

BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF THE
THE BOARD LEASE OF WATER RIGHT NO. 77-
4208 ON KNAPP CREEK**

**RESOLUTION TO MAKE A FUNDING
COMMITMENT**

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

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

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

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11 WHEREAS, Water Right No. 77-4208 has been historically diverted from Knapp Creek for
12 irrigation purposes; and

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

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19 WHEREAS, the Water Right owner desires to lease to the IWRB a portion of Water Right
20 No. 77-4208 so that the water may remain in Knapp Creek to enhance fish habitat; and

21
22 WHEREAS, the IWRB will compensate Cape Horn Ranch LLC or its successors \$57.72 per
23 acre per irrigation season for said lease for an annual payment of \$7,445.88 for 129 acres and a
24 5-year total of \$37,229.40;

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26 WHEREAS, the Idaho Water Supply Bank lease application fee for said agreement is \$250;
27 and

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29 WHEREAS, a proposal for \$37,479.40 has been submitted to the Columbia Basin Water
30 Transactions Program for approval; and

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

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35 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into a
36 lease agreement for water right number 77-4208 using an amount not to exceed \$37,479.40; and

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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 Columbia Basin Water Transaction Fund in the amount of \$37,479.40.

DATED this 28th day of November, 2018.



ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST 

VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF THE
LOWER LEMHI 2019-2022 WATER RIGHT
SUBORDINATION AGREEMENTS**

**RESOLUTION TO MAKE A FUNDING
COMMITMENT**

1 WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Lemhi River Basin is
2 limited by low flow in the Lower Lemhi River; and
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4 WHEREAS, it is in the interest of the State of Idaho to permanently reconnect the Lower
5 Lemhi River to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout; and
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7 WHEREAS, the State of Idaho committed to maintaining flows of 25 cfs to 35 cfs at the L-
8 6 Diversion on the Lower Lemhi River in the Lemhi Framework which was developed as part of
9 the 2004 Snake River Water Rights Agreement; and
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11 WHEREAS, the Lemhi Framework carries forward target goals which were included in
12 earlier conservation agreements developed and approved by local water users, and state and
13 federal agencies; and
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15 WHEREAS, through enacting Idaho Code 42-1506 and 42-1765A, the Idaho Legislature
16 directed the Idaho Water Resource Board (Board) to establish a minimum streamflow water right
17 of 35 cfs in the Lower Lemhi River to be met through water right rentals or other appropriate
18 methods under state law; and WHEREAS, the Board has the authority to enter into agreements
19 to improve flow for anadromous and resident fish; and
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21 WHEREAS, the Board is authorized to expend Bonneville Power Administration funds for
22 flow restoration through the Columbia Basin Water Transaction Program and the Bonneville Fish
23 Accord Water Transaction Fund; and
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25 WHEREAS, the Board promotes water transactions that maintain the local agricultural
26 economy by retaining irrigated agriculture; and
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28 WHEREAS, Board staff has developed short-term subordination agreements, also known
29 as the Lemhi Subordination Agreements (agreements) with local water users to improve stream
30 flow for anadromous and resident fish; and
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32 WHEREAS, for all agreements, the water users have agreed to limit their diversions during
33 times of low flow; and
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35 WHEREAS, for all agreements, the water users will continue to irrigate their full place of
36 use when flows exceed the flow targets; and

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

WHEREAS, the state of Idaho signed a 4-year extension of the 2008 Columbia Basin Fish Accords Memorandum of Agreement (MOA) in September 2018; and

WHEREAS, the total budget for the Idaho MOA/Fish Accord Water Transaction Program for years 2019-2022 is \$1,218,406; and

WHEREAS, the subordination agreements with the Lemhi water users do not exceed \$105,105.00 per year; and

WHEREAS, the contract with Water District 74 to administer said agreements does not exceed \$12,000 per year; and

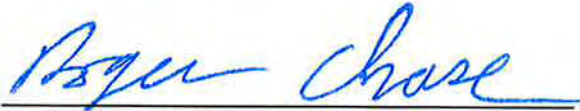
WHEREAS, funding is available through the Idaho MOA/Fish Accord Water Transaction Program to fund the cost of said agreements in 2019, 2020, 2021, and 2022; and

NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter into agreements for years 2019, 2020, 2021, and 2022 with lower Lemhi River irrigators to not divert out of the Lemhi River, using a total amount not to exceed \$420,420; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Board authorizes the Chairman to enter into contracts with Water District 74 to administer said agreements for years 2019, 2020, 2021, and 2022 using a total amount not to exceed \$48,000; and

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the Board receives the requested funding from the Bonneville Power Administration through the Idaho MOA/Fish Accord Water Transaction Program or the Columbia Basin Water Transaction Fund in an amount up to \$468,420.00.

DATED this 28th day of November, 2018.



ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST 

VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF THE 2019 MORGAN
CREEK WATER TRANSACTION CONTRACTS**

**RESOLUTION TO MAKE A FUNDING
COMMITMENT**

1 WHEREAS, steelhead, bull trout, and juvenile Chinook salmon habitat in Morgan Creek is
2 limited by low flow in the lower reaches of Morgan Creek; and
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4 WHEREAS, Morgan Creek provides steelhead, bull trout, and juvenile Chinook salmon
5 habitat and the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to
6 providing incentives for improving fish habitat which includes improving or protecting flow
7 conditions to augment stream flows; and
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9 WHEREAS, it is in the interest of the State of Idaho to reconnect Morgan Creek to
10 encourage recovery of ESA-listed steelhead, bull trout, and Chinook salmon; and
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12 WHEREAS, Idaho Department of Water Resources staff has developed a series of
13 agreements not to divert water from Morgan Creek at the SMC-2/4 and SMC-1 diversions to
14 improve stream flow for anadromous and resident fish; and
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16 WHEREAS, staff has now negotiated one-year agreements with the Morgan Creek water
17 users no to divert water at the SMC-2/4 and SMC-1 diversions; and
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19 WHEREAS, a proposal for \$10,205.15 has been submitted to the Columbia Basin Water
20 Transactions Program to be used to fund said agreements; and
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22 WHEREAS, instead of diverting from Morgan Creek, the water users have agreed to pump
23 from Salmon River sources that are not flow-limited and the funds paid under those agreements
24 will approximate the power expenses incurred by changing the points of diversion; and
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26 WHEREAS, the Morgan Creek transactions are in the public interest and in compliance
27 with the State Water Plan.
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29 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into
30 contracts with Ronald Jones and Donna Hughes, or their successors, for agreements not divert
31 out of Morgan Creek in an amount not to exceed \$10,205.15.
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33 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
34 that the IWRB receives the requested funding from the Bonneville Power Administration through
35 the Columbia Basin Water Transaction Program in the amount of \$10,205.15.

DATED this 28th day of November, 2018.



ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST



VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF THE
LOWER LEMHI RIVER PERMANENT
SUBORDINATION AGREEMENTS FOR WATER
RIGHT NOS. 74-15952, 74-14995, AND 74-
15010**

**RESOLUTION TO MAKE A FUNDING
COMMITMENT**

1 WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Lemhi River Basin is
2 limited by low flow in the Lower Lemhi River; and
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4 WHEREAS, it is in the interest of the State of Idaho to permanently reconnect the Lower
5 Lemhi River to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout; and
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7 WHEREAS, the State of Idaho committed to maintaining flows of 25 cfs to 35 cfs at the L-
8 6 Diversion on the Lower Lemhi River in the Lemhi Framework which was developed as part of
9 the 2004 Snake River Water Rights Agreement; and
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11 WHEREAS, the Lemhi Framework carries forward target goals which were included in
12 earlier conservation agreements developed and approved by local water users, and state and
13 federal agencies; and
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15 WHEREAS, though enacting Idaho Code 42-1506 and 42-1765A, the Idaho Legislature
16 directed the Board to establish a minimum streamflow water right of 35 cfs in the Lower Lemhi
17 River to be met through water right rentals or other appropriate methods under state law; and
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19 WHEREAS, the Idaho Water Resource Board has the authority to enter into water right
20 agreements and undertake water projects; and
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22 WHEREAS, the Idaho Water Resource Board is authorized to expend Bonneville Power
23 Administration funds for flow restoration through the Columbia Basin Water Transaction
24 Program and the Bonneville Fish Accord Water Transaction Fund; and
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26 WHEREAS, the Idaho Water Resource Board promotes water transactions that maintain
27 the local agricultural economy by retaining irrigated agriculture; and
28

29 WHEREAS, Board staff has developed short-term and permanent subordination
30 agreements, also known as the Lemhi Subordination Agreements (agreements) with local water
31 users to improve stream flow for anadromous and resident fish; and
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33 WHEREAS, Board staff has developed short-term subordination agreements to improve
34 stream flow for anadromous and resident fish with owners of water rights 74-15952, 74-14995,
35 and 74-15010; and
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37 WHEREAS, the water right owners desire to enter into subordination agreements that
38 permanently limit their diversions during times of low flow; and
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40 WHEREAS, for these agreements, the water users will continue to irrigate to their full
41 extent when flows exceed the flow targets; and
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43 WHEREAS, the Lemhi Subordination Agreements are in the public interest and in
44 compliance with the State Water Plan.
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46 WHEREAS, \$130,000 is available through the Idaho Memorandum of Agreement (MOA)
47 Fish Accord Water Transaction Program or the Columbia Basin Water Transaction Program to
48 fund the cost of said agreements; and
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50 WHEREAS, \$15,600 is available through the Idaho (MOA)/Fish Accord Water Transaction
51 Program or the Columbia Basin Water Transaction Program to fund the administration of said
52 agreements by Water District 74; and
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54 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into
55 permanent subordination agreements with the current or subsequent owners of water rights 74-
56 15952, 74-14995, and 74-15010 to subordinate their diversions from the Lemhi River to the
57 IWRB's Lemhi River minimum streamflow water right, using an amount not to exceed \$130,000
58 (\$16,000 for water right # 74-15952; \$114,000 for water rights 74-14995 and 74-15010).
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60 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into
61 contracts with Water District 74 using administration funds in the amount of \$15,600 (\$1,920 for
62 water right #74-15952; \$13,680 for water rights 74-14995 and 74-15010).
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64 NOW THREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
65 that the IWRB receives the requested funding from the Bonneville Power Administration through
66 the Idaho (MOA)/Fish Accord Water Transaction Program or the Columbia Basin Water
67 Transaction Program in the amount of \$145,600.
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DATED this 28th day of November, 2018.

Handwritten signature of Roger W. Chase in blue ink, written over a horizontal line.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST

Handwritten signature of Vince Alberdi in blue ink, written over a horizontal line.

VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF THE 2019-2023 LITTLE
MUD CREEK AND PAHSIMEROI RIVER
WATER TRANSACTION**

**RESOLUTION TO MAKE A FUNDING
COMMITMENT**

1 WHEREAS, Chinook salmon and steelhead habitat in the Pahsimeroi River Basin is limited
2 by low flow in the main-stem and disconnected tributaries; and
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4 WHEREAS, Little Mud Creek and the Pahsimeroi River have been identified as high priority
5 streams for flow restoration efforts, to provide high quality habitat for anadromous Chinook
6 salmon and steelhead, and the 2004 Snake River Water Rights Agreement (also known as the Nez
7 Perce Agreement) commits the state to providing incentives for improving fish habitat which
8 includes improving or protecting flow conditions to augment streams flows; and
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10 WHEREAS, it is in the interest of the State of Idaho to maintain the reconnection of Little
11 Mud Creek to the Pahsimeroi River to encourage recovery of ESA-listed Chinook salmon and
12 steelhead; and
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14 WHEREAS, the Board will compensate BAR G FARM or its successors, \$36.97 per acre per
15 irrigation season for said rental for annual payment of \$5,434.59 for 147 acres and a 5-year total
16 of \$27,172.95; and
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18 WHEREAS, the lease application fees (\$1,500) and rental fees (\$5,299.35) for said
19 agreement will not exceed \$6,799.35; and
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21 WHEREAS, a proposal for \$33,972.30 has been submitted to the Columbia basin Water
22 Transactions Program for approval; and
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24 WHEREAS, funding is available through the Idaho Fish Accord Water Transactions Fund
25 for said lease and rental agreements; and
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27 WHEREAS, staff anticipates the funds being placed in the Idaho Water Resource Board
28 (IWRB) Revolving Development Account for annual payment to the water rights owners; and
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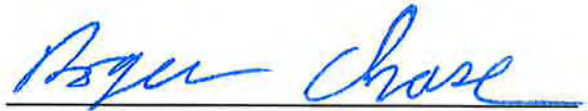
30 WHEREAS, the Little Mud Creek and Pahsimeroi transaction is in the public interest and
31 is in compliance with the State Water Plan; and
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34 NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into
35 lease and rental agreements for water rights 73-10005, 73-11982, 73-90, 73-11978, 73-11992,

36 73-11988, 73-11987, and 73-11981 for delivery to minimum stream flow 73-7045, for an amount
37 not to exceed \$33,972.30; and
38

39 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
40 that the Board receives the requested funding from the Bonneville Power Administration through
41 the Idaho MOA/Fish Accord Water Transaction Program or the Columbia Basin Water Transaction
42 Fund in an amount up to \$33,972.30.
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DATED this 28th day of November, 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 PREPARE AN OPINION OF
PROBABLE COST ("OPC") TO CONSTRUCT A
PUMP STATION AND PIPELINE**

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
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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 Base
18 to develop a pipeline and water treatment plant to deliver treated Snake River water to the Base as a
19 long-term sustainable water supply to support the Base and its mission (Project); and
20

21 WHEREAS, the Board terminated the procurement for design-build-operate services to develop
22 the full Project and Owner's Advisor services on September 28, 2018; and
23

24 WHEREAS, Board and Base representatives met to develop a revised concept which would split
25 responsibility for development of Project components such that the Base would construct and operate
26 the water treatment plant and the Board would construct and operate the pump station and pipeline; and
27

28 WHEREAS, both parties concluded splitting responsibility for Project components is the most likely
29 scenario to ensure successful completion of the water delivery Project; and
30

31 WHEREAS, the Office of the Governor issued a letter on November 6, 2018 supporting the revised
32 Project concept, and subject to the Legislature's appropriation process and a commitment from the Base,
33 the State of Idaho will construct and operate the pump station and pipeline; and
34

35 WHEREAS, the Project will be delivered based on different criteria and specifications than those
36 presented in the procurement for design-build-operate services; and
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38 WHEREAS, a new OPC for construction of the pump station and pipeline will assist the Board with
39 future financial planning efforts; and

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WHEREAS, Professional Engineering services are required to prepare an OPC, the Professional Engineer will have experience with construction; and

NOW, THEREFORE BE IT RESOLVED that the Board authorizes expenditures from the Secondary Aquifer Planning Management and Implementation Fund not to exceed \$50,000 for the purposes of preparing an OPC for construction of the pump station and pipeline; and

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 development efforts for the Project.

DATED this 28th day of November, 2018.



ROGER CHASE, Chairman
Idaho Water Resource Board

ATTEST:



VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF BEAR
LAKE WATER STORAGE**

RESOLUTION TO AUTHORIZE FUNDS

1 WHEREAS, the Bear River flows through the States of Idaho, Wyoming, and Utah. It begins
2 in the Uinta Mountains of Utah, meanders back and forth between Utah and Wyoming before
3 entering Idaho near Montpelier and flowing through Idaho to Utah before discharging to the
4 Great Salt Lake; and
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6 WHEREAS, the entire flow of the Bear River is diverted in Idaho at Stewart Dam into Mud
7 Lake and Bear Lake. The water is subsequently returned to the Bear River's natural channel; and
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9 WHEREAS, the Bear River is subject to an interstate compact dated February 8, 1980 and
10 codified by Idaho Code 42-3402 ("Bear River Compact") ; and
11

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

15 WHEREAS, under the Bear River Compact Idaho has the first right to the remaining water
16 in the Lower Division resulting in an annual depletion of not more than 125,000 acre-feet, and
17 Utah has the second right to the remaining water in the Lower Division resulting in an annual
18 depletion of not more than 225,000 acre-feet ; and
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20 WHEREAS, pursuant to the designation of the Bear River Ground Water Management
21 Area, the Bear River Ground Water Management Plan was prepared by a committee of local
22 stakeholders and adopted by the Idaho Department of Water Resources (IDWR) in 2003. Among
23 other recommendations, the Bear River Ground Water Management Plan states: "The advisory
24 committee recommended preparation of a comprehensive state water plan for the Bear River
25 Basin in Idaho. A water plan could recommend feasibility studies for new storage facilities and
26 other water supply enhancements. Additional storage could facilitate development of the first
27 125,000 acre-feet of depletion allowed to Idaho in the Bear River Compact. New storage could
28 be in surface reservoirs or underground as managed aquifer recharge;" and
29

30 WHEREAS, the Idaho Water Resource Board (IWRB) holds a minimum lake level from the
31 bottom of Bear Lake to elevation 5,902; and
32

33 WHEREAS, achieving the ability to store additional water in Bear Lake may entail some
34 significant challenges, including acquiring or developing downstream flood conveyance capacity

35 in the Gem Valley area, acquiring the ability to utilize the inlet and outlet facilities owned by
36 PacifiCorp, and renegotiation of the April 18, 2000 Operations Agreement; and
37

38 WHEREAS, the IWRB adopted a resolution for the Secondary Aquifer Fund 2019 Budget
39 on May 18, 2018 that included \$250,000 for work in the Bear River Basin; and
40

41 WHEREAS, on March 23, 2018 the IWRB filed a water right application to store additional
42 water in Bear Lake for multiple purposes; and
43

44 WHEREAS, IWRB negotiations with Utah and Wyoming are ongoing. As part of the
45 negotiations the parties wish to model various operational scenarios with the RiverWare
46 modeling software; and
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48 WHEREAS, the cost to purchase a two year RiverWare license and software training for
49 one IDWR staff member is \$13,000; and
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51 NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes the expenditure of \$13,000
52 from the Secondary Aquifer Fund for the purchase of a two year RiverWare license and software
53 training for one IDWR staff member.

DATED this 28 day of November, 2018.



ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST



VINCE ALBERDI, Secretary