
6 §70-507 to 1) clarify that management of the state-owned dam on Priest Lake at Outlet Bay is under the  
7 jurisdiction of the Idaho Water Resource Board, and 2) to allow for flexibility of the management of the  
8 lake level to a range between 3 feet and 3.5 feet on the USGS Priest Lake Outlet gage (located upstream  
9 of the dam) after run-off of the winter snowpack until the close of the main recreational season; and  
10

11           WHEREAS, as a result of drought conditions in northern Idaho in 2015 and 2016, it was difficult  
12 to maintain required pool levels and downstream flow in the Priest River during the recreational season;  
13 and,  
14

15           WHEREAS, the Priest Lake, Upper Priest Lake and Priest River are significant draws for tourism  
16 and recreation, and are highly valued environmental and economic assets for Bonner County and the  
17 State of Idaho; and  
18

19           WHEREAS, in 2016 the Idaho Water Resource Board (IWRB) authorized the expenditure of up to  
20 \$300,000 from the Revolving Development Account to complete the Priest Lake Water Management  
21 Study (study) to evaluate strategies to meet long-term water management objectives for the Priest Lake  
22 and Priest River system; and  
23

24           WHEREAS, the study has been completed and recommended temporarily raising surface level 3  
25 to 6 inches during the recreation season of dry years and integrating real time streamflow data to allow  
26 more flexibility; and  
27

28           WHEREAS, the study also recommended making outlet dam structural and operational  
29 improvements; and  
30

31           WHEREAS, the study also recommended replacing the current existing porous breakwater with a  
32 sediment retention feature and dredging of the Thorofare; and  
33

34           WHEREAS, the estimated cost for these recommended improvements is approximately \$5  
35 million; and  
36

37           WHEREAS, in November 2017 the IWRB accepted and endorsed the recommendations in the  
38 Priest Lake Study and recommended proceeding with the project if and when funding becomes  
39 available.

40 WHEREAS, House Bill 677 passed and approved by the 2018 Legislature included 1) a \$2.4  
41 million transfer from the General Fund to the Revolving Development Account, and 2) a redirect of  
42 \$2,419,600 in the Revolving Development from the Conservation Reserve Enhancement Program (CREP)  
43 to be used for the Priest Lake Water Management Project; and  
44

45 WHEREAS, Mott MacDonald has been selected, through a competitive process, to assist the  
46 IWRB with this project; and  
47

48 NOW, THEREFORE, BE IT RESOLVED that the IWRB authorizes the expenditure of funds not to  
49 exceed \$600,000 from the Revolving Development Account for the Engineering and Design phase of the  
50 Priest Lake Water Management Project, which includes preliminary engineering, regulatory permitting,  
51 final engineering, and public/stakeholder support; and  
52

53 NOW, THEREFORE, BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee  
54 to execute the necessary agreements or contracts to complete the Engineering and Design phase of the  
55 Priest Lake Water Management Project.

DATED this 18<sup>th</sup> day of May, 2018



ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST



VINCE ALBERDI, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

**IN THE MATTER OF THE BOARD PURCHASE OF  
WATER RIGHT NO. 77-4207 FROM WESTERN  
RIVERS CONSERVANCY**

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

1           WHEREAS, natural origin Chinook salmon, steelhead, and bull trout habitat in the Middle Fork  
2 Salmon River basin is impacted by flow-limited tributaries; and  
3

4           WHEREAS, Knapp Creek, tributary to Marsh Creek, has been identified as a high priority stream  
5 for flow restoration efforts, to provide high quality spawning and rearing habitat for natural origin  
6 anadromous Chinook salmon, steelhead, and resident bull trout, and  
7

8           WHEREAS, it is in the interest of the State of Idaho to increase flow in Knapp Creek to encourage  
9 recovery of ESA-listed Chinook salmon, steelhead, and bull trout fish; and  
10

11           WHEREAS, Water Right No. 77-4207 has been historically diverted from Knapp Creek for irrigation  
12 purposes; and  
13

14           WHEREAS, the Idaho Water Resource Board (IWRB), pursuant to Section 42-1734, Idaho Code,  
15 has the authority to acquire, purchase, lease, or exchange land, rights, water rights, easements,  
16 franchises, and other property deemed necessary or proper for the construction, operation, and  
17 maintenance of water projects; and  
18

19           WHEREAS, the Water Right owner desires to sell to IWRB all their legal interests in Water Right  
20 No. 77-4207 appurtenant to 159 acres, so that the water may remain in Knapp Creek to enhance fish  
21 habitat; and  
22

23           WHEREAS, upon acquisition, Water Right No. 77-4207 may be leased into the Idaho Water Supply  
24 Bank and rented out through the Idaho Water Supply Bank for permanent delivery to minimum stream  
25 flow Water Right No. 77-14210 on Marsh Creek; and  
26

27           WHEREAS, funds are available from the Pacific Coast Salmon Recovery Fund (PCSRF) for a  
28 purchase of the water right; and  
29

30           WHEREAS, the Knapp Creek transaction is in the public interest and is consistent with the State  
31 Water Plan; and  
32

33           NOW, THEREFORE BE IT RESOLVED that the IWRB hereby agrees to purchase the assignment of  
34 Water Right 77-4207 for seven hundred seventy-five thousand, three hundred twenty-two dollars  
35 (\$775,322.00) contingent upon the IWRB and the Water Right Owner executing a written agreement  
36 governing the rights and responsibilities of the parties resulting from the assignment of the water right.  
37

38           NOW, THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that  
39 the IWRB receives the requested funding from the PCSRF in an amount of seven hundred seventy-five  
40 thousand, three hundred twenty-two dollars (\$775,322.00).

DATED this 18th day of May, 2018.



ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST   
VINCE ALBERDI, Secretary