

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF FLOOD  
MANAGEMENT GRANTS

RESOLUTION TO AWARD FUNDS AND  
AMEND THE 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  
3 Management Grant Program administered by the Idaho Water Resources Board (IWRB) to be  
4 used for the purpose of flood-damaged stream channel repair, stream channel improvement,  
5 flood risk reduction, or flood prevention projects; and  
6

7           WHEREAS, House Bill 712 allows for the award of grants larger than \$50,000 for the Flood  
8 Management Program, at the discretion of the IWRB; and  
9

10           WHEREAS, House Bill 712 directs the IWRB to require the availability of fifty percent (50%)  
11 matching funds for all projects to be considered under the grant program; and  
12

13           WHEREAS, House Bill 712 directs the IWRB to prioritize projects on a competitive  
14 statewide basis; and  
15

16           WHEREAS, on May 18, 2018 the IWRB adopted criteria for the award of Flood  
17 Management Grants, and  
18

19           WHEREAS, on July 27, 2018 the IWRB adopted a resolution authorizing funding for ten  
20 (10) Flood Management Grant applications, amending the criteria to remove the application  
21 dates/deadlines, and directing staff to issue a statewide solicitation for a second round of Flood  
22 Management Grant funding with an application deadline of Friday August 17, 2018; and  
23

24           WHEREAS, nine (9) Flood Management Grant applications were received by the deadline  
25 of Friday August 17, 2018 and the applications were evaluated, scored and ranked according to  
26 the criteria adopted by IWRB; and  
27

28           WHEREAS, requests for Flood Management funding exceeds the IWRB's remaining Flood  
29 Management Grant funding available; and  
30

31           WHEREAS, the IWRB has determined to 1) exclude those entities from funding in the  
32 second round that received funding in the first round, 2) allow the IWRB to authorize partial  
33 funding awards for projects in the second round, and 3) allow the Board to reallocate funds to

34 the next highest project when remaining funds are insufficient to cover the higher ranked project;  
35 and

36

37 NOW, THEREFORE BE IT RESOLVED that the IWRB approves the award of Flood  
38 Management Grants as specified in Attachment A to this resolution.

39

DATED this 14 day of September, 2018.



ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST 

VINCE ALBERDI, Secretary

Attachment A:

<b>Flood Management Grant Awards for Round 2</b>	
<b>Entity</b>	<b>Awards</b>
Twin Falls Canal Company	\$85,340
Nez Perce Soil & Water Conservation District	\$115,460
Riverside Village HOA/Garden City	\$6,025
City of Pocatello	\$26,105
	<b>Total</b>
	<b>\$232,930</b>

BEFORE THE IDAHO WATER RESOURCE BOARD

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

RESOLUTION TO ADOPTING RECOMMENDED  
ORDER AS FINAL

1 WHEREAS, on February 12, 2018, David Shackleton ("Shackleton") filed Joint Application for  
2 Permits No. S01-20253 ("Application S01-20253") with the Idaho Department of Water Resources  
3 ("Department"), seeking a stream channel alteration permit to conduct suction dredging on Iowa Creek,  
4 a tributary of McCoy Creek, near Palisades Reservoir, from July 10, 2018, to August 10, 2018; and  
5

6 WHEREAS, on April 10, 2018, the Department sent a letter to Shackleton denying Application  
7 S01-20253; and  
8

9 WHEREAS, on April 14, 2018, Shackleton timely requested a hearing on the Department's denial  
10 of Application S01-20253; and  
11

12 WHEREAS, by Resolution dated May 18, 2018, the Idaho Water Resource Board ("Board")  
13 appointed James Cefalo as the hearing officer for Shackleton's requested hearing; and  
14

15 WHEREAS, the hearing officer held a hearing on July 6, 2018; and  
16

17 WHEREAS, on July 24, 2018, the hearing officer issued a recommended order affirming the  
18 Department's denial of Application S01-20253, a copy of which is attached hereto as **Attachment A**; and  
19

20 WHEREAS, Shackleton had fourteen days from the service date of the recommended order to  
21 file a petition for reconsideration with the hearing officer or a brief taking exceptions to the  
22 recommended order with the Board (*see* IDAPA 37.01.01.720.02.a-b); and  
23

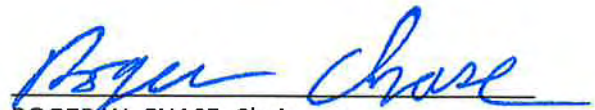
24 WHEREAS, Shackleton did not file a petition for reconsideration with the hearing officer or brief  
25 taking exceptions with the Board; and  
26

27 WHEREAS, in accordance with Rule 720.02.a of the Board's Rules of Procedure, a recommended  
28 order will only become final after action of the Board (*see* IDAPA 37.01.01.720.02.a);  
29

30 NOW THEREFORE BE IT RESOLVED, in accordance with the Board's Rule of Procedure 720, the  
31 Board hereby adopts the recommended order issued by the hearing officer in its entirety; and  
32

33 NOW THEREFORE BE IT FURTHER RESOLVED, in accordance with the Board's Rule of Procedure  
34 740, this Resolution shall be considered a final order of the Board.  
35

DATED this 14<sup>th</sup> day of September, 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 TO ADOPTING RECOMMENDED  
ORDER AS FINAL

1 WHEREAS, on August 2, 2017, the Idaho Department of Water Resources ("Department")  
2 denied Joint Application for Permit No. S82-20066 in the name of Gay Richardson ("Richardson") and  
3 No. S82-20067 in the name of John Stickley ("Stickley") for suction dredge mining within the Red River, a  
4 tributary of the South Fork Clearwater River; and

5 WHEREAS, the Department received letters from Richardson (August 15, 2017), and Stickley  
6 (August 17, 2017), requesting a hearing on the denial of their respective Joint Application for Permit;  
7 and  
8

9 WHEREAS, by Resolution dated March 3, 2018, the Idaho Water Resource Board ("Board")  
10 appointed Nick Miller as the hearing officer to preside over the hearings requested by Richardson and  
11 Stickley and issue a recommended order or recommended orders in accordance with Idaho Code §§ 67-  
12 5243(1)(a) and 67-5248; and

13 WHEREAS, the hearing officer issued an order on May 4, 2018, adopting deadlines, scheduling  
14 hearing dates, and setting a continued prehearing conference; and

15 WHEREAS, the hearing officer held a continued prehearing conference on August 20, 2018; and  
16

17 WHEREAS, on August 20, 2018, Richardson and Stickley verbally withdrew their requests for a  
18 hearing regarding their respective Joint Application for Permit; and  
19

20 WHEREAS, on August 22, 2018, the hearing officer issued an order recommending that the  
21 Board dismiss the above-captioned matters, a copy of which is attached hereto as **Attachment A**; and  
22

23 WHEREAS, Richardson and Stickley had fourteen days from the service date of the  
24 recommended order to file a petition for reconsideration with the hearing officer or a brief taking  
25 exceptions to the recommended order with the Board (see IDAPA 37.01.01.720.02.a-b); and  
26

27 WHEREAS, Richardson and Stickley did not file a petition for reconsideration with the hearing  
28 officer or brief taking exceptions with the Board; and  
29

30 WHEREAS, in accordance with Rule 720.02.a of the Board's Rules of Procedure, a recommended  
31 order will only become final after action of the Board (see IDAPA 37.01.01.720.02.a);  
32

33 NOW THEREFORE BE IT RESOLVED, in accordance with the Board's Rule of Procedure 720, the  
34 Board hereby adopts the recommended order issued by the hearing officer in its entirety; and  
35

36  
37  
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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.

DATED this 14<sup>th</sup> day of September, 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 TO  
EXECUTE THE RIGHT-OF-WAY GRANT

1 WHEREAS, the Idaho Water Resource Board ("Board") is a constitutional agency of the State of  
2 Idaho and empowered by Idaho Code §42-1734 to acquire, purchase, lease or exchange land, rights, water  
3 rights, easements, franchises and other property deemed necessary or proper for construction, operation  
4 and maintenance of water projects, and  
5

6 WHEREAS, the Mountain Home Air Force Base ("Base"), as well as surrounding agricultural wells  
7 and municipal wells, draw their supply from the Mountain Home Aquifer; and  
8

9 WHEREAS, the Idaho Department of Water Resources ("IDWR") estimates that the rate of  
10 withdrawal from the Mountain Home Aquifer exceeds the rate of natural recharge to the aquifer and due  
11 to declining ground water levels, IDWR established the Cinder Cone Butte Critical Ground Water Area in  
12 1981 and the Mountain Home Ground Water Management Area in 1982; and  
13

14 WHEREAS, the State of Idaho recognizes the economic value of the Base to the local and state  
15 economy and supports the United States military in achieving its national security functions; and  
16

17 WHEREAS, the Board purchased senior Snake River water rights and is coordinating with the  
18 Military to develop a pipeline and water treatment plant (project) to deliver treated Snake River water to  
19 the Base as a long-term sustainable water supply to support the Base and its mission; and  
20

21 WHEREAS, an Environmental Assessment (EA) was completed and a Finding of No Significant  
22 Impact (FONSI) was issued by the BLM to construct a pipeline for the project in the Morley Nelson Birds  
23 of Prey (BOP) National Conservation Area (NCA); and  
24

25 WHEREAS, in accordance with the Enhancement Framework Plan specified in the EA, which allows  
26 the BLM to assess the impacts from construction and calculate a monetary value for enhancements to the  
27 NCA. The BLM calculated an enhancement cost of \$58,129 for constructing a 14.4 mile pipeline across  
28 federal lands from the C.J. Strike Reservoir to the MHAFB. The Birds of Prey Partnership (BOPP) is the  
29 recipient of the enhancement costs from the Board and the enhancement costs will support the BOPP's  
30 mission to enhance the Morley Nelson BOP NCA; and  
31

32 WHEREAS, the BLM has issued a Right-of-Way Grant to the Board to construct the 14.4 mile  
33 pipeline on BLM property; and  
34

35 WHEREAS, the funding authorized by the Board for project development services is disbursed  
36 from the following accounts: \$1.365 Million from the Revolving Development Account, \$1.9 Million from  
37 the Secondary Aquifer Planning Management and Implementation Fund; and  
38

39 WHEREAS, the Board executed a resolution on March 23, 2018 to issue expenditures of \$58,129



40 to the BOPP from the Secondary Aquifer Planning Management and Implementation Fund;

41

42 NOW, THEREFORE BE IT RESOLVED that the Board execute the ROW Grant with the BLM to  
43 construct a 14.4 mile pipeline from the C.J. Strike Reservoir to the MHAFB. Upon execution of the ROW  
44 Grant the Board will pay enhancement costs of \$58,129 to the BOPP from the Secondary Aquifer Planning  
45 Management and Implementation Fund; and

46

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

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53 DATED this 14th day of September, 2018.

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ATTEST:

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VINCE ALBERDI, Secretary



ROGER CHASE, Chairman  
Idaho Water Resource Board